



July 6, 2026

Submitted Electronically via *Smart Comment*

Lauren Otani, Regulations Coordinator
Department of Pesticide Regulation
1001 I Street, P.O. Box 4015
Sacramento, CA 95812-4015

RE: Comments on DPR Regulation No. 26-001; Proposed Rulemaking Concerning Pesticide-Treated Seeds

Dear Dr. Morrison:

CropLife America ("CLA") appreciates the opportunity to provide comments on the Department of Pesticide Regulation ("DPR")'s proposed regulations addressing pesticide-treated seeds, proposing to adopt section 6626.5 and amend sections 6000, 6147, 6691 and 6760 of Title 3, California Code of Regulations.

First, CLA notes that, in its Notice of Proposed Regulatory Action ("NPRA"), DPR describes this proposed rulemaking, in part, as "harmoniz[ing] DPR's regulation of pesticide-treated seeds with the United States Environmental Protection Agency's (U.S. EPA) regulation of pesticide-treated seeds as pesticides exempt from registration under Title 40, Code of Federal Regulations (40 CFR) section 152.25(a)." NPRA at 1. As DPR notes, U.S. EPA has long considered pesticide-treated seed to be subject to the treated article exemption under 40 CFR § 152.25(a). DPR need only recognize treated seed under a parallel exemption using the same criteria to provide ample protection of human health and the environment. The additional "California-specific conditions" DPR proposes to require impose additional regulatory burden to pesticide registrants, distributors and California farmers, but provide no increased human health or environmental protection.

That being said, CLA appreciates DPR's continued engagement with stakeholders throughout this process and recognize several important changes made between the October 2025 workshop draft and the formal proposed rulemaking. In particular, we welcome DPR's efforts to align its proposed reporting and implementation requirements with existing California regulatory frameworks where possible, and DPR's acknowledgement that pesticide-treated seeds present limited potential for exposure to field workers and bystanders when planted below the soil surface.

We agree with DPR's recognition in the Initial Statement of Reasons that requiring registration of individual pesticide-treated seeds would be unnecessary and duplicative where the treating pesticide has already undergone rigorous scientific review and registration. DPR appropriately acknowledges that both EPA and DPR evaluate the potential human health and environmental risks associated with seed treatment pesticides through their respective registration processes and that repeating those evaluations for each individual treated seed would not provide additional public health or environmental protection benefits.

This recognition reflects the longstanding regulatory principle underlying U.S. EPA's treated article exemption and supports a risk-based, science-driven approach to regulation. We encourage DPR to continue applying this principle throughout implementation of the final rule and to avoid creating additional requirements that effectively duplicate reviews already completed through existing federal and state registration programs.

Seed treatments and treated seed provide significant benefits to California agriculture. Treated seeds improve seed quality by reducing soil-borne diseases and discouraging insects and other ground pests during the most vulnerable stages of crop development. These technologies help protect growers' investments, support crop establishment, and provide targeted pest management using comparatively small amounts of pesticide active ingredient.

While we appreciate several improvements incorporated into the proposal, we offer the following recommendations and requests for clarification.

Implementation and Transition Period

DPR's proposal would require that pesticide-treated seeds planted in California be treated only with products registered by DPR for that use. While we understand the Department's objective, implementation of this requirement presents practical challenges for products currently used in commerce that may not yet hold California registrations for all seed treatment uses.

To avoid disruptions to California agriculture, we encourage DPR to adopt a phased implementation approach or "soft launch" period that would allow treated seeds to continue to be used while registrations for qualifying seed treatment products are being reviewed and processed by DPR. Such an approach would provide continuity for growers while still advancing DPR's stated regulatory objectives.

Reporting Requirements

CLA appreciates DPR's effort to its proposed model pesticide-treated seed reporting requirements after existing California pesticide use reporting systems. Consistency with established reporting programs will facilitate compliance and reduce unnecessary complexity.

However, additional clarity is needed regarding the proposed reporting form itself, including required data fields, reporting instructions, and submission procedures. We encourage DPR to

make any final reporting form available well in advance of implementation and to provide both an electronic submission option and a paper-based reporting option to accommodate the diversity of users that may be subject to reporting requirements.

Public Reporting Systems

Because DPR has sought to align proposed treated seed reporting with existing California reporting structures, we also request clarification regarding whether pesticide-treated seed information will be incorporated into public-facing reporting tools, including SprayDays California or similar public notification platforms.

Given the significant differences in potential exposure between planting treated seed and conventional pesticide applications, we encourage DPR to carefully evaluate whether inclusion in such systems would provide meaningful public benefit or could inadvertently create confusion regarding the nature of treated seed planting.

Alternate Brand Name Products

Additional clarification is also needed regarding treatment products proposed to be registered under Alternate Brand Name (ABN) registrations.

Many products may share a common EPA registration number while possessing different labels and labeled uses. Because the proposed reporting requirements rely heavily on registration numbers, we request clarification regarding how DPR intends to address ABN products and how growers and reporting entities should determine compliance when multiple products share a registration number but differ in approved uses.

Licensing, Certification, and Training

CLA continues to believe that additional licensing or certification requirements specific to pesticide-treated seeds would be unnecessary and duplicative.

Individuals involved in the handling and planting of pesticide-treated seeds are already subject to numerous training and stewardship programs. To the extent DPR believes additional licensing, or training is warranted, any treated-seed-specific content should be incorporated as a limited component of existing required programs rather than creating a separate licensing or certification structure.

Clarification Regarding Applicator, Dealer, and Other Regulatory Requirements

While the proposal appropriately exempts qualifying pesticide-treated seeds from registration requirements, additional clarity is needed regarding the applicability of other California pesticide regulatory requirements.

In our previous comments, we expressed concern that characterizing pesticide-treated seeds as pesticides could unintentionally trigger other regulatory provisions governing pesticide dealers, applicators, brokers, designated agents, or certification requirements that were not originally intended to apply to the planting of treated seed. We appreciate DPR's efforts to provide specific exemptions related to worker protection and school site restrictions, but additional clarification would be helpful regarding the broader applicability of Division 6 requirements.

We encourage DPR to clearly state in the final rulemaking record that planting pesticide-treated seed does not, by itself, create new licensing, certification, dealer permitting, or similar regulatory obligations beyond those expressly contemplated by the proposed regulations. Such clarification would improve implementation certainty and avoid unnecessary confusion among growers, retailers, distributors, and seed companies.

Worker Safety Considerations

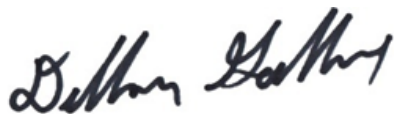
We appreciate DPR's acknowledgement that pesticide-treated seeds planted below the soil surface present limited potential for contact by field workers and other bystanders. The proposed exemptions from certain worker protection requirements appropriately recognize the low exposure potential associated with this use pattern and are consistent with the risk profile of treated seed identified through existing regulatory assessments.

Conclusion

CLA acknowledges DPR's continued engagement on this issue and the improvements reflected in the formal proposal. We encourage DPR to continue building upon its efforts to harmonize implementation with existing California regulatory programs, avoid unnecessary duplication of federal and state scientific reviews, and provide practical pathways for compliance that maintain grower access to important seed treatment technologies.

We look forward to continued dialogue as DPR finalizes this rulemaking.

Sincerely,

A handwritten signature in black ink, appearing to read "Dillon Gabbert". The signature is fluid and cursive, with the first name "Dillon" and last name "Gabbert" clearly distinguishable.

Dillon Gabbert
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