July 6, 2026

Lauren Otani, Regulations Coordinator
Department of Pesticide Regulation
Via SmartComment: https://cdpr.commentinput.com

Re: DPR 26-001 Pesticide-Treated Seeds

Dear Regulations Coordinator Otani,

On behalf of the Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties, we appreciate the opportunity to provide comments on the California Department of Pesticide Regulation's (DPR) proposed regulation governing pesticide-treated seed. Our Association represents growers, shippers, farm labor contractors, and related agricultural businesses producing a diverse range of specialty crops, many of which rely on transplant production systems and pesticide-treated seed as important components of integrated pest management strategies, efficient crop establishment, and the overall success and sustainability of agricultural operations.

We recognize DPR's stated objective of improving information regarding the use of pesticide-treated seed. However, we have serious concerns regarding the implementation of the proposed regulations, their economic impacts on agricultural operations, and the practical challenges they present, especially for specialty crop production systems. We encourage DPR to consider the following comments and recommendations to ensure the regulations achieve their intended purpose without imposing unnecessary burdens on California agriculture.

1. **<u>Economic Impacts</u>: The proposal adds another layer of regulation that will increase compliance, storage, inventory, and reporting costs, further squeezing farm margins and reducing California agriculture's sustainability.**

DPR's Initial Statement of Reasons concludes that the proposed regulations will not have a significant adverse economic impact on California businesses. We respectfully believe that this conclusion warrants additional analysis. California growers already operate under one of the nation's most extensive regulatory frameworks and face increasing production costs from labor, water, energy, and compliance requirements. While the proposed regulation claims to harmonize with the United States Environmental Protection Agency's treatment of pesticide-treated seed, they also impose California-specific reporting, licensing, and compliance obligations that exceed federal requirements. For many agricultural operations, these additional administrative and operational costs cannot be recovered through higher prices, since market prices are largely determined outside the grower's control. Growers must also meet increasingly stringent cosmetic and quality standards imposed by buyers and retailers to remain competitive, while consumers continue to expect abundant supplies of high-quality produce at affordable prices. These market expectations further limit producers' ability to absorb or pass through additional regulatory costs. Even relatively modest increases in compliance obligations, when layered onto existing regulatory requirements and applied across thousands of acres and multiple planting cycles, can reduce the economic viability of farming operations and further challenge the ability of California agriculture to remain sustainable.

We therefore request that DPR reconsider its proposed framework in its entirety and provide additional analysis supporting its conclusion that the proposed regulations will not result in significant economic impacts to agricultural operations. Specifically, DPR should evaluate the cumulative effect of these new requirements alongside existing regulatory obligations and other compounding market pressures, and assess how additional compliance costs may affect the long-term economic sustainability of farms of varying sizes and structures. Such an analysis would provide a more complete understanding of the proposal's practical impacts on California agriculture.

2. **<u>Implementation Challenges</u>: The proposed regulation creates significant administrative burdens that are unlikely to provide benefits proportionate to their cost.**

The Notice of Proposed Regulatory Action concludes that the additional administrative burden will be minimal because many growers are already familiar with pesticide use reporting. While this may be true for some operations with dedicated compliance staff, many small and mid-sized farms rely on owners, managers, or limited office personnel to meet regulatory requirements. Regardless of operation size or staff capacity, even modest new reporting obligations can create disproportionate burdens when layered onto existing compliance responsibilities. We are concerned that DPR's statewide average cost estimates do not adequately reflect the diversity and complexity of California agricultural operations. We respectfully request that DPR reconsider its proposed framework, evaluate impacts across a variety of scenarios, and provide additional information regarding the assumptions underlying its cost estimates, including reporting, recordkeeping, training, licensing, worker safety, and other administrative requirements.

The proposal also raises significant implementation concerns for specialty crop and transplant nursery production systems. Under proposed Sections 6626.5 and 6624, the operator who sows pesticide-treated seed appears to be the reporting entity. Because many specialty crops are started in commercial transplant nurseries rather than planted directly in the field, DPR should clearly identify a single responsible reporting party and confirm that sowing at the nursery constitutes the sole reportable planting event. This clarification would help avoid inconsistent county implementation and duplicative reporting.

Several proposed reporting requirements are also impractical. Information such as the amount of pesticide active ingredient per seed is generally unavailable to nursery operators and growers, and the de minimis scale of pesticide-treated seed presents additional unique challenges. If the proposed regulation does move forward, this information should instead be provided by the entity who can reasonably access the treatment information. Similarly, the requirement to report "total area planted" does not readily apply to greenhouse production, where production is measured in trays, cells, greenhouse square footage, or transplant counts rather than acres. DPR should establish standardized reporting methods that reflect nursery production practices. We further have concerns about "total area planted" being taken out of context and the utility of this information relative to the burden of collecting and reporting it.

Finally, we share the concerns of the County of Santa Barbara Agricultural Advisory Committee regarding the proposed storage requirements. Retrofitting seed storage facilities and maintaining separate inventories for pesticide-treated seed would increase costs for farms and seed dealers without providing commensurate safety benefits. We therefore recommend that DPR exempt pesticide-treated seed from the storage, container labeling, posting, and storage requirements under Section 6686(d). Pesticide-treated seed differs substantially from standard pesticide products and should not automatically be subject to requirements developed for pesticide formulations.

3. **<u>Data Confidentiality</u>: DPR should clearly define that information will remain confidential, that data will be aggregated before public release, and that statewide and commodity-specific economic impacts have been fully evaluated.**

We are concerned about the treatment of information collected through the proposed reporting program. Detailed planting and production data may reveal proprietary business information regarding production plans, crop rotations, acreage allocations, planting schedules, customer demand, and market strategies. These concerns are particularly significant for commercial transplant nurseries, where monthly crop-specific sowing data could reveal customer planting intentions and production volumes well before crops are established in the field.

We respectfully request that DPR clearly identify that information will remain confidential, reported data will be aggregated before any public release, and proprietary business information will be protected, including under the California Public Records Act. Reported data should not be released in a manner that could identify or disrupt individual operations or disclose commercially sensitive production patterns.

4. **<u>Maintaining Access to Treated Seed</u>: Specialty crop growers already have limited plant protection options. Additional restrictions on pesticide-treated seed could further reduce available tools, making it more difficult to maintain productive and economically viable domestic agriculture.**

California specialty crop growers already face a shrinking number of effective pest management tools due to evolving regulatory restrictions, changing pesticide registrations, and increasing pest pressures. Pesticide-treated seed often represents one of the most targeted and efficient means of protecting young plants during establishment while minimizing broader pesticide applications. Additional regulatory burdens that discourage the availability or use of treated seed could further reduce practical pest management options, particularly for vegetable and nursery crop production. Maintaining access to these technologies is important to supporting productive, economically viable, and environmentally responsible agricultural systems.

5. **Key Recommendations**:

We respectfully urge that DPR refrain from developing an additional regulatory layer impeding California agricultural operations, recognize the existing robust regulatory framework, and focus on other higher-priority needs. If DPR feels it must proceed with a new regulation, we further request that DPR:

a. Re-evaluate the economic impact analysis to more accurately reflect the costs to diverse agricultural operations and compare California's proposed requirements with those of competing agricultural states and countries.
b. Designate a single responsible reporting party to avoid duplicative reporting requirements among growers, nurseries, seed manufacturers, registrants, and other supply chain participants.
c. Extend the proposed worker protection exemption in Section 6760(f) to include greenhouse and containerized nursery production where pesticide-treated seed is sown beneath growing media.
d. Exempt pesticide-treated seed from pesticide storage, container labeling, posting, and storage requirements that were developed for pesticide products.
e. Confirm that physical and non-pesticide seed treatments and materials without pesticide active ingredients are not subject to the reporting requirements.
f. Strengthen protections for confidential business information by clearly outlining that data will remain confidential, aggregated before public release, and protect proprietary production information.

In addition to the comments discussed above, we echo those recommendations brought forth by the California Agricultural Commissioners and Sealers Association (CACASA) in including additional exemptions for pesticide-treated seed and licensing requirements in the proposed regulation.

In conclusion, the proposed regulation would impose additional regulatory burdens on an already highly regulated industry and does not adequately evaluate the practical and economic impacts on specialty crop systems. We respectfully urge DPR to reconsider whether the regulation achieves its stated objectives without imposing unnecessary burdens on California agriculture.

Thank you for the opportunity to provide these comments and for your consideration during the rulemaking process.

Sincerely,

Megan Widle
Policy and Communications Manager