

Senate Bill No. 445

CHAPTER 691

An act to add Section 12803 to the Food and Agricultural Code, relating to agriculture.

[Approved by Governor October 4, 1997. Filed
with Secretary of State October 6, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

SB 445, Monteith. Pesticides.

Existing law requires every manufacturer of, importer of, or dealer in any pesticide, except as specified, to obtain a certificate of registration from the Department of Pesticide Regulation before the pesticide is offered for sale in this state.

This bill would permit the Director of Pesticide Regulation to exempt from the provisions governing the registration of pesticides certain products that are exempt under the federal Insecticide, Fungicide, and Rodenticide Act, and that are determined to be of a character unnecessary to be subject to that act.

The people of the State of California do enact as follows:

SECTION 1. Section 12803 is added to the Food and Agricultural Code, to read:

12803. The director, by regulation, may exempt from all or part of the requirements of this division a pesticide exempted pursuant to 25(b) of the federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136w (b)) as a pesticide that is determined to be of a character unnecessary to be subject to that act, if both of the following apply:

(a) The director individually evaluates each listed substance exempted pursuant to the federal authority and concurs in the decision by the United States Environmental Protection Agency Administrator to exempt that substance.

(b) The director excludes from the exempting regulation those specific requirements of this division that may otherwise be applicable that are necessary to protect the public health or the environment. Notwithstanding any other provision of law, the director shall retain authority to regulate any substance exempted pursuant to this section whether registered or not.

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