

Chapter 8

Research Authorizations

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Section 8.1

General Requirements for Research Authorization

Interprets 3 CCR section 6260

Interpretation A person is required to obtain a research authorization from DPR prior to using pesticides in conflict with labeling or any unregistered pesticides for experimental purposes.

This authorization is not required of pesticide registrants engaged in experimental work with pesticides on property under their control or of colleges and universities where the experimental use of pesticides is used according to the current established policy of the college or University.

All requests for research authorizations must be referred to DPR's Registration Branch. In this way, DPR can uniformly evaluate and regulate these uses.

For each research authorization, the hazards to persons, animals, and the environment are evaluated; certain restrictions are imposed on the work before the authorization is issued. Special, local conditions may dictate further restrictions at the county level. The intent of the regulation is to prevent produce bearing an illegal residue from entering the food chain and to prevent undue contamination of the environment.

Research authorizations are approved for statewide use. Research authorization holders are required to provide copies of the authorizations along with Notices of Intent (NOI) to CACs at least 24-hours prior to beginning work in each county. CACs should not accept an NOI without a copy of the research authorization. Following the final application, an *Experimental Trial Report* must also be submitted to the CAC (3 CCR section 6266(a)).

Unless otherwise specified in correspondence or on the authorization, monitoring of this program is at the discretion of the CAC.

Restricted material permits are not required for restricted materials used under a valid research authorization [*FAC section 14006.6(b)*]. Any registered pesticide uses of restricted materials made in conjunction with research authorization pesticides (control plots, standards, etc.) would require a permit.

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General Requirements for Research Authorization, Continued

Interpretation (continued)

Research authorizations are conditioned to expire on completion dates or when the crop is harvested or destroyed. When experimental work is canceled in a county, the applicant should notify the CAC using the *Experimental Trial Report*. If the authorization holder has not contacted the county by the expiration date on the authorization, note this and return it to the Registration Branch.

Within two weeks following the expiration date of the research authorization, the researcher must submit an Experimental Pesticide Use Report to DPR (3 CCR section 6266(b)).

Permission to do research and development work with pesticides in California is predicated on compliance with all applicable regulations.

Special requirements printed on the permit address these specific concerns:

1. “Notify the commissioner of each trial location within his/her jurisdiction at least 24 hours before beginning application. The CAC reserves the right to review your plans as they pertain to requirements and conditions within the county. The work may be denied or you may be asked for specific changes if your plans are determined to be detrimental in any way.”
2. “Notify the commissioner of the exact location in writing (or map) within seven days after application or before harvest, whichever is sooner. Exact location means that sufficient detail must be included to allow someone not familiar with the area to be able to locate and observe the trial using only the information and map. This map should contain reference to permanent fixtures, buildings, etc. where necessary, with an appropriate reference to an identifying spot and/or corner of the trial. The overall perimeter of the trial with appropriate dimensions must be shown.”
3. “Notify the commissioner if you cancel this work in any of the listed counties. If you have listed a county as a candidate for your work and you find that, for any reason, you do not work in that county under terms of that particular authorization, it is considered that you have canceled that work and the CAC must be notified.”
4. “Notify the commissioner of the time, place, and method of crop disposal at the earliest possible time before beginning harvest. The CAC should know of the proper disposal of all treated material.”

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General Requirements for Research Authorization, Continued

Interpretation
(continued)

Special restrictions printed on the authorization address specific concerns with respect to proper county notification procedures and crop harvest or crop destruct restrictions.

Contact your regional pesticide enforcement office or Enforcement Branch Liaison for any questions you may have regarding these policies and procedures.

Section 8.2

Harvest or Destruct

Interprets 3 CCR section 6268

Interpretation 3 CCR section 6268(b) exempts personnel employed by colleges and universities engaged in pesticide research from research authorization (RA) requirements if they are operating according to a "current established policy" of the college or university that covers pesticide use and experimentation that has been approved by DPR. An example of an established policy is the University of California, Division of Agricultural and Natural Resources' Policy No. 281 entitled, "Pesticides and Related Chemicals." The approved "policy" is considered to be the functional equivalent of an RA and gives them the same privileges as would an RA issued by DPR.

Current established policies must include instructions for submitting a notice of application to the CAC for all research trials conducted off college and university property. When submitting the notice of application, researchers must indicate whether crop destruction is required. This provides notice to the CAC for scheduling inspections to confirm disposition for those trials requiring crop destruction, if necessary.

College and university researchers often test pesticide products that are exempt from the requirement of a tolerance, are permissible to use under a federal Experimental Use Permit, or are currently registered federally, but have not yet received registration in California. Use of such products is legal under federal statutes (listed below); commodities treated may enter the channels of trade. Crop destruction is only required in cases where tolerances, temporary tolerances or exemptions from tolerance are not established.

Please refer to 40 CFR part 180 (<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-180/subpart-A>) to determine if a tolerance for the specific crop/chemical has been established or if it is exempt from tolerance.

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Harvest or Destruct, Continued

Interpretation (continued)

Federal laws and regulations that allow research crops to enter the channels of trade are:

- 40 CFR part 172.3(ii) relative to experimental use permits states: "Any food or feed crops involved in, or affected by, such tests (including, but not limited to, crops subsequently grown on such land which may reasonably be expected to contain residues of the tested pesticides) shall be destroyed or consumed only by experimental animals unless an appropriate tolerance or exemption from a tolerance has been established under the Federal Food, Drug, and Cosmetic Act (FFDCA) for residues of the pesticide."
- 40 CFR part 172.24 relative to state issuance of authorizations, in part states: "...(d) Requirement of tolerance. If the experimental use pesticide is to be used in or on food or feed, the applicant must - (1) Submit evidence that:
 1. A tolerance or exemption from the requirement of a tolerance has been established for residues of the pesticide in or on such food or feed under FFDCA section 408 or a regulation established under FFDCA section 409, and
 2. The proposed program would not reasonably be expected to result in residues of the pesticide in or on such food or feed in excess of that authorized under FFDCA section 408 or a regulation established under FFDCA section 409."
- FFDCA section 408 [21 U.S.C. 346a] - "(a) Requirement for Tolerance or Exemption," in part states: "(4) Effect of Tolerance or Exemption - While a tolerance or exemption from the requirement for a tolerance is in effect under this section for a pesticide chemical residue with respect to any food, the food shall not by reason of bearing or containing any amount of such a residue be considered to be adulterated within the meaning of FFDCA section 402(a)(1)."

FFDCA section 402 [21 U.S.C. 342] - "A food shall be deemed to be adulterated" in part states: "(a)(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of such substance in such food does not ordinarily render it injurious to health."
