

Jake Plevelich

November 8, 2025

Dr. Karen Morrison, Director

California Department of Pesticide Regulation

1001 I Street

Sacramento, CA 95812

Re: Public Comment on Proposed Amendments to Anticoagulant Rodenticide Mitigation Measures

Dear Director Morrison:

On behalf of the California Pest Management Association (CAPMA), we appreciate the opportunity to comment on DPR's proposed amendments to 3 CCR § 6471 regarding anticoagulant rodenticide (AR) use. CAPMA represents licensed structural pest control professionals across California. We support DPR's addition of restaurants and grocery stores as new use sites and goal of mitigating non-target risks and improving rodenticide stewardship, but we recommend a different regulatory framework that better aligns with rodent biology, leverages modern Electronic Rodent Monitoring (ERM) technology, and protects public health in high-risk settings. Our proposal, summarized below, is offered as an alternative science-based approach distinct from the current draft. We urge DPR to consider these recommendations, which we believe will strengthen efficacy and accountability while maintaining necessary protections.

Recommendations for DPR Rulemaking (Amendments to 3 CCR § 6471)

CAPMA respectfully submits the following recommendations, which we believe are within DPR's authority to implement as part of the current rulemaking process for 3 CCR § 6471.

1. Replace Fixed Calendar Limits with a 35-Day Electronic Rodent Monitoring - Verified Inactivity Standard

CAPMA recommends replacing the proposed 35-/105-day calendar baiting limits with a biologically justified "35-day inactivity" standard verified by electronic rodent monitoring (ERM). Under our proposal, bait from rodent stations must be removed within 35 days of verified rodent inactivity – roughly the length of one rodent breeding cycle. This data-driven criterion ensures that bait remains only as long as an infestation is active, rather than an arbitrary number of days.

Rodent biology supports this approach: commensal rodents like Norway rats can breed every ~21–23 days (6–12 pups per litter) and house mice every ~19–21 days (5–12 pups per litter). Infestations often rebound within 30 days of bait removal in conducive environments. A 35-day inactivity threshold thus allows professionals to fully suppress at least one breeding cycle before removing bait, preventing premature withdrawal that could lead to rapid reinfestation. It also accommodates rodent behavior such as neophobia (rats often avoid new bait stations for 1–2 weeks), ensuring enough time for rodents to begin feeding and be controlled. By relying on objective ERM data (continuous, time-stamped records of rodent activity and bait status) to determine when an infestation has ceased, this standard provides DPR with measurable accountability and gives licensees a practical, science-based compliance pathway. In essence, bait

presence would be governed by evidence of rodent activity, not arbitrary dates.

For sites that are not equipped with ERM technology, CAPMA agrees that a default time limit should apply to ensure consistency. In such cases, we support retaining the existing 35-day consecutive / 120-day annual limit as a fallback (we recommend extending the 105-day calendar annual limit to 120-days to match British Columbia). This preserves current stewardship standards for all programs while incentivizing the adoption of ERM for more flexible, evidence-based control. Overall, the 35-day inactivity standard aligns regulation with rodent biology and modern IPM practices, enabling more effective rodent suppression with no increase in risk. We believe this change would significantly improve outcomes over rigid calendar caps, which, by themselves, "cannot account for rodent biology" and often result in rebound infestations and increased human exposure to rodent-borne disease.

2. No Daily Caps for Medical Waste Generators and Veterinary Clinics

CAPMA strongly supports maintaining all existing statutory exemptions for AR use in critical areas (such as for public health, water supply, agriculture, invasive species management, research, etc.). In addition, we urge DPR to adopt a narrow public-health related exemption to address scenarios where rigid use limits could undermine human health and safety:

Medical Waste Generator Exemption: Facilities that are medical waste generators (e.g., hospitals, clinics, biomedical waste processing sites) have a continuous need for rodent protection due to the constant attraction of rodents to medical waste and the severe consequences if rodents gain access (disease transmission in healthcare environments). CAPMA proposes that such facilities be explicitly exempted from the standard time/place AR use restrictions, allowing ongoing baiting as needed to maintain a rodent-free status. This exemption would be limited to licensed professional servicing of those facilities and subject to all other stewardship requirements, but it acknowledges that certain sites (like hospitals) cannot tolerate any rodent presence and require uninterrupted protection.

Veterinary Clinics Exemption: should be explicitly exempted from the proposed 35-day consecutive and 105-day annual duration restrictions on anticoagulant rodenticide use, similar to the treatment of medical waste generators under FAC §12978.7(h)(1)(A) and proposed 3 CCR §6471(a)(1-5), but with full exemption from time/place limits as in §6471(d). These facilities handle biohazardous materials, including animal tissues, organs, and waste that attract rodents and pose significant risks of disease transmission (e.g., zoonotic pathogens like leptospirosis or hantavirus), akin to human medical waste sites. Requiring uninterrupted rodent control is essential to protect animal and public health, prevent cross-contamination in treatment areas, and ensure compliance with veterinary standards under the California Veterinary Medical Board. This exemption would apply only to licensed professionals operating under a Sustainable Rodent Management Plan, maintaining strict oversight while acknowledging the unique healthcare imperatives of veterinary environments. These additional exemptions are tightly scoped to public health needs and would complement the existing statutory exemptions (which CAPMA urges DPR to fully maintain). We believe this measure is necessary to provide flexibility in extraordinary cases where protecting human health must be the top priority.

3. Close the Online Sales Loophole (License Verification for E-Commerce)

Despite California's statutory restrictions on anticoagulant rodenticides, a major enforcement gap

remains: unrestricted internet sales of AR products continue to allow unlicensed consumers to obtain and misuse these rodenticides. CAPMA is concerned that online marketplaces and out-of-state vendors are undermining DPR's regulatory efforts by shipping SGARs and FGARs directly to Californians, bypassing the intent of the law. We strongly urge DPR to close this e-commerce loophole by establishing a new provision to regulate internet and mail-order sales. In practice, this would mean requiring any seller shipping ARs into California to verify the purchaser's valid California pest control license before completing the sale or shipment. Online platforms would need to implement a license validation step (for example, entering a DPR license number that can be cross-checked) as a condition of sale. This action is consistent with DPR's statutory authority under FAC §§11501, 12973–12995, and 14004.5, which allow the Department to set conditions for the sale and possession of restricted materials to protect human health and the environment.

Additionally, DPR should establish clear penalties for sellers who violate this requirement, to deter non-compliance. Ensuring that only certified professionals can buy ARs online holds e-commerce to the same standard already applied to local distributors and stores. This change is critical because illegal internet sales are ongoing and undermining the state's protections. By explicitly prohibiting direct-to-consumer online sales and mandating license verification, DPR will make the Legislature's intent truly enforceable in practice and help prevent continued misuse of rodenticides via unregulated channels. CAPMA fully supports this addition to the regulations to modernize enforcement in the era of online commerce.

This policy proposal is not redundant with current law. It does not change who may purchase or use professional-only rodenticides since those products would still be limited to certified and licensed professionals. What this proposal does is make that restriction enforceable in the modern marketplace by:

Expanding existing license verification requirements to cover online platforms, mail order distributors, and out-of-state sellers that ship products into California.

Giving DPR a clear and proactive enforcement mechanism to hold remote vendors accountable before illegal sales occur, instead of relying only on after-the-fact investigations.

In short, current law regulates in-state dealers, while this policy proposal regulates the modern online marketplace.

3A. Reform Online and In-Person Sales by Requiring ID Checks for Acute Rodenticides in Packaging over 1 Pound

In addition, CAPMA recommends that DPR adopt parallel sales controls for acute non-anticoagulant rodenticides such as bromethalin and cholecalciferol, which are currently sold over the counter with no purchase verification. While these products are not classified as restricted materials, they can still pose risks when misused in bulk quantities. CAPMA supports establishing a new section that would require photo identification for all sales of acute rodenticides exceeding one pound per transaction for persons not working in the pest control industry, whether in-store or online. Retailers and online vendors would be required to verify a government-issued photo ID before completing the sale, retain the verification record for one year, and make it available to DPR or county agricultural commissioners upon request.

This safeguard is fully within DPR's existing regulatory authority under FAC §§11501(c), 12824, and 12973, which empower the Department to adopt rules governing pesticide sales and recordkeeping to protect public health and the environment. Similar to past DPR actions limiting consumer packaging and requiring point-of-sale restrictions for other products, this rule would preserve consumer access to small retail packages (one pound or less) while establishing traceability for bulk purchases linked to wildlife or public-health incidents.

Together, these two provisions, license verification for AR sales and photo ID verification for bulk

acute sales, would close the most significant enforcement gaps in rodenticide distribution. They would ensure that professional-only access for restricted materials is fully enforceable online and that large-volume acute purchases are traceable and responsible, protecting both public health and wildlife.

4. Establish a Practical and Workable Public Health Emergency Exemption

Public Health Emergency Procedures: CAPMA recommends that DPR create a process that allows licensed pest control professionals to submit a standardized Public Health Infestation Notification form to the local public health officer or appropriate authorities when rodent activity is documented within an occupied structure that presents a credible health risk to occupants. Documentation could include:

Electronic Remote Monitoring (ERM) data, photographic evidence, or inspection reports that show persistent indoor activity; and/or

Records of Integrated Pest Management (IPM) measures implemented such as sanitation, exclusion, and trapping.

Expedited Review and Determination: DPR should develop and distribute a model notification form and guidance encouraging local health departments to adopt expedited review procedures, including electronic submission, to ensure timely evaluation of infestation evidence. After reviewing the documentation, the public health officer or designee could issue a written or electronic declaration authorizing AR use under this exemption.

Transparency and Recordkeeping: All documentation, declarations, and pest control actions conducted under this exemption should be retained for at least three years and made available to DPR or the County Agricultural Commissioner upon request.

This clarification keeps the statutory framework intact, ensuring that a public health determination remains required, but provides a clear and efficient process for local health officials and licensed professionals to respond quickly when rodent infestations threaten human health. By standardizing documentation and communication, DPR can make the public health emergency exemption both practical and accountable, enabling timely and evidence-based interventions in serious infestations without unnecessary administrative delays.

5. Support 50-Foot Setbacks with Flexibility for Documented Harborage

CAPMA agrees with DPR's intent to require 50-foot setbacks for outdoor bait placements – i.e. prohibiting AR bait stations farther than 50 feet from a man-made structure – as a general rule to reduce wildlife exposure. We recognize that keeping rodenticide bait close to structures (where rodents are living in or near human habitation) helps limit the chances of affecting non-target species in open habitat. We support the setback requirement in principle, but we also ask DPR to build in a common-sense flexibility for certain situations.

In large facilities or complexes (such as expansive warehouses, campuses, agricultural operations, or industrial sites), infestations may originate or harbor beyond 50 feet from structures. For example, a rodent colony might be established in a remote corner of a property (e.g., a far storage shed, vegetation, or trash area beyond the 50-ft line) but still pose a threat of invading the main buildings. For such cases, CAPMA proposes that the regulation allow an exception to the 50-ft limit when a licensed applicator identifies a documented rodent harborage beyond 50 feet from a structure. In other words, if evidence of an active infestation or nest is found at (say) 75 feet, a professional could place bait at that location provided they record/justify that harborage in the SRMP or service records.

This exception would only be used as needed for efficacy, and the onus is on the professional to verify the harborage. We believe this flexibility is important for large or unique sites where strictly adhering to 50 feet could leave a known infestation untreated. It can be limited to cases of demonstrated necessity (not routine use), thereby upholding the spirit of the setback rule (protecting wildlife) while not inadvertently hampering rodent control in situations that truly require a wider coverage. We ask DPR to include this nuanced approach so that the setback provision does not unintentionally create rodent refuges just beyond 50 feet.

6. Enhance Sustainable Rodent Management Plan (SRMP) and Training Requirements

CAPMA supports DPR's emphasis on Integrated Pest Management and accountability through training and planning. We offer the following input to ensure the Sustainable Rodent Management Plan (SRMP) and annual training requirements are effective and workable for the industry:

Annual Training – DPR-Approved & CE Eligible: CAPMA concurs that annual training (per proposed §6471.5(a)) will help reinforce safe stewardship and IPM practices. We recommend that DPR approve this training for continuing education (CE) credits for Structural Pest Control Board (SPCB) license holders. Making the training CE-eligible both incentivizes participation and integrates it into the existing professional development framework. Furthermore, we urge DPR to allow qualified third-party providers (such as CAPMA itself, university extension programs, and other accredited trainers) to develop and deliver the required training, with DPR oversight/approval of the curriculum. It is not necessary (and would be a bottleneck) for DPR alone to conduct all trainings; leveraging industry and academic expertise will ensure wide availability of high-quality courses statewide. All courses would of course align with DPR's standards and content requirements. This approach will make training more accessible while still achieving the goal of uniformly educating practitioners on the new mitigation measures.

Sustainable Rodent Management Plans – Integration with Existing Records: CAPMA supports the concept of written SRMPs for each account (proposed §6471.5(b)) to promote consistent, thought-out rodent management strategies. We ask that DPR implement this in a way that minimizes redundant paperwork and utilizes the records we already keep. Specifically, SRMP documentation should be integrated into existing service records and pesticide use reports that structural pest control businesses are already required to maintain for the SPCB and County Agricultural Commissioners.

Rather than creating an entirely separate form or report, the SRMP elements (inspection findings, IPM steps, baiting details, etc.) can be incorporated into the job service tickets or electronic logs that companies currently complete. DPR should also explicitly allow ERM data to satisfy recordkeeping requirements wherever applicable. For example, if an electronic rodent monitoring system provides automated, time-stamped data on bait station visits or rodent captures, those records should count toward demonstrating compliance (in lieu of or in addition to handwritten logs). By accepting ERM data and aligning SRMP recordkeeping with existing reporting practices, DPR will make compliance more straightforward and avoid burdening professionals with duplicative record systems. The focus should be on the quality of the plan and records, not the quantity of paperwork. CAPMA is ready to work with DPR on templates or guidance to effectively implement SRMPs in the field. Each plan should be prepared and signed by a certified applicator (as verification of professional oversight), but beyond that, flexibility and integration are key to

successful adoption.

7. Provide Clear Statewide Enforcement Guidance

CAPMA urges DPR to issue written, statewide guidance to accompany the final rodenticide mitigation regulations so that there is uniform interpretation and enforcement across all counties. Many questions raised during the development of these rules highlight ambiguous areas that could be left to varying local interpretation. Given that violations of these regulations may carry heavy penalties (up to \$25,000 per incident), it is critical that all parties, professionals and county agricultural commissioners alike, have a clear, consistent understanding of the requirements. We specifically request DPR to publish guidance clarifying: the application of exemptions (what qualifies and how to document it), the 50-foot setback exception criteria, recordkeeping expectations (especially with ERM usage), and any other key definitions.

Such guidance, issued by DPR centrally, will ensure that one county does not interpret the rules vastly differently from another. CAPMA's proposal even suggests adding a regulatory subsection mandating DPR to provide this guidance for consistency. We believe this step will prevent confusion and inadvertent non-compliance, fostering a level playing field and effective enforcement statewide. In summary, clear written guidance from DPR will be an essential complement to the new rules, benefiting regulators, practitioners, and the public by ensuring the regulation is understood and implemented as intended.

8. Differentiate Time Limits by Target Pest Type

Rodent species differ in their behavior and biology, which can impact control strategies. CAPMA recommends that DPR consider defining certain baiting time limits or exemptions by the target pest species involved. The needs and risks of controlling commensal rodents (rats and mice) in structures are quite distinct from those of controlling field rodents like ground squirrels or gophers.

For example, rats/mice have rapid breeding cycles and tend to live in close proximity to people, whereas ground squirrels have different active seasons and primarily pose agricultural or landscaping issues. A "one size fits all" timeline may not be optimal. We suggest DPR evaluate whether regulations could specify, for instance, different maximum baiting durations or usage conditions for commensal indoor infestations versus burrowing rodent pests, to reflect these differences. Even if the core 35-day inactivity standard is adopted universally as we propose, some flexibility or notes by pest type could improve practicality (e.g., distinguishing structural vs. agricultural use scenarios). Tailoring requirements to pest biology would improve efficacy while still mitigating non-target risks.

9. Maintain All Statutory Exemptions and Adopt CAPMA's Additions

Finally, CAPMA emphasizes that all existing statutory exemptions for the use of SGARs/FGARs (as outlined in AB 1788 and related statutes) must be preserved in the amended regulation. These include exemptions for public health officials, water supply facilities, agricultural activities, invasive species eradication, research programs, and protection of endangered species or habitats, among others. The intent of the law was to allow AR use under those specific circumstances, and nothing in the mitigation rules should undermine those allowances.

We appreciate that DPR's proposal appears to carry over those exemptions, and we fully support maintaining the full suite of statutory exemptions. In addition, as detailed above, CAPMA asks DPR to incorporate the new exemptions we propose – for medical waste generators & veterinary clinics (no daily caps) – into the regulation. This would be added as a new subsection, complementing the existing list. By retaining all current exemptions and adding this narrowly tailored public health provision, DPR will ensure the regulation covers all necessary scenarios without conflicting with legislative intent. The result will be a comprehensive yet flexible rule that protects wildlife and the environment and safeguards public health when it is genuinely at risk. CAPMA's goal is to support DPR in crafting a rule that is both protective and practical. Maintaining the exemptions as written in statute and adopting our proposed addition will help achieve that balance.

Recommendations Requiring Statutory Change

While we submit the following as part of our formal comments, CAPMA recognizes that these requests, to expand the list of allowable use sites, likely fall outside DPR's direct rulemaking authority, as they are restricted by statute. We include them to fully articulate our members' position on protecting public health and to encourage DPR to work with the Legislature on these necessary statutory fixes.

Expand Allowed Use Sites Under Professional-Only Oversight

CAPMA proposes broadening the categories of sites where ARs may be used by licensed professionals, to better protect public health in settings that suffer from chronic rodent issues. Specifically, we recommend amending statute (and subsequently §6471) to allow professional AR use (under all the stringent conditions of the regulation and an approved management plan) at the following sites, which are currently either excluded or unclear in the draft:

Public housing and HUD-supported properties, including low-income housing complexes.

Homeless shelters and transitional housing facilities.

Educational institutions – K–12 schools, daycares, child-care centers, universities, community colleges, and trade schools.

All residential properties, both single-family and multi-family dwellings.

Disadvantaged communities as designated by CalEnviroScreen (areas with environmental health burdens and vulnerable populations).

These environments often experience severe and persistent rodent infestations that pose significant health risks (rodents spread over 35 diseases, trigger asthma with allergens, contaminate food, etc.). In fact, outbreaks are regularly documented in schools, hospitals, and housing in underserved areas. Aging infrastructure, dense living conditions, and ample food waste in these settings create continuous rodent pressure. Prohibiting the use of effective rodenticides in such high-risk locations leaves the most vulnerable populations at greater risk.

CAPMA's proposal maintains strict professional oversight – only licensed structural pest control businesses/certified applicators can apply ARs in these sites, and only under a comprehensive Sustainable Rodent Management Plan (SRMP). By expanding the allowable sites to these categories, with professional-only access and an IPM-based plan, DPR and the legislature can target protections where they are needed most while ensuring that use in sensitive areas is tightly

controlled. This expansion recognizes the reality that rodents do not confine themselves to commercial facilities and that public health imperatives sometimes necessitate AR use in residential and community settings when performed by qualified professionals.

Conclusion

CAPMA appreciates the Department's commitment to reducing rodenticide risks and the opportunity to contribute our expertise to this rulemaking. We believe that the CAPMA-proposed framework outlined above offers a robust path forward – one that modernizes rodent control practices through technology and biology, focuses on risk-based mitigation rather than blanket prohibitions, and strengthens protections for public health and the environment concurrently. Our recommendations are made in the spirit of collaboration and continuous improvement. We urge DPR to integrate the proposals within its authority into the final amendments to 3 CCR § 6471 and to partner with the Legislature on the items requiring statutory changes. By doing so, California can lead with regulations that are grounded in science and operational experience, ensuring effective rodent management in our communities while minimizing unintended impacts on wildlife.

Thank you for considering CAPMA's comments. We remain available to assist in any way as the Department moves forward with finalizing these important regulations.

Sincerely,

Crystelle Turlo, CEO
California Pest Management Association (CAPMA)

Travis Mickel, President
California Pest Management Association (CAPMA)

Jake Plevelich, Government Affairs Committee Chairman
California Pest Management Association (CAPMA)

APPENDIX: Draft Regulatory Framework of CAPMA Recommendations

(b) Setbacks

Use of anticoagulant rodenticides shall not occur more than fifty (50) feet from a manmade structure, except when the licensed structural pest-control business or certified applicator documents a verified rodent harborage or active infestation beyond fifty (50) feet, up to the maximum distance permitted by the product label.

Documentation shall include site diagrams, photographs, or ERM data showing rodent activity, and shall be retained for three (3) years and made available to the Director or commissioner upon request.

(c) Duration of Applications

Applications of anticoagulant rodenticides at any single site shall be governed by verifiable evidence of rodent activity recorded under a Sustainable Rodent Management Plan.

When Electronic Rodent Monitoring (ERM) systems are deployed, bait shall be removed within thirty-five (35) days of verified inactivity confirmed by ERM system records or at the next scheduled service, whichever occurs first.

Bait may remain in use beyond any fixed calendar limits when ERM data confirm continuing rodent activity.

ERM records shall be retained for at least two (2) years and made available to the Director or commissioner upon request.

In the absence of ERM, total application duration shall not exceed thirty-five (35) consecutive days or one hundred twenty (120) aggregate days per year, unless otherwise exempt under subsection (d).

(d) Exemptions

Medical Waste Generators and Veterinary Clinics.

Use is allowed and exempt from the restrictions in subsections (a), (b), and (c) when performed at medical waste generators as defined in Health and Safety Code section 117705 and veterinary clinics that handle biological waste, provided:

Applications are made by a licensed structural pest-control business or certified applicator;

Rodent activity or conducive conditions are verified by ERM data or written inspection records; and

Activities are conducted under a Sustainable Rodent Management Plan (SRMP).

Public Health Emergency Infestation Procedures.

Licensed professionals may submit a standardized Public Health Infestation Notification form to the local public-health officer or vector-control agency when documented rodent activity within an occupied structure presents a credible health risk.

Documentation shall include ERM data, photographs, or written inspection reports showing persistent indoor activity and prior IPM measures (e.g., sanitation, exclusion, trapping).

DPR shall provide a model notification form and guidance encouraging local health departments to adopt expedited electronic review procedures.

The public-health officer or designee may issue a written or electronic determination authorizing anticoagulant use under this exemption.

All documentation, notifications, and determinations shall be retained for three (3) years and made available upon request.

(e) Electronic Rodent Monitoring (ERM) Definition and Standards

For purposes of this section, Electronic Rodent Monitoring (ERM) means any device, station, or sensor system that detects and records rodent presence, activity, or bait interaction using motion, vibration, infrared, weight, equivalent sensors and transmits or stores time-stamped data electronically, or other technology approved by DPR.

ERM systems shall:

Detect and record each rodent interaction with a unique, verifiable timestamp.

Store or transmit activity data electronically to a secure database accessible to the licensee or certified applicator.

Provide retrievable data demonstrating dates of rodent activity and verified inactivity periods.

Be capable of integration with SRMP documentation and pesticide use reporting systems.

Produce auditable records that satisfy the inspection and recordkeeping requirements of § 6471(f).

(f) Sustainable Rodent Management Plans (SRMP)

Each SRMP shall be prepared and signed by a certified applicator licensed under the Structural Pest Control Act or Food and Agricultural Code.

The SRMP shall identify the target pest, monitoring methods, inspection frequency, bait placement strategy, and nonchemical Integrated Pest Management (IPM) measures implemented prior to or concurrently with rodenticide use.

SRMP documentation may be integrated into existing service records or pesticide use reports required by the Structural Pest Control Board or county agricultural commissioners. ERM data shall be accepted as equivalent to manual inspection records for demonstrating compliance with this section.

(g) Recordkeeping

All ERM data, inspection reports, SRMP documentation, and public-health notifications prepared under this section shall be retained by the licensee or certified applicator for a minimum of two (2) years and made available to DPR or the county agricultural commissioner upon request.

(h) Guidance and Consistency

The Department shall issue written statewide guidance to ensure consistent interpretation and enforcement of setbacks, exemptions, ERM data requirements, and SRMP documentation by all county agricultural commissioners.

§ [New] 6472. Internet and Remote Sales of Anticoagulant Rodenticides

(a) Applicability.

This section applies to all anticoagulant rodenticides designated as restricted materials under § 6400(e).

(b) Prohibition.

No person shall distribute, sell, or offer for sale any anticoagulant rodenticide through internet, mail order, catalog, or other remote sales channels directly to consumers in California.

(c) License Verification.

Remote sales of anticoagulant rodenticides shall be permitted only when the seller verifies and documents the purchaser's status as:

A certified commercial applicator licensed under the Structural Pest Control Act or Food and Agricultural Code; or

A private applicator or commercial agricultural operator registered with the county agricultural commissioner.

(d) Online Vendor Obligations.

Online marketplaces and remote vendors shall implement a license verification system prior to sale and may not ship anticoagulant rodenticides into California without confirming purchaser eligibility.

(e) Penalties.

Each unverified sale constitutes a separate violation under Food and Agricultural Code section 12995 and is subject to civil penalties of up to twenty-five thousand dollars (\$25,000) per violation per day.

§ [New] 6473. Sales of Acute (Non-Restricted) Rodenticides

(a) Applicability.

This section applies to rodenticides not classified as restricted materials under § 6400(e), including but not limited to bromethalin and cholecalciferol.

(b) Sales Threshold.

The requirements of this section apply to any sale, transfer, or offer for sale of acute rodenticides in quantities exceeding one (1) pound of product per transaction.

(c) Identification Verification.

In-Person Sales: The seller shall verify and electronically record a valid government-issued photo identification before completing the sale.

Online or Remote Sales: The seller shall require the purchaser to upload or electronically submit a government-issued photo identification before processing the transaction.

(d) Recordkeeping.

Sellers shall retain identification verification records for not less than one (1) year and make such

records available to the Director or county agricultural commissioner upon request.

(e) Exemptions.

Sales made to or by licensed structural pest-control businesses or certified applicators acting within the scope of their license are exempt.

Sales of acute rodenticides packaged in quantities of one (1) pound or less per transaction are exempt.

(f) Enforcement.

Each sale made in violation of this section shall constitute a separate violation under Food and Agricultural Code section 12995 and may result in civil penalties of up to twenty-five thousand dollars (\$25,000) per violation per day.



November 8, 2025

Dr. Karen Morrison, Director

California Department of Pesticide Regulation

1001 I Street

Sacramento, CA 95812

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These additional exemptions are tightly scoped to public health needs and would complement the existing statutory exemptions (which CAPMA urges DPR to fully maintain). We believe this measure is necessary to provide flexibility in extraordinary cases where protecting human health must be the top priority.

3. Close the Online Sales Loophole (License Verification for E-Commerce)

Despite California's statutory restrictions on anticoagulant rodenticides, a major enforcement gap remains: unrestricted internet sales of AR products continue to allow unlicensed consumers to obtain and misuse these rodenticides. CAPMA is concerned that online marketplaces and out-of-state vendors are undermining DPR's regulatory efforts by shipping SGARs and FGARs directly to Californians, bypassing the intent of the law. We strongly urge DPR to close this e-commerce loophole by establishing a new provision to regulate internet and mail-order sales. In practice, this would mean requiring any seller shipping ARs into California to verify the purchaser's valid California pest control license before completing the sale or shipment. Online platforms would need to implement a license validation step (for example, entering a DPR license number that can be cross-checked) as a condition of sale. This action is consistent with DPR's statutory authority under FAC §§11501, 12973–12995, and 14004.5, which allow the Department to set conditions for the sale and possession of restricted materials to protect human health and the environment.

Additionally, DPR should establish clear penalties for sellers who violate this requirement, to deter non-compliance. Ensuring that only certified professionals can buy ARs online holds e-commerce to the same standard already applied to local distributors and stores. This

change is critical because illegal internet sales are ongoing and undermining the state's protections. By explicitly prohibiting direct-to-consumer online sales and mandating license verification, DPR will make the Legislature's intent truly enforceable in practice and help prevent continued misuse of rodenticides via unregulated channels. CAPMA fully supports this addition to the regulations to modernize enforcement in the era of online commerce.

This policy proposal is not redundant with current law. It does not change who may purchase or use professional-only rodenticides since those products would still be limited to certified and licensed professionals. What this proposal does is make that restriction enforceable in the modern marketplace by:

- Expanding existing license verification requirements to cover online platforms, mail order distributors, and out-of-state sellers that ship products into California.
- Giving DPR a clear and proactive enforcement mechanism to hold remote vendors accountable before illegal sales occur, instead of relying only on after-the-fact investigations.

In short, current law regulates in-state dealers, while this policy proposal regulates the modern online marketplace.

3A. Reform Online and In-Person Sales by Requiring ID Checks for Acute Rodenticides in Packaging over 1 Pound

In addition, CAPMA recommends that DPR adopt parallel sales controls for acute non-anticoagulant rodenticides such as bromethalin and cholecalciferol, which are currently sold over the counter with no purchase verification. While these products are not classified as restricted materials, they can still pose risks when misused in bulk quantities. CAPMA supports establishing a new section that would require photo identification for all sales of acute rodenticides exceeding one pound per transaction for persons not working in the pest control industry, whether in-store or online. Retailers and online vendors would be required to verify a government-issued photo ID before completing the sale, retain the verification record for one year, and make it available to DPR or county agricultural commissioners upon request.

This safeguard is fully within DPR's existing regulatory authority under FAC §§11501(c), 12824, and 12973, which empower the Department to adopt rules governing pesticide sales and recordkeeping to protect public health and the environment. Similar to past DPR actions limiting consumer packaging and requiring point-of-sale restrictions for other products, this rule would preserve consumer access to small retail packages (one pound or less) while establishing traceability for bulk purchases linked to wildlife or public-health incidents.

Together, these two provisions, license verification for AR sales and photo ID verification for bulk acute sales, would close the most significant enforcement gaps in rodenticide distribution. They would ensure that professional-only access for restricted materials is fully enforceable online and that large-volume acute purchases are traceable and responsible, protecting both public health and wildlife.

4. Establish a Practical and Workable Public Health Emergency Exemption

Public Health Emergency Procedures: CAPMA recommends that DPR create a process that allows licensed pest control professionals to submit a standardized Public Health Infestation Notification form to the local public health officer or appropriate authorities when rodent activity is documented within an occupied structure that presents a credible health risk to occupants. Documentation could include:

1. Electronic Remote Monitoring (ERM) data, photographic evidence, or inspection reports that show persistent indoor activity; and/or
2. Records of Integrated Pest Management (IPM) measures implemented such as sanitation, exclusion, and trapping.

Expedited Review and Determination: DPR should develop and distribute a model notification form and guidance encouraging local health departments to adopt expedited review procedures, including electronic submission, to ensure timely evaluation of infestation evidence. After reviewing the documentation, the public health officer or designee could issue a written or electronic declaration authorizing AR use under this exemption.

Transparency and Recordkeeping: All documentation, declarations, and pest control actions conducted under this exemption should be retained for at least three years and made available to DPR or the County Agricultural Commissioner upon request.

This clarification keeps the statutory framework intact, ensuring that a public health determination remains required, but provides a clear and efficient process for local health officials and licensed professionals to respond quickly when rodent infestations threaten human health. By standardizing documentation and communication, DPR can make the public health emergency exemption both practical and accountable, enabling timely and evidence-based interventions in serious infestations without unnecessary administrative delays.

5. Support 50-Foot Setbacks with Flexibility for Documented Harborage

CAPMA agrees with DPR's intent to require 50-foot setbacks for outdoor bait placements – i.e. prohibiting AR bait stations farther than 50 feet from a man-made structure – as a

general rule to reduce wildlife exposure. We recognize that keeping rodenticide bait close to structures (where rodents are living in or near human habitation) helps limit the chances of affecting non-target species in open habitat. We support the setback requirement in principle, but we also ask DPR to build in a common-sense flexibility for certain situations.

In large facilities or complexes (such as expansive warehouses, campuses, agricultural operations, or industrial sites), infestations may originate or harbor beyond 50 feet from structures. For example, a rodent colony might be established in a remote corner of a property (e.g., a far storage shed, vegetation, or trash area beyond the 50-ft line) but still pose a threat of invading the main buildings. For such cases, CAPMA proposes that the regulation allow an exception to the 50-ft limit when a licensed applicator identifies a documented rodent harborage beyond 50 feet from a structure. In other words, if evidence of an active infestation or nest is found at (say) 75 feet, a professional could place bait at that location provided they record/justify that harborage in the SRMP or service records.

This exception would only be used as needed for efficacy, and the onus is on the professional to verify the harborage. We believe this flexibility is important for large or unique sites where strictly adhering to 50 feet could leave a known infestation untreated. It can be limited to cases of demonstrated necessity (not routine use), thereby upholding the spirit of the setback rule (protecting wildlife) while not inadvertently hampering rodent control in situations that truly require a wider coverage. We ask DPR to include this nuanced approach so that the setback provision does not unintentionally create rodent refuges just beyond 50 feet.

6. Enhance Sustainable Rodent Management Plan (SRMP) and Training Requirements

CAPMA supports DPR's emphasis on Integrated Pest Management and accountability through training and planning. We offer the following input to ensure the Sustainable Rodent Management Plan (SRMP) and annual training requirements are effective and workable for the industry:

Annual Training – DPR-Approved & CE Eligible: CAPMA concurs that annual training (per proposed §6471.5(a)) will help reinforce safe stewardship and IPM practices. We recommend that DPR approve this training for continuing education (CE) credits for Structural Pest Control Board (SPCB) license holders. Making the training CE-eligible both incentivizes participation and integrates it into the existing professional development framework. Furthermore, we urge DPR to allow qualified third-party providers (such as CAPMA itself, university extension programs, and other accredited trainers) to develop and deliver the required training, with DPR oversight/approval of the curriculum. It is not necessary (and would be a bottleneck) for DPR alone to conduct all trainings; leveraging industry and academic expertise will ensure wide availability of high-quality courses

statewide. All courses would of course align with DPR's standards and content requirements. This approach will make training more accessible while still achieving the goal of uniformly educating practitioners on the new mitigation measures.

Sustainable Rodent Management Plans – Integration with Existing Records: CAPMA supports the concept of written SRMPs for each account (proposed §6471.5(b)) to promote consistent, thought-out rodent management strategies. We ask that DPR implement this in a way that minimizes redundant paperwork and utilizes the records we already keep. Specifically, SRMP documentation should be integrated into existing service records and pesticide use reports that structural pest control businesses are already required to maintain for the SPCB and County Agricultural Commissioners.

Rather than creating an entirely separate form or report, the SRMP elements (inspection findings, IPM steps, baiting details, etc.) can be incorporated into the job service tickets or electronic logs that companies currently complete. DPR should also explicitly allow ERM data to satisfy recordkeeping requirements wherever applicable. For example, if an electronic rodent monitoring system provides automated, time-stamped data on bait station visits or rodent captures, those records should count toward demonstrating compliance (in lieu of or in addition to handwritten logs). By accepting ERM data and aligning SRMP recordkeeping with existing reporting practices, DPR will make compliance more straightforward and avoid burdening professionals with duplicative record systems. The focus should be on the quality of the plan and records, not the quantity of paperwork. CAPMA is ready to work with DPR on templates or guidance to effectively implement SRMPs in the field. Each plan should be prepared and signed by a certified applicator (as verification of professional oversight), but beyond that, flexibility and integration are key to successful adoption.

7. Provide Clear Statewide Enforcement Guidance

CAPMA urges DPR to issue written, statewide guidance to accompany the final rodenticide mitigation regulations so that there is uniform interpretation and enforcement across all counties. Many questions raised during the development of these rules highlight ambiguous areas that could be left to varying local interpretation. Given that violations of these regulations may carry heavy penalties (up to \$25,000 per incident), it is critical that all parties, professionals and county agricultural commissioners alike, have a clear, consistent understanding of the requirements. We specifically request DPR to publish guidance clarifying: the application of exemptions (what qualifies and how to document it), the 50-foot setback exception criteria, recordkeeping expectations (especially with ERM usage), and any other key definitions.

Such guidance, issued by DPR centrally, will ensure that one county does not interpret the rules vastly differently from another. CAPMA's proposal even suggests adding a regulatory

subsection mandating DPR to provide this guidance for consistency. We believe this step will prevent confusion and inadvertent non-compliance, fostering a level playing field and effective enforcement statewide. In summary, clear written guidance from DPR will be an essential complement to the new rules, benefiting regulators, practitioners, and the public by ensuring the regulation is understood and implemented as intended.

8. Differentiate Time Limits by Target Pest Type

Rodent species differ in their behavior and biology, which can impact control strategies. CAPMA recommends that DPR consider defining certain baiting time limits or exemptions by the target pest species involved. The needs and risks of controlling commensal rodents (rats and mice) in structures are quite distinct from those of controlling field rodents like ground squirrels or gophers.

For example, rats/mice have rapid breeding cycles and tend to live in close proximity to people, whereas ground squirrels have different active seasons and primarily pose agricultural or landscaping issues. A “one size fits all” timeline may not be optimal. We suggest DPR evaluate whether regulations could specify, for instance, different maximum baiting durations or usage conditions for commensal indoor infestations versus burrowing rodent pests, to reflect these differences. Even if the core 35-day inactivity standard is adopted universally as we propose, some flexibility or notes by pest type could improve practicality (e.g., distinguishing structural vs. agricultural use scenarios). Tailoring requirements to pest biology would improve efficacy while still mitigating non-target risks.

9. Maintain All Statutory Exemptions and Adopt CAPMA’s Additions

Finally, CAPMA emphasizes that all existing statutory exemptions for the use of SGARs/FGARs (as outlined in AB 1788 and related statutes) must be preserved in the amended regulation. These include exemptions for public health officials, water supply facilities, agricultural activities, invasive species eradication, research programs, and protection of endangered species or habitats, among others. The intent of the law was to allow AR use under those specific circumstances, and nothing in the mitigation rules should undermine those allowances.

We appreciate that DPR’s proposal appears to carry over those exemptions, and we fully support maintaining the full suite of statutory exemptions. In addition, as detailed above, CAPMA asks DPR to incorporate the new exemptions we propose – for medical waste generators & veterinary clinics (no daily caps) – into the regulation. This would be added as a new subsection, complementing the existing list. By retaining all current exemptions and adding this narrowly tailored public health provision, DPR will ensure the regulation covers all necessary scenarios without conflicting with legislative intent. The result will be a

comprehensive yet flexible rule that protects wildlife and the environment and safeguards public health when it is genuinely at risk. CAPMA's goal is to support DPR in crafting a rule that is both protective and practical. Maintaining the exemptions as written in statute and adopting our proposed addition will help achieve that balance.

Recommendations Requiring Statutory Change

While we submit the following as part of our formal comments, CAPMA recognizes that these requests, to expand the list of allowable use sites, likely fall outside DPR's direct rulemaking authority, as they are restricted by statute. We include them to fully articulate our members' position on protecting public health and to encourage DPR to work with the Legislature on these necessary statutory fixes.

Expand Allowed Use Sites Under Professional-Only Oversight

CAPMA proposes broadening the categories of sites where ARs may be used by licensed professionals, to better protect public health in settings that suffer from chronic rodent issues. Specifically, we recommend amending statute (and subsequently §6471) to allow professional AR use (under all the stringent conditions of the regulation and an approved management plan) at the following sites, which are currently either excluded or unclear in the draft:

- Public housing and HUD-supported properties, including low-income housing complexes.
- Homeless shelters and transitional housing facilities.
- Educational institutions – K–12 schools, daycares, child-care centers, universities, community colleges, and trade schools.
- All residential properties, both single-family and multi-family dwellings.
- Disadvantaged communities as designated by CalEnviroScreen (areas with environmental health burdens and vulnerable populations).

These environments often experience severe and persistent rodent infestations that pose significant health risks (rodents spread over 35 diseases, trigger asthma with allergens, contaminate food, etc.). In fact, outbreaks are regularly documented in schools, hospitals, and housing in underserved areas. Aging infrastructure, dense living conditions, and ample food waste in these settings create continuous rodent pressure. Prohibiting the use of effective rodenticides in such high-risk locations leaves the most vulnerable populations at greater risk.

CAPMA's proposal maintains strict professional oversight – only licensed structural pest control businesses/certified applicators can apply ARs in these sites, and only under a

comprehensive Sustainable Rodent Management Plan (SRMP). By expanding the allowable sites to these categories, with professional-only access and an IPM-based plan, DPR and the legislature can target protections where they are needed most while ensuring that use in sensitive areas is tightly controlled. This expansion recognizes the reality that rodents do not confine themselves to commercial facilities and that public health imperatives sometimes necessitate AR use in residential and community settings when performed by qualified professionals.

Conclusion

CAPMA appreciates the Department's commitment to reducing rodenticide risks and the opportunity to contribute our expertise to this rulemaking. We believe that the CAPMA-proposed framework outlined above offers a robust path forward – one that modernizes rodent control practices through technology and biology, focuses on risk-based mitigation rather than blanket prohibitions, and strengthens protections for public health and the environment concurrently. Our recommendations are made in the spirit of collaboration and continuous improvement. We urge DPR to integrate the proposals within its authority into the final amendments to 3 CCR § 6471 and to partner with the Legislature on the items requiring statutory changes. By doing so, California can lead with regulations that are grounded in science and operational experience, ensuring effective rodent management in our communities while minimizing unintended impacts on wildlife.

Thank you for considering CAPMA's comments. We remain available to assist in any way as the Department moves forward with finalizing these important regulations.

Sincerely,

Crystelle Turlo, CEO
California Pest Management Association (CAPMA)

Travis Mickel, President
California Pest Management Association (CAPMA)

Jake Plevelich, Government Affairs Committee Chairman
California Pest Management Association (CAPMA)

APPENDIX: Draft Regulatory Framework of CAPMA Recommendations

(b) Setbacks

Use of anticoagulant rodenticides shall not occur more than fifty (50) feet from a manmade structure, except when the licensed structural pest-control business or certified applicator documents a verified rodent harborage or active infestation beyond fifty (50) feet, up to the maximum distance permitted by the product label.

Documentation shall include site diagrams, photographs, or ERM data showing rodent activity, and shall be retained for three (3) years and made available to the Director or commissioner upon request.

(c) Duration of Applications

Applications of anticoagulant rodenticides at any single site shall be governed by verifiable evidence of rodent activity recorded under a Sustainable Rodent Management Plan.

When Electronic Rodent Monitoring (ERM) systems are deployed, bait shall be removed within thirty-five (35) days of verified inactivity confirmed by ERM system records or at the next scheduled service, whichever occurs first.

Bait may remain in use beyond any fixed calendar limits when ERM data confirm continuing rodent activity.

ERM records shall be retained for at least two (2) years and made available to the Director or commissioner upon request.

In the absence of ERM, total application duration shall not exceed thirty-five (35) consecutive days or one hundred twenty (120) aggregate days per year, unless otherwise exempt under subsection (d).

(d) Exemptions

Medical Waste Generators and Veterinary Clinics.

Use is allowed and exempt from the restrictions in subsections (a), (b), and (c) when performed at medical waste generators as defined in Health and Safety Code section 117705 and veterinary clinics that handle biological waste, provided:

Applications are made by a licensed structural pest-control business or certified applicator;

Rodent activity or conducive conditions are verified by ERM data or written inspection records; and

Activities are conducted under a Sustainable Rodent Management Plan (SRMP).

Public Health Emergency Infestation Procedures.

Licensed professionals may submit a standardized Public Health Infestation Notification form to the local public-health officer or vector-control agency when documented rodent activity within an occupied structure presents a credible health risk.

Documentation shall include ERM data, photographs, or written inspection reports showing persistent indoor activity and prior IPM measures (e.g., sanitation, exclusion, trapping).

DPR shall provide a model notification form and guidance encouraging local health departments to adopt expedited electronic review procedures.

The public-health officer or designee may issue a written or electronic determination authorizing anticoagulant use under this exemption.

All documentation, notifications, and determinations shall be retained for three (3) years and made available upon request.

(e) Electronic Rodent Monitoring (ERM) Definition and Standards

For purposes of this section, Electronic Rodent Monitoring (ERM) means any device, station, or sensor system that detects and records rodent presence, activity, or bait interaction using motion, vibration, infrared, weight, equivalent sensors and transmits or stores time-stamped data electronically, or other technology approved by DPR.

ERM systems shall:

Detect and record each rodent interaction with a unique, verifiable timestamp.

Store or transmit activity data electronically to a secure database accessible to the licensee or certified applicator.

Provide retrievable data demonstrating dates of rodent activity and verified inactivity periods.

Be capable of integration with SRMP documentation and pesticide use reporting systems.

Produce auditable records that satisfy the inspection and recordkeeping requirements of § 6471(f).

(f) Sustainable Rodent Management Plans (SRMP)

Each SRMP shall be prepared and signed by a certified applicator licensed under the Structural Pest Control Act or Food and Agricultural Code.

The SRMP shall identify the target pest, monitoring methods, inspection frequency, bait placement strategy, and nonchemical Integrated Pest Management (IPM) measures implemented prior to or concurrently with rodenticide use.

SRMP documentation may be integrated into existing service records or pesticide use reports required by the Structural Pest Control Board or county agricultural commissioners.

ERM data shall be accepted as equivalent to manual inspection records for demonstrating compliance with this section.

(g) Recordkeeping

All ERM data, inspection reports, SRMP documentation, and public-health notifications prepared under this section shall be retained by the licensee or certified applicator for a minimum of two (2) years and made available to DPR or the county agricultural commissioner upon request.

(h) Guidance and Consistency

The Department shall issue written statewide guidance to ensure consistent interpretation and enforcement of setbacks, exemptions, ERM data requirements, and SRMP documentation by all county agricultural commissioners.

§ [New] 6472. Internet and Remote Sales of Anticoagulant Rodenticides

(a) Applicability.

This section applies to all anticoagulant rodenticides designated as restricted materials under § 6400(e).

(b) Prohibition.

No person shall distribute, sell, or offer for sale any anticoagulant rodenticide through internet, mail order, catalog, or other remote sales channels directly to consumers in California.

(c) License Verification.

Remote sales of anticoagulant rodenticides shall be permitted only when the seller verifies and documents the purchaser's status as:

A certified commercial applicator licensed under the Structural Pest Control Act or Food and Agricultural Code; or

A private applicator or commercial agricultural operator registered with the county agricultural commissioner.

(d) Online Vendor Obligations.

Online marketplaces and remote vendors shall implement a license verification system prior to sale and may not ship anticoagulant rodenticides into California without confirming purchaser eligibility.

(e) Penalties.

Each unverified sale constitutes a separate violation under Food and Agricultural Code section 12995 and is subject to civil penalties of up to twenty-five thousand dollars (\$25,000) per violation per day.

§ [New] 6473. Sales of Acute (Non-Restricted) Rodenticides

(a) Applicability.

This section applies to rodenticides not classified as restricted materials under § 6400(e), including but not limited to bromethalin and cholecalciferol.

(b) Sales Threshold.

The requirements of this section apply to any sale, transfer, or offer for sale of acute rodenticides in quantities exceeding one (1) pound of product per transaction.

(c) Identification Verification.

In-Person Sales: The seller shall verify and electronically record a valid government-issued photo identification before completing the sale.

Online or Remote Sales: The seller shall require the purchaser to upload or electronically submit a government-issued photo identification before processing the transaction.

(d) Recordkeeping.

Sellers shall retain identification verification records for not less than one (1) year and make such records available to the Director or county agricultural commissioner upon request.

(e) Exemptions.

Sales made to or by licensed structural pest-control businesses or certified applicators acting within the scope of their license are exempt.

Sales of acute rodenticides packaged in quantities of one (1) pound or less per transaction are exempt.

(f) Enforcement.

Each sale made in violation of this section shall constitute a separate violation under Food and Agricultural Code section 12995 and may result in civil penalties of up to twenty-five thousand dollars (\$25,000) per violation per day.