

Rice Pesticides Program 2003

Date established March 26, 2003

Attachment to ENF 03-11

Distribution County Agricultural Commissioners

Referrals If you have any questions pertaining to this letter or enclosure, please contract your Senior Pesticide Use Specialist Liaison.

Approval

Original signed by:

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Rice Pesticides Program 2003 Continued

Introduction

Attached are the 2003 recommended permit conditions for:

- ? Molinate (Ordram[®]) Worker Safety Requirements
 - ? Water-holding Requirements for Molinate and Thiobencarb
 - ? General Water-holding Requirements
 - ? Methyl Parathion Water Management Recommendations
 - ? Malathion Water Management Recommendations
 - ? Drift Control Requirements for Certain Rice Pesticides
 - ? Phenoxy/dicamba Herbicides Use Requirements
 - ? Propanil Ground Use Area Requirements
 - ? Permit Conditions to Minimize Drift of thiobencarb
 - ? Methyl Parathion Drift Mitigation Requirement
 - This year starts the third year of the second tri-annual review period as adopted by the Central Valley Regional Water Quality Control Board's (CVRWQCB's) Resolution No. 5-01-074 in which they approved water quality management practices for the 2001 through 2003 rice seasons.
 - In March 2003, CVRWQCB approved Resolution No. R5-2003-0036 requiring additional management practices for thiobencarb (Attachment A).
 - To meet CVRWQCB's water quality management objectives for the 2003 rice season, the Department of Pesticide Regulation (DPR) recommends the use of the attached recommended permit conditions for 2003.
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Rice Pesticide Water Monitoring and Annual Reporting

California rice commission now responsible for water monitoring and annual reporting

- Historically, the Department of Pesticide Regulation (DPR) has taken the leadership in the Rice Pesticides Program. In 2002, DPR asked the rice industry via the California Rice Commission (CRC) to take the leadership in water monitoring, annually reporting to the Central Valley Regional Water Quality Control Board (CVRWQCB) and coordinating the participation of all program stakeholders.
 - This is an appropriate realignment of responsibilities because the rice industry is the potential discharger and, therefore, ultimately responsible for meeting water quality objectives.
 - DPR, as a co-regulator with the water boards, will continue to use its authority to regulate the sales and use of pesticides to address water quality issues involving pesticides. DPR will continue to actively participate with the rice industry and CVRWQCB staff to address rice pesticide issues.
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Rice Pesticides Program 2003, Continued

Molinate Worker Safety Requirements

Unchanged
from last year

- The recommended permit conditions for the use of molinate remains the same as last year.
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Water Management Requirements for Molinate and Thiobencarb

Require-
ments same as
last year

- The recommended water-holding permit conditions remain the same as last year.
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Drift Minimization Requirements

Mitigation
measures

- Last year the drift control conditions for molinate, thiobencarb and methyl parathion was updated to do away with the duplicative nature of these requirements.
 - The recommended drift minimization requirements apply to all rice pesticides designated as restricted materials that are applied to rice in the Sacramento Valley.
 - These drift control requirements reflect DPR's direction on drift mitigation.
 - DPR will provide "focused" oversight inspection of thiobencarb aerial applications to monitor thiobencarb drift mitigation requirements.
 - DPR will negotiate with the Sacramento Valley Rice counties, through county negotiated work plans, to increase the number aerial application inspections to monitor compliance of thiobencarb wind speed and buffer zone requirements.
 - Relative to violations of these drift mitigation requirements, County Agricultural Commissioners (CACs) may take enforcement action when practical and appropriate against the applicator and permittee for violation of 12973 for not complying with conditions of the permit issued by the commissioner.
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Rice Pesticides Program 2003, Continued

Thiobencarb Drift Mitigation Requirements

Mandatory preseason thiobencarb stewardship training

- The California Rice Commission (CRC) will facilitate two (2) preseason Thiobencarb Stewardship Meetings during March 2003. These meetings will be held to make growers, pest control advisers and pest control operators, aware of, and to inform them of, potential thiobencarb drift into agricultural drains, best management practices to minimize thiobencarb drift, and 2003 thiobencarb restricted material drift mitigation requirements.
 - a. All growers shall attend one of the two scheduled meetings.
 - b. A restricted material permit for the use of thiobencarb will be issued only to growers receiving CRC certification that they have attended a Thiobencarb Stewardship Meeting.
 - c. Growers that cannot attend a Thiobencarb Stewardship Meeting can obtain CRC certification by making arrangements with the CAC to view a video of the preseason Thiobencarb Stewardship Meeting.
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New drift mitigation requirements for 2003

The following recommended drift mitigation requirements have been added to minimize drift of thiobencarb into the Sacramento and Feather rivers.

- The use of Bolero 10 G formulation in all counties is prohibited.
 - All counties within ½ mile of the Sacramento and Feathers rivers: Aerial applications shall occur when the wind speed is 7 mph or less and wind direction is away from the river.
 - In the Sacramento and Yolo counties only, no aerial applications shall be made within ¼ mile of the Sacramento River unless:
 - a. Ground applications are allowed within the buffer zone; OR,
 - b. All applications are made under the direct supervision of the commissioner's representative; OR,
 - c. No more than 33 percent of the total average applied (from the 2002 daily acreage average) in Sacramento and Yolo counties within the buffer zone.
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Rice Pesticides Program 2003, Continued

Seepage Mitigation Requirements

- Seepage control**
- Central Regional Water Quality Control Board's (CVRWQCB) concern about thiobencarb seepage began following the detection of the herbicide by DPR in 2000.
 - DPR has developed recommended permit conditions (Page 21) to mitigate potential lateral movement of rice pesticides from rice fields.
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- Seepage defined**
- The American Society of Agricultural Engineer's Standard section 5226.2 defines seepage as: "Water escaping below or out from water conveyance facilities, such as open ditches, canals, natural channels, and waterways."
 - For purposes of mitigating seepage in rice production.
 - a. Seepage is lateral movement of irrigation water through a rice field levee or border to an area outside the normally flooded production area.
 - b. Seepage can occur through levees into adjacent dry fields or into adjacent drains and canals.
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- Seepage documentation**
- For 2003, DPR requests that county agricultural commissioners (CACs) to:
- Continue monitoring for seepage when inspecting for water-holding compliance. Check for seepage, or collection of seepage, that occurs through the outer borders of a field or the bottom border located at the lowest part of the field.
 - Continue using the water-holding inspection logs to document seepage observations. The Pesticide Use Monitoring Inspection Form (PR-ENF-021) may also be used to document seepage observations. Note: For violations only, please document in the "Remarks" section: Seepage flow less than 5 gallons, or Seepage flow more than 5 gallons.
 - When using the form, indicate "water-hold inspection" on the blank line under "application inspection."
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Rice Pesticides Program 2003, Continued

Enforcement action for all water-holding violations

- DPR requests the rice counties in the Sacramento Valley take enforcement action against all growers violating the attached recommended molinate, thiobencarb, and general water-holding permit conditions. This applies to grower's first violation and repeat violators.
 - Any visible seepage during the water-holding period moving offsite and drains into state waters, is considered an early release and is a water-holding violation.
 - Please report all "completed" water-holding enforcement actions to the CVRWQCB within 30 days after enforcement action is completed. Send enforcement actions to Amada Smith, Central Valley Regional Water Quality Control Board, Central Valley Region, 3443 Routier Road, Suite A, Sacramento, California 95827-3003. Please send cc copies to Roberta Firoved, California Rice Commission and Victor B. Acosta, Department of Pesticide Regulation.
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Brochure

- Please continue to distribute the brochure, Seepage Water Management, Voluntary Guidelines for Good Stewardship in Rice Production, Publication 21568, to growers at the time of permit issuance.
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Propanil Ground Use Area

Proposed amendments

- The attached Propanil Ground Use Area Recommended Permit Conditions are currently being amended through the rule-making process. However, the rule-making package may not be approved before the start of this year's propanil season.
 - CACs will be notified when the propanil rule-making package is approved by the Office of Administrative Law.
 - Until the propanil regulations are amended CACs will follow the attached Propanil Ground Use Area Recommended Permit Conditions for this year.
 - CACs may modify acreage limits and "buffer zones;" however, to the extent possible, DPR requests that CACs strictly adhere to these ground use requirements.
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Rice Pesticides Program 2003, Continued

Aerial use area

- The *1998 Propanil Aerial Use Protocol and Controls* [incorporated by reference in section 6462(1)] specifies that no more than 500 of acres of rice may be treated with propanil by helicopter in Colusa County and no more than 300 of acres of rice may be treated with propanil by helicopter in Glenn County on a single day.
 - Section 6462 does not allow any modification of acreage limits within the Aerial Use Area. (Note: No acreage limits are imposed for applications by ground.)
 - The protocol provides that the CAC may decrease the one-half mile buffer zone for cotton or other sensitive crops and the four-mile buffer zone for commercial cultivated grape vineyards, pistachios, or prunes.
 - DPR recommends that no aerial applications be allowed within four miles of cultivated commercial plantings of pistachios or prunes owned by any person other than the owner of the property being treated.
 - Aerial applications made in accordance with an approved study within a Butte County Study Area are exempt from the restrictions above.
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Waiver of county liability

- Waivers of county liability should not be used as a factor in consideration of reducing buffer zones. The regulations (Title 3 of the California Code of Regulations [3CCR] section 6432) establish the CAC as responsible for determining potential adverse environmental impacts and denying or conditioning permits on the use of feasible mitigation measures.
 - Requiring a "waiver of county liability" for a particular restricted material decision creates the presumption that the CAC has, in fact, recognized a unique hazard from the application of that restricted material. Therefore, it is the position of DPR that a CAC should not allow this practice.
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Enforcement

- Due to the extent of late propanil use reporting in previous years and the importance of this use data for mitigation decisions, DPR requests that CACs take enforcement action against all persons in violation of pesticide use reporting regulations.
 - In addition, DPR requests enforcement actions for violations of restricted materials sales and use laws and regulations.
 - It is imperative that CACs inform the regulated community that strict compliance with all propanil requirements is expected.
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Rice Pesticides Program 2003, Continued

Methyl Parathion Use Status

Currently registered for use

- On October 27, 1999, the U. S. Environmental Protection Agency accepted the voluntary cancellation of methyl parathion (Federal Register, Notice FRL-6387-8). This action canceled specific food/feed crops and non-food uses.
 - The action further required that current methyl parathion registrations (Penncap-M[®], EPA Registration No. 4581-393-AA, is registered by DPR) be revised to specify certain food/feed uses on rice.
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Buffer zone

In addition to attached recommended drift control permit conditions for rice pesticides, please add the following permit condition:

- No aerial application of liquid formulations of methyl parathion to rice shall be applied within a 300 foot downwind buffer zone from any agricultural drain.
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Phenoxy/Dicamba Use Status

Recommended permit conditions

- The status of phenoxy/dicamba use on rice within the Sacramento Valley remains the as last year. CACs may refer to the attached, *Use Requirements for Phenoxy/Dicamba Herbicides*, as recommended permit conditions when issuing restricted material permits.
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General Information

Storm event work group

- A Storm Event Work Group has been convened to identify and recommend mitigation measures to improve compliance in the event of severe storm events. The work group is comprised of Regional Water Board staff, Department of Pesticide Regulation, University of California, a reclamation district representative, CACs and the rice industry. The California Rice Commission will take the lead in facilitating this group.
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Rice Pesticides Program 2003, Continued

Registration status of new rice pesticides

Two new rice pesticides will be registered for use this year:

- Cerrano – This product will receive section 3 registration in late March 2003.
 - Clincher – This product is moving through DPR’s registration process and is expected to receive section 3 registration in mid April 2003.
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One -page Summaries

- The following are one-page summaries for the personal protective equipment requirements for molinate, and the water-holding requirements for molinate and thiobencarb.
- The summaries can be used as quick references. Please refer to the specific permit conditions for a complete explanation of each requirement.

Topic	See Attachment
Personal protective equipment requirements for molinate	B
Water-holding requirements for molinate, thiobencarb, m. parathion, and malathion.	C

Permit conditions

- Please refer to the following recommended permit conditions when issuing 2003 permits.

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