

Non-Production Agricultural Use of Algaecides and Antimicrobial Agents

Purpose This document provides guidance regarding pesticide use record keeping, pesticide use reporting, and worker safety regulation requirements concerning pesticide products labeled for “non-production agricultural use” as algaecides and antimicrobial agents.

Sections interpreted Title 3, California Code of Regulations (3CCR):

- sections 6720(c) and 6760(d) - worker safety
- section 6624 - pesticide use records
- section 6627 - pesticide use reports

Determining non-production agricultural use “Non-production agricultural use” is based on:

1. The definition of “agricultural use” which includes non-production sites such as watersheds, rights-of-way, and landscaped areas (such as golf courses, parks, recreation areas, and cemeteries) not covered by the definitions of home and institutional uses.
2. Those pesticide applications that are not directly related to the production of a crop, and not covered by the definition of industrial use. Examples include general weed and pest control outside of farm buildings, greenhouses, nurseries, and mushroom growing operations.
3. Some non-production agricultural uses are based on the treatment of agricultural equipment located in an agricultural setting such as treatment of sprinkler and drip irrigation systems located in fields, vineyards and orchards to control algae, and use of antimicrobial agents to sanitize milk handling equipment located on a dairy.

Algaecides – determining site treated Use of algaecide products to treat sprinkler and drip irrigation systems to control algae is considered a “non-production agricultural use.”

Algaecides used to treat sprinkler and irrigation systems in an agricultural setting such as in fields, vineyards, and orchards is considered a non-production agricultural use because the actual "site" being treated is the inside surfaces or interior walls of the sprinkler or drip irrigation system and not the crop.

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Algaecides - worker safety requirements

Worker safety exemption - 3CCR section 6760(d) states:

"If only algaecides have been used to treat the irrigation system, the employer is *exempt* from the requirements of sections 6762 (Field Work During Pesticide Application), 6764 (Fieldworker Training), 6766(a) and (b)(Emergency Medical Care), 6768 (Decontamination Facilities), 6770 (Field Entry After Pesticide Application), 6771 (Requirements for Early Entry Fieldworkers), 6772 (Restricted Entry Intervals), 6774 (Restricted Entry Interval Adjustments), and 6776 (Field Postings)."

Algaecides – pesticide use records and reporting requirements

Pesticide use records and pesticide use reporting are required for non-production agricultural algaecide treatments to irrigation systems.

- 3CCR section 6624 states any person who uses a pesticide for an agricultural use shall maintain records of pesticide use.
 - 3CCR section 6627 states non-production agricultural use shall be reported to the commissioner on a monthly summary pesticide use report.
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Antimicrobial agents – determining site treated

Use of antimicrobial pesticides to sanitize or disinfect water in agricultural settings such as in greenhouse and nursery operations or on dairies are considered “non-production agricultural use.”

Antimicrobial agents – worker safety requirements

Worker safety exemption - 3CCR section 6720(c) states:

When antimicrobial agents, used only as sanitizers or disinfectants, the employer is *exempt* from complying with the provisions of the pesticide worker safety subchapter, provided the employer instead complies with applicable requirements... specifically listed Title 8 California Code of Regulations (Cal-OSHA requirements).

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Antimicrobial agents – pesticide use records and reporting requirements

Pesticide use records and pesticide use reporting are required for non-production agricultural antimicrobial agents:

- 3CCR section 6624 requires that any person using a pesticide for an agricultural use shall maintain pesticide use records. This would include non-production agricultural uses such as use of antimicrobial agents to sanitize milk handling equipment located on a dairy, and antimicrobial agents used to disinfect irrigation water such as in greenhouse and nursery operations for disease management.
- 3CCR section 6627 states non-production agricultural use shall be reported to the commissioner on a monthly summary pesticide use report.

Consistency

This interpretation is consistent with Appendix E entitled “Understanding California’s Definitions of Agricultural and Non-Agricultural Use Pest Control” to Volume 3, restricted material and Permitting, of the Department of Pesticide Regulation’s Pesticide Use Enforcement Program Standards Compendium available on the DPR Web page:
www.cdpr.ca.gov/docs/enforce/compend/vol-3/rstrct-mat.htm.
