

**TITLE 3 CALIFORNIA CODE OF REGULATIONS  
REPLACEMENT PAGE GUIDE**

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CALIFORNIA CODE OF REGULATIONS  
SUMMARY OF CHANGES

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Enclosed is the text of the Title 3 California Code of Regulations (3CCR) Division 6, “Pesticides and Pest Control Operations” related to the pesticide regulatory program in California.

The following sections of 3CCR were amended, adopted, or repealed, effective from 1/2006 through 9/1/2009.

An electronic link to the complete Title 3 California Code of Regulations is available on the Department of Pesticide Regulation's website [www.cdpr.ca.gov](http://www.cdpr.ca.gov) under the blue tab labeled “Laws/Regulations” - “Regulations”.

Please contact the Enforcement Branch Liaison assigned to your county if you have any questions.

<b>3 CCR Section</b>	<b>Action Taken</b>	<b>Date Effective</b>	<b>Reference</b>
		<b>2009</b>	
6000	Corrections		
6400(e)	Amended	12/20/2008	Phosphine Gas & Magnesium Phosphide as RM
6447 & 6447(a)	Corrections		
6447.2(a)	Correction		
6447.2(e)(1)	Correction		
6447(g)	Correction		
6448.1(b)(2)	Correction		
6448.1(5)	Correction		
6452.2	Corrections		
6536(b)2	Corrections		
6550(b)(4)(A)	Correction		
6550(b)(4)(B)	Correction		
6550(c)	Correction		
6550 Note	Correction		
6624(f)	Corrections		
6720	Correction		
6739 (a) 1.-2.	Corrections		
6739 (j)(A)(3)	Correction		
6739(q)	Correction		
6784(b)	Correction		
6784(b)(2)(B)	Correction		

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3 CCR Section	Action Taken	Date Effective	Reference
		<b>2008</b>	
6738(b)(1)(A)	Amended (s-100)	8/18/2008	PPE – Respiratory Protection
6738(c)(1)(A)	Amended (s-100)	8/18/2008	PPE – Respiratory Protection
6738(g)(2)	Amended (s-100)	8/18/2008	PPE – Respiratory Protection
6739(e)(1)	Amended (s	8/18/2008	Fit Testing – Respiratory Protection
6739(j)(1)(A)(3)	Amended (s	8/18/2008	Insp & Repair – Resp. Protection
6739(q)	Amended (s	8/18/2008	Medical Questionnaire – Resp. Prot
6550	Amended	4/23/2008	Minimum Qualifications for PCA
6620(b)	Amended (s-100)	3/19/2008	Vector Control Exemption
6860	Amended	4/12/2008	TAC - Methidathion
6393(b)(8)	Amended (s-100)	2/21/2008	Mill Disbursement Criteria
6000	Amended	1/25/2008	Field Fumigants – New Definitions
6400	Amended	1/25/2008	Field Fumigants - RM
6445	Adopted	1/25/2008	Field Fumigants - Handling
6445.5	Adopted	1/25/2008	Field Fumigants – Licensing Req
6447	Renumber/Amend	1/25/2008	Field Fumigant – MB Gen'l Req
6447.1	Renumber/Amend	1/25/2008	Field Fumigant - MB Notice
6447.2	Renumber/Amend	1/25/2008	Field Fumigant – MB Buffer
6447.3	Renumber/Amend	1/25/2008	Field Fumigant - MB Methods
6448	Adopted	1/25/2008	Field Fumigant – 1,3-D Gen'l Req
6448.1	Adopted	1/25/2008	Field Fumigant – 1,3-D Methods
6449	Adopted	1/25/2008	Field Fumigants - Pic
6449.1	Adopted	1/25/2008	Field Fumigants - Pic
6450	Adopted	1/25/2008	Field Fumigants – Metam products
6450.1	Adopted	1/25/2008	Field Fumigants – Metam products

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<b>3 CCR Section</b>	<b>Action Taken</b>	<b>Date Effective</b>	<b>Reference</b>
		<b>2008</b>	
6450.2	Adopted	1/25/2008	Field Fumigants - Dazomet
6451	Adopted	1/25/2008	Field Fumigants – Sodium Tetra...
6451.1	Adopted	1/25/2008	Field Fumigants – Sodium Tetra...
6452	Adopted	1/25/2008	Field Fumigants - Emissions Methods
6452.1	Adopted	1/25/2008	Field Fumigants - Emissions Records
6452.2	Adopted	1/25/2008	Field Fumigants - Emissions Limits
6452.3	Adopted	1/25/2008	Field Fumigants - Emissions
6452.4	Adopted	1/25/2008	Field Fumigants - Emissions Report
6453	Renumber/Amended	1/25/2008	Field Fumigants - Pic/MB Nursery
6502	Amended	1/25/2008	Field Fumigants - Licensing
6536	Adopted	1/25/2008	Field Fumigants - Licensing
6624	Amended	1/25/2008	Pesticide Use Records
6626	Amended	1/25/2008	Pesticide Use Reports – Prod. Ag.
6784	Amended	1/25/2008	Field Fumigant Emissions Reduction
6000	Amended	1/1/2008	Respiratory Protection Program
6720	Amended	1/1/2008	Respiratory Protection Program
6738	Amended	1/1/2008	Respiratory Protection Program
6739	Adopted	1/1/2008	Respiratory Protection Program
6793	Amended	1/1/2008	Respiratory Protection – Min Exp

<b>3 CCR Section</b>	<b>Action Taken</b>	<b>Date Effective</b>	<b>Reference</b>
		<b>2007</b>	
6860	Amended	6/6/2007	Toxic Air Contaminant - SF
6170	Amended	3/10/2007	Registration
6172	Amended	3/10/2007	Registration
6200	Amended	3/10/2007	Registration
6625	Amended	1/5/2007	PUR – School Sites

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<b>3 CCR Section</b>	<b>Action Taken</b>	<b>Date Effective</b>	<b>Reference</b>
		<b>2006</b>	
6170	Amended	12/19/2006	Registration
6310	Adopted	12/19/2006	Data Cost Sharing
6312	Adopted	12/19/2006	Data Cost Sharing
6314	Adopted	12/19/2006	Data Cost Sharing
6128	Adopted	11/30/2006	Enforcement Response
6130	Amended	11/30/2006	Enforcement Response
6000	Amended	8/17/2006	Definitions – Dormant Sprays
6960	Adopted	8/17/2006	Dormant Sprays
6580	Adopted	6/22/2006	Private Applicators
6582	Adopted	6/22/2006	Private Applicators
6584	Adopted	6/22/2006	Private Applicators
6393	Amended	2/11/2006	Mill Disbursement Criteria
6394	Amended	2/11/2006	Mill Disbursement Criteria
6395	Amended	2/11/2006	Mill Disbursement Criteria
6396	Amended	2/11/2006	Mill Disbursement Criteria
6502	Amended	2/7/06	Pesticide Broker License
6576	Adopted	1/27/2006	Clopyralid
6950	Adopted	1/27/2006	Clopyralid

**Article 1. Definitions for Division 6  
Section 6000**

**6000. Definitions.**

**“Agricultural commodity”** means an unprocessed product of farms, ranches, nurseries, and forests (except livestock, poultry, and fish). Agricultural commodities include fruits and vegetables; grains, such as wheat, barley, oats, rye, triticale, rice, corn, and sorghum; legumes, such as field beans and peas; animal feed and forage crops; rangeland and pasture; seed crops; fiber crops such as cotton; oil crops, such as safflower, sunflower, corn, and cottonseed; trees grown for lumber and wood products; nursery stock grown commercially; Christmas trees; ornamentals and cut flowers; and turf grown commercially for sod.

**“Air-purifying respirator”** means a respirator with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element.

**“Application block”** means a field or portion of a field treated in a 24-hour period that typically is identified by visible indicators, maps, or other tangible means.

**“Applied to the soil”** or **“applied to the ground”** means the labeling of a pesticide product includes terminology such as:

- (a) Soil fumigant;
- (b) Soil applied;
- (c) Soil treatment product;
- (d) Can be used as a soil drench;
- (e) Application to soil;
- (f) Inject into the soil;
- (g) Incorporate in top (x) inches of soil; pre-plant incorporation;
- (h) Use on soil for control of soil-borne diseases;
- (i) Surface application; band treatment, surface blend;
- (j) Side dressing both/one side of row and cultivate into soil;
- (k) Should be mixed uniformly into top (x) inches of soil;
- (l) Pre-emergent to the weed;
- (m) Broadcast to the soil; and
- (n) Apply in seed furrow.

**“Artificial recharge basin”** means a surface facility, such as an infiltration pond or basin, or spreading ground specifically designed and managed to increase the infiltration of introduced surface water supplies into a ground water basin. "Artificial recharge basin" does not include ditches, canals, or reservoirs designed primarily to transport and store water, or stream channels, lakes, and other naturally occurring water bodies that are not principally managed to recharge ground water.

**“Assure” or “Ensure”** means to take all reasonable measures so that the behavior, activity, or event in question occurs. When the behavior, activity, or event in question involves or concerns an employee, reasonable measures by an employer include determining that the employee has the knowledge to comply; providing the means to comply; supervising the work activity; and having and enforcing a written workplace disciplinary action policy covering the employer's requirements, as well as other measures required by pesticide law or this division.

**“Atmosphere-supplying respirator”** means a respirator that supplies the respirator user with breathing air from a source independent of the ambient atmosphere, and includes supplied-air respirators (SAR) and self-contained breathing apparatus (SCBA) units.

**“Branch location”** means any location, other than the principal place of business, operated by a pesticide dealer or agricultural pest control business to carry out licensed activities in California.

**“Buffer zone”** as used in sections 6447, 6447.1, 6447.2, and 6447.3 means an area that surrounds a pesticide application block in which certain activities are restricted for a specified period of time to protect human health and safety from existing or potential adverse effects associated with a pesticide application.

**“Carbamates”** means esters on N-methyl carbamic acid which inhibit cholinesterase.

**“Certified commercial applicator”** means

- (a) A person holding a valid qualified license issued by the director;
- (b) A pilot holding a valid journeyman pest control aircraft pilot's certificate issued by the director;
- (c) A person holding a certified technician certificate issued by the Vector Biology and Control Section of the Department of Health Services;
- (d) A person holding a valid structural pest control operator or field representative license issued by the Structural Pest Control Board of the Department of Consumer Affairs; and
- (e) A person holding a valid qualified applicator certificate by the director.

**“Certified private applicator (PAC)”** means a private applicator holding a valid private applicator certificate issued by the commissioner (or the director in any county where there is no commissioner).

**“Chemical resistant” or “Waterproof”** means a material that allows no measurable movement of the pesticide through it during use. When a specific material is specified on pesticide product labeling, personal protective equipment constructed of that material shall be used.

**“Chemigation”** means the application of pesticides through irrigation systems.

**“Closed system”** means a procedure for removing a pesticide from its original container, rinsing the emptied container and transferring the pesticide product, mixtures and dilutions and rinse solution through connecting hoses, pipes and couplings that are sufficiently tight to prevent exposure of any person to the pesticide or rinse solution. Rinsing is not required when the pesticide is used without dilution. The system's design and construction shall meet the director's closed system criteria.

**“Commercial applicator”** means a person who uses or supervises the use of a pesticide for any purpose or on any property other than as provided by the definition of private applicator.

**“Confidential reader”** is a person chosen by an employee required to wear a respirator to read to him/her the Medical Evaluation Questionnaire required under section 6739 in a language primarily understood by the employee. This includes, but is not limited to, a coworker, family member, friend, or an independent translator provided by the employer. The employer or the employer's direct agent, such as a supervisor, manager, foreman, or secretary, are not included and are prohibited from being confidential readers.

**“Conflict with labeling”** means any deviation from instructions, requirements or prohibitions of pesticide product labeling concerning storage, handling or use except:

- (a) A decrease in dosage rate per unit treated;
- (b) A decrease in the concentration of the mixture applied;
- (c) Application at a frequency less than specified;
- (d) Use to control a target pest not listed, provided the application is to a commodity/site that is listed and the use of the product against an unnamed pest is not expressly prohibited;
- (e) Employing a method of application not expressly prohibited, provided other directions are followed;
- (f) Mixing with another pesticide or with a fertilizer, unless such mixture is expressly prohibited;
- (g) An increase in the concentration of the mixture applied, provided it corresponds with the current published UC Pest Management Guidelines of the University of California, which are available from their Statewide Integrated Pest Management Project, One Shields Avenue, Davis, California 95616, or on-line at <http://www.ipm.ucdavis.edu> ;or
- (h) The use of personal protective equipment consistent with the exceptions and substitutions in section 6738.

**“Continuous monitoring”** means the measurement of the air concentration of a specific pesticide on an uninterrupted, real-time basis by instrumental methods.

**“Course”** means any course, class, or program offered by a provider of continuing education approved pursuant to section 6512.

**“Coverall”** means a one- or two-piece garment of closely woven fabric or equivalent that covers the entire body, except the head, hands, and feet, and must be provided by the employer as personal protective equipment. Coverall differs from, and should not be confused with, work clothing that can be required to be provided by the employee.

**“Display”** means to make information available to the employee so that he or she may readily see and read the document, during normal business hours, without having to make a specific request of any person. An employee shall not be hindered or impeded from examining documents required to be displayed. This definition does not preclude using a binder or filing cabinet, that otherwise meets these criteria, to contain documents for display.

**“Dormant insecticide”** means petroleum distillates, petroleum hydrocarbons, unclassified petroleum oils with the addition of other insecticides - or other insecticides used alone – that are used for pest control and applied to deciduous plants.

**“Dormant oil”** means petroleum distillates, petroleum hydrocarbons, unclassified petroleum oils, and mineral oils that are used for pest control and applied to deciduous plants.

**“Early entry”** means entry into a treated field or other area after the pesticide application is complete, but before the restricted entry interval or other restrictions on entry for that pesticide have expired.

**“Employee”** means any person who, for any kind of compensation, performs work, services, or activities covered by this division.

**“Employer”** means any person who exercises primary direction and control over the work, services, or activities of an employee. A foreman, crew leader, supervisor, or similarly situated person represents the employer when hiring an employee or when exercising, or having responsibility for exercising, the primary direction and control, but is not considered the employer himself or herself.

**“Enclosed cab”** means a chemical resistant barrier that completely surrounds the occupant(s) of the cab and meets those portions of the requirements in American Society of Agricultural Engineers Standard S-525 (Rev. 5/98) that pertain to dermal protection.

**“Enclosed cab acceptable for respiratory protection”** means an enclosed cab that incorporates a dust/mist filtering and /or a vapor or gas removing air purification system, as appropriate for the exposure situation. Enclosed cabs certified by the manufacturer as meeting American Society of Agricultural Engineers Standard S-525 (Rev. 5/98) are acceptable under this definition. The Director may, upon request, approve other enclosed cabs as acceptable under this definition.

**“Engineered rights-of-way”** means areas within a ground water protection area that are constructed in a way that results in increased runoff and collection of storm water, such as railroad ballasts and berms, public roadsides, and highway median strips or similar areas, but not canal or ditch banks or utility lines.

**“Evapotranspiration”** is the combination of water transpired from vegetation and evaporated from the soil and plant surfaces. Evapotranspiration data can be obtained from the California Irrigation Management Information System (CIMIS) or other local sources.

**“Examination”** means written examination.

**“Feasible”** means capable of being accomplished in a successful manner, within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

**“Feasible alternatives”** means other chemical or non-chemical procedures which can reasonably accomplish the same pest control function with comparable effectiveness and reliability, taking into account economic, environmental, social, and technological factors and timeliness of control.

**“Feasible mitigation measure”** means a condition attached to the approval of an activity which, if implemented, would substantially reduce any adverse impact, taking into account economic, environmental, social, and technological factors and timeliness of control.

**“Field”** means any area (including a greenhouse) upon which one or more agricultural plant commodities (including forest and nursery products) are grown for commercial or research production. Field does not include range or pasture harvested by grazing animals.

**“Field capacity”** is the amount of water remaining in soil when the downward water flow due to gravity becomes negligible.

**“Fieldworker”** means any person who, for any kind of compensation, performs cultural activities in a field. Fieldworker does not include persons performing tasks as a crop advisor, including field checking or scouting, making observations of the well being of the plants, or taking samples, nor does it include local, state, or federal officials performing inspection, sampling, or other similar official duties.

**“Filter or air purifying element”** means a component used in respirators to remove solid or liquid aerosols from the inspired air.

**“Filtering facepiece (dust mask)”** means a negative pressure particulate respirator with a filter as an integral part of the facepiece or with the entire facepiece composed of the filtering medium.

**“Fumiscope”®** is a monitoring instrument that measures the concentration of methyl bromide inside a structure in ounces per 1,000 cubic feet. (The analytical detection limit of a Fumiscope® is 250 parts per million [ppm]).

**“Greenhouse”** means a structure or space, of sufficient size to permit entry, that is enclosed with a nonporous covering and used in the commercial or research production of an agricultural plant commodity. The term includes polyhouses, mushroom houses, rhubarb houses and similar structures.

**“Ground-based application equipment”** means equipment such as:

- (a) Hand sprayers;
- (b) Backpack sprayers;
- (c) Air-blast sprayers;
- (d) Field soil injection equipment;
- (e) Dusters;
- (f) Drills;
- (g) Granular applicators; or
- (h) Ground-rig sprayers.

**“Ground water protection area”** means an area of land that has been determined by the Director to be vulnerable to the movement of pesticides to ground water, as identified in the Department of Pesticide Regulation document EH03-05 (Est. 08/03), hereby incorporated by reference, entitled "Ground Water Protection Areas," in Appendix I. The determination of a ground water protection area is based on factors, such as soil type, climate, and depth to the ground water, that are characteristic of areas where legally applied pesticides or their breakdown products have been detected and verified in ground water.

**“Hand labor”** means any cultural activity, performed by hand or with hand tools, that causes substantial contact with surfaces (such as plants or soil) that may have pesticide residues. These activities include: hand harvesting, detasseling, thinning, hand weeding, topping, planting, sucker removal, pruning, disbudding, roguing, and packing produce into containers in the field. Hand labor does not include: operating, moving, or repairing irrigation equipment or performing the duties of a crop advisor, field checker, or scout, making observations of the well being of the plants, or taking samples.

**“Handle”** means mixing, loading, transferring, applying (including chemigation), or assisting with the application (including flagging) of pesticides, maintaining, servicing, repairing, cleaning, or handling equipment used in these activities that may contain residues, working with opened (including emptied but not rinsed) containers of pesticides, adjusting, repairing, or removing treatment site coverings, incorporating (mechanical or watered-in) pesticides into the soil, entering a treated area during any application or before the inhalation exposure level listed on pesticide product labeling has been reached or greenhouse ventilation criteria have been met, or performing the duties of a crop advisor, including field checking or scouting, making observations of the well being of the plants, or taking samples during an application or any restricted entry interval listed on pesticide product labeling. Handle does not include local, state, or federal officials performing inspection, sampling, or other similar official duties.

**“Home use”** means use in a household or its immediate environment.

**“Human participant”** means a living person who participates in a human pesticide exposure study conducted in order to obtain (1) data through intervention or interaction with the participant, or (2) identifiable private information. Intervention, as used in this definition, includes both physical procedures by which data are gathered and manipulations of the participant or the participant’s environment that are performed for research purposes. Interaction, as used in this definition, includes communication or interpersonal contact between the investigator and human participant. Private information, as used in this definition, includes information about behavior that occurs in a context in which a participant can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by a participant and which the participant can reasonably expect will not be made public. Private information must be individually identifiable in order for the acquisition of that information to constitute research involving human participants. Individually identifiable means that the identity of the participant is or may readily be ascertained by the investigator or associated with the information.

**“Hydrologically isolated site”** means any treated area that does not produce runoff capable of entering any irrigation or drainage ditch, canal, or other body of water.

**“Immediately dangerous to life or health (IDLH)”** means an atmosphere that poses an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual’s ability to escape from a dangerous atmosphere.

**“Industrial use”** means use for or in a manufacturing, mining, or chemical process or use in the operation of factories, processing plants, and similar sites.

**“Institutional Review Board (IRB)”** means an objective committee whose purpose is to review protocols of human pesticide exposure studies to ensure the safety and general welfare of the human participants, and to guarantee that their human rights are not violated. The Institutional Review Board shall meet the requirements as specified in Title 40 Code of Federal Regulations, (Protection of the Environment), Part 26, (Protection of Human Subjects), when conducting a review of a protocol.

**“Institutional use”** means use within the confines of, or on property necessary for the operation of buildings such as hospitals, schools, libraries, auditoriums, and office complexes.

**“Leaching ground water protection areas”** are sections of land designated as "leaching" in the Department of Pesticide Regulation document EH03-05 (Est.08/03), hereby incorporated by reference, entitled "Ground Water Protection Areas," where pesticide residues move from the soil surface downward through the soil matrix with percolating water to ground water.

**“Medical supervision”** means occupational health guidance and necessary associated health evaluation by a physician licensed to practice medicine.

**“Net irrigation requirement”** is the amount of water needed to bring the soil in the crop root zone to field capacity at the time of irrigation. It can be determined by direct measurements of soil moisture, such as by using tensiometers, or indirect measurements of soil moisture, such as by estimating evapotranspiration that has accumulated since the last irrigation.

**“Notice of Intent (NOI)”** means oral or written notification to the commissioner, as specified by the commissioner, prior to the use of a pesticide pursuant to a permit.

**“Nursery”** means any operation engaged in the outdoor commercial or research production of cut flowers or ornamental cut greens or any plants that will be used in their entirety in another location.

**“Operator of the property”** means a person who owns the property and/or is legally entitled to possess or use the property through terms of a lease, rental contract, trust, or other management arrangement.

**“Organophosphates”** means organophosphorus esters which inhibit cholinesterase.

**“Ozone nonattainment area”** means an area designated in Title 40, Code of Federal Regulations section 81.305 for the purpose of air quality planning within the chart titled "California – Ozone (1-Hour Standard)."

**“Person”** means any individual, partnership, association, corporation, business entity, or organized group of persons whether incorporated or not.

**“Personal protective equipment (PPE)”** means apparel and devices worn to minimize human body contact with pesticides or pesticide residues that must be provided by an employer and are separate from, or in addition to, work clothing. PPE may include: chemical resistant suits, chemical resistant gloves, chemical resistant footwear, respiratory protection devices, chemical resistant aprons, chemical resistant headgear, protective eyewear, or a coverall (one- or two-piece garment).

**“Pest management guides”** are manuals prepared by the department or University of California that include pest management information on specific crops and which have been adopted as a standard by the director.

**“Pesticide”** means:

(a) Any substance or mixture of substances that is a pesticide as defined in the Food and Agricultural Code and includes mixtures and dilutions of pesticides;

(b) As the term is used in Section 12995 of the Food and Agricultural Code, includes any substance or product that the user intends to be used for the pesticidal purposes specified in Sections 12753 and 12758 of the Food and Agricultural Code.

**“Pesticide exposure study”** means:

(a) A data gathering project that meets one or more of the following criteria:

- (1) Human participants are to be directly exposed to the pesticide for the purpose of determining its pharmacokinetics or pharmacodynamics;
- (2) Human participants are monitored and the use of the pesticide is not consistent with current accepted labeling or current regulations;
- (3) Humans are exposed as the result of a contrived application in order to monitor exposure without routine pest control being a significant objective;
- (4) Human participants are monitored for the purpose of satisfying initial or continuing registration requirements of the U.S. Environmental Protection Agency or the department; or
- (5) Human participants are monitored to develop or contribute knowledge of pesticide exposure to be generalized to other populations.

(b) **Pesticide exposure study** does **not** include the following:

- (1) Data collected for the purpose of satisfying an existing health standard for exposure monitoring or if it is understood that routine monitoring is a condition of employment;
- (2) Unscheduled monitoring of persons in response to a medical emergency to identify possible sources of exposure;
- (3) Monitoring conducted by a government agency or by an employer, to determine the workplace exposure of his or her employees;
- (4) Monitoring requested by an individual or group of individuals to determine personal exposure levels; or
- (5) The analysis or evaluation, after the human participant involvement has ceased, of existing or previously collected data, documents, records, specimens, or samples, if these sources are publicly available or if the information is recorded by the study director in such a manner that the human participants cannot be identified, directly or through identifiers linked to the participants.

**“Pesticide Safety Information Series (PSIS)”** means a series of leaflets that summarize health and safety aspects of various pesticides and groups of pesticides.

**“Pesticides in toxicity category one”** means pesticide products which are required to prominently display the signal word "DANGER" on the label.

**“Pesticides in toxicity category two”** means pesticide products which are required to prominently display the signal word "WARNING" on the label.

**“Physician or other licensed health care professional (PLHCP)”** means an individual whose legally permitted scope of practice allows him or her to independently provide, or be delegated the responsibility to provide, some or all of the health care services required by these regulations.

**“Private applicator”** means:

(a) an individual who uses or supervises the use of a pesticide for the purpose of producing an agricultural commodity on property owned, leased, or rented by him/her or his/her employer; or

(b) a householder who uses or supervises the use of a pesticide outside the confines of a residential dwelling for the purpose of controlling ornamental, plant or turf pests on residential property owned, leased, or rented by that householder.

**“Qualified applicator certificate holder (QAC)”** means a person who has qualified by examination in one or more pest control categories to supervise pesticide applications. However, such qualification shall not entitle the holder to supervise the operations of a pest control business licensed pursuant to section 11701 of the Food and Agricultural Code, except as provided in section 11704.

**“Qualified applicator licensee (QAL)”** means a person who has qualified by examination in one or more pest control categories to supervise the pesticide applications made by a pest control business licensed pursuant to sections 11701 to 11709, inclusive, of the Food and Agricultural Code, and who is responsible for safe and legal operations under such license.

**“Qualitative fit test (QLFT)”** means a pass/fail fit test to assess the adequacy of respirator fit that relies on the individual’s response to the test agent.

**“Quantitative fit test (QNFT)”** means an assessment of the adequacy of respirator fit by numerically measuring the amount of leakage into the respirator.

**“Regularly handle”** means that the employee is handling pesticides during any part of the day for more than six calendar days in any 30 consecutive day qualifying period beginning on the first day of handling. Any day spent or loading pesticides while exclusively using a closed system or mixing only pesticides sealed in water-soluble packets is not included for any employee who has a baseline blood cholinesterase level established pursuant to section 6728(c)(1).

**“Respirator program administrator”** is a person who is qualified by appropriate training or experience that is commensurate with the complexity of the respiratory protection program, and demonstrates knowledge necessary to administer a respiratory protection program. Such training or experience includes, but is not limited to: reading and understanding either the American National Standard for Respiratory Protection Publication (ANSI Z88.2), or the U.S. Department of Labor’s “Small Entity Compliance Guide for the Revised Respiratory Protection Standard” or taken specific course work on developing a respiratory protection program from a college or a respirator manufacturer’s authorized representative; or is an American Board of Industrial Hygiene Certified Industrial Hygienist.

**“Restricted entry interval (REI)”** means the period of time after a field is treated with a pesticide during which restrictions on entry are in effect to protect persons from potential exposure to hazardous levels of residues. An REI may be found on pesticide product labeling or in regulation.

**“Runoff ground water protection areas”** are sections of land designated as "runoff" in the Department of Pesticide Regulation document EH03-05 (Est. 08/03) hereby incorporated by reference, entitled "Ground Water Protection Areas," where pesticide residues are carried in runoff water to more direct routes to ground water such as dry or drainage wells, poorly sealed production wells, or soil cracks, or to areas where leaching can occur.

**“Sensitive aquatic site”** means any irrigation or drainage ditch, canal, or other body of water in which the presence of dormant insecticides could adversely impact any of the beneficial uses of the waters of the state specified in Water Code section 13050(f).

**“Site specific”** means a pesticide permit that identifies the specific area to be treated, the size of that area, and the commodity(ies) or site(s) on that area to be treated.

**“Solicits services or sales”**, as used in section 11410 of the Food and Agricultural Code, means sells, or offers for sale, any pesticide, method, or device outside of a fixed place of business.

**“Structural use”** means a use requiring a license under Chapter 14 (commencing with section 8500), Division 3 of the Business and Professions Code.

**“Study director”** means the individual responsible for the overall conduct of a research project.

**“Substantial drift”** means the quantity of pesticide outside of the area treated is greater than that which would have resulted had the applicator used due care. This definition is applicable to section 12972 of the Food and Agricultural Code and section 6614 of Title 3, California Code of Regulations.

**“Time specific”** means a pesticide permit that specifies the date the intended application is to commence or permit with a notice of intent requirement. The pesticide use may commence within four days following such date if delays are caused by uncontrollable conditions such as adverse weather or unavailability of equipment. The commissioner shall require a notice of intent from either the grower, the grower's authorized representative, or the pest control business when necessary to make the permit time and site specific.

**“Treated field”** means a field that has been treated with a pesticide or had a restricted entry interval in effect within the last 30 days. A treated field includes associated roads, paths, ditches, borders, and headlands, if the pesticide was also directed to those areas. A treated field does not include areas inadvertently contaminated by drift or over spray.

**“Use”** means any pesticide related activity including:

- (a) Pre-application activities, including:
  - (1) Arranging for the application;
  - (2) Mixing or loading; and
  - (3) Making necessary preparations for the application, including responsibilities related to notification, handler training, decontamination facilities, use and care of personal protective equipment, medical monitoring and assistance, and heat stress management;

- (b) Application of the pesticide;
- (c) Post-application activities, including:
  - (1) Control of the treated area to reduce exposure, including responsibilities for restricted entry intervals, warnings, decontamination facilities, medical assistance, and fieldworker training;
  - (2) Management of the treated area, crop, or crop by-products, including responsibilities for preharvest intervals and plant back restrictions;
  - (3) Transportation, storage, and disposal of excess pesticides, spray mix, equipment wash water, and pesticide containers; and
  - (4) Cleaning of application equipment and other pesticide containing materials.
- (d) Use does not include:
  - (1) Activities where involvement is only incidental to other tasks such as emergency responders providing incident management, commercial transportation of pesticide related waste for disposal or recycling, or a waste disposal or recycling facility accepting or handling these wastes; or
  - (2) Manufacturing, formulating, or packaging (including bulk repackaging) by a registered pesticide producing establishment.

**“Veterinarian”** means a person licensed to practice veterinary medicine in California.

**“Volatile organic compound (VOC)”** means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions. This includes any organic compound other than those exempted by the U.S. Environmental Protection Agency pursuant to Title 40 of the Code of Federal Regulations section 51.100.

**“Weed oil”** means a pesticide, the label of which states that the product may be used, by itself, to control weeds, and which contains 70 % or more of the following active ingredients: petroleum hydrocarbons, mineral oil, petroleum oil, petroleum distillates, and/or aromatic petroleum distillates.

**“Work clothing”** means garments such as: long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, and socks. Work clothing is not considered personal protective equipment although pesticide product labeling or regulations may require specific work clothing during some activities. Work clothing differs from and should not be confused with a coverall. While coveralls shall be provided by the employer, work clothing can be required to be provided by the employee. Short sleeved shirts and short pants are considered acceptable work clothing only under conditions expressly permitted by pesticide product labeling.

NOTE: Authority cited: Sections 11456, 11502, 12111, 12781, 12976, 12981, 13145, 14001 and 14005, Food and Agricultural Code.  
Reference: Sections 11401.2, 11408, 11410, 11501, 11701, 11702(b), 11704, 11708(a), 12042(f), 12103, 12971, 12972, 12973, 12980, 12981, 13145, 13146 and 14006, Food and Agricultural Code.

Magnesium Phosphide  
Metam sodium, labeled for the production of agricultural plant commodities.  
Methamidophos (Monitor)  
Methidathion (Supracide)  
Methomyl (Lannate), except fly baits containing not more than 1 % methomyl.  
Methyl bromide  
2-methyl-4-chlorophenoxyacetic acid (MCPA), except:  
(1) Liquid formulations packaged in containers of 1 quart or less regardless of percentage of MCPA;  
(2) Liquid formulations that contain 15 % or less MCPA packaged in containers of 1 gallon or less;  
(3) Liquid formulations of a product that is to be used without further dilution;  
(4) Dry formulations, packaged in containers of 1 pound or less, regardless of percentage of MCPA; and  
(5) Dry formulations, packaged in containers of 50 pounds or less, of a product that contains less than 10 % MCPA and is labeled to be used without further dilution.  
Methyl isothiocyanate (MITC), labeled for the production of agricultural plant commodities.  
Mevinphos (Phosdrin)  
Molinate (Ordram)  
Oxydemeton-methyl (Metasystox-R)  
Paraquat (Gramoxone)  
Parathion-methyl  
Phorate (Thimet)  
Phosphine Gas  
Potassium N-methyldithiocarbamate (metam-potassium), when labeled for the production of agricultural plant commodities.  
Propanil (3,4-Dichloropropionanilide)  
Sodium cyanide  
Sodium fluoroacetate (compound 1080)  
Sodium tetrathiocarbonate (Enzone)  
Strychnine, except rodenticides when labeled only for one or more of the following uses: home use, structural pest control, industrial use, institutional use, and use by public agency vector control districts pursuant to section 2426 of the Health and Safety Code.  
Sulfotepp  
Sulfuryl Fluoride  
Thiobencarb (Bolero)  
Tribufos (DEF, Folex)  
Tributyltin, organotin, or a tri-organotin compound formulated as an antifouling paint, coating or compound and labeled for the control of fouling organisms in an aquatic environment.

Zinc phosphide, except when labeled only for one or more of the following uses: home use, structural pest control, industrial use, institutional use, and use by public agency vector control districts pursuant to section 2426 of the Health and Safety Code.

NOTE: Authority Cited: Sections 14004.5 and 14005, Food and Agricultural Code.  
Reference: Sections 14004.5 and 14005, Food and Agricultural Code.

**6402. Exempt Materials.**

The director designates and establishes pursuant to Section 14006.7 of the Food and Agricultural Code the pesticides stated in this section as exempt materials.

- (a) Spray adjuvants
- (b) Petroleum oils
- (c) Sulfur
- (d) Lime
- (e) Lime-sulfur
- (f) Sodium polysulfide
- (g) Certain copper compounds
  - (1) Bordeaux mixture
  - (2) Copper acetate
  - (3) Copper carbonate
  - (4) Copper hydroxide
  - (5) Copper-lime mixtures
  - (6) Copper linoleate
  - (7) Copper oleate
  - (8) Copper oxychloride
  - (9) Copper sulfate (basic, monhydrate, and pentahydrate)
  - (10) Copper oxide
  - (11) Copper calcium oxychloride
- (h) *Bacillus thuringiensis* Berliner.

NOTE: Authority cited: Sections 11456 and 14006.7, Food and Agricultural Code.  
Reference: Section 14006.7, Food and Agricultural Code.

(n) If no appeal is received by the director with 30 days of the commissioner's review decision, the aerial application may commence without further delay.

If the director's decision upholds the permit issuance and the permit cannot be exercised because of the delay involved in the stay and/or review, the permit shall be extended by order of the director for a sufficient length of time to allow for spraying at the earliest possible date, but in no case longer than 12 months.

NOTE: Authority cited: Sections 11456, 14001, 14005 and 14006, Food and Agricultural Code.  
Reference: Sections 14004, 14006.5 and 14009, Food and Agricultural Code.

**6444. Generalized Effects.**

If at any time pesticide residues, symptoms, or health hazards appear generally throughout any area, the director or commissioner may cause a field inspection to be made. If it appears that substantial loss, damage, or injury is likely to result from continued application of a specific pesticide within such area, the director or commissioner may cause all permits for applications of that pesticide within such area canceled and specify that no additional permits shall be issued therein.

NOTE: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code.  
Reference: Sections 11501 and 14006, Food and Agricultural Code.

**Article 4. Field Fumigation Use Requirements**  
**Sections 6445-6452.4**

**6445. Fumigation-Handling Activities.**

For purposes of sections 6447-6447.3, and 6784(b), fumigation-handling activities are limited to employees involved in assisting with covering the tarpaulin at the end of the rows (shoveling); assisting in the overall operation, ensuring proper tarpaulin placement and condition, and changing cylinders (copiloting); operating tractor equipment (driving); supervising the fumigation operation; operating chemigation equipment and assisting in chemigation application and leak repair (chemigating); tarpaulin cutting; tarpaulin or chemigation equipment removal prior to the expiration of the restricted entry interval; and other handling activities specified by the label.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981 and 14102, Food and Agricultural Code.

**6445.5. Field Fumigation Licensing Requirements.**

Effective January 1, 2009, when a field fumigation application is made by a licensed pest control business, the business must have a person holding a qualified applicator license or certificate with the field fumigation pest control subcategory supervising the work.

NOTE: Authority Cited: Sections 11456, 11502 and 14005, Food and Agricultural Code. Reference: Sections 11501, 14001 and 14151, Food and Agricultural Code.

**6447. Methyl Bromide-Field Fumigation – General Requirements.**

The provisions of this section and sections 6447.1, 6447.2, 6447.3, and 6784(b) pertain to field soil fumigation using methyl bromide. For purposes of these sections, field soil fumigation does not apply to golf courses, replant of individual vine or tree-sites (tree holes) less than one contiguous acre, raised-tarpaulin nursery fumigations of less than one acre, potting soil, and greenhouses and other similar structures.

(a) In addition to the requirements of section 6428, the operator of the property to be treated shall submit a proposed worksite plan to the commissioner for evaluation at least 7 days prior to submitting a notice of intent. The proposed worksite plan shall include, but is not limited to, method of application to be used, acreage and identification of each application block to be treated, application rate to be used, description of the notification procedure to property operators pursuant to section 6447.1(b), description of any activities within the buffer zone(s) as specified in section 6447.2(e) and (f), description of any workday/work hour limitations and respiratory protection as specified in sections 6784 (b)(2)(C) and (b)(3), and if applicable, description of the tarpaulin repair response plan, and tarpaulin removal. The commissioner shall retain the proposed worksite plan for one year after the expiration of the permit.

(b) The commissioner, pursuant to section 6432, shall evaluate local conditions and the proposed worksite plan.

(c) The commissioner shall include at least the following when conditioning a permit: the buffer zone requirements, work hour restrictions, notification requirements, any other restrictions to address local conditions, and if applicable, description of the tarpaulin repair response plan and tarpaulin removal. The commissioner shall complete the evaluation and complete conditioning the permit prior to the submission of the notice of intent.

(d) An application block shall not exceed 40 acres unless approved by the Director.

(e) Except for experimental research purposes pursuant to a valid research authorization issued according to section 6260 or a reduced volatile organic compound emission fumigation method approved pursuant to section 6452, tarpaulins shall have a permeability factor of no less than 5 and no more than 8 milliliters methyl bromide per hour, per square meter, per 1,000 parts per million of methyl bromide under the tarpaulin at 30 degrees Celsius, and be approved by the Department. A list of approved tarpaulins is available from the Department.

(f) Tarpaulins shall be buried under at least four inches of firmly packed soil at the end of the rows. The tarpaulins shall remain in place for the time specified in section 6447.2.

(g) Fumigation equipment shall be operated to eliminate pesticide drip by clearing the fumigant from the injection device before it is lifted or removed from the soil.

(h) The Department, in coordination with county agricultural commissioners, shall ensure that ambient air concentrations of methyl bromide do not exceed an average daily non-occupational exposure of nine parts per billion in a calendar month.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

#### **6447.1. Methyl Bromide Field Fumigation Notification Requirements.**

##### **(a) Notification to the Commissioner.**

(1) Notwithstanding section 6434, the operator of the property to be treated shall assure that the commissioner is notified (notice of intent) at least 48 hours prior to commencing fumigation. The notice of intent shall indicate the hour the fumigation is intended to commence and the information specified in section 6434(b).

(2) The fumigation shall not commence sooner than the intended starting time or later than 12 hours after the intended starting time specified on the notice of intent.

(3) If fumigation of an application block does not commence within the time specified in (a)(2), a new notice of intent must be submitted, but no new 48-hour waiting period is needed unless required by the commissioner.

(4) For multiple application blocks to be fumigated sequentially, the commissioner may allow one notice of intent that includes an application schedule for all the application blocks in lieu of a separate notice of intent for each application block to be fumigated. The schedule must specify the date and time each application block is intended to be fumigated.

### **6447.1. Methyl Bromide Field Fumigation Notification Requirements.**

#### **(b) Notification to Property Operators.**

(1) The operator of the property to be treated shall assure that operators of the following properties within 300 feet of the perimeter of the outer buffer zone receive notification that a permit to use methyl bromide near their property has been issued by the commissioner: properties that contain schools, residences, hospitals, convalescent homes, onsite employee housing, or other similar sites identified by the commissioner. Notification shall be in writing in both English and Spanish, or by other means approved by the commissioner. The operator of the property to be treated shall assure that notification is delivered at least seven days prior to the submission of the notice of intent. The notification shall include the following information:

(A) the name of the chemical(s) to be applied;

(B) name, business address, and business telephone number of the operator of the property to be treated;

(C) name, business address, and business telephone number of the commissioner;

(D) the earliest and latest dates that the fumigation will start; and

(E) how to request subsequent notification of specific date and time of the fumigation

(2) The operator of the property to be treated shall assure that specific notification of the date and time of the start of the fumigation and anticipated expiration of buffer zones is provided to those person notified in (b)(1) who request specific fumigation information. This specific fumigation notification shall be provided at least 48 hours prior to starting the fumigation. If a request for specific notification is received after the submission of the notice of intent and before the fumigation begins, the specific fumigation notification shall be provided prior to starting the fumigation, but the 48-hour requirement shall not apply. If the fumigation of an application block does not commence within the time frame specified in (a)(2), then a new notification must be provided to those persons who requested the information, but the 48-hour requirement shall not apply unless required by the commissioner.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

### **6447.2. Methyl Bromide Field Fumigation Buffer Zone Requirements.**

(a) The commissioner shall approve buffer zone sizes and durations based upon local conditions. The commissioner shall rely upon the information provided in Methyl Bromide Field Fumigation Buffer Zone Determination, Est. 2/04, hereby incorporated by reference, to condition restricted material permits, unless the commissioner determines based on other information that a deviation from the information in Methyl Bromide Field Fumigation Buffer Zone Determination, Est. 2/04, can be made in a way that assures equal or less exposure. At no time shall the inner buffer zone be less than 30 feet, and the outer buffer zone be less than 60 feet, or the buffer zone durations be less than 36 hours.

(b) The operator of the property to be treated shall assure that all buffer zone distances are measured from the perimeter of the application block.

(c) The buffer zone restrictions shall begin at the start of fumigation. The buffer zone restrictions shall remain in effect for at least 36 hours after the completion of the injection to the application block.

(d) Two buffer zones, an inner and outer for each application block, shall be approved by the commissioner after the proposed worksite plan is submitted.

**(e) Inner Buffer Zone Restrictions.**

- (1) The inner buffer zone shall be at least 30 feet.
- (2) The operator of the property to be treated shall assure that no persons are allowed within the inner buffer zone except to transit and perform fumigation handling activities.
- (3) The inner buffer zone shall not extend into adjoining property except as provided below:

(A) The inner buffer zone may extend into adjoining agricultural property if the adjoining property operator gives written permission and allows the operator of the property to be treated to post the inner buffer zone boundary on the adjoining property with signs. If such written permission is given, the operator of the property to be treated shall assure that:

1. The inner buffer zone boundaries on the adjoining property are posted with signs while the buffer zone is in effect; and
2. The signs are posted so that the wording is clearly visible, to persons with normal vision, from a distance of 25 feet and shall contain the following words: "METHYL BROMIDE INNER BUFFER ZONE" and "KEEP OUT" and "NO ENTRE"; and
3. The signs are posted at intervals not exceeding 200 feet.

(B) With approval from the commissioner, the inner buffer zone may extend across sites only where transit activities may occur, including streets, roads, roads within agricultural property, highways, and other similar means of travel. Written permission and posting requirements in 6447.2(e)(3)(A) shall not apply.

**(f) Outer Buffer Zone Restrictions.**

- (1) The outer buffer zone shall be at least 60 feet.
- (2) The operator of the property to be treated shall assure that no persons are allowed within the outer buffer zone except to transit, perform fumigation handling activities, and commissioner-approved activities as identified in the restricted materials permit conditions. In no instance shall persons be allowed within the outer buffer zone for more than 12 hours in a 24-hour period.
- (3) The outer buffer zone may extend into other properties with permission from the operators of these other properties. In no instances shall the outer buffer zone contain occupied residences or occupied onsite employee housing while the outer buffer zone is in effect. The outer buffer zone shall not extend into properties that contain schools, convalescent homes, hospitals, or other similar sites identified by the commissioner.
- (4) The outer buffer zone may extend across roads, highways, or similar means of travel or sites approved by the commissioner.

(g) The operator of the property to be treated shall assure that the operator of the other properties specified in (e)(3)(A) and (f)(3) above notify the following persons that a buffer zone(s) has been established on the property: onsite employees, including those of a licensed pest control business or farm labor contractor. The notice to employees shall be given prior to the commencement of the employee's work activity. Notification to farm labor contractor employees may be done by giving written notice to the farm labor contractor, who shall then give the notice to the employee. Employee notification shall be in a manner the employee can understand, and include information required in section 6447.1(b)(2).

(h) The operator of the property to be treated shall assure that specific notification of the date and time of the start of the fumigation and anticipated expiration of buffer zones is provided

to the other property operator, if the operator of the other property is required to notify his/her employees as specified in (g). This specific fumigation notification shall be provided to the other property operator at least 48 hours prior to starting the fumigation. If the fumigation of an application block does not commence within the time frame specified in 6447.1 (a)(2), then a new notification must be provided to the other property operator specified in (e)(3)(A) and (f)(3), but the 48-hour requirement shall not apply unless required by the commissioner.

(i) When a school property is within 300 feet of the perimeter of the outer buffer zone, the injection shall be completed 36 hours prior to the start of a school session. School session shall be those times when students are attending scheduled classes.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

### **6447.3. Methyl Bromide Field Fumigation Methods.**

(a) The methyl bromide field soil fumigation must be made using only the methods described in this section. However, within the San Joaquin Valley, Southeast Desert, or Ventura ozone nonattainment areas, the following methods are prohibited during the May 1 through October 31 time period: (1), (2), (4), and (6); and if applied as alternating fumigated and unfumigated areas (strip fumigation), methods (3) and (5). In addition to labeling requirements for each of these methods, the following requirements shall apply.

#### **(1) Nontarpaulin/Shallow/Bed**

(A) Application rate shall not exceed 200 pounds of methyl bromide per acre.

(B) The application tractor shall be equipped with an air fan dilution system.

(C) Rearward-curved (swept-back) chisels shall be used with:

1. closing shoes and bed-shaper, or closing shoes and compaction roller; and
2. chisel injection points positioned beneath and ahead of the closing shoes.

(D) Injection depth shall be between 10 and 15 inches. The injection depth to preformed beds must not be below the bed furrow.

(E) Injection spacing shall be 40 inches or less.

(F) The soil shall not be disturbed for at least three days (72 hours) following completion of injection to the application block.

(G) The application block restricted entry interval shall be 3 days.

#### **(2) Nontarpaulin/Deep/Broadcast**

(A) Application rate shall not exceed 400 pounds of methyl bromide per acre.

(B) Forward-curved chisel shall be used with:

1. An application tractor equipped with an air fan dilution system and the injection depth shall be at least 20 inches; or
2. Closing shoes and compaction roller and the injection depth shall be at least 24 inches.

(C) Injection spacing shall be 68 inches or less.

(D) The soil shall not be disturbed for at least four days (96 hours) following completion of injection to the application block.

(E) The application block restricted-entry interval shall be four days.

**(3) Tarpaulin/Shallow/Broadcast**

(A) Application rate shall not exceed 400 pounds of methyl bromide per acre.

(B) Application shall be made using either:

1. An application tractor equipped with an air fan dilution system, and with a plow consisting of horizontal v-shaped blades mounted by a vertical arm to the tool bar. The fumigant shall be injected laterally beneath the soil surface; or

2. Rearward-curved (swept-back) chisels, closing shoes, and compaction roller shall be used.

(C) Injection depth shall be at least 10 and no greater than 15 inches.

(D) Injection spacing shall be 12 inches or less.

(E) The tarpaulin shall be laid down simultaneously (with fumigant injection) by tarpaulin-laying equipment mounted on the application tractor.

(F) The tarpaulin shall not be cut until a minimum of five days (120 hours) following completion of injection to the application block. The tarpaulin shall be cut pursuant to section 6784(b)(5).

(G) Tarpaulin removal shall begin no sooner than 24 hours after tarpaulin cutting has been completed.

(H) The application block restricted entry interval shall end at completion of tarpaulin removal, and shall be at least six days.

**(4) Tarpaulin/Shallow/Bed**

(A) Application rate shall not exceed 250 pounds of methyl bromide per acre.

(B) Rearward-curved (swept-back) chisels shall be used with either:

1. Closing shoes and compaction roller. The closing shoes shall cover the chisel marks with soil just ahead of the compaction roller, and the tarpaulin shall be laid down simultaneously (with fumigant injection) by tarpaulin-laying equipment mounted on the application tractor; or

2. Bed shaper. The chisels shall be placed with the injection point under the bed shaper, and the tarpaulin shall be laid down simultaneously (with fumigant injection) by tarpaulin-laying equipment mounted on the application tractor; or

3. Combination bed former and bed shaper. The chisels shall be placed between the bed former and the bed shaper. The tractor with the tarpaulin-laying equipment shall immediately follow the application tractor.

(C) Injection depth shall be between 6 and 15 inches. The injection depth to preformed beds must not be below the bed furrow.

(D) Injection spacing shall be 12 inches or less.

(E) The tarpaulin shall not be cut until at least five days (120 hours) following completion of injection to the application block.

(F) If tarpaulins are removed before planting, tarpaulin removal shall begin no sooner than 24 hours after tarpaulin cutting has been completed. The application block restricted entry interval shall end at completion of tarpaulin removal, and shall be at least six days.

(G) If tarpaulins are not to be removed before planting, the application block restricted entry interval shall either:

1. consist of the five-day period described in subsection (E) plus an additional 48 hours after holes have been cut for planting, or

2. be at least 14 days. If this option is chosen, the methyl bromide air concentration underneath the tarpaulin must test less than 5 parts per million before planting begins.

**(5) Tarpaulin/Deep/Broadcast**

- (A) Application rate shall not exceed 400 pounds of methyl bromide per acre.
- (B) Forward-curved chisels shall be used with either:
  - 1. An air fan dilution system on the application tractor; or
  - 2. Closing shoes and compaction roller.
- (C) Injection depth shall be at least 20 inches.
- (D) Injection spacing shall be 66 inches or less.
- (E) The tarpaulin shall be laid down simultaneously (with fumigant injection) by tarpaulin-laying equipment mounted on the application tractor.
- (F) The tarpaulin shall not be cut until at least five days (120 hours) following completion of injection to the application block. The tarpaulin shall be cut pursuant to section 6784(b)(4).
- (G) Tarpaulin removal shall begin no sooner than 24 hours after tarpaulin cutting has been completed.
- (H) The application block restricted entry interval shall end at completion of tarpaulin removal, and shall be at least 6 days.

**(6) Drip System - Hot Gas**

A hot gas application through a subsurface drip irrigation system to tarpaulin-covered beds may be used if all of the following criteria are met:

- (A) Application rate shall not exceed 225 pounds of methyl bromide per acre.
- (B) The fumigant shall be injected beneath the soil surface at a minimum depth of one inch.
- (C) The portion of the drip system used in the fumigation shall be physically disconnected from the main water supply during the fumigation to prevent possible contamination of the water supply.
- (D) All fittings and emitters underneath the tarpaulin shall be buried in the soil to a minimum depth of 1 inch.
- (E) Prior to the start of the fumigation, all drip tubing shall be checked for blockage, and the irrigation system connections and fittings checked for blockage and leaks using pressurized air and/or water. The end of each drip tubing shall be placed under the tarpaulin prior to introduction of fumigant.
- (F) The tarpaulin shall be placed and inspected for tears, holes, or improperly secured edges prior to fumigating. Repairs and adjustments shall be made before the fumigation begins.
- (G) Prior to the start of the fumigation, all fittings above ground and outside of the tarpaulin shall be pressure tested with compressed air, water, or nitrogen gas to a maximum pressure of 50 pounds per square inch. A soap solution shall be used to check the fittings for leaks if using air or nitrogen. All apparent leaks shall be eliminated prior to the fumigation. All drip tubing with emitters connected to the distribution manifold not covered by the tarpaulin shall be sealed to prevent fumigant loss through the emitters.
- (H) Prior to introducing the fumigant, the drip system shall be purged of water by means of pressurized gas such as CO<sub>2</sub> or nitrogen.
- (I) The drip system shall be purged prior to disconnecting any line containing the fumigant.
- (J) After purging, drip tubing shall be pinched off and then disconnected from the distribution manifold. All disconnected tubing leading into the treated field shall be secured to prevent gas from escaping.

(K) All fittings used for connecting or disconnecting the heat exchanger to the irrigation system manifold shall be of a positive shut-off design.

(L) All persons shall wear the eye protection specified on the label when working with a manifold system or tubing containing the fumigant under pressure.

(M) The entire fumigation system (heater, valves, and manifold) shall be purged of the fumigant at the end of each day's fumigation.

(N) The tarpaulin shall not be cut until at least five days (120 hours) following completion of injection to the application block.

(O) If tarpaulins are removed before planting, tarpaulin removal shall begin no sooner than 24 hours after tarpaulin cutting has been completed. The application block restricted entry interval shall end at completion of tarpaulin removal and shall be at least six days.

(P) If tarpaulins are not to be removed before planting, the application block restricted entry interval shall either:

1. consist of the five-day period described in subsection (N) plus an additional 48 hours after holes have been cut for planting, or

2. be at least 14 days. If this option is chosen, the methyl bromide air concentration underneath the tarpaulin must test less than 5 parts per million before planting begins.

(b) Notwithstanding section 6770, the operator of the property shall assure that only persons performing fumigation-handling activities are allowed in an application block before the restricted entry interval expires. Persons performing activities other than tarpaulin cutting, removal, and repair described in sections 6784(b)(3), (4), and (5) shall wear a full-face respirator that meets the requirements of section 6784(b)(2)(C).

(c) Notwithstanding subsection (a), a reduced volatile organic compound emission field fumigation method approved pursuant to section 6452 or a method for experimental research purposes pursuant to a valid research authorization issued according to section 6260 may be allowed.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

#### **6448. 1,3-Dichloropropene Field Fumigation – General Requirements.**

The provisions of section 6448.1 apply to field soil fumigation using 1,3-Dichloropropene within the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, or Ventura ozone nonattainment areas during the May 1 through October 31 time period. Raised-tarpaulin nursery fumigations of less than one acre, or replant of individual vine or tree-sites (tree holes) less than one contiguous acre, are not considered field soil fumigation under the provision of section 6448.1.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

### **6448.1 1,3-Dichloropropene Field Fumigation Methods.**

(a) Application rate must not exceed 332 pounds of 1,3-Dichloropropene active ingredient per acre.

(b) If there are no labeling requirements specifying soil moisture, then at time of application soil must contain at least enough moisture above the depth of application to meet the following test appropriate to the soil texture for:

- (1) coarse soils (sand and loamy sand) – at least enough moisture to form a ball when compressed by hand, that may break when tapped;
- (2) loamy, moderately coarse, or medium textured (coarse sandy loam, sandy loam, fine sandy loam) – at least enough moisture so that soil forms a ball that holds together when tapped.
- (3) fine texture soils (clay loam, silty clay loam, sandy clay, silty clay, sandy clay loam, and clay) – at least enough moisture so that the soil is pliable, not crumbly. Forms a ribbon when squeezed between thumb and forefinger.

(c) The 1,3-Dichloropropene field soil fumigation must be made using only the methods described in this section. However within the San Joaquin Valley, Southeast Desert, or Ventura ozone nonattainment areas, methods (1) and (2) are prohibited. In addition to labeling requirements for each of these methods, the following requirements shall apply.

#### **(1) Nontarpaulin/Shallow/Broadcast or Bed**

- (A) Injection point must be at least 12 inches below the soil surface.
- (B) Chisel trace must be eliminated by use of tillage equipment to mix the soil to a depth of at least three inches. Broadcast fumigation must be followed by compaction of the soil surface.

#### **(2) Tarpaulin/Shallow/Broadcast or Bed**

- (A) Injection point must be at least 12 inches below the soil surface.
- (B) Chisel trace must be eliminated by use of tillage equipment to mix the soil to a depth of at least three inches. Broadcast fumigation must be followed by compaction of the soil surface.
- (C) Tarpaulins must be buried under at least four inches of firmly packed soil at the end of the rows.
- (D) The operator of the property shall maintain a “tarpaulin repair response plan” pursuant to subsection (d).

#### **(3) Nontarpaulin/Shallow/Broadcast or Bed/Three Post-Fumigation Water**

##### **Treatments**

- (A) Injection point must be at least 12 inches below the soil surface.
- (B) Chisel trace must be eliminated by use of tillage equipment to mix the soil to a depth of at least three inches. Broadcast fumigation must be followed by compaction of the soil surface.
- (C) Fumigation must be completed in a time that allows compliance with the post-fumigation water treatments below:
  1. Water must be applied by an irrigation method that uniformly covers the treated area in the entire application block.
  2. On the day of fumigation, the first water treatment must consist of at least 0.20 inches of water, beginning within 30 minutes of the completion of fumigation. A second post-fumigation water treatment must consist of at least 0.20 inches of water applied starting no earlier than one hour prior to sunset on the day of fumigation and completed by midnight.

3. On the day following fumigation, a third post-fumigation water treatment must consist of at least 0.20 inches of water, and must be applied starting no earlier than one hour prior to sunset and completed by midnight.

4. Additional post-fumigation water treatment(s) may be applied at any time provided the treatments required above are completed in the specified time periods.

**(4) Tarpaulin/Shallow/Bed/Three Post-Fumigation Water Treatments**

(A) Injection point must be at least 12 inches below the soil surface.

(B) Chisel trace must be eliminated by use of tillage equipment to mix the soil to a depth of at least three inches.

(C) Tarpaulins must be buried under at least four inches of firmly packed soil at the ends of the rows.

(D) Fumigation must be completed in a time that allows compliance with the post-fumigation water treatments below:

1. Water must be applied by an irrigation method that uniformly covers the untarped area in the entire application block.

2. On the day of fumigation, the first water treatment must consist of at least 0.20 inches of water to the untarped areas, beginning within 30 minutes of the completion of fumigation. A second post-fumigation water treatment must consist of at least 0.20 inches of water to the untarped areas applied starting no earlier than one hour prior to sunset on the day of fumigation and completed by midnight.

3. On the day following fumigation, a third post-fumigation water treatment must consist of at least 0.20 inches of water to the untarped areas, and must be applied starting no earlier than one hour prior to sunset and completed by midnight.

4. Additional post-fumigation water treatments(s) may be applied at any time provided the treatments required above are completed in the specified time periods.

(E) The operator of the property shall maintain a "tarpaulin repair response plan" pursuant to subsection (d).

**(5) Nontarpaulin/Deep/Broadcast or Bed**

(A) Injection point must be at least 18 inches below the soil surface.

(B) Chisel trace must be eliminated by use of tillage equipment to mix the soil to a depth of at least three inches. Broadcast fumigation must be followed by compaction of the soil surface.

**(6) Tarpaulin/Deep/Broadcast or Bed**

(A) Injection point must be at least 18 inches below the soil surface.

(B) Chisel trace must be eliminated by use of tillage equipment to mix the soil to a depth of at least three inches. Broadcast fumigation must be followed by compaction of the soil surface.

(C) Tarpaulins must be buried under at least four inches of firmly packed soil at the end of the rows.

(D) The operator of the property shall maintain a "tarpaulin repair response plan" pursuant to subsection (d).

**(7) Chemigation (Drip System)/Tarpaulin**

(A) Drip system must be filled with water and tested for pressure variation, clogged emitters, and leaks before chemigation. The pressure must not exceed the pressure rating of the drip tape, and the pressure variation in the drip tape throughout the field must be less than three pounds per square inch. Drip system must be free of leaks and clogged emitters.

(B) The tarpaulin shall be placed and inspected for tears, holes, or improperly secured edges prior to fumigating. Repairs and adjustments shall be made before the chemigation begins.

(C) Ends of drip tape not covered by tarpaulin must be covered by at least two inches of soil.

(D) After chemigation, the drip system must be flushed with a volume of water at least three times the volume of the mainline and laterals of the drip system.

(E) The operator of the property shall maintain a "tarpaulin repair response plan" pursuant to subsection (d).

**(d) Tarpaulin Repair.**

(1) If a tarpaulin is used, the operator of the property shall maintain a "tarpaulin repair response plan." The tarpaulin repair response plan shall identify the responsibilities of the licensed pest control business and/or the permittee with regard to tarpaulin damage detection and repair activities. At a minimum, the tarpaulin repair response plan shall indicate the parties responsible for the repair and incorporate the applicable elements listed in (2) below.

(2) The "tarpaulin repair response plan" must state with specificity the situations when tarpaulin repair must be conducted. The situations should be based on, but not limited to, hazard to the public, residents, or workers; proximity to occupied structures, size of the damaged area(s); timing of damage; feasibility and response time of repair; and environmental factors such as wind speed and direction.

(e) Notwithstanding subsection (c), a reduced volatile organic compound emission field fumigation method approved pursuant to section 6452 or a method for experimental research purposes pursuant to a valid research authorization issued according to section 6260 may be allowed.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

**6449. Chloropicrin Field Fumigation – General Requirements.**

The provisions of section 6449.1 apply to field soil fumigation using chloropicrin within the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, or Ventura ozone nonattainment areas during the May 1 through October 31 time period. Raised-tarpaulin nursery fumigations of less than one acre or replant of individual vine or tree-sites (tree holes) less than one contiguous acre are not considered field soil fumigations under the provisions of section 6449.1.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code

### **6451. Sodium Tetrathiocarbonate Field Fumigation - General Requirements.**

The provisions of section 6451.1 apply to field soil fumigation using sodium tetrathiocarbonate within the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, or Ventura ozone nonattainment areas below during the May 1 through October 31 time period. Replant of individual vine or tree-sites (tree holes) less than one contiguous acre, and raised-tarpaulin nursery fumigations of less than one acre, and greenhouses and other similar structures are not considered field soil fumigations under the provisions of section 6451.1.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

#### **6451.1 Sodium Tetrathiocarbonate Field Fumigation Methods.**

(a) The field soil fumigation of sodium tetrathiocarbonate is limited to methods specifically identified in the labeling.

(b) Notwithstanding subsection (a), a reduced volatile organic compound emission field fumigation method approved pursuant to section 6452 or a method for experimental research purposes pursuant to a valid research authorization issued according to section 6260 may be allowed.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

#### **6452. Reduced Volatile Organic Compound Emissions Field Fumigation Methods.**

(a) For the Sacramento Metro and South Coast ozone nonattainment areas, the Director may approve use of a field fumigation method not described in sections 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, and 6451.1 if the request is accompanied by scientific data documenting the volatile organic compound (VOC) emissions. The emission rating specified in section 6452.4 or the maximum emission rate (emission rating multiplied by the maximum application rate) must be no greater than any one of the methods for the same fumigant described in sections 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, and 6451.1.

(b) For the San Joaquin Valley, Southeast Desert, and Ventura ozone nonattainment areas, upon written request, the Director may approve use of a field fumigation method either not described or excluded from use in sections 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, or 6451.1 if the request meets the following criteria:

(1) The request is accompanied by scientific data documenting the VOC emissions;

(A) The emission rating, as specified in section 6452.4, is no greater than any one of the methods for the same fumigant allowed for use in the San Joaquin Valley, Southeast Desert, and Ventura ozone nonattainment areas as specified in sections 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, or 6451.1, or

(B) The maximum emission rate (emission rating multiplied by the maximum application rate) is no greater than any one of the methods for the same fumigant allowed for use in the San Joaquin Valley, Southeast Desert, and Ventura ozone nonattainment areas as specified in sections 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, or 6451.1.

(c) Criteria the Director shall consider includes whether:

- (1) the data and information provided are sufficient to estimate emissions;
- (2) the results are valid as indicated by the quality control data; and
- (3) the conditions studied represent agricultural fields fumigated.

(d) The Director shall publish a notice of interim approval for a field fumigation method on the Department's Web site. The interim approval expires three years after the date of approval.

NOTE: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501, 14006, and 14102, Food and Agricultural Code.

### **6452.1 Fumigant Volatile Organic Compound Emission Records and Reporting.**

(a) Any person who applies field fumigants shall maintain records of fumigant applications pursuant to section 6624.

(b) Any person who applies field fumigants shall report the information specified in section 6626.

NOTE: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501, 14006 and 14102, Food and Agricultural Code.

### **6452.2 Fumigant Volatile Organic Compound Emission Limits.**

(a) The Director shall establish field fumigant volatile organic compound (VOC) emission limits in the Volatile Organic Compound Emissions Inventory Report issued pursuant to section 6452.4 for areas that exceed 80 percent of the emissions benchmarks listed below during the May 1 through October 31 time period:

<b>Ozone Nonattainment Area</b>	<b>Total Agricultural and Structural VOC Emissions Inventory Benchmarks from May 1 to October 31</b>
Sacramento Metro	900,000 lbs. (2.4 tons/day average)
San Joaquin Valley	5,900,000 lbs. (16.0 tons/day average)
South Coast	1,500,000 lbs. (4.1 tons/day average)
Southeast Desert	230,000 lbs. (0.62 tons/day average)
Ventura	970,000 lbs. (2.6 tons/day average)

This subsection shall not apply to Ventura until 2012. The field fumigant VOC emission limits for the Ventura ozone nonattainment area prior to 2012 are established pursuant to subsection (c)

(b) The Director shall calculate the field fumigant VOC emission limits specified in (a) by subtracting the nonfumigant pesticide VOC emissions from the total agricultural and structural VOC emissions inventory benchmarks. Nonfumigant pesticide product emissions will be the summation of the pounds of each pesticide product used multiplied by the VOC content (emission potential) for the specific product.

(c) For the Ventura ozone nonattainment area, the Director establishes a field fumigant VOC emission limit of 1,214,000 pounds (average 3.30 tons/day) for applications that occur during May 1 to October 31, 2008. The Director shall establish field fumigant emission limits in Ventura for 2009, 2010, and 2011, in the Volatile Organic compound Emissions Inventory Report pursuant to section 6452.4 by subtracting the nonfumigant emissions for the following benchmarks:

<i>Ozone Nonattainment Area</i>	<b>Total Agricultural and Structural VOC Emissions Inventory Benchmarks from May 1 to October 31</b>
Ventura	1,340,000 lbs. (3.63 tons/day average) in 2009
Ventura	1,190,000 lbs. (3.23 tons/day average) in 2010
Ventura	1,080,000 lbs. (2.93 tons/day average) in 2011

NOTE: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501, 14006 and 14102, Food and Agricultural Code.

### **6452.3 Field Fumigant Volatile Organic Compound Emission Allowances.**

(a) No person may apply a field fumigant during the May 1 through October 31 time period in an ozone nonattainment area for which a fumigant emission limit has been established pursuant to section 6452.2, unless their restricted material permit includes a field fumigant emission allowance.

**(b)** To obtain a field fumigant emission allowance, a permittee shall request an emission allowance by submitting information to the commissioner by a date designated by the commissioner. The information must include but is not limited to the following:

- (1) operator identification number;
- (2) county;
- (3) crop;
- (4) month(s) of application;
- (5) number of acres to be fumigated;
- (6) identification of each site to be fumigated;
- (7) meridian, township, range, and section of sites to be fumigated;
- (8) verification of operator of property for each site identified;
- (9) identification of fumigant products to be used;
- (10) the application rate; and
- (11) fumigation method.

**(c)** The Director shall establish a fumigant emission allowance(s) for each permittee so that the total allowances in each ozone nonattainment area do not exceed the fumigant limit established for that area. If the total allowances requested exceed an established fumigant emission limit, the Director will proportionally reduce each request to ensure that the limit is not exceeded.

**(d)** Commissioners in each ozone nonattainment area subject to a fumigant emission limit shall issue permits or amend existing permits to comply with the fumigant emission allowance(s) established by the Director.

**(e)** Commissioners shall deny any notice of intent that does not comply with the permittees' fumigant emission allowances.

NOTE: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501, 14006 and 14102, Food and Agricultural Code

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**6452.4. Annual Volatile Organic Compound Emissions Inventory Report.**

(a) The Director shall issue an annual emissions inventory report for the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, and Ventura ozone nonattainment areas. The emission inventory report must:

(1) report the total agricultural and structural (fumigant and nonfumigant) pesticide volatile organic compound (VOC) emissions for the previous years. Nonfumigant pesticide product emissions will be the summation of the pounds of each pesticide product used multiplied by the VOC content (emission potential) for the specific product. Fumigant product emissions will be the summation of the pounds of each pesticide product used multiplied by the emission potential for that specific product and VOC emission rating for the application method, as specified in (5);

(2) evaluate compliance with the total pounds of agricultural and structural VOC emissions specified in section 6452.2;

(3) establish fumigant emissions limits established pursuant to section 6452.2 for the upcoming year;

(4) (reserved)

(5) establish an emission rating for each field fumigation method described in sections 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, 6451.1, or 6452. The emission rating will be expressed as a percentage of the amount of fumigant applied. The Director shall base the emission rating upon available scientific data documenting the VOC emissions.

(b) A draft emission report shall be made available to the public for comment. A 45-day public comment period will be provided to allow for submission of written statements or arguments to the Director for review before making finalizing the Annual Volatile Organic Compound Emission Report. The emission report will be posted on the Department's Web site.

(c) The emission ratings as shown in Table 22 in the September 29, 2007 Barry, Spurlock, and Segawa memorandum to John Sanders, shall be used to determine the emissions. These emission ratings may be modified by the final annual emissions inventory report.

NOTE: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501, 14006 and 14102, Food and Agricultural Code.

**Article 5. Use Requirements**  
**Sections 6453-6489**

**6453. Chloropicrin and Methyl Bromide - Nursery and Commodity Fumigation.**

(a) When chloropicrin or methyl bromide is used, singly or in combination, to treat nursery potting soils or soil mixes, nursery stock, and other agricultural commodities, appliances, or equipment, it shall be done in a properly sealed fumigation chamber, railroad car, or truck trailer, or under a gas confining tarp approved by the commissioner or director. The commissioner or director may specify the fumigation period. Injection shall be made in a manner that minimizes gas loss.

(b) When chloropicrin or methyl bromide is applied singly or in combination, the commissioner or director may require the treatment site or fumigation chamber to be posted and attended for a specified time after application.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code.  
Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

**6454. Chloropicrin and Methyl Bromide - Structural Fumigation.**

This section supplements the methyl bromide fumigation requirements found in the Business and Professions Code and Title 16 of the California Code of Regulations, as well as directions for use given on methyl bromide product labeling.

(a) When fumigating a structure, the fumigator shall ensure that the distance between the fumigated structure and its property line shall meet the following criteria and that no person, other than the fumigation crew, enters the area prescribed in either (1), (2), or (3) below during the treatment period:

(1) For fumigations utilizing 50 pounds of methyl bromide or less, a distance of at least five (5) feet must exist; or

(2) For fumigations utilizing more than 50 pounds, but less than 80 pounds, a distance in feet calculated using the following formula must exist:  
5 times the total poundage of methyl bromide minus 240 feet; or

(3) For fumigations utilizing 80 pounds or more, a distance in feet equal to two (2) times the total poundage of methyl bromide applied must exist.

(b) Structures shall be covered with the required tarpaulins or sealed prior to fumigation. The "acceptable" tarpaulin used in fumigations shall be vinyl coated with a minimum weight of seven (7) ounces per square yard (or having a fumigant retention capability equal to or greater than that provided by the seven-ounce weight tarpaulin). The vinyl coating shall not be worn, cracked, abraded, or similarly damaged to the extent that any of the underlying fabric shows through the vinyl coating.

(c) All cuts, tears, holes, or similar damage to tarpaulins shall be repaired prior to introduction of the fumigant. Temporary repairs to damaged tarpaulins shall be made with vinyl coated self-adhesive tape, or the damaged area of the tarpaulin may be rolled and clipped so the tarpaulin's fumigant gas retention capability is maintained.

(d) Fumigators shall use the fumigant retention method specified in the table below for the application rate and poundage combinations utilized in the fumigation:

<i>Methyl Bromide Application Rate Per 1,000 Cubic Feet of Structure</i>	<i>Total Pounds of Methyl Bromide Applied in a 24-hour Period</i>	<i>Fumigant Retention Method</i>
Up to 0.5 pounds	Not more than 20 pounds ----- More than 50 pounds, but less than 1,000 pounds	"acceptable" tarpaulin ----- "acceptable" tarpaulin, or if the structure is a concrete tilt-up, seal with vinyl coated self-adhesive tape
More than 0.5 pounds Up to 1.5 pounds	Not more than 50 pounds ----- More than 50 pounds, but less than 1,000 pounds	"acceptable" tarpaulin, and a side drape of one either: (1) an "acceptable" tarpaulin or (2) an unused 4- mil disposable polyethylene sheet ----- "acceptable" tarpaulin, or if the structure is a concrete tilt-up, seal with vinyl coated self-adhesive tape
More than 1.5 pounds Up to 3.0 pounds	Not more than 50 pounds ----- More than 50 pounds, but less than 1,000 pounds	"acceptable" tarpaulin, and a side drape of one unused 4- mil disposable polyethylene sheet ----- "acceptable" tarpaulin, or if the structure is a concrete tilt-up, seal with vinyl coated self-adhesive tape

(e) When tarpaulins are used, all sides of the structure shall be draped to the ground. Sand snakes, water snakes, or similar weights shall be used to seal the base of the tarpaulins to the ground. Prior to the placement of these snakes or weights, the soil adjacent to the structure foundation shall be thoroughly watered.

(f) Chloropicrin shall be used as a warning agent when fumigating a structure unless specifically prohibited by regulations or product labeling.

(g) A fan shall be used to disperse chloropicrin and methyl bromide within the structure. Chloropicrin shall be released into the airstream of the fan when it is introduced (either by itself or in combination with methyl bromide).

(h) Aeration of the fumigated structure shall not begin earlier than one hour after sunrise or later than one hour before sunset. The sunrise and sunset times published in the local newspaper shall be used to establish aeration timing.

**Article 3. Qualified Applicators**  
**Sections 6530-6534**

**6530. Categories and Examinations.**

Applicants may qualify by examination to work in one or more of the following categories:

- (a) Residential, Industrial and Institutional Pest Control
- (b) Landscape Maintenance Pest Control
- (c) Right-of-Way Pest Control
- (d) Agricultural Pest Control (plant)
- (e) Forest Pest Control
- (f) Aquatic Pest Control
- (g) Regulatory Pest Control
- (h) Seed Treatment
- (i) Agricultural Pest Control (animal)
- (j) Demonstration and Research
- (k) Health Related Pest Control

NOTE: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code.  
Reference: Sections 11501, 14001 and 14102, Food and Agricultural Code.

**6532. Expiration.**

NOTE: Authority cited: Sections 407, 11702, 12976 and 14005, Food and Agricultural Code.  
Reference: Sections 11501, 11702 and 14001, Food and Agricultural Code.

**6534. Refusal, Revocation, and Suspension.**

A qualified applicator certificate or license may be refused, revoked, or suspended by the director for any of the following:

- (a) failure to adequately supervise the use of a restricted material;
- (b) failure to comply with any applicable provision of Divisions 6 or 7 of the Food and Agricultural Code, or regulations adopted pursuant to such provisions;
- (c) making any false or fraudulent record or report.

NOTE: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code.  
Reference: Sections 11501, 14001 and 14102, Food and Agricultural Code.

**6536. Field Fumigation Licensing Requirements.**

(a) A person who performs or supervises field fumigation applications pursuant to section 6445.5 must hold a qualified applicator license or certificate in the subcategory of field fumigation pest control.

(b) Notwithstanding section 6530, examination requirements and fees required pursuant to section 6502 may be waived and a person may be issued a qualified applicator license or certificate in the field fumigation pest control (subcategory O) within 12 months from the effective date of this section, if the applicant meets the following criteria:

- (1) Possesses a valid qualified applicator license or certificate in Agricultural Pest Control (category D), Regulatory Pest Control (category G), or Demonstration and Research (category J);
- (2) Has at least 24 months of technical experience conducting field fumigation activities for a pest control business licensed by the Director from January 1, 2006 to December 31, 2008; and
- (3) Has a statement signed by the pest control business under which the applicant is operating verifying this technical experience.

NOTE: Authority Cited: Sections 11456, 11502 and 14005, Food and Agricultural Code.  
Reference: Sections 11501, 14001 and 14151, Food and Agricultural Code.

**Article 4. Pest Control Aircraft Pilot's Certificate  
Sections 6540-6544**

**6540. Apprentice Pilot Supervision.**

The journeyman pilot responsible for supervision of an apprentice pilot shall be aware of the conditions at the application site and be available to direct and control the manner in which applications are made by the apprentice. The availability of the journeyman shall be directly related to the actual or potential hazard of the situation.

NOTE: Authority cited: Section 11456, Food and Agricultural Code.  
Reference: Sections 11908 and 11909, Food and Agricultural Code.

**6542. Registration.**

(a) Each pest control aircraft pilot who registers as an apprentice pilot in any county shall include on the registration form the name of the journeyman pilot responsible for providing supervision of the pest control activities of such apprentice. The journeyman pilot named on the apprentice pilot's county registration must be currently registered with that county.

(b) The apprentice pilot shall immediately notify the commissioner and amend the registration in the event the journeyman pilot named on the apprentice's registration is no longer able to provide such apprentice with supervision.

NOTE: Authority cited: Sections 11456 and 11502, Food and Agricultural Code.  
Reference: Sections 11921 and 11924, Food and Agricultural Code.

**6544. Pesticide Handling by Pilots.**

Pilots who operate pest control aircraft shall not transfer, mix or load liquid category one or two pesticides containing organophosphates or carbamates unless a closed system is used.

NOTE: Authority cited: Sections 11456, 11502, 12976 and 12981, Food and Agricultural Code.  
Reference: Sections 11502 and 12981, Food and Agricultural Code

**Article 5. Agricultural Pest Control Adviser Licenses**  
**Sections 6550-6557**

**6550. Minimum Qualifications.**

(a) A person who has never held an agricultural pest control adviser license shall meet one of the following minimum qualifications:

(1) Graduated from college with a bachelor's degree in agricultural sciences, biological sciences, natural sciences, or pest management which includes completing the baccalaureate and/or post-baccalaureate curricula specified in (b); or

(2) Graduated from an accredited doctoral degree program in agricultural sciences, biological sciences, natural sciences, or pest management; or

(3) Completed the required curricula specified in (b) and 24 months of technical experience working:

(A) for a licensed agricultural pest control adviser;

(B) for a pest management specialist including, but not limited to, a farm adviser, certified commercial applicator, certified private applicator, or licensed pest control dealer;

(C) as a field sweeper, field checker or scout;

(D) as a participant in field or laboratory research activities relating to pest control;

(E) as a participant in agricultural pest control/management activities for a federal, state, or county entity;

(F) as a qualified applicator licensee pursuant to Division 6, Chapter 8, commencing with Food and Agricultural Code section 12201, employed by a licensed pest control business except that no more than 12 months experience solely in the categories specified in subsections 6530(b) and (k) shall be used;

(G) as a licensed structural pest control operator or field representative for a registered structural pest control company except that no more than 12 months experience shall be used;

(H) as a farm operator involved in agricultural pest control/management activities; or

(I) as an assistant to, or work as, a certified crop adviser accredited by the American Society of Agronomy.

(b) To satisfy the requirements of the college-level curricula specified in (a)(1) and (3), 42 semester or 63 quarter units in the following core-course categories shall be completed with a 2.0 grade-point average or better:

(1) **Physical and Biological Sciences** - 12 semester or 18 quarter units in this category which includes introduction to inorganic chemistry, organic chemistry, biochemistry, plant biology or botany, general ecology, biology, genetics, plant physiology, and zoology.

(2) **Crop Health** - 9 semester or 13.5 quarter units in this category which includes courses in soils and irrigation, as well as introductory courses in vegetative management or weed science; plant pathology; entomology; plant nutrition or fertility; nematology; and vertebrate management. A current crop adviser certificate accredited by the American Society of Agronomy can count towards 3 semester or 4.5 quarter units.

(A) For course titles such as Senior Project, Internship, Cooperative Work Experience, Independent Study, Dissertation, and Thesis, only a total of 3 semester or 4.5 quarter units will be allowed. The applicant shall include a course or project description, and a justification for the course category and principal area of study within the category to be accepted for credit.

(3) **Pest Management Systems and Methods** – 6 semester or 9 quarter units in this category, with at least one course emphasizing integrated pest management principles. This category includes applied courses in entomology; plant pathology; vegetation management or weed science; and other pest management disciplines, in addition to biological control and courses related to pesticides, pest control equipment systems, and the use of pesticides. Courses on alternative cropping systems, and sustainable or organic agricultural systems are acceptable.

(A) One year of full-time related work experience listed in section 6550(a)(3)(A-I) may be used to fulfill part of this requirement, provided the work experience is not counted towards the 24 months of technical experience specified in (a)(3) or towards credit for production systems work experience in subsection (b)(4)(A). If approved by the Director, 3 semester or 4.5 quarter units will be granted. Documentation of job duties, employment records, a statement from an employer, or other proof of pest management systems and methods work experience shall be submitted to the Director.

(B) For course titles such as Senior Project, Internship, Cooperative Work Experience, Independent Study, Dissertation, and Thesis, only a total of 3 semester or 4.5 quarter units will be allowed. The applicant shall include a course or project description, and a justification for the course category and principal area of study within the category to be accepted for credit.

(4) **Production systems** – 6 semester or 9 quarter units in this category which includes horticulture; viticulture; forestry; agronomy; and crop, vegetable, fruit, or animal science; or other production systems.

(A) One year of full-time related work experience listed in section 6550(a)(3)(H) may be used to fulfill part of this requirement, provided the work experience is not counted towards the 24 months of technical experience specified in (a)(3) or towards credit for pest management systems and methods work experience in subsection (b)(3)(A). If approved by the Director, 3 semester or 4.5 quarter units will be granted. Documentation of job duties, employment records, a statement from an employer, or other proof of production systems work experience shall be submitted to the Director.

(B) For course titles such as Senior Project, Internship, Cooperative Work Experience, Independent Study, Dissertation, Thesis, and Enterprise Project, only a total of 3 semester or 4.5 quarter units will be allowed. The applicant shall include a course or project description, and a justification for the course category and principal area of study within the category to be accepted for credit.

(5) Electives – an additional 9 semester or 13.5 quarter units in any of the categories in (b)(2-4) above.

(c) The applicant shall submit to the director the completed Agricultural Pest Control Adviser Core Course and/or Work Experience Requirements for New License Applicants form (PR-PML-085, Rev. 11/07) hereby incorporated by reference, an official transcript verifying the courses completed, and if applicable, documentation for course titles required in subsections (b)(2)(A), (b)(3)(B), or (b)(4)(B), and the degrees granted to the applicant. In addition, an applicant qualifying pursuant to (a)(3) shall submit employment records, a statement from an employer, or other proof of technical experience to the Director

NOTE: Authority cited: Sections 11456, 12005 and 12024, Food and Agricultural Code.  
Reference: Section 12024, Food and Agricultural Code.

**6551. Licensing for Public Agencies.**

Except as specifically exempted in section 12001 of the Food and Agricultural Code, any person employed by any federal, state, county, or local public agency who provides to that federal, state, county, or local public agency recommendations on any agricultural use must possess a valid agricultural pest control adviser license issued by the Director.

NOTE: Authority cited: Sections 11456 and 12005, Food and Agricultural Code.  
Reference: Sections 11501 and 12001, Food and Agricultural Code.

**6552. Continued Education Requirements.**

NOTE: Authority cited: Sections 407, 12005 and 12024, Food and Agricultural Code.  
Reference: Sections 11501 and 12024, Food and Agricultural Code.

**6554. Regional Accreditation Committee.**

NOTE: Authority cited: Sections 407, 12005 and 12024, Food and Agricultural Code.  
Reference: Sections 11501 and 12024, Food and Agricultural Code.

**6556. Recommendations.**

In addition to the requirement of Section 12003 of the Food and Agricultural Code, each recommendation shall include:

- (a) Total acreage or units to be treated;
  - (b) Concentration and volume per acre or other units;
  - (c) Worker re-entry interval, if one has been established; preharvest or preslaughter interval; and label restrictions on use or disposition of the treated commodity, by-products or treated area;
  - (d) Criteria used for determining the need for the recommended treatment; and
  - (e) Certification that alternatives and mitigation measures that would substantially lessen any significant adverse impact on the environment have been considered and, if feasible, adopted.
- In addition, the recommendation shall designate the pest by accepted common name.

NOTE: Authority cited: Sections 11456, 12003 and 12005, Food and Agricultural Code.  
Reference: Section 12003, Food and Agricultural Code.

**6557. Advisories for Groundwater Protection.** Repealed

NOTE: Authority cited: Sections 11456, 12976, 13145, 14005, 14006 and 14102, Food and Agricultural Code.  
Reference: Sections 11501, 13145 and 14006, Food and Agricultural Code

(d) This subsection applies to both subsection (b) and (c).

(1) Each operator of the property to be treated who is required to obtain a number shall provide the commissioner with a list of the counties in which pest control will be performed and all valid operator identification number(s) issued by other commissioners. The number(s) provided by the operator of the property shall be recorded by the commissioner on the operator's restricted materials permit or on a form approved by the director.

(2) The operator of the property to be treated shall be issued an operator identification number from the commissioner of each county in which the operator intends to perform pest control. The number shall be recorded on a restricted materials permit, if the operator of the property has such a permit, or issued on a form approved by the director, and shall be valid for a specified period not to exceed 36 months.

(3) The requirements of this section do not exempt an operator of the property to be treated from obtaining a restricted materials permit(s) or a qualified applicator certificate.

NOTE: Authority cited: Sections 12976, 13145 and 14005, Food and Agricultural Code.  
Reference: Sections 11501, 14006 and 14011.5, Food and Agricultural Code.

#### **6623. Site Identification Numbers.**

(a) Prior to the use of pesticide(s) for the production of an agricultural commodity, the operator of the property shall obtain site identification number(s) from the commissioner for each site where pest control work will be performed. The site identification number(s) shall be valid for the same, concurrent, period of time as the operator identification number.

(b) The site identification number(s) shall be recorded by the commissioner on a restricted materials permit, if the operator of the property has such a permit, or on a form approved by the director. The information on the permit or form shall include:

- (1) The name and address of the operator of the property;
- (2) The operator identification number;
- (3) The location, description, or map of the site(s) where the pest control will be performed;
- (4) A site identification number for each site where the pest control will be performed; and
- (5) The date of issuance of the site identification number(s).

(c) The operator of the property shall retain a copy of each restricted material permit or form for two years and make them promptly available to the director or commissioner upon request.

NOTE: Authority cited: Sections 11456, 12976, 13145 and 14005, Food and Agricultural Code.

Reference: Sections 12981, 14006 and 14011.5, Food and Agricultural Code.

#### **6624. Pesticide Use Records.**

(a) The following persons shall maintain records of pesticide use:

- (1) Any person who uses a pesticide for an agricultural use as defined in Food and Agricultural Code section 11408, other than use on livestock as defined in Food and Agricultural Code section 18663;
- (2) Any person who uses a pesticide listed in section 6400;
- (3) Any person engaged for hire in the business of pest control;
- (4) Any person who uses a pesticide for industrial post-harvest commodity treatment; and

(5) Any person who uses a pesticide listed in section 6800(b) for any outdoor institution or outdoor industrial use.

(b) The records shall include the following information for each pest control operation:

- (1) Date of application;
- (2) Name of the operator of the property treated;
- (3) Location of property treated;
- (4) Crop commodity, or site treated;
- (5) Total acreage or units treated at the site; and
- (6) Pesticide, including the U.S. Environmental Protection Agency (U.S. EPA) or State registration number which is on the pesticide label, and amount used.

(c) In addition to the information required in subsection (b), the operator of the property which is producing an agricultural commodity, and an agricultural pest control business applying pesticides to such property, shall include in the records the following information for each pest control operation:

- (1) Location of the property treated, by county, section, township, range, base and meridian;
- (2) Hour the treatment was completed;
- (3) The operator identification number issued to the operator of the property treated;
- (4) The site identification number issued to the operator of the property treated;
- (5) Total acreage (planted) or units at the site; and
- (6) Name or identity of the person(s) who made and supervised the application, if the pesticide application was made by an agricultural pest control business.

(d) The operator of the property which is producing an agricultural commodity shall maintain records of pesticides applied by an agricultural pest control business to such property, by site.

(e) In addition to the information required in (b), effective January 1, 2002, persons engaged for hire in the business of pest control at a school site [defined in Education Code section 17609(e)] shall include in the records the following information for each pest control operation:

- (1) Time application was completed;
- (2) Name and address of the school site; and
- (3) Application location at the school site. For purposes of this subsection, location includes, but is not limited to, classrooms, playgrounds, cafeteria, vehicles, and athletic fields.

(f) In addition to the information required in subsections (b) and (c) persons who use methyl bromide, 1,3-Dichloropropene, chloropicrin, metam-sodium, N-methyl dithiocarbamate (metam-potassium), dazomet, or sodium tetrathiocarbonate field fumigants within the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, or Ventura ozone nonattainment areas shall include in the records a description of the method of application pursuant to sections 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, 6451.1 or 6452.

(g) The records required pursuant to this section shall be retained for two years and made promptly available to the director or commissioner upon request.

NOTE: Authority cited: Sections 12976, 13145, 13188 and 14005, Food and Agricultural Code.

Reference: Sections 11501, 11708, 11733, 13186, 14006 and 14011.5, Food and Agricultural Code.

**Article 2. General Safety Requirements**  
**Sections 6720-6746**

**6720. Safety of Employed Persons.**

(a) The requirements of this article shall be complied with by the employer for the safety of employees handling pesticides.

(b) When only vertebrate pest control baits, solid fumigants (including aluminum phosphide, magnesium phosphide, and smoke cartridges), insect monitoring traps or non-insecticidal lures are handled, the employer is exempt from the requirements of Sections 6730 (Working Alone), 6732 (Change Area), and 6736 (Coveralls).

(c) When antimicrobial agents, used only as sanitizers, disinfectants, or medical sterilants, or pool and spa chemicals are handled, the employer is exempt from complying with the provisions of Title 3, California Code of Regulations sections specified below, provided the employer instead complies with any applicable requirements in the following corresponding provisions of Title 8, California Code of Regulations.

<u>Title 3, CCR</u>	<u>Title 8, CCR</u>
6700	3200 and 3202
6702	3200 and 3203
6720	As indicated in this Subsection
6723	3203, 3204, and 5194
6724	3203 and 5194
6726	3400
6732	3367
6734	3363 and 3366
6736	3383
6738	3380 through 3385
6739	5144
6740	3317
6742	5141
6744	3203 and 5194

(d) The provisions of sections 6734 and 6768 (Decontamination), 6726 and 6766 (Emergency Medical Care), 6736 (Coveralls), 6738(b)-(h) (Personal Protective Equipment), 6739 (Respiratory Protection), and 6770 (Field Re-entry) do not apply to licensed agricultural pest control advisers and registered professional foresters, or employees under their direct supervision, while performing, after the application is completed, crop adviser tasks, including field-checking or scouting, making observations of the well-being of the plants, or taking samples provided:

(1) They have been trained equivalent to the requirements of section 6724 (licensed agricultural pest control advisers are considered trained for the purposes of this exception); and

(4) The licensed agricultural pest control adviser or registered professional forester responsible for the direct supervision has:

(A) Made specific determinations regarding appropriate personal protective equipment, needed decontamination facilities, and how to safely conduct crop adviser tasks;

(B) Informed each employee under his or her direct supervision of the pesticide product and active ingredient(s) applied, method and time of application, the restricted entry interval, and determinations made pursuant to (A) above; and

(C) Instructed each employee under his or her direct supervision regarding which tasks to perform and how to contact him or her if the need arises.

(e) The provisions of this subchapter do not apply to employees handling consumer products packaged for distribution to, and use by, the general public, provided that employee use of the product is not significantly greater than the typical consumer use of the product.

NOTE: Authority cited: Section 12981, Food and Agricultural Code.

Reference: Sections 11501, 12973, 12980 and 12981, Food and Agricultural Code.

### **6722. Age.**

NOTE: Authority cited: Sections 407 and 12981, Food and Agricultural Code.

Reference: Sections 12980 and 12981, Food and Agricultural Code.

### **6723. Hazard Communication for Pesticide Handlers.**

(a) Before employees are allowed to handle pesticides, the employer shall display a copy of a completed written Hazard Communication Information for Employees Handling Pesticides in Agricultural Settings (Pesticide Safety Information Series leaflet A-8) or Hazard Communication Information for Employees Handling Pesticides in Noncrop Settings (Pesticide Safety Information Series leaflet N-8), as applicable, at a central location in the workplace. Upon request, the employer shall read to the requesting employee, in a language understandable to that employee, Pesticide Information Series leaflet A-8/N-8. Pesticide Information Series leaflet A-8/N-8 shall be written by the Department of Pesticide Regulation in English and Spanish. Pesticide Information Series leaflets are available from the Department.

(b) The employer shall maintain, at a central location at the workplace accessible to employees who handle pesticides the following:

(1) Pesticide use records as specified in Section 6624 (b), (c), and (e) for pesticides that have been handled by his or her employees;

(2) Copies of available Pesticide Safety Information Series leaflets which are applicable to the pesticides and handling activities listed in the pesticide use records referred to in subsection (b) (1); and

(3) A Material Safety Data Sheet (MSDS), as specified by Title 8 California Code of Regulations, section 5194, for each pesticide listed in the pesticide use records referred to in subsection (b) (1). If the MSDS is not provided by the registrant of a pesticide, the employer shall:

(2) For aircraft operation, chemical resistant footwear need not be worn.

(e) The employer shall assure that when chemical resistant headgear is specified by the pesticide product labeling, either a chemical resistant hood or a chemical resistant hat with a wide brim is worn. For aircraft operation, a helmet may be substituted for chemical resistant headgear.

(f) The employer shall assure that when a chemical resistant apron is specified by the pesticide product labeling, a garment that covers the front of the body from mid-chest to the knees is worn.

(g) The employer shall assure that:

(1) When pesticide product labeling or regulations specify a chemical resistant suit, waterproof or impervious pants and coat or a rain suit, a chemical resistant suit that covers the torso, head, arms, and legs is worn.

(2) If the ambient temperature exceeds 80°F during daylight hours or 85°F during nighttime hours (sunset to sunrise) pesticides requiring a chemical resistant suit are not handled by employees unless they are handled pursuant to exceptions and substitutions permitted in (h) or employees use cooled chemical resistant suits or other control methods to maintain an effective working environment at or below 80°F during daylight hours or 85°F during nighttime hours (sunset to sunrise).

(h) The following exceptions and substitutions to personal protective equipment required by pesticide product labeling or regulations are permitted:

(1) Persons using a closed system to handle pesticide products with the signal word "DANGER" or "WARNING" may substitute coveralls, chemical resistant gloves, and a chemical resistant apron for personal protective equipment required by pesticide product labeling;

(2) Persons using a closed system to handle pesticide products with the signal word "CAUTION" may substitute work clothing for personal protective equipment required by pesticide product labeling;

(3) Persons using a closed system that operates under positive pressure shall wear protective eyewear in addition to the personal protective equipment listed in (1) or (2). Persons using any closed system shall have all personal protective equipment required by pesticide product labeling immediately available for use in an emergency;

(4) Persons properly mixing pesticides packaged in water soluble packets are considered to be using a closed (mixing) system for the purposes of this subsection;

(5) Persons occupying an enclosed cab (including cockpit) may substitute work clothing for personal protective equipment required by pesticide product labeling. If respiratory protection is required it must be worn, except in an enclosed cockpit;

(6) Persons occupying an enclosed cab acceptable for respiratory protection may substitute work clothing for personal protective equipment required by pesticide product labeling;

(7) Persons working in an enclosed cab, as specified in (5) and (6), other than an aircraft, shall have all personal protective equipment required by pesticide product labeling immediately available and stored in a chemical resistant container, such as a plastic bag. Labeling-required personal protective equipment shall be worn if it is necessary to work outside the cab and contact pesticide treated surfaces in the treated area. Once personal protective equipment is worn in the treated area, it shall be removed and stored in a chemical resistant container, such as a plastic bag, before reentering the cab;

(8) A chemical resistant suit may be substituted for coveralls and/or a chemical resistant apron; and

(9) Pest control aircraft pilots are not required to wear gloves during operation but gloves shall be worn by any person entering or exiting an aircraft contaminated with pesticide residues. While in the cockpit, gloves shall be carried in a chemical resistant container, such as a plastic bag.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code.  
Reference: Sections 12980 and 12981, Food and Agricultural Code.

### **6739. Respiratory Protection.**

#### **(a) General Requirements.**

(1) The employer shall assure that:

(A) Employees use approved respiratory equipment in compliance with this regulation when handling pesticides where respirators are required by label, restricted material permit condition, or regulation.

(2) In any workplace where respirators are required by label, restricted material permit condition, regulation, or employer, the employer shall establish a written respiratory protection program with work site-specific procedures. The program shall be updated as necessary to reflect those changes in workplace conditions that affect respirator use. The employer shall include in the program the following provisions, as applicable:

(A) Procedures for selecting respirators for use in the workplace;

(B) Medical evaluations of employees required to use respirators;

(C) Fit testing procedures for tight-fitting respirators;

(D) Procedures for proper use of respirators in routine and reasonably foreseeable emergency situations;

(E) Procedures and schedules for cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respirators;

(F) Procedures to ensure adequate air quality, quantity, and flow of breathing air for atmosphere-supplying respirators;

(G) Training of employees in the respiratory hazards to which they are potentially exposed during routine and emergency situations, including Immediately Dangerous to Life or Health (IDLH) atmospheres, if appropriate;

(H) Training of employees in the proper use of respirators, including putting on and removing them, any limitations on their use, and their maintenance; and

(I) Procedures for evaluating the effectiveness of the program pursuant to subsections (n)(1) and (2).

1. The respirator program administrator shall administer the respiratory protection program in compliance with this section.

2. The employer shall provide respirators, training, and medical evaluations at no cost to the employee.

(g) Procedures for Immediately Dangerous to Life or Health (IDLH) Atmospheres. Fumigant-confining structures shall be considered IDLH atmosphere unless proven not to be by appropriate measuring devices. For all IDLH atmospheres, the employer shall assure that:

- (1) One employee, or when needed pursuant to (2), more than one employee is located outside the IDLH atmosphere;
- (2) Visual, voice, or signal line communication is maintained between the employee(s) in the IDLH atmosphere and the employee(s) located outside the IDLH atmosphere;
- (3) The employee(s) located outside the IDLH atmosphere is trained and equipped to provide effective emergency rescue;
- (4) The employee(s) located outside the IDLH atmosphere notifies the employer or designee, and/or calls 9-1-1 before entering the IDLH atmosphere to provide emergency rescue. Once notified, the employer or designee authorized to do so by the employer, shall provide necessary assistance appropriate to the situation; and
- (5) Employee(s) located outside the IDLH atmospheres is equipped with:
  - (A) Pressure demand or other positive pressure self-contained breathing apparatus (SCBA), or a pressure demand or other positive pressure supplied-air respirator with auxiliary SCBA; and if necessary,
  - (B) Appropriate retrieval equipment for removing the employee(s) who enter(s) these hazardous atmospheres where retrieval equipment would contribute to the rescue of the employee(s) and would not increase the overall risk resulting from entry.

(h) **Cleaning and Disinfecting.** The employer shall provide each respirator user with a respirator that is clean, sanitary, and in good working order. The employer shall ensure that respirators are cleaned and disinfected using the procedures recommended by the respirator manufacturer. If the manufacturer requires a cleaning agent that does not contain a disinfectant, the respirator components shall be disinfected with a registered disinfectant approved for such use. The employer shall assure that:

- (1) Respirators issued for the exclusive use of an employee shall be cleaned and disinfected as often as necessary to be maintained in a sanitary condition.
- (2) Respirators maintained for emergency use shall be cleaned and disinfected after each use.
- (3) Respirators that are collected and reissued for use of any employee shall be cleaned and disinfected before reissued.
- (4) Respirators are stored to protect them from damage, contamination, dust, sunlight, extreme temperatures, excessive moisture, and damaging chemicals. Respirators shall be packed or stored to prevent deformation of the facepiece and exhalation valve.

(i) **Storage of Emergency Respirators.** Emergency respirators shall be:

- (1) Stored immediately accessible to the work area.
- (2) Stored in compartments or in covers that are clearly marked as containing emergency respirators.
- (3) Stored in accordance with any applicable manufacturer instructions.
- (4) Stored in such a location as to be safely accessible for use if conditions develop requiring utilization of emergency respiratory protection.

**(j) Inspection and Repair.**

(1) The employer shall ensure that all respirators are inspected before each use and during cleaning, and that:

(A) Routine-use respirator inspections include the following:

1. A check of respirator function, tightness of connections, and the condition of the various parts including, but not limited to, the facepiece, head straps, valves, connecting tube, and cartridges, canisters or filters;
2. A check of elastomeric parts for pliability and signs of deterioration; and
3. SCBA air cylinders are checked to ensure that at least one routine use SCBA air cylinder is charged to 80 percent of the manufacturer's recommended pressure level at the beginning of the workday.

(B) Emergency-use respirators are also inspected at least monthly according to the routine-use inspection criteria, and in accordance with the manufacturer's recommendations. For escape-only respirators, also conduct inspection before being brought into the workplace for use. For both emergency use and escape-only respirators, inspections shall include the following:

1. A check for proper function before and after each use;
2. Certify by documenting the date the inspection was performed, the name (or signature) of the person who made the inspection, the findings, required remedial action, and a serial number or other means of identifying the inspected respirator; and that this information is included on a tag or label that is attached to the storage compartment for the respirator or is kept with the respirator. This information shall be maintained until replaced following a subsequent certification;
3. A check for properly functioning SCBA regulator and warning devices; and
4. SCBA air cylinders are checked to ensure that they are maintained at 100 percent manufacturer's recommended capacity.

(2) The employer shall ensure that respirators that fail an inspection or are otherwise found to be defective shall be removed from service, and discarded, repaired, or adjusted in accordance with the following procedures:

(A) Repairs or adjustments to respirators shall be made only by persons appropriately trained to perform such operations and shall use only the respirator manufacturer's NIOSH-approved parts designed for the respirator;

(B) Repairs shall be made according to the manufacturer's recommendations and specifications for the type and extent of repairs to be performed; and

(C) Reducing and admission valves, regulators, and alarms shall be adjusted or repaired only by the manufacturer or a technician trained by the manufacturer.

**(k) Breathing Air Quality and Use.** The employer shall ensure:

(1) Compressed breathing air suppliers meet at least the requirements for Grade D breathing air described by the Compressed Gas Association (CGA) Commodity Specification for Air, G-7.1-1997 and certify such with a Certificate of Analysis (original or copy) from the supplier.

(2) Cylinders shall be tested and maintained as prescribed in the Shipping Container Specification Regulations of the Department of Transportation (49 Code of Federal Regulation part 173 and part 178).

(3) Compressors used to supply breathing air to respirators are constructed and situated so as to conform to Title 8, California Code of Regulations, section 5144.

**(q) Medical Evaluation Questionnaire.** The completion of this form, or a form that obtains the same information as the medical questionnaire, by each respirator wearing employee; and the review of the completed form by a physician or licensed health care provider, is mandatory for all employees whose work activities require the wearing of respiratory protection.

The medical evaluation questionnaire shall be administered in a manner that ensures that the employee understands the document and its content. The person administering the questionnaire shall offer to read or explain any part of the questionnaire to the employee in a language and manner the employee understands. After giving the employee the questionnaire, the person administering the questionnaire shall ask the following question of the employee: "Can you read and complete this questionnaire?"

If the answer is affirmative, the employee shall be allowed to confidentially complete the questionnaire. If the answer is negative, the employer must provide either a copy of the questionnaire in a language understood by the employee or a confidential reader, in the primarily understood language of the employee.

To the employee:

Can you read (circle): Yes/No (*This question to be asked orally by employer. If yes, employee may continue with answering form. If no, employer must provide a confidential reader, in the primarily understood language of the employee.*)

*Your employer must allow you to answer this questionnaire during normal working hours, or at a time and place that is convenient to you. To maintain your confidentiality, your employer or supervisor must not look at or review your answers, and your employer must tell you how to deliver or send this questionnaire to the health care professional who will review it.*

**Section 1.** (Mandatory, no variance in this format allowed) Every employee who has been selected to use any type of respirator must provide the following information (please print):

1. Today's date: \_\_\_\_/\_\_\_\_/\_\_\_\_

2. Your name: \_\_\_\_\_

3. Your age: \_\_\_\_\_

4. Sex (circle one): Male/Female

5. Your height: \_\_\_\_\_ ft. \_\_\_\_\_ in.

6. Your weight: \_\_\_\_\_ lbs.

7. Your job title: \_\_\_\_\_

8. How can you be reached by the health care professional who reviews this questionnaire?  
\_\_\_\_\_

9. If by phone, the best time to call is Morning/Afternoon/Evening/Night at:  
(include the area code): \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

10. Has your employer told you how to contact the health care professional who will review this questionnaire (circle one): Yes/No

11. Check the type of respirator you will use (you can check more than one category):

- a. N, R, or P disposable respirator (filter-mask, noncartridge type only)
- b. Half-face respirator (particulate or vapor filtering or both)
- c. Full-face respirator (particulate or vapor filtering or both)
- d. Powered air purifying respirator (PAPR)
- e. Self contained breathing apparatus (SCBA)
- f. Supplied air respirator (SAR)
- g. Other

12. Have you worn a respirator (circle one): Yes/No

If "yes," what type(s):

- a. N, R, or P disposable respirator (filter-mask, noncartridge type only)
- b. Half-face respirator (particulate or vapor filtering or both)
- c. Full-face respirator (particulate or vapor filtering or both)
- d. Powered air purifying respirator (PAPR)
- e. Self contained breathing apparatus (SCBA)
- f. Supplied air respirator (SAR)
- g. Other

not be removed until fumigation and ventilation have been completed, and the premises are safe for reentering. Warning signs shall be printed in red on white background and shall contain, in English and Spanish, the following statement in letters not less than two inches in height: "DANGER-FUMIGATION". They shall also depict a skull and crossbones not less than one inch in height and shall state in letters not less than one-half inch in height the name of the fumigant, the date and time the fumigant was injected, and the name, address and telephone number of the applicator performing the fumigation.

(d) Employees shall not be allowed to enter fumigated enclosed areas, except to determine the fumigant concentration or facilitate aeration, unless the concentration in the area is known to be at or below the level specified in 6780(a) above.

(e) The fumigant shall not be released into an occupied work area.

(f) After completion of the fumigation, the treated area or products shall be managed so that employees entering the area or working with the treated products are not exposed to a concentration in excess of the level specified in 6780(a) above.

NOTE: Authority cited: Section 12981, Food and Agricultural Code.

Reference: Sections 12980 and 12981, Food and Agricultural Code.

#### **6784. Field Fumigation.**

(a) Signs required to be posted in accordance with section 6776(f) shall remain in place until aeration is complete.

(b) The provisions of this subsection pertain to field soil fumigations using methyl bromide applied pursuant to the fumigation methods described in section 6447.3.

(1) **Employer Recordkeeping.** The employer shall maintain records for all employees performing fumigation-handling activities. The records shall identify the person, work activity(ies), date(s), duration of handling, the U.S. Environmental Protection Agency Registration Number, and the brand name of the methyl bromide product handled. The employer shall maintain these use records at a central location for two years.

(2) **Employee Protection Requirements.**

(A) Employees involved primarily in shoveling shall work only at the ends of the application rows.

(B) At least two trained employees shall be present during introduction of Methyl Bromide and removal of tarpaulins, if used.

(C) When required by this section, employees shall wear National Institute for Occupational Safety and Health (NIOSH)-certified respiratory protection specifically recommended by the manufacturer for use in atmospheres containing less than five parts per million methyl bromide. Employees shall wear the required respiratory protection during the entire duration of the fumigation-handling activity. NIOSH-approved, air-supplying respiratory protection may be used in lieu of chemical cartridge respirators.

(3) **Limited Work Hours and Workdays.**

(A) No employee may work in fumigation-handling activities more than the hours specified in Table 1—Maximum Work Hours during the injection period and during the restricted-entry interval.

1. An employee may perform fumigation-handling activities without the work-hour limitations specified in Table 1—Maximum Work Hours if a full-face respirator is worn during the entire duration of the activity.

2. Multiple-Task Employees. An employee may work in more than one work task and/or application method in a 24-hour period as long as the employee's total work hours do not exceed the lowest total hours specified in Table 1—Maximum Work Hours for any one work task or application method performed.

(B) Notwithstanding subsection (b)(3)(A), an employee may work in fumigation-handling activities in a 24-hour period for the work hours specified in Table 2—Maximum Work Hours in a Maximum Three (3) Workdays Per Calendar Month during the injection period and during the restricted-entry interval, provided the employee's total workdays performing fumigation-handling activities do not exceed three days in a calendar month.

1. An employee may perform fumigation-handling activities without the work-hour limitations specified in Table 2—Maximum Work Hours in a Maximum Three (3) Workdays Per Calendar Month if a half-face respirator is worn during the entire duration of the activity.

2. Multiple-Task Employees. An employee may work in more than one work task and/or application method in a 24-hour period as long as the employee's total work hours do not exceed the lowest total work hours specified in Table 2—Maximum Work Hours in a Maximum Three (3) Workdays Per Calendar Month for any one work task or application method performed.