

## Section 6.3

# Non-Agricultural Use Restricted Materials Permit Requirements

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### **Introduction**

Permits for non-agricultural use may be issued to the operator of the property to be treated, the pest control business licensee, or both. DPR and the CAC decide who is required to obtain the permit. The permittee is responsible for compliance with all permit conditions.

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### **“Non-agricultural use” defined**

There are a number of exclusions within the definition of agricultural use in FAC section 11408. By default, those exclusions define non-agricultural use. For a full discussion of the distinction between agricultural use and non-agricultural use, see Compendium Volume 8, *Guidelines for Interpreting Pesticide Laws, Regulations, and Labeling*, Section 1.1, *Agricultural and Non-Agricultural Pest Control Use*.

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### **Restricted materials permit application requirements**

The permit application for the non-agricultural use of a restricted pesticide must include the information required by 3 CCR section 6430. There are a number of important differences between the information required for a non-agricultural use of a restricted material and the agricultural use of a restricted material.

One of the differences is that a non-agricultural permit application must identify the criteria used for determining the need for a restricted pesticide application. Another difference is that, except for a householder using restricted pesticides outside their residence, the qualifying individual for a non-agricultural permit needs to have a Qualified Applicator License or Certificate. (See the definition of private applicator in Chapter 4, *Private Applicator Certification*.)

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### **Commodity fumigations**

DPR recommends that all permits for commodity fumigations at fixed facilities be issued to the facility operator to properly evaluate potential impacts on the surrounding environment and the need for adequate mitigation measures.

When the treatment is done by a pest control business, either agricultural or structural, that business needs to be covered by permit conditions, either directly or through conditions on the facility operator’s permit.

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