

TITLE 3, CALIFORNIA CODE OF REGULATIONS SUMMARY OF CHANGES

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

The following shows sections of 3 CCR that were amended, adopted, or repealed starting 1/2006.

An electronic link to the complete Title 3, California Code of Regulations is available on the Department of Pesticide Regulation website at 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.

2011

3 CCR Section	Action Taken	Date Effective	Reference
6860	Amended	1/1/2011	Chloropicrin to TAC List
6445.5	Amended	4/7/2011	Field Fumigation License Req.
6448.1	Amended	4/7/2011	1,3-D
6449.1	Amended	4/7/2011	Chloropicrin Fumigation
6450.1	Amended	4/7/2011	Metam-Sodium & Metam Pot.
6452.2	Amended	4/7/2011	VOC Emission Limits
6452.3	Amended	4/7/2011	VOC Emission Allowances
6452.4	Amended	4/7/2011	VOC Emissions Inventory Report
6536	Amended	4/7/2011	Field Fumigation License Req.
6626	Amended	4/7/2011	PUR – Production Ag.

2010

3 CCR Section	Action Taken	Date Effective	Reference
6400	Amended	12/20/2010	Added Methyl Iodide to R.M. List
6446	Added	12/20/2010	Methyl Iodide
6446.1	Added	12/20/2010	Methyl Iodide Fumigation Methods
6447(f) & (h)	Amended	11/2010	Chloropicrin & M.B. Field Fumigation Gen. Requirements
6447.2(a)	Amended	11/2010	M.B. Field Fumigation Buffer Zone
6452.2(a), (c)	Amended	6/2010	VOC Emission Limits
6452.4	Amended	12/20/2010	VOC Inventory Report
6502(c)	Non-substantive change	9/2010	Form Revision Date
6511	Amended	9/2010	Continuing Ed. Requirements
6530	Amended	9/2010	Qualified Applicator Categories
6531	Added	9/2010	Maintenance Gardeners
6624	Amended	12/20/2010	Pesticide Use Records
6784 (C) & (B)(2)	Amended	11/26/2010	Field Fumigation Worker Safety

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2009

3 CCR Section	Action Taken	Date Effective	Reference
6400	Non-substantive change	8/26/2009	
6502	Non-substantive change	8/26/2009	
6562	Non-substantive change	9/22/2009	Dealer Record Retention
6618	Amended	9/12/2009	Notification of Applications
6619	Amended	9/12/2009	Notice of Completed Applications
6620	Non-substantive change	8/26/2009	
6626	Non-substantive change	8/26/2009	
6627	Non-substantive change	8/26/2009	
6670	Non-substantive change	8/26/2009	
6672	Non-substantive change	8/26/2009	
6736	Non-substantive change	8/26/2009	
6761.1	Amended	9/12/2009	Notification to Fieldworkers
6770	Amended	9/12/2009	Field Reentry after Application
6771	Amended	9/12/2009	Reentry Requirements for Employees
6800	Amended		Correction
6800(b)	Amended	6/12/2009	Adds 41 pesticides to and removes 1 from the Ground Water Protection List

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2008

3 CCR Section	Action Taken	Date Effective	Reference
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		
6738(b)(1)(A)	Amended (Sect. 100)	8/18/2008	PPE – Respiratory Protection
6738(c)(1)(A)	Amended (Sect. 100)	8/18/2008	PPE – Respiratory Protection
6738(g)(2)	Amended (Sect. 100)	8/18/2008	PPE – Respiratory Protection
6739(e)(1)	Amended (Sect. 100)	8/18/2008	Fit Testing – Respiratory Protection
6739(j)(1)(A)(3)	Amended (Sect. 100)	8/18/2008	Insp. & Repair – Resp. Protection
6739(q)	Amended (Sect. 100)	8/18/2008	Medical Questionnaire – Resp. Prot
6550	Amended	4/23/2008	Minimum Qualifications for PCA
6620(b)	Amended (Sect. 100)	3/19/2008	Vector Control Exemption
6860	Amended	4/12/2008	TAC - Methidathion
6393(b)(8)	Amended (Sect. 100)	2/21/2008	Mill Disbursement Criteria

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2008, continued

3 CCR Section	Action Taken	Date Effective	Reference
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	Renumbered/Amended	1/25/2008	Field Fumigant - MB Gen'l Req
6447.1	Renumbered/Amended	1/25/2008	Field Fumigant - MB Notice
6447.2	Renumbered/Amended	1/25/2008	Field Fumigant - MB Buffer
6447.3	Renumbered/Amended	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
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	Renumbered/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

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2008, continued

3 CCR Section	Action Taken	Date Effective	Reference
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

2007

3 CCR Section	Action Taken	Date Effective	Reference
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

2006

3 CCR Section	Action Taken	Date Effective	Reference
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

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

Remove Page(s) Numbered	Replace with page(s) Numbered	Number of Pages Inserted
Replacement Page Guide		1
Summary of Changes 9/2009	Summary of Changes 4/2011	3
6400-2 to 6400-3	6400-2 to 6400-3	1
6445 to 6447.2	6445 to Blank Page	3
6448.1 to	6448.1 to 6453	7
6500 to 6502	6500 to 6502	1
6508 to 6511	6508 to 6511	1
6524-2 to 6530	6524-2 to 6530	1
6624 to 6627.1	6624 to 6627.1	2
6782 to 6784-2	6782 to 6784-2	2
6804 to 6860	6804 to 6860	1

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 Iodide

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 116180 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 116180 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.

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.

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.

6446. Methyl Iodide – General Requirements.

The provisions of section 6446.1 apply to field soil fumigation using methyl iodide within the Sacramento Metro, San Joaquin Valley, South Coast, Southern 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 Is not considered field soil fumigations under the provisions of section 6446.1.

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

6446.1. Methyl Iodide Field Fumigation Methods.

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

(b) Notwithstanding subsection (a), 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, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14102, 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 6447.3.

(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) County agricultural commissioners shall ensure that agricultural use of methyl bromide does not exceed 171,625 pounds in a township in a calendar month. County agricultural commissioners shall deny any permit or notice of intent that would cause the 171,625 pound limit to be exceeded.

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 set buffer zone sizes and durations based upon local conditions. The commissioner may not allow a buffer zone that is smaller or a duration that is less in permit conditions than those listed in Methyl Bromide Field Fumigation Buffer Zone Determination, Rev. 3/10, hereby incorporated by reference.

(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....

(Continued on the following page)

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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.

(c) Fumigation methods using post-water treatments must be applied at a rate of 0.15-0.25 inches per hour and meet one of the following water requirements depending on soil texture:

(1) coarse soils – a minimum of 0.40 inches of water per acre.

(2) loamy, moderately coarse, or medium texture soils – a minimum of 0.30 inches of water per acre.

(3) fine texture soils – a minimum of 0.20 inches of water per acre.

(d) 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 (e).

(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 and meet the requirements of subsection (c):

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 begin within 30 minutes of the completion of fumigation. A second post-fumigation water treatment must start 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 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 and meet the requirements in subsection (c):

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 to the untarped areas must begin within 30 minutes of the completion of fumigation. A second post-fumigation water treatment to the untarped areas must start 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 to the untarped areas 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 (e).

(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 (e)

(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 (e).

(e) 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.

(f) Notwithstanding subsection (d), 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

6449.1 Chloropicrin Field Fumigation Methods.

(a) Application rate must not exceed 400 pounds of chloropicrin per acre.

(b) For products containing chloropicrin as the sole active ingredient, the field soil fumigation must be made using only the methods described in section 6447.3 or 6448.1. However within the San Joaquin Valley, Southeast Desert, or Ventura ozone nonattainment areas the methods described in the following sections are prohibited: 6447.3(a)(1), (2), (4), and (6); if applied as alternating fumigated and unfumigated areas (strip fumigation), methods 6447.3(a)(3) and (5); 6448.1(c)(1) and (5); and if applied as a bed fumigation, 6448.1(c)(2).

(c) 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.

(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 described 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 (b), 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.

6450. Metam-Sodium, Potassium N-methyldithiocarbamate (Metam-Potassium), and Dazomet Field Fumigation – General Requirements.

The provisions of sections 6450.1 and 6450.2 apply to field soil fumigation using metam-sodium, potassium N-methyldithiocarbamate (metam-potassium), or dazomet 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. Golf courses, tree applications for prevention of root graft disease transmission, wood decay uses, potting soil, (continued next page)

Replant of individual vine or tree-sites (tree holes) less than one contiguous acre, 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 sections 6450.1 and 6450.2.

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.

6450.1. Metam-Sodium and Potassium N-methyldithiocarbamate (Metam-Potassium) Field Fumigation Methods.

(a) Application rate must not exceed 320 pounds active ingredient per acre for metam-sodium. Application rate must not exceed 350 pounds active ingredient per acre for potassium N-methyldithiocarbamate (metam-potassium).

(b) Except for the method described in subsection (d)(9), 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.

(c) Fumigations must start no earlier than one hour after sunrise and must be completed no later than one hour before sunset except for the method described in subsection (e)(9), (10), and (11).

(d) Fumigation methods using post-water treatments must be applied at a rate of 0.15-0.25 inches per hour and meet one of the following water requirements depending on soil texture:

- (1) coarse soils- a minimum of 0.40 inches of water per acre.
- (2) loamy, moderately coarse, or medium texture soils – a minimum of 0.30 inches of water per acre.
- (3) fine texture soils – a minimum of 0.20 inches of water per acre.

(e) The metam-sodium or potassium N-methyldithiocarbamate (metam-potassium) 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), (4), and (9) are prohibited. In addition to labeling requirements for each of these methods, the following requirements shall apply.

(1) Sprinkler/Broadcast or Bed/One Post-Fumigation Water Treatment

(A) Fumigation must be completed in a time that allows compliance with the post-fumigation water treatment below and meet the requirements in subsection (d):

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, one post-fumigation water treatment must begin within 30 minutes of the completion of fumigation.
3. Any additional post-fumigation water treatment(s) may be applied at any time.

(2) Sprinkler/Broadcast or Bed/Two Post-Fumigation Water Treatments

(A) Fumigation must be completed in a time that allows compliance with the post-fumigation water treatments below and meet the requirements in subsection (d):

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 post-fumigation water treatment must begin within 30 minutes of the completion of fumigation. A second post-fumigation water treatment must start no earlier than one hour prior to sunset on the day of fumigation and completed by midnight.

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

(3) Sprinkler/Broadcast or Bed/Three Post-Fumigation Water Treatments

(A) Fumigation must be completed in a time that allows compliance with the post-fumigation water treatments below and meet the requirements of subsection (d):

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 post-fumigation water treatment must begin within 30 minutes of the completion of fumigation. A second post-fumigation water treatment must start 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 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) Nontarpaulin/Shallow/Broadcast or Bed/One Post-Fumigation Water Treatment

(A) Fumigation must be completed in compliance with the post-fumigation water treatments pursuant to subsection (e)(1)(A).

(5) Nontarpaulin/Shallow/Broadcast or Bed /Two Post-Fumigation Water Treatments

(A) Fumigation must be completed in compliance with the post-fumigation water treatments pursuant to subsection (e)(2)(A).

(6) Nontarpaulin/Shallow/Broadcast or Bed/Three Post-Fumigation Water Treatments

(A) Fumigation must be completed in compliance with the post-fumigation water treatments pursuant to subsection (e)(3)(A).

(7) Chemigation (Drip System)

(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) 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.

(8) Rotary Tiller/Power Mulcher/Soil Capping

(A) Application equipment must be followed immediately by soil compaction equipment.

(9) Flood

(A) The fumigant must be applied with at least four inches of water per acre.

(10) 1:00 a.m. Start/Nontarpaulin/Shallow/Broadcast/Two Post-Fumigation Water Treatments.

- (A) The fumigation application must start no earlier than 1:00 a.m.
- (B) Fumigation must be completed in compliance with the post-fumigation water-treatments pursuant to subsection (e)(2)(A).
- (C) The following application equipment and procedures must be used:
- (1) No more than 24 hours before the application, thoroughly cultivate the field to remove clods with a disc or spring tooth bar. Soil must contain at least enough moisture pursuant to subsection (b).
- (2) The application equipment must meet the following criteria:
- (i) The shanks must be set on the three application tool bars, with the bars spaced 12 to 16 inches apart from front to back. The shanks must be staggered on each tool bar to produce a final overall shank spacing of 9 to 11 inches.
- (ii) Injection depth on each shank must be 3 to 4 inches, 6 to 7 inches, and 9 to 10 inches.
- (iii) Nitrogen must be used to purge the system before applicator bar is lifted out of the ground at any time.
- (iv) The application tool bars must be followed by a ring roller that is at least as wide as the application tool bars, with four gauge wheels controlled by hydraulic cylinders to control depth and/or pressure; or with a coil packer that is at least as wide as the application tool bars.
- (11) 4:00 a.m. / Start/ Sprinkler/Broadcast or Bed/Two –Fumigation Water Treatments
- (A) Notwithstanding (a), in the Sacramento Metro and South Coast ozone nonattainment areas, application rate must not exceed 246 pounds active ingredient per acre for metam sodium or 270 pounds active ingredient per acre for potassium N-methyldithiocarbamate (metam-potassium).
- (B) Fumigation must start no earlier than 4 a.m.
- (C) Fumigation must be completed in compliance with post-fumigation water treatments pursuant to (e)(2)(A).
- (12) Drench
- (A) Notwithstanding (a), in the Sacramento metro and South Coast ozone nonattainment areas, application rate must not exceed 246 pounds active ingredient per acre for metam-sodium or 270 pounds active ingredient per acre for potassium N-methyldithiocarbamate (metam-potassium). In the San Joaquin Valley, Southeast Desert, and Ventura ozone nonattainment areas, application rate must not exceed 90 pounds active ingredient per acre for metam-sodium or 98 pounds active ingredient per acre for potassium N-methyldithiocarbamate (metam-potassium).
- (B) Fumigation must be completed in compliance with the post fumigation water treatments pursuant to subsection (e)(2)(A).
- (f) Notwithstanding subsection (e), 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, 14005, and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006, and 14102, Food and Agricultural Code.

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6450.2. Dazomet Field Fumigation Methods.

(a) Fumigations must start no earlier than one hour after sunrise and must be completed no later than one hour before sunset.

(b) The field soil fumigation using dazomet is limited to methods specifically identified in the labeling. In addition to labeling requirements for each identified method, the fumigation must comply with the following.

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

(A) Water must be applied by an irrigation method that uniformly covers the treated area in the entire application block.

(B) 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.

(C) 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.

(D) On the second day following fumigation, a fourth 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.

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

(c) Notwithstanding subsection (b), 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.

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 where the difference between emissions in the most recent inventory report and the benchmarks for that area is five percent or less of the benchmarks or exceeds the benchmarks listed below during the May 1 through October 31 time period:

Ozone Nonattainment Area	Total Agricultural and Structural VOC Emissions Inventory Benchmarks from May 1 to October 31
Sacramento Metro	820,000 lbs. (2.2 tons/day average)
San Joaquin Valley	6,700,000 lbs. (18.1 tons/day average)
South Coast	3,200,000 lbs. (8.7 tons/day average)
Southeast Desert	340,000 lbs. (0.92 tons/day average)
Ventura in 2011	1,200,000 lbs. (3.3 tons/day average)
Ventura in 2012 and later	1,100,000 lbs. (3.0 tons/day average)

(1) Notwithstanding (a), if a VOC emission limit is in effect that limit must remain in effect until the commissioner does not condition permits to include a fumigant emission allowance specified in (c) (1) or (d)(1), and does not deny any permit or notice of intent specified in (c)(2) or (d)(2) in order to comply with the fumigant emission limit for two consecutive years.

(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 commissioner shall ensure that the fumigant limits specified in (a) are not exceeded during the May 1 through October 31 time period using one or more of the following methods for field soil fumigations:

(1) Condition the permit to include fumigant emission allowances.

(2) Deny any permit or notice of intent that would cause the fumigant limit to be exceeded.

(3) Condition permit to prohibit or require any of the methods allowed by sections 6447.3(a), 6448(c), 6449.1(d), 6450.1(d), or 6452 during the May 1 through October 31 time period.

(d) For ozone nonattainment areas other than Ventura, the Director shall select one or more of the following methods to ensure the fumigant limits specified in (a) are not exceeded during the May 1 through October 31 time period:

(1) The Director establishes a fumigant emission allowance for each permittee, based on information provided the commissioners within the ozone nonattainment area. The total allowances in each ozone nonattainment area must not exceed the fumigant limit established for that area. Commissioners shall issue permits or amend existing permits to comply with the fumigant emission allowance(s) established by the Director. Commissioners shall deny any notice of intent that does not comply with the permittees' fumigant emission allowances.

(2) Commissioners deny any permit or notice of intent that would cause the fumigant limit to be exceeded.

(3) Commissioners condition permits to prohibit or require any of the methods allowed by sections 6447.3(a), 6448(c), 6449.1(b), 6450.1(d), or 6452 during the May 1 through October 31 time period.

(e) 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 this section, unless their restricted material permit includes conditions specified in © or (d), or notice of intent is approved in writing.

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) 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) restricted materials permit number;
- (2) crop;
- (3) number of acres to be fumigated; and
- (4) identification of each site to be fumigated.

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

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

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 pursuant to section 6452.2 for the upcoming year;

(4) establish an emission rating for each field fumigation method described in sections 6446.1, 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 finalizing the Annual Volatile Organic Compound Emission Report. The emission report will be posted on the Department's Web site.

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.

Article 1. General License Requirements **Sections 6500-6514**

6500. License Duration.

The Director shall issue licenses and certificates for two years; provided, however, a license or certificate may be issued for less than two years based on when the applicant enters the two-year cycle described below. The term of the license or certificate is determined by the Director as follows:

Each license or certificate with a name beginning with A through L shall expire December 31 of the following even numbered year.

Each license or certificate with a name beginning with M through Z shall expire December 31 of the following odd numbered year.

The issuance of a two-year license or certificate in no way affects any annual county registration required by the Food and Agricultural Code.

NOTE: Authority cited: Sections 11456, 11502, 12005 and 12111, Food and Agricultural Code.
Reference: Section 11456, Food and Agricultural Code.

6502. Applications.

(a) An application for a new license or certificate shall be made on a form prescribed by the Director and shall be accompanied by the required application fee specified in Table 1 – License and Certificate Application Fees and Forms. The application fee shall allow an applicant a 12-month period to become licensed or certified.

(b) Beginning with those licenses or certificates expiring December 31, 2003, an application to renew a license or certificate shall be made on a form prescribed by the Director and shall be accompanied by the required renewal fee specified below in Table 2 – License and Certificate Renewal Fees and Forms. If the license or certificate is issued for more than one year pursuant to 6500, the applicant shall pay double the annual renewal fee.

(1) If the renewal application is not postmarked by December 31 of the year the license or certificate expires, a penalty of 50 percent of the renewal fee shall be added to the original amount due.

(c) Pursuant to this section, the prescribed forms, hereby incorporated by reference, are specified in Table 1 and Table 2 below.

Table 1 – License and Certificate Application Fees and Forms

License or Certificate Type	New Application Fee	Form
Pest Control Business License Additional Fee for each Pest Control Business Branch	\$160 \$ 80	Pest Control Business License Application PR-PML-042 (Rev. 08/10)
Pest Control Business License, Maintenance Gardener only	\$ 80	Maintenance Gardener Pest Control Business License Application PR-PML-004 (Rev. 08/10)
Pest Control Dealer License Additional Fee for each Dealer Branch	\$160 \$ 80	Pest Control Dealer License Application PR-PML-041 (Rev. 09/04)
Pesticide Broker License Additional Fee for each Broker Branch	<u>\$0</u> <u>\$0</u>	Pesticide Broker License Application (PB) PR-PML-217 (Rev. 01/06)
Agricultural Pest Control Adviser License	\$ 80	Agricultural Pest Control Adviser Application PR-PML-084 (Rev. 07/09)
Pest Control Aircraft Pilot Certificate	\$ 60	Aircraft Pilot Pest Control Certificate Application PR-PML-005 (Rev. 07/09)
Pest Control Dealer Designated Agent License	\$ 25	Pest Control Dealer Designated Agent License Application PR-PML-043 (Rev. 07/09)
Qualified Applicator License	\$ 80	Qualified Applicator License Application PR-PML-001 (Rev. 05/10)
Qualified Applicator Certificate	\$ 40	Qualified Applicator Certificate Application PR-PML-001A (Rev. 05/10)

6508. Notification of Change.

(a) Every license or certificate holder shall immediately notify the Director of any change in, including but not limited to, name, business address, business organization, qualified person, bond, insurance, registered officers, or any other matter shown in the application.

(b) Licenses and certificates are not transferable, and in case of a change of business organization or ownership, a new application and fee are required.

(c) A \$20 fee is required when:

(1) a license or certificate holder requests a replacement or duplicate copy of a license or certificate; or

(2) a license or certificate holder is reissued as a result of a name change made pursuant to (a).

NOTE: Authority cited: Sections 11456, 11502, 12005 and 12111, Food and Agricultural Code.
Reference: Sections 11501, 11708 and 12110, Food and Agricultural Code.

6510. Renewals and New Applications.

A person who has not possessed a valid license or certificate within 12 months of the date of application or has a valid license or certificate and has not completed the continuing education requirements within each two-year license or certification period as specified in section 6511 shall not be allowed to renew his or her license or certificate and shall be required to submit an application for a new license or certificate and pass the examinations before being issued a license or certificate.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12024, 12111 and 14005, Food and Agricultural Code.
Reference: Sections 11702, 11905, 12024, 12106 and 14006, Food and Agricultural Code.

6511. Continuing Education Requirements.

No license or certificate issued to a licensee or certificate holder specified in this section shall be renewed unless the holder has completed the required continuing education hours within each two-year license or certificate period. The education shall have been obtained in a course or program approved pursuant to section 6512.

(a) Except as provided in (f) and (g), a pest control aircraft pilot shall complete a minimum of 20 hours of approved continuing education relating to pest management and pesticides, including not less than four hours pertaining to pesticide laws and regulations and four hours pertaining to aerial pest control equipment and application techniques.

(b) Except as provided in (f) and (g), qualified applicator license and certificate holders shall complete a minimum of 20 hours of approved continuing education relating to pest management and pesticides, including not less than four hours pertaining to pesticide laws and regulations.

(c) Except as provided in (f) and (g), qualified applicator certificate holders engaged in the business of maintenance gardening, pursuant to Food and Agricultural Code section 11704, and qualified applicators who only possess a license or certificate in the antifouling-tributyltin, sewer line root control, and/or microbial pest control subcategory(ies) shall complete a minimum of eight hours of approved continuing education relating to pest management and pesticides, including not less than two hours pertaining to pesticide laws and regulations.

(d) Except as provided in (f) and (g), qualified applicators who only possess a license or certificate in the seed treatment pest control category shall complete a minimum of four hours of approved continuing education relating to pest management and pesticides, including not less than two hours pertaining to pesticide laws and regulations.

(e) Except as provided in (f) and (g), an agricultural pest control adviser licensee shall complete a minimum of 40 hours of approved continuing education relating to pest management and pesticides, including not less than four hours pertaining to pesticide laws and regulations.

(f) Each licensee or certificate holder listed in this section, whose initially issued license or certificate has been valid for less than 12 months at the time of its renewal, is exempt from the continuing education requirements applicable to that license or certificate.

(g) Each licensee or certificate holder listed in this section whose initially issued license or certificate has been valid for 12 to 20 months at the time of its renewal shall complete a minimum of one-half of the continuing education requirements applicable to that license or certificate.

NOTE: Authority cited: Sections 11456 and 11502.5, Food and Agricultural Code.
Reference: Section 11502.5, Food and Agricultural Code.

6512. Approval of Continuing Education Courses.

(a) A continuing education provider intending to sponsor a continuing education course or program shall be responsible for the following, including but not limited to, administering the continuing education course or program, the agenda, and course or program content, attendance verification, and administrative record keeping found in section 6513.

(b) Requests for evaluation and approval of a courses or programs offering continuing education in pest management and pesticides shall be submitted by the continuing education provider to the Director, at least 30 days before presentation of the education. The request for evaluation and approval shall be made on the Continuing Education Approval Request form (PR-PML-131, Rev. 09/03), hereby incorporated by reference, and shall be accompanied by a comprehensive written outline, description of the course or program, and a \$45 fee for each course.

(c) For a course or program previously approved within the calendar year, the continuing education provider shall submit a request to modify the course or program, or add an additional presentation(s) on the Continuing Education Additional Presentation Request form (PR-PML-132, Est. 9/03), hereby incorporated by reference, at least 30 days before the requested presentation(s).

(d) If the Director determines that the course or program outline and description are not comprehensive, the Director may request that a more detailed and comprehensive outline and description be submitted before making the determination as to whether the course or program meets the criteria specified in (e) below.

(e) The Director may approve, any course or program submitted for evaluation, which meets the following criteria:

(1) The instruction shall relate only to pest management and pesticides (including but not limited to, laws and regulations, chemical formulations, labeling and label interpretation, application equipment, pests, identification of environmentally sensitive areas, endangered species, drift prevention, pesticide registration, integrated pest management, cultural practices, pesticide worker safety, surface and ground water protection, and biological control methods)

(d) Applicants whose business involves applications by aircraft and who elect to show financial responsibility by a certificate of deposit or a surety bond shall file with and on a form provided by the director (Form number 38-054, dated 3/88, entitled "List of Aircraft") a list of the applicant's aircraft including their N numbers and their usages.

(e) Aircraft which is covered by liability insurance only for nonchemical bodily injury and nonchemical property damage shall not be operated for pesticide application purposes, unless the pest control business using the aircraft has deposited with the director, as specified in (a)(2) and (a)(3), a certificate of deposit or a surety bond for that aircraft in the amount specified in (c).

(f) Applicants who make applications by aircraft and ground rigs shall meet the financial responsibility requirements of this section for both the aircraft and ground rig types of pest control operations.

NOTE: Authority cited: Sections 11456, 11502 and 11702, Food and Agricultural Code.
Reference: Sections 11501 and 11702, Food and Agricultural Code.

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 or subcategories:

- (a) **Category A** - Residential, Industrial and Institutional Pest Control
- (b) **Category B** - Landscape Maintenance Pest Control
- (c) **Category C** - Right-of-Way Pest Control
- (d) **Category D** - Agricultural Pest Control (plant)
- (e) **Category E** - Forest Pest Control
- (f) **Category F** - Aquatic Pest Control
- (g) **Category G** - Regulatory Pest Control
- (h) **Category H** - Seed Treatment
- (i) **Category I** - Agricultural Pest Control (animal)
- (j) **Category J** - Demonstration and Research
- (k) **Category K** - Health Related Pest Control
- (l) **Subcategory L** – Wood Preservation
- (m) **Subcategory M** – Antifouling – Tributyltin
- (n) **Subcategory N** – Sewer Line Root Control
- (o) **Subcategory O** – Field Fumigation Pest Control
- (p) **Subcategory P** – Microbial Pest Control
- (q) **Subcategory Q** – Maintenance Gardener Pest Control (see restriction in section 6531)

NOTE: Authority cited: Sections 11456, 11502, 12203.1, 12976, 14001, 14005, 14102, 14151, and 14153.1, Food and Agricultural Code.
Reference: Sections 11501, 11701, 11704, 12203, 14001, 14015, 14102, and 14153 Food and Agricultural Code.

6531. Maintenance Gardener Pest Control Restriction.

A person qualified to work solely in subcategory Q listed in section 6530 may not purchase or use federally restricted-use pesticides or state restricted materials.

NOTE: Authority cited: Sections 11456, 11502, 12203.1 12976, 14001, 14005, 14102, 14151, and 14153.1, Food and Agricultural Code. Reference: Sections 11501, 11701, 11704, 12203, 14001, 14015, 14102, and 14153, Food and Agricultural Code.

6532. Expiration. [Repealed]

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

(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;
- (1) Name and address of the school site; and
- (2) 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, methyl iodide, 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 6446.1, 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.

6625. Pesticide Use Report for School Sites.

(a) In addition to the reporting requirements of section 6627, persons engaged for hire in the business of pest control at a school site and required to maintain pesticide use records pursuant to section 6624 shall report the use of pesticides to the Director. Effective January 1, 2002, the report shall be submitted, at least annually, by the 30th day following the end of the calendar year.

(b) The report shall be on a Department form, School Site Pesticide Use Reporting (PR-ENF-117 Est. 4/01), hereby incorporated by reference, or in a format approved by the Director. The report shall include the following:

- (1) The name and address of the person who, or business/organization which, applied the pesticide(s);
- (2) County where the pest control was performed;
- (3) Date and time of pesticide use;
- (4) Name and address of school site or school site identification number;
- (5) Location of application;
- (6) Pesticide, including the U.S. Environmental Protection Agency or State registration number which is on the pesticide label, and the amount used.

NOTE: Authority cited: Sections 11456, 11502, 12976, 13145, 13188, and 14005, Food and Agricultural Code.
Reference: Sections 11501, 11708, 11733, 13186, 14006, and 14011.5, Food and Agricultural Code.

6626. Pesticide Use Reports for Production Agriculture.

(a) The operator of the property which is producing an agricultural commodity shall report the use of pesticides applied to the crop, commodity, or site to the commissioner of the county in which the pest control was performed. This report must be submitted by the 10th day of the month following the month in which the work was performed.

This report is not required if the pesticide use is reported to the commissioner by an agricultural pest control business as specified in subsection (b); however, the operator of the property treated, shall retain a copy of the business' report by site for two years.

(b) An agricultural pest control business shall report the use of pesticides applied by it for the production of an agricultural commodity to the commissioner of the county in which the pest control was performed. This report must be submitted, within seven days of completion of the pesticide application. A copy of the report shall be sent by the business to the operator of the property where the pest control was done within 30 days of completion of the pesticide application.

(c) Each report of pesticide use pursuant to this section shall be on a department form or in a format approved by the director. Acceptable department forms include form 38-017 for an operator of the property to report pursuant to subsection (a), and 39-025 for an agricultural pest control business to report pursuant to subsection (b). The information to be reported shall include the information specified in section 6624, and the name and address of the agricultural pest control business which made the application, if such a business made the application.

(d) A use report required by (a) or (b) for the application of a field soil fumigant in the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, and Ventura ozone nonattainment areas shall include the information specified in 6624(f) in addition to that required by this section.

(e) If the report is mailed, the postmark shall be the date of delivery.

(f) If the county in which work was performed has no commissioner, the report shall be made to the director.

NOTE: Authority cited: Sections 11456, 11502, 12976, 13145 and 14005, Food and Agricultural Code.

Reference: Sections 11501, 11708, 11733, 12981, 14006 and 14011.5, Food and Agricultural Code.

6627. Monthly Summary Pesticide Use Reports.

(a) Except as provided in section 6626, persons required to maintain pesticide use records pursuant to section 6624 shall report a summary of the monthly use of pesticides to the commissioner of the county in which the work was performed. The report shall be provided to the commissioner by the 10th day of the month following the month in which the work was performed. If the report is mailed, the postmark shall be the date of delivery.

(b) The report shall be in a format approved by the director. The report shall include the following:

(1) The name and address of the person who or business/organization which applied the pesticide(s);

(2) County where the pest control was performed;

(3) Month and year of pesticide use;

(4) Crop, commodity or site treated, except when using a designated use code, as specified on the Monthly Summary Pesticide Use Report form;

(5) Pesticide, including the United States Environmental Protection Agency or State registration number which is on the pesticide label, and the amount used;

(6) Number of applications made with each pesticide and the total number of applications made during the month; and

(7) Total acres or units treated with each pesticide, except when using a designated use code, as specified on Summary Pesticide Use Report form.

(c) If the county in which the work was performed has no commissioner, the report shall be made to the director.

NOTE: Authority cited: Sections 11456, 11502, 12976, 13145 and 14005, Food and Agricultural Code.

Reference: Sections 11501, 11708, 11733, 12981, 14006 and 14011.5, Food and Agricultural Code

6627.1. Monthly Summary Pesticide Use Report Form.

NOTE: Repealed 8-1-96

6628. Negative Pesticide Use Reports.

(a) When, during any month, a licensed agricultural pest control business performs no pest control work in a county where the business is registered with the commissioner pursuant to Food and Agricultural Code Section 11732, it shall submit a report stating this fact to the commissioner, or to the director in any county where there is no commissioner, by the 10th day of the following month.

(b) When, during any month, a licensed structural pest control operator performs no pest control work in a county in which he provided notice of business operation to the commissioner pursuant to Section 15204 of the Food and Agricultural Code, it shall submit a report stating this fact to the commissioner, or to the director in any county where there is no commissioner, by the 10th day of the following month.

(c) If the report is mailed, the postmark shall be the date of delivery.

NOTE: Authority cited: Sections 11456, 11502, 12976, 13145 and 14005, Food and Agricultural Code.

Reference: Sections 11501, 11708, 11733, 12981, 14006 and 14011.5, Food and Agricultural Code.

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 five parts per million or less 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.

Table 1. Maximum Work Hours

Fumigation Method/Activities	Maximum Application Rate (lbs. of actual methyl bromide per acre)	Maximum Work Hours in a 24-Hour Period Wearing Half-Face Respirator During Entire Fumigation-Handling Activity
Nontarpaulin/Shallow/Bed: Tractor Equipment Driving Supervising	200 lbs.	8* 8*
Nontarpaulin/Deep/Broadcast: Tractor Equipment Driving Supervising	400 lbs.	8* 8 ^{1/}
Tarpaulin/Shallow/Broadcast: Tractor Equipment Driving Shoveling, Copiloting Supervising Tarpaulin Cutting Tarpaulin Removal	400 lbs.	7* 3* 3* 10 ^{1/} no limitation ^{2/}
Tarpaulin/Shallow/Bed: Tractor Equipment Driving Shoveling, Copiloting Supervising Tarpaulin Cutting Tarpaulin Removal	250 lbs.	no limitation 6* 6* 10 ^{1/} no limitation ^{2/}
Tarpaulin/Deep/Broadcast: Tractor Equipment Driving Shoveling, Copiloting Supervising Tarpaulin Cutting Tarpaulin Removal	400 lbs.	7* 3* 3* 10 ^{1/} no limitation ^{2/}
Drip System – Hot Gas: Applicators Supervising Tarpaulin Cutting Tarpaulin Removal	225 lbs.	4* 4* 10 ^{1/} no limitation ^{2/}

^{1/}Exception: An employee may perform this activity without a half-face respirator provided the employee does not work more than one hour in a 24-hour period. The maximum one-hour work limitation may be increased in accordance with the formula located below.

^{2/}Exception: An employee may perform this activity without a half-face respirator provided the employee does not work more than three hours in a 24-hour period. The maximum three-hour work limitation may be increased in accordance with the formula located below.

*If the actual methyl bromide application rate is less than the maximum application rate shown in Table 1 or below in Table 2 for the particular fumigation method used, the maximum work hours may be increased in accordance with the following formula:

$$\left(\frac{\text{maximum application rate for method}}{\text{actual application rate}} \right) \times \begin{matrix} \text{maximum} \\ \text{work hours in a} \\ \text{24-hour period} \end{matrix} = \begin{matrix} \text{revised maximum} \\ \text{work hours in a} \\ \text{24-hour period} \end{matrix}$$

Table 2. Maximum Work Hours in a Maximum Three (3) Workdays Per Calendar Month

Fumigation Method/Activities	Maximum Application Rate (lbs. of actual methyl bromide per acre)	Maximum Work Hours in a 24-Hour Period Without the Use of Respirators
Nontarpaulin/Shallow/Bed: Tractor Equipment Driving Supervising	200 lbs.	4* 4*
Nontarpaulin/Deep/Broadcast: Tractor Equipment Driving Supervising	400 lbs.	4* 7*
Tarpaulin/Shallow/Broadcast: Tractor Equipment Driving Shoveling, Copiloting Supervising Tarpaulin Cutting Tarpaulin Removal	400 lbs.	4* 3* 3* 4 7
Tarpaulin/Shallow/Bed: Tractor Equipment Driving Shoveling, Copiloting Supervising Tarpaulin Cutting Tarpaulin Removal	250 lbs.	4* 4* 4* 4 7
Tarpaulin/Deep/Broadcast: Tractor Equipment Driving Shoveling, Copiloting Supervising Tarpaulin Cutting Tarpaulin Removal	400 lbs.	4* 3* 3* 4 7
Drip System – Hot Gas: Applicators Supervising Tarpaulin Cutting Tarpaulin Removal	225 lbs.	2* 2* 4 7

6804. Specific Numerical Values.

Specific numerical values required by Food and Agricultural Code section 13144(a) are established as follows:

- (a) Water solubility -- 3 ppm
- (b) Soil adsorption coefficient (Koc) -- 1900 cm³/gm
- (c) Hydrolysis -- 14 days half-life
- (d) Aerobic soil metabolism -- 610 days half-life
- (e) Anaerobic soil metabolism -- 9 days half-life

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

Reference: Sections 13144 and 13145, Food and Agricultural Code.

6806. Use Reporting.

NOTE: Authority cited: Sections 407, 12976, 13145 and 14102, Food and Agricultural Code.

Reference: Section 13145, Food and Agricultural Code.

6808. Sunset Review of Regulations.

NOTE: Authority Cited: Section 11456, Food and Agricultural Code.

Reference: Section 11456, Food and Agricultural Code.

Article 1. Toxic Air Contaminants
Sections 6860-6890

6860. Toxic Air Contaminants List.

The director designates the following pesticides to be toxic air contaminants:

(a) The following pesticide is designated toxic air contaminant pursuant to Food and Agricultural Code Section 14023:

Chloropicrin
Endosulfan
Ethyl Parathion
Methidathion
Methyl isothiocyanate (MITC) and other pesticides that generate MITC
Methyl Parathion
S,S,S-tributyl phosphorotrithioate (DEF, tribufos)
Sufuryl Fluoride

(b) The following pesticides are designated toxic air contaminants to implement Food and Agricultural Code Section 14021:

Acrolein	Methanol
Arsenic acid	Methoxychlor
Arsenic pentoxide	Methyl bromide
Arsenic trioxide	Naphthalene
Captan	10 10' oxybisphenoxyarsine
Carbaryl	Pentachloronitrobenzene
Carbon disulfide-generating pesticides	Pentachlorophenol
Chlorine	Phenol
Chromic acid	Phosphorus
m-Creosol	Phosphine and phosphine-generating pesticides
2,4-D salts and esters	Potassium permanganate
1,4-Dichlorobenzene	Propoxur
1,3-Dichloropropene	Propylene oxide
Dichlorovos	Sodium cyanide
Ethylene oxide	Sodium dichromate
Formaldehyde	Trifluralin
Hydrochloric acid	Xylene
Lindane	
Mancozeb	
Maneb	

NOTE: Authority cited: Sections 11456 and 14023, Food and Agricultural Code.
Reference: Sections 14021 and 14023, Food and Agricultural Code.

6890. Criteria for Identifying Pesticides as Toxic Air Contaminants.

A pesticide shall be identified as a toxic air contaminant if its concentrations in ambient air are greater than the following levels (for the purposes of this section, a threshold is defined as the dose of a chemical below which no adverse effect occurs):