

**TITLE 3 CALIFORNIA CODE OF REGULATIONS
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TITLE 3 CALIFORNIA CODE OF REGULATIONS SUMMARY OF CHANGES

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

The following sections of 3CCR were amended effective on 11/10/11/ from a single rulemaking package.

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

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

3/2012

3 CCR Section	Action Taken	Date Effective	Reference
6000	Non-substantive Change	11/10/11	pesticide pest control dealer
6000	Non-substantive Change	11/10/11	on of N-methyl
6361	Non-substantive Change	11/10/11	Food & Agriculture
6400	Non-substantive Change	11/10/11	Molinate = unregistered
6460	Non-substantive Change	11/10/11	typographical corrections
6464	Non-substantive Change	11/10/11	typographical corrections
6470	Non-substantive Change	11/10/11	update Code section cited
6502	Non-substantive Change	11/10/11	update Form titles
6512	Non-substantive Change	11/10/11	update Form titles
Article 2.	Non-substantive Change	11/10/11	amend title of Article
6524	Non-substantive Change	11/10/11	update Form titles
6560	Non-substantive Change	11/10/11	pesticide pest control dealer
6562	Non-substantive Change	11/10/11	pesticide pest control dealer
6564	Non-substantive Change	11/10/11	pesticide pest control dealer
6625	Non-substantive Change	11/10/11	add Child Day Care Facilities
6626	Non-substantive Change	11/10/11	An agricultural
6628	Non-substantive Change	11/10/11	add he/she
6632	Non-substantive Change	11/10/11	Re-written for clarity
6728	Non-substantive Change	11/10/11	remove DHS add OEHHA
6761	Non-substantive Change	11/10/11	add authority to citation

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

6000. Definitions.

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

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

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

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

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

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

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

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

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

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

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

“Certified commercial applicator” means

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

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

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

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

(1) Identification of the Department's exact data requirement to obtain, amend, or maintain the data owner's product that the data was submitted to satisfy;

(2) Identification of each study (including DPR document number and study record number) submitted and the corresponding data requirement it satisfied; and

(3) The date each study was submitted to the Department and, if applicable, to the U.S. Environmental Protection Agency (including the Master Record Identification Number - MRID).

(c) A statement setting forth the specific provisions of noncompliance claimed indicating how the data owner's data meet the criteria set forth in Food and Agricultural Code section 12811.5(a) or (b) that make it subject to cost-sharing, providing any documentation currently known to the data owner in support of that contention.

(d) Proof that, prior to making the notification to the Director pursuant to Food and Agricultural Code section 12811.5(g), the data owner has informed the applicant of its claim, provided the applicant with the information required in (a), (b), and (c), and allowed the applicant an opportunity of at least ten days to promptly make an offer to pay for the data that serves as a basis of the data owner's claim. This proof shall include copies of all correspondence between the data owner and the applicant related to this issue.

(e) Proof that at the same time the data owner filed its notification to the Director of the applicant's failure to meet its obligation under Food and Agricultural Code section 12811.5(a-d), the data owner sent a copy of the notification and all accompanying data and information by certified mail to the applicant.

(f) With respect to a claim that the applicant has failed to participate in a proceeding for reaching an agreement on compensation, failed to comply with an agreement related to compensation, or failed to pay an award resulting from a proceeding to determine compensation, proof of such failure including, but not limited to, all correspondence between the parties on the issue and a copy of the award resulting from a proceeding on compensation, if any.

NOTE: Authority cited: Section 12811.5, Food and Agricultural Code.
Reference: Section 12811.5, Food and Agricultural Code.

6314. Determination.

All parties shall have 30 days from receipt of the copy of the notification to the Director to submit additional evidence and written arguments to the Director. The Director may rely solely on the information provided by the two parties involved in the dispute, without conducting any further investigation. The Director shall provide a written finding within 60 days of the deadline for the parties' submissions. If the Director determines that the applicant has not met its obligations under Food and Agricultural Code section 12811.5(a-d), the Director shall promptly cancel the applicant's product registration.

NOTE: Authority cited: Section 12811.5, Food and Agricultural Code.
Reference: Section 12811.5, Food and Agricultural Code.

Article 1. Cancellations
Sections 6350-6362

6350. DDT and DDD.

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code.
Reference: Sections 12824 and 12825, Food and Agricultural Code.

6352. 2,4,5-T.

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code.
Reference: Sections 12824 and 12825, Food and Agricultural Code.

6354. Inorganic Mercury Compounds.

NOTE: Authority cited: Sections 407, 12781 and 12976, Food and Agricultural Code.
Reference: Sections 12825, 12995 and 14102, Food and Agricultural Code.

6356. Inorganic Arsenic.

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code.
Reference: Sections 12824 and 12825, Food and Agricultural Code.

6358. Inorganic Phosphorous Paste.

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code.
Reference: Sections 12824 and 12825, Food and Agricultural Code.

6359. Ethylene Dibromide.

NOTE: Authority cited: Sections 407, 12781 and 14102, Food and Agricultural Code.
Reference: Sections 11501(b), 12824, 12825, 14001 and 14102, Food and Agricultural Code.

6360. Cadmium Compounds.

NOTE: Authority cited: Sections 407, 12781 and 12976, Food and Agricultural Code.
Reference: Sections 12825, 12995 and 14102, Food and Agricultural Code.

6361. Butyl Mercaptan Limitations.

(a) The Director of Pesticide Regulation makes the following findings in relation to sections 11501 and 12824 of the Food and Agricultural Code regarding pesticides labeled for defoliating plants, containing S,S,S-tributylphosphorotrithioate and tributylphosphorotrithioite.

(b) Butyl mercaptan is an odorous raw material used in the manufacture of these two pesticides.

(c) It is technically feasible to manufacture these two pesticides to contain less than 0.1 percent butyl mercaptan.

(d) Pesticides containing S,S,S-tributylphosphorotrithioate or tributylphosphorotrithioite in which the butyl mercaptan is found to exceed 0.1 percent by weight shall not be sold or used in California.

NOTE: Authority cited: Section 12781, Food and Agricultural Code.
Reference: Sections 11501, 12752, 12824, 12931, 12976, and 12991, Food and Agricultural Code.

6362. 1,2-Dichloropropane Limitations.

NOTE: Authority cited: Sections 407, 12781 and 12976, Food and Agricultural Code.
Reference: Section 12824, Food and Agricultural Code.

Article 2. Suspensions
Sections 6370-6379

6370. DBCP (1,2-Dibromo-3-Chloropropane).

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code.
Reference: Sections 12824, 12825, and 12826, Food and Agricultural Code.

6372. N-3-Pyridylmethyl N'-P Nitrophenyl Urea (Vacor).

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code.
Reference: Sections 12824, 12825 and 12826, Food and Agricultural Code.

6379. Restrictions on Use of Bladex (Cyanizine).

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code.
Reference: Section 12824, Food and Agricultural Code.

2,4-dichlorophenoxyacetic acid (2,4-D), except:

- (1) Liquid formulations, packaged in containers of one quart or less, regardless of percentage of 2,4-D;
- (2) Liquid formulations that contain 15 percent or less 2,4-D packaged in containers of one gallon or less;
- (3) Liquid formulations of a product that is labeled to be used without further dilution;
- (4) Dry formulations, packaged in containers of one pound or less, regardless of percentage of 2,4-D;
- (5) Dry formulations, packaged in containers of 50 pounds or less, of a product that contains 10 percent or less 2,4-D and is labeled to be used without further dilution; and
- (6) Products labeled only for use as a plant growth regulator.

2,4-dichlorophenoxybutyric acid (2,4-DB), except:

- (1) Liquid formulations, packaged in containers of one quart or less, regardless of percentage of 2,4-DB;
- (2) Liquid formulations that contain 15 percent or less 2,4-DB packaged in containers of one gallon or less;
- (3) Liquid formulations of a product that is labeled to be used without further dilution;
- (4) Dry formulations, packaged in containers of one pound or less, regardless of percentage of 2,4-DB; and
- (5) Dry formulations, packaged in containers of 50 pounds or less, of a product that contains 10 percent or less 2,4-DB and is labeled to be used without further dilution.

2,4-dichlorophenoxypropionic acid (2,4-DP), except:

- (1) Liquid formulations, packaged in containers of one quart or less, regardless of percentage of 2,4-DP;
- (2) Liquid formulations that contain 15 percent or less 2,4-DP packaged in containers of one gallon or less;
- (3) Liquid formulations of a product that is labeled to be used, without further dilution of 2,4-DP;
- (4) Dry formulations, packaged in containers of one pound or less, regardless of percentage of 2,4-DP;
- (5) Dry formulations, packaged in containers of 50 pounds or less, of a product that contains 10 percent or less 2,4-DP and is labeled to be used without further dilution.

1,3-dichloropropene (Telone II)

Disulfoton (Di-Syston), 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.

Endosulfan (Thiodan), 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.

Ethoprop (Mocap), when labeled for turf use.

Fenamiphos (Nemacur)

Lindane, 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.

- 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) - unregistered
- Oxydemeton-methyl (Metasystox-R)
- Paraquat (Gramoxone)
- (1) 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.
- (2) 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.

6458. Aldicarb.

(a) The amount of pesticides containing aldicarb that may be applied to the following crops shall not exceed:

Crop	Stage of Growth of Crop	Pounds of 15G / Acre / Application	Ounces 15G / 1000 Ft of Row
(1) Cotton	At Planting	7	40" row spacing 8.5
	At First Squaring	14	17
	From Squaring through Early Bloom	14	17
	(Do not exceed a total of 21 pounds per acre)		
(2) Potatoes	At Planting	14 or	34" row spacing 14.5
	After Planting	14	14.5
(3) Sugar Beets	At Planting or Within One Week before Planting	14	22" row spacing 9.5
	Postemergence	14	9.5
	(Do not exceed a total of 28 pounds per acre)		
(4) Dried Beans		7	22-48" row spacing 7.5
(5) Citrus		33	N/A
		Pounds of 10G / Acre / Application	Ounces 10G / 1000 Sq Feet
(3) Ornamentals	(Do not exceed 50 pounds per acre per year)	50	20 or
			Pounds of 10G / 1000 Linear Ft
			42" row spacing 4

(b) Pesticides containing aldicarb shall not be applied to cotton, potatoes, sugar beets, dried beans, citrus, or field-grown ornamentals from September 1 to March 1 of each year.

NOTE: Authority cited: Sections 12781 and 12976, Food and Agricultural Code.
Reference: Sections 12976 and 13150, Food and Agricultural Code.

6460. Drift Control.

Unless expressly authorized by permit issued pursuant to section 6412, no liquid Dicamba, 2,4-dichlorophenoxyacetic acid, 2,4-dichlorophenoxybutyric acid, 2,4-dichlorophenoxypropionic acid, 2-methyl-4-chlorophenoxyacetic acid, or Propanil herbicide shall be:

(a) Discharged more than ten feet above the crop or target. Discharge shall be shut off whenever it is necessary to raise the equipment over obstacles such as trees or poles.

(b) Applied when wind velocity is more than ten miles per hour.

(c) Applied by aircraft except as follows:

(1) The flow of liquid to aircraft nozzles shall be controlled by a positive shutoff system as follows:

(A) Each individual nozzle shall be equipped with a check valve and the flow controlled by a suckback device or a boom pressure release device; or

(B) Each individual nozzle shall be equipped with a positive action valve.

(2) Aircraft nozzles shall not be equipped with any device or mechanism which would cause a sheet, cone, fan, or similar type dispersion of the discharged material except as otherwise provided.

(3) Aircraft boom pressure shall not exceed 40 pounds per square inch.

(4) Aircraft nozzles shall be equipped with orifices directed backward parallel to the horizontal axis of the aircraft in flight.

(5) Fixed wing aircraft and helicopters operating in excess of 60 miles per hour shall be equipped with jet nozzles having an orifice of not less than one-sixteenth of an inch in diameter.

(6) Helicopters operating at 60 miles per hour or less shall be equipped with:

(A) Nozzles having an orifice not less than one-sixteenth of an inch in diameter. A number 46 (or equivalent) or larger whirlplate may be used; or

(B) Fan nozzles with a fan angle number not larger than 80 degrees and a flow rate not less than one gallon per minute at 40 pounds per square inch pressure (or equivalent); or

(C) The Microfoil® boom (a coordinated spray system including airfoil-shaped nozzles with each orifice not less than 0.013 inches in diameter) or equivalent type approved by the director. Orifices shall be directed backward parallel to the horizontal axis of the aircraft in flight.

(d) Applied by ground equipment except as follows:

(1) Ground equipment other than handguns shall be equipped with:

(A) Nozzles having an orifice not less than one-sixteenth of an inch in diameter or equivalent, and operated at a boom pressure not to exceed 30 pounds per square inch; or

(B) Low pressure fan nozzles with a fan angle number not larger than 80 degrees and fan nozzle orifice not smaller than 0.2 gallon per minute flow rate or equivalent, and operated at a boom pressure not to exceed 15 pounds per square inch.

NOTE: Authority cited: Sections 407, 12781, 12972, 12976, 14001, 14005, and 14102, Food and Agricultural Code.
Reference: Sections 11501, 14006, 14033, and 14102, Food and Agricultural Code.

6462. Propanil.

The provisions of this section apply to propanil used in Butte, Colusa, Glenn, Placer, and Yuba Counties; the portion of Sutter County situated north of Sankey Road; and the portion of Yolo County situated north of State Highway 16.

(a) No emulsifiable concentrate formulation shall be applied,

(b) Applications using aircraft shall be made in accordance with the following requirements:

(1) Aerial applications shall not be made within four miles of cultivated commercial plantings of prunes.

(2) No more than 720 acres may be treated by aircraft within each county per day.

(3) Each operating aircraft nozzle shall product a droplet size, in accordance with the manufacturer's specifications, not less than 600 microns volume median diameter (Dv0.5) with not more than ten percent of the diameter by volume (Dv0.1) less than 200 microns.

(c) Notwithstanding (b)(1), the Butte county agricultural commissioner may allow the California Rice Research Station to make aerial applications within four miles of cultivated commercial plantings of prunes according to a work plan submitted to and approved by the Butte county agricultural commissioner. The work plan shall include: the largest individual site that may be treated per application; total acres that may be treated per day which shall not exceed 45 acres; the minimum distance that must be maintained from cultivated commercial plantings of prunes and the application site; and any additional procedures to protect cultivated commercial plantings of prunes within four miles of the application site.

(d) Applications using ground equipment shall be made in accordance with the following requirements:

(1) Ground applications shall not be made within one mile of cultivated commercial plantings of prunes, except as provided in (A) and (B) below:

(A) The commissioner may allow applications to be made to sites not less than one-half mile from cultivated commercial plantings of prunes if the following requirements are met;

1. Prior to the application, the operator of the property shall provide to the commissioner a recommendation written by a licensed pest control adviser stating there are no other feasible pest management alternatives;

2. Onsite monitoring of wind speed and wind direction shall be conducted by the applicator in a manner approved by the commissioner throughout the entire application. A record of recorded data shall be retained for one year; and

3. A positive airflow away from cultivated commercial plantings of prunes is present throughout the entire application.

(B) The commissioner may allow applications to be made to sites less than one-half mile from cultivated commercial plantings of prunes when the following requirements are met in addition to the requirements of (A):

1. The commissioner shall provide onsite monitoring of all applications.

2. The commissioner shall provide for notice to, and opportunity to comment by, any owner of cultivated commercial plantings of prunes within one-half mile of the application.

(2) Each operating nozzle shall produce a droplet size, in accordance with the manufacturer's specifications, not less than 500 microns volume median diameter (Dv0.5) with not more than ten percent of the diameter by volume (Dv0.1) less than 200 microns.

NOTE: Authority cited: Sections 11456, 12781, 14001, 14005, and 14102, Food and Agricultural Code.

Reference: Section 14006 and 14007, Food and Agricultural Code.

6464. Phenoxy and Certain Other Herbicides.

(a) The provisions of this subsection apply to Dicamba, 2,4-dichlorophenoxyacetic acid, 2,4-dichlorophenoxybutyric acid, 2,4-dichlorophenoxypropionic acid, 2-methyl-4-chlorophenoxyacetic acid, and Propanil herbicides when used in the Central Valley below one thousand feet elevation during the period beginning March 16 and continuing through October 15 of each calendar year. The boundary of this area through the Sacramento-San Joaquin Delta where the elevation does not reach 1,000 feet is as follows: Commencing from the point where Bailey Road intersects 1,000 feet elevation in Contra Costa County, thence north along Bailey Road to its intersection with Highway 4, thence west along Highway 4 to its intersection with Highway 680, thence north along Highway 680 to its intersection with Highway 80, thence northeast along Highway 80 to its intersection with Highway 505, thence north along Highway 505 to its intersection with the Solano-Yolo County line, thence west along the Solano-Yolo County line to its intersection with 1,000 feet elevation.

(1) A smoke column or other device satisfactory to the commissioner shall be employed at the time and place of air applications to indicate to the pilot of the aircraft temperature inversions and the direction and velocity of the air flow; and

(2) Unless expressly authorized by permit no herbicide in an ester form shall be applied.

(b) The requirements of the subsection apply to Dicamba, 2,4-dichlorophenoxyacetic acid, 2,4-dichlorophenoxybutyric acid, 2,4-dichlorophenoxypropionic acid, 2-methyl-4-chlorophenoxyacetic acid, and Propanil herbicides during the period beginning March 16 and continuing through October 15 of each calendar year when used in the following areas.

(1) That portion of **Sacramento County** bounded by a line beginning at the junction of the Mokelumne River and Georgianna Slough; thence in a northerly direction following the meanderings of the Georgianna Slough to its junction with the Sacramento River near Walnut Grove; thence northwesterly along the Sacramento River to the junction of the north end of Randall Island and the north end of Snodgrass Slough; thence southeasterly along Snodgrass Slough to a point 1.0 miles due north of Lambert Road (first Standard Parallel north) which is the common boundary line between Section 27 and 34, T6N-R4E; thence due east along said line to its intersection with the Southern Pacific Railroad tracks; thence southerly along the Southern Pacific Railroad tracks to its intersection with Lambert Road (first Standard Parallel north); thence easterly along Lambert Road to its intersection with Franklin Boulevard, then southerly along Franklin Boulevard to its intersection with Twin Cities Road; thence easterly along Twin Cities Road to its intersection with the Southern Pacific Railroad Tracks (Amador Branch); thence northeasterly along said tracks to their intersection with the first Standard Parallel north; thence easterly along the first Standard Parallel north to its intersection with the Sacramento-Amador County line; thence southerly along the Sacramento-Amador County line to its junction

with the Sacramento-Amador-San Joaquin County lines; thence westerly along the Sacramento-San Joaquin County line to the point of beginning.

(2) All of **Madera County** west and south of a line beginning at the east boundary of Range 17 east and the Madera County-Merced County boundary line; thence south to the northwest corner of Section 30, Township 9 South, Range 18 east; thence east to the northeast corner of Section 28, Township 9 south, Range 18 east; thence south to the intersection of the Madera Canal in the northeast 1/4 of Section 9, Township 10 south, Range 18 east; thence southeasterly along the Madera Canal to the northeast corner of Section 1, Township 11 south, Range 19 east; thence east along the north boundary line of Township 11 south, to the Madera County-Fresno County boundary line.

(3) All of **Fresno County** lying west of a line beginning at Friant Dam and continuing southeasterly along the Friant-Kern Canal its point of intersection with the north boundary of Section 29, Township 13 south, Range 23 east; thence due east along said boundary line projected to its intersection with the east boundary of Township 13 south, Range 24 east; thence south along said east boundary of Township 13 south, Range 24 east and continuing south along the east boundary of Township 14 south, Range 24 east to the county boundary line.

(4) All of **Kings County**.

(5) All of **Tulare County** lying west of a line drawn southeasterly from the northwest corner of Township 15 south, Range 25 east on the Fresno-Tulare County line to the southeast corner of Township 17 south, Range 27 east; thence due south along said east boundary of Range 27 east to the Kern County boundary line.

(6) Those portions of **Kern County** described as follows: (A) All of Kern County lying west of a line commencing at a point on Tulare-Kern County line at the northwest corner of Section 6, Township 25 south, Range 31 east; thence south along the west boundary of Range 31 east to the south boundary of Township 32 south, Range 31 east; thence continuing due south to the Los Angeles County line. (B) Rosamond Area. Includes all of Township 9 north, Range 14 west, Township 9 north, Range 13 west, and Township 9 north, and Range 12 west.

(7) A permit authorizing use shall show the application site(s) for which it is valid, except that a permit need not show the application site(s) if a notice of intent to apply pesticide is required to be filed previous to any application. The commissioner may require that any application be made only under his direct supervision.

(8) No application shall be made on any area situated within two miles of any cultivated commercial vineyard or cotton planting belonging to any person other than the owner of the property being treated unless there is a continuous air flow away from such planting, but in no case shall any application be made within one-half mile of such plantings.

(9) No application shall be made by aircraft, nor shall aircraft be loaded except as follows:

(A) Within **Sacramento County**;

(B) During the period beginning March 16 and continuing through March 31 within the counties of **Fresno, Kern, Kings, and Tulare**.

(10) The provisions of paragraphs (8) and (9) shall not apply to Dicamba or Propanil herbicides.

(c) The provisions of this subsection apply to Dicamba, 2,4-dichlorophenoxyacetic acid, 2,4-dichlorophenoxybutyric acid, 2,4-dichlorophenoxypropionic acid, 2-methyl-4-chlorophenoxyacetic acid, or Propanil herbicides during the period beginning March 16 and continuing through October 15 of each calendar year when used in that portion of San Joaquin County bounded by a line beginning at the intersection of Sacramento, San Joaquin and Amador Counties; thence southerly along the San Joaquin County line to State Highway 88; thence southwesterly along Highway 88 to its intersection with State Highway 12; thence westerly along Highway 12 and 88 to the intersection of Clements Road to its intersection with an imaginary easterly extension of Eight Mile Road from its junction with the Calaveras River; thence west along this extension to Eight Mile Road; then west along Eight Mile Road to Thornton Road; thence south on Thornton Road to its intersection with Disappointment Slough; thence westerly along Disappointment Slough to the southeast corner of Bishop Tract; thence westerly along the southern edges of Bishop Tract, King Island, and Empire Tract; thence northerly along the west edge of Empire Tract to the southeast corner of Bouldin Island; thence along the southern and western edges of Bouldin Island to the intersection of San Joaquin, Contra Costa, and Sacramento Counties; thence northerly and easterly along the San Joaquin-Sacramento County line to the point of beginning.

(1) No application shall be made when wind velocity is less than two miles per hour or greater than seven miles per hour;

(2) No herbicide in an ester form shall be applied.

(3) A permit authorizing use shall show the application site(s) for which it is valid, except that a permit need not show the application site(s) if a notice of intent to apply pesticides is required to be filed previous to any application.

(4) No application shall be made on any area situated within two miles of any cultivated commercial vineyard belonging to any person other than the owner of the property being treated that existed prior to May 1, 1978.

(5) No application shall be made by aircraft; nor shall aircraft be loaded except as follows:

(A) Within that portion of **San Joaquin County** described as the entire areas of Empire Tract, King Island, Bishop Tract, and Rio Blanco Tract, the eastern boundary line of which begins on Atherton Levee Road at the confluence of Disappointment Slough and the dredger cut, located approximately one-half mile west of Interstate Highway 5 Pixley Slough Bridge 29-200 L; and thence running northerly along the State of California borrow pit to its meeting with the easterly end of White Slough subject to the following restrictions:

1. The commissioner may require that all applications be made under the direct supervision of the commissioner's representative.

(B) Within the entire area of Staten Island and Bouldin Island subject to the following restrictions:

1. The commissioner may require that all applications be made under the direct supervision of the commissioner's representative;

2. A drift reducing agent shall be added to the spray mixture;

3. Only one aircraft shall spray at a given time on each of the two islands.

(6) The provisions of subsections (4) and (5) shall not apply to Propanil herbicides.

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.

6466. Paraquat.

The aerial application of paraquat for preplant or preemergence weed control shall be made only in accordance with the following restrictions:

- (a) Jet nozzles having an orifice of not less than one-sixteenth of an inch in diameter shall be used with such orifices directed backward parallel to the horizontal axis of the aircraft in flight. A number 46 (or equivalent) or larger whirlplate may be used.
- (b) Boom pressure shall not exceed 40 pounds per square inch.
- (c) Spray material shall not be discharged at a height of more than ten (10) feet above the crop or target.
- (d) Wind velocity shall not exceed 10 miles per hour.

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.

6467. Folpet. [Repealed]

NOTE: Authority cited: Sections 407, 12976, 12981 and 14006, Food and Agricultural Code.
Reference: Sections 11501, 12981 and 14006, Food and Agricultural Code.

6468. 1,3-Dichloropropene and Ethylene Dibromide. [Repealed]

NOTE: Authority cited: Sections 407, 12976, 12981, 14005 and 14102, Food and Agricultural Code.
Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

6469. Propargite (Omite, Comite). [Repealed]

NOTE: Authority cited: Sections 407, 12976, 12981 and 14005, Food and Agricultural Code.
Reference: Sections 11501, 12981 and 14006, Food and Agricultural Code.

6470. Cotton Harvest Aids.

S,S,S-tributyl phosphorotrithioate (DEF), tributyl phosphorotrithioite (Folex), or paraquat when used as cotton harvest aids, singly or in combination, shall be used only in accordance with the following restrictions:

- (a)(1) Closed systems as specified in section 6000 shall be used for all mixing and transfers conducted by an employee.
- (2) Paraquat applications shall not be made within one-eighth of a mile of any school or any area zoned as residential where people are actually residing or other inhabited residential area designated by the commissioner.
- (3) DEF or Folex applications shall not be made within one-half mile of any area zoned as residential where people are actually residing or other inhabited residential area designated by the commissioner or any school in session or due to be in session within 24 hours.
- (4) DEF or Folex applications shall not in any case be made within one-eighth of a mile of any school.

(b)(1) Jet nozzles having an orifice of not less than one-sixteenth of an inch in diameter shall be used on aircraft with such orifices directed backward parallel to the horizontal axis of the aircraft in flight. A number 46 (or equivalent) or larger whirlplate may be used.

(2) Aircraft nozzles shall not be equipped with any device or mechanism which would cause a sheet, fan, cone, or similar type dispersion of the discharged material.

(3) Aircraft boom pressure shall not exceed 40 pounds per square inch.

(4) These cotton harvest aids shall be applied by aircraft only in combination with a viscoelastic thickening agent or other drift control agent approved as effective for such purposes by the Director of the Department of Food and Agriculture.

(5) Except for the requirements of paragraph (4), this subsection does not apply to helicopters equipped with a Microfoil® boom operated at air speeds below 60 miles per hour.

(c) Air carrier ground equipment shall not be used to apply DEF or Folex.

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.

6472. Ethylene Dichloride. [Repealed]

NOTE: Authority cited: Sections 407, 12976, 12981, 14005 and 14102, Food and Agricultural Code.

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

6473. Bromoxynil. [Repealed]

NOTE: Authority cited: Sections 407, 12976, 12981 and 14005, Food and Agricultural Code.

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

6474. Carbofuran.

Carbofuran (Furadan) shall not be applied to alfalfa located within one mile of nesting geese, widgeon or coots or to areas where repeated feeding of these waterfowl is known to occur.

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.

6476. Fenamiphos.

The following restrictions apply to all turf uses of fenamiphos (Nemacur).

(a) Fenamiphos shall not be used to treat residential or institutional lawns or public recreation areas other than golf courses.

(b) Fenamiphos shall not be applied with a knapsack or similar equipment that is placed on the applicator's body.

(c) Fenamiphos shall be watered in immediately after it is applied with a minimum of one-half inch of water. Such water shall not be allowed to run off the treated area.

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	1 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 DPR-PML-041 (Rev. 08/11)
Pesticide Broker License Additional Fee for each Broker Branch	\$0 \$0	Pesticide Broker License Application (PB) DPR-PML-217 (Rev. 08/11)
Agricultural Pest Control Adviser License	\$ 80	Agricultural Pest Control Adviser Application DPR-PML-084 (Rev. 08/11)
Pest Control Aircraft Pilot Certificate	\$ 60	Aircraft Pilot Pest Control Certificate Application DPR-PML-005 (Rev. 08/11)
Pest Control Dealer Designated Agent License	\$ 25	Pest Control Dealer Designated Agent License Application DPR-PML-043 (Rev. 08/11)
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 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 license and 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 (DPR-PML-131, Rev. 08/11), 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 (DPR-PML-132, Rev. 8/11), 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)

(2) The instructional course or program shall be at least one hour total in length.

(f) The approval of a course or program pursuant to this section shall be valid for the calendar year in which the course or program would be presented.

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

6513. Records of Continuing Education.

(a) The instructor or sponsoring organization shall maintain a record of licensees and certificate holders who have successfully completed continuing education for three years from the completion date of the course or program.

(b) Each licensee and certificate holder specified in section 6511 shall maintain a record for three years of all continuing education approval pursuant to section 6512 which he/she acquired during each license or certificate period.

(c) The records specified in (a) and (b) shall include:

- (1) The license or certificate holder's name;
- (2) License or certificate number;
- (3) The title and location of the instruction;
- (4) Name of instructor or sponsoring organization, hours credited; and
- (5) The identification code number assigned by the director or regional accreditation committee to the course or program.

(d) Certificates of course or program completion or written statements containing all the information specified in (c), issued by the instructor or sponsoring organization, shall be sufficient to constitute the records specified in (a) and (b).

(e) The records specified in (a) and (b) shall be submitted to the director upon written request.

NOTE: Authority cited: Sections 11456 and 11502.5, Food and Agricultural Code.
Reference: Sections 11502.5 and 12980.1(c), Food and Agricultural Code.

6514. Regional Accreditation Committees. [Repealed]

NOTE: Authority cited: Sections 407 and 11502.5, Food and Agricultural Code.
Reference: Sections 11502.5 and 12986, Food and Agricultural Code.

**Article 2. Agricultural Pest Control Business Licenses
Sections 6520-6524**

6520. Authorized Agent Qualifications. [Repealed]

NOTE: Authority cited: Sections 407 and 11502, Food and Agricultural Code.
Reference: Sections 11702 and 11703, Food and Agricultural Code.

6522. Categories.

The categories for supervision of pest control by a qualified person pursuant to Section 11708 of the Food and Agricultural Code shall be those listed in Section 6530. Persons holding an unrevoked license or licenses pursuant to this section in 1984 will be issued a corresponding license or licenses for the categories specified in Section 6530 upon application before December 31, 1985.

NOTE: Authority cited: Sections 11456 and 11702, Food and Agricultural Code.
Reference: Sections 11702 and 11705, Food and Agricultural Code.

6524. Financial Responsibility of Applicants for an Agricultural Pest Control Business License.

(a) Each applicant shall demonstrate financial responsibility in connection with the obtaining and maintenance of an agricultural pest control business license pursuant to Article 1 of Chapter 4 (beginning with Section 11701) of Division 6 of the Food and Agricultural Code as follows:

(1) File with the Director an original certificate of insurance (Form number DPR-PML-052, Rev. 8/11, entitled "Certificate of Insurance") certifying insurance coverage for the operations involved for an annual period in an amount not less than that specified in and in accordance with the provisions of (c). The certificate shall be provided by the Director and issued by the insurer. Within 10 days of expiration of the insurance policy(s) identified by the certificate, applicants who have been licensed by the Director, shall file a new certificate [identifying the current policy(s)] with the director. For insurance covering aircraft, the certificate shall specify the N number(s) of the aircraft covered by the insurance for chemical liability; or,

(2) Deposit with the Director a certificate of deposit issued (by a licensed financial institution doing business in California) and maintained under the following conditions:

(A) The principal amount of the certificate of deposit at time of issuance is not less than that specified in and in accordance with the provisions of (c);

(B) The Director is given express authority to withdraw any part or all of the funds required to satisfy a final judgment of a California or Federal court based upon violation of the provisions of Food and Agricultural Code Division 6, and Division 7 pertaining to pesticides, and regulations issued pursuant to those provisions;

(C) The Director is given express authority to withdraw any part or all of the funds and deposit the funds in court in an interpleader action in any circumstance where it appears to the director that there may be multiple judgments involving violation of the laws and regulations specified in (B) and such funds may be called upon to satisfy such judgments; and

(D) If any part of the funds are withdrawn as provided in (B) and (C), an additional certificate of deposit shall be filed with the Director so that the remaining funds, if any, of the initial certificate of deposit and the principal amount of the additional certificate of deposit equal the principal amount of the initial certificate of deposit at the time of its issuance; or

(3) Deposit with and on a form provided by the Director a surety bond (Form number DPR-PML-053, Rev. 8/11 entitled Pest Control Business Licensees Bond) issued by a bonding company doing business in California in an amount not less than that specified in and in accordance with the provisions of (c).

(b) Applicants electing to show financial responsibility by a certificate of deposit as specified in (a)(2) shall assign the certificate to the Director and shall maintain the certificate and not be entitled to withdraw the funds for two years after termination of the license or until all claims filed against the licensee are satisfied, whichever occurs later.

(c) Applicants may show financial responsibility by liability insurance which covers chemical bodily injury and chemical property damage or by a certificate of deposit or a surety bond to cover chemical bodily injury and chemical property damage in the amounts specified below:

Type of Pest Control Operations	Liability Insurance			Certificate of Deposit or Surety Bond
	Bodily Injury Per Person	Bodily Injury Per Occurrence	Property Damage	
Agricultural pest control business license applicants who make applications <i>by ground rigs</i> or who make <i>fumigations</i>	\$100,000	\$300,000	\$ 50,000	\$ 75,000
Agricultural pest control business license applicants who make applications <i>by aircraft</i>	\$100,000	\$300,000	\$100,000	\$ 50,000
	per aircraft; property damage aggregate; one-half the property damage limit times the number of insured aircraft, where more than one aircraft is insured			per aircraft, but not to exceed \$300,000 per business license
Applicants for an agricultural pest control business license in the <i>maintenance gardener</i> category; in lieu of insurance, a certificate of deposit, or surety bond, these applicants may provide a statement to the director under penalty of perjury that as to chemical bodily injury and chemical property damage resulting from their pest control operations, they are financially able to respond in damages using their own personal assets	\$ 5,000	\$ 10,000	\$ 5,000	\$ 5,000

(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 (Pest Control Business Licensees Bond Form DPR-PML-053, Rev. 8/11), with 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.

(a) 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.

6551. Licensing for Public Agencies.

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

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

6552. Continued Education Requirements. [Repealed]

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

6554. Regional Accreditation Committee. [Repealed]

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

6556. Recommendations.

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

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

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

6557. Advisories for Groundwater Protection. [Repealed]

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

Article 6. Pest Control Dealer Licenses
Sections 6560-6576

6560. Supervision.

(a) Each licensed pest control dealer shall have and maintain at the principal office and at each branch location a designated agent to actively supervise all operations conducted by the location.

(b) The designated agent shall be a person who has passed the laws and regulations examination; or who holds a valid agricultural pest control adviser license, pest control aircraft pilot certificate, or is a qualified applicator licensee.

NOTE: Authority cited: Sections 11456 and 12111, Food and Agricultural Code.

Reference: Sections 11501 and 12103, Food and Agricultural Code.

6562. Dealer Records and Sales Reporting.

(a) Each licensed pest control dealer shall prepare and maintain records of all pesticides sold or delivered, except for pesticides labeled only for home use. These records shall include the following:

(1) The purchaser's name and address;

(2) The product purchased, and the amount;

(3) The date of purchase;

(4) The operator identification number(s) specified in section 6622 on the invoice, or a statement on the invoice indicating that the purchaser was not required to obtain an operator identification number pursuant to section 6622;

(5) A copy of an agricultural pest control adviser's written recommendation, or the following statement (or a substantially similar statement) on the invoice or delivery slip supplied to the customer:

No recommendation has been made by, or provided to, the seller concerning the use of the pesticide covered by this invoice; and

(6) The location where the pesticide was delivered, including the name of the person who, or business which, received the shipment, if the dealer delivered the pesticide.

(b) The records shall be maintained at the sales office for two years. These records shall be produced for inspection, by purchaser name, upon request by the director or agricultural commissioner.

NOTE: Authority cited: Sections 11456, 12111, 12976, and 13145, Food and Agricultural Code.

Reference: Sections 11501, 12110, and 13145, Food and Agricultural Code.

6564. Appropriate Products.

All persons engaged in business as licensed pest control dealers shall:

(a) Sell or deliver a pesticide for which a recommendation has been provided to him or written by any person employed by him only when the pesticide labeling corresponds to the recommendation; and

(b) Not knowingly sell or deliver a pesticide for use not shown in the labeling, or when any condition of use shown in the labeling cannot be complied with.

6625. Pesticide Use Report for School Sites and Child Day Care Facilities.

(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 and Child Day Care Facility Pesticide Use Reporting (DPR-ENF-117 Rev. 8/11), 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/child day care facility or school site/child day care facility 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 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. [Repealed]

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, he/she 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, he/she 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, 14006, and 14011.5, Food and Agricultural Code.

Article 2. Pest Control Business Operations
Sections 6630-6636

6630. Equipment Identification.

Each person engaged for hire in the business of pest control shall keep each ground rig, service rig, and similar equipment used for mixing or applying pesticides conspicuously and legibly marked with either the business' name, or with "Licensed Pest Control Operator," "Fumigation Division," "Licensed Fumigator," or substantially similar wording and the pest control operator license number of the person or firm. The markings shall be large enough to be readable at a distance of 25 feet.

NOTE: Authority cited: Sections 11456, 11502 and 12976, Food and Agricultural Code.
Reference: Section 11501, Food and Agricultural Code.

6632. Recommendation and Use Permit.

Each person engaged for hire in the business of pest control shall have available a copy of both of the following covering each agricultural use application of a pesticide that requires a permit.

- a) A copy of the written recommendation adopted by the operator of the property or a work order that contains the elements of a recommendation required by Food and Agricultural Code section 12003 and Title 3, California Code of Regulations, section 6556, and
- b) A copy of the use permit authorizing treatment of that site with that pesticide(s).

NOTE: Authority cited: Sections 11456, 11502 and 12976, Food and Agricultural Code.
Reference: Sections 11501, 12003, and 14007, Food and Agricultural Code.

6634. Accident Reports.

Each person engaged for hire in the business of pest control shall report to the commissioner as soon as practicable, by the most expedient method, any forced landing, or emergency or accidental release of pesticides. Such report shall include the location, the pesticide, and estimated amount.

NOTE: Authority cited: Sections 11456, 11502 and 12976, Food and Agricultural Code.
Reference: Section 11501, Food and Agricultural Code.

6636. Pest Control Records and Reports. [Repealed]

NOTE: Authority cited: Sections 407, 11502 and 12976, Food and Agricultural Code.
Reference: Sections 11501, 11708 and 11733, Food and Agricultural Code.

6726. Emergency Medical Care.

(a) Emergency medical care for employees handling pesticides shall be planned for in advance. The employer shall locate a facility where emergency medical care is available for employees who will be handling pesticides.

(b) Employees shall be informed of the name and location of a facility where emergency medical care is available. The employer shall post in a prominent place at the work site, or work vehicle if there is no designated work site, the name, address and telephone number of a facility able to provide emergency medical care whenever employees will be handling pesticides and, if the identified facility is not reasonably accessible from that work location, procedures to be followed to obtain emergency medical care.

(c) When there is reasonable grounds to suspect that an employee has a pesticide illness, or when an exposure to a pesticide has occurred that might reasonably be expected to lead to an employee's illness, the employer shall ensure that the employee is taken to a physician immediately.

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

6728. Medical Supervision.

(a) Whenever an employee mixes, loads, or applies a pesticide with the signal word "DANGER" or "WARNING" that contains an organophosphate or carbamate, for the commercial or research production of an agricultural plant commodity, the employer shall maintain use records that identify the employee, the name of the pesticide, and the date of use. The original or copies of documents otherwise required to be maintained by this chapter may be used to meet the requirements of this section provided they contain the information required by this section.

(b) Each employer who has an employee who regularly handles pesticides specified in (a) shall have a written agreement signed by a physician, that includes the names and addresses of both the physician providing the medical supervision and the employer responsible for the employees, stating that the physician has agreed to provide medical supervision and that the physician possesses a copy of, and is aware of the contents of the document "Medical Supervision of Pesticide Workers-Guidelines for Physicians" (available from the Office of Environmental Health Hazard Assessment). A copy of this agreement shall be given to the commissioner by the employer no later than when an employee begins to regularly handle pesticides specified in (a).

(c) The employer's responsibilities for medical supervision for employees regularly handling pesticides specified in (a) shall include the following:

(1) All covered employees shall have baseline red cell and plasma cholinesterase determinations. Baseline values shall be verified every two years. For new employees, the medical supervisor may accept previously established baseline values if they are obtained in accordance with these regulations by the same laboratory methodology and are acceptable to the laboratory which will analyze the new employee's blood samples.

(2) (A) The employer shall ensure that each employee, not previously under medical supervision associated with that employer, has red cell and plasma cholinesterase determinations within three working days after the conclusion of each 30-day period in which pesticides specified in (a) are regularly handled.

(B) After three tests at 30-day intervals, further periodic monitoring shall be at intervals specified in writing by the medical supervisor except for verification of baseline as specified in (1).

(C) Where the medical supervisor has made no written recommendation for continued periodic monitoring, the testing interval shall be 60 days.

(3) The employer shall keep a record of the agreement to provide medical supervision, use records, all recommendations received from the medical supervisor, and all results of cholinesterase tests required to be made on his/her employees by this section or by the medical supervisor. Records required by this section shall be maintained for three years and shall be available for inspection by the employee, the Director, commissioner, county health official, or state health official.

(4) The employer shall follow the recommendations of the medical supervisor concerning matters of occupational health.

(5) The employer shall post the name, address, and telephone number of the medical supervisor in a prominent place at the locale where the employee usually starts the workday; or if there is no locale where the employee usually starts the workday, at each worksite; or in each work vehicle.

(d) The employer shall investigate the work practices of any employee whose red cell or plasma cholinesterase levels fall below 80 percent of the baseline. The investigation of work practices shall include a review of the safety equipment used and its condition; and the employee's work practices which included employee sanitation, pesticide handling procedures, and equipment usage. The employer shall maintain a written record of the findings, any changes in equipment or procedures, and any recommendations made to the employee.

(e) The employer shall remove an employee from exposure to organophosphate or carbamate pesticides if the employee's plasma cholinesterase level falls to 60 percent or less of baseline, or if red cell cholinesterase falls to 70 percent or less of baseline. The employee shall be removed from further exposure until cholinesterase values return to 80 percent or more of their respective baseline values. The employer shall maintain written records of the dates of removal and the dates when employees are returned to exposure.

(f) To meet the requirements of these regulations, acetylcholinesterase (also known as red blood cell cholinesterase) and butyrylcholinesterase (also known as plasma or serum cholinesterase or pseudocholinesterase) tests ordered by a medical supervisor for occupational health surveillance shall be performed by a clinical laboratory currently approved by the State Department of Health Services to perform these tests. By January 1, 2000, tests shall be performed according to the procedures outlined below. If tests cannot be performed according to the following procedures, the conversion procedure outlined in 6728 (f)(8) shall be performed.

(1) Using personnel and procedures acceptable to the Department of Health Services (Business and Professions Code sections 1242, 1243, 1246, 1269, 2070; Health and Safety Code sections 120580, 1607), blood collection and storage shall be done according to the following conditions:

(A) Blood samples shall be kept in ice or at a temperature of 4° C until time of assay. If the sample is centrifuged to remove the erythrocytes from the plasma, the plasma shall be stored frozen at a temperature of \leq minus 20°C until the assay is performed. If possible, the assay shall be performed within 24 hours after blood collection. Time of sample collection, analysis, and storage conditions shall be specified on the report.

(1) Pesticide use records specified in Section 6624(b), (c), (d) and (e) for pesticides that have been applied to the field within the last two years;

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

(A) Within seven working days of a request for a MSDS from an employee, employee representative or employee's physician, make written inquiry to the registrant of the pesticide, asking that a MSDS be sent to the operator of the property. If the operator of the property has made a written inquiry within the last twelve months as to whether the pesticide is subject to the requirement for a MSDS or the operator of the property has made a written inquiry within the last six months requesting new, revised or later information on the MSDS, the operator of the property need not make additional written inquiry. A copy of the written inquiry shall immediately be sent to the person requesting the MSDS;

(B) Notify the requester of the availability of the MSDS or provide a copy of the MSDS to the requester within fifteen days of receipt of the MSDS from the registrant; and

(C) If a response has not been received from the registrant within twenty-five working days of the date the inquiry was made, send the department a copy of the inquiry with a notation that no response has been received. The operator of the property is not precluded from obtaining and providing the MSDS utilizing other more expedient methods in lieu of those provided in this subsection.

(c) The operator of the property shall inform his or her employees, before they are allowed to enter a treated field, of the location and availability of any records and other documents required by subsections (a) and (b). If the employees are employed by a labor contractor, the operator of the property shall inform the labor contractor of the location or changed location, of the records and other documents. The labor contractor shall provide that information to his or her employees. If the location of the records and other documents changes, the operator of the property and the labor contractor shall promptly inform his or her employees of the new location. The employer, including the labor contractor, shall also inform their employees that they, their physicians and their representatives have a right of access to the information and that the employees are protected against discharge or other discrimination due to the exercise of their rights under this section.

(d) The operator of the property shall provide, upon request of his or her employee, an employee of a labor contractor, employee representative, or an employee's physician, access to any records, documents and information required to be maintained by this chapter. Access shall be granted as soon as possible and not to exceed forty-eight hours from the date of the request.

INFORMATIONAL NOTE: Other requirements relating to hazard communication can be found in sections 6602, 6618, 6619, 6724, 6726, 6738, 6744, 6764, 6766, 6770, 6771, and 6776.

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

Reference: Sections 12980 and 12981, Food and Agricultural Code; and 29 Code of Federal Regulations, Part 1910.1200.

6761.1. Application-Specific Information for Fieldworkers.

(a) The operator of property used for the commercial or research production of an agricultural plant commodity shall display at a central location the following application-specific information, while fieldworkers are employed to work in treated fields on the operator's property:

- (1) Identification of the treated field;
- (2) Time and date of the application;
- (3) Restricted entry interval;
- (4) Product name(s), U.S. EPA registration number(s), and active ingredient(s); and
- (5) Spray adjuvant product name(s) and California registration number(s) if applicable.

(b) The information must be displayed when the operator of the property receives notice of the completion of an application and before any fieldworkers are allowed to enter the treated field. The information must include all applications that have been made to any field on the operator's property. The information must remain displayed until the area no longer meets the definition of a treated field or fieldworkers will no longer be on the operator's property, whichever occurs earlier.

(c) The operator of the property and any employer with fieldworkers hired to work on the operator's property, shall display at the worksite or at a central location where fieldworkers gather, a description of the location of the application-specific information display whenever their fieldworkers are working in a treated field. The description of the location must be specific enough for fieldworkers to find and have unimpeded access to the displayed application-specific information. The location description must be included in the appropriate section of, or as an attachment to, the Hazard Communication Information for Employees Working in Fields (Pesticide Safety Information Series leaflet A-9) pursuant to section 6761(a).

(d) The original or copies of documents otherwise required to be maintained by this chapter may be used to meet the requirements of this section, provided they contain the information required by this section.

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

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