

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

Remove Page(s)	Replace with Page(s)	Number of Pages Inserted
Summary of Changes Rev. 9/2009	Summary of Changes 7/2012	3
6000-6000-11	6000-Blank Page	7
6960-Blank Page	6960-Blank Page	2

This page intentionally left blank.

TITLE 3 CALIFORNIA CODE OF REGULATIONS SUMMARY OF CHANGES

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

The sections of 3CCR listed below, were adopted effective 7/19/2012.

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 CCR Section	Action Taken	Date Effective	Reference
		2012	
6000	Amended	7/19/2012	New structural-use related definitions
6970	Adopted	7/19/2012	Surface Water Protection Non-Ag
6972	Adopted	7/19/2012	Exemptions – Surface Water Protections Non-Ag

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

3 CCR Section	Action Taken	Date Effective	Reference
		2009	
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 and remove 1 to the Groundwater Protection List
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		

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

6739 (j)(A)(3)	Correction		
6739(q)	Correction		
6784(b)	Correction		
6784(b)(2)(B)	Correction		

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

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

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

3 CCR Section	Action Taken	Date Effective	Reference
		2007	
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

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

3 CCR Section	Action Taken	Date Effective	Reference
		2006	
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

This page intentionally left blank

**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.

“Aquatic habitat” means bodies of water, such as lakes, reservoirs, rivers, perennial and intermittent streams, wetlands, or ponds, sloughs, and estuaries.

“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.

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

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

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

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

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

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

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

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

“Crack and crevice treatment” means the application of small amounts of insecticide directly into cracks and crevices in which insects hide or through which they may enter the building. Examples are openings occurring at expansion joints, between different elements of construction, and between equipment and floors. Only minimal amounts of pesticide should remain on the surface.

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

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

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

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

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

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

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

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

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

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

“Examination” means written examination.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Impervious surfaces” means hard surfaces, such as concrete or asphalt streets, sidewalks, and driveways.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“**Pesticide**” means:

- (a) Any substance or mixture of substances that is a pesticide as defined in the Food and Agricultural Code and includes mixtures and dilutions of pesticides;
- (b) As the term is used in Section 12995 of the Food and Agricultural Code, includes any substance or product that the user intends to be used for the pesticidal poison purposes specified in Sections 12753 and 12758 of the Food and Agricultural Code.

“Pesticide exposure study” means:

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

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

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

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

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

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

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

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

“Precipitation” means the condensation of atmospheric water vapor that fall under gravity. Precipitation does not include mist or fog.

“Private applicator” means:

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

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

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

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

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

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

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

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

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

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

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

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

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

“Spot treatment” means an application to limited areas that will not exceed two square feet on which pests are likely to occur or have been located during the process of monitoring or inspection.

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

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

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

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

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

“Use” means any pesticide related activity including:

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

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

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

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

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

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

This page intentionally left blank

Article 1. Pesticide Contamination Prevention
Sections 6960-6972

6960. Dormant Insecticide Contamination Prevention.

(a) The operator of the property shall meet at least one of the following requirements when making dormant applications:

(1) only apply a dormant oil, or a biocontrol agent such as but not limited to spinosad or *Bacillus sp.*; or

(2) only apply to a hydrologically isolated site; or

(3) divert any runoff with an on-farm recirculating system and/or contain and hold any runoff for 72 hours before releasing into a sensitive aquatic site.

(b) If none of the requirements in subsection (a) can be met, the following dormant insecticide application restrictions shall apply:

(1) the operator of the property to be treated shall obtain a written recommendation from a licensed pest control adviser prior to the application; and

(2) the application shall not be made within 100 feet of any sensitive aquatic site; and

(3) wind speed shall be 3-10 miles per hour (mph) at the perimeter of the application site as measured by an anemometer on the upwind side.

(c) Aerial application of dormant insecticides shall only be allowed if:

(1) soil conditions do not allow field entry, or approaching bloom conditions necessitate aerial application; and

(2) all the requirements in subsection (b) are met.

(d) No dormant insecticide application shall occur if:

(1) soil moisture is at field capacity and a storm event, forecasted by the National Oceanic and Atmospheric Administration (NOAA) or National Weather Service (NWS), is to occur within 48 hours following application; or

(2) a storm event likely to produce runoff from the treated area is forecasted by NOAA/NWS to occur within 48 hours following the application.

NOTE: Authority cited: Food and Agricultural Code section 11456.

Reference: Food and Agricultural Code sections 11456 and 11501.

6970. Surface Water Protection in Outdoor Nonagricultural Settings.

The provisions of this section apply to any person performing pest control for hire, including landscape maintenance gardeners, when any of the following pesticides is applied outdoors to structural, residential, industrial, and institutional sites:

bifenthrin
bioallethrin
S-bioallethrin
cyfluthrin
beta-cyfluthrin
gamma-cyhalothrin
lambda-cyhalothrin
cypermethrin
deltamethrin
esfenvalerate
fenpropathrin
tau-fluvalinate
permethrin
phenothrin
prallethrin
resmethrin
tetramethrin

(a) Except when prohibited in (e), applications to the soil surface, mulch, gravel, lawn, turf, or groundcover must be made using only the methods described below:

- (1) Spot treatment
- (2) Pin stream treatment on one-inch or less
- (3) Perimeter band treatment of three feet wide or less from the base of a building outward
- (4) Broadcast treatment but not within two feet from any horizontal impervious surface. Pin stream treatment of one-inch wide or less may be made within the two-foot area.

(5) For broadcast treatment of termiticides to preconstruction sites, prior to precipitation, the treatment site must be covered with a waterproof covering, such as a polyethylene sheet, or a concrete slab must be poured over the treated soil.

(b) Except when prohibited in (e), applications to windows and doors, and horizontal impervious surfaces must be made using only the methods described below:

- (1) Spot treatment
- (2) Crack and crevice treatment
- (3) Pin stream treatment of one-inch wide or less

(c) Except when prohibited in (e), applications to vertical structural surfaces, such as walls, foundations, and fencing, must be made using only the methods described below:

- (1) Spot treatment
- (2) Crack and crevice treatment
- (3) Pin stream treatment of one-inch wide or less
- (4) Perimeter band treatment up to a maximum height of two feet above the grade level.

(d) Except when prohibited in (e), for applications using granules to the soil surface, mulch, gravel, lawn, turf, or groundcover, the applicator shall sweep any granules that land on horizontal impervious surfaces onto the treatment site.

- (e) The following applications are prohibited:
- (1) To any site during precipitation, except for applications made to the underside of eaves;
 - (2) To the soil surface, mulch, gravel, lawn turf, groundcover, or horizontal impervious surfaces with standing water, including puddles;
 - (3) To a sewer or storm drain, or curbside gutter;
 - (4) To the following components of a constructed drainage system that drains to a sewer or storm drain, curbside gutter, or aquatic habitat:
 - (A) Visible drainage grate connected to a drain pipe; or
 - (B) Visible french drain, or landscaped dry river bed, swale or trench filled with gravel or rock;
 - (5) To the soil surface, including preconstruction termiticides sites, mulch, gravel, lawn, turf, groundcover, or horizontal impervious surfaces within 25 feet of aquatic habitat located downgradient from the application. The applicator shall measure the distance from the high water mark or intermittent streams that are dry from the top of the near bank; or
 - (6) To the preconstruction termiticide site within 10 feet of a storm drain located downgradient from the application.
- (f) Application to plants, shrubs, or trees where there is standing water in the dripline or perimeter of the plants, shrubs or trees is prohibited.

Note: Authority cited: Section 11456, Food and Agricultural Code.

Reference: Sections 11456 and 11501, Food and Agricultural Code.

6972. Exemptions from Surface Water Protection in Outdoor Nonagricultural Settings.

The following applications are exempt from the provisions of section 6970:

- (a) Injection into soil or structural materials, such as bricks, concrete, or wood.
- (b) Post-construction rod or trench termiticide application methods.
- (c) Applications to below-ground insect nests or nests made of mud or paper combs.
- (d) Applications of baits in weather-proof stations or gel baits.
- (e) Pesticide applications to receiving waters for which a permit has been issued under the Statewide General National Pollutant Discharge Elimination System (NPDES) for Pesticide Discharges to Waters of the U.S. from Spray Applications, and Vector Control Applications.
- (f) Applications to the underside of eaves.
- (g) Foggers or aerosol applications.

Note: Authority cited: Section 11456, Food and Agricultural Code.

Reference: Sections 11456 and 11501, Food and Agricultural Code.

This page intentionally left blank