

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

Remove Page(s)	Replace with Page(s)	Number of Pages Inserted
Summary of Changes Rev. 7/2012	Summary of Changes 9/2013	1
6448.1-2 to 6449.1	6448.1-2 to 6449.1	1
6451 to 6452.3	6451 to 6452.3	2
6476 to 6486.4	6476 to 6486.4	1
6551 to 6580	6551 to 6580	4
6618-1 to 6620	6618-1 to 6620	2
6800 to End	6800 to End	8

This page intentionally left blank.

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, amended or renumbered effective between 9/18/2012 and 11/01/2013.

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
		2013	
6449.1	Amended	9/18/2012	Chloropicrin Fume Methods
6452	Amended	11/01/2013	VOC Field Fume Methods
6452.2	Amended	11/01/2013	VOC Emission Limits
6452.4	Renumbered	11/01/2013	VOC Emissions Inventory Report
6486.7	Amended	9/18/2012	Azinphos-methyl
6558	Adopted	11/01/2013	NonFumigants – San Joaquin
6577	Adopted	11/01/2013	Sales – Non Fumigants S.Joaquin
6619	Correction		Typo
6619.1	Correction		Typo
6800	Amended	8/22/2012	Groundwater Protection List
6864	Renumbered	11/01/2013	Formerly 6890
6880	Adopted	11/01/2013	Designating VOC Compounds
6881	Renumbered	11/01/2013	Formerly 6452.4
6883	Adopted	11/01/2013	Recommendations S. Joaquin ONA
6884	Adopted	11/01/2013	S. Joaquin ONA Recommendations
6886	Adopted	11/01/2013	S. Joaquin ONA Dealer Responsib.
6890	Renumbered	11/01/2013	Renumbered to 6864

This page intentionally left blank

(7) Chemigation (Drip System)/Tarpaulin

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

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

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

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

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

(e) Tarpaulin Repair.

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

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

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

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

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

6449. Chloropicrin Field Fumigation – General Requirements.

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

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

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

6449.1. Chloropicrin Field Fumigation Methods.

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

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

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

(1) coarse soils (sand and loamy sand) - at least enough moisture to form a ball when compressed by hand, that may break when tapped;

(2) loamy, moderately coarse, or medium textured (coarse sandy loam, sandy loam, fine sandy loam) - at least enough moisture so that soil forms a ball that holds together when tapped;

(3) fine texture soils (clay loam, silty clay loam, sandy clay, silty clay, sandy clay loam and clay) - at least enough moisture so that the soil is pliable, not crumbly.

(d) Tarpaulin Repair.

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

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

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

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

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

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

The provisions of sections 6450.1 and 6450.2 apply to field soil fumigation using metam-sodium, potassium N-methyldithiocarbamate (metam-potassium), or dazomet within the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, or Ventura ozone nonattainment areas during the May 1 through October 31 time period. Golf courses, tree applications for prevention of root graft disease transmission, wood decay uses, potting soil, (continued next page)

6451. Sodium Tetrathiocarbonate Field Fumigation - General Requirements.

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

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

6451.1. Sodium Tetrathiocarbonate Field Fumigation Methods.

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

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

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

6452. Reduced Volatile Organic Compound Emissions Field Fumigation Methods.

(a) For the Sacramento Metro and South Coast ozone nonattainment areas, the Director may approve use of a field fumigation method not described in sections 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, and 6451.1 if the request is accompanied by scientific data documenting the volatile organic compound (VOC) emissions. The emission rating specified in section 6881 or the maximum emission rate (emission rating multiplied by the maximum application rate) must be no greater than any one of the methods for the same fumigant described in sections 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, and 6451.1.

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

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

(A) The emission rating, as specified in section 6881, is no greater than any one of the methods for the same fumigant allowed for use in the San Joaquin Valley, Southeast Desert, and Ventura ozone nonattainment areas as specified in sections 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, or 6451.1, or

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

(c) Criteria the Director shall consider includes whether:

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

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

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

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

6452.1. Fumigant Volatile Organic Compound Emission Records and Reporting.

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

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

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

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

6452.2. Volatile Organic Compound Emission Limits.

(a) The Director shall establish field fumigant volatile organic compound (VOC) emission limits in the Volatile Organic Compound Emissions Inventory Report issued pursuant to section 6881 for the Sacramento Metro, South Coast, Southeast Desert, and Ventura ozone nonattainment areas where the difference between emissions in the most recent inventory report and the benchmarks for that area is five percent or less of the benchmarks or exceeds the benchmarks listed below during the May 1 through October 31 time period:

Ozone Nonattainment Area	Total Agricultural and Structural VOC Emissions Inventory Benchmarks from May 1 to October 31
Sacramento Metro	820,000 lbs. (2.2 tons/day average)
South Coast	3,200,000 lbs. (8.7 tons/day average)
Southeast Desert	340,000 lbs. (0.92 tons/day average)
Ventura	1,100,000 lbs. (3.0 tons/day average)

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

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

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

- (1) Condition the permit to include fumigant emission allowances.
- (2) Deny any permit or notice of intent that would cause the fumigant limit to be exceeded.
- (3) Condition permit to prohibit or require any of the methods allowed by sections 6447.3(a), 6448(c), 6449.1(d), 6450.1(d), or 6452 during the May 1 through October 31 time period.

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

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

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

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

(e) No person may apply a field fumigant during the May 1 through October 31 time period in an ozone nonattainment area for which a fumigant emission limit has been established pursuant to (a), unless their restricted material permit includes conditions specified in (c) or (d), or notice of intent is approved in writing.

(f) For the San Joaquin Valley ozone nonattainment area, if the difference between emissions in the most recent emissions inventory report and the 6,700,000 pound (18.1 tons per day) benchmark for this area is five percent or less of the benchmark or exceeds this benchmark during the May 1 through October 31 time period, the provisions of sections 6884 shall apply.

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

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

6452.3. Field Fumigant Volatile Organic Compound Emission Allowances.

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

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

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

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

(d) Unprotected persons shall be kept out of areas being treated with fenamiphos until 24 hours after watering, as specified in subsection (c), is completed.

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.

6480. 2,4-Dichlorophenyl P-Nitrophenyl Ether. [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.

6482. Oxydemeton-Methyl (Metasystox-R). [Repealed]

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

6484. Bentazon (Basagran). [Repealed]

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

6486. Atrazine. [Renumbered]

NOTE: Authority cited: Sections 407, 13145, 14005 and 14006, Food and Agricultural Code.
Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

6486.1. Atrazine. [Repealed]

NOTE: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code.
Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

6486.2. Simazine. [Repealed]

NOTE: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code.
Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

6486.3. Bromacil. [Repealed]

NOTE: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code.
Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code

6486.4. Diuron. [Repealed]

NOTE: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code.
Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

6486.5. Prometon. [Repealed]

NOTE: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code.
Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

6486.6. Bentazon (Basagran). [Renumbered to 6457]

NOTE: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code.
Reference: Sections 13145, 13150 and 14006, Food and Agricultural

6486.7. Azinphos-methyl.

(a) When employees apply azinphos-methyl using air carrier (air blast) ground equipment where any part of the airstream is directed at an angle above horizontal to the ground:

(1) Employee applicators shall wear a chemical-resistant suit over long-sleeved shirt and long-legged pants, chemical-resistant hood, chemical-resistant boots, chemical-resistant gloves, and a full-face respirator or a half-face respirator together with a face shield in addition to labeling-required personal protective equipment;

(2) If the employee applicator utilizes an enclosed cab and the work clothing and personal protective equipment specified in section 6738(h)(5), (6), and (7), the requirements in (1) do not apply. In situations specified in 6738(h), where respiratory protection is required inside an enclosed cab, the respiratory protection shall meet labeling requirements.

NOTE: Authority cited: Sections 12981 and 14005, Food and Agricultural Code.
Reference: Sections 12980, 12981, 14001 and 14006, Food and Agricultural Code.

6486.8. Norflurazon. [Repealed]

NOTE: Authority cited: Sections 12976, 13145, 14005 and 14006, Food and Agricultural Code.
Reference: Sections 13145, 13150 and 14006, 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

6558. Recommendation for Use of Nonfumigants in the San Joaquin Valley Ozone Nonattainment Area.

A licensed pest control adviser shall not recommend a use in violation with the provision in section 6884. If a licensed agricultural pest control adviser recommends the use of a high-volatile organic compound nonfumigant product implementing an exception under section 6884(b), the exception must be identified. A pest control adviser must retain a recommendation for a high-volatile organic compound product for at least two years.

NOTE: Authority cited: Sections 11456, 12976, and 14102, Food and Agricultural Code.
Reference: Sections 11501, 12003, and 14102, 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.

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

Reference: Sections 12971 and 12973, Food and Agricultural Code.

6566. Supplemental Labeling.

When a recommended pesticide usage is included only in registered supplemental labeling, both the written recommendation, if any, and such registered supplemental labeling shall be delivered by the dealer to the applicator in sufficient time to allow him to prepare properly for the application.

NOTE: Authority cited: Sections 11456 and 12111, Food and Agricultural Code.
Reference: Sections 11501 and 12973, Food and Agricultural Code.

6568. Dealer Responsibilities.

(a) Each licensed pest control dealer that sells a restricted material which requires a permit for its use or possession shall, before sale or delivery, obtain a copy of the permit.

(b) A restricted material specified in section 6400(a) (federally restricted use) or in section 6400(d) (potential to pollute ground water) that does not require a permit for possession or use shall be sold or delivered only to a certified applicator. The dealer shall, before sale or delivery, obtain from the purchaser a copy of his or her qualified applicator license or certificate, private applicator certificate, or a signed statement in substantially the following form:

I am a certified applicator authorized by the scope of my _____
(license/certificate type)

license/certification No. _____ to use the restricted material(s) I am purchasing.

My license/certificate is valid until _____ .
(Date)

Name of operator of the property that I am employed by (if applicable): _____

(Certified Applicator)

(Date)

(c) Prior to the sale or delivery of pesticides listed in section 6622 to the operator of the property (or the operator's authorized representative), the dealer shall obtain from the purchaser a copy of the restricted materials permit showing all operator identification numbers, if the purchaser has such a permit; or a copy of the form issued to an operator of the property pursuant to section 6622.

(d) The dealer shall send a list of the operator identification numbers with corresponding names of persons purchasing pesticides during the quarter, within 10 days following the end of each quarter of the calendar year, to each of the commissioners who issued the numbers. The dealer is not required to send the list to the commissioner of the county in which the dealer is located.

(e) The dealer shall retain for two years a copy of each form specified in section 6622, permit, or signed statement that pesticide purchaser provided to the dealer.

NOTE: Authority cited: Section 11456 and 14005, Food and Agricultural Code.
Reference: Sections 11501, 14006, 14010 and 14035, Food and Agricultural Code.

6570. Groundwater Protection Material Requirements. [Repealed]

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

6572. Sales Reporting. [Repealed]

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

6574. Antifouling Paints or Coatings Containing Tributyltin-Dealer Requirements.

(a) Antifouling paints or coatings containing tributyltin shall be sold only for the following purposes:

- (1) For application to aluminum vessel hulls;
- (2) For application to vessel hulls 82 feet or more in length; or
- (3) For application to outboard motors or lower drive units.

(b) Prior to sale, the dealer shall secure a copy of the vessel registration to verify the use requirements of (a)(1) or (2). If no vehicle registration exists, or the paint or coating will be applied to an outboard motor or lower drive unit, the dealer shall secure a sworn statement to verify the use requirements of (a)(1), (2), or (3). The sworn statement shall be made in substantially the following form:

I, (name of purchaser), declare under penalty of perjury that the antifouling paint or coating containing tributyltin that I am purchasing shall be applied only to an aluminum vessel hull, to a vessel hull 82 feet or more in length, or to an outboard motor or lower drive unit. The serial number of the vessel is (number).

(Signature of Purchaser)

(Date)

(c) The dealer shall prepare and maintain the following records for all sales of antifouling paints that contain tributyltin:

- (1) Name and address of vessel owner;
- (2) Name and certificate or license number of the certified commercial applicator and location of vessel where application is to be made;
- (3) Date of sale;
- (4) Quantity sold; and
- (5) A copy of the vessel registration or sworn statement verifying the vessel length, vessel hull composition requirements, or intended use on an outboard motor or lower drive unit and registration number. If no registration number exists, the vessel serial number shall be included.

(d) The dealer shall maintain the records specified in (c) in a separate log of sales for two years, and the records shall be readily accessible to the director and the commissioner upon request.

NOTE: Authority cited: Sections 12111 and 14005, Food and Agricultural Code.
Reference: Sections 11501 and 14006, Food and Agricultural Code.

6576. Sales Limitation of Clopyralid.

Prior to sale of a pesticide containing the active ingredient clopyralid for which use restrictions have been established in section 6950, the licensed pest control dealer shall obtain and retain for two years a signed statement from a licensed or certified qualified applicator in substantially the following form:

I, _____ (print name of purchaser) _____, certify that my employees or I will not apply any product containing clopyralid to a residential lawn, and will only apply clopyralid to sites where I can assure the collected grass clippings will remain on the property.

Name of Product: _____ EPA Reg. No.: _____

Under penalty of perjury, the foregoing statement is true and my employees or I will not apply any pesticide containing the active ingredient clopyralid for lawn and turf uses as defined in Food and Agricultural Code section 13190(e) except in accordance with the listed applicator responsibility requirements.

Signature of Qualified Applicator License or Certificate No. Category Expiration Date____

Date of Purchase

NOTE: Authority cited: Sections 11456, 12111, 12781, 12976, and 14102, Food and Agricultural Code.

Reference: Sections 12824, 13191, and 13192, Food and Agricultural Code.

6577. Sales of Nonfumigants for Use in the San Joaquin Valley Ozone Nonattainment Area.

(a) When sale of a high-volatile organic compound (VOC) nonfumigant product with agricultural uses, specified in the Annual Volatile Organic Compound Emissions Inventory Report required in section 6881, is made to or for the operator of the property with an operator identification number issued by a county agricultural commissioner in the San Joaquin Valley ozone nonattainment area, the licensed pest control dealer shall provide the following VOC information, in writing, at time of purchase or delivery:

High-volatile organic compound nonfumigant products containing abamectin, chlorpyrifos, gibberellins, or oxyfluorfen as a primary active ingredient are subject to additional use restrictions during May 1 through October 31 when used in the San Joaquin Valley ozone nonattainment area on the following crops: alfalfa, almond, citrus, cotton, grape, pistachio, and walnut. Use prohibitions that may apply are found in Title 3, California Code of Regulations, section 6884. The operator of the property must obtain a written recommendation of a licensed pest control adviser prior to use on these crops during this time period.

(b) In addition to the requirements in section 6562, each licensed pest control dealer shall indicate on the invoice that the information required in (a) was provided.

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

Reference: Section 11501, Food and Agricultural Code.

Article 7. Private Applicators
Sections 6580-6584

6580. Certificate Issuance.

(a) An application for a new private applicator certificate shall be made on the Private Applicator Certificate Application form PR-PML-045 (Rev. 12/04), hereby incorporated by reference, and submitted to the county agricultural commissioner. No application fee is required.

(b) All private applicator certificate applicants shall be required to take and pass the private applicator examination before being issued a new certificate.

(c) Notwithstanding section 6500, the commissioner, or Director in a county where there is no county agricultural commissioner, shall issue a private applicator certificate for a period of up to three years in accordance with Food and Agricultural Code section 14095.

NOTE: Authority cited: Sections 11456 and 11502, Food and Agricultural Code.
Reference: Sections 14091, 14092, and 14095, Food and Agricultural Code.

6582. Certificate Renewal.

(a) A certified private applicator who elects to renew his/her certificate shall:

(1) Submit a Private Applicator Certificate Application form PR-PML-045 (Rev. 12/04), hereby incorporated by reference, to the county agricultural commissioner no sooner than 120 days prior to, and no later than 90 days after, the expiration date; and

(2) Complete continuing education requirements as specified in section 6584 during the time the certificate is valid, or retake and pass the private applicator certificate examination.

(b) A certified private applicator who has not renewed his/her private applicator certificate within the timeframe specified in (a)(1) shall be required to take and pass the private applicator examination before being issued a certificate.

NOTE: Authority cited: Sections 11456 and 11502, Food and Agricultural Code.
Reference: Sections 14093 and 14096, Food and Agricultural Code.

6584. Continuing Education Requirements.

(a) Private applicator certificate holders who elect to renew their certification by obtaining continuing education shall have completed the following hours pertaining to the topic areas as described in section 6512(e)(1):

(1) Each private applicator whose certificate has been valid for less than 12 months at the time of renewal is exempt from continuing education requirements applicable to the certificate.

(2) Each private applicator whose certificate has been valid for 12 months to 24 months at the time of renewal shall have completed a minimum of four hours, including a minimum of two hours in pesticide laws and regulations.

(3) Each private applicator whose certificate has been valid for more than 24 months and up to 36 months at the time of renewal shall have completed a minimum of six hours, including a minimum of two hours in pesticide laws and regulations.

(b) The continuing education shall have been obtained in a course or program approved pursuant to section 6512.

NOTE: Authority cited: Sections 11456, 11502, and 11502.5, Food and Agricultural Code.
Reference: Section 14096, Food and Agricultural Code.

(6) The notices specified in subsection (a)(3), (4), and (6) must be in a manner the person can understand and include:

- (A) The date of the scheduled application;
- (B) The location and description of the field to be treated; and
- (C) Instructions not to enter the field to be treated until authorized by the operator of the property.

(8) If there is a change in the date of the scheduled application specified in (a)(7)(A), then a new notice must be provided to persons specified in (a)(3), (4), and (6) prior to the application.

(b) This subsection applies to the use of any pesticide for purposes other than the commercial or research production of an agricultural plant commodity. Notification required by this subsection must be given orally or in writing and be completed prior to the use of any pesticide and in ample time for all subsequent notifications to be made and for all persons notified to take appropriate action. This time will differ depending on the circumstances of each notification.

(1) Each person performing pest control shall assure that the operator of the property receives notice of the scheduled application. The notice must be in a manner the person can understand and include:

- (A) The date of the scheduled application;
- (B) The identity of the pesticide (including spray adjuvants, if applicable) by brand or common chemical name; and
- (C) Any other precautions printed on the pesticide product labeling or included in applicable laws or regulations related to the protection of employees or other persons during the application.

(2) The operator of the property shall assure that notice is given to all persons who are on the property to be treated, or who may enter during the application or the period of time that any restrictions on entry are in effect, except for the persons who made or supervised the application for which the notice is intended. The notice must be in a manner the person can understand and include:

- (A) The date of the scheduled application;
- (B) The identity of the pesticide (including spray adjuvants, if applicable) by brand or common chemical name; and
- (C) Precautions to be observed as printed on the pesticide product labeling or included in applicable laws or regulations related to the entry of the treated area.

(3) Compliance by licensed Structural Pest Control Operators with the notice requirements of section 8538 of the Business and Professions Code meets the requirements of this subsection.

(4) Compliance by public agencies with the notice or barrier requirements of section 12978 of the Food and Agricultural Code meets the notice requirements of this subsection.

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

Reference: Sections 11501, 12980, and 12981, Food and Agricultural Code; and Section 8538, Business and Professions Code.

6619. Notice of Completed Applications.

(a) Any person applying pesticides for the commercial or research production of an agricultural plant commodity shall assure that the operator of the property treated receives notice, orally or in writing, and within 24 hours of completion of the pesticide application. This notice must include the following information:

- (1) The location of the property, including the site identification number, and acreage treated;
- (2) The pesticide product name(s), U.S. EPA registration number(s), and active ingredients(s);
- (3) Spray adjuvant product name(s) and California registration number(s), if applicable;
- (4) The date and hour the application was completed; and
- (5) The applicable reentry and pre-harvest intervals, unless a copy of a written recommendation for the subject application made by a licensed agricultural pest control adviser, properly completed, was given to the operator of the property treated.

(b) The operator of the property treated shall maintain a written record of the application completion notice(s) he or she receives from the person applying the pesticide(s) by site.

(c) The operator of the property shall assure that notice of completed application is given to employees covered under section 6700 (which includes fieldworkers) and their employers except as provided in (e). The operator of the property is not required to provide notice to persons who will apply the pesticide(s) or supervise the application for which the notice is intended.

(d) Any employer who receives the notice of completed application from the operator of the property shall assure that notice of completed application is given to his or her employees except as provided in (e).

(e) The notices specified in subsections (c) and (d) are not required to be given to an employee covered under section 6700 (which includes fieldworkers) or their employer if the operator of the property can assure that:

- (1) The field is posted pursuant to section 6776(b-f), unless the pesticide product labeling requires both oral notification and posting of treated fields; or
- (2) During the restricted entry interval, that employee or employer will not enter or walk within $\frac{1}{4}$ mile of the treated field.

(f) The notices specified in subsections (c) and (d) must be given orally or in writing and in a manner the person can understand and include;

- (1) The location and description of the treated field;
- (2) The time during which entry is restricted; and
- (3) Instructions not to enter the treated field until the restricted entry interval has expired, except as provided in section 6770.

(g) The operator of the property shall assure that notice is given orally or in writing to persons, other than those specified in subsection (c), whom the operator of the property has prior knowledge that he or she will likely enter the treated field during the restricted entry interval. This notice is not required when a field is posted as specified in section 6776(b-f). The notice must be in a manner the person can understand and include:

- (1) The location and description of the treated field;
- (2) The time during which entry is restricted; and
- (3) Instructions not to enter the treated field until the restricted entry interval has expired.

- (h)** A pest control business shall maintain a written record that documents the following:
- (1) The name of the operator of the property treated;
 - (2) The location of the property, including the site identification number;
 - (3) The date and time the notice of completed application was given; and
 - (4) The method of notification, including the name of the person notified, if a person was notified.
- (i)** The records required pursuant to this section must be retained for two years and made promptly available to the director or commissioner upon request.

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

6620. Vector Control Exemption.

(a) Sections 6616 (Consent to Apply) and 6618 (Notice) shall not apply to a public agency or its contractor operating under a cooperative agreement with the Department of Public Health pursuant to section 116180 of the Health and Safety Code.

(b) Section 6614(b)(1) (Protection of Persons, Animals and Property) shall not apply to persons or agencies specified in this section when the pesticide used is registered for use in residential areas for purposes of vector control and is used in accordance with that registered labeling.

(c) These exemptions are not intended to affect liability for damage as a result of an application made pursuant to this section.

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

6622. Operator Identification Numbers.

(a) A person performing pest control for hire is exempt from the requirements of this section.

(b) This subsection applies to the production of an agricultural commodity. Prior to the purchase and use of pesticide(s) for the production of an agricultural commodity, the operator of the property (or the operator's authorized representative) shall obtain an operator identification number from the commissioner of each county where pest control work will be performed. The operator shall provide each pest control business applying pesticides to such property with his or her operator identification number.

(c) This subsection applies to the pesticides listed below, when they are not used for the production of an agricultural commodity (e.g., uses on cemeteries, golf courses, parks, right-of-way, post-harvest agricultural commodities, and certain nonagricultural sites). Prior to the purchase and use of pesticides listed below, each operator of the property (or the operator's authorized representative), shall obtain an operator identification number from the commissioner of each county in which the operator intends to perform pest control. The operator of the property is not required to obtain an operator identification number when a person performing pest control for hire purchases and applies these pesticides.

(1) Any pesticide for agricultural use, as defined in Food and Agricultural Code section 11408, excluding those for use only on livestock, as defined in Food and Agricultural Code section 18663;

(2) Any pesticide listed in section 6400;

(3) Any pesticide for industrial use as a post-harvest commodity treatment; and

(4) Any pesticide listed in section 6800(b) for any outdoor institutional or outdoor industrial use.

Article 1. Pesticide Contamination Prevention
Sections 6800-6808

6800. Groundwater Protection List.

Pesticides labeled for agricultural, outdoor institutional or outdoor industrial use that contain any of the following chemicals are designated as having the potential to pollute ground water:

(a) The following chemicals detected in ground water or soil pursuant to section 13149 of the Food and Agricultural Code:

- (1) Atrazine
- (2) Simazine
- (3) Bromacil
- (4) Diuron, except for products with less than 7% diuron that are applied to foliage
- (5) Prometon
- (6) Bentazon (Basagran®)
- (7) Norflurazon

(b) The following chemicals identified pursuant to section 13145(d) of the Food and Agricultural Code:

- (1) Pesticides with active registration under Food and Agricultural Code section 12811

Acephate	Diazinon
Alachlor	Dicamba, diglycolamine salt
Aldicarb	Dicamba, dimethylamine salt
Azinphos-methyl	Dicamba, sodium salt
Azoxystrobin	Dichlobenil
Bensulfuron methyl	Dichloran
Bensulide	Diflufenzopyr, sodium salt
Bispyribac-sodium	Dimethenamid-P
Carbaryl	Dimethoate
Chloropicrin	Dinotefuran
Chlorothalonil	Diquat dibromide
Chlorsulfuron	Dithiopyr
Clomazone	Endothall, dipotassium salt
Cycloate	Endothall, mono (N,N-dimethyl - alkylamine) salt
2,4-D, 2-ethylhexyl ester	EPTC
2,4-D, diethanolamine salt	Ethofumesate
2,4-D, dimethylamine salt	Ethoprop
2,4-D, isooctyl ester	Fenoxycarb
2,4-DP-P, dimethylamine salt	Fludioxonil
(dichlorprop-P, dimethylene salt)	
Dazomet	

Flutolanil	
Fosetyl-Al (aluminum tris)	Prometryn
Halosulfuron-methyl	Propanil
Hexazinone	Propyzamide
Imazamox, ammonium salt	Pyrazon
Imazapic, ammonium salt	Rimsulfuron
Imazethapyr, ammonium salt	Siduron
Imidacloprid	Sulfometuron-methyl
Iprodione	Tebuthiuron
Isoxaben	Terrazole
Linuron	Thiamethoxam
Malathion	Thiobencarb
Mefenoxam	Thiophanate methyl
Metalaxyl	Triallate
Metaldehyde	Triclopyr, butoxyethyl ester
Methiocarb	Triclopyr, triethylamine salt
Methomyl	Triflumizole
Methyl isothiocyanate	Uniconazole-P
Methyl parathion	Vinclozolin
Metolachlor	
(S)-Metolachlor	
Metribuzin	
Napropamide	
Nitrapyrin	
Oryzalin	
Oxydemeton-methyl	
Penoxsulam	
Phorate	
Piperonyl butoxide	

(2) Pesticides without active registration under Food and Agricultural Code section 12811
(inactive)

Butylate	Imazethapyr
Carbofuran	Molinate
Cyanazine	Naptalam, sodium salt
Diethatyl-ethyl	Parathion
Disulfoton	Pebulate
Fenamiphos	Thiazopyr
Fluometuron	Vernolate
Fonofos	

NOTE: Authority cited: Sections 11456 and 13145, Food and Agricultural Code.
Reference: Sections 13144, 13145 and 13149, Food and Agricultural Code

6802. Pesticide Management Zones. [Repealed]

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

6804. Specific Numerical Values.

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

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

NOTE: Authority cited: Sections 11456 and 13145, Food and Agricultural Code.
Reference: Sections 13144 and 13145, Food and Agricultural Code.

6806. Use Reporting. [Repealed]

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

6808. Sunset Review of Regulations. [Repealed]

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

Article 1. Toxic Air Contaminants
Sections 6860-6890

6860. Toxic Air Contaminants List.

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

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

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

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

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

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

6864. Criteria for Identifying Pesticides as Toxic Air Contaminants.

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

(a) For pesticides which have thresholds for adverse health effects, this level shall be ten-fold below the air concentration which has been determined by the Director to be adequately protective of human health.

(b) For pesticides which do not have thresholds for adverse health effects, this level shall be equivalent to the air concentration which would result in a ten-fold lower risk than that which has been determined by the director to be a negligible risk.

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

6880. Criteria to Designate Low-Volatile Organic Compound (VOC) or High-VOC Nonfumigant Pesticide Products.

(a) The Director shall designate in the Annual VOC Emissions Inventory Report all nonfumigant products with agricultural uses containing the following primary active ingredients as low-VOC if the product has less than or equal to the product VOC emission potential listed below. All other products containing the primary active ingredients below with active or inactive registrations shall be designated as high-VOC.

Product Primary Active Ingredient*	Product VOC Emission Potential (percent by weight)
Abamectin	35
Chlorpyrifos	25
Gibberellins	25
Oxyfluorfen	15

*If a product contains more than one active ingredient, the primary active ingredient is the one present at the highest percentage in a product. These criteria do not apply to products that contain an active ingredient listed above, but not as the primary active ingredient, including products with one or more active ingredients present at the same percentage.

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

6881. Annual Volatile Organic Compound Emissions Inventory Report.

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

(1) report the total agricultural and structural (fumigant and nonfumigant) pesticide volatile organic compound (VOC) emissions for the previous years. Nonfumigant pesticide product emissions will be the summation of the pounds of each pesticide product used multiplied by the VOC content (emission potential) for the specific product. Fumigant product emissions will be the summation of the pounds of each pesticide product used multiplied by the emission potential for that specific product and VOC emission rating for the application method, as specified in (4);

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

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

(4) establish an emission rating for each field fumigation method described in sections 6446.1, 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, 6451.1, or 6452. The emission rating will be expressed as a percentage of the amount of fumigant applied. The Director shall base the emission rating upon available scientific data documenting the VOC emissions;

(5) establish prohibitions on high-VOC nonfumigant products pursuant to section 6452.2(f), and if applicable, determine if prohibitions pursuant to section 6884(c) remain in effect;

(6) establish a list of the nonfumigant products that are designated as low-VOC pursuant to section 6880;

(7) establish a list of the actively registered nonfumigant products that are designed as high-VOC pursuant to section 6880.

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

(c) Low-VOC agricultural use products registered after the release of the Annual VOC Emissions Inventory Report and contain abamectin, chlorpyrifos, gibberellins, or oxyfluorfen as the primary active ingredient, will be listed in a supplemental report and posted on the Department's Web site. The products designated as low-VOC will be based upon the criteria established in section 6880.

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

6883. Recommendation Requirements in the San Joaquin Valley Ozone Nonattainment Area.

In the San Joaquin Valley ozone nonattainment area, the operator of the property shall not apply a high-volatile organic compound nonfumigant product specified in section 6881 during May 1 through October 31 to one of the following crops unless they obtain the written recommendation of a licensed agricultural pest control adviser: alfalfa, almond, citrus, cotton, grape, pistachio, and walnut. The operator of the property shall retain the written recommendation for at least two years after the application occurs.

NOTE: Authority cited: Sections 11456, 12976, and 14102, Food and Agricultural Code.
Reference: Sections 11501, 12003, and 14102, Food and Agricultural Code.

6884. San Joaquin Valley Ozone Nonattainment Area Use Prohibitions.

Pursuant to section 6452.2(f), the following shall apply to agricultural uses of high-volatile organic compound (VOC) products specified in the Annual VOC Emissions Inventory Report required in section 6881 containing abamectin, chlorpyrifos, gibberellins, or oxyfluorfen as the primary active ingredient in the San Joaquin Valley ozone nonattainment area during the May 1 through October 31 time period.

(a) No person may apply a nonfumigant product that has been designated as a high-VOC pursuant to section 6880 and as specified in the Annual VOC Emissions Inventory Report required by section 6881 on the following crops: alfalfa, almond, citrus, cotton, grape, pistachio, and walnut. If the product is not listed as a low-VOC, it cannot be used.

(b) Notwithstanding (a), the following exceptions for use of high-VOC products are permitted:

- (1) Use of chlorpyrifos products to control aphids on cotton
 - (2) Use of gibberellins products when applied at an application rate of 16 grams of active ingredient per acre or less.
 - (3) Use of oxyfluorfen products when applied at an application rate of 0.125 (1/8) pounds of active ingredient per acre or less.
 - (4) Uses for which the U.S. Environmental Protection Agency has issued an emergency exemption from registration under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act.
 - (5) Uses registered as a Special Local Need under Section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act.
 - (6) Applications made by or under the direction of the U.S. Department of Agriculture, the California Department of Food and Agriculture, or county agricultural commissioner to control, suppress or eradicate pests.
 - (7) Applications using precision spray technology meeting the criteria of the California Office of Natural Resources Conservation Service's Environmental Quality Incentives Program.
- (c) If prohibitions for high-VOC nonfumigant products are in effect pursuant to section 6452.2(f), those prohibitions must remain in effect until the hypothetical VOC emissions shown in the Annual VOC Emissions Inventory Report comply with the limit specified in section 6452.2(f) for at least two consecutive years. The hypothetical VOC emissions during a year of prohibitions shall be calculated for each active ingredient used on each crop specified in section 6884. The hypothetical emissions shall be calculated by assuming the relative mixture of high and low-VOC products used in the current year of prohibitions would have been the same as in the most recent year without prohibitions. The VOC emissions are then calculated using that product mixture for the amount of active ingredient used in the current year.

The following formula represents how the hypothetical VOC emissions described above would be calculated for each pesticide-crop combination:

Hypothetical emissions for a pesticide-crop combination listed in section 6884 during May-Oct for the year of prohibitions.	=	(Emissions for the pesticide-crop combination during May-Oct for the most current year without prohibitions)	x	(Pounds active ingredient for the crop during May-Oct for the year of prohibitions)
<hr/>				
Pounds active ingredient for the crop during May-Oct for the most current year without prohibitions				

The total hypothetical VOC emissions will be the summation of the hypothetical emissions for each pesticide-crop combination, plus the actual VOC emissions for the remaining pesticides and crops not listed in section 6880.

- (d) If the director makes a determination that the removal of an active ingredient designated as a high-VOC in section 6880, or the removal of a crop in subsection (a), or the addition of an exception in subsection (b) will not affect the ability to comply with the limit specified in section 6452.2(f) (17.2 tons per day), then the Director may approve the interim removal and/or addition using the Annual VOC Emissions Inventory process described below in (e).

(1) The Director's determination to remove an active ingredient shall be based on:

- (A) the decrease in its use and emissions;
- (B) the decrease being caused by factors that are likely to persist; and
- (C) on a calculation of the inventory using the assumption that all applications to the crops listed in subsection (a) would have used the product(s) containing the removed pesticide that would result in the highest VOC emissions for the two most recent years of the VOC emissions inventory.

(2) The Director's determination to remove a crop shall be based on:

- (A) the decrease in use and emissions from products specified in section 6880 on this crop;
- (B) the decrease being caused by factors that are likely to persist; and
- (C) on a calculation of the inventory using the assumption that all applications to the removed crop would use the products containing the primary active ingredients listed in section 6880 that result in the highest VOC emissions for the two most recent years of the VOC emissions inventory.

(3) The Director's determination to add an exception shall be based on the estimated VOC emissions that would result from allowing the exception based on the two most recent years of the VOC emissions inventory and study information. The study must:

- (A) specify the maximum application rate (pounds per acre) of the high-VOC product of the added exception; and
- (B) estimate the maximum number of acres that could be treated with a high-VOC product for the added exception during May-October, and the method to estimate the number of acres.
- (C) No exception would be allowed unless the study shows a greater amount of an active ingredient must be applied using a low-VOC product to achieve the same efficacy as a high-VOC product.

(e) The Director shall publish the proposed interim removal of an active ingredient or crop, or the addition of an exception in the draft VOC emissions report specified in section 6881(b). The report must include a description of the calculations used to determine that the limit specified in section 6452.2(f) would not have been exceeded in the two most recent years, with the removal or addition. The report must also include a description of the changes in cropping patterns, pest management practices, product registration, regulatory requirements, or other factors that have caused a decrease in use and emissions, and are likely to persist. A 45-day public comment period will be provided to allow for submission of written statements or arguments to the Director for review before finalizing the Annual VOC Emissions Inventory Report. The emissions report will be posted on the Department's Web site. The removal or addition must be evaluated each year in the Annual VOC Emissions Inventory Report and may only remain in effect up to three years unless implemented through state and federal rulemaking.

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

6886. Dealer Responsibilities for the San Joaquin Valley Ozone Nonattainment Area.

Each licensed pest control dealer of a high-volatile organic compound (VOC) nonfumigant product specified in the Annual VOC Emissions Inventory Report, shall provide VOC information, in writing, to the purchaser at time of purchase or delivery pursuant section 6577 if the sale is made to or for the operator of the property with an operator identification number issued by a county agricultural commissioner in the San Joaquin Valley ozone nonattainment area.

NOTE: Authority cited: Sections 11456 and 12111, Food and Agricultural Code.
Reference: Section 11501, Food and Agricultural Code.

Article 2. Volatile Organic Compounds
Section 6895

6895. Prohibition of Use of Weed Oils. [Repealed]

NOTE: Authority cited: Sections 407, 12781 and 12981, Food and Agricultural Code.
Reference: Sections 11501 and 12824, Food and Agricultural Code.

Article 1. Pesticide Contamination Protection
Sections 6900-6920

6900. Antifouling Paints or Coatings Containing Tributyltin.

Antifouling paints or coatings that contain tributyltin shall have an average release rate of no more than four micrograms of organotin per square centimeter per day as determined by the EPA testing procedure (ASTM Draft 6).

NOTE: Authority cited: Sections 11456, 12781, 14005 and 14102, Food and Agricultural Code.
Reference: Sections 12824, 14005 and 14006, Food and Agricultural Code; and Public Law No. 100-333 (June 16, 1988) 102 Statutes 605.

6910. Prohibition of Use and Sale of Pesticide Products Containing Tributyltin.

(a) No person shall possess for use or use a pesticide product containing tributyltin for the control of fouling microorganisms (such as bacteria, algae, or fungi) in cooling water systems in the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma for the control of fouling microorganisms (such as bacteria, algae, or fungi) in cooling water systems.

(b) No person in the counties listed in subsection (a) shall sell to users a pesticide containing tributyltin for the control of fouling microorganisms (such as bacteria, algae, or fungi) in cooling water systems.

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

6920. Prohibition of Use and Sale of Pesticide Products Containing Copper.

(a) No person shall possess for use or use a pesticide product containing copper sulfate for the control in sewers and drains, of tree or other plant roots, or fungal slime in the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma.

(b) No person in the counties listed in subsection (a) shall sell to users a pesticide product containing copper sulfate for the control in sewers, and drains, of tree or other plant roots, or fungal slime.

NOTE: Authority cited: Sections 12976 and 14102, California Food and Agricultural Code.
Reference: Section 14102, California Food and Agricultural Code.

Article 1. Pesticide Contamination Prevention
Section 6950

6950. Clopyralid.

The provisions of this section apply to pesticide products that contain the active ingredient clopyralid and are intended for lawn and turf use as defined in Food and Agricultural Code section 13190(e).

(a) No application shall be made to lawn and turf unless the licensed or certified qualified applicator assures that the grass clippings from the treated area remain on the property. In no instances shall clopyralid-containing products be applied to residential lawns.

NOTE: Authority cited: Sections 11456, 12781, 12976, and 14102, Food and Agricultural Code.

Reference: Sections 12824, 13191, and 13192, Food and Agricultural Code.

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 of 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