Phase II Labels and the Restricted Materials Permit

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How The Process Works

- Obtain Restricted Materials Permit (RMP)
- Submit N.O.I.
- Submit Pesticide Use Report
- Application of Pesticide
The Big Question:
How will the new Phase II Field Fumigant Labels impact the issuance of the RMP?

Impacts:
On RMP, relatively minor
On N.O.I., more significant
The application of the restricted material pesticide is:

- Site Specific
- Time Specific
- Application Specific

Phase II Fumigant Label:

Biggest issue that may affect issuing an RMP is the Buffer Zone (BZ).

The BZ is method specific and affects the site.
Identification of all known areas that could be adversely impacted by the use of the restricted material(s) (Generally: occupied areas, water ways, wildlife areas, crops/livestock, etc...) (a map or aerial photograph may be used for designating such areas)

Expected method of application

This information is required for the RMP application

Except as provided in section 6434(a)
The Issue: Labeled Buffer Zones and CCR 6428 RMP Requirements

6428 requires all known areas that could be adversely affected by the application be identified on the RMP

But....

This can’t be done until the Buffer Zone is determined because it is based on the method type, rate, and any buffer zone credits (label requirement). The buffer zone determines which areas may be adversely affected
Buffer Zones, the Phase II Labels, and the RMP

BUFFER ZONE DISTANCES

Buffer zone distances must be calculated using the application rate and the size of the application block.

- Buffer zone distances must be based on look-up tables in this labeling (25 feet is the minimum distance regardless of site-specific application parameters).
- If after applying all applicable buffer zone credits the buffer zone is greater than ¼ mile (2,640 ft), then the application is prohibited.
- Tables 1-12 as appropriate for the method of application must be used to determine the minimum buffer distances. Round up to the nearest rate and block size, where applicable. Applications are prohibited for rates or block sizes that exceed what is presented in the buffer zone tables.
Sectagon has how many buffer zone tables?

12 Buffer Zone Tables

Therefore, areas affected can not be determined until the correct buffer zone table is determined.

(From Table 1 Shank Injections to Table 12 Weed Sprayer Application)
Either the RMP for a field fumigation is individually reviewed and approved during the time of initial issuance of the RMP (i.e. - map with location of sensitive areas, method of application, rate, and buffer zones are determined)

Or...

CCR 6434(a) The Notice Of Intent
The N.O.I. is the...

- **Time Specific aspect of the permit**
- **Method Specific aspect of the permit**
- **Indicates any changes to areas that may be affected by application** (as determined by labeled buffer zones)
- **The CAC’s review the N.O.I. and may perform a “pre-site” inspection on the N.O.I.**
The “Pre-Site” Inspection

- Inspector reviews N.O.I.
- Evaluates site prior to application
- Determines if application may or may not occur (buffer zones)
- Approval or denial of the N.O.I. completes RMP process
The RMP and the FMP (Fumigation Management Plan)
The FMP Requires a Detailed Map with Buffer Zone Dimensions

- General Site Information
  - Application block location (e.g., county, township-range-section quadrant), address or global positioning system (GPS) coordinates
  - Verify if 1,3-dichloropropene has been used on this application block in the previous two years
  - Confirm that there will be no occupied structures within 100 feet of the application block during the 7 consecutive day period after the application is complete
  - Name, address, and phone number of application block owner
  - Map, aerial photo, or detailed sketch showing
    - application block location
    - application block dimensions
    - buffer zone dimensions
    - property lines
    - roadways
    - rights-of-ways
    - sidewalks
    - permanent walking paths
    - bus stops
    - wells
    - karst topography
    - nearby application blocks
    - surrounding structures (occupied and non-occupied)
    - locations of Buffer Zone signs, and
    - locations of difficult to evacuate sites with distances from application block labeled.

- Buffer Zones
  - Application method,
  - Injection depth,
  - Application rate from lookup table on label,
  - Application block size from lookup table on label,
  - Credits applied and measurements taken (if applicable),
  - Tarps brand name, lot number, thickness, manufacturer, batch number, and part number
  - Potassium thiosulfate
  - Water seal
  - Organic matter content
  - Clay content
  - Soil temperature
  - Buffer zone distance, and
  - Description of areas in the buffer zone that are not under the control of the owner of the application block. If buffer zones extend onto areas not under the control of the owner, attach the written agreement and keep it with the FMP.

- Record Emergency Response Plan as described in the Emergency Response Plan section.
Is the RMP approved without the FMP’s detailed Buffer Zone Map?

Note:
The FMP map indicates the areas affected by the Buffer Zone.
Does the FMP have to be presented when issuing the RMP?

Enf Letter 11-25 (FAQ) clarifies that the FMP "should be evaluated as part of the field fumigation use monitoring inspection."

19. The FMP and the PAS are required by the new labeling. How will the FMP and PAS be enforced?

The FMP should be evaluated as part of the field fumigation use monitoring inspection, violations should be documented in Requirement 10, “Labeling – Site/Rate/Buffers/Other” (FAC 12973). The PAS should be evaluated during headquarter and Employee Safety inspections on both permittees and pest control businesses, violations should be documented using a blank line at the end of the Requirements section as violations of FAC section 12973 (use in conflict with labeling). The nature and circumstances of these violations must be explained in the Remarks section.
When is the FMP to be provided to the CAC? (Telone label pg. 21)

Site Specific Fumigant Management Plan (FMP)

Prior to the start of the application, the certified applicator supervising the application must verify that a site-specific FMP exists for each application block. In addition, an agricultural operation fumigating

The certified applicator must make a copy of the FMP immediately available for viewing by handlers involved in the application. The certified applicator or the owner of the application block must provide a copy of the FMP to any local/state/federal/tribal enforcement personnel who request the FMP. In the case of an emergency, the FMP must be made immediately available when requested by local/state/federal/tribal emergency response and enforcement personnel. The certified applicator supervising the application must ensure the FMP is at the application block during all handler activities.

Upon request of the CAC and should be completed before the start of the application.
Regarding the **Written Agreement** (pg. 13 Telone label):

Is the RMP approved without it?

<table>
<thead>
<tr>
<th>Areas Not Under the Control of the Owner of the Application Block</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Buffer zones must not include residential areas (e.g., employee housing, private property), buildings (e.g., commercial, industrial), outdoor residential areas (e.g., lawns, gardens, play areas) and other areas that people may occupy, <strong>UNLESS:</strong></td>
</tr>
<tr>
<td>1. The occupants provide written agreement, prior to the start of the application, that they will voluntarily vacate the buffer zone during the entire buffer zone period, and</td>
</tr>
</tbody>
</table>

| • Buffer zones must not include agricultural areas owned and/or operated by persons other than the owner of the application block, **UNLESS:** |
| 1. The owner of the application block can ensure that the buffer zone will not overlap with a chloropicrin buffer zone from any other property owners, except as provided in the *Buffer Zone Proximity* section, and |
| 2. The owner of the other property provides written agreement to the applicator that they, their employees, and other persons will stay out of the buffer zone during the entire buffer zone period. |

(Note: The Written Agreement is not part of the FMP)

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Conclusion

Determining when the RMP is approved for a field fumigant:

At time application ("requesting") the RMP

Or

When the N.O.I. is submitted (county N.O.I.'s vary from 48 - 96 hours)

Is to be determined by each CAC

(Variables for the CAC to consider – work load, staffing, availability of the FMP, etc...)