

TEXT OF PROPOSED REGULATIONS

Current wording is indicated by regular type.
Originally proposed deletions are indicated by ~~strikeout~~.
Originally proposed additions are indicated by underline.

TITLE 3.	CALIFORNIA CODE OF REGULATIONS
DIVISION 6.	PESTICIDES AND PEST CONTROL OPERATIONS
CHAPTER 1.	PESTICIDE REGULATORY PROGRAM
SUBCHAPTER 1.	DEFINITION OF TERMS
ARTICLE 1.	DEFINITIONS FOR DIVISION 6

Amend section 6000 to add the following definitions in alphabetical order:

6000. Definitions

...

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

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

"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.

"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).

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

CHAPTER 4. ENVIRONMENTAL PROTECTION

Adopt Subchapter 5, Surface Water, Article 1, Pesticide Contamination Prevention to read:

SUBCHAPTER 5. SURFACE WATER
ARTICLE 1. PESTICIDE CONTAMINATION PREVENTION

Adopt section 6960 to read:

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, 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; and
- (4) aerial application shall only be allowed if soil conditions do not allow field entry, or approaching bloom conditions necessitate aerial application.
- (5) No dormant insecticide application shall occur if:
 - (A) soil moisture is at field capacity and a storm event, forecasted by the National Oceanic and Atmospheric Administration (NOAA)/National Weather Service (NWS), is to occur within 48 hours following application; or
 - (B) 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.