AGENDA
Workshop to Develop Regulation Concepts for Field Fumigation Notifications

April 9, 2015
9:00 am

Cal/EPA Building
1001 I Street
Sacramento, California
Sierra Room

Background

Current regulations require notification of residents and other people for certain methyl bromide fumigations (see attachment). Current fumigant product labels have different notification requirements as part of the emergency preparedness and response measures (see attachment). The Department of Pesticide Regulation (DPR) will evaluate the methyl bromide notification regulations and fumigant labeling requirements to assist in the development of a rulemaking concept for soil-applied field fumigants. DPR will consider whether the methyl bromide notification regulations should be used as the foundation for the concept. In addition, DPR will consider whether the concept will be reconciled with the current label requirements as emergency preparedness and response requirements, or maintained as a separate “right-to-know” requirement. DPR recommends expanding notification to all field fumigations (applications of chloropicrin, 1,3-dichloropropene, methyl bromide, or pesticides that generate methyl isothiocyanate).

Agenda

Introductions and opening remarks – Brian Leahy, Director, DPR

Current requirements – Randy Segawa, Special Advisor, DPR

An agricultural commissioner perspective

A grower perspective

A non-governmental organization perspective

Public perspective

Next steps and closing remarks – Brian Leahy
Additional Information

The webcast of the meeting is located online at <http://www.calepa.ca.gov/Broadcast>. During the meeting, people unable to attend in person may send questions and comments to <preccoments@cdpr.ca.gov>.

The Chair may impose time limits for public comments based on the time available and the number of people providing comments. If staff do not address an emailed question or comment during the meeting, staff will follow-up with an email response.

Spanish translation will be available for this meeting.

If you require additional information, language interpretation services at this workshop, special accommodation, or need this document in an alternate format (i.e. Braille, large print) or another language, please contact Mr. Randy Segawa at <Randy.Segawa@cdpr.ca.gov> or 916-324-4137 as soon as possible, but no later than 5 business days before the scheduled meeting.
Requirements for Neighbor Notification of Field Fumigations

Regulations for methyl bromide in effect since January 14, 2001

Title 3, California Code of Regulations, section 6447.1. Methyl Bromide Field Fumigation Notification Requirements.
(b) Notification to Property Operators.

(1) The operator of the property to be treated shall assures that operators of the following properties within 300 feet of the perimeter of the outer buffer zone receive notification that a permit to use methyl bromide near their property has been issued by the commissioner: properties that contain schools, residences, hospitals, convalescent homes, onsite employee housing, or other similar sites identified by the commissioner. Notification shall be in writing, in both English and Spanish, or by other means approved by the commissioner. The operator of the property to be treated shall assure that notification is delivered at least seven days prior to the submission of the notice of intent. The notification shall include the following information:
   (A) the name of the chemical(s) to be applied;
   (B) name, business address, and business telephone number of the operator of the property to be treated;
   (C) name, business address, and business telephone number of the commissioner;
   (D) the earliest and latest dates that the fumigation will start; and
   (E) how to request subsequent notification of specific date and time of the fumigation.

(2) The operator of the property to be treated shall assure that specific notification of the date and time of the start of the fumigation and anticipated expiration of buffer zones is provided to those persons notified in (b)(1) who request specific fumigation information. This specific fumigation notification shall be provided at least 48 hours prior to starting the fumigation. If a request for specific notification is received after the submission of the notice of intent and before the fumigation begins, the specific fumigation notification shall be provided prior to starting the fumigation, but the 48-hour requirement shall not apply. If the fumigation of an application block does not commence within the time frame specified in (a)(2), then a new notification must be provided to those persons who requested the information, but the 48-hour requirement shall not apply unless required by the commissioner.

Label requirements for methyl bromide, chloropicrin and pesticides that generate methyl isothiocyanate (MITC) in effect since December 1, 2012

Notification is one of two options under the Emergency Preparedness and Response Measures requirements.

Emergency Preparedness and Response Measures:
If the buffer zone is 25 feet, then the Emergency Preparedness and Response Measures are not applicable.

\(^1\) (a)(2) requires that “The fumigation shall not commence sooner than the intended starting time or later than 12 hours after the intended starting time specified on the notice of intent.”
Triggers for Emergency Preparedness and Response Measures
The certified applicator must either follow the directions under the Fumigant Site Monitoring section or follow the directions under the Response Information for Neighbors section if:

- the buffer zone is greater than 25 feet but less than or equal to 100 feet, and there are residences or businesses within 50 feet from the outer edge of the buffer zone, or
- the buffer zone is greater than 100 feet but less than or equal to 200 feet, and there are residences or businesses within 100 feet from the outer edge of the buffer zone, or
- the buffer zone is greater than 200 feet but less than or equal to 300 feet, and there are residences or businesses within 200 feet from the outer edge of the buffer zone, or
- the buffer zone is greater than 300 feet or the buffer zones overlap, and there are residences or businesses within 300 feet from the outer edge of the buffer zone.

Response Information for Neighbors
NOTE: Response Information for Neighbors is ONLY required if the Emergency Preparedness and Response Measures are triggered AND directions from the Fumigant Site Monitoring section are not followed.

The certified applicator supervising the application must ensure that residences and businesses that trigger the requirement have been provided the response information at least 1 week before the application starts. The information provided may include application dates that range for no more than 4 weeks. If the application does not occur when specified, the information must be delivered again.

Information that must be included:
- The location of the application block.
- Fumigant(s) applied including the active ingredient, name of the fumigant product(s), and the EPA Registration number.
- Contact information for the applicator and property owner.
- Time period in which the application is planned to take place (must not range more than 4 weeks).
- Early signs and symptoms of exposure to the fumigant(s) applied, what to do, and who to call if you believe you are being exposed (911 in most cases).
- How to find additional information about fumigants.

The method used to share the response information for neighbors can be accomplished through mailings, door hangers, or other methods that will effectively inform the residences and businesses within the required distance from the edge of the buffer zone.