

TEXT OF PROPOSED REGULATIONS

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

DIVISION 6. PESTICIDES AND PEST CONTROL OPERATIONS CHAPTER 2. PESTICIDES SUBCHAPTER 4. RESTRICTED MATERIALS ARTICLE 4. FIELD FUMIGATION USE REQUIREMENTS

Amend section 6449.1 to read:

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(e ~~d~~)(1) and (5); and if applied as a bed fumigation, 6448.1(e ~~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 14005, and 14102, Food and Agricultural Code.
Reference: Sections 11501, 14006, and 14102, Food and Agricultural Code.

Amend section 6486.7 to read:

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(i h)(5), (6), and (7), the requirements in (1) do not apply. In situations specified in 6738(i 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.