

DEPARTMENT OF PESTICIDE REGULATION

James W. Wells, Director

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Sacramento, CA 95814-5624

WHS 95-12



August 7, 1995

TO: COUNTY AGRICULTURAL COMMISSIONERS

SUBJECT: CLARIFICATION OF REVISED RESTRICTED MATERIALS LIST

In a recent letter (WHS 95-8), you were informed of the recent reorganization and clean-up of the restricted materials list. This letter provides further information and an updated list. The Office of Administrative Law has approved the removal of previously repealed language relating to granular carbofuran that was inadvertently included. The pesticides listed in 6800(a) have also been added to the chart for reference. In addition, the Enforcement Branch is developing a Restricted Materials Requirements chart to replace the current poster that has been in use for a number of years.

Section 6400 contains only the LIST of restricted materials. The container size, concentration of active ingredients, formulation, and labeled uses may now be used to make a determination of restricted status on an item by item basis. Permit requirements do not have any bearing on restricted status.

There are no longer any permit exemptions contained in section 6400. Permit exemptions are now found only in sections 6414 and 6416 (plus, of course, statutory exemptions in section 14006.6 of the Food and Agricultural Code). Section 6416 requires permits for section 6800(a) pesticides only when used within a pest management zone (PMZ). They are restricted materials statewide, however.

Section 6404 requires that ALL restricted materials be used only by, or under the direct supervision of, a certified applicator. This would include section 6800(a) pesticides used outside of a PMZ.

Now we get to what appears to be a "catch-22" situation. A "certified private applicator" is defined in section 6000 as a person holding a valid restricted materials permit. Since they need to be certified, there is a de facto need for a grower (private applicator) to have a permit (even outside of a PMZ) if they plan to make the application. If a licensed pest control business (or other certified commercial applicator) makes an



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application outside of a PMZ, there would be no permit requirement.

Legislation that would clearly separate the private applicator certification from the permit process is currently pending (SB-800, Monteith). Once this law change is accomplished, we will be able to consider regulation amendments to redefine "certified private applicator" to reference that separate certification mechanism instead of the permit.

If you have any question, please contact the Senior Pesticide Use Specialist serving your county.

Sincerely,



John M. Donahue  
Branch Chief  
Worker Health and Safety Branch  
(916) 445-4222

Attachment

cc: Charles M. Andrews  
Daniel J. Merkley

Attachment

# CALIFORNIA RESTRICTED MATERIALS

## TITLE 3 CALIFORNIA CODE OF REGULATIONS 6400. Restricted Materials.

The Director designates the pesticides listed in this section as restricted materials.

(a) Any pesticide labeled as a "RESTRICTED USE PESTICIDE" pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (Title 7, United States Code, section 136a).

(b) Any pesticide used under an "EMERGENCY EXEMPTION" issued pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (Title 7, United States Code, section 136p).

(c) Pesticides formulated as a DUST, labeled to permit outdoor use, and packaged in containers of more than 25 pounds, except:

(1) products containing only exempt materials specified in section 6402; and

(2) products containing only carbaryl, disulfoton, endosulfan, lindane, strychnine, zinc phosphide or an active ingredient not otherwise included in this section, and labeled only for one or more of the following uses: home use, structural pest control, industrial use, institutional use, and use by public agency vector control districts pursuant to section 2426 of the Health and Safety Code.

(d) Pesticide products containing active ingredients listed in section 6800(a) (POTENTIAL TO POLLUTE GROUND WATER), when labeled for agricultural, outdoor institutional, or outdoor industrial use.

(e) Certain other pesticides:

**ACROBATE** (Temik)  
**ALDICARB** (Temik)  
**ALUMINUM PHOSPHIDE** (Phostoxin)  
**4-AMINO PYRIDINE** (Avitrol)  
**AZINPHOS-METHYL** (Guthion)  
**CALCIUM CYANIDE**  
**CARBARYL** (Sevin), except:

(1) when formulated as a bait; or

(2) when labeled only for one or more of the following uses: use directly on livestock or poultry, home use, structural pest control, industrial use, institutional use, or use by public agency vector control districts pursuant to section 2426 of the Health and Safety Code.

**CARBOFURAN** (Furadan)  
**CHLOROPICRIN**  
**3-CHLORO-P-TOLUIDINE HYDROCHLORIDE** (Starllide)  
**DICAMBA** (Banvel), except:

(1) liquid formulations packaged in containers of 1 quart or less regardless of percentage of dicamba;

(2) liquid formulations that contain 15% or less dicamba packaged in containers of 1 gallon or less;

(3) liquid formulations of a product that is labeled to be used without further dilution;

Potential to Pollute Ground Water  
3CCR, 6800(a)  
Atrazine  
Bentazon  
Bromacil  
Diuron  
Prometon  
Simazine

(4) dry formulations, packaged in containers of 1 pound or less, of a product that is labeled to be further diluted for use; and

(5) dry formulations, packaged in containers of 50 pounds or less, of a product that contains 10% or less dicamba and is labeled to be used without further dilution.

**2,4-DICHLOROPHENOXACETIC ACID** (2,4-D), except:

(1) liquid formulations, packaged in containers of 1 quart or less, regardless of percentage of 2,4-D;

(2) liquid formulations that contain 15% or less 2,4-D packaged in containers of 1 gallon or less;

(3) liquid formulations of a product that is labeled to be used without further dilution;

(4) dry formulations, packaged in containers of 1 pound or less, regardless of percentage of 2,4-D; and

(5) dry formulations, packaged in containers of 50 pounds or less, of a product that contains 10% or less 2,4-D and is labeled to be used without further dilution.

**2,4-DICHLOROPHENOXYPYRIC ACID** (2,4-DB), except:

(1) liquid formulations, packaged in containers of 1 quart or less, regardless of percentage of 2,4-DB;

(2) liquid formulations that contain 15% or less 2,4-DB packaged in containers of one gallon or less;

(3) liquid formulations of a product that is labeled to be used without further dilution;

(4) dry formulations, packaged in containers of 1 pound or less, regardless of percentage of 2,4-DB; and

(5) dry formulations, packaged in containers of 50 pounds or less, of a product that contains 10% or less 2,4-DB and is labeled to be used without further dilution.

**2,4-DICHLOROPHENOXYPYRIDIOLIC ACID** (2,4-DP), except:

(1) liquid formulations, packaged in containers of 1 quart or less, regardless of percentage of 2,4-DP;

(2) liquid formulations that contain 15% or less 2,4-DP packaged in containers of 1 gallon or less;

(3) liquid formulations of a product that is labeled to be used without further dilution;

(4) dry formulations, packaged in containers of 1 pound or less, regardless of percentage of 2,4-DP;

(5) dry formulations, packaged in containers of 50 pounds or less, of a product that contains 10% or less 2,4-DP and is labeled to be used without further dilution.

**1,3-DICHLOROPROPENE** (Telone II)  
**DIAFENOTON** (Di-System), except when labeled only for one or more of the following uses: home use, structural pest control, industrial use, institutional use, and use by public agency vector control districts pursuant to section 2426 of the Health and Safety Code.

**ENDOSULFAN** (Thiodan), except when labeled only for one or more of the following uses: home use, structural pest control, industrial use, institutional use, and use by public agency vector control districts pursuant to section 2426 of the Health and Safety Code.

**ETHOPROF** (Mocap), when labeled for turf use.

**FENAMIPHOS** (Nemacur)  
**LINDANE**, except when labeled only for one or more of the following uses: home use, structural pest control, industrial use, institutional use, and use by public agency vector control districts pursuant to section 2426 of the Health and Safety Code.

**METAM SODIUM**, labeled for the production of agricultural plant commodities

**METAMIDOPHOS** (Monitor)  
**METHIDATHION** (Supracide)  
**METHOMYL** (Laminate), except fly baits containing not more than 1% methomyl

**METHYL BROMIDE**  
**2-METHYL-4-CHLOROPHENOXYPYRIC ACID** (MCPA), except:

(1) liquid formulations packaged in containers of 1 quart or less regardless of percentage of MCPA;

(2) liquid formulations that contain 15% or less MCPA packaged in containers of 1 gallon or less;

(3) liquid formulations of a product that is to be used without further dilution;

(4) dry formulations, packaged in containers of 1 pound or less, regardless of percentage of MCPA; and

(5) dry formulations, packaged in containers of 50 pounds or less, of a product that contains less than 10% MCPA and is labeled to be used without further dilution.

**METHYL ISOTHIOCYANATE** (MITC), labeled for the production of agricultural plant commodities

**NEVADAPHOS** (Phosdrin)  
**NOFLINATE** (Ordram)  
**OXYDEMETON-METHYL** (Metasystox-R)  
**PARAQUAT** (Gramoxone)  
**PARATHION-METHYL**  
**PROPANTH** (Thimet)  
**PROPANTH**  
**SODIUM FLUORACETATE** (compound 1080)  
**STRYCHNINE**, except rodenticides when labeled only for one or more of the following uses: home use, structural pest control, industrial use, institutional use, and use by public agency vector control districts pursuant to section 2426 of the Health and Safety Code.

**SULFOFEP**  
**THIOBENCARB** (Bolero)  
**TRIBUFOS** (Def. Foley)  
**TRIBUTYLALAN**, organotin, or a tri-organotin compound formulated as an anti-fouling paint, coating or compound and labeled for the control of fouling organisms in an aquatic environment.

**ZINC PHOSPHIDE**, except when labeled only for one or more of the following uses: home use, structural pest control, industrial use, institutional use, and use by public agency vector control districts pursuant to section 2426 of the Health and Safety Code.

NOTE: Authority Cited: Sections 14004.5 and 14005, Food and Agricultural Code. Reference: Sections 14004.5 and 14005, Food and Agricultural Code. (July 7, 1995)