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County Agricultural Commissioner Exemption for Federal Restricted Use Pesticides

Date	April 25, 2001
Enforcement Letter	ENF 01-19
Distribution	County Agricultural Commissioners
Referral	If you have any questions, please contact your Senior Pesticide Use Specialist liaison.
Approval	<p><i>Original signed by . . .</i></p> <p>Scott Paulsen, Chief Pesticide Enforcement Branch (916) 445-4036</p>
Background	The U.S. Environmental Protection Agency classifies several pesticides as "restricted use pesticides (RUPs)". These restricted use pesticides, referred to as "federal RUPs," are designated as "California-restricted materials" in Title 3, California Code of Regulations (3CCR), section 6400(a). All federal RUPs are "California-restricted materials"; however, not all federal RUPs are listed in 3CCR, section 6400(e).
Restricted Material Permit	Food and Agricultural (FAC) section 14006.6(c) provides, in pertinent part, that "a permit shall not be required for . . . use of [restricted] materials when specifically exempted by regulation of the director . . ."

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Exemptions 3CCR, section 6414(b), expressly exempts certified private and certified commercial applicators from the permit requirement for those pesticides listed in 3CCR, section 6400(a), federal RUPs, unless otherwise required by the commissioner.

Director of the Department of Pesticide Regulation Exemption By adopting 3CCR, section 6414(b), the Director has, in effect, found that generally the mitigation measures provided by the permit system are not necessary to prevent undue impact when federal RUPs are used. However, recognizing that the diverse nature of California could result in situations where the general finding would not apply, the Director included an exemption that allows the commissioner to require permits for specific federal RUPs when the commissioner determines that use of the RUP can create a hazard when used under local conditions.

County Agricultural Commissioners Commissioners may elect to utilize this exemption and require a permit for possession and use of federal RUPs listed only in 3CCR, section 6400(a) to mitigate any potential local adverse impacts.

cc: Mr. Daniel J. Merkley, County Agricultural Commissioner Liaison