

Carbon Monoxide (CO) Devices to Control Burrowing Rodents

Rulemaking



2012 - Section 6025.4 added to Food and Agricultural Code

- Notwithstanding section 597u of the penal code*, carbon monoxide may be used for the control burrowing rodents
 - Provided they bear a specified warning label
 - Subject to the requirements of the Fish and Game Code



*It is illegal for a person to kill an animal with carbon monoxide gas (penal code section 597u).

2015 – section 12999.5 amended and sections 14160-14161 added

- 12999.5 was amended to include Chapter 3.7 (commencing with section 14160) as violations for which agricultural commissioners may levy a civil penalty
- 14160 defines a “carbon monoxide pest control device” as any method of instrument using carbon monoxide to prevent, eliminate, destroy, or mitigate burrowing rodents
- 14161 requires the director to adopt and enforce regulations to provide for the proper, safe, and efficient use of these devices

Enforcement Letters 12-19 & 15-11

- CO delivery devices will not be regulated as a pesticide
 - Registration with DPR is not required
 - Use reporting is not required
- Device must bear the U.S. EPA Establishment Number for where the device was manufactured
- Use of the device is considered pest control and persons performing pest control for hire must be licensed by DPR and registered in each county where they perform pest control
- Recommends that the devices not be used within 100 feet of an occupied structure and that nearby unoccupied structures be aerated prior to reentry

Proposed Regulations – targeting a June notice

- Follow current law and recommendations and require:
 - U.S. EPA Establishment Number
 - Specified distance from enclosed structures
 - Protective eyewear
 - Recordkeeping and reporting of adverse effects



Questions?

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