Carbon Monoxide (CO) Devices to Control Burrowing Rodents

Rulemaking
2012 - Section 6025.4 added to Food and Agricultural Code

• Not withstanding 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
• 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?

Jill Townzen
Pesticide Programs Division
(916)324-6174
Jill.Townzen@cdpr.ca.gov