

TEXT OF FINAL REGULATIONS

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

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TITLE 3. CALIFORNIA CODE OF REGULATIONS  
DIVISION 6. PESTICIDES AND PEST CONTROL OPERATIONS  
CHAPTER 1. PESTICIDE REGULATORY PROGRAM  
SUBCHAPTER 1. DEFINITION OF TERMS  
ARTICLE 1. DEFINITIONS FOR DIVISION 6

Amend section 6000 to read:

**6000 Definitions.**

...

**"Private Applicator"** means:

(a) an individual who uses or supervises the use of a pesticide for the purpose of producing an agricultural commodity as defined by Title 40 Code of Federal Regulations, section 171.2(5) (July 1, 2013) on property owned, leased, or rented by him/her or his/her employer; or

(b) a householder who uses or supervises the use of a pesticide, outside the confines of a residential dwelling for the purpose of controlling ornamental, plant or turf pests on residential property owned, leased, or rented by that householder.

...

NOTE: Authority cited: Sections 11456, 11502, 12111, 12781, 12976, 12981, 13145, 14001, and 14005, Food and Agricultural Code.

Reference: Sections 11401.2, 11408, 11410, 11501, 11701, 11702(b), 11704, 11708(a), 12042(f), 12103, 12971, 12972, 12973, 12980, 12981, 13145, 13146, and 14006, Food and Agricultural Code.

CHAPTER 2. PESTICIDES  
SUBCHAPTER 4. RESTRICTED MATERIALS  
ARTICLE 1. RESTRICTED MATERIALS

Amend section 6400 by adding to subsection (e) in alphabetical order:

**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 116180 of the Health and Safety Code.

(d) Pesticide products containing active ingredients listed in section 6800(a) (potential to pollute groundwater), when labeled for agricultural, outdoor institutional, or outdoor industrial use.

(e) Certain other pesticides:

Acrolein, when labeled for use as an aquatic herbicide

Aldicarb (Temik)

Aluminum phosphide (Phostoxin)

...

Brodifacoum

Bromadiolone

...

Difenacoum

Difethialone

...

NOTE: Authority Cited: Sections 14004.5 and 14005, Food and Agricultural Code.

Reference: Sections 14004.5 and 14005, Food and Agricultural Code.

## ARTICLE 5. USE REQUIREMENTS

Adopt section 6471 to read:

### **6471. Brodifacoum, Bromadiolone, Difenacoum, and Difethialone**

This section supplements the label restrictions on the use of brodifacoum, bromadiolone, difenacoum, and difethialone.

(a) It is prohibited to place any above ground bait more than 50 feet from a man-made structure unless there is a feature associated with the site that is harboring or attracting the pests targeted on the label between the 50-foot limit and the placement limit specified on the label.

NOTE: Authority Cited: Sections 11456, 11502, 12781, 12976, 14005, and 14102, Food and Agricultural Code.

Reference: Sections 11501, 14006, and 14102, Food and Agricultural Code.

**REGULAR**

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-2013-0709-07	2014-0206-025	
For use by Office of Administrative Law (OAL) only			
RECEIVED FOR FILING PUBLICATION DATE		2014 FEB -6 PM 4:54	
AUG 13 '13      AUG 23 '13		OFFICE OF ADMINISTRATIVE LAW	
Office of Administrative Law			
NOTICE		REGULATIONS	

ENDORSED FILED IN THE OFFICE OF

2014 MAR 18 PM 2:00

*Debra Bowen*  
 DEBRA BOWEN  
 SECRETARY OF STATE

AGENCY WITH RULEMAKING AUTHORITY Department of Pesticide Regulation	AGENCY FILE NUMBER (if any)
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**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE Second Generation Anticoagulant Rodenticides	TITLE(S) 3	FIRST SECTION AFFECTED 6000	2. REQUESTED PUBLICATION DATE August 23, 2013 per agency request
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Linda Irokawa-Otani	TELEPHONE NUMBER 916.445.3991	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2013, 272	PUBLICATION DATE 7/19/2013	

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Second Generation Anticoagulant Rodenticides	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) Z-2013-0709-07, 2-2013-0813-14
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 6471
	AMEND 6000, 6400
TITLE(S) 3	REPEAL
3. TYPE OF FILING	
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input checked="" type="checkbox"/> Other (Specify) <u>Notice - Extension of Comment Period</u> <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only	
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) <i>per agency request</i>	
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify)	
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input checked="" type="checkbox"/> Other (Specify) <u>California Department of Food and Agriculture</u>	
7. CONTACT PERSON Linda Irokawa-Otani	TELEPHONE NUMBER 916-445-3991
FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Brian R Leahy</i>	DATE 2/6/14
TYPED NAME AND TITLE OF SIGNATORY Brian R. Leahy, Director	

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ENDORSED APPROVED

MAR 18 2014

Office of Administrative Law