

TEXT OF FINAL REGULATIONS

Current wording is indicated by regular type.

Deletions are indicated by ~~strikeout~~.

Additions are indicated by underline.

TITLE 3. CALIFORNIA CODE OF REGULATIONS DIVISION 6. PESTICIDES AND PEST CONTROL OPERATIONS CHAPTER 2. PESTICIDES SUBCHAPTER 4. RESTRICTED MATERIALS ARTICLE 3. PERMIT SYSTEM

Amend section 6428 to read:

6428. Agricultural Permit Applications.

Except as provided in section 6434(a), each application for a permit for agricultural use of a restricted material shall include the following information:

(a) Name and business address of the permit applicant and signature of either the permit applicant, or when allowed by the Commissioner, the permit applicant's authorized representative or licensed agricultural pest control adviser;

(b) Location and base line, meridian, township, range, and section of each property to be treated;

(c) Identification of all known areas that could be adversely impacted by the use of the restricted material(s) including hospitals; schools and playgrounds; residential areas (including labor camps); parks; lakes, waterways, estuaries, and reservoirs; state wildlife management areas; critical habitats of rare, endangered or threatened species; and livestock and crops; (a map or aerial photograph may be used for designating such areas);

(d) Identification of each commodity or crop, or if there is no commodity or crop the site to be treated;

(e) Anticipated pest problem(s) for each crop (pest(s) to be controlled);

(f) Restricted material(s) requiring a permit necessary to control each pest on each commodity, crop, or site;

(g) Approximate date(s) or crop stage(s) of intended restricted material application(s);

(h) Expected method of application;

(1) For an application made for the production of an agricultural commodity within ¼ mile of a school site as identified in section 6690, the expected method of application shall be one of the methods enumerated in subdivisions (a), (b), or (c) of section 6691.

(i) including the dilution, volume per acre or other units, and dosage;

(j) Name of the pest control business, if any; and

(k) Name, business address, and license or certificate number, expiration date, and category(ies), of the certified private or certified commercial applicator(s) responsible for supervising the possession or use of the restricted material(s).

NOTE: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code.
Reference: Sections 11501 and 14006, Food and Agricultural Code.

Amend section 6434 to read:

6434. Notice of Intent.

(a) If the information required by (g), (h), (i), ~~and (j)~~, and (k) of section 6428 is not provided on the permit, it shall be included in the notice of intent.

(b) To make a permit site and time specific, a notice of intent is required for all agricultural use restricted material applications. A notice of intent shall be submitted to the Commissioner electronically via www.CalAgPermits.org by the operator of the property to be treated, by such operator's authorized representative, or by the pest control business who is to apply the pesticide, and it shall include the following information concerning the proposed application.

(1) Permit number and county number;

(2) Name and address of permittee and applicator;

(3) Location of areas to be treated and name of operator of the property, including site identification number;

(4) Crop or commodity, or if there is no crop or commodity, the site to be treated;

(5) Approximate acres or other units to be treated;

(6) Method of application;

(A) For an application made for the production of an agricultural commodity within ¼ mile of schoolsites as identified in section 6690, the method of application shall be one of the methods enumerated in subdivisions (a), (b), or (c) of section 6691.

(7) Pesticide product name(s) and registration number(s) to be applied;

(8) Dilution, volume per acre or other units, and dosage;

(9) Pest(s) to be controlled;

(10) Date and time intended application is to commence;

(A) For a notice of intent for an application made for the production of an agricultural commodity within ¼ mile of a schoolsite as identified in section 6690, the notice of intent shall additionally list the allowable dates and time ranges during which the application can be applied that comply with the date and time restrictions in section 6691.

(11) Location and identity of areas specified in section 6428 which have changed since the permit was issued and which may be adversely impacted. A map or aerial photograph may be used for designating such locations; and

(12) Base line, meridian, township, range, and section of the area to be treated.

(c) Except as provided in subsections (e) and (f), a notice of intent shall be submitted to the Commissioner prior to the date and time the application is intended to commence as follows:

(1) for soil fumigants requiring a permit, at least 48 hours prior to the date and time the application is intended commence;

(2) for all other pesticides requiring a permit, at least 24 hours prior to the date and time the application is intended to commence.

(d) When a notice of intent is required for the use of a restricted material requiring a permit for the production of an agricultural commodity, either at least 48 hours prior to the date and time a soil fumigation is intended to commence or at least 24 hours prior to the date and time an application of all other pesticides is intended to commence, the operator of the property to be treated, the operator's authorized representative, or the pest control business who is to apply the pesticide shall additionally provide to the Department the following information electronically via www.CalAgPermits.org:

(1) County number;

(2) Date and time the intended application is to commence;

(3) Base line, meridian, township, range, and section of the area to be treated;

- (4) Pesticide product registration number(s) to be applied;
- (5) Method of application; and
- (6) Approximate acres or other units to be treated.

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Note: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code.
Reference: Sections 901, 2281, 11501, 11519, 14001 and 14006, Food and Agricultural Code.

CHAPTER 3. PEST CONTROL OPERATIONS
SUBCHAPTER 2. WORK REQUIREMENTS
ARTICLE 1. PEST CONTROL OPERATIONS GENERALLY

Amend section 6623 to read:

6623. Site Identification Numbers.

(a) Prior to the use of pesticide(s) for the production of an agricultural commodity, the operator of the property shall obtain site identification number(s) from the commissioner for each site where pest control work will be performed. The site identification number(s) shall be valid for the same, concurrent, period of time as the operator identification number.

(1) A separate site identification number is required for any field, or portion of a field that is within ¼ mile of a schoolsite, as defined in section 6690.

(2) The operator of the property may designate areas beyond ¼ mile of a schoolsite under a site identification number subject to the requirements of section 6623(a)(1). All portions of a field designated under this site identification number, including any portions that may be greater than a ¼ mile from the schoolsite, shall be subject to the requirements of sections 6690-6692.

(b) The site identification number(s) shall be recorded by the commissioner on a restricted materials permit, if the operator of the property has such a permit, or on a form approved by the ~~d~~Director. The information on the permit or form shall include:

- (1) The name and address of the operator of the property;
- (2) The operator identification number;
- (3) The location, description, or map of the site(s) where the pest control will be performed;
- (4) A site identification number for each site where the pest control will be performed; ~~and~~
- (5) The date of issuance of the site identification number(s); and
- (6) If applicable, whether each site identification number is subject to the requirements of sections 6690-6692.

(c) The operator of the property shall retain a copy of each restricted material permit or form for two years and make them promptly available to the ~~d~~Director or commissioner upon request.

NOTE: Authority cited: Sections 11456, 12976, 13145 and 14005, Food and Agricultural Code.
Reference: Sections 12981, 14006 and 14011.5, Food and Agricultural Code.

Amend section 6624 to read:

6624. Pesticide Use Records.

- (a) The following persons shall maintain records of pesticide use:
 - (1) Any person who uses a pesticide for an agricultural use as defined in Food and Agricultural Code section 11408, other than use on livestock as defined in Food and Agricultural Code section 18663;

(2) Any person who uses a pesticide listed in section 6400;
(3) Any person engaged for hire in the business of pest control;
(4) Any person who uses a pesticide for industrial post-harvest commodity treatment; and
(5) Any person who uses a pesticide listed in section 6800(b) for any outdoor institution or outdoor industrial use.

(b) The records shall include the following information for each pest control operation:

(1) Date and time of the application;
(2) Name of the operator of the property treated;
(3) Location of property treated;
(4) Crop commodity, or site treated;
(5) Total acreage or units treated at the site; and
(6) Pesticide, including the U.S. Environmental Protection Agency (U.S. EPA) or State registration number which is on the pesticide label, and amount used.

(c) In addition to the information required in subsection (b), the operator of the property which is producing an agricultural commodity, and an agricultural pest control business applying pesticides to such property, shall include in the records the following information for each pest control operation:

(1) Location of the property treated, by county, section, township, range, base and meridian;
(2) Date and time the treatment started and ended;
(3) The operator identification number issued to the operator of the property treated;
(4) The site identification number issued to the operator of the property treated;
(5) Method of application;

(A) For an application made for the production of an agricultural commodity within ¼ mile of a schoolsite as identified in section 6690, the method of application shall be one of the methods enumerated in subdivisions (a), (b), or (c) of section 6691.

(6) Total acreage (planted) or units at the site; and

(7) Name or identity of the person(s) who made and supervised the application, if the pesticide application was made by an agricultural pest control business.

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NOTE: Authority cited: Sections 12976, 13145, 13188 and 14005, Food and Agricultural Code.
Reference: Sections 11501, 11708, 11733, 13186, 14006 and 14011.5, Food and Agricultural Code.

ARTICLE 5. PESTICIDE USE NEAR SCHOOLSITES

Amend section 6690 to read:

6690. Pesticide Use Near Schoolsites.

The provisions of this article pertain to pesticide applications made for the production of an agricultural commodity within ¼ mile of a schoolsite.

(a) "Schoolsite" as used in sections 6690-6692 means

(1) any property used as a child day care facility, as defined in Health and Safety Code section 1596.750,

(2) ~~or any property used~~ for a public kindergarten, elementary, or secondary school, and

(3) effective December 31, 2026, any property used for a private school offering or conducting instruction at the kindergarten, elementary, or secondary level with an enrollment of six or more

pupils that has filed an affidavit with the Superintendent of Public Instruction pursuant to Education Code section 33190.

(b) ~~This~~ “Schoolsite” includes all areas of the property used on weekdays by children who attend such facilities or schools, or other property identified by the commissioner as a park adjacent to a school that is used by the school for recess, sports, or other school activities.

(c) “Schoolsite” does not include: family day care homes as defined in Health and Safety Code section 1596.78; school conducted in a person’s residence; any postsecondary educational facility attended by secondary pupils; ~~private kindergarten, elementary, or secondary school facilities~~; or a vehicles or a bus stops not on schoolsite property.

(1) Until December 31, 2026, “schoolsite” does not include private kindergarten, elementary, or secondary school facilities.

NOTE: Authority cited: Sections 11456, ~~and~~ 12976, 13189.3 and 13189.4, Food and Agricultural Code. Reference: Sections 2281, 11501.5 and 11501, Food and Agricultural Code.

Amend section 6692 to read:

6692. Annual Notification.

(a) For all applications of pesticides expected to be made for the production of an agricultural commodity within ¼ mile of a schoolsite, the operator of the property to be treated shall provide annual notification to those specified in (b) no later than April 30 of pesticide(s) expected to be used from July 1 of the current year through June 30 of the next year.

(1) ~~Effective April 1, 2018, if~~ the operator of the property to be treated changes, the new property operator shall provide the notification as specified in (b) and (c) within 30 days of assuming control of that property for expected pesticide(s) to be used from the time the notification is provided through June 30 of the following year. If the notification made 30 days after assuming control includes information about the pesticide(s) expected to be used July 1 of the current year through June 30 of the following year, then (a) does not apply. Subsequent notifications must be provided as specified in (a).

(b) The annual notification must be provided to:

- (1) The principal of the ~~public~~ K-12 school;
- (2) The administrator of the child day care facility; and
- (3) The county agricultural commissioner.

(c) The annual notification must be in writing and include the following information:

(1) A summary of the operator of the property's requirements to provide annual notification to a schoolsite as described in subsection (a).

(2) A summary of the applicable pesticide application restrictions specified in section 6691.

(3) Operator of the property's name and contact information;

(4) Map showing location of the field(s) involved and the school or child day care facilities;

(5) County agricultural commissioner's contact information;

(6) National Pesticide Information Center Web site address;

(7) Information on the pesticide(s) expected to be used including: name of each active ingredient, or principal functioning agent for a spray adjuvant; example pesticide product name(s); and the U.S. Environmental Protection Agency or California registration number.

(8) The following statements:

“This notification is informational only, and includes a list of pesticides expected to be used. ~~Beginning July 1, 2018, s~~ Schoolsites will be informed of pesticides not on the list at least 48 hours prior to their use. The county agricultural commissioner may be contacted for questions or

additional information; if violations of these requirements are suspected; or other non-emergency situations.”

(9) A description of the option to negotiate an alternate to the required application restrictions as provided in section 6691, subsection (f).

(d) ~~Effective July 1, 2018, if~~ a pesticide to be used was not included in the annual notification as specified in subsection (c)(7), the operator of the property shall provide this information to the schoolsite and commissioner at least 48 hours prior to the application.

(e) The property operator shall retain a copy of each annual notification for two years and make them available to the Director or commissioner upon request. The commissioner shall retain a copy of each annual notification for one year.

NOTE: Authority cited: Sections 11456 and 12976, Food and Agricultural Code. Reference: Sections 2281, 11501.5 and 11501, Food and Agricultural Code.