

Chapter 2: Pesticide Pre-Application Site Evaluation (PR-ENF-102)

Purpose

A site evaluation conducted before the application is the final step in the permit evaluation process for an intended application under the certified functional equivalency program. Pre-Application Evaluations are performed on proposed applications that require a Restricted Materials Permit. Restricted Materials Permit applications are subject to many of the requirements of the California Environmental Quality Act, (CEQA). See also Pesticide Use Enforcement Program Standards Compendium Volume 3 Restricted Materials and Permitting, Chapter 8.

Denials

When conducting a Pre-Application Site Evaluation, your responsibility is to:

- Determine if the site matches the description in the Restricted Material Permit and the Notice of Intent (NOI).
- Evaluate the basis for the intended application.
- Determine if the proposed application can be made safely.
- Assess compliance with relevant laws, regulations and permit conditions.
- Record your observations.

If you determine that the site or other characteristic of the proposed application differs significantly from the permit or NOI, the application should be denied or modified to address any hazards and to comply with all relevant pesticide laws, regulations, and permit conditions.

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Pesticide Pre-Application Site Evaluation, Continued

Site Selection Prioritize the sites to be evaluated based on the toxicity of the pesticide, the proximity of sensitive areas, the potential for adverse effects, and the individual's noncompliance record. An on-site evaluation and a written recommendation review are conducted to assess the situation prior to application. This is intended to provide the CAC with the opportunity to mitigate any possible hazards by conditioning or denying the notice of intent or modifying the restricted materials permit.

The CAC is responsible for knowing local conditions, including meteorological conditions and areas that may be adversely impacted by pesticide applications. Evaluate the potential hazard to nearby dwellings (homes, labor camps), buildings, recreational areas, schools, people not involved in the application (including those people likely to be performing field work at the time of the application), susceptible crops, bees, animals (livestock, pets), endangered or threatened species and any other sensitive areas. DPR's PRESCRIBE program, which provides information on the locations of endangered or threatened species and the mitigation measures recommended for these areas, can be found at: [PRESCRIBE Online Database Application](#). Additionally, the pesticide labeling may have endangered species requirements, requiring Endangered Species Protection Bulletins to be obtained from EPA's website at Bulletins Live! Two (<https://www.epa.gov/endangered-species/bulletins-live-two-view-bulletins>) up to six months before the application.

Use for Non-Agricultural Permit Monitoring Although this evaluation form was not designed for use in evaluating non-agricultural permit uses pursuant to 3CCR section 6436, it may be used for that purpose. For additional information see [Compendium Volume 3 Restricted Materials Permitting Chapter 8 Pre-Application Site Evaluations](#).

When evaluating a non-agricultural site identify the Pre-Application Site Inspection as a Partial Inspection. **Leave Requirement 1** (3CCR section 6434) and **Requirement 3** (3CCR section 6428(e)) **blank** as they apply only to agricultural permit uses. Evaluate the basis for the application pursuant to 3CCR section 6430 and 6432 (not 3CCR section 6426(a) as listed on the form).

Complete all applicable parts of the form and use the Inspection Details or Remarks section to identify any concerns or issues.

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Information Blocks Specific to the Pre-Application Site Inspection

A completed Pre-Application Site Evaluation must address all applicable requirements, as well as the completion of all other informational blocks on the form.

**Information/
Header
Spaces**

Provide all the information requested at the top of the form. If some of the information is not available on site, you can add it later. If certain information is unknown, unavailable, or not applicable indicate this by printing an appropriate designation in the space provided. All information boxes must be addressed to consider the document a complete evaluation. An “Acknowledged By” signature is not required for a pre-application site evaluation.

**Operator of
the Property
Evaluated**

Add the name of the person that has primary control over activities performed on the property. Control may be gained through ownership, rent, lease or contract agreement. The laws and regulations listed in the “REQUIREMENTS” section apply to the property operator even if the proposed application is to be performed by a pest control business (PCB) and the PCB submitted the NOI.

**Mailing
Address**

Add the mailing address of the property operator.

**Property
Location**

Add the physical location (such as address, cross-streets, or other standardized location references such as canal/gate) where the proposed application is to occur.

**Permit/
Operator ID
Number**

Add the permit number or the operator ID number.

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Information Blocks Specific to the Pre-Application Site Inspection, Continued

Pest Control Business

If the proposed application is to be performed by a PCB, add the name of the PCB. If the proposed application is to be performed by the grower, mark “N/A”. If a NOI is denied, you should inform the PCB as well as the property operator.

Basis For Application Evaluated

3CCR section 6426(a) and 3CCR section 6436

A pre-application site evaluation must evaluate the need for the application. The evaluation must also determine that all effective and practical mitigation measures have been adopted and that all feasible alternatives that would lessen significant adverse impacts to the environment have been considered and adopted.

For non-agricultural uses, the use of each permit shall be inspected at least once a year.

Review the permit and the recommendation (if one was made) and verify that the following items have been addressed:

- Criteria for determining the need for the application.
 - Feasible alternatives for the application.
 - Adoption of any reasonable mitigation measures.
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Written Recommendation Requested/ Provided

FAC section 12003, FAC section 12004, 3CCR section 6556

When a recommendation has been written for the application being evaluated, it must be reviewed. The PCA or pest control operator, upon request, shall immediately furnish a copy of the written recommendation to the CAC. Indicate in the boxes provided whether the recommendation for the subject application has been requested by the CAC and if it has been provided. If you are evaluating a grower application and there is no written recommendation, mark “N/A” boxes in both places.

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Information Blocks Specific to the Pre-Application Site Inspection, Continued

Proposed Application Scheduling Date and Time	Enter the scheduled date and (if known) the time of the proposed application. Use month/day/year notation for the date. Example - April 5, 2007 would read 04/05/07. Use military time notation. Example - 1:30 p.m. would read 1330; 8:00 a.m. would read 0800.
PCA Employer	If a PCA wrote the recommendation you review, add the name of the PCA's employer in the space provided. If the adviser is self-employed, add the name of the PCA. When a PCA did not write the recommendation or you did not review a recommendation, mark "N/A".
PCA Name	If a PCA wrote the recommendation you review, add the adviser's name in the space provided. If a PCA did not write the recommendation or you did not review a recommendation, mark "N/A".
PCA Recommendation Number	If the recommendation you reviewed has a number, add it in the space provided. If the recommendation does not have a number or you have not reviewed a recommendation, mark "N/A".
PCA License Number	If a PCA wrote the recommendation you reviewed, add the adviser's license number in the space provided. If you did not review a recommendation, or when the recommendation is written by the grower, mark "N/A".
PCA Registered in County	If a PCA wrote the recommendation you reviewed, indicate whether the PCA is registered in your county by checking the appropriate box. If a PCA did not write the recommendation or you did not review a recommendation, mark "N/A."

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Information Blocks Specific to the Pre-Application Site Inspection, Continued

Outline Map of Treated Area	Use the outline map to show the surrounding environment. Add the type of site that is on each side of the field in the space provided on the map outline. Do not print only “road” if roads border the field. The more appropriate designation would be “road/cotton” or “road/residential.”
Environmental Hazards	Write a list or description of any environmental hazards you observe near the application site. If there are no environmental hazards at the site write “none.”
Pesticide Name/Manufacturer	Enter the name and registrant (if known) of the pesticide in the space provided. Include the U.S. EPA registration number(s) and signal word(s). If known, document the formulation type (such as wettable powder, liquid, granular). Document the rate (such as pounds/acre) and dilution (such as gallons of mix/acre) from the NOI.
Signatures and Distribution	Complete the pre-application evaluation by signing your name on the inspection report. You do not need to obtain the signature of the property operator or the PCB or provide a copy of your inspection report to them unless non-compliances are noted.
When Non-Compliances are Found	If non-compliances are noted, deny the NOI, contact the property operator or permit holder or, if a PCB is involved, contact the PCB. Document the contact, applicator, date, and time, and how the person was contacted in the notification method section provided at the bottom of the form. Document the status of the application in the “Remarks” section of the inspection. Deliver a copy of the inspection to the responsible person in accordance with the General Procedures chapter.

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Requirements

1. Notice of Intent (NOI) Consistent with Permit

3CCR section 6434

Scope: Agricultural use of state restricted materials requiring a permit.

When using the Pre-Application Site Inspection to evaluate a **Non-Agricultural** use Notice of Intent, identify the inspection as a partial inspection and **leave Requirement 1 blank**. Record your observations, and that the Pre-Application Site inspection is for a non-agricultural use in the Inspection Details or Remarks Section of the form.

The NOI must be submitted to the CAC electronically using www.CalAgPermits.org by the operator of the property, operator's authorized representative, or pest control business unless there is an undue hardship approved by the CAC.

The NOI must be submitted to the Commissioner prior to the date and time the application is intended to commence as follows:

- Soil fumigations at least 48 hours prior to the date and time of the intended application.
- All other pesticides, at least 24 hours prior to the date and time of the intended application.

The Commissioner may allow an exemption to the time requirement if, because of the nature of the commodity or pest problem, safe and effective pest control cannot be attained.

Undue hardships and timing exemptions must be documented by the Commissioner.

Compare the information on the NOI with the Restricted Materials Permit. Pay particular attention to potential adverse effects (fieldworkers, schools, bodies of water, etc.). The NOI must be complete, consistent with the permit, and provide the information required by this regulation.

Only the date of the application, the method (including dilution, volume, and rate) and the name of the PCB can be added to a permit through the NOI. All other changes must be made through a permit amendment.

Exemptions: None

**2. Proposed
Application
Complies with
Permit
Conditions**

Scope: Use of state restricted materials requiring a permit that has conditions.

Determine if the application can be carried out in compliance with all conditions on the permit.

**FAC section
12973**

Exemptions: None

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Requirements, Continued

**3.
Environmental
Conditions
Consistent with
Permit and
NOI**

**3CCR section
6428(c)**

Scope: Agricultural use of state restricted materials requiring a permit.

When using the Pre-Application Site Inspection to evaluate a **Non-Agricultural** use Notice of Intent, identify the inspection as a partial inspection and **leave Requirement 3 blank**. Record your observations, and that the Pre-Application Site inspection is being used a non-agricultural use in the Inspection Details or Remarks Section of the form.

The NOI must reflect any changes in the environment since the permit was issued. Are surrounding fields and cultural facilities consistent? Can the application be made in compliance with groundwater regulations?

Exemptions: None

**4. Conditions
Consistent with
Restricted
Materials
Regulations**

**3CCR sections
6443 – 6487.5**

Scope: Use of the following state restricted materials:

- Use of pesticides registered for agricultural, outdoor industrial or institutional use containing chemicals listed in 3CCR section 6800(a).

Verify that no conditions exist on site that would prevent the application being evaluated from being performed in compliance with the regulatory requirements. Determine that the recommendation accurately documents hazards and stipulates use restrictions. For example: “Do not apply 2,4-D below the high-water mark on canal sides.”

Exemptions: Exemptions vary by regulation.

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Requirements, Continued

Restricted Materials Regulations

Regulation specific requirements you may be able to address in a preapplication are described below.

Restricted Material	3CCR Section	Guidance
Phenoxy herbicides (timber)	6443	For aerial applications of phenoxy herbicides related to timber production: - Was the permit posted? - Did the permittee mail copies of the permit to persons owning property within 300 feet of the treatment area? Has there been a request for review of the permit?
Methyl bromide	6447.1 6447.2	For field fumigations: Were property operators within 300 feet of the outer buffer zone notified of the fumigation? Will the inner buffer zone extend into another property? Does the outer buffer zone extend onto a property that contains a sensitive site?
1,3-D, Chloropicrin, Metam-sodium metam-potassium	6448.1 6449.1 6450.1	For field fumigations in non-attainment areas during May through October: When soil moisture is not addressed in labeling, does the site meet regulatory soil moisture requirements?
Chloropicrin	6453	For nursery or commodity fumigations of potting soil, agricultural commodities or equipment: Will the fumigation be performed in a properly sealed chamber or under a gas confining tarp?
Dazomet Sodium tetrathio- carbonate	6450.2 6451.1	Does the method of application identified in the permit or notice of intent match a specifically identified method described in the dazomet or sodium tetrathiocarbonate labeling?
Bentazon	6457	Bentazon use is prohibited in Del Norte and Humboldt counties. Bentazon use is prohibited in rice production.
Aldicarb	6458	Aldicarb use on cotton, potatoes, sugar beets, dried beans, citrus or field grown ornamentals is prohibited from September 1 to March 1. Determine that the rate noticed is in compliance with the crop and crop stage in the referenced regulatory table.

Requirements, Continued

Restricted Material	3CCR Section	Guidance
Propanil	6462	Aerial applications prohibited within four miles of prune fields. Limited exemption in Butte County, see 3CCR § 6452(c). Ground applications prohibited within one mile of prune fields. Limited exemption, see 3CCR § 6452(d).
Phenoxy and certain herbicides	6464	The subject regulation restricts the use of Dicamba, certain 2,4-D formulations and propanil on described areas in Sacramento, Madera, Fresno, Kings, Tulare, Kern and San Joaquin counties.
Cotton harvest aids - DEF/Folex, Paraquat	6470	Paraquat applications prohibited within one-eighth mile of schools or residential areas. DEF or Folex applications prohibited within one-half mile of residential areas or any schools in session or due to be in session within 24 hours of application. DEF or Folex applications prohibited within one-eighth mile of schools.
Carbofuran	6474	Applications to alfalfa are prohibited within one mile of feeding areas of waterfowl or geese, widgeon or coot nesting areas.
Fenamiphos	6476	Applications prohibited to residential or institutional turf areas and to recreational turf areas (golf courses excepted). Determine that irrigation water will not run off the treated area.
Tributyltin	6488/89	Use is restricted to aluminum vessel hulls, vessel hulls that are at least 82 feet long and outboard motors and lower drive units.
Chemicals listed in 3CCR § 6800(a)	6487.1 through 6487.5	When registered for agricultural, outdoor industrial or institutional use: Determine that the site is configured in such a way that the application can be made in compliance with runoff and leaching restrictions in artificial recharge basins, canals and ditches, and in leaching and runoff groundwater protection areas.

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