
TEXT OF PROPOSED REGULATIONS

Current wording is indicated by regular type.

Proposed deletions are indicated by ~~strikeout~~.

Proposed 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 4. FIELD FUMIGATION USE REQUIREMENTS

Amend section 6448 to read:

6448. 1,3-Dichloropropene Field Fumigation – General Requirements

(a) 1,3-Dichloropropene shall only be used for the production of an agricultural commodity.

(b) Field soil fumigations using 1,3-Dichloropropene are prohibited within a minimum distance (setback) of any structure that is, will be, or may be occupied at any time during the application and/or setback period, measured from the perimeter of the application block to any residence, onsite employee housing, schools, convalescent homes, hospitals, businesses, or other similar sites identified by the commissioner. A setback is also required for any other indoor or outdoor site that will be occupied for at least 72 consecutive hours during and following a 1,3-Dichloropropene application. The setback distance from an occupied structure or other site varies with the fumigation method, region, season, application rate, and application block size, and is specified in “1,3-Dichloropropene Field Fumigation Requirements, rev. ~~January 1, 2026~~September 1, 2027,” hereby incorporated by reference. If the application block is within the setback distance from a structure, no person shall be present at the structure at any time during the application and for at least the seven consecutive day period after the application is complete.

(1) An application of 1,3-Dichloropropene is prohibited within the setback distance from any structure outside of the property to be treated, unless the operators of the other properties provide written agreement to the certified applicator prior to the application that the structures will be voluntarily vacated during the application and for at least the seven consecutive day period after the application is complete. The certified applicator shall provide a copy of the written agreements to the commissioner with each notice of intent.

(c) Setback requirements are more stringent if multiple 1,3-Dichloropropene field soil fumigations “overlap” in distance and time. To determine if overlapping application requirements apply, the setback distance specified in “1,3-Dichloropropene Field Fumigation Requirements, rev. ~~January 1, 2026~~September 1, 2027,” hereby incorporated by reference, is measured from the application block to the other 1,3-Dichloropropene application blocks rather than from the occupied structures. Setbacks for overlapping field soil fumigations are required if the setback distances for two or more 1,3-Dichloropropene application blocks overlap within 36 hours from the time the earlier application is complete until the start of the later application. For overlapping field soil fumigations, the setback from occupied structures is the same distance for all application blocks and determined using 1) the combined acreage of all overlapping application blocks, 2) the highest application rate, and 3) the setback table for the fumigation method with the largest setback distance specified in “1,3-Dichloropropene Field Fumigation Requirements, rev. ~~January 1, 2026~~September 1, 2027.” Fumigation methods that require the minimum setback restrictions specified in “1,3-Dichloropropene

Field Fumigation Requirements, rev. ~~January 1, 2026~~September 1, 2027” for all field soil fumigations are exempt from the multiple field soil fumigations requirements.

(d) When a buffer zone is required for a 1,3-Dichloropropene application block, the buffer zone distance and duration, which vary with the fumigation method and crop to be planted, must be in accordance with the specifications in “1,3-Dichloropropene Field Fumigation Requirements, rev. ~~January 1, 2026~~September 1, 2027,” hereby incorporated by reference. While the buffer zone is in effect, the only activities allowed within the buffer zone are fumigant handling and transit. Local, state, or federal officials performing inspections, sampling, or other similar official duties are not excluded from the application block or buffer zone.

(1) The buffer zone must not include any property operated by persons other than the operator of the application block, unless the operator of the other property provides written agreement to the certified applicator that they, their employees, residents, and other persons will stay out of the buffer zone while it is in effect. The certified applicator shall provide a copy of the written agreements to the commissioner with each notice of intent.

(e) An application of 1,3-Dichloropropene must not exceed the maximum broadcast equivalent application rate specified in “1,3-Dichloropropene Field Fumigation Requirements, rev. ~~January 1, 2026~~September 1, 2027,” hereby incorporated by reference.

(f) A 1,3-Dichloropropene application block must not exceed the acres specified in “1,3-Dichloropropene Field Fumigation Requirements, rev. ~~January 1, 2026~~September 1, 2027,” hereby incorporated by reference.

(g) Notwithstanding section 6434, the operator of the property to be treated shall assure that the commissioner is notified (notice of intent) at least 48 hours prior to commencing fumigation. The notice of intent shall indicate the hour the fumigation is intended to commence and the information specified in section 6434(b).

NOTE: Authority cited: Sections 11456, 12976, 14005, 14024 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006, 14024 and 14102, Food and Agricultural Code.

Amend section 6448.2 to read:

6448.2. 1,3-Dichloropropene Field Fumigation Methods.

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(b) Except for drip chemigation field soil fumigations pursuant to subsection (d)(7), the application block must have a soil moisture of at least 50 percent of field capacity at a depth of three to nine inches below the surface when the fumigation occurs. One of the options described in “1,3-Dichloropropene Field Fumigation Requirements, rev. ~~January 1, 2026~~September 1, 2027,” hereby incorporated by reference, shall be used to comply with the soil moisture requirement.

(1) Subsection (d) describes several fumigation methods that use post-fumigation water treatments to reduce 1,3-Dichloropropene emissions. Fumigation methods using post-fumigation water treatments must be applied at a rate of 0.15-0.25 inches per hour and meet one of the following water requirements depending on soil texture:

(A) coarse soils - a minimum of 0.40 inches of water per acre.

(B) loamy, moderately coarse, or medium texture soils - a minimum of 0.30 inches of water per acre.

(C) fine texture soils - a minimum of 0.20 inches of water per acre.

(c) Applications for tree and grape crops must use a fumigation method specified in subsection (d) with an injection point at least 24 inches below the soil surface or a TIF tarpaulin that meets the requirements in section 6448.1.

(1) If an application is made alternating fumigated and unfumigated areas (strip fumigation), the treated application block cannot be retreated with the same active ingredient between May 1 through October 31 during the same calendar year in the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, or Ventura ozone nonattainment areas.

(d) The 1,3-Dichloropropene field soil fumigation must be made using only the methods described in this section and identified by the field fumigation method code specified in “1,3-Dichloropropene Field Fumigation Requirements, rev. ~~January 1, 2026~~ September 1, 2027,” hereby incorporated by reference. However between May 1 and October 31 within the San Joaquin Valley, Southeast Desert, or Ventura ozone nonattainment areas, method (d)(1) is prohibited; methods (d)(2), (d)(4), and (d)(7) are prohibited unless applied using a TIF tarpaulin that meets the requirements in section 6448.1(a); and method (d)(5) is prohibited when 1,3-Dichloropropene is used in combination with chloropicrin unless applied as alternating fumigated and unfumigated areas (strip fumigation). In addition to labeling requirements for each of these methods, the following requirements shall apply.

(1) Nontarpaulin/Shallow/Broadcast or Bed.

Chisel trace must be eliminated by use of tillage equipment to mix the soil to a depth of at least three inches. Broadcast fumigation must be followed by compaction of the soil surface.

(A) Injection point must be at least 12 inches below the soil surface.

(2) Tarpaulin/Shallow/Broadcast or Bed.

(A) Injection point must be at least 12 inches below the soil surface.

(B) Chisel trace must be eliminated by use of tillage equipment to mix the soil to a depth of at least three inches. Broadcast fumigation must be followed by compaction of the soil surface.

(3) Nontarpaulin/Shallow/Broadcast or Bed/Three Post-Fumigation Water Treatments.

(A) Injection point must be at least 12 inches below the soil surface.

(B) Chisel trace must be eliminated by use of tillage equipment to mix the soil to a depth of at least three inches. Broadcast fumigation must be followed by compaction of the soil surface.

(C) Fumigation must be completed in a time that allows compliance with the post-fumigation water treatments below and meet the requirements in subsection (b):

1. Water must be applied by an irrigation method that uniformly covers the treated area in the entire application block.

2. On the day of fumigation, the first water treatment must begin within 30 minutes of the completion of fumigation. A second post-fumigation water treatment must start no earlier than one hour prior to sunset on the day of fumigation and completed by midnight.

3. On the day following fumigation, a third post-fumigation water treatment must be applied starting no earlier than one hour prior to sunset and completed by midnight.

4. Additional post-fumigation water treatment(s) may be applied at any time provided the treatments required above are completed in the specified time periods.

(4) Tarpaulin/Shallow/Bed/Three Post-Fumigation Water Treatment.

(A) Injection point must be at least 12 inches below the soil surface.

(B) Chisel trace must be eliminated by use of tillage equipment to mix the soil to a depth of at least three inches.

(C) Fumigation must be completed in a time that allows compliance with the post-fumigation water treatments below and meet the requirements in subsection (b):

1. Water must be applied by an irrigation method that uniformly covers the untarped area in the entire application block.
 2. On the day of fumigation, the first water treatment to the untarped areas must begin within 30 minutes of the completion of fumigation. A second post-fumigation water treatment to the untarped areas must start no earlier than one hour prior to sunset on the day of fumigation and completed by midnight.
 3. On the day following fumigation, a third post-fumigation water treatment to the untarped areas must be applied starting no earlier than one hour prior to sunset and completed by midnight.
 4. Additional post-fumigation water treatment(s) may be applied at any time provided the treatments required above are completed in the specified time periods.
- (5) Nontarpaulin/Deep/Broadcast.
- (A) Injection point must be at least 18 inches below the soil surface.
 - (B) Chisel trace must be eliminated by use of tillage equipment to mix the soil to a depth of at least three inches. Broadcast fumigation must be followed by compaction of the soil surface.
- (6) Tarpaulin/Deep/Broadcast.
- (A) Injection point must be at least 18 inches below the soil surface.
 - (B) Chisel trace must be eliminated by use of tillage equipment to mix the soil to a depth of at least three inches. Broadcast fumigation must be followed by compaction of the soil surface.
- (7) Chemigation (Drip System)/Tarpaulin.
- (A) Drip system must be filled with water and tested for pressure variation, clogged emitters, and leaks before chemigation. The pressure must not exceed the pressure rating of the drip tape, and the pressure variation in the drip tape throughout the field must be less than three pounds per square inch. Drip system must be free of leaks and clogged emitters.
 - (B) The tarpaulin must be placed and inspected for tears, holes, or improperly secured edges prior to fumigating. Repairs and adjustments must be made before the chemigation begins.
 - (C) Ends of drip tape not covered by tarpaulin must be covered by at least two inches of soil.
 - (D) After chemigation, the drip system must be flushed with a volume of water at least three times the volume of the mainline and laterals of the drip system.
- (8) Individual tree-hole (also known as a tree planting site).
- (A) Injection point must be at least 36 inches below the soil surface.
 - (B) The application rate must not exceed 1.85 pounds of 1,3-Dichloropropene active ingredient per hole, or the maximum allowed by label, whichever is less.
 - (C) The number of tree-holes fumigated during a calendar year must not exceed 60 holes in any acre.
 - (D) The distance or spacing between fumigated tree-holes must be at least 15 feet center-to-center. Exception: If two or more adjacent tree-holes are to be fumigated as a group and the spacing is less than 15 feet, at least 24 hours must elapse from the end of the fumigation of one tree-hole to the start of fumigation of the adjacent tree-hole.
 - (E) The tree-hole site must be prepared by backhoeing to break up restrictive soil layers that may retard fumigant movement. The backhoe site must be dug in dimensions of at least 10 by 10 by 10 feet. The hole must then be backfilled.
 - (F) Soil moisture must meet the requirements specified in subsection 6448.2(b), after backfilling.
 - (G) 1,3-Dichloropropene must be applied using a closed-system application tube(s). Nitrogen must be used to purge the system before the application tube is lifted out of the ground at any time. After the application tube(s) are removed, the soil must be rolled or compacted to close the channel(s) created by the application tube(s).

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NOTE: Authority cited: Sections 11456, 12976, 14005, 14024 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006, 14024 and 14102, Food and Agricultural Code.

Amend section 6624 to read:

6624. Pesticide Use Records.

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(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 school site 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.

(8) For an application of 1,3-Dichloropropene, the field fumigation method code referenced in “1,3-Dichloropropene Field Fumigation Requirements, rev. ~~January 1, 2026~~ September 1, 2027,” hereby incorporated by reference.

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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.

Amend section 6626 to read:

6626. Pesticide Use Reports for Production Agriculture.

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(g) A use report required by subsections (a) or (b) for field soil fumigations using 1,3-Dichloropropene must include the field fumigation method code referenced in “1,3-Dichloropropene

Field Fumigation Requirements, rev. ~~January 1, 2026~~September 1, 2027,” hereby incorporated by reference. Subsection (d) does not apply if a use report is submitted under this subsection.

(1) A use report for 1,3-Dichloropropene must be submitted electronically in a manner specified by the commissioner.

(2) The Department shall post a summary of 1,3-D pesticide use report data on its Web site including summary data by county, township, month, crop, and fumigation method. The available data shall be posted at least quarterly as soon as reasonably practicable.

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NOTE: Authority cited: Sections 11456, 11502, 12976, 13145, and 14005, Food and Agricultural Code. Reference: Sections 11501, 11708, 11733, 14006, and 14011.5, Food and Agricultural Code.