

Chapter 2

Restricted Use Pesticides and Restricted Materials

Introduction This chapter defines *restricted use pesticides* (federal) and *restricted materials* (California) and includes additional use requirements for both federal and state.

Federal and state pesticide registration Pesticide registrants must register their products with U.S. EPA before they apply for registration in California.

“Restricted use pesticides”-- federal designation As a part of the federal registration process, U.S. EPA classifies **each pesticide product** as a “general use pesticide” or “restricted use pesticide” (RUP) based on the potential for the product to cause unreasonable adverse effects on human health or the environment when used according to label directions and without additional regulatory restrictions.
(Reference: *FIFRA section 3(d)(1)(C)*)

Banned and severely restricted use pesticides U.S. EPA maintains a list of pesticides banned and severely restricted in the United States. U.S. EPA is mandated by FIFRA Section 17 to inform other governments about unregistered pesticide products exported from the U.S. and about pesticides against which action has been taken in the U.S. that may have significance for other countries.

Additional information For additional information on U.S. EPA restricted use pesticides, see: <https://www.epa.gov/pesticides>

“Restricted materials”-- State (California) designation DPR designates pesticides that can impair human health or pose hazards to the environment as “restricted materials.” The law requires that this designation be made by regulation. Since States cannot require anything on pesticide labeling that differs from federal requirements, this is the only practical way it can be done at the State level. DPR usually designates restricted materials on the basis of active ingredient, concentration, container size, or use patterns on the labeling. The goal is to allow determination of the status by examining the product container and its labeling.
(Reference: *FAC section 14004.5*)

Continued on next page

Restricted Use Pesticides and Restricted Materials, Continued

California restricted materials defined

Title 3, CCR section 6400 designates certain pesticides as “restricted materials.” Restricted materials may be defined as:

- Any pesticide labeled as a “restricted use pesticide” pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (Title 7, United States Code, section 136a);
- Any pesticide used under an “emergency exemption” issued pursuant to section 18 of FIFRA (Title 7, United States Code, section 136p);
- Pesticides formulated as a dust, labeled to permit outdoor use, and packaged in containers of more than 25 pounds [3 CCR section 6400(c) notes exceptions];
- Pesticide products containing active ingredients listed in 3 CCR section 6800(a) (potential to pollute ground water), when labeled for agricultural, outdoor institutional, or outdoor industrial uses; or
- Pesticides listed in 3 CCR section 6400(e).

(Reference: 3 CCR section 6400)

Regulatory use requirements

Title 3, CCR section 6450, et. seq., further restricts the use of certain pesticides or active ingredients. These restrictions apply to all pesticide applications approved through the restricted materials permit process. Regulatory restrictions may include:

- The amount of pesticide that can be applied;
- Methods of application;
- Where the pesticide can be applied;
- Additional personal protective equipment that must be worn or used, etc.

The permit application process provides CACs with the opportunity to discuss the additional use restrictions with the property operator or pest control business well in advance of the actual application. Unlike permit conditions that are established by the CAC, regulatory use requirements are state regulations and are not attached to the permit.

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Restricted Use Pesticides and Restricted Materials, Continued

Additional use requirements

Pesticides designated as restricted materials (state or federal) have additional use requirements which may include some or all of the following:

- Applicator certification from DPR or the CAC;
 - Enhanced supervision requirements for uncertified applicators;
 - A restricted materials permit from the CAC; and
 - Additional requirements established by regulation.
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