

## APPENDIX 2A



# Department of Pesticide Regulation



Gray Davis  
Governor

Winston H. Hickox  
Secretary, California  
Environmental  
Protection Agency

Paul E. Helliker  
Director

April 2, 2002

ENF 02-12

TO: County Agricultural Commissioners

SUBJECT: RICE PESTICIDES PROGRAM FOR 2002

Attached are the 2002 recommended permit conditions for the molinate (Ordram<sup>®</sup>) worker safety requirements, the rice water-holding requirements, the drift control requirements for certain rice pesticides, and propanil ground use area requirements. The propanil regulations remain unchanged for this year; however, please review closely this year's program expectations as the Department of Pesticide Regulation (DPR) anticipates using these recommended requirements for regulatory changes in 2003.

The drift control conditions for molinate, thiobencarb and methyl parathion have been updated to do away with the duplicative nature of these requirements. The Recommended Permit Conditions to Minimize Drift of Pesticides Applied to Rice in the Sacramento Valley (Attachment page 24) will apply to molinate, thiobencarb and methyl parathion. These drift control requirements reflect DPR's direction on drift mitigation.

This year starts the second year of the second tri-annual review period as adopted by the Central Valley Regional Water Quality Control Board's (CVRWQCB's) Resolution No. 5-01-074 in which they approved water quality management practices for the 2001 through 2003 rice seasons.

DPR will continue monitoring the following pesticides at Colusa Basin Drain, Butte Slough, and Sacramento River: molinate, thiobencarb, methyl parathion and malathion.

## **Seepage Control Requirements**

Last year DPR developed suggested permit conditions to mitigate potential lateral movement of thiobencarb from rice fields. Concerns about thiobencarb seepage began following the detection of the herbicide by DPR in 2000. Seepage is the lateral movement of irrigation water through a rice field levee or border to an area outside the normally flooded production area. Seepage can occur through levees into adjacent dry fields or into adjacent drains and canals. Seepage is not water leaking through the "field drop box."

**FLEX YOUR POWER!** For simple ways to reduce energy demand and costs, see <[www.cdpr.ca.gov](http://www.cdpr.ca.gov)>.

This season, DPR is asking county agricultural commissioners (CACs) to continue checking for seepage when inspecting water-holding compliance. Although CACs are not expected to drive around the entire field, DPR does request a check for seepage, or collection of seepage, that occurs through the outer borders of a field or the bottom border located at the lowest part of the field.

*NOTE:* The drop box should be located at the lowest part of the field; therefore, water seeping through the surrounding border will collect there.

DPR requests that CACs continue using the water-holding inspection logs to document seepage observations. The Pesticide Use Monitoring Inspection Form (PR-ENF-021) may also be used to document seepage observations. When using the form, indicate "water-hold inspection" on the blank line under "application inspection." In the "Remarks" section, write one of the following comments for each field inspected: No Seepage Detected, Seepage Flow less than 5 gallon per minute, or Seepage Flow more than 5 gallon per minute.

Although CACs are not required to inspect for "compacted" borders if seepage is occurring, CACs should determine if borders were "compacted." DPR requests that the CAC provide a copy of the inspection to the grower whenever seepage is observed. Also, a copy of all seepage inspections should be faxed to Dr. John Sanders, Environmental Monitoring Branch Chief at (916) 324-4088 by August 1, 2002. DPR plans to compile the information provided by the CACs and submit it to the CVRWQCB.

DPR requests the rice counties in the Sacramento Valley take enforcement action on growers who have repeat violations of the seepage permit controls established last year for thiobencarb. Additional enforcement/compliance action information is being requested by the CVRWQCB. Further details on this request will be forthcoming in the rice pesticides program data reporting guidelines letter.

Please continue to distribute the brochure, *Seepage Water Management, Voluntary Guidelines for Good Stewardship in Rice Production, Publication 21568*, to growers at the time of permit issuance.

### **Methyl Parathion Use Status**

On October 27, 1999, the U. S. Environmental Protection Agency accepted the voluntary cancellation of methyl parathion (Federal Register, Notice FRL-6387-8). This action canceled specific food/feed crops and non-food uses. The action further required that current methyl parathion registrations (Pennacap-M<sup>®</sup>, EPA Registration No. 4581-393-AA, is registered by DPR) be revised to specify certain food/feed uses on rice.

In addition to attached recommended drift control permit conditions for rice pesticides, please add the following permit condition: No aerial application of liquid formulations of methyl parathion to rice shall be applied within a 300 foot downwind buffer zone from any agricultural drain.

### **Phenoxy/Dicamba Use Status**

The status of phenoxy use on rice within the Sacramento Valley remains as last year. CACs may refer to the attached, *Use Requirements for Phenoxy/Dicamba Herbicides*, as recommended permit conditions when issuing restricted material permits.

### **Propanil**

#### Ground Use Area

The attached Propanil Ground Use Area Recommended Permit Conditions are under consideration as future regulatory changes. CACs may modify acreage limits and "buffer zones;" however, to the extent possible, DPR requests that CACs strictly adhere to these ground use requirements. Adherence to these permit conditions will help DPR to evaluate the feasibility of these use requirements for regulatory changes next year.

#### Aerial Use Area

The *1998 Propanil Aerial Use Protocol and Controls* [incorporated by reference in section 6462(1)] specifies that no more than 500 of acres of rice may be treated with propanil by helicopter in Colusa County and no more than 300 of acres of rice may be treated with propanil by helicopter in Glenn County on a single day. Section 6462 does not allow any modification of acreage limits within the Aerial Use Area. (Note: No acreage limits are imposed for applications by ground.)

The protocol provides that the CAC may decrease the one-half mile buffer zone for cotton or other sensitive crops and the four-mile buffer zone for commercial cultivated grape vineyards, pistachios, or prunes. DPR recommends that no aerial applications be allowed within four miles of cultivated commercial plantings of pistachios or prunes owned by any person other than the owner of the property being treated.

Aerial applications made in accordance with an approved study within a Butte County Study Area are exempt from the restrictions above.

### Waiver of County Liability

Waivers of county liability should not be used as a factor in consideration of reducing buffer zones. The regulations (Title 3 of the California Code of Regulations [3CCR], section 6432) establish the CAC as responsible for determining potential adverse environmental impacts and denying or conditioning permits on the use of feasible mitigation measures. Requiring a "waiver of county liability" for a particular restricted material decision creates the presumption that the CAC has, in fact, recognized a unique hazard from the application of that restricted material. Therefore, it is the position of DPR that a CAC should not allow this practice.

### Enforcement

Due to the extent of late propanil use reporting in previous years and the importance of this use data for mitigation decisions, DPR requests that CACs take enforcement action against all persons in violation of pesticide use reporting regulations. In addition, DPR requests enforcement actions for violations of restricted materials sales and use laws and regulations. It is imperative that CACs inform the regulated community that strict compliance with all propanil requirements is expected.

### **Shark<sup>TM</sup> Herbicide**

Shark<sup>TM</sup> Herbicide, manufactured by FMC Corporation, is currently registered for use on rice for ground use only. Because the Shark<sup>TM</sup> Herbicide label requires a 58-day water holding period, only a small amount of Shark<sup>TM</sup> Herbicide was applied to rice last year. There are two special local need registrations pending review and approval for dry granular and drip tube aerial application. Also, there is currently a Section 3 review that may decrease the water holding period.

### **Regiment Herbicide**

Regiment is presently posted for the 30 day DPR public comment permit for both ground and air Section 3 registration.

### **Clincher**

Clincher is presently under Section 3 review and is not anticipated for use this season.

**Permit Conditions Summary**

Please refer to the following suggested permit conditions when issuing Year 2002 permits.

Attachment page 2	Molinate Worker Safety Permit Conditions
Attachment page 11	Molinate Water Management Requirements
Attachment page 16	Thiobencarb Water Management Requirements
Attachment page 22	Methyl Parathion Water Management Requirements
Attachment page 23	Malathion Water Management Recommendations
Attachment page 24	Recommended Permit Conditions to Minimize Drift of Pesticides Applied to Rice in the Sacramento Valley
Attachment page 26	Use Requirements for Phenoxy/Dicamba Herbicides
Attachment page 27	Propanil Ground Use Area Recommended Permit Conditions

DPR data reporting guidelines for the 2002 rice pesticides program will be sent to commissioners in the rice-producing counties as a separate letter.

If you have any questions concerning the attached recommended permit conditions, please contact your Senior Pesticide Use Specialist Liaison. For questions concerning the regulation status of Shark™ Herbicide, Regiment, or Clincher, please contact Mr. Ralph Shields, Supervising Pesticide Use Specialist, at (916) 324-3519.

Sincerely,

*original signed by*

Scott T. Paulsen, Chief  
Enforcement Branch  
(916) 324-4100

Attachments

cc: Mr. Dave Lawson, Syngenta, Inc. (w/Attachments)  
Ms. Kati Buehler, California Rice Commission (w/Attachments)  
John Sanders, Ph.D., Environmental Monitoring Branch Chief (w/Attachments)  
Mr. Daniel J. Merkley, Agricultural Commissioner Liaison (w/Attachments)  
Mr. Ralph Shields (w/Attachments)  
Ms. Nancy Grussing, Supervising Pesticide Use Specialist (w/Attachments)