

SUPPLEMENT TO THE FINAL STATEMENT OF REASONS

In the modified text, section 6970(e)(1) was revised to prohibit applications to any site during precipitation except to the underside of eaves. The initial proposal would have allowed applications to areas protected by a structure from precipitation. However, U.S. Environmental Protection Agency (U.S. EPA) label language will only allow applications to the underside of eaves during precipitation, not to other “areas protected by a structure from precipitation.” States can adopt requirements that are more restrictive than federal labels, but not less restrictive (Federal Insecticide, Fungicide, and Rodenticide Act of U.S. Code 136v, section 24).

Recently, DPR has discovered that proposed section 6970(c) inadvertently allowed applications to windows and doors using perimeter band treatment up to a maximum height of two feet above the grade level. The proposal is inconsistent with U.S. EPA label language and would be less restrictive than the U.S. EPA-required label language, and therefore, would be in violation of federal labels. Applications to windows and doors can only be made using spot, crack and crevice, and pin stream treatments. The terms "windows and doors" have been removed from section 6790(c) to section 6970(b) to be consistent with U.S. EPA-required label language.