



October 9, 2019

TO: Pesticide Registrants, Pesticide Dealers, End Users, and Stakeholders

SUBJECT: NOTICE OF USE AND SALE CONDITIONS FOR CHLORPYRIFOS PRODUCTS

On August 14, 2019, the Department of Pesticide Regulation initiated cancellation proceedings regarding pesticide products containing the active ingredient chlorpyrifos. In order to resolve the matter, these chlorpyrifos product registrations will be made “inactive” on or before January 1, 2020. However, the products are subject to existing stock provisions that allow for limited continued use and sale beyond that date. Effective immediately, pursuant to California Code of Regulations, Title 3, section 6301, the products subject to this proceeding, which are listed below, may only be sold, possessed, or used in California subject to the following conditions:

- *Distribution or sale by Registrants.* Within and no later than **November 8, 2019**, registrants of the pesticide products listed below shall not distribute or sell any of the products into or within California, unless such distribution or sale is for the purpose of disposal in accordance with applicable state and federal law, or export.
- *Distribution or sale by California pesticide dealers.* Within and no later than **February 6, 2020**, dealers must not sell or distribute any of the products listed below, except for the purpose of disposal in accordance with applicable state and federal law, or for return of those products to the registrant.
- *Possession and Use.* All possession and use of the products listed below by end users or any person in California must cease by **December 31, 2020**. All use must comply with approved labeling for the product; the attached Chlorpyrifos Interim Recommended Permit Conditions issued by the Department in November 2018; and any other use restrictions imposed by the local county agricultural commissioner.

Please note that the Interim Recommended Permit Conditions referenced above are now required by DPR as a condition of use. Any sale, possession, or use of the products listed below in a manner inconsistent with the conditions in this Notice will be considered a violation of Food and Agricultural Code sections 12993 and 12995, and action may be taken pursuant to Food and Agricultural Code sections 12996 through 12999.5.

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The following chlorpyrifos products are subject to these conditions:

- BOLTON INSECTICIDE (CA Reg. No. 279-3581-AA)
- CHLORPYRIFOS 4E AG (CA Reg. No. 66222-19-AA)
- COBALT (CA Reg. No. 62719-575-AA)
- COBALT ADVANCED (CA Reg. No. 62719-615-AA)
- CPF 4E (CA Reg. No. 83222-20-AA)
- DREXEL CHLORPYRIFOS 4E-AG (CA Reg. No. 19713-520-AA)
- DREXEL LAMBDAFOS INSECTICIDE (CA Reg. No. 19713-671-AA)
- DURAGUARD ME MICROENCAPSULATED INSECTICIDE (CA Reg. No. 499-367-ZB)
- DURSBAN 50W IN WATER SOLUBLE PACKETS (CA Reg. No. 62719-72-ZA)
- ERASER (CA Reg. No. 62719-220-AA-71058)
- GOVERN 4E INSECTICIDE (CA Reg. No. 62719-220-AA-55467)
- HATCHET (CA Reg. No. 62719-220-ZC)
- LOCK-ON INSECTICIDE (CA Reg. No. 62719- 79-ZA)
- LORSBAN-4E (CA Reg. No. 62719-220-ZA)
- LORSBAN 75WG (CA Reg. No. 62719-301-AA)
- LORSBAN 75WG (CA Reg. No. 62719-301-AA-10163)
- LORSBAN 75WG – USE ON COLE LEAFY VEGETABLES (SLN #: CA-040026)
- LORSBAN ADVANCED (CA Reg. No. 62719-591-AA)
- LORSBAN ADVANCED – USE ON CITRUS (SLN #: CA-100013)
- QUALI-PRO CHLORPYRIFOS 4E (CA Reg. No. 66222-19-ZA)
- STALLION BRAND INSECTICIDE (CA Reg. No. 279-9545-ZA)
- WARHAWK (CA Reg. No. 34704-857-AA)
- WARHAWK CLEARFORM (CA Reg. No. 34704-1077-AA)
- WHIRLWIND (CA Reg. No. 62719-220-AA-5905)
- VULCAN (CA Reg. No. 66222-233-AA)
- YUMA 4E (CA Reg. No. 62719-220-ZA-1381)

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For additional information or questions related to this Notice, please contact Mr. Daniel Rubin, Chief Counsel, at <Daniel.Rubin@cdpr.ca.gov> or 916-324-2666.

Sincerely,

A handwritten signature in blue ink, appearing to read "Val Dolcini", with a long horizontal flourish extending to the right.

Val Dolcini
Acting Director
916-445-4000

cc: Mr. Daniel Rubin

Appendix O

Chlorpyrifos Interim Recommended Permit Conditions

Introduction These recommendations apply to products containing chlorpyrifos labeled for the **production of an agricultural commodity**. Follow the most restrictive requirement, whether it is the label, regulations, or county agricultural commissioner (CAC) conditions.

Definitions ***Application Block*** - A field or portion of a field treated in a 24-hour period that typically is identified by visible indicators, maps, or other tangible means. The perimeter of the application block is the border connecting the outermost edges of the total area treated.

Buffer zone – An area that surrounds a pesticide application block in which certain activities are restricted for a specified period of time to protect human health and safety from existing or potential adverse effects associated with a pesticide application.

Sensitive Site - As described by labels, sensitive sites are areas frequented by non-occupational bystanders (especially children). These include residential lawns, pedestrian sidewalks, outdoor recreational areas such as school grounds, athletic fields, parks, and all property associated with buildings occupied by humans for residential or commercial purposes. Sensitive sites include homes, farmworker housing, or other residential buildings, schools, daycare centers, nursing homes, and hospitals. Non-residential agricultural buildings, including barns, livestock facilities, sheds, and outhouses, are not included in the prohibition.

Setback distance - Distance in feet that must separate sensitive sites from the application block. The distance must extend outward from the perimeter of the sensitive site to the perimeter of the application block. Setback distances must be established for chlorpyrifos applications near sensitive sites.

- Application method restrictions**
1. Aerial applications are prohibited.
 2. All allowed applications must take place with a minimum wind speed of 3 mph and not more than 10 mph as measured at a height of 4 feet above the ground.
 3. The size of an application block cannot exceed 40 acres in a 24-hour period.
 4. Airblast applications:
 - a. Spray the three outside crop rows from outside in, directing the spray into the treatment area and shutting off nozzles on the side of the

- sprayer away from the treatment area.
 - b. Shut off top nozzles when treating smaller trees, vines, or bushes to minimize spray movement above the canopy.
 - c. Shut off spray delivery when passing gaps in the crop canopy within rows.
5. Chemigation applications:
 - The permittee or permittee's authorized representative, who is knowledgeable of the irrigation system, must be present at the treatment site during the application and must be trained as a pesticide handler.
 6. Granular applications:
 - Immediately incorporate or clean-up granules that are spilled during loading or are visible on the soil surface in turn areas.

Notice of intent

The notice of intent (NOI) must be submitted to the CAC at least 48 hours before the application begins and include the time application is scheduled to begin.

The NOI must include a map showing the border of the site and the border of the application block(s), the 1320-foot buffer zone and 150-foot setback, and all sensitive sites within these distances.

The NOI must include copies of all written permissions for the buffer zone to extend into other properties, as described below.

The NOI must be accompanied by the PCA recommendation that identifies the allowed type of application that will be made, as described in the next section.

Allowed applications

Permits can only be issued for the following chlorpyrifos applications that use ground-based equipment.

A PCA recommendation that identifies the type of application listed below is required, and the PCA recommendation must accompany the NOI.

General critical use applications for any commodity

- 1) Applications made under an emergency exemption from registration (Section 18).
- 2) Applications made under a Special Local Need (Section 24(c)) registration.
- 3) Applications required by the U.S. Department of Agriculture, the California Department of Food and Agriculture, or CAC to control, suppress, or eradicate pests.

Specific commodity/pest critical use applications

- 4) Applications to alfalfa for
 - a) Weevils
 - b) Blue alfalfa aphid
 - c) Cowpea aphid
- 5) Applications to almonds for
 - a) Leafhopper
 - b) Stink bugs
- 6) Applications to asparagus for
 - a) Garden symphylans
 - b) Asparagus aphid
- 7) Applications to citrus for ants
- 8) Applications to cole leafy vegetables, radish, rutabaga, or turnip for root maggots
- 9) Applications to cotton for
 - a) Cotton aphid
 - b) Sweetpotato whitefly
- 10) Applications to garlic for root maggots
- 11) Applications to grapes for
 - a) Ants
 - b) Vine mealy bugs
- 12) Applications to onions for root maggots
- 13) Applications to peppermint for
 - a) Garden symphylans
 - b) Mint root borer
- 14) Applications to walnuts for borers

Low drift potential applications for any commodity

- 15) Applications using a precision sprayer that meets the following criteria of the California Office of the Natural Resources Conservation Service's Environmental Quality Incentives Program, Practice Standard 595:
 - a) The precision pest control application must provide at least a 20% reduction in emissions over conventional application.
 - b) Precision pesticide spray technologies that have peer-reviewed research documentation of the drift-reducing capabilities are allowed.
 - c) Not allowed are non-photo ID targeting applicators, spray nozzle modification technology, electro-static spray, open flame desiccation, or other non-target recognition technologies.
- 16) Applications using a granular product.
- 17) Applications using drip chemigation.

Buffer zone requirements

The operator of the property and certified applicator must establish a buffer zone of 1320 feet (1/4 mile) for every chlorpyrifos application. The buffer zone extends outward from the perimeter of the application block. Only chlorpyrifos handling activities and transit are allowed within the buffer zone. The buffer zone is in effect during the application and for 24 hours after the end of the application.

The buffer zone may extend into adjoining property, if the adjoining property operator gives written permission prior to the application. The written permission must specify that the operator of the other property and other persons will stay out of the buffer zone during the buffer zone period.

The buffer zone may extend across streets, roads, roads within agricultural property, highways, and other similar transit areas.

Buffer zones may overlap, but the total acreage for all application blocks within 1/2 mile cannot exceed 40 acres in a 24-hour period.

Exceptions: Granular and drip applications do not require a buffer zone, but application blocks cannot exceed 40 acres in a 24-hour period.

Setback requirements

In addition to the buffer zone, a setback distance of 150 feet to a sensitive site must be established for every chlorpyrifos application. The setback distance must extend outward from the perimeter of the sensitive site to the perimeter of the application block. A setback must be established even if the sensitive site is not occupied during the buffer zone period.

Exceptions: Granular and drip applications do not require a setback.
