

**“Pesticide exposure study”** means:

(a) A data gathering project that meets one or more of the following criteria:

- (1) Human participants are to be directly exposed to the pesticide for the purpose of determining its pharmacokinetics or pharmacodynamics;
- (2) Human participants are monitored and the use of the pesticide is not consistent with current accepted labeling or current regulations;
- (3) Humans are exposed as the result of a contrived application in order to monitor exposure without routine pest control being a significant objective;
- (4) Human participants are monitored for the purpose of satisfying initial or continuing registration requirements of the U.S. Environmental Protection Agency or the department; or
- (5) Human participants are monitored to develop or contribute knowledge of pesticide exposure to be generalized to other populations.

(b) **Pesticide exposure study** does **not** include the following:

- (1) Data collected for the purpose of satisfying an existing health standard for exposure monitoring or if it is understood that routine monitoring is a condition of employment;
- (2) Unscheduled monitoring of persons in response to a medical emergency to identify possible sources of exposure;
- (3) Monitoring conducted by a government agency or by an employer, to determine the workplace exposure of his or her employees;
- (4) Monitoring requested by an individual or group of individuals to determine personal exposure levels; or
- (5) The analysis or evaluation, after the human participant involvement has ceased, of existing or previously collected data, documents, records, specimens, or samples, if these sources are publicly available or if the information is recorded by the study director in such a manner that the human participants cannot be identified, directly or through identifiers linked to the participants.

**“Pesticide Safety Information Series (PSIS)”** means a series of leaflets that summarize health and safety aspects of various pesticides and groups of pesticides.

**“Pesticides in toxicity category one”** means pesticide products which are required to prominently display the signal word "DANGER" on the label.

**“Pesticides in toxicity category two”** means pesticide products which are required to prominently display the signal word "WARNING" on the label.

**“Physician or other licensed health care professional (PLHCP)”** means an individual whose legally permitted scope of practice allows him or her to independently provide, or be delegated the responsibility to provide, some or all of the health care services required by these regulations.

**“Precipitation”** means the condensation of atmospheric water vapor that fall under gravity. Precipitation does not include mist or fog.

**“Private applicator”** means:

- (a) an individual who uses or supervises the use of a pesticide for the purpose of producing an agricultural commodity as defined by Title 40 Code of Federal Regulations, section 171.2(5) (July 1, 2013) on property owned, leased, or rented by him/her or his/her employer; or
- (b) a householder who uses or supervises the use of a pesticide outside the confines of a residential dwelling for the purpose of controlling ornamental, plant or turf pests on residential property owned, leased, or rented by that householder.

**“Qualified applicator certificate holder (QAC)”** means a person who has qualified by examination in one or more pest control categories to supervise pesticide applications. However, such qualification shall not entitle the holder to supervise the operations of a pest control business licensed pursuant to section 11701 of the Food and Agricultural Code, except as provided in section 11704.

**“Qualified applicator licensee (QAL)”** means a person who has qualified by examination in one or more pest control categories to supervise the pesticide applications made by a pest control business licensed pursuant to sections 11701 to 11709, inclusive, of the Food and Agricultural Code, and who is responsible for safe and legal operations under such license.

**“Qualitative fit test (QLFT)”** means a pass/fail fit test to assess the adequacy of respirator fit that relies on the individual’s response to the test agent.

**“Quantitative fit test (QNFT)”** means an assessment of the adequacy of respirator fit by numerically measuring the amount of leakage into the respirator.

**“Regularly handle”** means that the employee is handling pesticides during any part of the day for more than six calendar days in any 30 consecutive day qualifying period beginning on the first day of handling. Any day spent or loading pesticides while exclusively using a closed system or mixing only pesticides sealed in water-soluble packets is not included for any employee who has a baseline blood cholinesterase level established pursuant to section 6728(c)(1).

**“Respirator program administrator”** is a person who is qualified by appropriate training or experience that is commensurate with the complexity of the respiratory protection program, and demonstrates knowledge necessary to administer a respiratory protection program. Such training or experience includes, but is not limited to: reading and understanding either the American National Standard for Respiratory Protection Publication (ANSI Z88.2), or the U.S. Department of Labor’s “Small Entity Compliance Guide for the Revised Respiratory Protection Standard” or taken specific course work on developing a respiratory protection program from a college or a respirator manufacturer’s authorized representative; or is an American Board of Industrial Hygiene Certified Industrial Hygienist.

**“Restricted entry interval (REI)”** means the period of time after a field is treated with a pesticide during which restrictions on entry are in effect to protect persons from potential exposure to hazardous levels of residues. An REI may be found on pesticide product labeling or in regulation.

Chapter 2. PESTICIDES  
Subchapter 3. ASSESSMENTS

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(d) When any commissioner fails to implement the jointly developed corrective actions or an agreement on corrective actions cannot be reached, the Director shall take measures to improve the pesticide use enforcement program in the county. The measures may include but are not limited to, a reduction of the county's annual mill assessment allocation under sections 6393 and 6395(a).

NOTE: Authority cited: Sections 11456, 12781 and 12844, Food and Agricultural Code.  
Reference: Sections 2281 and 12844, Food and Agricultural Code.

**6395. Minimum Reimbursement.**

(a) Determinations as specified in sections 6393 and 6394(c), notwithstanding, but subject to section 6391(b), no county shall be reimbursed funds less than the amount of funds reimbursed to the county pursuant to section 12844 of the Food and Agricultural Code, for the fiscal year ending June 30, 2003, or the average for fiscal years ending June 30, 2001, 2002, and 2003, whichever is greater, unless the mill assessment funds available for allocation on March 1 of the current year are less than \$14.3 million, in which case each county's reimbursement shall be reduced in the same proportion as it would have been reimbursed under this article. However, in no instances shall a county's minimum reimbursement be less than \$27,600 except as provided in section 6391(b).

(b) From the total funds available for allocation to counties, 30 percent shall be utilized for the stipulation of subsection (a) above.

NOTE: Authority cited: Sections 11456, 12781, and 12844, Food and Agricultural Code.  
Reference: Section 12841 and 12844, Food and Agricultural Code.

**6396. Residual Funds.**

(a) Any residual funds resulting after the application of section 6395 may be disbursed based on commissioner requests to support restricted materials permitting and reporting system activities, and any other program element that the Director and the California Agricultural Commissioners and Sealers Association jointly agree upon, on a case-by-case basis. Funding request shall be submitted to the Director by March 31<sup>st</sup> of each year and jointly approved by the Director and the California Agricultural Commissioners and Sealers Association no later than June 30<sup>th</sup>.

(b) Any residual funds resulting after the application of sections 6391, 6394(d), 6395, or 6396(a) shall be distributed to all counties not subject to section 6394(d), in the same proportion as funds reimbursed under section 6393.

NOTE: Authority cited: Sections 11456, 12781 and 12844, Food and Agricultural Code.  
Reference: Section 12844, Food and Agricultural Code.

**6397. Sunset Review of Regulations.**

NOTE: Authority cited: Sections 11456, Food and Agricultural Code.  
Reference: Sections 11456, Food and Agricultural Code.

(1) **Article 1. Restricted Materials**  
**Sections 6400-6402**

**6400. Restricted Materials.**

The director designates the pesticides listed in this section as restricted materials.

(a) Any pesticide labeled as a "Restricted Use Pesticide" pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (Title 7, United States Code, section 136a).

(b) Any pesticide used under an "Emergency Exemption" issued pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (Title 7, United States Code, section 136p).

(c) Pesticides formulated as a dust, labeled to permit outdoor use, and packaged in containers of more than 25 pounds, except:

(1) Products containing only exempt materials specified in section 6402; and

(2) Products containing only carbaryl, disulfoton, endosulfan, lindane, strychnine, zinc phosphide or an active ingredient not otherwise included in this section, and labeled only for one or more of the following uses: home use, structural pest control, industrial use, institutional use, and use by public agency vector control districts pursuant to section 116180 of the Health and Safety Code.

(d) Pesticide products containing active ingredients listed in section 6800(a) (Potential to Pollute Groundwater), when labeled for agricultural, outdoor institutional, or outdoor industrial use.

(e) Certain other pesticides:

Acrolein, when labeled for use as an aquatic herbicide

Aldicarb (Temik)

Aluminum phosphide (Phostoxin)

4-Amino pyridine (Avitrol)

Azinphos-methyl (Guthion)

Brodifacoum

Bromadiolone

Calcium cyanide

**Carbaryl (Sevin), except:**

(1) When formulated as a bait; or

(2) When labeled only for one or more of the following uses: use directly on livestock or poultry, home use, structural pest control, industrial use, institutional use, or use by public agency vector control districts pursuant to section 116180 of the Health and Safety Code.

Carbofuran (Furadan)

Chloropicrin

3-Chloro-p-toluidine hydrochloride (Starlicide)

Dazomet, (Basamid), when labeled for the production of agricultural plant commodities.

**Dicamba (Banvel), except:**

(1) Liquid formulations packaged in containers of one quart or less regardless of percentage of dicamba;

(2) Liquid formulations that contain 15 percent or less dicamba packaged in containers of one gallon or less;

(3) Liquid formulations of a product that is labeled to be used without further dilution;

(4) Dry formulations, packaged in containers of one pound or less, of a product that is labeled to be further diluted for use; and

(5) Dry formulations, packaged in containers of 50 pounds or less, of a product that contains 10 percent or less dicamba and is labeled to be used without further dilution.

**2,4-dichlorophenoxyacetic acid (2,4-D), except:**

(1) Liquid formulations, packaged in containers of one quart or less, regardless of percentage of 2,4-D;

(2) Liquid formulations that contain 15 percent or less 2,4-D packaged in containers of one gallon or less;

(3) Liquid formulations of a product that is labeled to be used without further dilution;

(4) Dry formulations, packaged in containers of one pound or less, regardless of percentage of 2,4-D;

(5) Dry formulations, packaged in containers of 50 pounds or less, of a product that contains 10 percent or less 2,4-D and is labeled to be used without further dilution; and

(6) Products labeled only for use as a plant growth regulator.

**2,4-dichlorophenoxybutyric acid (2,4-DB), except:**

(1) Liquid formulations, packaged in containers of one quart or less, regardless of percentage of 2,4-DB;

(2) Liquid formulations that contain 15 percent or less 2,4-DB packaged in containers of one gallon or less;

(3) Liquid formulations of a product that is labeled to be used without further dilution;

(4) Dry formulations, packaged in containers of one pound or less, regardless of percentage of 2,4-DB; and

(5) Dry formulations, packaged in containers of 50 pounds or less, of a product that contains 10 percent or less 2,4-DB and is labeled to be used without further dilution.

**2,4-dichlorophenoxypropionic acid (2,4-DP), except:**

(1) Liquid formulations, packaged in containers of one quart or less, regardless of percentage of 2,4-DP;

(2) Liquid formulations that contain 15 percent or less 2,4-DP packaged in containers of one gallon or less;

(3) Liquid formulations of a product that is labeled to be used, without further dilution of 2,4-DP;

(4) Dry formulations, packaged in containers of one pound or less, regardless of percentage of 2,4-DP;

(5) Dry formulations, packaged in containers of 50 pounds or less, of a product that contains 10 percent or less 2,4-DP and is labeled to be used without further dilution.

1,3-dichloropropene (Telone II)

Difenacoum

Difethialone

Disulfoton (Di-Syston), except when labeled only for one or more of the following uses; home use, structural pest control, industrial use, institutional use, and use by public agency vector control districts pursuant to section 116180 of the Health and Safety Code.

Endosulfan (Thiodan), except when labeled only for one or more of the following uses; home use, structural pest control, industrial use, institutional use, and use by public agency vector control districts pursuant to section 116180 of the Health and Safety Code.

Ethoprop (Mocap), when labeled for turf use.

Fenamiphos (Nemacur)

Lindane, except when labeled only for one or more of the following uses: home use, structural pest control, industrial use, institutional use, and use by public agency vector control districts pursuant to section 116180 of the Health and Safety Code.

Magnesium Phosphide

Metam sodium, labeled for the production of agricultural plant commodities.

Methamidophos (Monitor)

Methidathion (Supracide)

Methomyl (Lannate), except fly baits containing not more than 1 % methomyl.

Methyl bromide

2-methyl-4-chlorophenoxyacetic acid (MCPA), except:

(1) Liquid formulations packaged in containers of 1 quart or less regardless of percentage of MCPA;

(2) Liquid formulations that contain 15 % or less MCPA packaged in containers of 1 gallon or less;

(3) Liquid formulations of a product that is to be used without further dilution;

(4) Dry formulations, packaged in containers of 1 pound or less, regardless of percentage of MCPA; and

(5) Dry formulations, packaged in containers of 50 pounds or less, of a product that contains less than 10 % MCPA and is labeled to be used without further dilution.

Methyl Iodide

Methyl isothiocyanate (MITC), labeled for the production of agricultural plant commodities.

Mevinphos (Phosdrin)

Molinate (Ordram) - unregistered

Oxydemeton-methyl (Metasystox-R)

Paraquat (Gramoxone)

Parathion-methyl

Phorate (Thimet)

Phosphine Gas

Potassium N-methyldithiocarbamate (metam-potassium), when labeled for the production of agricultural plant commodities.

Propanil (3,4-Dichloropropionanilide)

Sodium cyanide

Sodium fluoroacetate (compound 1080)

Sodium tetrathiocarbonate (Enzone)

Strychnine, except rodenticides when labeled only for one or more of the following uses: home use, structural pest control, industrial use, institutional use, and use by public agency vector control districts pursuant to section 116180 of the Health and Safety Code.

Sulfotepp

Sulfuryl Fluoride

Thiobencarb (Bolero)

Tribufos (DEF, Folex)

Tributyltin, organotin, or a tri-organotin compound formulated as an antifouling paint, coating or compound and labeled for the control of fouling organisms in an aquatic environment.

**6466. Paraquat.**

The aerial application of paraquat for preplant or preemergence weed control shall be made only in accordance with the following restrictions:

- (a) Jet nozzles having an orifice of not less than one-sixteenth of an inch in diameter shall be used with such orifices directed backward parallel to the horizontal axis of the aircraft in flight. A number 46 (or equivalent) or larger whirlplate may be used.
- (b) Boom pressure shall not exceed 40 pounds per square inch.
- (c) Spray material shall not be discharged at a height of more than ten (10) feet above the crop or target.
- (d) Wind velocity shall not exceed 10 miles per hour.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code.  
Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

**6467. Folpet. [Repealed]**

NOTE: Authority cited: Sections 407, 12976, 12981 and 14006, Food and Agricultural Code.  
Reference: Sections 11501, 12981 and 14006, Food and Agricultural Code.

**6468. 1,3-Dichloropropene and Ethylene Dibromide. [Repealed]**

NOTE: Authority cited: Sections 407, 12976, 12981, 14005 and 14102, Food and Agricultural Code.  
Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

**6469. Propargite (Omite, Comite). [Repealed]**

NOTE: Authority cited: Sections 407, 12976, 12981 and 14005, Food and Agricultural Code.  
Reference: Sections 11501, 12981 and 14006, Food and Agricultural Code.

**6470. Cotton Harvest Aids.**

S,S,S-tributyl phosphorotrithioate (DEF), tributyl phosphorotrithioite (Folex), or paraquat when used as cotton harvest aids, singly or in combination, shall be used only in accordance with the following restrictions:

- (a)(1) Closed systems as specified in section 6000 shall be used for all mixing and transfers conducted by an employee.
- (2) Paraquat applications shall not be made within one-eighth of a mile of any school or any area zoned as residential where people are actually residing or other inhabited residential area designated by the commissioner.
- (3) DEF or Folex applications shall not be made within one-half mile of any area zoned as residential where people are actually residing or other inhabited residential area designated by the commissioner or any school in session or due to be in session within 24 hours.
- (4) DEF or Folex applications shall not in any case be made within one-eighth of a mile of any school.

(b)(1) Jet nozzles having an orifice of not less than one-sixteenth of an inch in diameter shall be used on aircraft with such orifices directed backward parallel to the horizontal axis of the aircraft in flight. A number 46 (or equivalent) or larger whirlplate may be used.

(2) Aircraft nozzles shall not be equipped with any device or mechanism which would cause a sheet, fan, cone, or similar type dispersion of the discharged material.

(3) Aircraft boom pressure shall not exceed 40 pounds per square inch.

(4) These cotton harvest aids shall be applied by aircraft only in combination with a viscoelastic thickening agent or other drift control agent approved as effective for such purposes by the Director of the Department of Food and Agriculture.

(5) Except for the requirements of paragraph (4), this subsection does not apply to helicopters equipped with a Microfoil® boom operated at air speeds below 60 miles per hour.

(c) Air carrier ground equipment shall not be used to apply DEF or Folex.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005, and 14102, Food and Agricultural Code.

Reference: Sections 11501, 12981, 14006, and 14102, Food and Agricultural Code.

#### **6471. Brodifacoum, Bromadiolone, Difenacoum, and Difethialone**

This section supplements the label restrictions on the use of brodifacoum, bromadiolone, difenacoum, and difethialone.

(a) It is prohibited to place any above ground bait more than 50 feet from a man-made structure unless there is a feature associated with the site that is harboring or attracting the pests targeted on the label between the 50-foot limit and the placement limit specified on the label.

NOTE: Authority Cited: Sections 11456, 11502, 12781, 12976, 14005, and 14102, Food and Agricultural Code.

Reference: Sections 11501, 14006 and 14102, Food and Agricultural Code.

#### **6472. Ethylene Dichloride. [Repealed]**

NOTE: Authority cited: Sections 407, 12976, 12981, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

#### **6473. Bromoxynil. [Repealed]**

NOTE: Authority cited: Sections 407, 12976, 12981 and 14005, Food and Agricultural Code.

Reference: Sections 11501, 12981 and 14006, Food and Agricultural Code.

#### **6474. Carbofuran.**

Carbofuran (Furadan) shall not be applied to alfalfa located within one mile of nesting geese, widgeon or coots or to areas where repeated feeding of these waterfowl is known to occur.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.



**6476. Fenamiphos.**

The following restrictions apply to all turf uses of fenamiphos (Nemacur).

(a) Fenamiphos shall not be used to treat residential or institutional lawns or public recreation areas other than golf courses.

(b) Fenamiphos shall not be applied with a knapsack or similar equipment that is placed on the applicator's body.

(c) Fenamiphos shall be watered in immediately after it is applied with a minimum of one-half inch of water. Such water shall not be allowed to run off the treated area.

(d) Unprotected persons shall be kept out of areas being treated with fenamiphos until 24 hours after watering, as specified in subsection (c), is completed.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

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**6480. 2,4-Dichlorophenyl P-Nitrophenyl Ether. [Repealed]**

NOTE: Authority cited: Sections 407, 12976, 12981, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

**6482. Oxydemeton-Methyl (Metasystox-R). [Repealed]**

NOTE: Authority cited: Sections 407 and 14005, Food and Agricultural Code.

Reference: Sections 14005 and 14006, Food and Agricultural Code.

**6484. Bentazon (Basagran). [Repealed]**

NOTE: Authority cited: Sections 407 and 14005, Food and Agricultural Code.

Reference: Sections 14005 and 14006, Food and Agricultural Code.

**6486. Atrazine. [Renumbered]**

NOTE: Authority cited: Sections 407, 13145, 14005 and 14006, Food and Agricultural Code.

Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

**6486.1. Atrazine. [Repealed]**

NOTE: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code.

Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

**6486.2. Simazine. [Repealed]**

NOTE: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code.

Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

**6486.3. Bromacil. [Repealed]**

NOTE: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code.

Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code

**6486.4. Diuron. [Repealed]**

NOTE: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code.  
Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

**6486.5. Prometon. [Repealed]**

NOTE: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code.  
Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

**6486.6. Bentazon (Basagran). [Renumbered to 6457]**

NOTE: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code.  
Reference: Sections 13145, 13150 and 14006, Food and Agricultural

**6486.7. Azinphos-methyl.**

(a) When employees apply azinphos-methyl using air carrier (air blast) ground equipment where any part of the airstream is directed at an angle above horizontal to the ground:

(1) Employee applicators shall wear a chemical-resistant suit over long-sleeved shirt and long-legged pants, chemical-resistant hood, chemical-resistant boots, chemical-resistant gloves, and a full-face respirator or a half-face respirator together with a face shield in addition to labeling-required personal protective equipment;

(2) If the employee applicator utilizes an enclosed cab and the work clothing and personal protective equipment specified in section 6738(h)(5), (6), and (7), the requirements in (1) do not apply. In situations specified in 6738(h), where respiratory protection is required inside an enclosed cab, the respiratory protection shall meet labeling requirements.

NOTE: Authority cited: Sections 12981 and 14005, Food and Agricultural Code.  
Reference: Sections 12980, 12981, 14001 and 14006, Food and Agricultural Code.

**6486.8. Norflurazon. [Repealed]**

NOTE: Authority cited: Sections 12976, 13145, 14005 and 14006, Food and Agricultural Code.  
Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.