



State of California

Volume 2

**Pesticide
Use
Enforcement
Program
Standards
Compendium**

Regulations

3CCR

July 1, 2020

**California
Code of
Regulations**

Title 3. Food and Agriculture

**Division 6.
Pesticides
and
Pest Control Operations**



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“Feasible mitigation measure” means a condition attached to the approval of an activity which, if implemented, would substantially reduce any adverse impact, taking into account economic, environmental, social, and technological factors and timeliness of control.

“Field” means any area (including enclosed space) upon which one or more agricultural plant commodities (including forest and nursery products) are grown for commercial or research production. Field does not include range or pasture harvested by grazing animals.

“Field capacity” is the amount of water remaining in soil when the downward water flow due to gravity becomes negligible.

“Fieldworker” means any person who, for any kind of compensation, performs cultural activities in a field. Fieldworker does not include persons performing tasks as a crop advisor, including field checking or scouting, making observations of the well being of the plants, or taking samples, nor does it include local, state, or federal officials performing inspection, sampling, or other similar official duties.

“Filter or air purifying element” means a component used in respirators to remove solid or liquid aerosols from the inspired air.

“Filtering facepiece” means a National Institute for Occupational Safety and Health (NIOSH)-approved negative pressure particulate respirator with a filter as an integral part of the facepiece or with the entire facepiece composed of the filtering medium.

“Fumiscope®” is a monitoring instrument that measures the concentration of methyl bromide inside a structure in ounces per 1,000 cubic feet. (The analytical detection limit of a Fumiscope® is 250 parts per million [ppm]).

“Ground-based application equipment” means equipment such as:

- (a) Hand sprayers
- (b) Backpack sprayers
- (c) Air-blast sprayers
- (d) Field soil injection equipment
- (e) Dusters
- (f) Drills
- (g) Granular applicators
- (h) Ground-rig sprayers

“Ground water protection area” means an area of land that has been determined by the Director to be vulnerable to the movement of pesticides to ground water, as identified in the Department of Pesticide Regulation document, Ground Water Protection Areas 2018 (Rev. 10/18), hereby incorporated by reference. The determination of a ground water protection area is based on factors, such as soil type, climate, and depth to the ground water, that are characteristic of areas where legally applied pesticides or their breakdown products have been detected and verified in ground water.

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“Hand labor” means any cultural activity, performed by hand or with hand tools, that causes substantial contact with surfaces (such as plants or soil) that may have pesticide residues. These activities include hand harvesting, detasseling, thinning, hand weeding, topping, planting, sucker removal, pruning, disbudding, roguing, and packing produce into containers in the field. Hand labor does not include operating, moving, or repairing irrigation equipment or performing the duties of a crop advisor, field checker, or scout, making observations of the well being of the plants, or taking samples.

“Handle” means:

- (a) Mixing, loading, transferring, applying (including chemigation), or assisting with the application (including flagging) of pesticides;
- (b) Maintaining, servicing, repairing, cleaning, or handling equipment used in these activities that may contain residues;
- (c) Working with opened (including emptied but not rinsed) containers of pesticides;
- (d) Adjusting, repairing, or removing treatment site coverings;
- (e) Incorporating (mechanical or watered-in) pesticides into the soil;
- (f) Entering a treated area during any application or before the inhalation exposure level listed on pesticide product labeling has been reached or enclosed space ventilation criteria have been met;
- (g) Performing the duties of a crop advisor, including field checking or scouting, making observations of the well-being of the plants, or taking samples during an application or any restricted entry interval or entry restricted period listed on pesticide product labeling; or
- (h) Other handling activities specified by the label.

Handle does not include inspection, sampling, or other similar official duties performed by local, state, or federal officials.

“Home use” means use in a household or its immediate environment.

“Human Participant” means a living person who participates in a human pesticide exposure study conducted in order to obtain (1) data through intervention or interaction with the participant, or (2) identifiable private information. Intervention, as used in this definition, includes both physical procedures by which data are gathered and manipulations of the participant or the participant's environment that are performed for research purposes. Interaction, as used in this definition, includes communication or interpersonal contact between the investigator and human participant. Private information, as used in this definition, includes information about behavior that occurs in a context in which a participant can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by a participant and which the participant can reasonably expect will not be made public. Private information must be individually identifiable in order for the acquisition of that information to constitute research involving human participants. Individually identifiable means that the identity of the participant is or may readily be ascertained by the investigator or associated with the information.

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“Hydrologically isolated site” means any treated area that does not produce runoff capable of entering any irrigation or drainage ditch, canal, or other body of water.

“Immediately dangerous to life or health (IDLH)” means an atmosphere that poses an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual's ability to escape from a dangerous atmosphere.

“Impervious surfaces” means hard surfaces, such as concrete or asphalt streets, sidewalks, and driveways.

“Industrial use” means use for or in a manufacturing, mining or chemical process or use in the operation of factories, processing plants, and similar sites.

“Institutional Review Board (IRB)” means an objective committee whose purpose is to review protocols of human pesticide exposure studies to ensure the safety and general welfare of the human participants, and to guarantee that their human rights are not violated. The Institutional Review Board shall meet the requirements as specified in Title 40 Code of Federal Regulations, (Protection of the Environment), Part 26, (Protection of Human Subjects), when conducting a review of a protocol.

“Institutional use” means use within the confines of, or on property necessary for the operation of buildings such as hospitals, schools, libraries, auditoriums and office complexes.

“Leaching ground water protection areas” are sections of land designated as “leaching” in the Department of Pesticide Regulation document, Ground Water Protection Areas 2018 (Rev. 10/18), hereby incorporated by reference, where pesticide residues move from the soil surface downward through the soil matrix with percolating water to ground water.

“Medical supervision” means occupational health guidance and necessary associated health evaluation by a physician licensed to practice medicine.

“Net irrigation requirement” is the amount of water needed to bring the soil in the crop root zone to field capacity at the time of irrigation. It can be determined by direct measurements of soil moisture, such as by using tensiometers, or indirect measurements of soil moisture, such as by estimating evapotranspiration that has accumulated since the last irrigation.

“Notice of Intent” means oral or written notification to the commissioner, as specified by the commissioner, prior to the use of a pesticide pursuant to a permit.

“Nursery” means any operation engaged in the outdoor commercial or research production of cut flowers or ornamental cut greens or any plants that will be used in their entirety in another location.

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“Operator of the property” means a person who owns the property and/or is legally entitled to possess or use the property through terms of a lease, rental contract, trust, or other management arrangement.

“Organophosphates” means organophosphorus esters which inhibit cholinesterase.6000.
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“Ozone nonattainment area” means an area designated in Title 40, Code of Federal Regulations Section 81.305 for the purpose of air quality planning within the chart titled “California - Ozone (1-Hour Standard).”

“Person” means any individual, partnership, association, corporation, business entity or organized group of persons whether incorporated or not.

“Personal protective equipment” (PPE) means apparel and devices worn to minimize human body contact with pesticides or pesticide residues that must be provided by an employer and are separate from, or in addition to, work clothing. PPE may include, chemical resistant suits, chemical resistant gloves, chemical resistant footwear, respiratory protection devices, chemical resistant aprons, chemical resistant headgear, protective eyewear, or a coverall (one- or two-piece garment).

“Pest management guides” are manuals prepared by the Department or University of California that include pest management information on specific crops and which have been adopted as a standard by the director.

“Pesticide” means:

(a) any substance or mixture of substances that is a pesticide as defined in the Food and Agricultural Code and includes mixtures and dilutions of pesticides.

(b) as the term is used in Section 12995 of the Food and Agricultural Code, includes any substance or product that the user intends to be used for the pesticidal poison purposes specified in Sections 12753 and 12758 of the Food and Agricultural Code.

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HISTORY: continued

19. Repealer of definition of “Groundwater protection advisory” and new definitions of “Artificial recharge basin,” “Engineered rights-of-way,” “Evapotranspiration,” “Field capacity,” “Ground water protection area,” “Leaching ground water protection areas,” “Net irrigation requirement” and “Runoff ground water protection areas” and amendment of NOTE filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

20. Repealer and new definitions of “Application block” and “Buffer zone” refiled 5-17-2004 as an emergency; operative 5-18-2004 (Register 2004, No. 21). A Certificate of Compliance must be transmitted to OAL by 9-15-2004 or emergency language will be repealed by operation of law on the following day.

21. Repealer and new definitions of “Application block” and “Buffer zone” refiled 9-9-2004 as an emergency; operative 9-15-2004 (Register 2004, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-13-2005 or emergency language will be repealed by operation of law on the following day.

22. Certificate of Compliance as to 9-15-2004 order, including further amendment of definitions of “Application block” and “Buffer zone,” transmitted to OAL 9-21-2004 and filed 11-3-2004 (Register 2004, No. 45).

23. New definitions of “Dormant oil,” “Dormant insecticide,” “Hydrologically isolated site” and “Sensitive aquatic site” filed 7-18-2006; operative 8-17-2006 (Register 2006, No. 29).

24. New definitions of “Air-purifying respirator,” “Atmosphere-supplying respirator,” “Confidential reader,” “Filter or air purifying element,” “Filtering facepiece (dust mask),” “Immediately dangerous to life or health (IDLH),” “Physician or other licensed health care professional (PLHCP),” “Qualitative fit test (QLFT),” “Quantitative fit test (QNFT)” and “Respirator program administrator” filed 6-13-2007; operative 1-1-2008 (Register 2007, No. 24).

25. Amendment of definition of “Buffer zone” and new definitions of “Ozone nonattainment area” and “Volatile organic compound (VOC)” filed 1-25-2008; operative 1-25-2008 pursuant to Government Code Section 11343.4 (Register 2008, No. 4).

26. Change without regulatory effect amending definitions of “Branch location” and “Carbamates” filed 11-10-2011 pursuant to Section 100, Title 1, California Code of Regulations (Register 2011, No. 45).

27. New definitions of “Aquatic habitat,” “Crack and crevice treatment,” “Impervious surfaces,” “Precipitation” and “Spot treatment” filed 6-19-2012; operative 7-19-2012 (Register 2012, No. 25).

28. Amendment of definition of “Private Applicator” filed 3-18-2014; operative 7-1-2014 (Register 2014, No. 12).

29. Change without regulatory effect amending definition of “Private applicator” filed 8-6-2014 pursuant to Section 100, Title 1, California Code of Regulations (Register 2014, No. 32).

30. Repealer of definition of “Assure or Ensure” and amendment of definitions of “Chemical-resistant” and “Conflict with Labeling” filed 4-15-2015; operative 7-1-2015 (Register 2015, No. 16).

31. Editorial correction of definition of “Regularly handle” (Register 2015, No. 19).

32. Repealer of definition of “Closed system” filed 11-4-2015; operative 1-1-2016 (Register 2015, No. 45).

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HISTORY: continued

33. Amendment of definitions of “Handle” and “Treated field” filed 2-17-2016; operative 4-1-2016 (Register 2016, No. 8).

34. New definitions of “Application exclusion zone,” “Enclosed space” and “Worker housing area,” amendment of definitions of “Enclosed cab” and “Field” and repealer of definitions of “Enclosed cab acceptable for respiratory protection” “Greenhouse” filed 10-17-2016; operative 1-2-2017 pursuant to Government Code Section 11343.4(b)(2) (Register 2016, No. 43).

35. Repealer of definition of “Application exclusion zone” filed 12-20-2017; operative 3-1-2018 pursuant to Government Code Section 11343.4(b)(3) (Register 2017, No. 51).

36. Amendment of definition of “Filtering facepiece” filed 2-12-2018; operative 4-1-2018 (Register 2018, No. 7).

37. Amendment of definitions of “Ground water protection area,” “Leaching ground water protection areas” and “Runoff ground water protection areas” filed 6-20-2019, operative 1-1-2020 (Register 2019, No. 25).

38. Amendment of definition of “Handle” filed 5-29-2020; operative 7-1-2020 (Register 2020, No. 22).

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 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 ground water), 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 when formulated as a bait and labeled only for the production of agricultural plant commodities

Carbofuran (Furadan)

Chloropicrin

3-Chloro-p-toluidine hydrochloride (Starlicide)

Chlorpyrifos, when labeled for the production of an agricultural commodity

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

6400. continued

(e) continued

Dicamba (Banvel), except:

- (1) liquid formulations packaged in containers of 1 quart or less regardless of percentage of dicamba;
- (2) liquid formulations that contain 15% 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 1 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% 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 1 quart or less, regardless of percentage of 2,4-D;
- (2) liquid formulations that contain 15% or less 2,4-D packaged in containers of 1 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 1 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% 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 1 quart or less, regardless of percentage of 2,4-DB;
- (2) liquid formulations that contain 15% 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 1 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% 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 1 quart or less, regardless of percentage of 2,4-DP;
- (2) liquid formulations that contain 15% 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;
- (4) dry formulations, packaged in containers of 1 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% or less 2,4-DP and is labeled to be used without further dilution.

1,3-Dichloropropene (Telone II)

Difenacoum

Difethialone

6400. continued
HISTORY: continued

12. Editorial correction adding previously missing HISTORY 9 and renumbering former HISTORY 9 and 10 to HISTORY 10 and 11 (Register 91, No. 19).
13. Notice of Repeal of subsections (n)(14), (15) and (16) filed 1-15-91 by operation of Government Code Section 11346.1(g) (Register 91, No. 19).
14. Amendment of subsection (n)(10) filed 12-12-91; operative 1-13-92 (Register 92, No. 13).
15. New subsections (g)(10)-(11) and amendment of NOTE filed 7-5-94 as an emergency; operative 7-5-94 (Register 94, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-2-94 or emergency language will be repealed by operation of law on the following day.
16. Editorial correction of HISTORY 15 (Register 94, No. 44).
17. New subsections (g)(10)-(11) and amendment of NOTE refiled 10-31-94 as an emergency; operative 10-31-94 (Register 94, No. 44). A Certificate of Compliance must be transmitted to OAL by 2-28-95 or emergency language will be repealed by operation of law on the following day.
18. New subsections (g)(10)-(11) and amendment of NOTE refiled 2-23-95 as an emergency; operative 2-23-95 (Register 95, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-23-95 or emergency language will be repealed by operation of law on the following day.
19. Repealer and new section filed 5-31-95; operative 6-30-95 (Register 95, No. 22).
20. Certificate of Compliance as to 2-23-95 order including subsection relettering transmitted to OAL 5-15-95 and filed 6-27-95 (Register 95, No. 26).
21. Change without regulatory effect amending subsection (e) carbofuran entry filed 7-24-95 pursuant to Section 100, Title 1, California Code of Regulations (Register 95, No. 30).
22. Amendment adding exception (6) to subsection (e) - "2,4-dichlorophenoxyacetic acid (2,4-D)" filed 1-14-97; operative 2-13-97 (Register 97, No. 3).
23. Amendment of subsection (e) adding "Dazomet" and "Potassium N-methyldithiocarbamate" filed 11-20-2000 as an emergency; operative 11-20-2000 (Register 2000, No. 47). A Certificate of Compliance must be transmitted to OAL by 3-20-2001 or emergency language will be repealed by operation of law on the following day.
24. Amendment of subsection (e) adding "Dazomet" and "Potassium N-methyldithiocarbamate" refiled 3-15-2001 as an emergency; operative 3-15-2001 (Register 2001, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-13-2001 or emergency language will be repealed by operation of law on the following day.
25. Certificate of Compliance as to 3-15-2001 order transmitted to OAL 6-12-2001 and filed 7-24-2001 (Register 2001, No. 35).
26. Amendment of subsection (e) adding "Sulfuryl Fluoride" filed 4-4-2005 as an emergency; operative 4-4-2005 (Register 2005, No. 14). A Certificate of Compliance must be transmitted to OAL by 8-2-2005 or emergency language will be repealed by operation of law on the following day.
27. Amendment of subsection (e) adding "Sulfuryl Fluoride" refiled 7-21-2005 as an emergency; operative 8-2-2005 (Register 2005, No. 29). A Certificate of Compliance must be transmitted to OAL by 11-30-2005 or emergency language will be repealed by operation of law on the following day.
28. Certificate of Compliance as to 7-21-2005 order transmitted to OAL 10-31-2005 and filed 12-15-2005 (Register 2005, No. 50).

6400. continued

HISTORY: continued

29. Amendment of subsection (e) filed 1-25-2008; operative 1-25-2008 pursuant to Government Code Section 11343.4 (Register 2008, No. 4).

30. Amendment of subsection (e) adding “Magnesium Phosphide” and “Phosphine Gas” filed 11-20-2008; operative 12-20-2008 (Register 2008, No. 47).

31. Change without regulatory effect amending subsections (c)(2) and (e) filed 8-26-2009 pursuant to Section 100, Title 1, California Code of Regulations (Register 2009, No. 35).

32. Amendment of subsection (e) filed 12-20-2010 as an emergency; operative 12-20-2010 (Register 2010, No. 52). A Certificate of Compliance must be transmitted to OAL by 6-20-2011 or emergency language will be repealed by operation of law on the following day.

33. Certificate of Compliance as to 12-20-2010 order transmitted to OAL 4-26-2011 and filed 5-11-2011 (Register 2011, No. 19).

34. Change without regulatory effect amending subsection (e) filed 11-10-2011 pursuant to Section 100, Title 1, California Code of Regulations (Register 2011, No. 45).

35. Amendment of subsection (e) filed 3-18-2014; operative 7-1-2014 (Register 2014, No. 12).

36. Change without regulatory effect amending subsection (e) filed 8-6-2014 pursuant to Section 100, Title 1, California Code of Regulations (Register 2014, No. 32).

37. Amendment of subsection (e) filed 5-6-2015; operative 7-1-2015 (Register 2015, No. 19).

38. Amendment of subsections (c)(2) and (e) and repealer of subsections (e)(1)-(2) filed 4-6-2020; operative 8-1-2020 (Register 2020, No. 15).

6402. Exempt Materials.

The director designates and establishes pursuant to Section 14006.7 of the Food and Agricultural Code the pesticides stated in this section as exempt materials.

- (a) Spray adjuvants
- (b) Petroleum oils
- (c) Sulfur
- (d) Lime
- (e) Lime-sulfur
- (f) Sodium polysulfide
- (g) Certain copper compounds
 - (1) Bordeaux mixture
 - (2) Copper acetate
 - (3) Copper carbonate
 - (4) Copper hydroxide
 - (5) Copper-lime mixtures
 - (6) Copper linoleate
 - (7) Copper oleate
 - (8) Copper oxychloride
 - (9) Copper sulfate (basic, monohydrate, and pentahydrate)
 - (10) Copper oxide
 - (11) Copper calcium oxychloride
- (h) *Bacillus thuringiensis* Berliner

6402. continued

NOTE: Authority cited: Sections 11456 and 14006.7, Food and Agricultural Code.
Reference: Section 14006.7, Food and Agricultural Code.

HISTORY:

1. Editorial renumbering of former Section 2462 to Section 6402 filed 8-13-85 (Register 85, No. 33).
2. Repealer of subsection (g)(9), subsection renumbering and amendment of NOTE filed 3-21-95 as an emergency; operative 3-21-95 (Register 95, No. 12). A Certificate of Compliance must be transmitted to OAL by 7-19-95 or emergency language will be repealed by operation of law on the following day.
3. Repealer of subsection (g)(9), subsection renumbering and amendment of NOTE refiled 7-13-95 as an emergency; operative 7-13-95 (Register 95, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-10-95 or emergency language will be repealed by operation of law on the following day.
4. Repealer of subsection (g)(9), subsection renumbering and amendment of NOTE refiled 11-17-95 as an emergency; operative 11-17-95 (Register 95, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-16-96 or emergency language will be repealed by operation of law on the following day.
5. Repealer of subsection (g)(9), subsection renumbering and amendment of NOTE refiled 3-15-96 as an emergency; operative 3-15-96 (Register 96, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-13-96 or emergency language will be repealed by operation of law on the following day.
6. Reinstatement of subsection (g)(9), subsection renumbering and reinstatement of NOTE as they existed prior to emergency order of 3-21-95 by operation of Government Code Section 11346.1(f) (Register 96, No. 39).
7. Change without regulatory effect amending NOTE filed 6-20-2001 pursuant to Section 100, Title 1, California Code of Regulations (Register 2001, No. 25).

Article 2. Possession and Use Limitations
Sections 6404-6417

6404. Certification Requirements. [Repealed]

HISTORY:

1. Editorial renumbering and amendment of former Section 2465 first sentence to Section 6404 filed 8-13-85 (Register 85, No. 33).
2. Repealer filed 8-1-96; operative 8-31-96 (Register 96, No. 31).

6406. Supervision Standards.

The certified applicator responsible for this supervision shall be aware of the conditions at the site of application and be available to direct and control the manner in which applications are made by the noncertified applicator. The availability of the certified applicator shall be directly related to the actual or potential hazard of the situation.

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

HISTORY:

1. Editorial renumbering of former Section 2465 to Section 6406 filed 8-13-85 (Register 85, No. 33).
2. Change without regulatory effect amending NOTE filed 6-20-2001 pursuant to Section 100, Title 1, California Code of Regulations (Register 2001, No. 25).

6408. Private Applicator Certification. [Repealed]

HISTORY:

1. Editorial renumbering and amendment of former Section 2452(h) and (j)(13) to Section 6408 filed 8-13-85 (Register 85, No. 33).
2. Repealer filed 8-1-96; operative 8-31-96 (Register 96, No. 31).

6410. Pesticide Safety Information Series. [Repealed]

HISTORY:

1. Editorial renumbering and amending of former Section 2452(j)(9)(A) last sentence to Section 6410 filed 8-13-85 (Register 85, No. 33).
2. Repealer filed 8-13-90; operative 8-13-90 (Register 90, No. 41).
(See subsection (c) of 6724.)

6467. Folpet. [Repealed]

HISTORY:

1. New section filed 2-14-89 as an emergency; operative 2-14-89 (Register 89, No. 9). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-14-89.
2. New, substantially equivalent, section filed 8-10-89 as an emergency; operative 8-10-89 (Register 91, No. 19). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed by operation of law on 12-8-89.
3. Editorial correction adding previously missing HISTORY 2. (Register 91, No. 19).
4. Repealed by operation of Government Code Section 11346.1 (g) filed 1-15-91 (Register 91, No. 19).

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

HISTORY:

1. Editorial renumbering of former Section 2458.3 to Section 6468 filed 8-13-85 (Register 85, No. 33).
2. Repealer filed 5-31-95; operative 6-30-95 (Register 95, No. 22).

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

HISTORY:

1. New section filed 10-27-88 as an emergency; operative 10-27-88 (Register 88, No. 45). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 2-24-89.
2. Readoption of a substantially equivalent regulation filed 2-24-89 as an emergency; operative 2-24-89 (Register 89, No. 13). A Certificate of Compliance must be transmitted to OAL by 6-26-89 or readoption will be repealed by operation of law effective 6-27-89.
3. New, substantially equivalent, section filed 8-10-89 as an emergency; operative 8-10-89 (Register 91, No. 19). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed by operation of law on 12-8-89.
4. Editorial correction adding previously missing HISTORY 3. (Register 91, No. 19).
5. Repealed by operation of Government Code Section 11346.1(g) filed 1-15-91 (Register 91, No. 19).

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) A closed system shall be used for all mixing and transfers conducted by an employee.

(2) Paraquat applications shall not be made within 1/8 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 1/2 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 1/8 mile of any school.

(b)(1) Jet nozzles having an orifice of not less than 1/16 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 (R) 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.

HISTORY:

1. Editorial renumbering and amendment of former Section 2458.4 to Section 6470 filed 8-13-85 (Register 85, No. 33).

2. Change without regulatory effect amending NOTE filed 6-20-2001 pursuant to Section 100, Title 1, California Code of Regulations (Register 2001, No. 25).

3. Change without regulatory effect amending subsection (a)(1) filed 11-10-2011 pursuant to Section 100, Title 1, California Code of Regulations (Register 2011, No. 45)

4. Amendment of subsection (a)(1) filed 5-29-2020; operative 7-1-2020 (Register 2020, No. 22).

6776. continued

(d) The signs shall be posted so that they are visible at all usual points of entry to the treated area, including each road, footpath, walkway, or aisle that enters the treated field, and each border with any worker housing area within 100 feet of the treated field. If there are no identified usual points of entry to the treated field, signs shall be posted at the corners of the treated field. When a treated field is adjacent to an unfenced public right-of-way, such as a road, trail, or path, additional signs shall be posted at each end of the treated field and at intervals not exceeding 600 feet along the treated field's border with the right-of-way.

(e) When a pesticide product with the signal word "DANGER" on the label, or a minimal exposure pesticide listed in Section 6790, is being applied to a field through an irrigation system, signs shall be posted in the manner specified in (d). These signs shall contain the following:

- (1) An octagon stop sign symbol at least 8 inches in diameter containing the word "STOP" in English;
- (2) The words "KEEP OUT" and "NO ENTRE" above the symbol and the words "PESTICIDES IN IRRIGATION WATER" and "PESTICIDAS EN AGUA de RIEGO" below the symbol;
- (3) All letters shall be at least 2 1/2 inches tall; and
- (4) All letters and the symbol shall be of a color which sharply contrasts with their immediate background.

(f) When a fumigant is applied to a field, the operator of the property shall assure:

- (1) Fields are posted with field fumigation warning signs in the manner specified in (d).
- (2) Field fumigation warning signs containing the following information instead of the information specified in (b) are used:
 - (A) The skull and crossbones symbol;
 - (B) The following statements:
 1. "DANGER/PELIGRO";
 2. "Area under fumigation, DO NOT ENTER/NO ENTRE";
 3. "(Name of Fumigant) Fumigant in use";
 4. The date and time of the fumigation; and
 5. The name, address, and telephone number of the applicator.
 - (C) Other information as specified by the pesticide product labeling.
- (3) Field fumigation warning signs:
 - (A) Are posted prior to application and no sooner than 24 hours before the application begins;
 - (B) Remain posted and clearly legible for the duration of the entry restricted period; and
 - (C) Are removed within three days after the end of the entry restricted period and before any entry prohibited during the entry restricted period.

NOTE: Authority cited: Section 12981, Food and Agricultural Code.

Reference: Sections 12980 and 12981, Food and Agricultural Code.

6776. continued

HISTORY:

1. Amendment filed 8-15-86; effective thirtieth day thereafter (Register 86, No. 34).
2. Repealer and new section filed 12-31-96; operative 1-1-97 pursuant to Government Code Section 11343.4(d) (Register 97, No. 1).
3. Amendment of subsection (b) and new subsection (b)(6) filed 5-10-99; operative 6-9-99 (Register 99, No. 20).
4. Amendment of subsection (a)(2), new subsection (a)(3), subsection renumbering, amendment of newly designated subsection (a)(4) and subsections (b) and (d) filed 10-17-2016; operative 1-2-2017 pursuant to Government Code Section 11343.4(b)(2) (Register 2016, No. 43).
5. Editorial correction of subsection (b)(2) (Register 2017, No. 51).
6. Amendment of subsections (a)(4) and (b)(4)(C)-(b)(5) filed 12-20-2017; operative 3-1-2018 pursuant to Government Code Section 11343.4(b)(3) (Register 2017, No. 51).
7. Amendment of subsections within subsection (f) filed 5-29-2020; operative 7-1-2020 (Register 2020, No. 22).

6778. Records. [Repealed]

HISTORY:

1. Amendment filed 8-15-86; effective thirtieth day thereafter (Register 86, No. 34).
2. Repealer filed 5-31-95; operative 6-30-95 (Register 95, No. 22).

6782. continued
HISTORY: continued

3. Amendment of section heading and section filed 10-17-2016; operative 1-2-2017 pursuant to Government Code Section 11343.4(b)(2) (Register 2016, No. 43).

6784. Field Fumigation.

(a) (Reserved)

(b) The provisions of this subsection pertain to field soil fumigations using methyl bromide applied pursuant to the fumigation methods described in Section 6447.3.

(1) Employer Recordkeeping. The employer shall maintain records for all employees performing fumigation-handling activities. The records must identify the person, work activity(ies), date(s), duration of handling, the U.S. Environmental Protection Agency Registration Number, and the brand name of the methyl bromide product handled. The employer shall maintain these use records at a central location for two years.

(2) Employee Protection Requirements.

(A) Employees involved primarily in shoveling shall work only at the ends of the application rows.

(B) When required by this section, employees shall wear a certified respiratory protection as specified on the label. Employees shall wear the required respiratory protection during the entire duration of the fumigation-handling activity.

(3) Limited Work Hours and Workdays.

(A) No employee may work in fumigation-handling activities more than the hours specified in Table 1 - Maximum Work Hours during the injection period and during the entry restricted period.

1. An employee may perform fumigation-handling activities without the work-hour limitations specified in Table 1 -Maximum Work Hours if a full-face respirator is worn during the entire duration of the activity.

2. Multiple-Task Employees. An employee may work in more than one work task and/or application method in a 24-hour period as long as the employee's total work hours do not exceed the lowest total hours specified in Table 1 - Maximum Work Hours for any one work task or application method performed.

(B) Notwithstanding subsection (b)(3)(A), an employee may work in fumigation-handling activities in a 24-hour period for the work hours specified in Table 2 - Maximum Work Hours in a Maximum Three (3) Workdays Per Calendar Month during the injection period and during the entry restricted period, provided the employee's total workdays performing fumigation-handling activities do not exceed three days in a calendar month.

1. An employee may perform fumigation-handling activities without the work-hour limitations specified in Table 2 -Maximum Work Hours in a Maximum Three (3) Workdays Per Calendar Month if a half-face respirator is worn during the entire duration of the activity.

2. Multiple-Task Employees. An employee may work in more than one work task and/or application method in a 24-hour period as long as the employee's total work hours do not exceed the lowest total hours specified in Table 2 -Maximum Work Hours in a Maximum Three (3) Workdays Per Calendar Month for any one work task or application method performed.

6784.(b)(3) continued

Table 1. Maximum Work Hours

<i>Fumigation Method/ Activities</i>	<i>Maximum Application Rate (lbs. of actual methyl bromide per acre)</i>	<i>Maximum Work Period Wearing Half-Face Respirator During Entire Fumigation-Handling Activity</i>
Nontarpaulin/Shallow/Bed: Tractor Equipment Driving Supervising	200 lbs.	8* 8*
Nontarpaulin/Deep/Broadcast: Tractor Equipment Driving Supervising	400 lbs.	8* 8 ¹
Tarpaulin/Shallow/Broadcast: Tractor Equipment Driving Shoveling, Copiloting Supervising Tarpaulin Cutting Tarpaulin Removal	400 lbs.	7* 3* 3* 10 ¹ no limitation ²
Tarpaulin/Shallow/Bed: Tractor Equipment Driving Shoveling, Copiloting Supervising Tarpaulin Cutting Tarpaulin Removal	250 lbs.	no limitation 6* 6* 10 ¹ no limitation ²
Tarpaulin/Deep/Broadcast: Tractor Equipment Driving Shoveling, Copiloting Supervising Tarpaulin Cutting Tarpaulin Removal	400 lbs.	7* 3* 3* 10 ¹ no limitation ²
Drip System - Hot Gas: Applicators Supervising Tarpaulin Cutting Tarpaulin Removal	225 lbs.	4* 4* 10 ¹ no limitation ²

¹Exception: An employee may perform this activity without a half-face respirator provided the employee does not work more than one hour in a 24-hour period. The maximum one-hour work limitation may be increased in accordance with the formula located below.

²Exception: An employee may perform this activity without a half-face respirator provided the employee does not work more than three hours in a 24-hour period. The maximum three-hour work limitation may be increased in accordance with the formula located below.

6784. continued

HISTORY: continued

7. Repealer and new section refiled 9-11-2003 as an emergency; operative 9-18-2003 (Register 2003, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-16-2004 or emergency language will be repealed by operation of law on the following day.

8. Repealer and new section refiled 1-14-2004 as an emergency; operative 1-17-2004 (Register 2004, No. 3). A Certificate of Compliance must be transmitted to OAL by 5-17-2004 or emergency language will be repealed by operation of law on the following day.

9. Repealer and new section refiled 5-17-2004 as an emergency; operative 5-18-2004 (Register 2004, No. 21). A Certificate of Compliance must be transmitted to OAL by 9-15-2004 or emergency language will be repealed by operation of law on the following day.

10. Repealer and new section refiled 9-9-2004 as an emergency; operative 9-15-2004 (Register 2004, No. 37). A Certificate of Compliance must be transmitted to OAL by 1-13-2005 or emergency language will be repealed by operation of law on the following day.

11. Certificate of Compliance as to 9-15-2004 order, including further amendment of section, transmitted to OAL 9-21-2004 and filed 11-3-2004 (Register 2004, No. 45).

12. Amendment of subsections (b) and (b)(2)(B) filed 1-25-2008; operative 1-25-2008 pursuant to Government Code Section 11343.4 (Register 2008, No. 4).

13. Amendment of subsections (b)(2)(C) and Tables 1. and 2. filed 10-27-2010; operative 11-26-2010 (Register 2010, No. 44).

14. Amendment of subsection (b)(1), repealer of subsection (b)(2)(B), subsection relettering, amendment of newly designated subsection (b)(2)(B) and subsections (b)(3)(A) and (b)(3)(B), repealer of subsections (b)(4)-(b)(4)(B) and amendment of subsections (b)(5)(A) and (b)(5)(C)-(D) filed 2-17-2016; operative 4-1-2016 (Register 2016, No. 8).

15. Repealer of subsection (a) filed 5-29-2020; operative 7-1-2020 (Register 2020, No. 22).

Article 5. Minimal Exposure Pesticides
Sections 6790-6793

6790. Minimal Exposure Pesticides.

This article applies to the following:

- (a) Bromoxynil (Buctril, Bronate)
- (b) Folpet
- (c) Oxydemeton-methyl (Metasystox-R)
- (d) Propargite (Omite, Omite CR, Comite)

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

Reference: Sections 12980 and 12981, Food and Agriculture Code.

HISTORY:

1. New section filed 8-13-90; operative 8-13-90 (Register 90, No. 41).
2. Change without regulatory effect amending NOTE filed 6-20-2001 pursuant to Section 100, Title 1, California Code of Regulations (Register 2001, No. 25).

6791. Exemptions.

The following exemptions apply to the specific minimal exposure pesticides:

- (a) Folpet, when contained in or added to paints, coatings, or caulking compounds, is exempt from the requirements of this article.
- (b) [Reserved].

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

Reference: Sections 12980 and 12981, Food and Agriculture Code.

HISTORY:

1. New section filed 8-13-90; operative 8-13-90 (Register 90, No. 41).
2. Change without regulatory effect amending NOTE filed 6-20-2001 pursuant to Section 100, Title 1, California Code of Regulations (Register 2001, No. 25).

6792. Conditions of Use.

The following conditions apply to the specific minimal exposure pesticides:

- (a) Applications of oxydemeton-methyl to ornamental landscape trees and shrubs shall be made by trunk injection or soil injection methods only;
- (b) Oxydemeton-methyl shall not be applied within a greenhouse; and
- (c) Propargite shall not be applied within a greenhouse.

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

Reference: Sections 12980 and 23981, Food and Agriculture.

HISTORY:

1. New section filed 8-13-90; operative 8-13-90 (Register 90, No. 41).
2. Change without regulatory effect amending NOTE filed 6-20-2001 pursuant to Section 100, Title 1, California Code of Regulations (Register 2001, No. 25).