



Department of Pesticide Regulation



Brian R. Leahy
Director

MEMORANDUM

Edmund G. Brown Jr.
Governor

TO: EM Staff

FROM: Ronald Oshima, Chief
EM & PM

DATE: July 31, 1987 (*retyped on June 20, 2013*)

SUBJECT: Legal Agricultural Use Criteria

Sections 13149 through 13152(b) of the Food and Agricultural Code describe a process in which the detection of a pesticide residue in either soil at specific depths or ground water is investigated, evaluated, and mitigated, when necessary. This process, which will be known as the Pesticide Detection Response Process, requires that only those residues which probably resulted from leaching due to a legal agricultural use application pass through the investigation phase and on to evaluation. In the absence of proven scientific methods with which to trace a residue's source, the legal agricultural use determination by the Director will be based upon the following criteria:

- (a). The positive detection of a pesticide ingredient or its degradation product is reported after: 1) two discrete samples, taken no later than 30 days apart, have been analyzed by a method approved by the Department and found to contain the substance under investigation; and 2) the positive detection of the pesticide ingredient is verified by a second analytical method approved by the Department or by a second laboratory using an approved method. When a second analytical method is not available for the analysis of a particular ingredient, the requirement for the second method will be waived.
- (b). Sampling results for pesticide ingredients detected under the AB 1803 large and small system monitoring program may be exempted from the requirements of subsection (a).
- (c). A detection of the same pesticide ingredient or its degradation product in ground water should be verified at a second site within a one-half mile radius of the original detection. A detection in soil at or below eight feet only needs to be verified at a single site.
- (d). The detected pesticide ingredient must be formulated in a product with has listed on its label one or more agricultural uses as defined in Section 11408 of the Food and Agricultural Code.
- (e). The application of the agricultural use product(s) in the vicinity of the reported detections should either be documented historically, confirmed by local interviews, or presumed by the identification of a target pest or commodity.
- (f). The Director may consider a preponderance of evidence as meeting this criteria.

Other illegal, non-agricultural, and/or non-pesticidal sources of the pesticide ingredients should be sought within the general vicinity of the detections. If such sources are identified, the detection will not be admitted into the Pesticide Detection Response Process.