

PROPOSED DORMANT SPRAY REGULATION LANGUAGE
October 17, 2003 Version

Definitions (to be added to Section 6000)

- “Dormant oil spray” means petroleum distillates, petroleum hydrocarbons, unclassified petroleum oils, and mineral oils—without the addition of insecticides—that are used for pest control and applied to deciduous plants before they have started active seasonal growth.
- “Dormant insecticide” means dormant oils with the addition of insecticides—or insecticides used singly—that are applied for the purpose of pest control to deciduous plants before they have started active seasonal growth.
- “Dormant season” means that period in which the growth of plant organs is suspended. In the orchard, this season begins December 1 and extends until bud break (when leaf buds show green) in the spring.
- “Edge of field” means the border or point of transition from cultivated crop or orchard to that which is not cultivated.
- “Hydrologically isolated site” means any orchard or field that does not produce runoff capable of entering any irrigation ditch, drainage canal, or body of water that may drain into a river or tributary.
- “Sensitive aquatic site” means any irrigation ditch, drainage canal, or body of water that may drain into a river or tributary in which the presence of dormant insecticides would adversely impact any of the beneficial uses of the waters of the State named in Water Code section 13050(f).

Dormant Insecticide Contamination Prevention

- No ground or aerial applications of dormant insecticides shall be made within 100 feet of any sensitive aquatic site as defined in section 6000.
- The requirement listed above shall not apply if:
 1. only dormant oil sprays, as defined in section 6000, are being applied; or
 2. the grower is using spinosad or *Bacillus thuringiensis* (Bt); or
 3. the grower’s land is “hydrologically isolated,” as defined in section 6000; or
 4. any impacted water from dormant insecticide applications made within 100 feet upslope of sensitive aquatic sites is diverted and/or contained and held for 72 hours before being released into a sensitive aquatic site; or
 5. the grower has a water quality management plan approved by the federal Natural Resources Conservation Service.

- Dormant insecticides may not be applied when:
 1. soil moisture is at field capacity and a storm event is forecasted by the National Oceanic and Atmospheric Administration (NOAA)/National Weather Service (NWS) to occur within 48 hours following application; or
 2. a storm event likely to produce runoff from treated orchard is forecasted by NOAA/NWS to occur within 48 hours following application.

- Dormant insecticides may be applied only when insect scouting information (or a Pest Control Advisor) indicates pest populations have reached damaging levels. (See the University of California Integrated Pest Management guidelines for California tree crops. Use the prune dormant-spur sampling program to determine the need for dormant treatment in prunes.)

- Dormant insecticides may be applied only when wind speed is 3-10 miles per hour (mph) at the application site as measured by an anemometer outside of the orchard on the upwind side.

- When an orchard is adjacent to a sensitive aquatic site, the pesticide applicator must spray the last three rows upwind of sensitive aquatic sites with the wind blowing away from the sensitive aquatic site. The last row at the “edge of field” should be sprayed with the outside nozzles turned off.

- Aerial applications of dormant insecticide products are allowed only if:
 1. the land to be treated is hydrologically isolated as defined in section 6000; or
 2. any impacted water from dormant insecticide applications made within 100 feet upslope of sensitive aquatic sites is diverted and/or contained and held for 72 hours before being released into a sensitive aquatic site; or
 3. the grower has a water quality management plan approved by the federal Natural Resources Conservation Service; or
 4. soil conditions do not allow field entry, or approaching bloom conditions necessitate aerial applications.