

TEXT OF FINAL REGULATIONS

Current wording is indicated by regular type.
Proposed deletions are indicated by ~~strikeout~~.
Proposed additions are indicated by underline.

TITLE 3. CALIFORNIA CODE OF REGULATIONS
DIVISION 6. PESTICIDES AND PEST CONTROL OPERATIONS
CHAPTER 3. PEST CONTROL OPERATIONS
SUBCHAPTER 2. WORK REQUIREMENTS

Repeal Article 3 heading:

~~ARTICLE 3. PROTECTION OF BEES~~

CHAPTER 4. ENVIRONMENTAL PROTECTION

Adopt Subchapter 6 heading:

SUBCHAPTER 6. POLLINATOR PROTECTION

Adopt Article 1 heading:

ARTICLE 1. PROTECTION OF BEES

Renumber section 6650 to section 6980 and amend to read:

66506980. Pesticides Toxic to Bees.

(a) Pesticides toxic to bees are those that include the words "toxic to bees" on the product labeling of the pesticide, regardless of modifying words on the label that state "~~highly~~" or "~~moderately~~."

(b) Bees are considered to be inactive from one hour after sunset to two hours before sunrise or when the temperature is below ~~55~~50 degrees Fahrenheit. The sunset and sunrise times will be those indicated in the local newspaper or on the local news Web site.

(c) ~~Residual toxicity (RT) time is that period of time after completing a pesticide application until there is minimal toxic effect to bees. The RT time is specified on product labeling and is based upon Residual Toxicity₂₅ (RT₂₅) studies. RT₂₅ studies determine 25 percent bee mortality based on the test bee population exposed to the formulated pesticide product applied to foliage.~~

NOTE: Authority cited: Section 29102, Food and Agricultural Code. Reference: Sections 29100 and 29102, Food and Agricultural Code.

Renumber section 6651 to section 6981 and amend to read:

66516981. Vector Control Exemption.

Pesticides diluted in one-half gallon of water or more per acre applied by local vector control agencies or their contractors pursuant to a cooperative agreement with the Department of Health Services are exempt from the requirements of this article.

NOTE: Authority cited: Section 29102, Food and Agricultural Code. Reference: Sections 29100 and 29102, Food and Agricultural Code.

Renumber section 6652 to section 6982 and amend to read:

66526982. Availability Apiary Operator Request for Notification.

(a) Each ~~beekeeper~~apiary operator, or their designated representative, who desires to receive advance ~~notice~~notification of pesticide applications toxic to bees of pesticides from persons intending to apply pesticide(s) labeled toxic to bees, shall inform the commissioner ~~of a two-hour period between 6 a.m. and 8 p.m. each day, during which time the beekeeper shall be available for contact, at the beekeeper's expense, to receive advance notice from persons intending to apply pesticide(s) when the apiary operator, or their designated representative, registers in that county pursuant to section 29040 of the Food and Agricultural Code.~~ This request for notification shall expire on December 31 of each year.

(b) This section shall apply statewide. However, from March 15 through May 15 in a citrus/bee protection area, if there are conflicts between the provisions of this section and those of section 6656, section 6656 shall prevail.

NOTE: Authority cited: Section 11456 and 29102, Food and Agricultural Code. Reference: Section 29102, Food and Agricultural Code.

Renumber section 6654 to section 6983 and amend to read:

66546983. Notification to Beekeepers Apiary Operators.

(a) Each person intending to apply any pesticide labeled toxic to bees to a blossoming plant shall, prior to the application, inquire of the commissioner, or of a notification service designated by the commissioner, whether any ~~beekeeper~~apiary operator with apiaries within one mile of the application site, or their designated representative, has requested ~~notice~~notification of such application.

(b) If the person performing pest control is ~~advised~~made aware of a request for notification pursuant to subsection (a), he or she shall notify the ~~beekeeper~~apiary operator, or their designated representative, at least 48 hours in advance of the application, ~~of the~~. The notification must include:

- (1) time and place the application is to be made;
- (2) the crop and acreage to be treated;
- (3) the method of application;
- (4) the identity active ingredient(s) and dosage rate of the pesticide to be applied; and
- (5) how the person performing pest control may be contacted by the ~~beekeeper~~apiary operator or their designated representative.

This advance notification time may be increased or decreased by the commissioner, or by an agreement of both the beekeeper/apiary operator, or their designated representative, and the person performing the pest control work.

(e) ~~This section shall apply statewide. However, from March 15 through May 15 in a citrus/bee protection area, if there are conflicts between the provisions of this section and those of section 6656, section 6656 shall prevail.~~

NOTE: Authority cited: Section 29102, Food and Agricultural Code. Reference: Section 29102, Food and Agricultural Code.

Repeal section 6655:

~~6655. Notification Region for Butte, Glenn and Tehama Counties.~~

~~(a) The counties of Butte, Glenn, and Tehama are established as a region for the notification of apiary owners of pesticide applications by pest control operators who are registered with the commissioners of any of these counties pursuant to Section 11732 of the Food and Agricultural Code and who are required to give notification to beekeepers pursuant to Section 6654.~~

~~(b) The agricultural commissioner of Glenn County shall be the coordinator for the region.~~

~~(c) Pest control operators specified in (a) shall pay an annual fee of \$75.00 to the coordinator. The fee shall be paid at the same time the operator registers with any of the commissioners in the region as specified in (a).~~

~~(d) Beekeepers who have filed a request with any of the agricultural commissioners of the region for notification of pesticide usage pursuant to Section 29101 of the Food and Agricultural Code, shall pay an annual fee to the coordinator in accordance with the following schedule:~~

<i>Beehives</i>	<i>Annual Fee</i>
1 to 100	\$ 10.00
101 to 500	\$ 25.00
501 to 2,000	\$ 50.00
over 2,000	\$100.00

~~The fee shall be paid at the same time the beekeeper files a request for notification of pesticide applications with any of the commissioners of the region.~~

NOTE: Authority cited: Sections 11456, 29080, 29081 and 29082, Food and Agricultural Code. Reference: Sections 29080, 29081, 29082, and 29101, Food and Agricultural Code.

ReNUMBER section 6656 to section 6984 and amend to read:

~~6656~~6984. Citrus/Bee Protection Area.

(a) The provisions of this section apply to a citrus/bee protection area during the March 15 through May 31 time period. A citrus/bee protection area means the area within one mile of any citrus planting of one acre or more within Fresno, Kern, or Tulare county/counties is designated as a citrus/bee protection area.

(b) The citrus bloom period, in any citrus grove, for purposes of declaring bloom ~~and label interpretation,~~ shall be from when 10 percent of the total citrus blossoms are open until 75 percent of the blossom petals on the north side of the trees have fallen.

The commissioner shall give public notice of the official beginning and ending dates of each citrus bloom period for each citrus growing district in the county, at least three days before establishing such dates.

(c) Pesticide applications of products labeled toxic to bees may be made 48 hours or more after the official end of citrus bloom without advance notification to ~~beekeepers~~ apiary operators, or their designated representatives, until March 15 of the following year ~~pursuant to section 6654(e)~~. Growers/pesticide applicators wishing to make pesticide applications prior to 48 hours after the official end of bloom shall follow the inquiry and notification procedures specified in ~~subsections (a) and (b) of section 6654~~ 6983.

(d) Each person who owns or operates any apiary ~~within a citrus/bee protection area from March 15 through May 31~~, shall file a written notice of apiary location with the commissioner before March 15 and shall update such notice within 72 hours for any apiary location changes, including notice of departure from the ~~citrus/bee protection area~~ county.

(e) ~~Within a citrus/bee protection area, e~~ Each beekeeper ~~apiary operator, or their designated representative, who desires advance notification of pesticide applications of products labeled toxic to bees of pesticides shall be available for telephone contact at the beekeeper's expense between 4:00 p.m. and 7:00 p.m., Monday through Saturday from March 15 through May 31, to receive advance notice for persons intending to apply pesticide(s) that will be performed from March 15 through May 31, shall inform the commissioner as specified in section 6982.~~

(f) Any person intending to apply a pesticide labeled toxic to bees, as defined in subsection 6980(a), to citrus during a citrus bloom period, except as otherwise provided in this subsection, shall file a notice of intent with the commissioner as provided in section 6434(b) at least 48 hours prior to the intended application. This subsection shall not apply to pesticides listed in subsection ~~6656~~ 6984(g) applied when bees are inactive.

(g) Notwithstanding section ~~6654~~ 6983(b), the following pesticide applications may be made ~~within a citrus/bee protection area during the citrus bloom period when bees are inactive, as defined in subsection 6980(b)~~, without notification to ~~beekeepers~~ apiary operators, or their designated representatives:

- (1) Methomyl (Lannate);
- (2) formetanate (Carzol);
- (3) Chlorpyrifos (Lorsban);

(1) Any pesticide that does not include the words "toxic to bees" on the product labeling;
(4)(2) Any pesticide applied so that the ~~time period of the RT~~Residual Toxicity period ~~shown~~specified on the product labeling will expire before the next period of bee activity; or
(3) Any pesticide that includes the words "toxic to bees" on the product labeling, if the labeling allows applications when bees are inactive.

(h) Except for pesticide applications of pesticides listed ~~allowed~~ in subsection (g), ~~and applications of pesticides that are not toxic to bees, within a citrus/bee protection area during the citrus bloom period~~, an application delay of 48 hours or more requires that the person intending to apply the pesticide re-contact ~~beekeepers~~ apiary operators, or their designated representatives, and inform them of the change in scheduling.

(i) The following applications to citrus are prohibited ~~within a citrus/bee protection area~~:

- (1) Carbaryl (~~Sevin~~) from first bloom until complete petal fall.
- (2) Any pesticide labeled toxic to bees, except those exempted in subsection (g) during a citrus bloom period, unless the pesticide is applied to control a California Department of Food and Agriculture declared quarantine pest, or the need for control of lepidoptera larvae or citrus thrips (*Scirtothrips citri*) has been established by written recommendation of a representative of the University of California, Agricultural Cooperative Extension Service, or a licensed agricultural

pest control adviser. The recommendation shall state ~~either~~ that the citrus planting does not meet the citrus bloom period criteria, or and why alternatives less hazardous to bees would not be effective. ~~For azinphos-methyl (Guthion), this requirement shall remain in effect until complete petal fall.~~

NOTE: Authority cited: Sections 11456 and 29102, Food and Agricultural Code.
Reference: Sections 29100, 29101 and 29102, Food and Agricultural Code.