

Chapter 4

DPR Specific Use Site Interpretations

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Section 4.1

Crack and Crevice

Interprets FAC section 12973; 3 CCR section 6000

Interpretation The use site “crack and crevice” is the application of small amounts of insecticide directly into cracks and crevices in which insects hide or through which they may enter the building. Examples are openings occurring at expansion joints, between different elements of construction, and between equipment and floors.

If emulsifiable or oil-base sprays (including nonpressurized, ready-to-use products) are used, equipment must be capable of delivering a pin stream of insecticide. If a pressurized spray is used, an injection or insertion tube must be used. If a dust is used, a bulbous duster or other suitable equipment capable of applying insecticide directly into cracks and crevices must be used. Only minimal amounts of pesticide should remain on the surface.

Section 4.2

Crawl Space

Interprets FAC section 12973; 3 CCR section 6000

Interpretation Application of any pesticide within a crawl space is considered an “indoor” or “interior” use. Therefore, any application of a pesticide labeled for “For Exterior Use Only” within a crawl space would be in conflict with labeling and a violation of Food and Agricultural Code section 12973, despite the presence of vents or air ducts.

“For Exterior Use Only” means to treat or apply only to the exterior wood surfaces of windows, window frames, doors, steps, porches and foundation sills. Although these structures have both interior and exterior surfaces, the products can only be applied to the exterior surfaces.

Application during construction, to any surfaces that will be "interior" when construction is completed, is also prohibited.

Section 4.3

Cropland/Field Crops

Interprets FAC section 12973; 3 CCR section 6000

Interpretation The site “cropland” or “field crops” without any limiting language means the product may be used on any crop grown for commercial or research production purposes. However, it should be noted that there may not be established tolerances for some crops. The grower is responsible for any illegal residues contained in food or feed commodities at the time of harvest.

Section 4.4

Food Areas

Interprets FAC section 12973; 3 CCR section 6000

Interpretation The use site “food areas” includes receiving, serving, storage (dry, cold, frozen, raw), packaging (canning, bottling, wrapping, boxing), preparing (cleaning, slicing, cooking, grinding), edible waste storage, and enclosed processing systems (mills, dairies, edible oils, syrups). When pesticides are registered for use in these areas, labels will specify dilution rates, appropriate equipment, type of application, and specific precautions to be taken.

In some cases, materials can be used in serving areas, such as dining rooms, but not in areas where the food is processed, or vice versa. Also, the type of treatment may be limited to only crack and crevice or spot treatment within these specific areas.

Section 4.5

Food Handling Establishment

Interprets FAC section 12973; 3 CCR section 6000

Interpretation The use site “food handling establishment” is a place, other than a private residence, in which food is held, processed, prepared, or served.

Kitchen facilities in apartments, hotel rooms, and rooms associated with group living facilities are in "private residences" and do not fall within this definition. However, facilities in these types of situations where food is prepared for group dining would fall within the definition.

Section 4.6

Fallow Land

Interprets FAC section 12973; 3 CCR section 6000

Interpretation The use site “fallow land” is agricultural acreage that is temporarily out of production. Acreage that is out of production, but which is expected to be returned to production in the foreseeable future, should be considered fallow unless pesticide labeling has clearly specified otherwise.

See also Noncrop.

Section 4.7

Forestry

Interprets FAC section 12973; 3 CCR section 6000

Interpretation The use site “forestry” includes site preparation for tree planting, conifer release brush control projects, and stump treatments in forestry management. However, brush control and stump treatment for clearing are not considered “forestry” if the purpose is to increase forage production (grazing), even though trees are on the site.

Section 4.8

General Treatment

Interprets FAC section 12973; 3 CCR section 6000

Interpretation The use site “general treatment” is a structural/institutional term indicating an application to broad expanses of surfaces such as walls, floors, and ceilings, or as an exterior treatment.

Section 4.9

Greenhouse Use

Interprets FAC section 12973; 3 CCR section 6000

Interpretation The use site “greenhouse” is defined as a structure or space, of sufficient size to permit entry, that is enclosed with a nonporous covering and used in the commercial or research production of an agricultural plant commodity. A structure constructed of porous cloth or other porous material (such as lath) is not considered a greenhouse. If a greenhouse has sides or significant portions of the structure removed during the application and the restricted entry interval (REI), it is not considered a greenhouse. Simply opening doors or windows does not alter the structural status as a greenhouse. Whether a specific pesticide may be used in a greenhouse or other enclosed plant-growing area depends upon the application directions that appear in the labeling.

Grouping of pesticides The nature of pesticide labeling instructions permits the grouping of pesticide products into two groups:

1. Products which may be used in greenhouses and enclosed plant-growing areas, and,
2. Products which may *not* be used in greenhouses.

Products which may be used in greenhouses and plant-growing areas Products which may be used in greenhouses and enclosed plant-growing areas include:

- Labeling that is explicit and bears adequate application directions and other precautionary labeling stating “for greenhouse use.” The use of electrostatic sprayers in greenhouses is allowed when the application complies with all label requirements, particularly minimum dilution statements.

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Greenhouse Use, Continued

Products which may be used in greenhouses and plant-growing areas

(continued)

- Labeling which bears directions for use on the commodity to be treated and has dilution and dosage rate instructions and other precautionary statements which are consistent with the use in a greenhouse. This means directions stated in terms of pots, planting beds, square feet, and similar instructions. Occasionally, greenhouse crops may be grown in large greenhouses (one-half acre or larger). Pesticide labels used in these types of situations could indicate application rates in “per acre” units. All other labeling requirements would have to be consistent with use in a greenhouse setting.
- Since degradation of pesticides in enclosed areas may vary widely, use on food crops grown in greenhouses requires specific label directions for that use. The label must indicate that the particular food crop grown in a greenhouse or enclosed area may be treated with the pesticide. Preharvest and reentry label statements must be followed.
- Transplant operations grow food crops that are eventually grown and harvested outdoors rather than grown to harvest in the greenhouse. Food crop transplants should not be considered as food crops; the vegetable transplants represent the “harvested crop” of the greenhouse operation.

Products which may not be used in greenhouses

Products which may not be used in greenhouses:

- Labeling which has an explicit prohibition against use of the pesticide in greenhouses or enclosed structures (not including residential structures).
- Labeling which has directions for use on the commodity to be treated and bears dilution or dosage rate instructions and accompanying precautionary statements which are not consistent with greenhouse use. This means statements such as “apply by aircraft only” or other directions inconsistent with use in an enclosed structure.

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Greenhouse Use, Continued

Safety of greenhouse employees

While we recognize that the use of pesticides in greenhouses may involve broad interpretations of some labeling, special attention should be given to the hazards of illegal or increased pesticide residues and hazards to the applicator, picker, transplanter, disbudder, and others who may work in, or come in contact with, the application site.

Users should give special attention to the amount or type of personal protective equipment worn by the applicator beyond that normally associated with open field applications of the same pesticide due to the potential for increased exposure in enclosed spaces.

See also Section 3.7 for a discussion of the management of greenhouse and nursery stock after treatment.

Section 4.10

Growing Season

Interprets FAC section 12973; 3 CCR section 6000

Interpretation The term “growing season” means the time period from planting until harvest is completed for a particular annual or biannual crop (such as alfalfa, asparagus, strawberries, or sugar beets), but is usually not more than one year (365-day period) for perennial crops with multiple annual harvests, such as orchards. This interpretation is important because pesticide labeling often limits the number of applications or total amount applied during the growing season or crop year.

See also Preplant.

Section 4.11

Homeowner (Consumer) Use Products

Interprets FAC section 12973; 3 CCR section 6000

Interpretation Directions for use on pesticide labeling given on a "per acre" basis are generally used to indicate an intention for commercial, rather than, homeowner (consumer) use. Homeowner-use pesticides have directions to use the product at a rate of so much material "per 1,000 square feet," or amount of material per gallon, pint, etc., and carry special precautions to protect children, pets, etc. The size of the container should also be considered. Occasionally, certain pesticide products that are intended for homeowner use may show greater units of area for dilution rates, for example, rural residential or "ranchette" uses. These products must indicate by site description or use directions that they are consistent with homeowner use.

By the same token, agricultural or commercial use of consumer products may be in conflict with labeling. Normally, this is not a serious problem due to cost issues, and generally, there is little or no hazard created. However, where a clear misuse occurs and a hazard is created, action may be taken.

Section 4.12

Non-bearing Crop Use

Interprets FAC section 12973; 3 CCR section 6000

Interpretation Pesticide labeling may specify that the product can be applied only to "non-bearing" crops. This labeling may designate the conditions, restrictions and time intervals that provide for application of a pesticide to a non-bearing food or feed crop. In the absence of specific labeling directions, immature perennial crops are considered non-bearing only if a harvestable raw agricultural commodity is not expected to be produced for 12 months from the date of application. Once a perennial crop has produced a harvestable commodity, it is considered "bearing" from that point on. Non-bearing does **NOT** refer to the period of the annual growth cycle that has no crop on the tree or vine.

Dormant season applications to plantings that have produced a harvestable crop or are expected to produce a harvestable crop during the next growing season, are considered made to a bearing crop. Crops which have sustained freeze or drought damage and are not expected to produce a harvestable crop during the next growing season are still considered to be bearing. A bearing crop cannot be made non-bearing by stripping and destroying harvestable fruit. Perennial nursery stock would normally be considered non-bearing. These guidelines are consistent with U.S. EPA's pesticide assessment guidelines for hazard evaluation and registration.

Section 4.13

Non-crop Land Areas

Interprets FAC section 12973; 3 CCR section 6000

Interpretation The use site "non-crop land areas" refers to areas which will not in the foreseeable future be used to grow food, feed, or fiber crops, or to pasture animals. Examples of non-crop land include railroad beds, lumberyards, highway shoulders, driveways, roadsides, vacant lots, etc. This could include areas in a residential or farmstead setting.

See also Fallow land.

Section 4.14

Non-food Areas

Interprets FAC section 12973; 3 CCR section 6000

Interpretation The use site “non-food areas” in the structural/institutional setting includes garbage rooms, laboratories, floor drains (to sewers), entries and vestibules, offices, locker rooms, machine rooms, boiler rooms, garages, mop closets, and storage (after canning and bottling). When pesticides are registered for use in these areas, labeling will specify dilution directions and type of application, such as general treatment, spot treatment and crack and crevice.

Section 4.15

Ornamental

Interprets FAC section 12973; 3 CCR section 6000

Interpretation The use site “ornamental” means plants that are grown for aesthetic purposes. The term includes outdoor landscape and indoor (interiorscape) plantings and nursery stock of non-food plants produced for landscape or ornamentation purposes. This term does not include common food plants, even if grown for ornamental or research purposes.

However, in certain circumstances, there are "ornamental" plants that have some limited food use such as, ornamental kale, olives, certain species of cacti, etc. Some discretion and consideration of the actual intended primary use should apply in these cases.

Section 4.16

Pasture

Interprets FAC section 12973; 3 CCR section 6000

Interpretation The use site “pasture” refers to land on which the foliage is grazed by animal stock, and on which agricultural practices are performed on an annual or more frequent basis. Any fence encompassing a pasture is included as part of the pasture. “Agricultural practices” include, cultivation, seeding, fertilization, irrigation, and pesticide application (see Rangeland).

Section 4.17

Pre-plant

Interprets FAC section 12973; 3 CCR section 6000

Interpretation Pre-plant applications are pesticide applications that are made to prepare the area for planting. These applications are directly related to the growth and development of the subsequent crop. Examples of pre-plant applications are soil fumigation prior to vegetable planting, and pre-plant herbicide or nematicide treatments. Any restrictions on what may be planted after the application must be followed.

See also Growing season.

Section 4.18

Rangeland

Interprets FAC section 12973; 3 CCR section 6000

Interpretation The use site “rangeland” is land on which the foliage is grazed by animal stock, but on which agricultural practices are not performed on an annual or more frequent basis.

See Pasture.

Section 4.19

Sorghum (family grouping)

Interprets FAC section 12973; 3 CCR section 6000

Interpretation When labeling lists the crop “sorghum” it can also be used on sudangrass and hybrids.

40 CFR part 180.1(g) columns A and B, generally establish tolerances and exemptions for pesticide chemicals in or on family grouping and specific varieties of raw agricultural commodities. Raw agricultural commodity groups listed in column A are considered to include the corresponding specific raw agricultural commodities listed in column B.

However, a tolerance or exemption for a specific commodity in column B does not apply to the entire general category in column A. So, when labeling lists the crop “sudangrass” which is in column B, the use is restricted to sudangrass and its hybrids. If used on “sorghum” which is in column A, it would be a use in conflict with labeling and a violation of FAC section 12973.

40 CFR part 180.1(g) column A clearly differentiates between the grain/seed crops and the forage/fodder crops, as does 40 CFR part 180.40, Tolerances for Crop Groups, and 40 CFR part 180.41, Crop Group Tables.

40 CFR part 180.1(g) includes both “sorghum (grain)” and “sorghum (fodder, forage)” in column A. Both of these citations include “sudangrass and hybrids” in column B. It is important to maintain consistency, whenever possible, between labeling use site interpretations and the application of tolerances. The designation of sudangrass as a specific “variety” of sorghum serves to establish the intent to allow the use of a pesticide on sudangrass whenever sorghum is listed on the labeling.

When the labeling lists the crop “grain sorghum,” use would be allowed on seed/grain crops of sorghum, sudangrass and their hybrids and labeling may have feeding restrictions concerning forage.

When the labeling lists “sorghum forage, fodder,” use would be allowed on sorghum, sudangrass and hybrids where the foliage, rather than the grain or seed, is to be the harvested crop.

Section 4.20

Spot Treatment

Interprets FAC section 12973; 3 CCR section 6000

Interpretation The use site “spot treatment” in the institutional setting means an application limited to areas on which insects are likely to occur, but which will not be in contact with food or utensils and will not ordinarily be contacted by workers. These areas may occur on floors, walks, and bases or undersides of equipment. For this purpose, a "spot" will not exceed two square feet.

In the outdoor setting, including agricultural, a spot treatment would be an application where small irregular areas are treated, usually specific areas of pest infestation within a more general area.

Section 4.21

Trees

Interprets FAC section 12973; 3 CCR section 6000

Interpretation The general site, “trees,” without any limiting language, means the product may be used on any tree and cannot be limited to only non-crop trees. However, it should be noted that there *may* not be established tolerances for some tree crops. The grower is responsible for any illegal residues contained in food or feed commodities at the time of harvest.

Section 4.22

Waterfowl in Alfalfa

Interprets FAC section 12973; 3 CCR section 6000

Interpretation The application of certain pesticides, particularly in granular form, has been implicated in the poisonings of waterfowl feeding in the treatment area. 3 CCR section 6474 (*carbofuran*) uses the phrase "where repeated feeding of waterfowl is known to occur." Coots normally do not frequent alfalfa fields where the height of the alfalfa is greater than six inches. Geese and widgeon, on the other hand, do frequent alfalfa fields regardless of the height of alfalfa.

California Department of Fish and Game (DFG) officials can be helpful in advising CAC staff concerning the presence of grazing waterfowl in the immediate locality and forecasting the movement of waterfowl from adjacent areas.

Section 4.23

Wood Intended for Cooking

Interprets FAC section 12973; 3 CCR section 6000

Interpretation U.S. EPA has indicated that the use of certain fumigants on wood intended for cooking and heating purposes is a non-food use. Phosphide and bromide residues are not expected in food cooked with treated wood. It is not a violation of the label to use methyl bromide and aluminum or magnesium phosphide fumigants on fuel wood if the products are labeled for use on wood and wood products. It is a violation of state law and the label to use other products on wood intended for cooking.

This interpretation is limited to fumigants, due to the reduced likelihood that residues would remain at time of use.
