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Title 3. Food and Agriculture

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Chapter 1. Pesticide Regulatory Program

Subchapter 1. Definition of Terms

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§ 6000. Definitions.

“Agricultural commodity,” means an unprocessed product of farms, ranches, nurseries and forests (except livestock, poultry and fish). Agricultural commodities include fruits and vegetables; grains, such as wheat, barley, oats, rye, triticale, rice, corn and sorghum; legumes, such as field beans and peas; animal feed and forage crops; rangeland and pasture; seed crops; fiber crops such as cotton; oil crops such as safflower, sunflower, corn and cottonseed; trees grown for lumber and wood products; nursery stock grown commercially; Christmas trees; ornamentals and cut flowers; and turn grown commercially for sod.

“Air-purifying respirator” means a respirator with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element.

“Application block” means a field, or portion of a field, treated in a 24-hour period that typically is identified by visible indicators, maps, or other tangible means.

“Applied to the soil” or “applied to the ground” means the labeling of a pesticide product includes terminology such as,

- (a) Soil fumigant
- (b) Soil applied
- (c) Soil treatment product
- (d) Can be used as a soil drench
- (e) Application to soil
- (f) Inject into the soil
- (g) Incorporate in top (x) inches of soil; pre-plant incorporation
- (h) Use on soil for control of soil-borne diseases
- (i) Surface application; band treatment, surface blend
- (j) Side dressing both/one side of row and cultivate into soil
- (k) Should be mixed uniformly into top (x) inches of soil
- (l) Pre-emergent to the weed
- (m) Broadcast to the soil

(n) Apply in seed furrow

“Aquatic habitat” means bodies of water, such as lakes, reservoirs, rivers, perennial and intermittent streams, wetlands, or ponds, sloughs, and estuaries.

“Artificial recharge basin” means a surface facility, such as an infiltration pond or basin, or spreading ground specifically designed and managed to increase the infiltration of introduced surface water supplies into a ground water basin. “Artificial recharge basin”

does not include ditches, canals, or reservoirs designed primarily to transport and store water, or stream channels, lakes, and other naturally occurring water bodies that are not principally managed to recharge ground water.

“Atmosphere-supplying respirator” means a respirator that supplies the respirator user with breathing air from a source independent of the ambient atmosphere, and includes supplied-air respirators (SAR) and self-contained breathing apparatus (SCBA) units.

“Branch location” means any location, other than the principal place of business, operated by a pest control dealer or an agricultural pest control business to carry out licensed activities in California.

“Buffer zone” as used in sections 6447, 6447.1, 6447.2, and 6447.3 means an area that surrounds a pesticide application block in which certain activities are restricted for a specified period of time to protect human health and safety from existing or potential adverse effects associated with a pesticide application.

“Carbamates” means esters of N-methyl carbamic acid which inhibit cholinesterase.

“Certified commercial applicator” means:

- (a) A person holding a valid qualified license issued by the director;
- (b) A pilot holding a valid journeyman pest control aircraft pilot's certificate issued by the director;
- (c) A person holding a certified technician certificate issued by the Vector Biology and Control Section of the Department of Health Services;
- (d) A person holding a valid structural pest control operator or field representative license issued by the Structural Pest Control Board of the Department of Consumer Affairs; and
- (e) A person holding a valid qualified applicator certificate by the director.

“Certified private applicator” means a private applicator holding a valid private applicator certificate issued by the commissioner (or the director in any county where there is no commissioner).

“Chemical-resistant” means a material that allows no measurable movement of the pesticide through it during use.

“Chemigation” means the application of pesticides through irrigation systems.

“Commercial applicator” means a person who uses or supervises the use of a pesticide for any purpose or on any property other than as provided by the definition of “private applicator.”

“Confidential reader” is a person chosen by an employer required to wear a respirator to read to him/her the Medical Evaluation Questionnaire required under section 6739 in a language primarily understood by the employee. This includes, but is not limited to, a coworker, family member, friend, or an independent translator provided by the employer. The employer or the employer's direct agent, such as a supervisor, manager, foreman, or secretary, are not included and are prohibited from being confidential readers.

“Conflict with labeling” means any deviation from instructions, requirements or prohibitions of pesticide product labeling concerning storage, handling or use except:

- (a) A decrease in dosage rate per unit treated;
 - (b) A decrease in the concentration of the mixture applied;
 - (c) Application at a frequency less than specified;
 - (d) Use to control a target pest not listed, provided the application is to a commodity/site that is listed and the use of the product against the unnamed target pest is not expressly prohibited;
 - (e) Employing a method of application not expressly prohibited, provided other directions are followed;
 - (f) Mixing with another pesticide or with a fertilizer, unless such mixture is expressly prohibited;
 - (g) An increase in the concentration of the mixture applied, provided it corresponds with the current published UC Pest Management Guidelines of the University of California, which are available from their Statewide Integrated Pest Management Program, 2801 Second Street, Davis, California 95681-7774, or on-line at <http://www.ipm.ucdavis.edu>; or
 - (h) The use of personal protective equipment consistent with the exceptions and substitutions in section 6738.4.
- “Continuous monitoring” means the measurement of the air concentration of a specific pesticide on an uninterrupted, real-time basis by instrumental methods.

“Course” means any course, class, or program offered by a provider of continuing education approved pursuant to section 6512.

“Coverall” means a one- or two-piece garment of closely woven fabric or equivalent that covers the entire body, except the head, hands, and feet, and must be provided by the employer as personal protective equipment. Coverall differs from, and should not be confused with, work clothing that can be required to be provided by the employee.

“Crack and crevice treatment” means 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. Only minimal amounts of pesticide should remain on the surface.

“Display” means to make information available to the employee so that he or she may readily see and read the document, during normal business hours, without having to make a specific request of any person. An employee shall not be hindered or impeded from examining documents required to be displayed. This definition does not preclude using a binder or filing cabinet, that otherwise meets these criteria, to contain documents for display.

“Dormant insecticide” means petroleum distillates, petroleum hydrocarbons, unclassified petroleum oils, and mineral oils with the addition of other insecticides -or other insecticides used alone -that are used for pest control and applied to deciduous plants.

“Dormant oil” means petroleum distillates, petroleum hydrocarbons, unclassified petroleum oils, and mineral oils that are used for pest control and applied to deciduous plants.

“Early entry” means entry into a treated field or other area after the pesticide application is complete, but before the restricted entry interval or other restrictions on entry for that pesticide have expired.

“Employee” means any person who, for any kind of compensation, performs work, services, or activities covered by this division.

“Employer” means any person who exercises primary direction and control over the work, services, or activities of an employee. A foreman, crew leader, supervisor, or similarly situated person represents the employer when hiring an employee or when exercising, or having responsibility for exercising, the primary direction and control, but is not considered the employer himself or herself.

“Enclosed cab” means a chemical resistant barrier that completely surrounds the occupant(s) of the cab and prevents dermal contact with pesticides being applied outside of the cab.

“Enclosed space” means a space enclosed, entirely or in part, with a nonporous covering of sufficient size to permit entry, and is used in the commercial or research production of an agricultural plant commodity. This includes greenhouses, polyhouses, mushroom houses, hoop houses, and similar structures.

“Engineered rights-of-way” means areas within a ground water protection area that are constructed in a way that results in increased runoff and collection of storm water, such as railroad ballasts and berms, public roadsides, and highway median strips or similar areas, but not canal or ditch banks or utility lines.

“Evapotranspiration” is the combination of water transpired from vegetation and evaporated from the soil and plant surfaces. Evapotranspiration data can be obtained from the California Irrigation Management Information System (CIMIS) or other local sources.

“Examination” means written examination.

“Feasible” means capable of being accomplished in a successful manner, within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

“Feasible alternatives” means other chemical or non-chemical procedures which can reasonably accomplish the same pest control function with comparable effectiveness and reliability, taking into account economic, environmental, social, and technological factors and timeliness of control.

“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.

“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.

“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.

"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.

"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 purposes specified in Sections 12753 and 12758 of the Food and Agricultural Code.

"Pesticide exposure study" means

(a) A data gathering project that meets one or more of the following criteria:

(1) Human participants are to be directly exposed to the pesticide for the purpose of determining its pharmacokinetics or pharmacodynamics;

(2) Human participants are monitored and the use of the pesticide is not consistent with current accepted labeling or current regulations;

(3) Humans are exposed as the result of a contrived application in order to monitor exposure without routine pest control being a significant objective;

(4) Human participants are monitored for the purpose of satisfying initial or continuing registration requirements of the U.S. Environmental Protection Agency or the Department; or

(5) Human participants are monitored to develop or contribute knowledge of pesticide exposure to be generalized to other populations.

(b) "Pesticide exposure study" does not include the following:

- (1) Data collected for the purpose of satisfying an existing health standard for exposure monitoring or if it is understood that routine monitoring is a condition of employment;
- (2) Unscheduled monitoring of persons in response to a medical emergency to identify possible sources of exposure;
- (3) Monitoring conducted by a government agency or by an employer, to determine the workplace exposure of his or her employees.
- (4) Monitoring requested by an individual or group of individuals to determine personal exposure levels.
- (5) The analysis or evaluation, after the human participant involvement has ceased, of existing or previously collected data, documents, records, specimens, or samples, if these sources are publicly available or if the information is recorded by the study director in such a manner that the human participants cannot be identified, directly or through identifiers linked to the participants.

"Pesticide safety information series" means a series of leaflets that summarize health and safety aspects of various pesticides and groups of pesticides.

"Pesticides in toxicity category one" means pesticide products which are required to prominently display the signal word "DANGER" on the label.

"Pesticides in toxicity category two" means pesticide products which are required to prominently display the signal word "WARNING" on the label.

"Physician or other licensed health care professional (PLHCP)" means an individual whose legally permitted scope of practice allows him or her to independently provide, or be delegated the responsibility to provide, some or all of the health care services required by these regulations.

"Precipitation" means the condensation of atmospheric water vapor that falls under gravity. Precipitation does not include mist or fog.

"Private applicator" means:

(a) an individual who uses or supervises the use of a pesticide for the purpose of producing an agricultural commodity as defined by Title 40 Code of Federal Regulations, section 171.2(a)(5) (July 1, 2013) on property owned, leased, or rented by him/her or his/her employer; or

(b) a householder who uses or supervises the use of a pesticide, outside the confines of a residential dwelling for the purpose of controlling ornamental, plant or turf pests on residential property owned, leased, or rented by that householder.

"Qualified applicator certificate holder" means a person who has qualified by examination in one or more pest control categories to supervise pesticide applications. However, such qualification shall not entitle the holder to supervise the operations of a pest control business licensed pursuant to section 11701 of the Food and Agricultural Code, except as provided in section 11704.

"Qualified applicator licensee" means a person who has qualified by examination in one or more pest control categories to supervise the pesticide applications made by a pest control business licensed pursuant to sections 11701 to 11709, inclusive, of the Food and Agricultural Code, and who is responsible for safe and legal operations under such license.

"Qualitative fit test (QLFT)" means a pass/fail fit test to assess the adequacy of respirator fit that relies on the individual's response to the test agent.

"Quantitative fit test (QNFT)" means an assessment of the adequacy of respirator fit by numerically measuring the amount of leakage into the respirator.

"Regularly handle" means that the employee is handling pesticides during any part of the day for more than 6 calendar days in any 30 consecutive day qualifying period beginning on the first day of handling. Any day spent mixing or loading pesticides while exclusively using a closed system or mixing only pesticides sealed in water-soluble packets is not included for any employee who has a baseline blood cholinesterase level established pursuant to section 6728(c)(1).

"Respirator program administrator" is a person who is qualified by appropriate training or experience that is commensurate with the complexity of the respiratory protection program, and demonstrates knowledge necessary to administer a respiratory protection program. Such training or experience includes, but is not limited to, reading and understanding either the American National Standard for Respiratory Protection Publication (ANSI Z88.2), or the U.S. Department of Labor's "Small Entity Compliance Guide for the Revised Respiratory Protection Standard"; or taken specific course work on developing a respiratory protection program from a college or a respirator manufacturer's authorized representative; or is an American Board of Industrial Hygiene Certified Industrial Hygienist.

"Restricted entry interval" (REI) means the period of time after a field is treated with a pesticide during which restrictions on entry are in effect to protect persons from potential exposure to hazardous levels of residues. An REI may be found on pesticide product labeling or in regulation.

"Runoff ground water protection areas" are sections of land designated as "runoff" in the Department of Pesticide Regulation document, Ground Water Protection Areas 2018 (Rev. 10/18), hereby incorporated by reference, where pesticide residues are carried in runoff water to more direct routes to ground water such as dry or drainage wells, poorly sealed production wells, or soil cracks, or to areas where leaching can occur.

"Sensitive aquatic site" means any irrigation or drainage ditch, canal, or other body of water in which the presence of dormant insecticides could adversely impact any of the beneficial uses of the waters of the state specified in Water Code section 13050(f).

"Site specific" means a pesticide permit that identifies the specific area to be treated, the size of that area, and the commodity(ies) or site(s) on that area to be treated.

"Solicits services or sales," as used in section 11410 of the Food and Agricultural Code, means sells or offers for sale any pesticide, method, or device outside of a fixed place of business.

"Spot treatment" means an application to limited areas that will not exceed two square feet on which pests are likely to occur or have been located during the process of monitoring or inspection.

"Structural use" means a use requiring a license under chapter 14 (commencing with section 8500), division 3 of the Business and Professions Code.

"Study director" means the individual responsible for the overall conduct of a research project.

"Substantial Drift" means the quantity of pesticide outside of the area treated is greater than that which would have resulted had the applicator used due care. This definition is applicable to section 12972 of the Food and Agricultural Code and section 6614 of title 3, California Code of Regulations.

"Time specific" means a pesticide permit that specifies the date the intended application is to commence or permit with a notice of intent requirement. The pesticide use may commence within four days following such date if delays are caused by uncontrollable conditions such as adverse weather or unavailability of equipment. The commissioner shall require a notice of intent from either the grower, the grower's authorized representative, or the pest control business when necessary to make the permit time and site specific.

"Treated field" means a field that has been treated with a pesticide or had a restricted entry interval or entry restricted period in effect within the last 30 days. A treated field includes associated roads, paths, ditches, borders, and headlands, if the pesticide was also directed to those areas. A treated field does not include areas inadvertently contaminated by drift or over spray.

"Use" means any pesticide related activity including:

(a) Pre-application activities, including;

(1) Arranging for the application;

(2) Mixing or loading; and

(3) Making necessary preparations for the application, including responsibilities related to notification, handler training, decontamination facilities, use and care of personal protective equipment, medical monitoring and assistance, and heat stress management;

(b) Application of the pesticide;

(c) Post-application activities, including;

(1) Control of the treated area to reduce exposure, including responsibilities for restricted entry intervals, warnings, decontamination facilities, medical assistance, and fieldworker training;

(2) Management of the treated area, crop, or crop by-products, including responsibilities for preharvest intervals and plant back restrictions;

(3) Transportation, storage, and disposal of excess pesticides, spray mix, equipment wash water, and pesticide containers; and

(4) Cleaning of application equipment and other pesticide containing materials.

(d) Use does not include:

(1) Activities where involvement is only incidental to other tasks such as emergency responders providing incident management, commercial transportation of pesticide related waste for disposal or recycling, or a waste disposal or recycling facility accepting or handling these wastes; or

(2) Manufacturing, formulating, or packaging (including bulk repackaging) by a registered pesticide producing establishment.

"Veterinarian" means a person licensed to practice veterinary medicine in California.

"Volatile organic compound (VOC)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions. This includes any organic compound other than those exempted by the U.S. Environmental Protection Agency pursuant to Title 40 of the Code of Federal Regulations section 51.100.

"Weed oil" means a pesticide, the label of which states that the product may be used, by itself, to control weeds, and which contains 70% or more of the following active ingredients, petroleum hydrocarbons, mineral oil, petroleum oil, petroleum distillates, and/or

aromatic petroleum distillates.

“Work clothing” means garments such as long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, and socks. Work clothing is not considered personal protective equipment although pesticide product labeling or regulations may require specific work clothing during some activities. Work clothing differs from and should not be confused with a coverall. While coveralls shall be provided by the employer, work clothing can be required to be provided by the employee. Short sleeved shirts and short pants are considered acceptable work clothing only under conditions expressly permitted by pesticide product labeling.

“Worker housing area” means any place or area of land on or near an agricultural establishment where housing or space for housing is provided for workers or handlers by an agricultural employer, owner, labor contractor, or any other person responsible for the recruitment or employment of agricultural workers.

Note: Authority cited: Sections 11456, 11502, 12111, 12781, 12976, 12981, 13145, 14001 and 14005, Food and Agricultural Code. Reference: Sections 11401.2, 11408, 11410, 11501, 11701, 11702(b), 11704, 11708(a), 12042(f), 12103, 12971, 12972, 12973, 12980, 12981, 13145, 13146 and 14006, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect repealing section and adopting new section filed 10-12-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 42). For prior history, see Register 92, No. 5.
2. New definition “Economic poison” filed 9-23-94; operative 10-24-94 (Register 94, No. 38).
3. New definition “Pesticide exposure study” and amendment of Note filed 5-26-95; operative 6-26-95 (Register 95, No. 21).
4. New definitions for “Assure,” “Chemical resistant,” “Chemigation,” “Coverall,” “Display,” “Early entry,” “Enclosed cab acceptable for respiratory protection,” “Fieldworker,” “Greenhouse,” “Hand labor,” “Nursery,” “Treated field,” and “Use,” and amendment of definitions for “Commercial applicator,” “Employee,” “Employer,” “Enclosed cab,” “Field,” “Handle,” “Personal protective equipment,” “Private applicator,” “Restricted entry interval” and “Work clothing” and amendment of Note filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).
5. Change without regulatory effect repealing definition of “Economic poison” and amending definitions of “Pesticide” and “Weed oil” filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).
6. Amendment of definitions of “Conflict of labeling,” “Enclosed cab” and “Enclosed cab acceptable for respiratory protection” filed 5-10-99; operative 6-9-99 (Register 99, No. 20).
7. New definition for “Fumiscope” and amendment of Note filed 8-15-2000; operative 9-14-2000 (Register 2000, No. 33).
8. Repealer of definition “Authorized representative,” amendment of definitions “Certified private applicator,” “Operator of the property” and “Private applicator,” new definitions “Course” and “Person” and amendment of Note filed 10-20-2000; operative 11-19-2000 (Register 2000, No. 42).
9. New definitions of “Application block” and “Buffer zone” filed 12-15-2000; operative 1-14-2001 (Register 2000, No. 50).
10. Change without regulatory effect amending regulatory definitions of “Enclosed cab” and “Enclosed cab acceptable for respiratory protection” and repealing regulatory definition of “Restricted materials hazard chart” filed 3-8-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 10).
11. New definitions of “Ethical review,” “Human participant,” “Institutional Review Board (IRB)” and “Study director” and amendment of definition of “Pesticide exposure study” filed 7-18-2002 as an emergency; operative 7-18-2002 (Register 2002, No. 29). A Certificate of Compliance must be transmitted to OAL by 11-15-2002 or emergency language will be repealed by operation of law on the following day.
12. Repealer and new definitions of “Application block” and “Buffer zone” filed 9-19-2002 as an emergency; operative 9-22-2002 (Register 2002, No. 38). A Certificate of Compliance must be transmitted to OAL by 1-21-2003 or emergency language will be repealed by operation of law on the following day.
13. New definitions of “Ethical review,” “Human participant,” “Institutional Review Board (IRB)” and “Study director” and amendment of definition of “Pesticide exposure study” refiled 11-7-2002 as an emergency; operative 11-15-2002 (Register 2002, No. 45). A Certificate of Compliance must be transmitted to OAL by 3-17-2003 or emergency language will be repealed by operation of law on the following day.
14. Repealer and new definitions of “Application block” and “Buffer zone” refiled 1-21-2003 as an emergency; operative 1-21-2003 (Register 2003, No. 4). A Certificate of Compliance must be transmitted to OAL by 5-21-2003 or emergency language will be repealed by operation of law on the following day.
15. Certificate of Compliance as to 11-17-2002 order, including repealer of definition of “Ethical review” and further amendment of definitions of “Institutional Review Board” and “Pesticide exposure study,” transmitted to OAL 3-17-2003 and filed 4-24-2003 (Register 2003, No. 17).

16. Repealer and new definitions of "Application block" and "Buffer zone" refiled 5-19-2003 as an emergency; operative 5-21-2003 (Register 2003, No. 21). A Certificate of Compliance must be transmitted to OAL by 9-18-2003 or emergency language will be repealed by operation of law on the following day.
17. Repealer and new definitions of "Application block" and "Buffer zone" 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.
18. Repealer and new definitions of "Application block" and "Buffer zone" 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.
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).
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).

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3 CCR § 6000, 3 CA ADC § 6000

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[Home](#) [Table of Contents](#)**§ 6000.1. Definitions. [Repealed]**

3 CA ADC § 6000.1

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3 CCR § 6000.1

§ 6000.1. Definitions. [Repealed]

Note: Authority cited: Sections 407, 12976 and 14005, Food and Agricultural Code. Reference: Sections 11501 and 14006, Food and Agricultural Code.

HISTORY

1. Editorial renumbering and amendment of former section 2442 to section 6000.1 filed 8-13-85 (Register 85, No. 33).
2. Change without regulatory effect repealing section filed 10-12-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 42).

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3 CCR § 6000.1, 3 CA ADC § 6000.1

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3 CA ADC § 6000.2

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3 CCR § 6000.2

§ 6000.2. Definitions. [Repealed]

Note: Authority cited: Sections 407, 12976 and 14005, Food and Agricultural Code. Reference: Sections 11501 and 14006, Food and Agricultural Code.

HISTORY

1. Editorial renumbering and amendment of former section 2451 to section 6000.2 filed 8-13-85 (Register 85, No. 33).
2. Editorial correction of printing errors in introductory paragraph and subsection (a)(2) (Register 91, No. 33).
3. Change without regulatory effect repealing section filed 10-12-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 42).

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3 CCR § 6000.2, 3 CA ADC § 6000.2

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3 CA ADC § 6000.3

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3 CCR § 6000.3

§ 6000.3. Permit System: Definitions. [Repealed]

Note: Authority cited: Sections 407, 12976 and 14005, Food and Agricultural Code. Reference: Sections 11501 and 14006, Food and Agricultural Code.

HISTORY

1. Editorial renumbering and amendment of former section 2452(j)(1)(A)-(G) to section 6000.3 filed 8-13-85 (Register 85, No. 33).
2. Change without regulatory effect repealing section filed 10-12-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 42).

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3 CCR § 6000.3, 3 CA ADC § 6000.3

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3 CA ADC § 6000.4

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3 CCR § 6000.4

§ 6000.4. Definitions. [Repealed]

Note: Authority cited: Sections 407 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former section 2476 to section 6000.4 filed 10-25-85; effective thirtieth day thereafter (Register 85, No. 43).
2. Amendment filed 8-1-86; effective thirtieth day thereafter (Register 86, No. 31).
3. Amendment of introductory sentence, subsections (b), (d),(f)-(i), (m), (o) and (p) and new subsections (q) and (r) filed 9-26-88; operative 10-26-88 (Register 88, No. 41).
4. New section (r) filed 8-16-90; operative 8-16-90 (Register 90, No. 36).
5. Editorial correction to introductory sentence (Register 91, No. 33).
6. Change without regulatory effect repealing section filed 10-12-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 42).

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3 CCR § 6000.4, 3 CA ADC § 6000.4

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3 CA ADC § 6000.5

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3 CCR § 6000.5

§ 6000.5. Definitions. [Repealed]

Note: Authority cited: Sections 407, 12781 and 13145, Food and Agricultural Code. Reference: Sections 13145 and 13146, Food and Agricultural Code.

HISTORY

1. New section filed 12-1-88; operative 12-1-88 (Register 88, No. 51).
2. Change without regulatory effect repealing section filed 10-12-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 42).

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3 CCR § 6000.5, 3 CA ADC § 6000.5

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§ 6000.6. Groundwater Protection Definitions. [Repealed]
3 CA ADC § 6000.6
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3 CCR § 6000.6

§ 6000.6. Groundwater Protection Definitions. [Repealed]

Note: Authority: Sections 407, 12781, 12976 and 14005, Food and Agricultural Code. Reference: Sections 14005, 14006 and 13145, Food and Agricultural Code.

HISTORY

1. New section filed 4-10-90; operative 4-10-90 pursuant to Government Code section 11346.2(d) (Register 90, No. 16).
2. Change without regulatory effect repealing section filed 10-12-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 42).

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3 CCR § 6000.6, 3 CA ADC § 6000.6

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3 CA ADC § 6100

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Article 1. Purpose

3 CCR § 6100

§ 6100. Purpose.

(a) This article provides for the submittal of the pesticide regulatory program to the Secretary of Resources for certification. This article is contingent on certification of the pesticide regulatory program by the Secretary of the Resources Agency and shall expire if and when the pesticide regulatory program is not certified. The submittal for certification under Section 21080.5 of the Public Resources Code provides for environmental review of the pesticide regulatory program which is to be achieved in view of the findings of the Legislature in Section 1, Chapter 308, Statutes 1978, which are as follows:

- (1) Agriculture is a major and essential component of California's economy.
- (2) The proper, safe, and efficient use of pesticides is essential for the protection and production of agricultural commodities and for health protection.
- (3) Timeliness in the application of pesticides is paramount in good pest management and is essential in the prevention of economic waste.
- (4) Reasonable environmental review of such pesticide use is prudent and appropriate.
- (5) Individual permits to apply pesticides must often be issued on short notice, thereby making impracticable the type of environmental review which would occur if the issuance of such permits was subject to the preparation of an environmental impact report or a negative declaration pursuant to the requirements of Division 13 of the Public Resources Code.
- (6) Preparation of environmental impact reports and negative declarations for pesticide permits would be an unreasonable and expensive burden on California agriculture and health protection agencies.
- (7) For the purposes of this article any county agricultural commissioner shall be considered a state agency. Under authority of the Food and Agricultural Code, each commissioner shall administer the local enforcement of the pesticide regulatory program under the supervision of the director.
- (8) The procedures for governmental review of pesticide recommendations and use shall not unnecessarily burden permit applicants or require such applicants to furnish unnecessary information.

(b) This section and Sections 6122, 6408, 6410, 6422, 6424, 6426, 6428, 6430, 6432, 6434 and 6436 shall expire if and when the department's pesticide regulatory program is not certified pursuant to Section 21080.5 of the Public Resources Code.

Note: Authority cited: Sections 11456, 12781 and 14005, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code; and Chapter 308, Statutes of 1978.

HISTORY

1. Editorial renumbering and amendment of former Section 2441 to Section 6100(a) and renumbering and amendment of former Section 2452(k) to Section 6100(b) 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).

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3 CA ADC § 6102

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Article 1. Purpose

3 CCR § 6102

§ 6102. Severance.

If any provision of division 4, chapter 1 subchapter 2, articles 4, 5, 7, 11 and 20 or division 6, chapter 2, subchapter 4 or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions of the cited articles or application of the articles which can be given effect without the invalid provision or application, and to this end the provisions of the cited articles are severable.

Note: Authority cited: Sections 11456, 12781, 12981 and 14005, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code; and Chapter 308, Statutes of 1978.

HISTORY

1. Editorial renumbering and amendment of former section 2490.3 to section 6102 filed 8-13-85 (Register 85, No. 33).
2. Editorial correction of printing error (Register 91, No. 33).
3. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6102, 3 CA ADC § 6102

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3 CA ADC § 6110

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Article 2. Standards

3 CCR § 6110

§ 6110. Public Reports.

(a) When the director proposes to amend, adopt, or repeal a standard or regulation of the pesticide regulatory program or is reviewing a county regulation pursuant to Section 11503 of the Food and Agricultural Code, a public report shall be prepared allowing 45 days for the public to review each proposal. The public report shall be posted on the official bulletin boards of the Department, and of each commissioner's office, and in each District office of the Division of Pest Management, Environmental Protection and Worker Safety for 45 days. "Standard," as used in this article, means pest management guidelines, restricted materials hazard chart, pesticide safety information series, and similar documents.

(1) Each public report shall include a summary of the proposal and shall be sent to any person upon written request. In addition, the public agencies to be consulted pursuant to Section 6252 shall be sent a copy of the public report. The director may develop a schedule of actual cost for the reproduction of public reports to be charged to those requesting copies.

(2) Each public report shall describe the activities of the pesticide regulatory program that will be affected by the proposal and a summary of existing statutes related to the proposal.

(3) Each public report shall include a statement of any significant adverse environmental effect that can reasonably be expected to occur, directly or indirectly, from implementing the proposal, and a statement of any reasonable mitigation measures that are available to minimize significant adverse environmental impact.

(4) Each public report shall also contain a statement and discussion of reasonable alternatives which would reduce any significant environmental impact.

(5) The availability of the public report shall be noted in any notices of any proceeding on the proposal.

(b) The evaluation of proposed changes shall follow any hearing or other consultation with the public, and the director shall consider all applicable factors including the following in evaluating the proposal:

(1) The adequacy of the proposal in achieving the purposes of the pesticide regulatory program as provided in Section 11501 of the Food and Agricultural Code.

(2) The consistency of the proposal with the intent and provisions of Section 21080.5 of the Public Resources Code.

Note: Authority cited: Sections 11456, 12781 and 14005, Food and Agricultural Code. Reference: Section 21080.5, Public Resources Code; and Sections 11501 and 11503, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2444(a) and (b) to Section 6110 filed 8-13-85 (Register 85, No. 33).

2. Amendment filed 1-18-89; operative 2-17-89 (Register 89, No. 5).

3. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6110, 3 CA ADC § 6110

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3 CA ADC § 6116

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Article 2. Standards

3 CCR § 6116

§ 6116. Notice of Final Decision.

(a) (1) The final action taken regarding a standard or regulation in which a significant adverse environmental point was raised during the evaluation process shall include a written evaluation of such points approved by the director.

(2) The director shall not adopt a standard or regulation which would cause a significant adverse environmental impact if there is a feasible alternative or feasible mitigation measure available which would substantially lessen any significant adverse impact which implementation of the proposal may reasonably be expected to have on the environment.

(b) After adopting a standard or regulation affecting the pesticide regulatory program, the director shall file a Notice of Decision with the Secretary of the Resources Agency for posting. The notice shall be available for public inspection, and remain posted for a period of 30 days at the Resources Agency.

Note: Authority cited: Sections 11456, 12781, 12981 and 14005, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code.

HISTORY

1. Editorial renumbering and amendment of former Section 2444(c) and (d) to Section 6116 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).

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3 CCR § 6116, 3 CA ADC § 6116

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3 CA ADC § 6118

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Article 2. Standards

3 CCR § 6118

§ 6118. Emergency Actions.

The director shall prepare a public report on proposed emergency standards or regulations relative to the pesticide regulatory program. Insofar as possible, each report shall be available in advance of the emergency adoption of proposed standards or regulations. Comments from the general public and public agencies shall be solicited pursuant to the Administrative Procedure Act.

Note: Authority cited: Sections 11456, 12781 and 14005, Food and Agricultural Code. Reference: Section 14103, Food and Agricultural Code; and Chapter 308, Statutes of 1978.

HISTORY

1. Editorial renumbering of former Section 2444(e) to Section 6118 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).

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3 CCR § 6118, 3 CA ADC § 6118

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3 CA ADC § 6122

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Article 3. Consultation

3 CCR § 6122

§ 6122. Commissioner Consultation.

(a) At least quarterly and when notified by a responsible public agency of a violation of an applicable environmental standard, each commissioner shall consult with public agencies that have jurisdiction by law with respect to resources that may be affected by use of pesticides in the county. Such public agencies include, but are not limited to, agencies that are concerned with public and occupational health, air and water quality, fish and wildlife.

The consultation shall include the identification of past or potential problems associated with the use of pesticides, appropriate alternatives and mitigation measures, and appropriate permit conditions which substantially reduce any problem.

(b) The commissioner shall consult with the County Farm Advisor or other knowledgeable persons during critical pest control seasons in order to keep abreast of current pest conditions in the county. Such consultation shall be utilized to establish information to assist the evaluation of permit applications and notices of intent to apply a pesticide.

Note: Authority cited: Sections 11456, 12781, 12981 and 14005, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code; and Chapter 308, Statutes of 1978.

HISTORY

1. Editorial renumbering of former Section 2445 to Section 6122(a) and renumbering of former Section 2452(j)(11) to Section 6122(b) 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).

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3 CCR § 6122, 3 CA ADC § 6122

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3 CA ADC § 6128

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Article 1. Guidelines

3 CCR § 6128

§ 6128. Enforcement Response to Violations.

(a) The commissioner shall comply with the provisions of this section each time an incident or a violation of law or regulation occurs, related to agricultural or structural use of pesticides or any use of a fumigant, to determine the appropriate enforcement response.

(b) For purposes of this section, and sections 6130 and 6131, the following terms are defined as follows:

“Compliance action” is an action that documents that certain behavior or an act is in violation of the law or regulations. The documentation may or may not allege the recipient committed the violation at issue. Compliance actions do not directly impose a monetary penalty. Compliance actions include violation notice; warning letter; documented compliance interview; or noncompliance noted on an inspection form. Compliance actions also include public protection actions such as cease and desist orders; seize or hold product or produce orders; and prohibit harvest orders.

“Decision report” is a written record of the basis for a commissioner’s decision not to take an enforcement action.

“Enforcement action” is an action with the potential to impose a monetary penalty or loss of a right or privilege initiated by a Notice of Proposed Action. Enforcement actions include administrative civil penalty or disciplinary action (refuse, suspend, or revoke) against a county registration, certificate, or permit.

“Incident” is an occurrence in which one or more violations are discovered. An incident may be a single inspection or audit, a set of two or more inspections or audits related to the occurrence, or a pesticide episode investigation.

(c) After determining the violation class specified in Title 3, California Code of Regulations section 6130 or Title 16, California Code of Regulations section 1922, the commissioner shall respond to each incident with one or more of the enforcement responses listed below.

(1) Class A or Serious Violation

(A) A formal referral to the District Attorney, City Attorney, Circuit Prosecutor, or the Director or Structural Pest Control Board Registrar for a statewide licensing action.

(B) An enforcement action. If the enforcement response initially selected by the commissioner was a formal referral but the referral was declined, then the commissioner shall proceed with this enforcement response.

(2) Class B or Moderate Violation

(A) A formal referral to the District Attorney, City Attorney, Circuit Prosecutor, or the Director or Structural Pest Control Board Registrar for a statewide licensing action.

(B) An enforcement action. If the enforcement response initially selected by the commissioner was a formal referral but the referral was declined, then the commissioner shall proceed with this enforcement response.

(C) A compliance action with a decision report, provided there has not been a violation in Class A or B within two years of the current violation. In some instances, a compliance action may be taken in addition to the enforcement response in (2)(A) or (B), in which case a decision report is not required.

(3) Class C or Minor Violation

(A) An enforcement action; or

(B) A compliance action

(d) If a decision report is required, the commissioner shall submit the decision report to the Director, within 60 days of the date of the initial compliance action, for concurrence. If the Director does not concur with the commissioner's decision, the Director shall notify the commissioner within 30 days of receipt of the decision report with the specific reasons for denial, and an enforcement action shall be taken by the commissioner. The commissioner shall retain a copy of the decision report for two years. A decision report shall contain:

- (1) The identification of the respondent or case;
- (2) A summary of the incident or act;
- (3) The section(s) violated;
- (4) The class of each violation pursuant to Title 3, California Code of Regulations section 6130 or Title 16, California Code of Regulations section 1922;
- (5) An explanation of the circumstances that justify not taking an enforcement action;
- (6) The date of decision; and
- (7) The name of the Agency official responsible for the decision.

(e) In the case of a priority investigation, as defined in the 2005 Cooperative Agreement, dated April 2005, between the California Department of Pesticide Regulation, the California Agricultural Commissioners and Sealers Association, and the U.S. Environmental Protection Agency, Region IX, except in cases of intentional ingestion, the commissioner shall provide an opportunity to the District Attorney, City Attorney, or Circuit Prosecutor to participate in the investigation and/or pursue a civil or criminal action when a violation may have occurred.

Note: Authority cited: Sections 2281, 11456, 12781, 12976 and 15203, Food and Agricultural Code. Reference: Sections 11892, 12996, 12997, 12999.5 and 15202, Food and Agricultural Code; and Section 8617, Business and Professions Code.

HISTORY

1. New section filed 11-30-2006; operative 11-30-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 48).
2. Amendment of section heading, section and Note filed 8-23-2011; operative 9-22-2011 (Register 2011, No. 34).

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3 CCR § 6128, 3 CA ADC § 6128

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3 CA ADC § 6130

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Article 1. Guidelines

3 CCR § 6130

§ 6130. Civil Penalty Actions by Commissioners.

(a) When taking civil penalty action on incidents or violations related to agricultural or structural use of pesticides and all uses of fumigants pursuant to section 12999.5 of the Food and Agricultural Code, county agricultural commissioners shall use the provisions of this section to determine the violation class and the fine amount. This section may also be used to determine the violation class and fine amount for violations involving other uses of pesticides.

(b) County agricultural commissioners shall designate violations as "Class A," "Class B," or "Class C" using the following definitions:

(1) A Class A violation is one of the following:

(A) A violation that caused a health, property, or environmental hazard.

(B) A violation of a law or regulation that mitigates the risk of adverse health, property, or environmental effects, and the commissioner determines that one of the following aggravating circumstances support elevation to Class A.

1. The respondent has a history of violations;

2. The respondent failed to cooperate in the investigation of the incident or allow a lawful inspection; or,

3. The respondent demonstrated a disregard for specific hazards of the pesticide used;

(C) A violation of a lawful order of the commissioner issued pursuant to sections 11737, 11737.5, 11896, 11897, or 13102 of the Food and Agricultural Code.

(2) A Class B violation is a violation of a law or regulation that mitigates the risk of adverse health, property, or environmental effects that is not designated as Class A.

(3) A Class C violation is a violation of a law or regulation that does not mitigate the risk of an adverse health, property, or environmental effect, including, but not limited to, Title 3, California Code of Regulations, sections 6624 through 6628, and Food and Agricultural Code sections 11732, 11733, and 11761.

(c) The fine range for each class of violation is:

(1) Class A: \$700 to \$5,000.

(2) Class B: \$250 to \$1,000.

(3) Class C: \$50 to \$400.

(d) When determining the fine amount within the fine range, the commissioner shall use relevant facts, including severity of actual or potential effects and the respondent's compliance history, and include those relevant facts in the notice of proposed action.

(e) The commissioner shall send a copy of the notice of proposed action to the Director no later than the time the notice is provided to the respondent.

(f) If the respondent requested and appeared at the hearing offered by the commissioner, the commissioner's decision shall include information concerning the person's right to appeal the decision to the Director.

(g) The commissioner shall send a copy of the notice of final action to the Director no later than the time the notice is provided to the respondent.

Note: Authority cited: Sections 12781, 12976 and 15203, Food and Agricultural Code. Reference: Sections 11892, 12973, 12997, 12999.5 and 15202, Food and Agricultural Code; and Section 8617, Business and Professions Code.

HISTORY

1. New group 3 (article 1, section 6130) filed 10-16-86 pursuant to Stats. 1985, Ch. 943, Sec. 4; effective thirtieth day thereafter (Register 86, No. 42).
2. Amendment filed 12-27-90; operative 1-26-91 (Register 91, No. 4).
3. Amendment of section heading, section and Note filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).
4. Change without regulatory effect amending subsection (b), adopting new subsection (b)(1), relettering subsections and amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
5. Amendment of subsections (a)(1)-(a)(1)(C) filed 4-26-2004; operative 5-26-2004 (Register 2004, No. 18).
6. Amendment of subsections (a)(1) and (a)(2), repealer of subsections (a)(2)(A)-(B) and amendment of subsection (a)(3) filed 11-30-2006; operative 11-30-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 48).
7. Amendment of section, including renumbering of former subsections (b)-(b)(6) to new section 6131, and amendment of Note filed 8-23-2011; operative 9-22-2011 (Register 2011, No. 34).

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3 CCR § 6130, 3 CA ADC § 6130

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3 CA ADC § 6131

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3 CCR § 6131

§ 6131. Actions Allowed Against Licensed or Certificated Employees.

(a) When bringing an enforcement action against an employee who failed to use personal protective equipment or other safety equipment as required by section 6702(c) or a pesticide product's labeling, the commissioner shall determine that all of the following conditions are met:

- (1) The employee is licensed or certified pursuant to Chapter 14, Division 3, of the Business and Professions Code; Chapters 5 or 8, Division 6, of the Food and Agricultural Code; or Chapters 3.4 or 3.6, Division 7, of the Food and Agricultural Code;
- (2) The employer provided the equipment to the employee and the equipment was available at the work site in a condition that would have provided the safety or protection intended by the equipment;
- (3) The employer has implemented a written workplace disciplinary action policy requiring the employee to use the equipment;
- (4) The employee has acknowledged by signature having read and understood the employer's written workplace disciplinary action policy for failure to use the equipment; and,
- (5) The employer has complied with applicable training requirements of this Division prior to the time the employee failed to use the equipment.

(b) A Notice of Proposed Action to fine an employee for failure to use personal protective equipment must include a copy of the text of subsection (a).

Note: Authority cited: Sections 12781, 12976, and 15203, Food and Agricultural Code. Reference: Sections 11892, 12973, 12997 and 15202, Food and Agricultural Code; and Section 8616.9, Business and Professions Code.

HISTORY

1. Renumbering and amendment of former subsections 6130(b)-(b)(6) to new section 6131 filed 8-23-2011; operative 9-22-2011 (Register 2011, No. 34).

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3 CCR § 6131, 3 CA ADC § 6131

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3 CA ADC § 6140

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Article 1. Inspection, Copying and Sampling

3 CCR § 6140

§ 6140. Inspection Authority.

(a) The director or commissioner may, during business hours, or if necessary to ensure immediate compliance, at any other reasonable time enter and inspect, and/or sample any of the following or related items in order to determine compliance with the provisions of this chapter and Divisions 6 and 7 of the Food and Agricultural Code, which pertain to pesticides and pest control operations.

- (1) Fields, areas, structures, and greenhouses where pesticides are handled, stored or applied;
- (2) Growing crops and harvested commodities;
- (3) Equipment (including protective clothing and equipment) used to store, transport or handle pesticides;
- (4) Change areas and other facilities used by employees; and
- (5) Pesticides and tank mixtures thereof.

(b) Each person responsible, pursuant to the provisions of this chapter and Division 6 and 7 of the Food and Agricultural Code which pertain to pesticides and pest control operations, for preparing and maintaining records shall make those records available to the Director or commissioner during business hours upon demand of the Director or commissioner. The required records include:

- (1) records concerning work hours, training and medical monitoring of employees;
- (2) pest control recommendations and pesticide use and operations records; and
- (3) pesticide transaction, sales and delivery records.

Note: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 11456, 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former Section 6708 to Section 6140 filed 9-26-88; operative 10-26-88 (Register 88, No. 41). For prior history, see Registers 86, No. 34 and 86, No. 31.
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).

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3 CCR § 6140, 3 CA ADC § 6140

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3 CA ADC § 6141

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Article 1. Inspection, Copying and Sampling

3 CCR § 6141

§ 6141. Employee Interviews.

The director or commissioner may confidentially interview any employee during work hours when reasonably necessary for an investigation of employee illness(s) suspected of having been caused by a pesticide or to investigate a suspected pesticide related safety violation.

Note: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 11456, 12980 and 12981, Food and Agricultural Code.

HISTORY

1. New section filed 9-26-88; operative 10-26-88 (Register 88, 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).

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3 CCR § 6141, 3 CA ADC § 6141

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3 CA ADC § 6142

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Article 1. Sunset Review Schedule

3 CCR § 6142

§ 6142. Sunset Review of Regulations.

(a) The Director shall review all regulations in Division 6 of Title 3 on a five-year cycle according to the following schedule:

(1) Year one (commencing in 2000 and repeated every five years thereafter):
Chapter 1. Pesticide Regulatory Program, and Chapter 2. Pesticides, Subchapter 1;

(2) Year two: (commencing in 2001 and repeated every five years thereafter):
Chapter 2. Pesticides, Subchapters 2, 3, 4, and 5;

(3) Year three: (commencing in 2002 and repeated every five years thereafter):
Chapter 3. Pest Control Operations, Subchapters 1 and 2;

(4) Year four: (commencing in 2003 and repeated every five years thereafter):
Chapter 3. Pest Control Operations, Subchapter 3;

(5) Year five: (commencing in 2004 and repeated every five years thereafter):
Chapter 4. Environmental Protection.

(b) When determining whether a reviewed regulation should be retained, revised, or repealed, the Director will consult with the Secretary for Environmental Protection.

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

HISTORY

1. New subchapter 5 (article 1), article 1 (section 6142) and section filed 1-20-2000; operative 2-19-2000 (Register 2000, No. 3).

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3 CCR § 6142, 3 CA ADC § 6142

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3 CA ADC § 6145

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3 CCR § 6145

§ 6145. Intended to Be Used.

A substance is considered to be "intended to be used," as the phrase is used in Sections 12753 and 12758 of the Food and Agricultural Code, and thus be a pesticide requiring registration, when:

(a) A person who distributes or sells the substance claims, states, or implies, by labeling or otherwise, that:

- (1) the substance, either by itself or in combination with any other substance, can or should be used as a pesticide; or
- (2) the substance consists of or contains an active ingredient and can be used to manufacture a pesticide; or

(b) A person who distributes or sells the substance has actual or constructive knowledge that the substance will be used, or is intended by the user to be used, as a pesticide; or

(c) The substance consists of or contains one or more active ingredients and has no significant commercially valuable use as distributed or sold other than:

- (1) use as a pesticide, by itself or in combination with any other substance; or
- (2) use in the manufacture of a pesticide.

Note: Authority cited: Section 12781, Food and Agricultural Code. Reference: Sections 12753 and 12758, Food and Agricultural Code.

HISTORY

1. New section filed 9-23-94; operative 10-24-94 (Register 94, No. 38).

2. Change without regulatory effect amending chapter heading, subchapter heading and section filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

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3 CCR § 6145, 3 CA ADC § 6145

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3 CA ADC § 6146

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3 CCR § 6146

§ 6146. Liquid Chemical Sterilants.

(a) For purposes of this section, a “critical medical device” is any device that is introduced directly into the human body, either into or in contact with the bloodstream or normally sterile areas of the body, and a “semicritical medical device” is any device that contacts intact mucous membranes but which does not ordinarily penetrate the blood barrier or otherwise enter normally sterile areas of the body.

(b) Manufacturers of, importers of, and dealers in liquid chemical sterilant products (including any such products with subordinate disinfectant claims) intended for use on critical or semicritical medical devices (as device is defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. sec. 321), are exempt from the requirements of Division 7 of the Food and Agricultural Code, providing the following criteria are met:

- (1) The product is not included in the federal definition of a pesticide under subdivision (u) of section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. sec. 136(u)].
- (2) The product has premarket clearance from the Federal Food and Drug Administration under section 510(k) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. sec. 360(k)].
- (3) The product does not include ethylene oxide as an active ingredient.

(c) Whenever the manufacturer of, importer of, or dealer in any exempted liquid chemical sterilant has factual or scientific information of any adverse effect or risk to human health or the environment that has not previously been submitted to the department, the manufacturer, importer, or dealer shall report the information to the department within 60 days of learning of the information.

(d) Physicians, surgeons, and local health officers remain subject to the illness reporting requirements of Health and Safety Code section 105200 with regard to exempted liquid chemical sterilants.

Note: Authority cited: Section 12804, Food and Agricultural Code. Reference: Section 12804, Food and Agricultural Code.

HISTORY

1. New section filed 3-9-98 as an emergency; operative 3-9-98 (Register 98, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-7-98 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-9-98 order, including amendment of subsections (a), (b)(1) and (b)(2) and new subsection (e), transmitted to OAL 7-1-98 and filed 8-12-98 (Register 98, No. 33).
3. Repealer of subsection (e) filed 1-20-2000; operative 2-19-2000 (Register 2000, No. 3).

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3 CCR § 6146, 3 CA ADC § 6146

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3 CA ADC § 6147

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3 CCR § 6147

§ 6147. Exempted Pesticide Products.

(a) Manufacturers of, importers of, and dealers in the following pesticide products or classes of pesticide products are exempt from the requirements of Division 7 of the Food and Agricultural Code, provided the pesticide products are exempt pursuant to section 25(b)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. sec. 136w(b)(2)]:

(1) Pheromones and identical or substantially similar compounds labeled for use only in pheromone traps (or labeled for use in a manner which the Director determines poses no greater risk of adverse effects on the environment than use in pheromone traps), and pheromone traps in which those compounds are the sole active ingredient(s), as specified in 40 Code of Federal Regulations 152.25(b).

(2) Preservatives for biological specimens, including:

(A) Embalming fluids;

(B) Products used to preserve animal or animal organ specimens, in mortuaries, laboratories, hospitals, museums and institutions of learning; and

(C) Products used to preserve the integrity of milk, urine, blood, or other body fluids for laboratory analysis.

(3) Products consisting of foods that are used to attract pests and which contain no active ingredient(s).

(4)(A) Natural cedar blocks, chips, shavings, balls, chests, drawer liners, paneling, and needles that meet all of the following criteria:

1. The product consists totally of cedarwood or natural cedar.

2. The product is not treated, combined, or impregnated with any additional substance(s).

3. The product bears claims or directions for use solely to repel arthropods other than ticks or to retard mildew, and no additional claims are made in sale or distribution. The labeling must be limited to specific arthropods, or must exclude ticks if any general term such as "arthropods," "insects," "bugs," or any other broad inclusive term is used.

(B) The exemption does not apply to natural cedar products claiming to repel ticks, including cedar oil or formulated products containing cedar oil, other cedar extracts, or ground cedar wood.

(5)(A) Products containing the following active ingredients alone or in combination with other substances listed in paragraph (5)

(A), provided that all the criteria specified in paragraphs (5)(C) and (5)(D) are met:

Castor oil ³

Cedarwood oil ¹

Cinnamon

Cinnamon oil ¹

Citric acid ¹

Citronella ⁴

Citronella oil ⁴

Cloves ²

Clove oil ^{1,2}

Corn gluten meal

Corn oil

Cornmint

Cornmint oil ¹

Cottonseed oil

Dried blood

Eugenol ^{1,2}

Garlic

Garlic oil ¹

Geraniol ²

Geranium oil ²

Lauryl sulfate ¹

Lemongrass oil ¹

Linseed oil

Malic acid ¹

Peppermint ²

Peppermint oil ^{1,2}

2-Phenylethyl propionate ¹

Potassium sorbate ¹

Putrescent whole egg solids

Rosemary ²

Rosemary oil ^{1,2}

Sesame ⁵

Sesame oil

Sodium chloride

Sodium lauryl sulfate ^{1,2}

Soybean oil

Spearmint

Spearmint oil ¹

Thyme ²

Thyme oil ^{1,2}

White pepper ¹

Zinc ⁶

¹ Products containing 8.5% or more of this active ingredient in the formulated product must at a minimum bear the signal word "CAUTION," the phrase "Keep Out of Reach of Children," appropriate precautionary language, and a requirement for appropriate protective eyewear and gloves.

² Products containing this active ingredient intended for topical application to human skin must at a minimum bear the signal word "CAUTION," the phrase "Keep Out of Reach of Children," a dermal sensitization precautionary statement, a prohibition against application to the hands of children, and use directions requiring adult supervision during application to children.

³ United States Pharmacopeia (U.S.P.) or equivalent

⁴ Non-topical uses only.

⁵ Includes ground sesame plant

⁶ Zinc metal strips (consisting solely of zinc metal and impurities)

(B) Topical use products containing less than or equal to 1% of the following active ingredients alone or in combination with each other provided: (i) the product label carries as a minimum the signal word "CAUTION," the phrase "Keep Out Of Reach of Children," a dermal sensitization precautionary statement, a prohibition against application to the hands of children, and use directions requiring adult supervision during application to children, and (ii) all the criteria specified in paragraphs (5)(C) and (5)(D) are met:

Citronella

Citronella oil

(C) A pesticide product exempt under paragraphs (5)(A) and (5)(B) of subsection (a) may include as inert ingredients only those substances listed in the U.S. Environmental Protection Agency's Inert Ingredients Permitted in Minimum Risk Pesticide Products (40 CFR 152.25(f)(2)(iv)) (December 28, 2015), hereby incorporated by reference, and commonly consumed food commodities, animal feed items, and edible fats and oils (40 CFR 180.950(a)-(c)) (May 24, 2002), hereby incorporated by reference.

(D) In addition, all of the following conditions must be met for products to be exempted under subsection (a)(5):

1. Each product containing the substance must bear a label identifying the name and percentage (by weight) of each active ingredient as listed in paragraph 5(A). Each product must also list all inert ingredients by the label display name listed on U.S. EPA's Inert Ingredients Permitted in Minimum Risk Pesticide Products (40 CFR 152.25(f)(2)(iv)).

2. The product must not bear claims either to control or mitigate microorganisms that pose a threat to human health, including but not limited to disease transmitting bacteria or viruses, or claims to control insects or rodents carrying specific diseases, including, but not limited to ticks that carry Lyme disease.

3. Company name and contact information.

i. The name of the producer or the company for whom the product was produced must appear on the product label. If the company whose name appears on the label in accordance with this paragraph is not the producer, the company name must be qualified by appropriate wording such as "Packed for [insert name]," "Distributed by [insert name]," or "Sold by [insert name]" to show that the name is not that of the producer.

ii. Contact information for the company specified in accordance with paragraph 5(D)(3)(i) of this section must appear on the product label including the street address plus ZIP code and the telephone number of the location at which the company may be reached.

4. The product must not include any false and misleading labeling statements, including those listed in 40 CFR 156.10(a)(5)(i) through (viii).

(b) Whenever the manufacturer of, importer of, or dealer in any product exempted pursuant to this section has factual or scientific evidence of any adverse effect or risk to human health or the environment that has not previously been submitted to the department, the manufacturer, importer, or dealer shall report the evidence to the department within 60 days of learning of the information.

Note: Authority cited: Sections 11456, 12781 and 12803, Food and Agricultural Code. Reference: Section 12803, Food and Agricultural Code.

HISTORY

1. New section filed 4-26-2000; operative 5-26-2000 (Register 2000, No. 17).

2. Change without regulatory effect amending section filed 8-14-2020 pursuant to section 100, title 1, California Code of Regulations (Register 2020, No. 33).

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3 CCR § 6147, 3 CA ADC § 6147

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§ 6148. Fee for Each Product Submitted for Registration.
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3 CCR § 6148

§ 6148. Fee for Each Product Submitted for Registration.

(a) Effective October 1, 2015, the fee for each pesticide product submitted for registration is \$1,150. The fee applies to each:

- (1) New pesticide product;
- (2) Additional brand name of a pesticide product; and
- (3) Pesticide product where there is a change in business ownership of the product.

(b) If the Director returns an incomplete application for product registration to the applicant, the applicant has 180 days from the date the Director initially returned the application to resubmit a complete application without payment of a new registration fee. A new registration fee must accompany applications resubmitted after 180 days from the date the Director returned the application.

Note: Authority cited: Sections 12781 and 12812, Food and Agricultural Code. Reference: Section 12812, Food and Agricultural Code.

HISTORY

1. New section filed 11-3-2003 as an emergency; operative 1-1-2004 (Register 2003, No. 45). This action is a permanent emergency change for which no Certificate Compliance is needed pursuant to Food and Agricultural Code section 12812.
2. Editorial correction of History 1 (Register 2004, No. 37).
3. Amendment of subsection (a) filed 8-10-2015 as an emergency; operative 10-1-2015 (Register 2015, No. 33). This action is a permanent emergency for which no Certificate of Compliance is needed pursuant to Food and Agricultural Code section 12812.

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3 CCR § 6148, 3 CA ADC § 6148

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3 CA ADC § 6148.5

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3 CCR § 6148.5

§ 6148.5. Fees for Amendments to Registered Pesticide Products.

(a) Effective October 1, 2015, each application to amend the labeling or formulation of a registered pesticide product shall be accompanied by a fee of \$25. This fee does not apply to special local needs labeling.

(b) If the Director returns an incomplete application to amend the labeling or formulation of a registered pesticide product to the applicant, the applicant has 180 days from the date the Director initially returned the application to resubmit a complete application without payment of a new fee. A new fee must accompany applications resubmitted after 180 days from the date the Director returned the application.

Note: Authority cited: Sections 12781 and 12812, Food and Agricultural Code. Reference: Section 12812, Food and Agricultural Code.

HISTORY

1. New section filed 11-3-2003 as an emergency; operative 1-1-2004 (Register 2003, No. 45). This action is a permanent emergency change for which no Certificate Compliance is needed pursuant to Food and Agricultural Code section 12812.
2. Editorial correction of History 1 (Register 2004, No. 37).
3. Amendment of section and Note filed 8-10-2015 as an emergency; operative 10-1-2015 (Register 2015, No. 33). This action is a permanent emergency for which no Certificate of Compliance is needed pursuant to Food and Agricultural Code section 12812.

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3 CCR § 6148.5, 3 CA ADC § 6148.5

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3 CA ADC § 6151

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3 CCR § 6151

§ 6151. Evaluation Time Frames.

The director shall complete the evaluation of data submitted pursuant to Section 6170 for a pesticide containing any active ingredient not currently registered by the director or for any new major use within 120 days of receipt of all such data, and within 60 days of receipt of such data for all other pesticides. When additional specific data are requested, evaluation of it shall be completed within 30 days of receipt. During the evaluation of data, the director shall determine if the pesticide should be classified as a restricted material pursuant to Section 14004.5 of the Food and Agricultural Code.

Note: Authority cited: Sections 12781, 12976, 14004.5 and 14005, Food and Agricultural Code. Reference: Sections 12824 and 14004.5, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2360(c) to Section 6151 and designation of new Article 1 (Sections 6151-6160, not consecutive) filed 7-19-85 (Register 85, No. 29).
2. Amendment filed 1-18-89; operative 2-17-89 (Register 89, No. 5).
3. Change without regulatory effect amending section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

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3 CCR § 6151, 3 CA ADC § 6151

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3 CA ADC § 6152

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3 CCR § 6152

§ 6152. Brands.

(a) A pesticide may be registered under more than one brand name, but the same brand name cannot be registered for products of different chemical composition, or different physical condition sufficient to affect its pesticide properties.

(b) When a registrant submits revised labeling for a currently registered pesticide to the director all changes from the previous labeling shall be clearly specified by the registrant.

Note: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2362 to Section 6152 filed 7-19-85 (Register 85, No. 29).
2. Repealer of subsection (a) and subsection relettering filed 8-1-96; operative 8-31-96 (Register 96, No. 31).
3. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6152, 3 CA ADC § 6152

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3 CA ADC § 6153

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3 CCR § 6153

§ 6153. Transfer of Registration.

A certificate of registration cannot be transferred if there is a change of business ownership, but a new application and fee are necessary.

Note: Authority cited: Sections 11456, 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751-12994, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2363 to Section 6153 filed 7-19-85 (Register 85, No. 29).
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).

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3 CCR § 6153, 3 CA ADC § 6153

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3 CA ADC § 6154

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3 CCR § 6154

§ 6154. Change of Name.

Change of the name of a registrant may be made without additional fee by submission of the following papers to the director:

- (a) The current certificate of registration;
- (b) A new completed application form; and
- (c) An affidavit of no change of business ownership.

Note: Authority cited: Sections 11456, 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751-12994, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2364 to Section 6154 filed 7-19-85 (Register 85, No. 29).
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).

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3 CCR § 6154, 3 CA ADC § 6154

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3 CA ADC § 6156

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3 CCR § 6156

§ 6156. Registration Date.

Registration of a pesticide shall become effective on the date the certificate of registration is issued. Such certificate shall not be issued if the director determines the pesticide is to be classified as a restricted material until the pesticide has been so classified.

Note: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12824, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2360(c) to Section 6156 filed 7-19-85 (Register 85, No. 29).
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).

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3 CCR § 6156, 3 CA ADC § 6156

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3 CA ADC § 6157

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3 CCR § 6157

§ 6157. Certification.

(a) Each applicant shall certify, by an authorized official of the registrant, under penalty of perjury that to the best of the applicant's knowledge, based upon all information available to the applicant, all information submitted in connection with the application for registration or renewal is accurate and complete.

(b) If the director finds that the applicant has submitted inaccurate or incomplete information, the director shall initiate action to refuse or cancel the registration pursuant to Section 12825(f) of the Food and Agricultural Code.

Note: Authority cited: Sections 11456 and 12781, Food and Agricultural Code. Reference: Sections 12753, 12758, 12815, 12825, 12827, 12827.5 and 14102, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2360(d) to Section 6157 filed 7-19-85 (Register 85, No. 29).
2. Amendment filed 6-29-87; operative 7-29-87 (Register 87, No. 31).
3. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6157, 3 CA ADC § 6157

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3 CA ADC § 6158

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3 CCR § 6158

§ 6158. Review and Evaluation.

During the review and evaluation of proposed pesticide labeling and data to support registration, the director shall give special attention to the provisions of Sections 11501, 12824, 12825, 12826, 14102, and 14103 of the Food and Agricultural Code and to each of the following factors, when applicable, in reaching a decision to register or not register the pesticide:

- (a) Acute health effects such as oral toxicity, dermal toxicity, inhalation toxicity, acute eye and skin damage potential, or sensitization potential.
- (b) Evidence of chronic health effects such as carcinogenicity, teratogenicity, mutagenicity, fetal toxicity, and delayed neurotoxicity.
- (c) Potential for environmental damage, including interference with the attainment of applicable environmental standards (e.g., air quality standards and water quality objectives).
- (d) Toxicity to aquatic biota or wildlife.
- (e) Method of medical management of poisoning or other injuries.
- (f) Analytical methods.
- (g) The availability of feasible alternatives.
- (h) Efficacy.

If any of these factors are anticipated to result in significant adverse impacts which cannot be avoided or adequately mitigated, registration will not be granted unless the director makes a written finding that anticipated benefits of registration clearly outweigh the risks. When deciding whether or not to register a pesticide for which feasible alternatives exist, the director shall consider any substantial adverse environmental impact which would likely occur from a lack of additional pest control options for the specific proposed use.

Note: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12824, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2360(e) to Section 6158 filed 7-19-85 (Register 85, No. 29).
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).

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3 CCR § 6158, 3 CA ADC § 6158

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3 CA ADC § 6159

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3 CCR § 6159

§ 6159. Data Requirements.

The director finds that the data required by the United States Environmental Protection Agency (U.S. EPA) regulations governing pesticide registration, reregistration, and classification adopted in Title 40, Code of Federal Regulations pursuant to authority in the Federal Insecticide, Fungicide and Rodenticide Act substantially meet the data requirements of Section 12824 of the Food and Agricultural Code, except as provided in this section and sections 6158, 6170, 6172, 6176-6179, 6180(a), 6181-6192, 6200, 6210, 6215, and 6222. Information meeting such regulations shall be supplemented as specified in this section and sections 6158, 6170, 6172, 6176-6179, 6180(a), 6181-6192, 6200, 6210, 6215, and 6222. Data waived by the U.S. EPA shall be submitted to the director except when the director makes a written finding that such data are not required to meet the purposes of Sections 11501, 12824, 12825, 12826, 14102, or 14103 of the Food and Agricultural Code.

Note: Authority cited: Sections 11456 and 12781, Food and Agricultural Code. Reference: Sections 11501, 12824, 12825, 12826, 14102 and 14103, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2369(a)-(c) to Section 6159 filed 7-19-85 (Register 85, No. 29).
2. Amendment filed 1-18-89; operative 2-17-89 (Register 89, No. 5).
3. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
4. Change without regulatory effect amending section filed 6-5-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23).

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3 CCR § 6159, 3 CA ADC § 6159

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[Home](#) [Table of Contents](#)**§ 6160. Operational Protocol for Pesticide Registration and Evaluation Manual. [Repealed]**

3 CA ADC § 6160

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3 CCR § 6160

§ 6160. Operational Protocol for Pesticide Registration and Evaluation Manual. [Repealed]

Note: Authority cited: Sections 11456, 12781, 12976, 12981 and 14005, Food and Agricultural Code. Reference: Sections 12751-14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2332 to Section 6160 filed 7-19-85 (Register 85, No. 29).
2. Repealer filed 1-18-89; operative 2-17-89 (Register 89, No. 5).
3. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6160, 3 CA ADC § 6160

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3 CA ADC § 6168

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3 CCR § 6168

§ 6168. Fee for a Certificate of Interim Registration.

In addition to the application fee required pursuant to section 6148, each application for a certificate of interim registration shall be accompanied by a fee of \$5,000 (five thousand dollars) to cover the Department's costs of reviewing and processing the application. The \$5,000 fee also applies to applications:

- (a) For interim registration of an amendment to the labeling of a currently registered product; and
- (b) To amend the labeling and certificate of registration of a product that already has been issued a certificate of interim registration when the amendment will allow additional uses of that product under conditions of interim registration.

Note: Authority cited: Sections 12781, 12812 and 13168, Food and Agricultural Code. Reference: Section 13170, Food and Agricultural Code.

HISTORY

1. New section filed 1-26-94 as an emergency; operative 1-26-94 (Register 94, No. 4). A Certificate of Compliance must be transmitted to OAL 5-26-94 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g) (Register 94, No. 34).
3. New section refiled 8-24-94; operative 9-23-94 (Register 94, No. 34).
4. Amendment of section and Note filed 11-3-2003 as an emergency; operative 1-1-2004 (Register 2003, No. 45). This action is a permanent emergency change for which no Certificate Compliance is needed pursuant to Food and Agricultural Code section 12812.
5. Editorial correction of History 4 (Register 2004, No. 37).

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3 CCR § 6168, 3 CA ADC § 6168

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3 CA ADC § 6170

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3 CCR § 6170

§ 6170. Application.

(a) Each application for registration of a pesticide product shall be made on the Application for Pesticide Registration DPR-REG-030 (Rev. 10/15) form, hereby incorporated by reference, and described in section 6170.5. The application is incomplete and may be returned by the Director if the application is not accompanied by the fee required by section 6148, six copies of the product labeling, and the data required to be submitted by sections 6159, 6170, 6172, 6176-6179, 6180(a), 6181-6192, and 6200 when applicable to support registration of the product. All data submitted by the applicant to the U.S. EPA in support of federal registration of the product shall be submitted and all studies shall be submitted in full. The product labeling should be printer's proof, final labels, or legible photocopies thereof. If typescript labels are submitted with the application, printer's proof, final labels, or legible photocopies thereof, must be submitted before a Certificate of Registration (License) for the product will be issued. If the label has been approved by a federal agency, proof of such approval shall be submitted with the application.

(b) An application to amend the labeling (including a special local needs labeling) of a pesticide product is incomplete and may be returned by the Director if the application is not accompanied by the fee required by 6148.5, six copies of the labeling and the data required to be submitted by sections 6159, 6170, 6172, 6176-6179, 6180(a), 6181-6192, and 6200 when applicable to the amendment. The application to amend the labeling shall be accompanied by all data submitted by the applicant to the U.S. EPA in support of the federal amended labeling of the product and all studies shall be submitted in full. The product labeling should be printer's proof, final labels or legible photocopies thereof. If typescript labels are submitted, printer's proof, final labels or legible photocopies thereof, must be submitted before the amended label will be accepted for use. If the amended labeling has been approved by a federal agency, proof of such approval shall be submitted with the amendment application.

(c) In lieu of submitting data pursuant to subsections (a) and (b) of this section, an applicant for registration or amendment may reference appropriate data previously submitted to the Director or a pesticide product(s) previously approved by the Director that would be subject to some or all of the same data requirements as applicable to the applicant's product.

(d) If an applicant does not submit or reference its own data to support its application for registration or amendment, it is subject to the requirements imposed under Food and Agricultural Code section 12811.5.

Note: Authority cited: Section 12781, Food and Agricultural Code. Reference: Sections 12811, 12812, 12815 and 12816, Food and Agricultural Code.

HISTORY

1. Amendment filed 7-23-90; operative 8-22-90 (Register 90, No. 38).
2. Change without regulatory effect amending subsections (a) and (b) and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).
3. Change without regulatory effect amending subsections (a) and (b) filed 6-5-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23).
4. Amendment of subsections (a)-(b) filed 11-3-2003 as an emergency; operative 1-1-2004 (Register 2003, No. 45). This action is a permanent emergency change for which no Certificate Compliance is needed pursuant to Food and Agricultural Code section 12812.
5. Editorial correction of History 4 (Register 2004, No. 37).

6. Amendment of subsection (c) and new subsection (d) filed 3-23-2006 as an emergency; operative 3-23-2006 (Register 2006, No. 12). A Certificate of Compliance must be transmitted to OAL by 7-21-2006 or emergency language will be repealed by operation of law on the following day.
7. Amendment of subsection (c) and new subsection (d) refiled 7-19-2006 as an emergency; operative 7-19-2006 (Register 2006, No. 29). A Certificate of Compliance must be transmitted to OAL by 11-16-2006 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 7-19-2006 order transmitted to OAL 11-9-2006 and filed 12-19-2006 (Register 2006, No. 51).
9. Change without regulatory effect amending section filed 2-7-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 7).
10. Amendment filed 2-8-2007; operative 3-10-2007 (Register 2007, No. 7).
11. Amendment of subsection (a) filed 8-10-2015 as an emergency; operative 10-1-2015 (Register 2015, No. 33). This action is a permanent emergency for which no Certificate of Compliance is needed pursuant to Food and Agricultural Code section 12812.

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3 CCR § 6170, 3 CA ADC § 6170

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[Home](#) [Table of Contents](#)**§ 6170.1. Application for Registration of Economic Poison (Pesticide) Form. [Repealed]**

3 CA ADC § 6170.1

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3 CCR § 6170.1

§ 6170.1. Application for Registration of Economic Poison (Pesticide) Form. [Repealed]

Note: Authority cited: Sections 407 and 12781, 12845, Food and Agricultural Code. Reference: Sections 12811, 12815 and 12821, Food and Agricultural Code.

HISTORY

1. Sample forms printed as an addendum to section 6170 (Register 87, No. 31).
2. Change without regulatory effect repealing forms 39-032 (Rev. 11-85) and 39-027 (Rev. 11-85) pursuant to section 100, title 1, California Code of Regulations filed 5-23-90 (Register 90, No. 27).
3. Repealer filed on 7-23-90; operative 8-22-90 (Register 90, No. 38).

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3 CCR § 6170.1, 3 CA ADC § 6170.1

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3 CA ADC § 6170.5

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3 CCR § 6170.5

§ 6170.5. Application Form.

The form referred to in section 6170(a) shall require registrants to provide the following information when applicable.

- (a) Firm name, (same as on file with the United States Environmental Protection Agency (U.S. EPA);
- (b) Firm mailing address and street address, if different from mailing address;
- (c) Name and telephone number of official authorized to answer questions concerning the application;
- (d) Brand name of pesticide product (exactly as shown on label);
- (e) U.S. EPA registration number of pesticide product;
- (f) Type of U.S. EPA registration obtained;
- (g) Type of California registration action being requested;
- (h) Whether pesticide product contains biochemicals and/or microbials;
- (i) Type(s) and size(s) pesticide product is to be sold in;
- (j) Whether pesticide product requires child-resistant packaging;
- (k) Signal word on label;
- (l) Specific gravity and pounds/gallon of liquid formulations;
- (m) Bulk density of solid formulations;
- (n) pH of water soluble formulations;
- (o) Flash point/flammability extension of products containing more than 70% petroleum distillates;
- (p) Whether product is intended for commercial agricultural use and/or by householders;
- (q) Type of pesticide product;
- (r) Method(s) of application;
- (s) Type of formulation;
- (t) Common chemical name, trade name and CAS number for each active ingredient in the formulation;
- (u) Product name(s) and U.S. EPA registration number(s) of the source product(s) of each active ingredient in the formulation;
- (v) Percent by weight of source product(s) and of active ingredient(s) in formulated product;

(w) Common chemical name, trade name and the CAS number of each inert ingredient in the formulation (if reporting by trade name only, include Safety Data Sheet);

(x) Product name(s) of the source product(s) of each inert ingredient in the formulation;

(y) Purpose of each inert ingredient in formulated product;

(z) Percent by weight of source product(s) and of the inert ingredient(s) in the formulated product.

Note: Authority cited: Sections 12781 and 12845, Food and Agricultural Code. Reference: Sections 12811, 12815 and 12821, Food and Agricultural Code.

HISTORY

1. New section filed 7-23-90; operative 8-22-90 (Register 90, No. 38).
2. Change without regulatory effect amending subsections (d), (e), (h)-(j) and (q) and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).
3. Change without regulatory effect amending section filed 6-5-2002 filed pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23).
4. Change without regulatory effect amending subsection (w) filed 12-2-2015 pursuant to section 100, title 1, California Code of Regulations (Register 2015, No. 49).

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3 CCR § 6170.5, 3 CA ADC § 6170.5

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3 CA ADC § 6171

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3 CCR § 6171

§ 6171. Document Requests.

Each applicant shall, upon request of the director, submit to the director a copy of any part or all documents the applicant submitted to the U.S. EPA in support of the U.S. EPA action concerning the pesticide product. Each document request pursuant to this section shall include the director's reason for the request.

Note: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12824, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2360(b) to Section 6171 filed 7-19-85 (Register 85, No. 29).
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 section 6-5-2002 filed pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23).

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3 CCR § 6171, 3 CA ADC § 6171

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3 CA ADC § 6172

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3 CCR § 6172

§ 6172. General Toxicity Data.

(a) The following data shall be submitted with every application for registration.

- (1) Acute oral and dermal LD50 data on the product.
- (2) Acute LC50 data on products which produce a respirable aerosol or gas.
- (3) Primary eye and skin irritation data on the product.

(b) The following data in addition to the data required by (a), (1)-(3) shall be submitted with each application to register a product containing an active ingredient not previously registered when required by the U.S. EPA to support the full unconditional registration pursuant to Section 3 of the Federal Insecticide, Fungicide and Rodenticide Act. Pesticides which are determined to be biorational pesticides as determined by the director, may be exempted from the chronic toxicity data requirements.

- (1) Results of a two-year feeding study for oncogenicity on active ingredients in two animal species.
- (2) Results of a teratogenicity study and a two-generation combined male-female reproductive study on active ingredients.
- (3) Results of three mutagenicity studies on active ingredients that detect gene mutations, chromosomal aberrations, and DNA damage/repair.

Note: Authority cited: Sections 12781 and 12824, Food and Agricultural Code. Reference: Sections 11501 and 12824-12825, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2379.5 to Section 6172 filed 7-19-85 (Register 85, No. 29).
2. Amendment filed 6-29-87; operative 7-29-87 (Register 87, No. 31).
3. Change without regulatory effect amending subsection (b) and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).
4. Change without regulatory effect amending subsections (a)(1), (a)(3) and (b) filed 8-14-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 33).
5. Change without regulatory effect amending subsections (a)(1) and (a)(3) filed 2-7-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 7).
6. Amendment of subsections (a)(1) and (a)(3) filed 2-8-2007; operative 3-10-2007 (Register 2007, No. 7).

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3 CCR § 6172, 3 CA ADC § 6172

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3 CA ADC § 6176

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3 CCR § 6176

§ 6176. Safety Related to Exposure.

Dermal Absorption. Each applicant to register a pesticide product that has an active ingredient with an acute dermal toxicity (LD₅₀) of 2,000 or less milligrams per kilogram of body weight for a 24-hour period shall submit to the director dermal absorption data.

Note: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2370(a) to Section 6176 and designation of new Article 3 (Sections 6176-6193) filed 7-19-85 (Register 85, No. 29). For prior history, see Register 82, No. 32.
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).

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3 CCR § 6176, 3 CA ADC § 6176

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3 CA ADC § 6177

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3 CCR § 6177

§ 6177. Mixer, Loader, Applicator Exposure.

Each applicant to register a pesticide product in toxicity category one or two, the use of which may be expected to result in significant respiratory or dermal exposure during mixing, loading, or application, shall submit appropriate, dermal or inhalation exposure data. Studies required by this section that involve human participants, to be conducted in California, shall meet the requirements of section 6710.

Note: Authority cited: Sections 11456, 12781 and 12981, Food and Agricultural Code. Reference: Sections 12815, 12824, 12980, 12981, 12987 and 12988, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2370(b) to Section 6177 filed 7-19-85 (Register 85, No. 29).
2. Amendment of section and Note filed 5-26-95; operative 6-26-95 (Register 95, No. 21).
3. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6177, 3 CA ADC § 6177

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3 CA ADC § 6178

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3 CCR § 6178

§ 6178. Management of Poisoning.

Each applicant to register a new pesticide product or a new use of a previously registered product shall submit to the director a protocol supported by data for the practical treatment of poisoning and other injury cases.

Note: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of Section 2370(c) to Section 6178 filed 7-19-85 (Register 85, No. 29).
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).

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3 CCR § 6178, 3 CA ADC § 6178

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3 CA ADC § 6179

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3 CCR § 6179

§ 6179. Spray Adjuvants.

Each applicant to register a spray adjuvant that is exempt from a tolerance pursuant to U.S. EPA regulations shall submit to the director acute toxicity data on the formulated product including oral, dermal and inhalation toxicity values, and the results of eye and skin irritation tests. If the director determines that the data indicate a risk of chronic effect, the applicant shall submit data relating to such chronic effect.

Note: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2370(d) to Section 6179 filed 7-19-85 (Register 85, No. 29).
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 section 6-5-2002 filed pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23).

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3 CCR § 6179, 3 CA ADC § 6179

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3 CA ADC § 6180

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3 CCR § 6180

§ 6180. Rodenticides.

(a) Each applicant to register a pesticide that is a rodenticide shall submit biochemical data describing the metabolic pathway and the mode of action in animal models suitable for extrapolation of the data to people.

(b) Anticoagulant rodenticide baits intended for home use shall contain a color additive of such intensity as to be readily evident.

(c) Suggested dyes or anticoagulant baits are listed in the Department's Vertebrate Pest Control Handbook (Publication No. 410).

(d) Baits containing strychnine shall be dyed with a green color additive as specified in the Department's Vertebrate Pest Control Handbook.

(e) Subsections (b) and (c) do not apply to bird control materials or animal repellents.

Note: Authority cited: Section 12781, Food and Agricultural Code. Reference: Sections 11501 and 12824, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Sections 2370(e) and 2401 to Section 6180 filed 7-19-85 (Register 85, No. 29).

2. Amendment filed 1-18-89; operative 2-17-89 (Register 89, No. 5).

3. Change without regulatory effect amending subsection (a) and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

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3 CCR § 6180, 3 CA ADC § 6180

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3 CA ADC § 6181

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3 CCR § 6181

§ 6181. Foliar Residue and Field Reentry.

Each applicant proposing to register a new pesticide product or new use of a previously registered pesticide product that is intended for use on a commercially grown crop where there may be substantial exposure by field workers, shall submit acceptable foliar and soil residue data, including data on toxic alteration products if (a) any active ingredient or alteration product has an acute dermal toxicity (LD50) of 2,000 or less milligrams per kilogram of body weight for a 24-hour period, (b) is highly irritating to the skin, (c) is a sensitizer, or (d) involves a potential risk of a chronic health effect.

Note: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2370(f)(1) to Section 6181 filed 7-19-85 (Register 85, No. 29).
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).

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3 CCR § 6181, 3 CA ADC § 6181

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3 CA ADC § 6182

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3 CCR § 6182

§ 6182. Field Reentry.

(a) A proposed pesticide use that poses a safety hazard to field workers will not be registered until a safety interval to protect such workers has been established and is in effect by regulation or label statement.

(b) Reentry intervals shall be established on the basis of data on dermal absorption, inhalation and dermal/oral-response studies in animal models in conjunction with foliar and soil dissipation data and any available human exposure data. The selected reentry interval will be sufficiently long to ensure that a safe (no-effect) level is present on foliage and the soil when workers may reenter previously treated areas.

(c) In the case of a safety interval set without a human reentry study, the director may require a field monitoring study of workers during the first year of use.

Note: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2370(f)(2)-(f)(4) to Section 6182 filed 7-19-85 (Register 85, No. 29).
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).

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3 CCR § 6182, 3 CA ADC § 6182

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3 CA ADC § 6183

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3 CCR § 6183

§ 6183. Indoor Exposure.

Each applicant to register a pesticide product, the use of which in houses, institutions, or other buildings may result in dermal or respiratory exposure after application, shall submit appropriate exposure data. Studies required by this section that involve human participants, to be conducted in California, shall meet the requirements of section 6710.

Note: Authority cited: Sections 12781 and 12981, Food and Agricultural Code. Reference: Sections 12815, 12824, 12980, 12981, 12987 and 12988, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2370(g) to Section 6183 filed 7-19-85 (Register 85, No. 29).
2. Amendment of section and Note filed 5-26-95; operative 6-26-95 (Register 95, No. 21).

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3 CA ADC § 6184

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3 CCR § 6184

§ 6184. Residue Test Method.

(a) Each applicant for the registration of a pesticide product shall provide the director with a method and a standard sample for accurately determining residues of (1) each active ingredient in the pesticide product and (2) each metabolite that may result from the active ingredient for which a tolerance has been established by the U.S. EPA in the Code of Federal Regulations. Test methods shall allow the director to determine residues in or on plant or animal tissue, soil, and water.

(b) In the case of a pesticide intended for use on a food crop for which a residue tolerance has been established, the method shall allow the director to determine the residue on each crop within a continuous 24-hour period. Registration may be allowed for a reasonable time during which the applicant can comply with this subsection. The registration shall not be allowed to continue for more than 2 years without compliance with this subsection unless the applicant provides the director with an equally effective procedure for accomplishing the protection offered by the 24-hour method.

Note: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2371 to Section 6184 filed 7-19-85 (Register 85, No. 29).
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) filed 6-5-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23).

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3 CCR § 6184, 3 CA ADC § 6184

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3 CA ADC § 6185

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3 CCR § 6185

§ 6185. Residue Data.

Residue data required by sections 6159 and 6181 shall be obtained under California or similar environmental use conditions. Such data shall take into consideration differences in plants, soils, climatic conditions, and application techniques.

Note: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12824, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering and amendment of former Section 2372 to Section 6185 filed 7-19-85 (Register 85, No. 29).
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 section filed 6-5-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23).

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3 CCR § 6185, 3 CA ADC § 6185

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3 CA ADC § 6186

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3 CCR § 6186

§ 6186. Efficacy.

Each application for registration or amendment to the labeling of a pesticide shall be accompanied by data supporting each efficacy claim. If data supporting such claims are in the public domain and copies of the data are provided, the submission of such data may satisfy the requirement of this section. Such data shall be obtained under California or similar environmental use conditions and shall take into consideration differences in plants, soils, climate conditions, and application techniques.

Note: Authority cited: Sections 14004.5 and 14006.7, Food and Agricultural Code. Reference: Sections 11501, 12561, 12824, 12825 and 12854, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2373 to Section 6186 filed 7-19-85 (Register 85, No. 29).
2. Amendment filed 6-29-87; operative 7-29-87 (Register 87, No. 31).
3. Change without regulatory effect amending section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

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3 CA ADC § 6187

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3 CCR § 6187

§ 6187. Hazards to Bees.

Each applicant to register a pesticide product which, under field conditions, may be likely to contact commercial apiaries or pollinating bees shall submit to the director test data indicating the product's acute chronic toxicity to bees. Testing procedures shall be those described by the University of California laboratory studies included in Leaflet 2287, or equivalent procedures.

Note: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2374 to Section 6187 filed 7-19-85 (Register 85, No. 29).
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).

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3 CCR § 6187, 3 CA ADC § 6187

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3 CCR § 6188

§ 6188. Closed System Compatibility.

(a) Each applicant to register a liquid pesticide product bearing the label statement, "Fatal if absorbed through skin," "May be fatal if absorbed through skin," "Corrosive, causes skin damage," or other comparable language labeled for any use for the production of an agricultural commodity shall submit to the Director data on the product's viscosity and such other data the Director may require to comply with sections 6188(b) and 6746.

(b) No liquid pesticide labeled for any use for the production of an agricultural commodity and bearing the label statement, "Fatal if absorbed through skin," "May be fatal if absorbed through skin," "Corrosive, causes skin damage," or other comparable language shall be registered unless the product is compatible with closed mixing systems as defined in section 6746.

Note: Authority cited: Sections 11456 and 12781, Food and Agricultural Code. Reference: Sections 11501, 12815 and 12824, Food and Agricultural Code.

HISTORY

1. Editorial renumbering and amendment of former Sections 2375 and 2402 to Section 6188 filed 7-19-85 (Register 85, No. 29).
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 section filed 3-8-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 10).
4. Amendment of section and Note filed 11-4-2015; operative 1-1-2016 (Register 2015, No. 45).

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3 CCR § 6188, 3 CA ADC § 6188

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3 CA ADC § 6189

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3 CCR § 6189

§ 6189. Effects on Pest Management.

Each applicant to register a pesticide for use on a crop for which it was not previously registered shall submit data to the director concerning any adverse effect of the product on pest management systems for that crop.

Note: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2376 to Section 6189 filed 7-19-85 (Register 85, No. 29).
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).

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3 CCR § 6189, 3 CA ADC § 6189

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[Home](#) [Table of Contents](#)**§ 6190. Copper-Based Antifouling Paints and Coatings.**

3 CA ADC § 6190

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3 CCR § 6190

§ 6190. Copper-Based Antifouling Paints and Coatings.

(a) Each applicant to register a copper-based antifouling paint or coating shall submit the daily mean copper release rate for the product using the International Organization for Standardization (ISO) method 10890:2010, "Paints and varnishes - Modelling of biocide release rate from antifouling paints by mass-balance calculation," hereby incorporated by reference, and supporting data used for the calculation.

(b) Using the rate and data provided pursuant to (a) of this section and a correction factor of 2.9, the Director will calculate an adjusted daily mean copper release rate to account for environmental conditions.

(c) The provisions in this subsection pertain to copper-based antifouling paint or coating products except when labeled for commercial vessel use only or prohibited from use on recreational vessels. For the purposes of this subsection, "recreational vessel" means any vessel manufactured or used primarily for pleasure or leased, rented, or chartered to a person for the person's pleasure, and/or used as a residence. "Commercial vessel" means any private, commercial, government, or military marine vessel that does not otherwise meet the definition of recreational vessel, including, but not limited to, passenger ferries; excursion vessels; tugboats; ocean-going tugboats; towboats; push-boats; crew and supply vessels; work boats; pilot vessels; supply boats; fishing vessels; research vessels; U.S. Coast Guard vessels; hovercraft; emergency response harbor craft; and barge vessels.

(1) Effective July 1, 2018, no copper-based antifouling paint or coating shall be registered that exceeds the adjusted daily mean copper release rate of 9.5 micrograms per square centimeter per day, as determined by the Director pursuant to (b) of this section.

(2) Effective July 1, 2018, any currently registered copper-based antifouling paint or coating that exceeds the adjusted daily mean copper release rate of 9.5 micrograms per square centimeter per day, as determined by the Director pursuant to (b) of this section, will be subject to cancellation pursuant to Food and Agricultural Code section 12825.

Note: Authority cited: Sections 11456, 12781 and 12976, Food and Agricultural Code. Reference: Sections 12824, 12825 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 7-12-2017; operative 1-1-2018 (Register 2017, No. 28). For prior history, see Register 96, No. 31.

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3 CCR § 6190, 3 CA ADC § 6190

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3 CA ADC § 6191

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3 CCR § 6191

§ 6191. Volatile Organic Compounds.

The director, after consultation with the Air Resources Board, shall determine under what circumstances interference with the attainment and maintenance of ambient air quality standards is likely to result from the evaporative emission of volatile organic compounds contained in a pesticide product and may require the applicant to supply data regarding such emissions.

Note: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2379 to Section 6191 filed 7-19-85 (Register 85, No. 29).
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).

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3 CA ADC § 6192

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3 CCR § 6192

§ 6192. Other Data.

Each applicant to register a pesticide product shall submit to the director any other data determined by the director to be necessary to carry out the provisions of Section 12824 of the Food and Agricultural Code. Each data request pursuant to this section shall include the director's reason for the request. Such data may include, but is not limited to the following:

- (a) Pesticide drift.
- (b) Phytotoxicity.
- (c) Environmental effects.
- (d) Analytical and environmental chemistry.
- (e) The effect from the use of mixtures of two or more products in combination.
- (f) Contaminants in pesticide products.

Note: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2380 to Section 6192 filed 7-19-85 (Register 85, No. 29).
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 first paragraph filed 8-14-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 33).

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3 CCR § 6192, 3 CA ADC § 6192

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3 CA ADC § 6193

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3 CCR § 6193

§ 6193. Wettable and Soluble Powders. [Repealed]

Note: Authority cited: Sections 407, 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751-12994, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2400 to Section 6193 filed 7-19-85 (Register 85, No. 29).
2. Repealer filed 8-1-96; operative 8-31-96 (Register 96, No. 31).

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3 CCR § 6193, 3 CA ADC § 6193

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§ 6193.5. Acute Effects Data for Dietary Risk Assessment.
3 CA ADC § 6193.5
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3 CCR § 6193.5

§ 6193.5. Acute Effects Data for Dietary Risk Assessment.

(a) For the purposes of this section, "acute exposure" is defined as a single treatment or repeated treatments during a period normally not to exceed seven days. Signs of acute toxicity are physical, behavioral, or biochemical manifestations, resulting from acute exposure, which are relevant to assessing dietary risks resulting from acute exposures of humans. Relevant observations of acute toxicity are described in the United States Environmental Protection Agency Pesticide Assessment Guidelines, Subdivision F.

(b) The following data, from studies using active ingredients, are required to assess dietary risk resulting from acute exposures:

(1) Acute oral LD₅₀ toxicity data as required pursuant to Title 40 Code of Federal Regulations, Part 158.340; and

(2) Oral toxicity data demonstrating a No Observed Effect Level (NOEL) for signs of acute toxicity following acute exposure and oral toxicity data sufficient to produce a dose-response curve for active ingredients with known biological indicators (e.g., cholinesterase inhibition) when this response is relevant to the NOEL. For active ingredients with anticholinesterase activity, at a minimum, red blood cell cholinesterase activity must be reported.

(c) The data listed in subsection (b) shall be submitted with each application for registration of:

(1) A pesticide product intended for use on food or feed crops and containing an active ingredient not currently registered for food or feed use; or

(2) Amended labeling which would add directions for use on food or feed crops to the label of a pesticide product containing an active ingredient not currently registered for food or feed use.

(d) Pursuant to Section 13060 of the Food and Agricultural Code, when notified by the Department, registrants of pesticides labeled for use on food or feed crops must submit the acute effects data listed in subsection (b). Registrants shall have nine months from the date of the Department's notice to submit the data.

(e) The Department will not require the data listed in subsections (b) for active ingredients for which the Department has made a written determination that existing data demonstrates that acute dietary exposure is not of toxicological concern.

Note: Authority cited: Section 12781, Food and Agricultural Code. Reference: Sections 12824 and 13060, Food and Agricultural Code.

HISTORY

1. New section filed 2-27-92; operative 3-30-92 (Register 92, No. 12).

2. Change without regulatory effect amending subsections (c)(1)-(d) and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

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3 CCR § 6193.5, 3 CA ADC § 6193.5

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3 CA ADC § 6194

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3 CCR § 6194

§ 6194. Required Submission of Data.

(a) Registrants required to submit data in support of registrations pursuant to Food and Agricultural Code sections 13060 (c) (1), 13127, 13143 or 13146 shall respond to the director's notices of the data and study requirements. Where the notice pertains to data required pursuant to Food and Agricultural Code section 13127, the data shall be one or more of the mandatory health effects studies specified in Food and Agricultural Code section 13123. Where the notice pertains to data required pursuant to Food and Agricultural Code sections 13143 or 13146, the data shall be all or some of the information specified in Food and Agricultural Code section 13143 (a) (1) through (6). Where the notice pertains to data required pursuant to Food and Agricultural Code section 13060 (c) (1), the data shall be that listed in section 6193.5 (b).

Not later than 90 days after the date of such a notice, registrants shall inform the director in writing as to how they will comply with the data requirements by choosing one or more of the following options:

- (1) Submit the data with their response to the notice.
- (2) Develop and submit the data.
- (3) Agree to jointly develop and submit the data with one or more parties and provide a copy of the agreement signed by the participating parties.
- (4) Acquire authorization to use data being developed and submitted by another party and provide a copy of the authorization signed by that party.
- (5) For data required pursuant to sections 13127, 13143 or 13146 of the Food and Agricultural Code, offer to compensate the developer(s) of the data and provide a copy of the offer, together with evidence that the data developer(s) received the offer.
- (6) Claim the data requirements are not applicable to the registered use patterns of the registrant's pesticide products and provide information supporting the claim.
- (7) When applicable to the particular notice, claim an exemption from the mandatory health effects data requirements pursuant to Food and Agricultural Code section 13128, or claim an exemption from the acute effects data requirements pursuant to Food and Agricultural Code section 13060(c)(2), and provide the information specified in subsection (c).

An option shall be chosen for each data requirement; however, different options may be chosen for different data requirements. When requested by the director, registrants who have chosen options (2) and/or (3) shall submit a written status report to the director regarding the development of the data which shall include, but is not limited to:

- (1) The name and address of the person/organization conducting the study,
- (2) The initiation and expected completion dates, and
- (3) The scheduled date of submission of the data to the Department. The status report shall be submitted not later than 30 days after the date of the director's request, unless a later date is specified.

(b) Pursuant to Food and Agricultural Code sections 13060(c)(2) and 13128, data requirements noticed pursuant to Food and Agricultural Code sections 13060(c)(1) and 13127, respectively, shall not apply to applicants or registrants of end use products that are formulated using another producer's pesticide product which is registered with the United States Environmental Protection Agency (EPA) provided, all pesticide active ingredients in the formulated product are derived solely from one or more EPA registered pesticide products and the producer(s) has/have chosen from options (1), (2), (3) and/or (5) in subsection (a) of this section, and

is/are in compliance with the requirements of sections 13060 (c) (1) or 13127, whichever applies, of the Food and Agricultural Code and the director's regulations contained in chapter 6 of Title 3 of the California Code of Regulations.

(c) The director shall grant an exemption as authorized by sections 13060 (c) (2) and 13128 of the Food and Agricultural Code to an applicant or registrant that meets the conditions specified in subsection (b). To apply for an exemption, the applicant or registrant shall submit the following:

- (1) The name and the EPA registration number of each pesticide product purchased to formulate the end use product, and
- (2) The name of the producer(s) from whom the applicant or registrant purchases the active ingredient(s) used to formulate the product(s), who has/have chosen from options (1), (2), (3) and/or (5) in subsection (a) of this section, and is/are in compliance with the requirements of sections 13060(c)(1) or 13127, whichever applies, of the Food and Agricultural Code and the director's regulations contained in chapter 6 of Title 3 of the California Code of Regulations. If the active ingredient(s) is/are not purchased directly from the producer(s), but through a supplier, include a statement identifying the producer(s) by name and certifying that the active ingredient(s) used to formulate the product(s) is/are purchased indirectly from a producer(s) who has/have chosen from options (1), (2), (3) and/or (5) in subsection (a) of this section, and is/are in compliance with the requirements of sections 13060 (c) (1) or 13127, whichever applies, of the Food and Agricultural Code and the director's regulations contained in chapter 6 of Title 3 of the California Code of Regulations.

(d) If a registrant that has been granted an exemption pursuant to sections 13060 (c) (2) or 13128 of the Food and Agricultural Code purchases a pesticide product different from that reported in accordance with subsection (c), the registrant shall notify the director of the change. If the registrant still meets the conditions specified in subsection (b) and wishes to request an exemption, the registrant shall reapply for the exemption following the procedure described in subsection (c).

(e) An applicant or registrant that has been granted an exemption pursuant to sections 13060(c)(2) or 13128 of the Food and Agricultural Code will be exempt as long as the producer(s) of the pesticide active ingredient(s) in its end use product has/have chosen from options (1), (2), (3) and/or (5) in subsection (a) of this section, and is/are in compliance with the requirements of sections 13060(c)(1) or 13127, respectively, of the Food and Agricultural Code and the director's regulations contained in chapter 6 of Title 3 of the California Code of Regulations. An applicant or registrant that no longer qualifies for such an exemption is subject to the requirements of sections 13060 (c) (1) or 13127, whichever applies, of the Food and Agricultural Code. Page

Note: Authority cited: Sections 12781 and 13145, Food and Agricultural Code. Reference: Sections 13060, 13127, 13128, 13143 and 13146, Food and Agricultural Code.

HISTORY

1. New section filed 6-1-87; operative 6-1-87 pursuant to Government Code section 11346.2(d) (Register 87, No. 24).
2. Amendment filed 3-17-89; operative 4-16-89 (Register 89, No. 12).
3. Amendment of subsections (b) and (c), and new subsection (e) filed 11-6-89 as an emergency; operative 11-6-89 (Register 89, No. 45). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 3-6-90.
4. Certificate of Compliance including amendment of subsections (b), (c) and (e) transmitted to OAL 3-6-90 and filed 4-2-90 (Register 90, No. 16).
5. Amendment filed 2-27-92; operative 3-30-92 (Register 92, No. 12).

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3 CCR § 6194, 3 CA ADC § 6194

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3 CA ADC § 6195

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3 CCR § 6195

§ 6195. Acceptability of Submitted Studies.

(a) The director will determine whether information and studies submitted pursuant to Sections 13127, 13143 and 13146 of the Food and Agricultural Code are valid, complete, and adequate. The determination will be made by considering the following factors including, but not limited to:

- (1) Study design and conduct,
- (2) Test substance characterization,
- (3) Collecting and reporting of data,
- (4) Statistical analysis of study results, and
- (5) A showing by the registrant that the information and studies meet the requirements of Food and Agricultural Code Sections 13123.5 or 13143.

(b) The director's determination of acceptability shall be final unless, within 90 days after notice to the registrant of disapproval, the registrant petitions for reconsideration and shows in detail therein the particular matters alleged to have been improperly evaluated by the director and the reasons supporting a different evaluation. The director may grant reconsideration upon such showing and may permit the registrant to supplement the material previously submitted, or otherwise show that the studies submitted are acceptable. The time periods and procedures in such reconsideration actions shall be set by the director in consideration of the particular matters involved.

Note: Authority cited: Sections 12781 and 13145, Food and Agricultural Code. Reference: Sections 13127, 13143 and 13146, Food and Agricultural Code.

HISTORY

1. New section filed 6-1-87; operative 6-1-87 pursuant to Government Code Section 11346.2(d) (Register 87, No. 24).

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3 CCR § 6195, 3 CA ADC § 6195

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3 CA ADC § 6196

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§ 6196. Adoption of Federal Authority.

As authorized by sections 13127 and 13146 of the Food and Agricultural Code, the director adopts the provisions of subparagraph (B) of paragraph (2) of subdivision (c) of section 136a of Title 7 of the United States Code, as applicable to compensation for data developed pursuant to Food and Agricultural Code sections 13127, 13143 and 13146 and for suspension of registrations pursuant to Food and Agricultural Code Sections 13127, 13127.2, 13127.6, 13127.91, 13127.92 and 13146. References therein to the authority of the Administrator of the United States Environmental Protection Agency (USEPA), acting pursuant to the provisions of the Federal Insecticide, Fungicide and Rodenticide Act, shall be deemed to refer to the director, acting under the provisions of the Food and Agricultural Code and regulations in Title 3 of the California Code of Regulations. The following provisions shall apply to the adoption of the federal authority:

- (a) The director's authority under other provisions of law is not affected.
- (b) Compensation procedures under federal law are exclusive at any time such federal procedures can be initiated before an arbitration award under this section becomes final. A later award under federal law for submission of the same data, or substantially the same data, shall supersede an award under this section.
- (c) Arbitration proceedings under this section shall be conducted by arbitrators of the American Arbitration Association using federal procedures to the extent practicable.
- (d) Arbitration awards under this section shall be subject to review in courts of competent jurisdiction to the same extent as judgments of California superior courts.
- (e) No compensation proceedings are authorized of resubmission of public literature studies.
- (f) Compensation for the use of data submitted to the director is applicable only for studies initiated after January 1, 1985 to fill the data requirements of Food and Agricultural Code section 13127 and studies initiated after January 1, 1986 to fill the information requirements of Food and Agricultural Code sections 13143 and 13146. When submitted to the director, use of these data is subject to protection only to the same extent and for the same time periods as such use would be subject to protection by the USEPA Administrator, had the data been submitted to USEPA pursuant to 7 U.S.C. 136a(c)(2)(B)(v).
- (g) The director may include in each Notice of Intent to Suspend such provisions as the director deems appropriate concerning the continued sale of existing stocks of the products included in the Notice.
- (h) The only matters for resolution at the hearing, called pursuant to the Notice of Intent to Suspend, shall be whether the registrant has failed to take the action that served as the basis for the Notice of Intent to Suspend, including, but not limited to, failing to take appropriate steps to submit the data required, to participate in a procedure for reaching agreement concerning a joint data development arrangement, to participate in an arbitration proceeding as required, to comply with the terms of an agreement or arbitration decision concerning a joint data development arrangement, and/or whether the director's determination with respect to the disposition of existing stocks is appropriate.
- (i) If a hearing is held, the decision after completion of such hearing shall be final.

Note: Authority cited: Sections 12781, 13127 and 13146, Food and Agricultural Code. Reference: Sections 13127, 13127.2, 13127.6, 13127.91, 13127.92 and 13146, Food and Agricultural Code.

HISTORY

1. New section filed 6-1-87; operative 6-1-87 pursuant to Government Code section 11346.2(d) (Register 87, No. 24).
2. Editorial correction of printing error in introductory paragraph (Register 91, No. 33).
3. Amendment of introductory paragraph, redesignation of numbered subsections to letters, new subsections (g)-(i), and amendment of Note filed 10-29-92; operative 10-29-92 pursuant to Government Code section 11346.2(d) (Register 92, No. 44).
4. Change without regulatory effect amending subsection (b) filed 8-6-2014 pursuant to section 100, title 1, California Code of Regulations (Register 2014, No. 32).

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3 CCR § 6196, 3 CA ADC § 6196

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3 CA ADC § 6196.1

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3 CCR § 6196.1

§ 6196.1. Provision for Suspension.

As authorized by Section 13123(m) and Section 13127(c), the following provisions shall apply to suspensions of registrations pursuant to Food and Agricultural Code Section 13127, 13127.2, 13127.6, 13127.91, and 13127.92:

(a) The provisions of Chapter 5 of the California Administrative Procedure Act (Government Code Sections 11500-11528) apply to any hearing requested except for the following provisions which do not apply to the actual conduct of the hearing:

(1) Government Code Sections 11503-11507. Suspension actions under the above-cited Food and Agricultural Code Sections are commenced with the filing and service of the Notice of Intent to Suspend. All references to, and requirements for, Accusations or Statements of Issues in Government Code Sections 11500-11528 shall be deemed to apply to Notices of Intent to Suspend.

(2) Government Code Sections 11517 and 11521. The Administrative Law Judge prepares and issues a final decision in hearings under the above cited sections of the Food and Agricultural Code.

(3) Government Code Section 11520. If the registrant does not requests a hearing within 30 days after receiving the Notice of Intent to Suspend, the suspension takes effect automatically.

(b) The final decision of the Administrative Law Judge in any suspension action under the above-cited Food and Agricultural sections shall be issued at the earliest possible time.

Note: Authority cited: Sections 12781, 13127 and 13146, Food Agricultural Code. Reference: Sections 13127, 13127.2, 13127.6, 13127.91 and 13127.92, Food and Agricultural Code.

HISTORY

1. New section filed 10-29-92; operative 10-29-92 pursuant to Government Code section 11346.2(d) (Register 92, No. 44).

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3 CCR § 6196.1, 3 CA ADC § 6196.1

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3 CA ADC § 6197

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3 CCR § 6197

§ 6197. Applicability of Section 6196 to Data Obtained Pursuant to Food and Agricultural Code Section 12824.

(a) Data protection and compensation otherwise applicable to the adoption of federal authority by Section 6196 does not apply to situations described in subsection (d)(1) of Section 13127 and subsection (d) of Section 13146 of the Food and Agricultural Code in which the director obtains data and makes assessments on registrants for the costs thereof pursuant to Section 12824 of the Food and Agricultural Code.

(b) The director will determine in each matter under subsection (a) the appropriate means of making and collecting the assessments. The amount of the assessment shall be the total cost to the Department to obtain the data less any appropriation the director may have requested, provided such appropriation will be received by the Department. The assessments shall be charged to the registrants of an active ingredient for which data gaps exist in proportion to the total amount of the registrant's pesticide products containing the active ingredient which the registrant reported sold pursuant to Section 6388 for the most current year prior to the assessment for which such records are available. The assessments will be collected before the director initiates the required tests.

(c) The adoption of federal authority pursuant to Section 6196 does not affect the director's authority to suspend or cancel registrations for failure of registrants to submit data, or comply with assessment orders made pursuant to Food and Agricultural Code Section 12824, either separately or in conjunction with other authority.

Note: Authority cited: Sections 12781, 13127 and 13146, Food and Agricultural Code. Reference: Sections 13127 and 13143, Food and Agricultural Code.

HISTORY

1. New section filed 6-1-87; operative 6-1-87 pursuant to Government Code Section 11346.2(d) (Register 87, No. 24).
2. Amendment of subsection (b) filed 2-27-89; operative 3-29-89 (Register 89, No. 9).
3. Change without regulatory effect amending subsection (b) filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

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3 CCR § 6197, 3 CA ADC § 6197

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3 CA ADC § 6197.5

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3 CCR § 6197.5

§ 6197.5. Assessment of Pesticide Registrants.

(a) Notice of a proposed assessment made pursuant to Food and Agricultural Code Section 13127(d) shall be given to each registrant of the active ingredient for which the data gap(s) exist(s) except those granted an exemption pursuant to Food and Agricultural Code Section 13128, and to each legislative committee which, during the previous and current year, considered legislation involving pesticides. Written comments on the proposed assessment will be accepted for 30 days. After the 30 days, if the director orders the assessment, notice thereof shall also be given to each such registrant and committee.

(b) The notice of proposed assessment and the assessment order shall contain the findings of the director as to each of the following:

- (1) The active ingredient involved;
- (2) A list of the specific studies for which there are data gaps;
- (3) The reasons for requiring the assessment to obtain data;
- (4) The total estimated cost of all of the required studies and the estimated cost of each individual study;
- (5) The legislative appropriation, if any, authorized to be used to reduce the assessment to registrants and the balance remaining after application of any such appropriation; and
- (6) Each registrant and its proportional share of the total assessment based upon its reported sales for the most current year prior to the assessment for which such records are available as determined pursuant to Section 6197(b). Registrants that did not report any sales will be assessed the same amount as the registrant(s) reporting the least amount of sales, but not to exceed ten percent (10%) of the total assessment. If no sales were reported by any registrant, the total assessment will be divided equally among the registrants of the active ingredient involved.

(c) The assessment order shall provide that, within 30 days of the date of the assessment order notice:

- (1) an affected individual registrant may, in lieu of payment, surrender its registration of all products containing the active ingredient which is the subject of the assessment; and
- (2) any individual registrant may, in lieu of payment, file with the director an agreement signed by another California or a United States Environmental Protection Agency registrant of the same active ingredient to pay the individual registrant's assessment.

(d) As soon as practicable after determining the voluntary surrenders, if any, as provided in subsection (c)(1), the director shall recalculate the percentage of costs to the remaining registrants and provide notice of the recalculated assessments, or provide notice that there were no voluntary surrenders and that the assessments are those specified in the assessment order.

(e) After 30 days of the issuance of the notice provided in subsection (d), the director may order the suspension of the registration of products containing the active ingredient of any registrant that fails to pay, or fails to have the registrant who signed the agreement as provided in subsection (c)(2) pay, its assessment. The suspension order shall order the registrant to discontinue sales of such products to distributorships/dealers within California.

(f) After 90 days of the issuance of the notice provided in subsection (d), the director may take the action specified in subsection (e) against all registrations of products containing the active ingredient, except for the products of registrants excluded pursuant to

Section 13128 of the Food and Agricultural Code, if the total amount of the assessment has not been paid to the director or funds have not been made available from other sources to conduct the required studies.

(g) If the original assessment did not provide adequate funds to complete the work being funded, the director may order a supplemental assessment or assessments to provide such necessary additional funds. Notice of the supplemental assessment order shall be given to each registrant, person and committee identified in subsection (a) and include: (1) the additional total amount needed for completion of the studies, (2) any legislative appropriation available, to be used to reduce the supplemental assessment, and (3) each registrant's apportionment based upon its proportional share of the original assessment. The provisions of subsections (c), (d), (e) and (f) will apply to supplemental assessment orders.

(h) Any registrant that has surrendered its registration or had its registration suspended pursuant to the provisions of this section, or its successors in interest to surrendered or suspended products, shall not be allowed to register or sell any products containing the active ingredient which was subject to assessment unless the studies have been initiated and/or the data gaps filled and the registrant, or its successor in interest, complies with the following procedure:

(1) Within 60 days of its application for registration, the applicant/registrant shall submit to the director a statement, signed by each registrant that paid all or a share of the applicable assessment, stating that the registrant has no objection to such product registration; or

(2) present to the director an order of a court of competent jurisdiction determining that the applicant/registrant is entitled to registration based upon the payment, or offer of payment, of reasonable compensation to concerned registrants, or upon such other basis as the court may deem appropriate; or

(3) pays the assessment owed at the time it surrendered its registration or had its registration suspended.

(i) Monies received in excess of the total cost of obtaining the studies will be returned to registrants in proportion to each registrant's paid share of the total assessment.

Note: Authority cited: Sections 11456, 12781, 13127 and 13146, Food and Agricultural Code. Reference: Sections 13127 and 13146, Food and Agricultural Code.

HISTORY

1. New section filed 7-9-87 as an emergency; operative 7-9-87 (Register 87, No. 31). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 11-6-87.

2. Certificate of Compliance including amendment transmitted to OAL 11-6-87 and filed 12-7-87 (Register 87, No. 51).

3. Amendment of subsection (b)(6) filed 2-27-89; operative 3-29-89 (Register 89, No. 9).

4. Amendment of subsections (a) and (f) filed 3-17-89; operative 4-16-89 (Register 89, No. 12).

5. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6197.5, 3 CA ADC § 6197.5

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3 CA ADC § 6198

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3 CCR § 6198

§ 6198. Determination of Critical Need.

Pursuant to Food and Agricultural Code Section 13146(d), the determination of whether an active ingredient or pesticide is "critical to agricultural production" shall be based upon, but is not limited to, the following factors:

- (1) Loss of the active ingredient or pesticide could prevent the commercial production of an agricultural crop.
- (2) No other effective active ingredients or other alternative methods are available for the same use(s).
- (3) Loss of the active ingredient or pesticide could result in the introduction or dissemination of a pest new or not theretofore known to be widely prevalent or distributed within and throughout California.
- (4) Loss of the active ingredient or pesticide could cause a health hazard to animals such as livestock, horses, cattle, sheep, goats, canines and furbearing animals.
- (5) Loss of the active ingredient or pesticide could cause hardship on California's agricultural industry.

Note: Authority cited: Sections 12781 and 13146, Food and Agricultural Code. Reference: Sections 13143 and 13146, Food and Agricultural Code.

HISTORY

1. New section filed 5-13-88; operative 6-12-88 (Register 88, No. 22).
2. Change without regulatory effect amending section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

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3 CCR § 6198, 3 CA ADC § 6198

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3 CA ADC § 6198.5

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3 CCR § 6198.5

§ 6198.5. List of Active Ingredients Identified Pursuant to Section 13127 of the Food and Agricultural Code.

(a) Section 13127(a) of the Food and Agricultural Code requires the Department to identify 200 active ingredients which the Department determines have the most significant data gaps, widespread use, and which are suspected to be hazardous to people. The active ingredients are listed below in alphabetical order:

1. Acephate
2. Acrolein
3. Alachlor
4. Aldicarb
5. Aldrin
6. Alkyl (50A4, 40A2, 10A6) Dimethyl Benzyl Ammonium Chloride
7. Allethrin
8. (Reserved)
9. Amitraz
10. Amitrole
11. Arsenic Pentoxide
12. Arsenic Trioxide
13. Asulam, Sodium Salt
14. Atrazine
15. Azinphos-Methyl
16. Barban
17. Bendiocarb
18. Benomyl
19. Bentazon, Sodium Salt
20. Boric Acid
21. Bromacil
22. Bromoxynil Octanoate

23. Captafol
24. Captan
25. Carbaryl
26. Carbofuran
27. Carbon Tetrachloride
28. Carboxin
29. Chloramben
30. Chlordane
31. Chlordimeform
32. Chlorflurenol, Methyl Ester
33. (Reserved)
34. Chlorobenzilate
35. Chloroneb
36. Ortho-Benzyl-Para-Chlorophenol
37. Chloropicrin
38. Chlorothalonil
39. Chlorpyrifos
40. Chlorsulfuron
41. Chlorthal-Dimethyl
42. (Reserved)
43. Coumaphos
44. Creosote
45. Cryolite
46. Cyanazine
47. Cyanuric Acid, Monosodium Salt
48. Cycloate
49. Cyhexatin
50. 2,4-D
51. 2,4-D, Dimethylamine Salt
52. Daminozide
53. DDVP
54. Deet
55. Demeton
56. Diazinon
57. Dicamba
58. Diclobenil
59. Para-Dichlorobenzene
60. 1,2-Dichloropropane, 1,3-Dichloropropene and Related C-3 Compounds

61. 1,3 Dichloropropene
62. Diclofop Methyl
63. Dicofol
64. Didecyl Dimethyl Ammonium Chloride
65. Diethatyl-Ethyl
66. Dimethoate
67. Dimethylphthalate
68. 2,4-Dinitrophenol
69. Dinocap
70. Dinoseb
71. Dioxathion
72. Diphacinone
73. Diphenamid
74. Diphenylamine
75. Dipropyl Isocinchomerionate
76. Diquat Dibromide
77. Diuron
78. Endosulfan
79. Endothall, Mono (N,N-Dimethylalkylamine) Salt
80. Endrin
81. EPN
82. EPTC
83. Ethalfuralin
84. Ethephon
85. Ethofumesate
86. Ethoprop
87. (Reserved)
88. Ethylene Dibromide
89. Ethylene Dihloride
90. Ethylene Glycol, Monomethyl Ether
91. Ethylene Oxide
92. Fenamiphos
93. Fenarimol
94. Fensulfothion
95. Fenthion
96. Ferbam
97. Fluchloralin
98. Flucythrinate

99. Fluometuron
100. Fluvalinate
101. Folpet
102. Formaldehyde
103. Fosamine, Ammonium Salt
104. Glyphosate, Isopropylamine Salt
105. Heptachlor
106. (Reserved)
107. Imazalil
108. Iprodione
109. (Reserved)
110. Lindane
111. Linuron
112. Lithium Hypochlorite
113. Malathion
114. Maleic Hydrazide, Diethanolamine Salt
115. Maleic Hydrazide, Potassium Salt
116. Mancozeb
117. Maneb
118. Mefluidide, Diethanolamine Salt
119. Metaldehyde
120. Metam-Sodium
121. Methidathion
122. Methomyl
123. Methyl Bromide
124. Methylene Chloride
125. Methylenebis (Thiocyanate)
126. Methyl Parathion
127. Metolachlor
128. Metribuzin
129. Mevinphos
130. Molinate
131. Monocrotophos
132. MSMA
133. Naled
134. Naphthalene
135. Napropamide
136. Naptalam, Sodium Salt

137. Nitrapyrin
138. Norflurazon
139. Octylbicycloheptene Dicarboximide
140. Oryzalin
141. Oxadiazon
142. Oxamyl
143. Oxycarboxin
144. Oxyfluorfen
145. Oxythioquinox
146. Paraquat Dichloride
147. Parathion
148. PCNB
149. PCP
150. Pebulate
151. Pendimethalin
152. Permethrin
153. Petroleum Distillate, Aromatic
154. Phenothrin
155. Ortho-Phenylphenol
156. Phorate
157. Phosalone
158. Phosmet
159. Phosphamidon
160. (Reserved)
161. Picloram
162. Pine Oil
163. Piperonyl Butoxide, Technical
164. PMA
165. Prometryn
166. Propamocarb
167. Propargite
168. Propetamphos
169. Propoxur
170. Propyzamide
171. Pyrethrins
172. Resmethrin
173. Rotenone
174. Simazine

175. Sodium Arsenite
176. (Reserved)
177. Sulfur Dioxide
178. Sulfuryl Fluoride
179. Terbacil
180. Terrazole
181. Tetrachlorophenol
182. Tetrachlorvinphos
183. Tetramethrin
184. Thiabendazole, Hypophosphite Salt
185. Thiobencarb
186. Thiophanate-Methyl
187. Thiram
188. Toxaphene
189. Triadimefon
190. S,S,S-Tributylphosphorotrithioate
191. Tributyltin Benzoate
192. Tributyltin Oxide
193. Trichlorophon
194. Trichloro-S-Triazinetrione
195. Triclopyr
196. Trifluralin
197. Triforine
198. Vernolate
199. Vinclozolin
200. Ziram

(b) The Director has determined that certain of the active ingredients listed in subsection (a) are chemically and toxicologically similar to other active ingredients registered by the Department. Such similar active ingredients have been placed into groups. Completion of the mandatory health effects studies, required pursuant to Section 13127 of the Food and Agricultural Code, for an active ingredient listed in the group will satisfy the data requirements for all of the active ingredients in the group, unless adverse effects reported pursuant to Section 6210 indicate that the mandatory health effects studies should be completed for other active ingredients within the group. In addition, copies of the mandatory health effects studies submitted to the United States Environmental Protection Agency for any of the active ingredients listed below shall also be submitted by the registrant to the Department. The groups are listed below, and the active ingredient(s) listed in subsection (a) have an * after their name:

1. Alkyl (50A4, 40A2, 10A6) Dimethyl Benzyl Ammonium Chloride *
- Alkyl (60A4, 30A6, 5A2, 5A8) Dimethyl Benzyl Ammonium Chloride
- Alkyl (25A2, 60A4, 15A6) Dimethyl Benzyl Ammonium Chloride
- Alkyl (47A2, 18A4, 10A8, 10A6, 15H-C10) Dimethyl Benzyl Ammonium Chloride
- Alkyl (50A2, 30A4, 17A6, 3A8) Dimethyl Benzyl Ammonium Chloride
- Alkyl (58A4, 28A6, 14A2) MACASK 0 T Dimethyl Benzyl Ammonium Chloride
- Alkyl (61A2, 23A4, 11A6, 5H-C10-C18) Dimethyl Benzyl Ammonium Chloride

Alkyl (65A2, 25A4, 10A6) Dimethyl Benzyl Ammonium Chloride

Alkyl (67A2, 25A4, 7A6, 1H, C8, C10, C18) Dimethyl Benzyl Ammonium Chloride

Alkyl (90A4, 5A2, 5A6) Dimethyl Benzyl Ammonium Chloride

Alkyl (93A4, 4A2, 3A6) Dimethyl Benzyl Ammonium Chloride

Roccal-R (61% 12, 23A4, 11A6, 5A8) Tetradecyldimethylbenzyl Ammonium Chloride

2. Aluminum Phosphide *

Magnesium Phosphide

Zinc Phosphide

3. Boric Acid *

Boric Oxide

Borax

Sodium Metaborate

Disodium Octaborate Tetrahydrate

Sodium Tetraborate (Pentahydrate)

4. Bromacil *

Bromacil, Dimethylamine Salt

Bromacil, Lithium Salt

Bromacil, Sodium Salt

5. Bromoxynil Octanoate *

Bromoxynil, Butyric Acid Ester

6. Chloramben *

Chloramben, Ammonium Salt

7. Chlordimeform *

Chloridimeform Hydrochloride

8. Ortho-Benzyl-Para-Chlorophenol *

Ortho-Benzyl-Para-Chlorophenol, Potassium Salt

Ortho-Benzyl-Para-Chlorophenol, Sodium Salt

9. Copper Hydroxide *

Copper Sulfate (Anhydrous)

Copper Sulfate (Pentahydrate)

Copper Copper Ammonium Carbonate

Copper Bronze Powder

Copper Carbonate, Basic

Copper Oxide

Copper Oxychloride

Copper Oxychloride Sulfate

Copper-Sulfate (Basic)

Copper-Zinc Sulfate Complex

Cupric Oxide

10. Cyanuric Acid, Monosodium Salt *

Trichloro-S-Triazinetrione *

Dichloro-S-Triazinetrione

Sodium Dichloro-S-Triazinetrione

Sodium Dichloro-S-Triazinetrione (Dihydrate)

11. 2,4-D *

2,4-D, Dimethylamine Salt *

2,4-D, Alkanolamine Salts (Ethanol and Isopropanol Amines)

2,4-D, Butoxyethanol Ester

2,4-D, Butoxypropyl Ester

2,4-D, Butyl Ester

2,4-D, Diethanolamine Salt

2,4-D, Diethylamine Salt

2,4-D, N, N-Dimethyloleyl-Linoleylamine Salt

2,4-D, Dodecylamine Salt

2,4-D, 2-Ethylhexyl Ester

2,4-D, Isoocetyl Ester

2,4-D, Isopropyl Ester

2,4-D, Morpholine Salt

2,4-D, Octyl Ester

2,4-D, N-oleyl-1, 3-Propylenediamine Salt

2,4-D, Propyl Ester

2,4-D, Propyleneglycolbutylether Ester

2,4-D, Sodium Salt

2,4-D, Tetradecylamine Salt

2,4-D, Triethylamine Salt

2,4-D, Triisopropylamine Salt

12. Dicamba *

Dicamba, Diethanolamine Salt

Dicamba, Dimethylamine Salt

Dicamba, Monoethanolamine Salt

13. Didecyl Dimethyl Ammonium Chloride *

Diocetyl Dimethyl Ammonium Chloride

Octyl Decyl Dimethyl Ammonium Chloride

Octyl Dodecyl Dimethyl Ammonium Chloride

14. Dinoseb *

Dinoseb, Amine Salt

Dinoseb, Ammonium Salt

Dinoseb Sodium Salt

Dinoseb, Triethanolamine Salt

15. Diphacinone *

Diphacinone, Sodium Salt

16. Endothall, Mono (N, N-Dimethylalkylmine) Salt *

Endothall

Endothall, Mono (N, N-Diethylalkylamine) Salt

Endothall, Dipotassium Salt

17. Lithium Hypochlorite *
Calcium Hypochlorite

Sodium Hypochlorite

18. Maleic Hydrazide, Diethanolamine Salt *
Maleic Hydrazide, Potassium Salt *

Maleic Hydrazide

19. [Reserved.]

20. MSMA *
DSMA

21. Paraquat Dichloride *
Paraquat Bis (Methylsulfate)

22. PCP *
PCP, Potassium Salt

PCP, Sodium Salt

23. Petroleum Distillate, Aromatic *
Kerosene

Petroleum Oil, Paraffin Based

Isoparaffinic Hydrocarbons

Petroleum Derivative Resin

Petroleum Distillates

Petroleum Distillates, Refined

Petroleum Hydrocarbons

Petroleum Naphthenic Oils

Petroleum Oil, Unclassified

Petroleum, Unrefined

24. Ortho-Phenylphenol *
Ortho-Phenylphenol, Ammonium Salt

Ortho-Phenylphenol, Potassium Salt

Ortho-Phenylphenol, Sodium Salt

25. Picloram *
Picloram, Triisopropanolamine Salt

26. PMA *
Phenylmercuric Oleate

27. Pyrethrins *
Pyrethrum Narc

28. Tetrachlorophenol *
2,3,4,6-Tetrachlorophenol, Potassium Salt

Tetrachlorophenol, Sodium Salt

29. Thiabendazole, Hypophosphite Salt *
Thiabendazole

30. Thiophanate-Methyl *
Thiophanate

31. Tributyltin Benzoate *
Tributyltin Oxide *

Tributyltin Methacrylate

Bis (Tributyltin) Adipate

Tributyltin Acetate Tributyltin Chloride

Tributyltin Chloride Complex of Ethylene Oxide Condensate of Abietylamine

Tributyltin Fluoride

Tri-N-Butyltin Maleate

Tributyltin Monopropylene Glycol Maleate

Tributyltin Neodecanate

Tributyltin Resinate

Note: Authority cited: Section 12781, Food and Agricultural Code. Reference: Section 13127, Food and Agricultural Code.

HISTORY

1. New section filed 6-16-87 as an emergency; operative 6-16-87 (Register 87, No. 27). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-14-87.

2. Certificate of Compliance including amendment transmitted to OAL 10-13-87 and filed 11-12-87 (Register 87, No. 47). List of 200 active ingredients originally established by emergency adoption of section 6198.5 on 6/16/87 was modified prior to final approval. Items numbered (8) Aluminum Phosphide, (33) Chlorine, (42) Copper Hydroxide, (87) Ethyl Alcohol, (106) Hydrogen Chloride, (109) Isopropyl Alcohol, (160) Phosphoric Acid and (176) Sulfur, were deleted based upon the Department of Food and Agriculture's determination that available data concerning these active ingredients indicate that the chronic health effects data required pursuant to sections 13123 and 13127 of the Food and Agricultural Code are not required to be submitted for these active ingredients.

3. Editorial correction of History 2 (Register 88, No. 4).

4. Amendment of subsection (b), redesignation of (b)19 to reserved, and amendment of Note filed 11-9-93; operative 12-21-93 (Register 93, No. 46).

5. Editorial correction deleting previously repealed text of subsection (b)19. (Register 95, No. 39).

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3 CCR § 6198.5, 3 CA ADC § 6198.5

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[Home](#) [Table of Contents](#)**§ 6199. Fines for Ground Water Protection Data Gaps. [Repealed]**

3 CA ADC § 6199

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Article 3. Supplemental Data Requirements

3 CCR § 6199

§ 6199. Fines for Ground Water Protection Data Gaps. [Repealed]

Note: Authority cited: Sections 407, 12781, 13145 and 13146, Food and Agricultural Code. Reference: Sections 13143 and 13145, Food and Agricultural Code.

HISTORY

1. New section filed 5-13-88; operative 6-12-88 (Register 88, No. 22).
2. Repealer filed 8-1-96; operative 8-31-96 (Register 96, No. 31).

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3 CCR § 6199, 3 CA ADC § 6199

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[Home](#) [Table of Contents](#)**§ 6199.5. Assessment of Pesticide Registrants (The Pesticide Contamination Prevention Act, Sect...**

3 CA ADC § 6199.5

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Article 3. Supplemental Data Requirements

3 CCR § 6199.5

§ 6199.5. Assessment of Pesticide Registrants (The Pesticide Contamination Prevention Act, Sections 13141-13152 Food and Agricultural Code). [Repealed]

Note: Authority cited: Sections 407, 12781 and 13146, Food and Agricultural Code. Reference: Section 13146, Food and Agricultural Code.

HISTORY

1. New section filed 2-27-89; operative 3-29-89 (Register 89, No. 9).
2. Repealer filed 8-1-96; operative 8-31-96 (Register 96, No. 31).

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3 CCR § 6199.5, 3 CA ADC § 6199.5

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3 CA ADC § 6199.7

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Article 3. Supplemental Data Requirements

3 CCR § 6199.7

§ 6199.7. Submission of Groundwater Protection Data On Specified Ingredients and Degradation Products.**[Repealed]**

Note: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 13143 and 13145, Food and Agricultural Code.

HISTORY

1. New section filed 6-13-90; operative 7-13-90 (Register 90, No. 32).
2. Repealer filed 8-1-96; operative 8-31-96 (Register 96, No. 31).

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3 CCR § 6199.7, 3 CA ADC § 6199.7

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[Home Table of Contents](#)**§ 6200. Conditional Registration.**

3 CA ADC § 6200

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Article 4. Conditional Registration

3 CCR § 6200

§ 6200. Conditional Registration.

The director may waive specific data requirements in this subchapter for a period reasonably sufficient, not to exceed three years, for the generation and submission of such required data provided:

- (a) The pesticide product is registered pursuant to the Federal Insecticide, Fungicide and Rodenticide Act, the product is to be used under a Federal Experimental Use Permit, or the product is for use in California only.
- (b) The applicant has provided the director with all data the applicant has available required by the U.S. EPA and by this subchapter to support registration of the pesticide product.
- (c) No conditional registration shall be granted unless the data includes all of the following:
 - (1) Acute oral and dermal LD50 data on the product.
 - (2) Acute LC50 data on products which produce respirable aerosols or gases.
 - (3) Primary eye and skin irritation data on the product.
 - (4) When human contact is likely with soils or foliage containing residues, foliar and soil residue data as specified in Sections 6181 and 6182, sufficient to establish safe reentry level or interval.
 - (5) Analytical methods to determine residues of (1) each active ingredient and (2) each toxic metabolite that may result from the active ingredient for which a tolerance has been established by the U.S. EPA in the Code of the Federal Regulations. Test methods shall, as applicable, allow the director to determine residues in or on plant tissue, soil, and water.
 - (6) Preliminary efficacy data indicating the product is effective for the proposed use.
- (d) The director complies with Section 6158.
- (e) That each item of data waived is for a specified period.
Such period shall be no more than necessary for the applicant using good faith efforts to develop the information required by Sections 6176-6179, 6180(a), 6181-6183.
- (f) The director makes a written finding, supported by substantial evidence, that the use of the pesticide during the periods while data are being developed, is not expected to cause any significant adverse effect on the environment, that a clear need for the use of the product in California exists while the data is being developed, and that specified benefits of using the pesticide outweigh specified risks to human health and the environment.
- (g) The director requires the use of the best pest control methods and technology available including, but not limited to, methods of application to protect human health and the environment, and limitations to mitigate adverse effects to nontarget organisms or areas.
- (h) Each registrant be required to submit a report to the director annually (with product renewal application if such a waiver extends over January 1 of any year) and whenever specifically requested by the director, detailing progress made towards development of each item of the waived data.
- (i) Where the application is for a pesticide product containing a new active ingredient, the applicant has provided the director with the following data in addition to the data required by section 6200(c), (1)-(6) when required by the U.S. EPA to support the full

unconditional registration of the product pursuant to Section 3 of the Federal Insecticide, Fungicide and Rodenticide Act and when specifically requested by the director:

- (1) Results of a two-year feeding study on oncogenicity on active ingredients in at least one animal species.
- (2) Results of a teratogenicity study and one generation of a two-generation combined male-female reproductive study on active ingredients.
- (3) Results of three mutagenicity studies on active ingredients that detect gene mutations, chromosomal aberrations, and DNA damage/repair.
- (4) Data to support medical management of poisoning or injury.

Note: Authority cited: Sections 11456 and 12781, Food and Agricultural Code. Reference: Sections 11501 and 12824-12825, Food and Agricultural Code.

HISTORY

1. Editorial renumbering and amendment of former Section 2369.5 to Section 6200 and designation of new Article 4 filed 7-19-85 (Register 85, No. 29).
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 first paragraph and subsections (b), (c)(5) and (i) filed 6-5-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23).
4. Change without regulatory effect amending subsections (c)(1) and (c)(3) filed 8-14-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 33).
5. Change without regulatory effect amending subsections (b), (c)(1), (c)(3), (c)(5) and (i) filed 2-7-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 7).
6. Amendment of subsections (b), (c)(1), (c)(3), (c)(5) and (i) filed 2-8-2007; operative 3-10-2007 (Register 2007, No. 7).

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3 CCR § 6200, 3 CA ADC § 6200

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[Home](#) [Table of Contents](#)**§ 6205. Deodorizer or Cleansing Agent.**

3 CA ADC § 6205

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Article 5. Exemptions

3 CCR § 6205

§ 6205. Deodorizer or Cleansing Agent.

A product claimed, represented and intended solely as a deodorizer or deodorant, or as a cleansing agent, is not considered to be a pesticide.

Note: Authority cited: Section 12781, Food and Agricultural Code. Reference: Sections 12753 and 12801, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 6210 to Section 6205 and designation of new Article 5 (Sections 6205 and 6206) filed 7-19-85 (Register 85, No. 29). For prior history of Section 6210, see Register 82, No. 32.

2. Change without regulatory effect amending section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

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3 CCR § 6205, 3 CA ADC § 6205

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[Home](#) [Table of Contents](#)**§ 6206. Section 18 Exemptions.**

3 CA ADC § 6206

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Article 5. Exemptions

3 CCR § 6206

§ 6206. Section 18 Exemptions.

The director may apply to the U.S. EPA for a Section 18 exemption, pursuant to the Federal Insecticide, Fungicide and Rodenticide Act, when he or she determines that a specific public health quarantine or crisis emergency exists that requires the use of an unregistered pesticide and there is no feasible alternative to the exemption. In the case of Section 18 exemptions, the director may waive the data requirements in this subchapter, but shall require the utilization of the best pest control methods and technology available including, but not limited to, pest population monitoring, a determination of treatment thresholds, methods of application to protect human health and the environment, and limitations to mitigate adverse effects to nontarget organisms.

Note: Authority cited: Sections 11456, 12781 and 12824, Food and Agricultural Code. Reference: Sections 11501 and 12751-13102, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2369(e) to Section 6206 filed 7-19-85 (Register 85, No. 29).
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 section filed 6-5-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23).

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3 CCR § 6206, 3 CA ADC § 6206

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[Home](#) [Table of Contents](#)**§ 6210. Adverse Effect Disclosure.**

3 CA ADC § 6210

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Article 6. Adverse Effects Disclosure

3 CCR § 6210

§ 6210. Adverse Effect Disclosure.

(a) If, during the registration process or at any time after the registration of a pesticide, the registrant has factual or scientific evidence of any adverse effect or risk of the pesticide to human health or the environment (including ambient air quality), the registrant shall immediately submit such evidence to the director. All such information including, but not limited to that required under Section 6(a)(2) of the Federal Insecticide, Fungicide and Rodenticide Act, shall be submitted to the director.

(b) For the purposes of this section, "environment" means the total human surroundings, physical and biological, natural and artificial, including air, water, soil, plants, wildlife, and other ecological factors affecting the growth, development, and safety of people and other living organisms.

Note: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

HISTORY

1. Renumbering of former Chapter 4 (Article 3, Section 2350) to Chapter 6 (Article 2, Section 6210) filed 8-4-82; designated effective 1-1-83 (Register 82, No. 32). For prior history, see Register 78, No. 52.
2. Editorial renumbering of former Section 6210 to Section 6205, renumbering of former Section 2360.1 to Section 6210 and designation of new Article 6 filed 7-19-85 (Register 85, No. 29).
3. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6210, 3 CA ADC § 6210

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[Home](#) [Table of Contents](#)**§ 6215. Renewal.**

3 CA ADC § 6215

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Article 7. Renewals

3 CCR § 6215

§ 6215. Renewal.

(a) Each registrant shall submit with each renewal application a statement, signed by an authorized official of the applicant under penalty of perjury, that, prior to filing the renewal application the registrant has, to the best of the applicant's knowledge based upon all information available to the applicant, complied with the provisions of Section 6210, (Adverse Effect Disclosure).

(b) Each renewal shall be issued within 60 days after the director receives an accurate and complete renewal application unless the director takes action pursuant to Sections 12816, 12825, or 12827 of the Food and Agricultural Code.

(c) The director shall, when renewing a pesticide registration without a reevaluation, make a written finding that he or she has not received sufficient information necessitating reevaluation pursuant to Sections 6220 and 6221.

(d) Label amendments, including those made pursuant to Sections 18 and 24 (c) of the Federal Insecticide, Fungicide and Rodenticide Act, are subject to departmental review and approval pursuant to Section 6170(b). Approved label amendments are not subject to separate registration renewal requirements.

Note: Authority cited: Sections 11456, 12781, 14004.5 and 14006.7, Food and Agricultural Code. Reference: Sections 12812, 12817-12820 and 12824-12827, Food and Agricultural Code.

HISTORY

1. Editorial renumbering and amendment of former Section 2366 to Section 6215 and designation of new Article 7 filed 7-19-85 (Register 85, No. 29).

2. Amendment filed 6-29-87; operative 7-29-87 (Register 87, No. 31).

3. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6215, 3 CA ADC § 6215

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[Home](#) [Table of Contents](#)**§ 6216. Annual Registration Renewal Fee.**

3 CA ADC § 6216

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Article 7. Renewals

3 CCR § 6216

§ 6216. Annual Registration Renewal Fee.

Beginning with those certificates of registration expiring on December 31, 2015, the fee for annual renewal is \$1,150 for each product.

Note: Authority cited: Sections 12781 and 12812, Food and Agricultural Code. Reference: Section 12812, Food and Agricultural Code.

HISTORY

1. New section filed 11-3-2003 as an emergency; operative 1-1-2004 (Register 2003, No. 45). This action is a permanent emergency change for which no Certificate Compliance is needed pursuant to Food and Agricultural Code section 12812.
2. Editorial correction of History 1 (Register 2004, No. 37).
3. Amendment filed 8-10-2015 as an emergency; operative 10-1-2015 (Register 2015, No. 33). This action is a permanent emergency for which no Certificate of Compliance is needed pursuant to Food and Agricultural Code section 12812.

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3 CCR § 6216, 3 CA ADC § 6216

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[Home](#) [Table of Contents](#)**§ 6217. Penalties for Late Payment of Annual Renewal Application Fee.**

3 CA ADC § 6217

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Article 7. Renewals

3 CCR § 6217

§ 6217. Penalties for Late Payment of Annual Renewal Application Fee.

If renewal of a certificate of registration is not applied for within one calendar month after December 31 of each year, a penalty of 20 percent of the original amount due shall be added to the renewal fee for each product.

Note: Authority cited: Sections 12781, 12812 and 12818, Food and Agricultural Code. Reference: Section 12818, Food and Agricultural Code.

HISTORY

1. New section filed 11-3-2003 as an emergency; operative 1-1-2004 (Register 2003, No. 45). This action is a permanent emergency change for which no Certificate Compliance is needed pursuant to Food and Agricultural Code section 12812.
2. Editorial correction of History 1 (Register 2004, No. 37).

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3 CCR § 6217, 3 CA ADC § 6217

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[Home](#) [Table of Contents](#)**§ 6220. Reevaluation.**

3 CA ADC § 6220

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Article 8. Reevaluation Criteria

3 CCR § 6220

§ 6220. Reevaluation.

The director may, at any time, evaluate a registered pesticide to carry out the provisions of Sections 12824, 12825, 12825.5, 12826 and 12827 of the Food and Agricultural Code. The Director shall investigate all reported episodes and information received by the Director that indicate a pesticide may have caused, or is likely to cause, a significant adverse impact, or that indicate there is an alternative that may significantly reduce an adverse environmental impact. If the Director finds from the investigation that a significant adverse impact has occurred or is likely to occur or that such an alternative is available, the pesticide involved shall be reevaluated.

Note: Authority cited: Section 12781, Food and Agricultural Code. Reference: Sections 11501, 12824, 12825, 12825.5, 12826 and 12827, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 6220 to Section 6300, renumbering of former Section 2367(a) to Section 6220 and designation of new Article 8 (Sections 6220-6228) filed 7-19-85 (Register 85, No. 29). For prior history, see Register 82, No.32.
2. Amendment filed 1-18-89; operative 2-17-89 (Register 89, No. 5).
3. Change without regulatory effect amending section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

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3 CCR § 6220, 3 CA ADC § 6220

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[Home](#) [Table of Contents](#)**§ 6221. Reevaluation Criteria.**

3 CA ADC § 6221

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Article 8. Reevaluation Criteria

3 CCR § 6221

§ 6221. Reevaluation Criteria.

The director shall also reevaluate a pesticide when certain factors have been found such as, but not limited to:

- (a) Public or worker health hazard.
- (b) Environmental contamination.
- (c) Pesticide residue overtolerance.
- (d) Fish or wildlife hazard.
- (e) Lack of efficacy.
- (f) Undesirable phytotoxicity.
- (g) Hazardous packaging.
- (h) Inadequate labeling.
- (i) Disruption of the implementation or conduct of pest management.
- (j) Other information suggesting a significant adverse risk.
- (k) Availability of an effective and feasible alternate material or procedure which is demonstrably less destructive to the environment.
- (l) Discovery that data upon which a registration was issued is false, misleading, or incomplete.

Note: Authority cited: Section 12781, Food and Agricultural Code. Reference: Sections 11501, 12824 and 12825.5, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2367(b) to Section 6221 filed 7-19-85 (Register 85, No. 29).
2. Amendment filed 1-18-89; operative 2-17-89 (Register 89, No. 5).
3. Change without regulatory effect amending first paragraph, subsection (c) and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

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3 CCR § 6221, 3 CA ADC § 6221

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3 CA ADC § 6222

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3 CCR § 6222

§ 6222. Reevaluation Data Requirements.

(a) During a reevaluation, the director shall require submission of all data required for registration of a new pesticide by the U.S. EPA and by sections 6159, 6170, 6176-6179, 6180(a), 6181-6192, and 6200 which is relevant to the focus of the reevaluation and has not previously been submitted to the department. The director shall allow a reasonable time for the development and submission of such data, not to exceed a period of two years. Notwithstanding the lack of such data the director shall act expeditiously to protect against risks to human health and the environment.

(b) If information is obtained from an individual or organization indicating possible adverse effect from the use of a pesticide, the director shall respond in writing to the individual or organization indicating the reasons for his or her decision either to reevaluate or not reevaluate the pesticide registration based upon the information submitted.

Note: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering and amendment of former Section 2367(c) and (d) to Section 6222 filed 7-19-85 (Register 85, No. 29).
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) filed 6-5-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23).

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3 CCR § 6222, 3 CA ADC § 6222

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[Home](#) [Table of Contents](#)**§ 6223. Notification.**

3 CA ADC § 6223

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3 CCR § 6223

§ 6223. Notification.

The registrant whose pesticide product has been designated for reevaluation shall be immediately notified by the director. Such notice shall include the basis for the reevaluation.

Note: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2367(e) to Section 6223 filed 7-19-85 (Register 85, No. 29).
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).

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3 CCR § 6223, 3 CA ADC § 6223

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3 CA ADC § 6224

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Article 8. Reevaluation Criteria

3 CCR § 6224

§ 6224. Determinations.

During the reevaluation, the director shall determine if the pesticide should be classified as a restricted material pursuant to Section 14004.5 of the Food and Agricultural Code; and if additional restrictions on use are necessary, or if action pursuant to Section 12824, 12825, or 12826 of the Food and Agricultural Code should be taken.

Note: Authority cited: Sections 12781, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11501, 12824, 12825, 12825.5, 12826, 14001, 14004.5 and 14005, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2367(e) to Section 6224 filed 7-19-85 (Register 85, No. 29).
2. Amendment filed 1-18-89; operative 2-17-89 (Register 89, No. 5).
3. Change without regulatory effect amending section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

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3 CCR § 6224, 3 CA ADC § 6224

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3 CA ADC § 6225

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Article 8. Reevaluation Criteria

3 CCR § 6225

§ 6225. Reports.

The director shall publish a semi-annual report on pesticides reevaluated, under reevaluation, or which for factual or scientific information was received but no reevaluation was initiated.

Note: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2367(f) to Section 6225 filed 7-19-85 (Register 85, No. 29).
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).

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3 CCR § 6225, 3 CA ADC § 6225

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3 CA ADC § 6226

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3 CCR § 6226

§ 6226. Product Evaluation.

The director shall undertake continuous evaluation of all registered products. First priority shall be given to those products selected according to the specific criteria set forth in this section. Next priority shall be given to other products considered by the director to pose the greatest risk to people and the environment.

Note: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2367(g) to Section 6226 filed 7-19-85 (Register 85, No. 29).
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).

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3 CCR § 6226, 3 CA ADC § 6226

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Article 9. Trade Secret [Repealed]

3 CA ADC Article 9

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Article 9. Trade Secret [Repealed]

3 CCR Article 9

Article 9. Trade Secret [Repealed]

HISTORY

1. Repealer of Article 9 (sections 6230-6231) filed 6-29-87; operative 7-29-87 (Register 87, No. 31).

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3 CCR Article 9, 3 CA ADC Article 9

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[Home](#) [Table of Contents](#)**§ 6235. Name, Brand, or Trademark of Pesticide.**

3 CA ADC § 6235

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3 CCR § 6235

§ 6235. Name, Brand, or Trademark of Pesticide.

The name, brand, or trademark of the pesticide appearing on the label shall be that under which the pesticide is registered.

Note: Authority cited: Sections 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751-12994, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2330 to Section 6235 and designation of new Article 10 (Sections 6235-6243, not consecutive) filed 7-19-85 (Register 85, No. 29).
2. Change without regulatory effect amending section heading, section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

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3 CCR § 6235, 3 CA ADC § 6235

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[Home](#) [Table of Contents](#)**§ 6237. Placement of Label.**

3 CA ADC § 6237

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3 CCR § 6237

§ 6237. Placement of Label.

The label shall appear on the pesticide or the immediate container thereof. If the immediate container is enclosed within a wrapper or outside container through which the label cannot be clearly read by a person with normal vision, the label must also appear on such outside wrapper or container if it is a part of the retail package.

Note: Authority cited: Sections 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751-12994, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2390 to Section 6237 filed 7-19-85 (Register 85, No. 29).
2. Change without regulatory effect amending section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

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3 CCR § 6237, 3 CA ADC § 6237

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3 CA ADC § 6238

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3 CCR § 6238

§ 6238. Acceptance of Labeling.

No label may represent a registered pesticide and no supplemental or associated information, whether written or oral, may represent a registered pesticide until such label and information is accepted by the director as part of the labeling. Recommended dilutions, if any, for use of a pesticide shall be submitted with the application.

Note: Authority cited: Sections 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751-12994, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2361 to Section 6238 filed 7-19-85 (Register 85, No. 29).
2. Change without regulatory effect amending section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

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3 CCR § 6238, 3 CA ADC § 6238

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[Home](#) [Table of Contents](#)**§ 6239. Name and Address of Manufacturer, Distributor, Packer, Formulator, or Registrant.**

3 CA ADC § 6239

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3 CCR § 6239

§ 6239. Name and Address of Manufacturer, Distributor, Packer, Formulator, or Registrant.

An unqualified name and address given on the label shall be considered as the name and address of the manufacturer. If the registrant's name appears on the label and registrant is not the manufacturer, or if the name of the person for whom the pesticide was manufactured appears on the label, it must be qualified by appropriate wording such as "Packed for _____," "Distributed by _____," or "Sold by _____," to show that the name is not that of the manufacturer. If a person has two or more locations at which a pesticide is manufactured or packaged, or from which it is distributed, the name and address of the person's principal office will be accepted except in cases where the director determines that the address of the exact location is necessary for the protection of the public. The address of the manufacturer, registrant, or person for whom manufactured shall include the street address, if any, unless the street address is shown in a current city directory or telephone directory.

Note: Authority cited: Sections 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751-12994, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2391 to Section 6239 filed 7-19-85 (Register 85, No. 29).
2. Change without regulatory effect amending section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

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3 CCR § 6239, 3 CA ADC § 6239

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[Home](#) [Table of Contents](#)**§ 6240. Legibility of Label and Labeling.**

3 CA ADC § 6240

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Article 10. Labeling

3 CCR § 6240

§ 6240. Legibility of Label and Labeling.

All words, statements, graphic presentations, or designs required by the Food and Agricultural Code or these regulations to appear on the label or labeling must be clearly legible and easy to read by a person with normal vision. The signal word, when required, and the statement, "Keep out of the reach of children," when necessary, shall be of a size bearing a reasonable relationship to the other type on the front part of the label and to the size of the container. The signal word, when required, shall not be less than 18 point type, and the said warning statement shall not be less than 12 point type, unless the label space on the container is too small to accommodate such type sizes, in which case, the director shall prescribe the type size. When the size of the label space requires a reduction in type size, the reduction shall be made to a size no smaller than is necessary, and in no event to a size smaller than 6 point type.

Note: Authority cited: Sections 11456, 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751-12994, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2393 to Section 6240 filed 7-19-85 (Register 85, No. 29).
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).

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3 CCR § 6240, 3 CA ADC § 6240

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3 CA ADC § 6241

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3 CCR § 6241

§ 6241. Registration Number.

(a) The assigned registration number shall appear on each pesticide label.

(b) The registration number shall be shown on the label substantially as follows:
EPA REGISTRATION NO. 00000-00000-00000 or

EPA REG. NO. 00000-00000-00000 or if no Federal number has been assigned

STATE REGISTRATION NO. 00000-00000-00000 or

STATE REG. NO. 00000-00000-00000

(The first five digits reflect the manufacturer or basic registrant, the second five digits the product, and the third five digits, if applicable, reflect the distributor.)

Note: Authority cited: Sections 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751-12994, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2394 to Section 6241 filed 7-19-85 (Register 85, No. 29).

2. Change without regulatory effect amending subsection (a) and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

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3 CCR § 6241, 3 CA ADC § 6241

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3 CA ADC § 6242

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3 CCR § 6242

§ 6242. Warning or Caution Statement.

Warning or caution statements, which are necessary, and if complied with, adequate to prevent injury to living man and useful vertebrate animals, useful vegetation, and useful invertebrate animals, must appear on the label in a place sufficiently prominent to warn the user, and must state clearly and in nontechnical language the particular hazard involved in the use of the pesticide, e.g., ingestion, skin absorption, inhalation, flammability or explosion, and the precautions to be taken to avoid accident, injury, or damage.

(a) The label of every pesticide shall bear warnings or cautions which are necessary for the protection of the public, including the statement, "Keep out of reach of children," and a signal word such as "Danger," "Warning," or "Caution" as the director may prescribe, on the front panel or that part of the label displayed under customary conditions of purchase; provided, however, the director may permit reasonable variations on the placement of that part of the required warnings and cautions other than the statement, "Keep out of the reach of children," and the required signal word, if in his opinion such variations would not be injurious to the public. If a pesticide is marketed in channels of trade where the likelihood of contact with children is extremely remote, or if the nature of the product is such that it is likely to be used on infants or small children without causing injury in under reasonably foreseeable conditions, the director may waive the requirement of the statement, "Keep out of reach of children" if in his opinion such a statement is not necessary to prevent injury to the public. The director may permit a statement such as "Keep away from infants and small children" in lieu of the statement "Keep out of reach of children" if he determined that such a variation would not be injurious to the public.

(b) The label of every pesticide which is highly toxic to man shall bear the word "Danger" along with the word "Poison" in red on contrasting background in immediate proximity to the skull and crossbones, and an antidote statement including directions to call a physician immediately on the front panel or that part of the label displayed under customary conditions of purchase; provided, however, the director may permit reasonable variations in the placement of the antidote statement if some reference such as "See antidote statement on back panel" appears on the front panel near the word "Poison" and the skull and crossbones.

Note: Authority cited: Sections 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751-12994, Food and Agricultural Code.

HISTORY

1. Editorial renumbering and amendment of former Section 2395 to Section 6242 filed 7-19-85 (Register 85, No. 29).
2. Change without regulatory effect amending section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of regulations (Register 97, NO. 13).

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3 CCR § 6242, 3 CA ADC § 6242

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[Home](#) [Table of Contents](#)**§ 6243. Scope of Labeling Requirements.**

3 CA ADC § 6243

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Article 10. Labeling

3 CCR § 6243

§ 6243. Scope of Labeling Requirements.

The labeling requirements in this article shall provide that pesticide products registered by the director meet, but not exceed, current U.S. EPA labeling requirements. The labeling requirements in this article shall apply equally to pesticide products currently registered by U.S. EPA and submitted to the director for registration, and those requiring registration only pursuant to section 12811 of the Food and Agricultural Code.

Note: Authority cited: Sections 11456 and 12781, Food and Agricultural Code. Reference: Sections 12751-13102, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2389 to Section 6243 filed 7-19-85 (Register 85, No. 29).
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 section filed 6-5-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23).

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3 CCR § 6243, 3 CA ADC § 6243

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[Home](#) [Table of Contents](#)**§ 6247. Sub-Packaging of Certain Pesticides for Resale to Consumers. [Repealed]**

3 CA ADC § 6247

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Article 11. Subpackaging [Repealed]

3 CCR § 6247

§ 6247. Sub-Packaging of Certain Pesticides for Resale to Consumers. [Repealed]

Note: Authority cited: Sections 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751-12994, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former section 2396 to section 6247 and designation of new article 11 filed 7-19-85 (Register 85, No. 29).
2. Editorial correction of printing error in subsection (c) (Register 91, No. 33).
3. Repealer filed 5-31-95; operative 6-30-95 (Register 95, No. 22).
4. Change without regulatory effect amending section heading and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

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3 CCR § 6247, 3 CA ADC § 6247

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3 CA ADC § 6252

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Article 12. Consultation and Public Review

3 CCR § 6252

§ 6252. Pesticide Registration, Renewal, and Reevaluation Consultation.

This section applies to the registration, renewal of registration, and reevaluation of pesticides.

The Department shall consult on decisions proposed pursuant to this section with public agencies which have jurisdiction by law over the use of pesticides or over activities or resources which may be affected by the use of pesticides. In doing so, the Director shall establish an interagency advisory committee that shall be known as the Pesticide Registration and Evaluation Committee. This committee shall meet bimonthly or more often when requested by the Director. The Pesticide Registration and Evaluation Committee shall consist of the following members:

- (a) The Director of the Department of Pesticide Regulation or his or her designee who shall serve as chair of the committee;
- (b) A representative from each of the other boards, offices, and departments in the California Environmental Protection Agency:
 - (1) The Air Resources Board;
 - (2) The Office of Environmental Health Hazard Assessment;
 - (3) The Department of Resources Recycling and Recovery;
 - (4) The State Water Resources Control Board;
 - (5) The Department of Toxic Substances Control.
- (c) A representative from each of the following state agencies:
 - (1) The Department of Food and Agriculture;
 - (2) The Department of Fish and Wildlife;
 - (3) The Department of Industrial Relations;
 - (4) The Department of Public Health;
 - (5) The Structural Pest Control Board in the Department of Consumer Affairs;
 - (6) The University of California;
- (d) A representative from each of the following federal agencies:
 - (1) The U.S. Department of Agriculture/Agricultural Research Service;
 - (2) The U.S. Environmental Protection Agency, Region IX.
- (e) The President of the California Agricultural Commissioners and Sealers Association or his or her designee;
- (f) A representative of any other public agency that the Director of the Department of Pesticide Regulation deems appropriate after consultation with the existing committee membership.

Note: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2443(a) to Section 6252 and designation of new Article 12 (Sections 6252-6255) filed 7-19-85 (Register 85, No. 29).
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. Amendment filed 11-27-2001; operative 12-27-2001 (Register 2001, No. 48).
4. Change without regulatory effect amending section heading filed 8-14-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 33).
5. Change without regulatory effect amending second paragraph and subsections (b)(3), (c)(2) and (c)(4) filed 6-10-2019 pursuant to section 100, title 1, California Code of Regulations (Register 2019, No. 24).

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3 CCR § 6252, 3 CA ADC § 6252

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3 CA ADC § 6253

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Article 12. Consultation and Public Review

3 CCR § 6253

§ 6253. Proposed Decision.

(a) Each proposed decision relating to registration and renewal, and each decision to begin reevaluation shall be posted on the official bulletin boards of the Department, and of each commissioner's office, and in each District office of the Division of Pest Management, Environmental Protection and Worker Safety for 30 days for public review and comment.

(b) A copy of the notice shall be sent to any person who requests it in writing. In addition, the public agencies consulted under Section 6252 shall be sent a copy of the notice.

Note: Authority cited: Sections 11456 and 12781, Food and Agricultural Code. Reference: Section 21080.4, Public Resources Code.

HISTORY

1. Editorial renumbering of former Section 2443(b) to Section 6253 filed 7-9-85 (Register 85, No. 29).
2. Amendment of subsection (a) filed 6-29-87; operative 7-29-87 (Register 87, No. 31).
3. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6253, 3 CA ADC § 6253

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3 CA ADC § 6254

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Article 12. Consultation and Public Review

3 CCR § 6254

§ 6254. Public Report.

Each public report shall include a description of the proposed action, a statement of any significant adverse environmental effect that can reasonably be expected to occur, directly or indirectly, from implementing the proposal, and a statement of any reasonable mitigation measures that are available to minimize significant adverse environmental impact.

Each public report shall also contain a statement and discussion of reasonable alternatives which would reduce any significant environmental impact. The public report may be included in the notice of proposed decision. The director may develop a schedule of actual cost for the reproduction of public reports to be charged to those requesting copies.

(a) The director shall not approve an activity which would cause a significant adverse environmental impact if there is a feasible alternative or feasible mitigation measure available which would substantially lessen any significant adverse impact which implementation of the proposal may reasonably be expected to have on the environment.

(b) Written Evaluation. The final action taken in regard to a decision subject to this section in which a significant adverse environmental point is raised during the evaluation process shall include a written evaluation of such points approved by the director.

Note: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2443(c)-(e) to Section 6254 filed 7-19-85 (Register 85, No. 29).
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 (b) filed 6-5-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23).

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3 CCR § 6254, 3 CA ADC § 6254

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3 CA ADC § 6255

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Article 12. Consultation and Public Review

3 CCR § 6255

§ 6255. Notice of Decision.

A notice of each decision subject to this article shall be filed within a week of its issuance with the Secretary of Resources for posting. Such notices shall be available for public inspection and shall remain posted for a period of 30 days.

Note: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2443(f) to Section 6255 filed 7-19-85 (Register 85, No. 29).
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 section filed 6-5-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23).

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3 CCR § 6255, 3 CA ADC § 6255

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§ 6256. Pest Management Advisory Committee.

3 CA ADC § 6256

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Article 12. Consultation and Public Review

3 CCR § 6256

§ 6256. Pest Management Advisory Committee.

(a) There is within the Department of Pesticide Regulation a Pest Management Advisory Committee. The Pest Management Advisory Committee shall consist of the following members:

(1) Six ex officio members;

The Director of the Department of Pesticide Regulation or his/her designee who shall serve as chair of the committee;

The Secretary of the California Department of Food and Agriculture or his/her designee who shall serve as vice chair;

The President of the University of California or his/her designee;

The Regional Administrator of the United States Environmental Protection Agency Region IX or his/her designee;

The Chancellor of the California State University or his/her designee;

The President of the County Agricultural Commissioners and Sealers Association or his/her designee.

(2) The following members who shall serve an initial term of office of from one to three years, as determined by the chair at the time of appointment, so that approximately one-third of these original committee members shall be replaced annually for the first three years. Subsequent appointments shall be for a term of office of three years;

Five members representing academia and public foundations.

Six members representing agricultural production.

Four members representing environmental and public interest groups.

One member representing farm labor organizations.

One member representing general public and consumer advocacy.

One member representing nonagricultural pesticide user groups.

Two members representing pest control advisers.

Four members representing registrants and trade associations.

(b) The members of the Pest Management Advisory Committee shall be appointed by the Director of the Department of Pesticide Regulation, and serve at the pleasure of the chair. Vacancies will be filled for any unexpired term of office as appropriate. The Pest Management Advisory Committee shall assist the Department of Pesticide Regulation in identifying, facilitating, and promoting environmentally sound pest management practices and pest management systems. Pest Management Advisory Committee activities include, but are not limited to, reviewing proposals for pest management research and recommending to the Director which proposals should be funded. Upon the joint decision of the chair and vice chair, funds in the Food Safety Account in the Department of Pesticide Regulation may be expended, upon appropriation, for pest management research purposes to carry out the recommendations of the Pest Management Advisory Committee. The committee shall meet at least quarterly or at the request of the chair. The chair may appoint subcommittees as needed to serve in an advisory capacity. Pest Management Advisory Committee members and any subcommittee members shall serve without compensation.

Note: Authority cited: Section 12536, Food and Agricultural Code. Reference: Section 12536, Food and Agricultural Code.

HISTORY

1. New section filed 2-14-96; operative 2-14-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 7).
2. Amendment filed 11-27-2001; operative 12-27-2001 (Register 2001, No. 48).

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3 CCR § 6256, 3 CA ADC § 6256

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[Home](#) [Table of Contents](#)**§ 6260. Authorization for Research.**

3 CA ADC § 6260

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Article 13. Research Authorization

3 CCR § 6260

§ 6260. Authorization for Research.

(a) With the exception of those persons exempted by section 6268, a written authorization for research must be obtained from the Director prior to any experimental, unregistered use of a pesticide.

(b) The authorization may specify conditions under which the research must be conducted. The conditions may include, but are not limited to, handling of the treated commodity, safety equipment, reentry intervals, medical monitoring, and field posting.

(c) Research requiring an approved human exposure protocol pursuant to section 6710, must be conducted in accordance with that protocol.

(d) The Director may terminate, amend, or refuse to issue an authorization whenever it is determined that:

- (1) the research may involve a hazard to handlers and/or field workers, the public health, or the environment;
- (2) the research is used for purposes unrelated to pesticide data development; or
- (3) violations of the authorization, a previous authorization, or Divisions 6 or 7 of the Food and Agricultural Code, or regulations adopted pursuant to them, have occurred in connection with such research.

(e) The research must be conducted in accordance with the conditions of the authorization and the research authorization regulations of this article.

Note: Authority cited: Sections 12781 and 12976, Food and Agricultural Code. Reference: Sections 12995 and 14006.6, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former section 3092 to section 6260 and designation of new article 13 filed 7-19-85 (Register 85, No. 29).
2. Amendment of former subsection (a), and renumbering and amendment of former subsections (b) to section 6262, (c) to section 6263, (d) to section 6261 and (e) to section 6264 filed 6-29-87; operative 7-29-87 (Register 87, No. 31).
3. Change without regulatory effect of NOTE filed 8-26-88; operative 8-26-88 (Register 88, No. 36).
4. New subsections (b), (c) and (e), and amendment of subsections (a) and (d) filed 5-23-90; operative 6-22-90 (Register 90, No. 27).
5. Change without regulatory effect amending subsection (a) and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).
6. Amendment filed 11-18-2015; operative 1-1-2016 (Register 2015, No. 47).

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3 CCR § 6260, 3 CA ADC § 6260

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[Home](#) [Table of Contents](#)**§ 6261. Exemptions from Authorization for Research. [Renumbered]**

3 CA ADC § 6261

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3 CCR § 6261

§ 6261. Exemptions from Authorization for Research. [Renumbered]

Note: Authority cited: Sections 407, 12781 and 12976, Food and Agricultural Code. Reference: Sections 12995 and 14006.6, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former section 6260(d) to section 6261 filed 6-29-87; operative 7-29-87 (Register 87, No. 31).
2. Change without regulatory effect of NOTE filed 8-26-88; operative 8-26-88 (Register 88, No. 36).
3. Renumbering and amendment of section 6261 to section 6268 filed 5-23-90; operative 6-22-90 (Register 90, No. 27).

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3 CCR § 6261, 3 CA ADC § 6261

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[Home](#) [Table of Contents](#)**§ 6262. Application for Research Authorization.**

3 CA ADC § 6262

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Article 13. Research Authorization

3 CCR § 6262

§ 6262. Application for Research Authorization.

(a) Application for a research authorization must be made on the Pesticide Research Authorization form (DPR-REG-027a, Est. 4/15), hereby incorporated by reference.

(b) If at least one of the following criteria applies, the active ingredient may be omitted from the application form. However, the registrant shall provide the identity of the active ingredient in a statement as specified in (c).

(1) The active ingredient is not contained in any pesticide products currently registered by U.S. EPA.

(2) The active ingredient is not contained in any spray adjuvants currently registered by the Department.

(c) The statement required by subsection (b) must include the following information:

(1) Firm name of registrant;

(2) Identification of applicable criteria from subsection (b);

(3) Common name of active ingredient, or if no common name, chemical or molecule name. For biopesticides, provide the genus, species, and strain of the organism;

(4) Pesticide product name as listed on the application form; and

(5) Contact information and signature of authorized representative.

(d) The Director may require additional data if necessary to assess the potential adverse effects to workers, the public, and/or the environment.

Note: Authority cited: Sections 11456, 12781 and 12976, Food and Agricultural Code. Reference: Sections 12995, 12999.5 and 14006.6, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former section 6262 to section 6270, and new section 6262 filed 5-23-90; operative 6-22-90 (Register 90, No. 27). For prior history, see Register 88, No. 36.

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)(2)(C) filed 6-5-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 23).

4. Editorial correction of History 3 (Register 2002, No. 27).

5. Amendment of section and Note filed 11-18-2015; operative 1-1-2016 (Register 2015, No. 47).

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3 CCR § 6262, 3 CA ADC § 6262

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[Home](#) [Table of Contents](#)**§ 6263. Experimental Applications. [Renumbered]**

3 CA ADC § 6263

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Article 13. Research Authorization

3 CCR § 6263

§ 6263. Experimental Applications. [Renumbered]

Note: Authority cited: Sections 407, 12781 and 12796, Food and Agricultural Code. Reference: Sections 11411, 11501(a)(b)(f), 12995 and 14006.6, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former section 6260(c) to section 6263 filed 6-29-87; operative 7-29-87 (Register 87, No. 31).
2. Renumbering and amendment of section 6263 to section 6272 filed 5-23-90; operative 6-22-90 (Register 90, No. 27).

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3 CCR § 6263, 3 CA ADC § 6263

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[Home](#) [Table of Contents](#)**§ 6264. Notification and Use of Research Authorization.**

3 CA ADC § 6264

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Article 13. Research Authorization

3 CCR § 6264

§ 6264. Notification and Use of Research Authorization.

(a) Except as provided in (b), at least 72 hours prior to beginning application of a pesticide requiring a research authorization, the researcher shall submit the following information to the commissioner of the county where the proposed trial site is located:

- (1) a copy of the approved research authorization; and
- (2) a notice of application. The notice of application must include the following information if it is not provided on the approved research authorization:
 - (A) Research authorization number;
 - (B) Name and address of researcher and applicator;
 - (C) Location of areas to be treated and name of property operator;
 - (D) Specific crop or commodity, or if there is no crop or commodity, the specific site to be treated;
 - (E) Approximate acres or other units;
 - (F) Specific method of application;
 - (G) Pesticide(s);
 - (H) Dilution, volume per acre or other units, and dosage;
 - (I) Date intended application is to commence;
 - (J) Location of each trial on a plot map;
 - (K) Map or aerial photograph designating the location and identity of all known areas that could be adversely impacted by the use of the pesticide, including hospitals; schools; playgrounds; residential areas (including labor camps); parks, lakes, waterways, estuaries, and reservoirs; state wildlife management areas; critical habitats of rare, endangered, or threatened species; livestock; and crops.

(b) The researcher shall provide the 72-hour notice of application required in (a), unless the commissioner has given prior approval for a shorter time period as adequate to evaluate the intended application.

(c) The notice of application specified in (a)(2) shall also be submitted to the Department at least 72 hours prior to beginning application of a pesticide requiring a research authorization. If the commissioner allows less than 72 hours' notice pursuant to (b), then the notice of application must be provided to the Department at the same time it is provided to the commissioner.

(d) If no application of pesticide is made following the notice of application, the researcher shall notify the commissioner within two weeks by submitting an Experimental Trial Report as described in section 6266(a).

Note: Authority cited: Sections 11456, 12781 and 12976, Food and Agricultural Code. Reference: Sections 12995 and 14006.6, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former section 6260(e) to section 6264 filed 6-29-87; operative 7-29-87 (Register 87, No. 31).
2. Change without regulatory effect of NOTE filed 8-26-88; operative 8-26-88 (Register 88, No. 36).
3. Repealer and new section filed 5-23-90; operative 6-22-90 (Register 90, No. 27).
4. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
5. Amendment filed 11-18-2015; operative 1-1-2016 (Register 2015, No. 47).

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3 CCR § 6264, 3 CA ADC § 6264

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[Home](#) [Table of Contents](#)**§ 6264.1. Research Authorization - Pesticide Form. [Repealed]**

3 CA ADC § 6264.1

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3 CCR § 6264.1

§ 6264.1. Research Authorization - Pesticide Form. [Repealed]**HISTORY**

1. Sample form printed as an addendum to section 6264 (Register 87, No. 31).
2. Repealer filed 5-23-90; operative 6-22-90 (Register 90, No. 27).

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3 CCR § 6264.1, 3 CA ADC § 6264.1

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3 CA ADC § 6266

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3 CCR § 6266

§ 6266. Reports of Research Authorization Use.

(a) Following the final application of a pesticide requiring a research authorization in a particular trial location, and at least 24 hours prior to either harvest or crop destruction, the researcher shall submit an Experimental Trial Report (DPR-REG-029, Est. 4/15), hereby incorporated by reference, to the commissioner.

(b) Within two weeks following the expiration date of the research authorization, the researcher shall submit to the Department an Experimental Pesticide Use Report (DPR-REG-028a, Est. 4/15), hereby incorporated by reference.

Note: Authority cited: Sections 11456, 12781 and 12976, Food and Agricultural Code. Reference: Sections 12995, 12999.5 and 14006.6, Food and Agricultural Code.

HISTORY

1. New section filed 5-23-90; operative 6-22-90 (Register 90, No. 27).
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. Amendment of section and Note filed 11-18-2015; operative 1-1-2016 (Register 2015, No. 47).

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3 CCR § 6266, 3 CA ADC § 6266

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[Home](#) [Table of Contents](#)**§ 6268. Exemptions from Authorization for Research.**

3 CA ADC § 6268

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Article 13. Research Authorization

3 CCR § 6268

§ 6268. Exemptions from Authorization for Research.

(a) A pesticide registrant is exempt from the provisions of section 6260 when the registrant is the operator of the property upon which the research is to be conducted and continues to be the operator until the treated commodity is destroyed or harvested.

(b) Personnel employed by colleges and universities and engaged in pesticide research are exempt from section 6260 if they are operating according to the current established policy of the college or university which covers pesticide use and experimentation.

Note: Authority cited: Sections 11456, 12781 and 12976, Food and Agricultural Code. Reference: Sections 12995 and 14006.6, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former section 6261 to section 6268 filed 5-23-90; operative 6-22-90 (Register 90, No. 27).
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).

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3 CCR § 6268, 3 CA ADC § 6268

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3 CA ADC § 6270

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Article 13. Research Authorization

3 CCR § 6270

§ 6270. Costs and Fees Prohibited.

The research authorization holder shall not charge the operator, owner, or person in possession of the property upon which the research is being conducted for the materials or use of the pesticide in connection with the research authorization. This prohibition includes charges or fees for labor and services in connection with the research authorization.

Note: Authority cited: Sections 11456, 12781 and 12976, Food and Agricultural Code. Reference: Sections 12995 and 14006.6, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former section 6262 to section 6270 filed 5-23-90; operative 6-22-90 (Register 90, No. 27).
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).

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3 CCR § 6270, 3 CA ADC § 6270

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3 CA ADC § 6272

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3 CCR § 6272

§ 6272. Possession of Authorization.

Each person making an application of a pesticide under a research authorization shall have a copy of the authorization available at the use site at the time of the application.

Note: Authority cited: Sections 11456, 12781 and 12976, Food and Agricultural Code. Reference: Sections 11501(a)(b)(f), 12995 and 14006.6, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of section 6263 to section 6272 filed 5-23-90; operative 6-22-90 (Register 90, No. 27).
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).

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3 CCR § 6272, 3 CA ADC § 6272

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[Home](#) [Table of Contents](#)**§ 6300. Misbranding.**

3 CA ADC § 6300

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Article 14. Violations

3 CCR § 6300

§ 6300. Misbranding.

A pesticide shall be deemed misbranding if its labeling contains one or more of the following or any graphic representation which is likely to be deceiving or misleading:

(a) A false or misleading statement concerning the effectiveness of the product as a pesticide;

(b) A false or misleading comparison with other pesticides;

(c) Unwarranted claims as to the safety of the pesticide or its ingredients, including such statements as "Safe," "Nonpoisonous," "Nontoxic," "Noninjurious," or "Harmless" with or without such qualifying phrase as "When used as directed";

(d) Any statement directly or indirectly implying that a specific brand pesticide is recommended or endorsed by any agency of the Federal Government or the State of California or any political subdivision, agency or instrumentality thereof.

Note: Authority cited: Section 12781, Food and Agricultural Code. Reference: Sections 12881 and 12995, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 6220 to Section 6300 and designation of new Article 14 (Sections 6300 and 6301) filed 7-19-85 (Register 85, No. 29).

2. Change without regulatory effect amending section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

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3 CCR § 6300, 3 CA ADC § 6300

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[Home](#) [Table of Contents](#)**§ 6301. Unregistered Products.**

3 CA ADC § 6301

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Article 14. Violations

3 CCR § 6301

§ 6301. Unregistered Products.

(a) Section 12995 shall not apply to an individual, who personally uses a substance for the purpose of controlling their residence or garden pests, provided no food or feed commodities treated with the substance are sold or distributed to another person or fed to animals that are sold or distributed to another person for human consumption.

(b) Pesticide products whose registration has lapsed shall not be sold by the registrant, but may be possessed and sold by a dealer for two years after the last date of registration. If acquired while legally registered or within two years after the date of last registration, such products may be possessed and used according to the directions on the label.

(c) Notwithstanding the provisions of (b), it is unlawful to possess or use any pesticide which has been cancelled or suspended pursuant to Sections 12825, 12826, or 12827 of the Food and Agricultural Code or under FIFRA (7 U.S.C. Section 136 et seq.), except as provided in such cancellation or suspension.

Note: Authority cited: Section 12781, Food and Agricultural Code. Reference: Section 12995, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2440.5 to Section 6301 filed 7-19-85 (Register 85, No. 29).
2. Change without regulatory effect amending subsection (c) and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).
3. Amendment of subsection (a) and Note filed 7-3-98; operative 8-2-98 (Register 98, No. 27).

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3 CCR § 6301, 3 CA ADC § 6301

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[Home](#) [Table of Contents](#)**§ 6302. Sale of Agricultural Use and Restricted Material Pesticides.**

3 CA ADC § 6302

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Article 14. Violations

3 CCR § 6302

§ 6302. Sale of Agricultural Use and Restricted Material Pesticides.

(a) It is illegal for any registrant or licensed pesticide broker to sell any pesticide labeled for agricultural use to any person in California other than a registrant, licensed pesticide broker, or licensed pest control dealer.

(b) It is illegal for any registrant or licensed pesticide broker to sell any pesticide designated as a restricted material under section 6400 to any person in California other than a registrant, licensed pesticide broker, or licensed pest control dealer.

(c) It is illegal for any licensed pest control dealer to sell a restricted material to an end user who does not have a permit or, if exempt by regulation from the permit requirement, who is not a certified commercial or certified private applicator.

Note: Authority cited: Sections 11456, 12781 and 14005, Food and Agricultural Code. Reference: Sections 11407, 12116 and 12400, Food and Agricultural Code.

HISTORY

1. New section filed 10-12-2016; operative 1-1-2017 (Register 2016, No. 42).

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3 CCR § 6302, 3 CA ADC § 6302

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[Home](#) [Table of Contents](#)**§ 6310. Dispute Resolution Proceedings.**

3 CA ADC § 6310

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Article 15. Data Cost-Sharing

3 CCR § 6310

§ 6310. Dispute Resolution Proceedings.

If agreement cannot be reached about the terms and amount of payment required pursuant to Food and Agricultural Code section 12811.5, at any time more than 90 days after the issuance of an irrevocable offer to pay, either the applicant, source, or data owner may initiate or with the consent of all parties, join a binding dispute resolution proceeding under the rules prescribed under Title 29 Code of Federal Regulations, Part 1440, or its successor provision, if any, or other rules to which the applicant and data owner may agree.

(a) To the extent feasible, and upon mutual consent of the parties, the proceeding may be consolidated with any dispute resolution process taking place between the same parties and being conducted pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec 136a et.seq.).

(b) In determining the amount due under this section, the decisionmaker(s) of a dispute resolution proceeding shall consider, among other factors, that the data owner's exclusive right to sell the pesticide resulted in the data owner recovering all or part of the costs of generating the data.

(c) The finding of the decisionmaker(s) in a dispute resolution proceeding shall be final and conclusive, and no official or court shall have power or jurisdiction to review that finding and determination, except for fraud, misrepresentation, or other misconduct by one of the parties to the dispute resolution proceeding or the decisionmaker(s) where there is a verified complaint with supporting affidavits attesting to specific instances of fraud, misrepresentation, or misconduct.

(d) The parties to the dispute resolution proceeding shall share equally in the payment of fees and expenses of the dispute resolution process, except that each party shall bear its legal fees and its expenses.

Note: Authority cited: Section 12811.5, Food and Agricultural Code. Reference: Section 12811.5, Food and Agricultural Code.

HISTORY

1. New article 15 (section 6310) and section filed 3-23-2006 as an emergency; operative 3-23-2006 (Register 2006, No. 12). A Certificate of Compliance must be transmitted to OAL by 7-21-2006 or emergency language will be repealed by operation of law on the following day.
2. New article 1.5 (section 6310) and section refiled 7-19-2006 as an emergency; operative 7-19-2006 (Register 2006, No. 29). A Certificate of Compliance must be transmitted to OAL by 11-16-2006 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 7-19-2006 order transmitted to OAL 11-9-2006 and filed 12-19-2006 (Register 2006, No. 51).

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3 CCR § 6310, 3 CA ADC § 6310

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[Home](#) [Table of Contents](#)**§ 6312. Noncompliance Notification.**

3 CA ADC § 6312

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Article 15. Data Cost-Sharing

3 CCR § 6312

§ 6312. Noncompliance Notification.

Pursuant to Food and Agricultural Code section 12811.5(g), any notification to the Director of an applicant's failure to comply with its obligation under Food and Agricultural Code section 12811.5(a-d) shall be in writing and shall include, organized by the subsection and subparagraph below to which it is responsive:

(a) Identification of the applicant and the product registration challenged, including:

- (1) Applicant name and address;
- (2) Brand name and U.S. Environmental Protection Agency Registration Number of the product;
- (3) Date of the Department's registration of the product; and
- (4) Identification of each current and/or past Department data requirement for which you claim the applicant failed to submit a study or otherwise satisfy, and for which the applicant failed to make your company an offer to pay.

(b) With respect to the data for which the data owner claims the applicant failed to make an offer to pay:

- (1) Identification of the Department's exact data requirement to obtain, amend, or maintain the data owner's product that the data was submitted to satisfy;
- (2) Identification of each study (including DPR document number and study record number) submitted and the corresponding data requirement it satisfied; and
- (3) The date each study was submitted to the Department and, if applicable, to the U.S. Environmental Protection Agency (including the Master Record Identification Number - MRID).

(c) A statement setting forth the specific provisions of noncompliance claimed indicating how the data owner's data meet the criteria set forth in Food and Agricultural Code section 12811.5(a) or (b) that make it subject to cost-sharing, providing any documentation currently known to the data owner in support of that contention.

(d) Proof that, prior to making the notification to the Director pursuant to Food and Agricultural Code section 12811.5(g), the data owner has informed the applicant of its claim, provided the applicant with the information required in (a), (b), and (c), and allowed the applicant an opportunity of at least ten days to promptly make an offer to pay for the data that serves as a basis of the data owner's claim. This proof shall include copies of all correspondence between the data owner and the applicant related to this issue.

(e) Proof that at the same time the data owner filed its notification to the Director of the applicant's failure to meet its obligation under Food and Agricultural Code section 12811.5(a-d), the data owner sent a copy of the notification and all accompanying data and information by certified mail to the applicant.

(f) With respect to a claim that the applicant has failed to participate in a proceeding for reaching an agreement on compensation, failed to comply with an agreement related to compensation, or failed to pay an award resulting from a proceeding to determine compensation, proof of such failure including, but not limited to, all correspondence between the parties on the issue and a copy of the award resulting from a proceeding on compensation, if any.

Note: Authority cited: Section 12811.5, Food and Agricultural Code. Reference: Section 12811.5, Food and Agricultural Code.

HISTORY

1. New section filed 12-19-2006; operative 12-19-2006 (Register 2006, No. 51).

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3 CCR § 6312, 3 CA ADC § 6312

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[Home](#) [Table of Contents](#)**§ 6314. Determination.**

3 CA ADC § 6314

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Article 15. Data Cost-Sharing

3 CCR § 6314

§ 6314. Determination.

All parties shall have 30 days from receipt of the copy of the notification to the Director to submit additional evidence and written arguments to the Director. The Director may rely solely on the information provided by the two parties involved in the dispute, without conducting any further investigation. The Director shall provide a written finding within 60 days of the deadline for the parties' submissions. If the Director determines that the applicant has not met its obligations under Food and Agricultural Code section 12811.5(a-d), the Director shall promptly cancel the applicant's product registration.

Note: Authority cited: Section 12811.5, Food and Agricultural Code. Reference: Section 12811.5, Food and Agricultural Code.

HISTORY

1. New section filed 12-19-2006; operative 12-19-2006 (Register 2006, No. 51).

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3 CCR § 6314, 3 CA ADC § 6314

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[Home](#) [Table of Contents](#)**§ 6350. DDT and DDD. [Repealed]**

3 CA ADC § 6350

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Article 1. Cancellations

3 CCR § 6350

§ 6350. DDT and DDD. [Repealed]

Note: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 12824 and 12825, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former Section 2420 to Section 6350 filed 8-4-82; designated effective 1-1-83 (Register 82, No. 32). For prior history, see Register 78, No. 52.

2. Change without regulatory effect repealing section filed 4-12-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 15).

This database is current through 9/3/21 Register 2021, No. 36

3 CCR § 6350, 3 CA ADC § 6350

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[Home](#) [Table of Contents](#)**§ 6352. 2, 4, 5-T. [Repealed]**

3 CA ADC § 6352

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Article 1. Cancellations

3 CCR § 6352

§ 6352. 2,4,5-T. [Repealed]

Note: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 12824 and 12825, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former Section 2421 to Section 6352 filed 8-4-82; designated effective 1-1-83 (Register 82, No. 32). For prior history, see Register 78, No. 52.

2. Change without regulatory effect repealing section filed 4-12-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 15).

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3 CCR § 6352, 3 CA ADC § 6352

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[Home](#) [Table of Contents](#)**§ 6354. Inorganic Mercury Compounds. [Repealed]**

3 CA ADC § 6354

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Article 1. Cancellations

3 CCR § 6354

§ 6354. Inorganic Mercury Compounds. [Repealed]

Note: Authority cited: Sections 407, 12781 and 12976, Food and Agricultural Code. Reference: Sections 12825, 12995 and 14102, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former Section 2422 to Section 6354 filed 8-4-82; designated effective 1-1-83 (Register 82, No. 32). For prior history, see Register 78, No. 52.
2. Amendment filed 1-6-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 2).
3. Change without regulatory effect repealing section filed 4-12-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 15).

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3 CCR § 6354, 3 CA ADC § 6354

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[Home](#) [Table of Contents](#)**§ 6356. Inorganic Arsenic. [Repealed]**

3 CA ADC § 6356

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Article 1. Cancellations

3 CCR § 6356

§ 6356. Inorganic Arsenic. [Repealed]

Note: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 12824 and 12825, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former Section 2423 to Section 6356 filed 8-4-82; designated effective 1-1-83 (Register 82, No. 32). For prior history, see Register 80, No. 22.

2. Change without regulatory effect repealing section filed 4-12-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 15).

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3 CCR § 6356, 3 CA ADC § 6356

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[Home](#) [Table of Contents](#)**§ 6358. Inorganic Phosphorous Paste. [Repealed]**

3 CA ADC § 6358

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Article 1. Cancellations

3 CCR § 6358

§ 6358. Inorganic Phosphorous Paste. [Repealed]

Note: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 12824 and 12825, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former Section 2424 to Section 6358 filed 8-4-82; designated effective 1-1-83 (Register 82, No. 32). For prior history, see Register 78, No. 52.

2. Change without regulatory effect repealing section filed 4-12-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 15).

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3 CCR § 6358, 3 CA ADC § 6358

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[Home](#) [Table of Contents](#)**§ 6359. Ethylene Dibromide. [Repealed]**

3 CA ADC § 6359

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Article 1. Cancellations

3 CCR § 6359

§ 6359. Ethylene Dibromide. [Repealed]

Note: Authority cited: Sections 407, 12781 and 14102, Food and Agricultural Code. Reference: Sections 11501(b), 12824, 12825, 14001 and 14102, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2427 to Section 6359 filed 7-19-85 (Register 85, No. 29).
2. Change without regulatory effect repealing section filed 4-12-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 15).

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3 CCR § 6359, 3 CA ADC § 6359

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[Home](#) [Table of Contents](#)**§ 6360. Cadmium Compounds. [Repealed]**

3 CA ADC § 6360

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Article 1. Cancellations

3 CCR § 6360

§ 6360. Cadmium Compounds. [Repealed]

Note: Authority cited: Sections 407, 12781 and 12976, Food and Agricultural Code. Reference: Sections 12825, 12995 and 14102, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2428 to Section 6360 filed 7-19-85 (Register 85, No. 29).
2. Change without regulatory effect repealing section filed 4-12-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 15).

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3 CCR § 6360, 3 CA ADC § 6360

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[Home](#) [Table of Contents](#)**§ 6361. Butyl Mercaptan Limitations.**

3 CA ADC § 6361

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Article 1. Cancellations

3 CCR § 6361

§ 6361. Butyl Mercaptan Limitations.

(a) The Director of Pesticide Regulation makes the following findings in relation to sections 11501 and 12824 of the Food and Agricultural Code regarding pesticides labeled for defoliating plants, containing S,S,S-tributylphosphorotrithioate and tributylphosphorotrithioite.

(b) Butyl mercaptan is an odorous raw material used in the manufacture of these two pesticides.

(c) It is technically feasible to manufacture these two pesticides to contain less than 0.1 percent butyl mercaptan.

(d) Pesticides containing S,S,S-tributylphosphorotrithioate or tributylphosphorotrithioite in which the butyl mercaptan is found to exceed 0.1 percent by weight shall not be sold or used in California.

Note: Authority cited: Section 12781, Food and Agricultural Code. Reference: Sections 11501, 12752, 12824, 12931, 12976 and 12991, Food and Agricultural Code.

HISTORY

1. New section filed 1-19-84; effective thirtieth day thereafter (Register 84, No. 3).

2. Change without regulatory effect amending section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

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

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3 CCR § 6361, 3 CA ADC § 6361

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[Home](#) [Table of Contents](#)**§ 6362. 1, 2-Dichloropropane Limitations. [Repealed]**

3 CA ADC § 6362

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Article 1. Cancellations

3 CCR § 6362

§ 6362. 1,2-Dichloropropane Limitations. [Repealed]

Note: Authority cited: Sections 407, 12781 and 12976, Food and Agricultural Code. Reference: Section 12824, Food and Agricultural Code.

HISTORY

1. New section filed 6-5-85; effective thirtieth day thereafter (Register 85, No. 23).
2. Change without regulatory effect repealing section filed 4-12-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 15).

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3 CCR § 6362, 3 CA ADC § 6362

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[Home](#) [Table of Contents](#)**§ 6370. DBCP (1, 2-Dibromo-3-Chloropropane). [Repealed]**

3 CA ADC § 6370

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Article 2. Suspensions

3 CCR § 6370

§ 6370. DBCP (1,2-Dibromo-3-Chloropropane). [Repealed]

Note: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 12824, 12825, and 12826, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former Section 2425 to Section 6370 filed 8-4-82; designated effective 1-1-83 (Register 82, No. 32). For prior history, see Register 78, No. 52.

2. Change without regulatory effect repealing section filed 4-12-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 15).

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3 CCR § 6370, 3 CA ADC § 6370

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[Home](#) [Table of Contents](#)**§ 6372. N-3-Pyridylmethyl N'-P Nitrophenyl Urea (Vacor). [Repealed]**

3 CA ADC § 6372

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Article 2. Suspensions

3 CCR § 6372

§ 6372. N-3-Pyridylmethyl N'-P Nitrophenyl Urea (Vacor). [Repealed]

Note: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 12824, 12825 and 12826, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former Section 2426 to Section 6372 filed 8-4-82; designated effective 1-1-83 (Register 82, No. 32). For prior history, see Registers 79, No. 25; and 79, No. 8.

2. Change without regulatory effect repealing section filed 4-12-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 15).

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3 CCR § 6372, 3 CA ADC § 6372

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[Home](#) [Table of Contents](#)**§ 6379. Restrictions on Use of Bladex (Cyanizine). [Repealed]**

3 CA ADC § 6379

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Article 2. Suspensions

3 CCR § 6379

§ 6379. Restrictions on Use of Bladex (Cyanizine). [Repealed]

Note: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Section 12824, Food and Agricultural Code.

HISTORY

1. New section filed 4-19-85 as an emergency; effective upon filing (Register 85, No. 20). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8-19-85.
2. Repealed by operation of Government Code Section 11346.1(g) (Register 87, No. 2).

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3 CCR § 6379, 3 CA ADC § 6379

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[Home](#) [Table of Contents](#)**§ 6380. Sales Invoice Misrepresentation. [Repealed]**

3 CA ADC § 6380

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Subchapter 3. Assessments

Article 1. MILL Assessment Collection

3 CCR § 6380

§ 6380. Sales Invoice Misrepresentation. [Repealed]

Note: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Section 12841, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former Chapter 4 (Article 9, Sections 2430-2435) to Chapter 6, Group 3 (Articles 1 and 2, Sections 6380-6392, not consecutive) filed 8-4-82; designated effective 1-1-83 (Register 82, No. 32). For prior history, see Registers 80, No. 12; 79, No. 52; 79, No. 28; and 78, No. 52.

2. Change without regulatory effect repealing section filed 2-27-95 pursuant to section 100, title 1, California Code of Regulations (Register 95, No. 9).

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3 CCR § 6380, 3 CA ADC § 6380

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[Home](#) [Table of Contents](#)**§ 6382. Penalties.**

3 CA ADC § 6382

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Article 1. MILL Assessment Collection

3 CCR § 6382

§ 6382. Penalties.

For any delinquency in making a return, or any deficiency in payment, of the pesticides mill assessment which is received after the date due (one calendar month after March 31, June 30, September 30, and December 31 of each year), a penalty of 10 percent of the amount which is due shall be added.

Note: Authority cited: Section 12781, Food and Agricultural Code. Reference: Section 12843, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

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3 CCR § 6382, 3 CA ADC § 6382

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[Home](#) [Table of Contents](#)**§ 6384. Exemptions.**

3 CA ADC § 6384

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Article 1. MILL Assessment Collection

3 CCR § 6384

§ 6384. Exemptions.

When a registered pesticide is sold by the registrant to a purchaser for a nonpesticide use and the invoice clearly identifies its specific intended use, the sale is not subject to the mill assessment.

Note: Authority cited: Section 12781, Food and Agricultural Code. Reference: Section 12841, Food and Agricultural Code.

HISTORY

1. OAL Notice of Erroneous Filing filed 4-11-85; purported amendment of Section 6384 filed in error on 3-18-85 is null and void and text as filed with Secretary of State on 8-4-82 remains in effect uninterrupted (Register 85, No. 16).
2. Change without regulatory effect amending section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

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3 CCR § 6384, 3 CA ADC § 6384

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[Home](#) [Table of Contents](#)**§ 6386. Established Rate.**

3 CA ADC § 6386

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Article 1. MILL Assessment Collection

3 CCR § 6386

§ 6386. Established Rate.

The director establishes the mill assessment on pesticide products at 21 mills (0.021) per dollar of sales for all sales of registered pesticides for use in this state pursuant to Food and Agricultural Code section 12841.

Note: Authority cited: Sections 12781 and 12841, Food and Agricultural Code. Reference: Section 12841, Food and Agricultural Code.

HISTORY

1. Amendment filed 10-12-90 as an emergency; operative 10-12-89 (Register 89, No. 41). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed by operation of law on 2-10-90.
2. Certificate of Compliance as to 10-12-89 order transmitted to OAL 2-2-90 and filed 3-2-90 (Register 90, No. 11).
3. Change without regulatory effect amending section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).
4. Amendment of section and Note filed 11-3-2003 as an emergency; operative 1-1-2004 (Register 2003, No. 45). This action is a permanent emergency change for which no Certificate Compliance is needed pursuant to Food and Agricultural Code section 12841.
5. Editorial correction of History 4 (Register 2004, No. 37).

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3 CCR § 6386, 3 CA ADC § 6386

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[Home Table of Contents](#)**§ 6388. Pesticide Sales and Assessment Reporting.**

3 CA ADC § 6388

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Article 1. MILL Assessment Collection

3 CCR § 6388

§ 6388. Pesticide Sales and Assessment Reporting.

(a) Each registrant shall report quarterly to the Department the total dollars of sales and total pounds or gallons of each registered and labeled pesticide product sold by the registrant for use in this State and the total assessments due. Each report of pesticide sales and assessment shall be on a form prescribed by the Department or in a format approved by the Director.

(b) An acceptable Department form for reporting the pesticide sales is form "Report of Pesticide Sales in California," PR-ENF-181 (Rev. 07/98). The information to be reported shall include the following:

- (1) The ending and delinquent date of the quarter being reported;
- (2) The name, address and U.S. Environmental Protection Agency (U.S. EPA) firm number of the registrant;
- (3) The U.S. EPA or State registration number and brand name of each product registered and sold for use in the State; and
- (4) The total dollar sales and total pounds or gallons of each formulated product sold.

(c) An acceptable form for reporting the pesticide mill assessments is form "Report of Pesticide Sales in California," PR-ENF-180 (Rev. 07/98). The information to be reported shall include the following:

- (1) The ending and delinquent date of the quarter being reported;
- (2) The name, address and U.S. EPA firm number of the registrant;
- (3) The total dollar sales for all products registered and sold for use in the State during the quarter;
- (4) The pesticide mill assessment rate;
- (5) The total assessments and penalty (if applicable) that are due;
- (6) The total amount of payment submitted;
- (7) The name, title, signature, and phone number of the authorized representative completing the form;
- (8) The date when the form was completed; and
- (9) Certification under penalty of perjury that the information contained in the report is true and correct.

(d) The individual report specified in (b) and the dollar sales figures associated with a specific product found on the report shall be considered official information acquired in confidence pursuant to Government Code section 6254(k) of the Public Records Act and section 1040 of the Evidence Code.

Note: Authority cited: Sections 11456, 12781 and 12845, Food and Agricultural Code. Reference: Sections 12843 and 12845, Food and Agricultural Code.

HISTORY

1. OAL Notice of Erroneous Filing filed 4-11-85; purported amendment of section 6388 filed in error on 3-18-85 is null and void and text as filed with Secretary of State on 8-4-82 remains in effect uninterrupted (Register 85, No. 16).

2. Amendment filed 1-22-92; operative 2-21-92 (Register 92, No. 13).

3. Amendment filed 5-16-2005; operative 6-15-2005 (Register 2005, No. 20).

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3 CCR § 6388, 3 CA ADC § 6388

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[Home](#) [Table of Contents](#)**§ 6390. Purpose of Article.**

3 CA ADC § 6390

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Article 2. MILL Assessment Disbursement Criteria

3 CCR § 6390

§ 6390. Purpose of Article.

This article specifies the criteria to be used in allocating pesticide mill assessment funds to counties based upon each county's costs, pesticide regulatory activities, workload, and performance, pursuant to Section 12844 of the Food and Agricultural Code.

Note: Authority cited: Sections 11456, 12781 and 12844, Food and Agricultural Code. Reference: Section 12844, Food and Agricultural Code.

HISTORY

1. Repealer of Article 2 (Sections 6390 and 6392) and new Article 2 (Sections 6390-6396) filed 7-8-83; effective thirtieth day thereafter (Register 83, No. 28).
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).

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3 CCR § 6390, 3 CA ADC § 6390

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[Home](#) [Table of Contents](#)**§ 6391. County Reimbursement.**

3 CA ADC § 6391

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Article 2. MILL Assessment Disbursement Criteria

3 CCR § 6391

§ 6391. County Reimbursement.

(a) Reimbursement for work specified in section 6393(b) shall be made by April 1 of each year pursuant to section 12841 of the Food and Agricultural Code.

(b) Reimbursement shall not exceed costs incurred by the county as shown in the County Agricultural Commissioners' Annual Financial Statement, Item 5, entitled "Pesticide Use Enforcement."

Note: Authority cited: Sections 11456, 12781 and 12844, Food and Agricultural Code. Reference: Sections 12841 and 12844, Food and Agricultural Code.

HISTORY

1. Amendment filed 1-22-90 as an emergency; operative 1-22-90 (Register 90, No. 5). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed by operation of law on 5-22-90.

2. Certificate of Compliance as to 1-22-90 order transmitted to OAL 4-23-90 and filed 5-9-90 (Register 90, No. 24).

3. Amendment of subsections (a) and (b), new subsection (c), subsection relettering, and amendment of Note filed 2-25-99; operative 3-27-99 (Register 99, No. 9).

4. Repealer of subsections (a) and (b), subsection relettering and amendment of newly designated subsection (a) filed 6-10-2002; operative 7-1-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 24).

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3 CCR § 6391, 3 CA ADC § 6391

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3 CA ADC § 6392

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3 CCR § 6392

§ 6392. County Reports.

Each county shall submit a monthly report on a form prescribed by the director supporting the administration and enforcement of their pesticide regulatory program. The monthly report shall be submitted within 30 days after the end of each month. All reports shall be subject to audit by the director, and the director may require substantiation of the matters therein.

Note: Authority cited: Sections 11456 and 12781, Food and Agricultural Code. Reference: Sections 11455, 12844 and 14012, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6392, 3 CA ADC § 6392

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3 CA ADC § 6393

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3 CCR § 6393

§ 6393. Criteria Items and Apportionment.

(a) The amount of funds allocated to each county for each criteria item shall be based on each county's pest control activities, costs, workload, and performance in proportion to all counties, except as provided in sections 6391(b) and 6395.

(b) The apportionment for each criteria item shall be a percentage of the total mill assessment funds available for reimbursement to counties [less the amount specified in section 6395(b)]. Such criteria items and corresponding apportionments are as follows:

- (1) Apportionment, 3 percent: The total number of Pesticide Use Enforcement Program inspections completed in accordance with the prioritization plan agreed upon by the Director and the commissioners and the commissioner's negotiated work plans;
- (2) Apportionment, 3 percent: The total number of: licensed pest control dealers located in each county; licensed pest control advisers, pest control businesses, pest control aircraft pilots, and farm labor contractors registered in each county; structural pest control operators providing notice of work in each county; active operator identification numbers in each county; and any additional similar workload activities approved jointly by the Director and the commissioners.
- (3) Apportionment, 3 percent: The total number of private applicator certificate holders certified in each county;
- (4) Apportionment, 3 percent: Work hours expended on pesticide related activities that are agreed upon by the Director and the commissioners, provided the work hours are expended by persons holding a Pesticide Regulation and/or Investigation and Environmental Monitoring license or by unlicensed persons qualified to apply for a Pesticide Regulation and/or Investigation and Environmental Monitoring license who are closely supervised by persons holding a Pesticide Regulation and/or Investigation and Environmental Monitoring license;
- (5) Apportionment, 3 percent: Expenditures reported by each county for pesticide-related activities that are agreed upon by the Director and the commissioners;
- (6) Apportionment, 3 percent: The total pounds of pesticides used in the county that have been reported pursuant to Food and Agricultural Code section 12979.
- (7) Apportionment, 21 percent: The total number of restricted materials permits and permit amendments issued by each county; sites identified on all restricted materials permits and permit amendments issued by each county; and notices of intent reviewed by each county;
- (8) Apportionment, 21 percent: Based on the total pounds of nonagricultural-labeled pesticides sold in this state in relation to each county's population. Pounds of pesticide sold data shall be derived from mill assessment collection information provided to the department. Population data shall be based on the most recent U.S. census information; and
- (9) Apportionment, 40 percent: Based on each county's pesticide use report data records in relation to the total number of pesticide use report data records submitted to the department by all counties.

Note: Authority cited: Sections 11456, 12781 and 12844, Food and Agricultural Code. Reference: Sections 12841 and 12844, Food and Agricultural Code.

HISTORY

1. Amendment of subsection (a) and new subsection (c) filed 1-22-90 as an emergency; operative 1-22-90 (Register 90, No. 5). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed by operation of law

on 5-22-90.

2. Certificate of Compliance as to 1-22-90 order transmitted to OAL 4-23-90 and filled 5-9-90 (Register 90, No. 24).
3. Amendment of subsection (c) filed 3-12-91; operative 4-20-91 (Register 91, No. 14).
4. Editorial correction of printing error in subsection (c) (Register 91, No. 33).
5. Editorial correction of printing error in subsection (c) (Register 91, No. 46).
6. Amendment of subsections (a), (a)(4) and (c), new subsections (d)-(d)(2)(K), and amendment of Note filed 2-25-99; operative 3-27-99 (Register 99, No. 9).
7. Repealer of subsections (a)-(d), redesignation of former subsections (d)(1)-(d)(2)(K) as subsections (a)-(b)(11) and amendment of newly designated subsection (a) filed 6-10-2002; operative 7-1-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 24).
8. Repealer and new section filed 1-12-2006; operative 2-11-2006 (Register 2006, No. 2).
9. Change without regulatory effect amending subsection (b)(8) filed 2-21-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 8).

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3 CCR § 6393, 3 CA ADC § 6393

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3 CA ADC § 6394

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3 CCR § 6394

§ 6394. Performance Evaluation.

(a) The Director shall evaluate each county pesticide use enforcement program, at least every three years. The evaluation shall measure the county's effectiveness in implementing state program areas recognized in statute or regulation, or agreed upon by the county and Director as an essential program element.

(b) The Director shall provide a performance evaluation report to the commissioner that documents the county's performance in implementing the state program areas recognized by the Director.

(c) The Director and the commissioner shall jointly develop and document corrective actions to improve the county's pesticide use enforcement program in the program areas identified in the performance evaluation report. Corrective actions may be brought forth as a recommendation for mill assessment allocation under section 6396(a).

(d) When any commissioner fails to implement the jointly developed corrective actions or an agreement on corrective actions cannot be reached, the Director shall take measures to improve the pesticide use enforcement program in the county. The measures may include but are not limited to, a reduction of the county's annual mill assessment allocation under sections 6393 and 6395(a).

Note: Authority cited: Sections 11456, 12781 and 12844, Food and Agricultural Code. Reference: Sections 2281 and 12844, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending subsection (a) and Note filed 10-26-99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 44).

2. Amendment of section and Note filed 6-10-2002; operative 7-1-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 24).

3. Amendment of section heading and section filed 1-12-2006; operative 2-11-2006 (Register 2006, No. 2).

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3 CCR § 6394, 3 CA ADC § 6394

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3 CA ADC § 6395

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3 CCR § 6395

§ 6395. Minimum Reimbursement.

(a) Determinations as specified in sections 6393 and 6394(c), notwithstanding, but subject to section 6391(b), no county shall be reimbursed funds less than the amount of funds reimbursed to the county pursuant to section 12844 of the Food and Agricultural Code, for the fiscal year ending June 30, 2003, or the average for fiscal years ending June 30, 2001, 2002, and 2003, whichever is greater, unless the mill assessment funds available for allocation on March 1 of the current year are less than \$14.3 million, in which case each county's reimbursement shall be reduced in the same proportion as it would have been reimbursed under this article. However, in no instances shall a county's minimum reimbursement be less than \$27,600 except as provided in section 6391(b).

(b) From the total funds available for allocation to counties, 30 percent shall be utilized for the stipulation of subsection (a) above.

Note: Authority cited: Sections 11456, 12781 and 12844, Food and Agricultural Code. Reference: Sections 12841 and 12844, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending subsection (a) and Note filed 10-26-99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 44).
2. Amendment of subsection (a) filed 6-10-2002; operative 7-1-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 24).
3. Repealer and new section and amendment of Note filed 1-12-2006; operative 2-11-2006 (Register 2006, No. 2).

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3 CCR § 6395, 3 CA ADC § 6395

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3 CA ADC § 6396

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3 CCR § 6396

§ 6396. Residual Funds.

(a) Any residual funds resulting after the application of sections 6395 may be disbursed based on commissioner requests to support restricted materials permitting and reporting system activities, and any other program element that the Director and the California Agricultural Commissioners and Sealers Association jointly agree upon, on a case-by-case basis. Funding request shall be submitted to the Director by March 31st of each year and jointly approved by the Director and the California Agricultural Commissioners and Sealers Association no later than June 30th.

(b) Any residual funds resulting after the application of sections 6391, 6394(d), 6395, or 6396(a) shall be distributed to all counties not subject to section 6394(d), in the same proportion as funds reimbursed under section 6393.

Note: Authority cited: Sections 11456, 12781 and 12844, Food and Agricultural Code. Reference: Section 12844, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

2. Repealer and new section filed 1-12-2006; operative 2-11-2006 (Register 2006, No. 2).

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3 CCR § 6396, 3 CA ADC § 6396

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3 CA ADC § 6397

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3 CCR § 6397

§ 6397. Sunset Review of Regulations. [Repealed]

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

HISTORY

1. New section filed 2-25-99; operative 3-27-99 (Register 99, No. 9).
2. Repealer filed 1-20-2000; operative 2-19-2000 (Register 2000, No. 3).

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3 CCR § 6397, 3 CA ADC § 6397

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3 CA ADC § 6400

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Article 1. Restricted Materials

3 CCR § 6400

§ 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.

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 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, 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 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-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

Disulfoton (Di-Syston), except when 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.

Endosulfan (Thiodan), except when 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.

Ethoprop (Mocap), when labeled for turf use.

Fenamiphos (Nemacur)

Lindane, except when 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.

Magnesium Phosphide

Metam sodium labeled for the production of agricultural plant commodities

Methamidophos (Monitor)

Methidathion (Supracide)

Methomyl (Lannate), except fly baits containing not more than 1% methomyl

Methyl bromide

2-methyl-4-chlorophenoxyacetic acid (MCPA), except:

- (1) liquid formulations packaged in containers of 1 quart or less regardless of percentage of MCPA;
- (2) liquid formulations that contain 15% or less MCPA packaged in containers of 1 gallon or less;
- (3) liquid formulations of a product that is to be used without further dilution;
- (4) dry formulations, packaged in containers of 1 pound or less, regardless of percentage of MCPA; and
- (5) dry formulations, packaged in containers of 50 pounds or less, of a product that contains less than 10% MCPA and is labeled to be used without further dilution.

Methyl Iodide - unregistered

Methyl isothiocyanate (MITC) labeled for the production of agricultural plant commodities

Mevinphos (Phosdrin)

Molinate (Ordram) - unregistered

Oxydemeton-methyl (Metasystox-R)

Paraquat (Gramoxone)

Parathion-methyl

Phorate (Thimet)

Phosphine Gas

Potassium N-methyldithiocarbamate (metam-potassium), when labeled for the production of agricultural plant commodities.

Propanil (3,4-dichloropropionanilide)

Sodium cyanide

Sodium fluoroacetate (compound 1080)

Sodium tetrathiocarbonate (Enzone)

Strychnine, except rodenticides when 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.

Sulfotepp

Sulfuryl Fluoride

Thiobencarb (Bolero)

Tribufos (DEF, Folex)

Tributyltin, organotin, or a tri-organotin compound formulated as an antifouling paint, coating or compound and labeled for the control of fouling organisms in an aquatic environment.

Zinc phosphide, except when 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.

Note: Authority cited: Sections 14004.5 and 14005, Food and Agricultural Code. Reference: Sections 14004.5 and 14005, Food and Agricultural Code.

HISTORY

1. New subsection (n)(13) filed 12-31-87 as an emergency; operative 1-1-88 (Register 88, No. 3). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-2-88. For prior history, see Register 87, No. 25.
2. Certificate of Compliance including amendment of subsection (n)(13) transmitted to OAL 4-5-88 and filed 5-4-88 (Register 88, No. 19).

3. Amendment of subsections (n)(10)-(n)(13) filed 5-18-88; operative 5-20-88 pursuant to Government Code section 11346.2(d) (Register 88, No. 21).
4. New subsection (n)(14) 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.
5. New subsection (n)(16) filed 12-2-88 as an emergency; operative 12-2-88 (Register 88, No. 51). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 4-4-89.
6. Relettering of subsection (p) to subsection (r) and new subsection (q) filed 1-4-89; operative 1-4-89 pursuant to Government Code section 11346.2(d) (Register 89, No. 5).
7. New subsection (n)(15) 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.
8. Readoption of subsection (n)(14) 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.
9. New subsections (n)(14), (15), and (16) filed 8-10-89 as an emergency; operative 8-10-89 (Register 89, 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.
10. Amendment of subsection (f)(3) filed 3-29-90 as an emergency; operative 3-29-90 (Register 90, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days, by 7-27-90, or emergency language is repealed by operation of law.
11. A Certificate of Compliance as to 3-29-90 order transmitted to OAL 7-24-90 and filed 8-23-90 (Register 90, No. 39).
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).
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).

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3 CCR § 6400, 3 CA ADC § 6400

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3 CA ADC § 6402

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Article 1. Restricted Materials

3 CCR § 6402

§ 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

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).

This database is current through 9/3/21 Register 2021, No. 36

3 CCR § 6402, 3 CA ADC § 6402

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[Home](#) [Table of Contents](#)**§ 6404. Certification Requirements. [Repealed]**

3 CA ADC § 6404

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Article 2. Possession and Use Limitations

3 CCR § 6404

§ 6404. Certification Requirements. [Repealed]

Note: Authority cited: Sections 407, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501 and 14006, Food and Agricultural Code.

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).

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3 CCR § 6404, 3 CA ADC § 6404

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[Home](#) [Table of Contents](#)**§ 6406. Supervision Standards.**

3 CA ADC § 6406

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3 CCR § 6406

§ 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).

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3 CCR § 6406, 3 CA ADC § 6406

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[Home](#) [Table of Contents](#)**§ 6408. Private Applicator Certification. [Repealed]**

3 CA ADC § 6408

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Article 2. Possession and Use Limitations

3 CCR § 6408

§ 6408. Private Applicator Certification. [Repealed]

Note: Authority cited: Sections 407, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501 and 14006, Food and Agricultural Code.

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).

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3 CCR § 6408, 3 CA ADC § 6408

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[Home](#) [Table of Contents](#)**§ 6410. Pesticide Safety Information Series. [Repealed]**

3 CA ADC § 6410

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Article 2. Possession and Use Limitations

3 CCR § 6410

§ 6410. Pesticide Safety Information Series. [Repealed]

Note: Authority cited: Sections 407, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501 and 14006, Food and Agricultural Code.

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.)

This database is current through 9/3/21 Register 2021, No. 36

3 CCR § 6410, 3 CA ADC § 6410

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[Home](#) [Table of Contents](#)**§ 6412. Restricted Material Permit Requirements.**

3 CA ADC § 6412

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Article 2. Possession and Use Limitations

3 CCR § 6412

§ 6412. Restricted Material Permit Requirements.

(a) Except as provided in this section and Sections 6400, 6414 and 6416, restricted materials shall be possessed or used only under permit of the commissioner or under his direct supervision, or under permit of the director in any county in which there is no commissioner.

(b) The person named in a restricted material permit is authorized to retain possession, except for sale, of materials for which the permit was valid after such permit expires, provided they are stored in accordance with Sections 6670 and 6672.

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 and amendment of former Section 2452(a) and (g) to Section 6412 filed 8-13-85 (Register 85, No 33).
2. Amendment filed 1-4-89; operative 1-4-89 pursuant to Government Code Section 11346.2(d) (Register 89, No. 5).
3. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6412, 3 CA ADC § 6412

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[Home](#) [Table of Contents](#)**§ 6414. Permit Exemptions.**

3 CA ADC § 6414

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Article 2. Possession and Use Limitations

3 CCR § 6414

§ 6414. Permit Exemptions.

- (a) Permits to possess restricted materials shall not be required of commercial carriers to transport such materials.
- (b) No permit shall be required for restricted materials included only in subsection (a) of section 6400 (federally restricted use) when possessed or used by or under the supervision of a certified private or certified commercial applicator unless otherwise required by the commissioner.
- (c) No permit shall be required for antifouling paints or coatings containing tributyltin.
- (d) No permit shall be required for restricted materials used only for experimental or research purposes when possessed or used, by or under the supervision of, research personnel from colleges and universities provided they are operating according to the current established policy of the college or university which covers experimental pesticide use.
- (e) No permit shall be required for restricted materials used according to a valid research authorization issued pursuant to section 6260.
- (f) A permit is not required of a licensed pesticide broker when possessing a pesticide designated as a restricted material for sale to a registrant, licensed pest control dealer, or another licensed pesticide broker in California.

Note: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006, 14006.6 and 14015, Food and Agricultural Code.

HISTORY

1. Editorial renumbering and amendment of former section 2452 (b) and (c) to section 6414 filed 8-13-85 (Register 85, No. 33).
2. New subsection (c) filed 12-31-87 as an emergency; operative 1-1-88 (Register 88, No. 3). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-2-88.
3. Certificate of Compliance transmitted to OAL 4-5-88 and filed 5-4-88 (Register 88, No. 19).
4. New subsections (d) and (e) filed 5-23-90; operative 6-22-90 (Register 90, No. 27).
5. Change without regulatory effect amending subsection (b) and Note filed 8-27-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 35).
6. Change without regulatory effect amending subsection (a) filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).
7. Amendment of section and Note filed 10-20-2000; operative 11-19-2000 (Register 2000, No. 42).
8. Change without regulatory effect amending subsections (a)-(b) filed 9-9-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 37).
9. New subsection (f) and amendment of Note filed 10-12-2016; operative 1-1-2017 (Register 2016, No. 42).

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3 CCR § 6414, 3 CA ADC § 6414

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[Home Table of Contents](#)**§ 6416. Groundwater Protection Restrictions.**

3 CA ADC § 6416

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Article 2. Possession and Use Limitations

3 CCR § 6416

§ 6416. Groundwater Protection Restrictions.

(a) A permit is required for the possession or use of a pesticide containing a chemical listed in section 6800(a) when the pesticide is:

- (1) applied in an agricultural, outdoor institutional, or outdoor industrial use within a runoff ground water protection area or in a leaching ground water protection area, or
- (2) restricted for purposes other than ground water protection.

(b) A permit is not required for the possession or use of a pesticide containing a chemical listed in section 6800(a) when the pesticide is used in a pest eradication program approved by the Department of Food and Agriculture, unless the pesticide is also restricted for purposes other than groundwater protection.

(c) Notwithstanding the provisions of this article and article 4, the chemicals listed in section 6800(a) may be applied for research or experimental purposes pursuant to a valid research authorization. The applicant must provide the location of the research or experimental site with the research authorization request. The exemptions found in section 6268 do not apply when a person wishes to use these chemicals for research or experimental purposes.

Note: Authority cited: Sections 11456, 12976, 13145, 14004.5, 14005, 14006 and 14102, Food and Agricultural Code. Reference: Sections 11501, 13145, 13150, 14004.5, 14005 and 14006, Food and Agricultural Code.

HISTORY

1. New section filed 1-4-89; operative 1-4-89 pursuant to Government Code section 11346.2(d) (Register 89, No. 5).
2. Amendment of subsections (a) and (b), repealer of subsections (c) and (d), and relettering and amendment of former subsection (e) to subsection (c) filed 4-10-90; operative 4-10-90 pursuant to Government Code section 11346.2(d) (Register 90, No. 16).
3. Amendment of subsection (a) and NOTE filed 12-12-91; operative 1-13-92 (Register 92, No. 13).
4. New subsection (d) filed 4-3-92; operative 5-4-92 (Register 92, No. 18).
5. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
6. Repealer of subsections (a)-(b), new subsections (a)-(a)(2), subsection relettering, amendment of newly designated subsection (b) and amendment of Note filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).
7. Editorial correction of subsection (b) (Register 2011, No. 51).

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3 CCR § 6416, 3 CA ADC § 6416

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[Home](#) [Table of Contents](#)**§ 6417. Research Authorization for Groundwater Protection List Chemicals. [Repealed]**

3 CA ADC § 6417

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Article 2. Possession and Use Limitations

3 CCR § 6417

§ 6417. Research Authorization for Groundwater Protection List Chemicals. [Repealed]

Note: Authority: Sections 407, 12781, 12976, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Section 14006.6, Food and Agricultural Code.

HISTORY

1. New section filed 4-10-90; operative 4-10-90 pursuant to Government Code section 11346.2(d) (Register 90, No. 16).
2. Repealer filed 4-3-92; operative 5-4-92 (Register 92, No. 18).

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3 CCR § 6417, 3 CA ADC § 6417

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[Home](#) [Table of Contents](#)**§ 6420. Permit Requirements.**

3 CA ADC § 6420

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Article 3. Permit System

3 CCR § 6420

§ 6420. Permit Requirements.

(a) Permits for agricultural use of a restricted material shall be issued in the name of the operator of the property to be treated. The permittee or, when allowed by the commissioner, the permittee's authorized representative or licensed agricultural pest control adviser, shall sign the permit. The authorized representative or licensed agricultural pest control adviser shall provide the commissioner with written documentation from the permittee to act on his/her behalf.

(b) Permits for nonagricultural use of a restricted material may be issued in the name of the operator of the property to be treated or a pest control business. A permit issued to the operator of the property shall be signed by either the permittee or, when allowed by the commissioner, the permittee's authorized representative. The authorized representative shall provide the commissioner with written documentation from the permittee to act on his or her behalf. A permit issued to the pest control business shall be signed by the owner or a qualified applicator licensee or qualified applicator certificate holder responsible to supervise the operations of the pest control business.

(c) The permittee shall be responsible for compliance with all permit conditions.

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 2452(e) to Section 6420 filed 8-13-85 (Register 85, No. 33).
2. Amendment of section heading, section and Note filed 10-20-2000; operative 11-19-2000 (Register 2000, No. 42).

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3 CCR § 6420, 3 CA ADC § 6420

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[Home](#) [Table of Contents](#)**§ 6422. Permit Duration.**

3 CA ADC § 6422

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Article 3. Permit System

3 CCR § 6422

§ 6422. Permit Duration.

(a) Each permit issued for agricultural use of a restricted material shall be site and time specific. Pursuant to Food and Agricultural Code section 14007, any permit may be issued for a one-year period. Permits issued for perennial agricultural plantings, nonproduction agricultural sites, or nonagricultural sites may be issued for up to a three-year period. Permit applicants may apply for and obtain a permit for a shorter duration.

(b) A permit to use restricted materials shall be valid for the time specified unless sooner revoked or suspended.

Note: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14007, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2452(f) and (j)(2) to Section 6422 filed 8-13-85 (Register 85, No. 33).
2. Amendment of section and Note filed 10-20-2000; operative 11-19-2000 (Register 2000, No. 42).

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3 CCR § 6422, 3 CA ADC § 6422

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[Home](#) [Table of Contents](#)**§ 6424. Forms.**

3 CA ADC § 6424

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Article 3. Permit System

3 CCR § 6424

§ 6424. Forms.

(a) Each application and permit to possess or use a restricted material shall be on a form either provided or approved by the director.

(b) All information required for a written notice of intent shall be on forms either provided or approved by the director.

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 2452(i) and (j)(14) to Section 6424 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).

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3 CCR § 6424, 3 CA ADC § 6424

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[Home](#) [Table of Contents](#)**§ 6426. Alternatives and Mitigation Measures.**

3 CA ADC § 6426

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Article 3. Permit System

3 CCR § 6426

§ 6426. Alternatives and Mitigation Measures.

(a) Each licensed agricultural pest control adviser and grower, when determining if and when to use a pesticide that requires a permit, shall consider, and if feasible, adopt any reasonable, effective and practical mitigation measure or use any feasible alternative which would substantially lessen any significant adverse impact on the environment.

(b) Each licensed agricultural pest control operator shall have available a copy of a written recommendation covering each agricultural use application of a pesticide that requires a permit, and operate in accordance with a pesticide permit issued by the commissioner. The standards for such recommendations are established in Section 6556.

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 and amendment of former Section 2452(j)(3) and (4) to Section 6426 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).

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3 CCR § 6426, 3 CA ADC § 6426

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[Home](#) [Table of Contents](#)**§ 6428. Agricultural Permit Applications.**

3 CA ADC § 6428

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Article 3. Permit System

3 CCR § 6428

§ 6428. Agricultural Permit Applications.

Except as provided in Section 6434(a), each application for a permit for agricultural use of a restricted material shall include the following information:

- (a) Name and business address of the permittee and signature of either the permittee, or when allowed by the commissioner, the permittee's authorized representative or licensed agricultural pest control adviser;
- (b) Location of each property to be treated;
- (c) Identification of all known areas that could be adversely impacted by the use of the restricted material(s) including hospitals; schools, and playgrounds; residential areas (including labor camps); parks; lakes, waterways, estuaries, and reservoirs; state wildlife management areas; critical habitats of rare, endangered or threatened species; and livestock and crops; (a map or aerial photograph may be used for designating such areas);
- (d) Identification of each commodity or crop, or if there is no commodity or crop the site to be treated;
- (e) Anticipated pest problem(s) for each crop (pest(s) to be controlled);
- (f) Restricted material(s) requiring a permit necessary to control each pest on each commodity, crop, or site;
- (g) Approximate date(s) or crop stage(s) of intended restricted material application(s);
- (h) Expected method of application including the dilution, volume per acre or other units, and dosage;
- (i) Name of the pest control business, if any, and name, business address, and license or certificate number, with expiration date, of the certified private or certified commercial applicator responsible for supervising the possession or use of the restricted material(s).

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 and amendment of former Section 2452(j)(5) to Section 6428 filed 8-13-85 (Register 85, No. 33).
2. Amendment of section heading, section and Note filed 10-20-2000; operative 11-19-2000 (Register 2000, No. 42).

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3 CCR § 6428, 3 CA ADC § 6428

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[Home](#) [Table of Contents](#)**§ 6430. Nonagricultural Permit Applications.**

3 CA ADC § 6430

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Article 3. Permit System

3 CCR § 6430

§ 6430. Nonagricultural Permit Applications.

Each application for a permit for nonagricultural use of a restricted material shall include the following information:

- (a) Name and business address of the operator of the property or the pest control business;
- (b) The signature of either the permittee, or the authorized representative, or the owner or qualified applicator licensee or qualified applicator certificate holder responsible to supervise the operations of the pest control business;
- (c) Restricted material(s) to be used;
- (d) Pest(s) to be controlled;
- (e) Method of application;
- (f) Criteria for determining need for the pesticide application and
- (g) Name, address and license or certificate number, with expiration date, of the certified applicator responsible for supervising the possession or use of the restricted material(s).

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 2452(j)(7) to Section 6430 filed 8-13-85 (Register 85, No. 33).
2. Amendment of section heading, section and Note filed 10-20-2000; operative 11-19-2000 (Register 2000, No. 42).

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3 CCR § 6430, 3 CA ADC § 6430

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[Home](#) [Table of Contents](#)**§ 6432. Permit Evaluation.**

3 CA ADC § 6432

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Article 3. Permit System

3 CCR § 6432

§ 6432. Permit Evaluation.

(a) Each commissioner, prior to issuing any permit to use a pesticide and when evaluating a notice of intent, shall determine if a substantial adverse environmental impact may result from the use of such pesticide. If the commissioner determines that a substantial adverse environmental impact will likely occur from the use of the pesticide, the commissioner shall determine if there is a feasible alternative, including the alternative of no pesticide application, or feasible mitigation measure that would substantially reduce the adverse impact. If the commissioner determines that there is a feasible alternative or feasible mitigation measure which significantly reduces the environmental impact, the permit or intended pesticide application shall be denied or conditioned on the utilization of the mitigation measure. When the commissioner determines that there is a likelihood that permit conditions have been or will be violated he shall take appropriate action to assure compliance.

Each commissioner is responsible for knowing local conditions and utilizing such knowledge in making these determinations. Each commissioner shall also consider and where appropriate utilize the provisions of Section 14006.5 and other applicable sections of the Food and Agricultural Code, applicable sections of this code, applicable pest management guides, restricted materials hazard chart, pesticide safety information series, information obtained from monitoring other pest control operations, and other information required by the director.

(b) In addition to the requirement of Sections 6428 and 6430 each permit shall contain the following:

- (1) Appropriate conditions or limitations on the use of the pesticide(s) including available pesticide safety information series leaflets for each pesticide included on the permit;
- (2) Requirements, if any, for notice prior to an agricultural use pesticide application. In the case of nonagricultural use, notice shall be required to the extent it is necessary to comply with inspection responsibilities and with the monitoring requirements of Section 6436; and
- (3) Appropriate conditions or limitations such as those described in available pest management guides. The commissioner shall inform the permittee of, and where to obtain, any pest management guide applicable to the pest control authorized in the permit.

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 and amendment of former Section 2452(j)(8) and (9) to Section 6430 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).

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3 CCR § 6432, 3 CA ADC § 6432

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[Home Table of Contents](#)**§ 6434. Notice of Intent.**

3 CA ADC § 6434

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Article 3. Permit System

3 CCR § 6434

§ 6434. Notice of Intent.

(a) If the information required by (g), (h), and (i) of Section 6428 is not provided on the permit, it shall be included in the notice of intent.

(b) When a notice of intent is required by the commissioner, it shall provide the following information concerning the proposed application. If the information required by this paragraph has been provided on the permit it may be referenced on the notice of intent.

- (1) Permit number;
- (2) Name and address of permittee and applicator;
- (3) Location of areas to be treated and name of farm operator;
- (4) Crop or commodity, or if there is no crop or commodity the site to be treated;
- (5) Approximate acres or other units;
- (6) Method of application;
- (7) Pesticide(s);
- (8) Dilution, volume per acre or other units, and dosage;
- (9) Pest(s) to be controlled;
- (10) Date intended application is to commence; and
- (11) Location and identity of areas specified in Section 6428 which have changed since the permit was issued and which may be adversely impacted. A map or aerial photograph may be used for designating such locations.

The commissioner shall be notified at least 24 hours prior to commencing the use of a pesticide requiring a permit. The notice of intent to apply a pesticide may be submitted to the commissioner by the operator of the property to be treated, by such operator's authorized representative, or by the licensed pest control operator who is to apply the pesticide. The commissioner may allow less than 24 hours notice if he determines that because of the nature of the commodity or pest problem effective pest control cannot be attained or when 24 hours are not necessary to adequately evaluate the intended application.

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 and amendment of former Section 2452(j)(6) and (10) to Section 6434 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).

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3 CCR § 6434, 3 CA ADC § 6434

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[Home](#) [Table of Contents](#)**§ 6436. Permit Monitoring.**

3 CA ADC § 6436

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3 CCR § 6436

§ 6436. Permit Monitoring.

The director shall develop and the commissioner shall utilize a valid statistical program for monitoring sites to be treated which requires more frequent monitoring of individuals who have a record of noncompliance with applicable laws and regulations including violations of Section 6556. Such program shall require monitoring of no less than 5% of the sites identified in permits or notices of intent to apply a pesticide for an agricultural use. Such monitoring shall include an evaluation of the basis for the intended application including the written recommendation, if any. In the case of nonagricultural uses, the pesticide use of each permit holder shall be inspected at least once a year. Such monitoring shall insure compliance with this section and with the provisions of Section 14006.5 of the Food and Agricultural Code. No application shall be allowed to proceed if noncompliance with these provisions exists.

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 2452(j)(12) to Section 6436 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).

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3 CCR § 6436, 3 CA ADC § 6436

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[Home](#) [Table of Contents](#)**§ 6438. Pest Control Records. [Repealed]**

3 CA ADC § 6438

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Article 3. Permit System

3 CCR § 6438

§ 6438. Pest Control Records. [Repealed]

Note: Authority cited: Sections 407, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501 and 14006, Food and Agricultural Code.

HISTORY

1. Editorial renumbering and amendment of former Section 3090.2(a) and (d) to Section 6438 filed 8-13-85 (Register 85, No. 33).
2. Repealer filed 12-22-89; operative 1-1-90 (Register 90, No. 1).

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3 CCR § 6438, 3 CA ADC § 6438

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[Home](#) [Table of Contents](#)**§ 6440. Pesticide Use Reports. [Repealed]**

3 CA ADC § 6440

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Article 3. Permit System

3 CCR § 6440

§ 6440. Pesticide Use Reports. [Repealed]

Note: Authority cited: Sections 407, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14011.5, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Sections 2459 and 3090.2(b), (c) and (e) to Section 6440 filed 8-13-85 (Register 85, No. 33).
2. Repealer filed 12-22-89; operative 1-1-90 (Register 90, No. 1).

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3 CCR § 6440, 3 CA ADC § 6440

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[Home](#) [Table of Contents](#)**§ 6442. Permit Review.**

3 CA ADC § 6442

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Article 3. Permit System

3 CCR § 6442

§ 6442. Permit Review.

Section 14009 of the Food and Agricultural Code provides for a review by the director of the action of an agricultural commissioner in issuing, refusing, revoking, suspending, or conditioning a restricted materials permit. This section states the standards and procedures applicable to such review by the director.

- (a) Registration of a restricted material is not in itself a right to use the pesticide, but rather a department determination that under appropriate local conditions the commissioner can grant a use permit for the material.
- (b) The decision of an agricultural commissioner in issuing, conditioning, refusing, revoking, or suspending a restricted materials permit will be reversed by the director only for a clear abuse of discretion by the commissioner in applying the applicable restricted materials provisions of the Food and Agricultural Code (beginning with section 14001) and regulations in Title 3, California Code of Regulations (beginning with section 6400). The burden of establishing abuse of discretion is on the person requesting the review.
- (c) The director's review is limited to the particular permit involved.
- (d) The person requesting the review of the issuance of a permit may request that the director stay the operation of the permit for a limited time or until the matter is finally decided. Whether the stay will be granted or refused will be determined by the director as soon as practicable based on the reasons stated for the stay in the request for review and supporting documents, any counter documents or arguments which are timely submitted to the director by the commissioner or permittee, and the director's own preliminary analysis of whether a stay is necessary to avoid a significant health hazard or significant crop, environmental, or property damage.

Note: Authority cited: Section 11456, Food and Agricultural Code. Reference: Section 14009, Food and Agricultural Code.

HISTORY

1. Editorial renumbering and amendment of former Section 2463 to Section 6442 filed 8-13-85 (Register 85, No. 33).
2. Amendment of section and Note filed 10-20-2000; operative 11-19-2000 (Register 2000, No. 42).

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3 CCR § 6442, 3 CA ADC § 6442

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[Home Table of Contents](#)**§ 6443. Permits for Use of Phenoxy Herbicides on Timberland.**

3 CA ADC § 6443

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3 CCR § 6443

§ 6443. Permits for Use of Phenoxy Herbicides on Timberland.

- (a) Permits issued by county agricultural commissioners for aerial application of phenoxy herbicides for conifer release or for site preparation for commercial timber production shall be subject to the requirements of this section.
- (b) Each permit issued for such use shall be posted immediately, or as soon as practicable, by the commissioner in all offices of the commissioner and by the permittee at a post office or similar public place reasonably located so as to be seen by persons living within one mile of the proposed spraying area and shall remain posted until the expiration of such permit.
- (c) Within five days after issuance of the permit, the permittee shall mail a copy of the permit to all owners of record of property within 300 feet of the area to be treated. The permittee shall also mail a copy to all persons residing within 300 feet of the spray site described in the permit area who have filed a request for written notification with the commissioner.
- (d) Each posted and mailed copy of the permit shall include notice of the provisions of this section, Section 6442, Food and Agricultural Code Section 14009, and the names and addresses of the county agricultural commissioner and the permittee.
- (e) If a request for review is mailed to the commissioner within 20 days of the issuance of the permit, no herbicide application pursuant to the permit shall be made until 30 days after such review is completed; however, a further stay may be granted by the director pursuant to an appeal by a person directly affected by the commissioner's action. A copy of the commissioner's decision shall be mailed to the person who requested the review and the permittee.
- (f) The commissioner shall grant a review, pursuant to Food and Agricultural Code, Section 14009, to any interested person.
- (g) If no request for review is received by the commissioner within 30 days of the permit issuance, the application may commence without further delay.
- (h) If a request by a person directly affected by the commissioner's action, for a stay and appeal of the commissioner's review action is mailed to the director within 20 days of the date of the commissioner's review decision, no herbicide application pursuant to the permit shall be made until 15 days after the request is acted upon by the director. The applicant shall mail a copy of the appeal to the commissioner and to the permittee at the same time that the appeal is mailed to the director. The appeal must contain the following statement above the signature of the appellant: "I hereby certify that I have mailed copies of this appeal to the county agricultural commissioner and to the permittee." The appeal shall also contain a copy of the commissioner's review decision.
- (i) The director shall grant a stay of the permit and an appeal pursuant to Food and Agricultural Code Section 14009 to all appellants who are directly affected by the permit action.
For the purpose of this section, an appellant shall be considered to be directly affected by the permit action where the appellant establishes that his or her residence, crops, property, or water supply point source lies within one-half mile of the spray site described in the permit. A movable camp site, trailer, home, or other portable property temporarily located in proximity to a spray site shall not qualify as a residence or located concern. The director may find that an appellant located more than one-half mile from the spray site is directly affected.
- (j) The director may rely on the commissioner's determination of the appellant's location, if such a determination was included in the commissioner's decision. The appellant may contest this determination in the appeal.
- (k) The director may deny an appeal and refuse a stay request in the following cases:

- (1) Where an appeal is filed not by an appellant directly affected by the permit for the protection of the appellant's personal interest but, rather, by another on the appellant's behalf, or,
 - (2) Where an appeal fails to allege a specific abuse of discretion on the part of the commissioner in the issuance of the permit but, rather, asserts only an objection to phenoxo herbicide spraying, in general, or
 - (3) Where an appeal fails to identify the specific location of appellant's source of concern, such as appellant's residence, cropland, water supply, or other fixed geographical reference so as to allow an assessment of the hazards associated with the permit.
- (l) Where the director's decision denies an appeal or refuses a stay, the appellate shall be advised of the right to seek judicial review of the decision.
- (m) A copy of the director's decision shall be mailed to the appellant, the commissioner, and the permittee.
- (n) If no appeal is received by the director with 30 days of the commissioner's review decision, the aerial application may commence without further delay.
If the director's decision upholds the permit issuance and the permit cannot be exercised because of the delay involved in the stay and/or review, the permit shall be extended by order of the director for a sufficient length of time to allow for spraying at the earliest possible date, but in no case longer than 12 months.

Note: Authority cited: Sections 11456, 14001, 14005 and 14006, Food and Agricultural Code. Reference: Sections 14004, 14006.5 and 14009, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of Section 2458.11 to Section 6443 filed 9-14-87; operative 10-14-87 (Register 87, No. 38).
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).

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3 CCR § 6443, 3 CA ADC § 6443

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[Home](#) [Table of Contents](#)**§ 6444. Generalized Effects.**

3 CA ADC § 6444

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3 CCR § 6444

§ 6444. Generalized Effects.

If at any time pesticide residues, symptoms, or health hazards appear generally throughout any area, the director or commissioner may cause a field inspection to be made. If it appears that substantial loss, damage or injury is likely to result from continued application of a specific pesticide within such area, the director or commissioner may cause all permits for applications of that pesticide within such area canceled and specify that no additional permits shall be issued therein.

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 2460 to Section 6444 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).

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3 CCR § 6444, 3 CA ADC § 6444

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[Home](#) [Table of Contents](#)**§ 6445. Fumigation-Handling Activities.**

3 CA ADC § 6445

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Article 4. Field Fumigation Use Requirements

3 CCR § 6445

§ 6445. Fumigation-Handling Activities.

For purposes of sections 6447-6447.3, and 6784(b), fumigation-handling activities are limited to employees involved in assisting with covering the tarpaulin at the end of the rows (shoveling); assisting in the overall operation, ensuring proper tarpaulin placement and condition, and changing cylinders (copiloting); operating tractor equipment (driving); supervising the fumigation operation; operating chemigation equipment and assisting in chemigation application and leak repair (chemigating); tarpaulin cutting; tarpaulin or chemigation equipment removal prior to the expiration of the entry restricted period; and other handling activities specified by the label.

Note: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981 and 14102, Food and Agricultural Code.

HISTORY

1. Amendment of article heading and new section filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

2. Amendment filed 2-17-2016; operative 4-1-2016 (Register 2016, No. 8).

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3 CCR § 6445, 3 CA ADC § 6445

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[Home](#) [Table of Contents](#)**§ 6445.5. Field Fumigation Licensing Requirements.**

3 CA ADC § 6445.5

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Article 4. Field Fumigation Use Requirements

3 CCR § 6445.5

§ 6445.5. Field Fumigation Licensing Requirements.

When a field fumigation application is made by a licensed pest control business, the business must have a person holding a qualified applicator license or certificate with the field fumigation pest control subcategory supervising the work.

Note: Authority cited: Sections 11456, 11502 and 14005, Food and Agricultural Code. Reference: Sections 11501, 14001 and 14151, Food and Agricultural Code.

HISTORY

1. New section filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).
2. Amendment filed 4-7-2011; operative 4-7-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 14).

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3 CCR § 6445.5, 3 CA ADC § 6445.5

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3 CA ADC § 6446

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Article 4. Field Fumigation Use Requirements

3 CCR § 6446

§ 6446. Methyl Iodide - General Requirements. [Repealed]

Note: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. New section 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.
2. Certificate of Compliance as to 12-20-2010 order transmitted to OAL 4-26-2011 and filed 5-11-2011 (Register 2011, No. 19).
3. Change without regulatory effect repealing section filed 8-6-2014 pursuant to section 100, title 1, California Code of Regulations (Register 2014, No. 32).

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3 CCR § 6446, 3 CA ADC § 6446

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[Home](#) [Table of Contents](#)**§ 6446.1. Methyl Iodide Field Fumigation Methods. [Repealed]**

3 CA ADC § 6446.1

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Article 4. Field Fumigation Use Requirements

3 CCR § 6446.1

§ 6446.1. Methyl Iodide Field Fumigation Methods. [Repealed]

Note: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. New section 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.
2. Certificate of Compliance as to 12-20-2010 order transmitted to OAL 4-26-2011 and filed 5-11-2011 (Register 2011, No. 19).
3. Change without regulatory effect repealing section filed 8-6-2014 pursuant to section 100, title 1, California Code of Regulations (Register 2014, No. 32).

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3 CCR § 6446.1, 3 CA ADC § 6446.1

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3 CA ADC § 6447

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Article 4. Field Fumigation Use Requirements

3 CCR § 6447

§ 6447. Methyl Bromide-Field Fumigation - General Requirements.

The provisions of this section and sections 6447.1, 6447.2, 6447.3, and 6784(b) pertain to field soil fumigation using methyl bromide. For purposes of these sections, field soil fumigation does not apply to golf courses, replant of individual vine or tree-sites (tree holes) less than one contiguous acre, raised-tarpaulin nursery fumigations of less than one acre, potting soil, and greenhouses and other similar structures.

(a) In addition to the requirements of section 6428, the operator of the property to be treated shall submit a proposed work site plan to the commissioner for evaluation at least seven days prior to submitting a notice of intent. The proposed work site plan must include, but is not limited to, method of application to be used, acreage and identification of each application block to be treated, broadcast equivalent application rate to be used, description of the notification procedure to property operators pursuant to section 6447.1(b), description of any activities within the buffer zone(s) as specified in section 6447.2(c) and (d), description of any workday/work hour limitations as specified in section 6784(b)(3) and respiratory protection as specified on the label, and if applicable, description of the tarpaulin repair response plan. The commissioner shall retain the proposed worksite plan for one year after the expiration of the permit.

(b) The commissioner, pursuant to section 6432, shall evaluate local conditions and the proposed work site plan.

(c) The commissioner shall include at least the following when conditioning a permit: the buffer zone requirements, work-hour restrictions, notification requirements, any other restrictions to address local conditions, and if applicable, description of the tarpaulin repair response plan. The commissioner shall complete the evaluation and complete conditioning the permit prior to the submission of the notice of intent.

(d) An application block must not exceed 40 acres unless approved by the Director.

(e) Except for experimental research purposes pursuant to a valid research authorization issued according to section 6260, or a reduced volatile organic compound emission fumigation method approved pursuant to section 6452, tarpaulins must have a permeability factor of no more than 8 milliliters methyl bromide per hour, per square meter, per 1,000 parts per million of methyl bromide under the tarpaulin at 30 degrees Celsius, and be approved by the Department. This includes tarpaulins that have been tested for permeability and determined by the U.S. Environmental Protection Agency to qualify for at least 60 percent buffer zone reduction credit. The use of this tarpaulin will not allow the reduction of buffer zone distances specified on the label. A list of approved tarpaulins is available from the Department.

(f) Tarpaulins must be buried under at least four inches of firmly packed soil at the end of the rows. The tarpaulins must remain in place for the time specified in section 6447.3.

(g) County agricultural commissioners shall ensure that agricultural use of methyl bromide does not exceed 171,625 pounds in a township in a calendar month. County agricultural commissioners shall deny any permit or notice of intent that would cause the 171,625 pound limit to be exceeded.

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. Renumbering of former section 6450 to new section 6447, including amendment of section heading and section, filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

2. Amendment of subsections (f) and (h) filed 10-27-2010; operative 11-26-2010 (Register 2010, No. 44).

3. Amendment of subsections (a) and (c)-(f), repealer of subsection (g) and subsection relettering filed 2-17-2016; operative 4-1-2016 (Register 2016, No. 8).

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3 CCR § 6447, 3 CA ADC § 6447

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[Home Table of Contents](#)**§ 6447.1. Methyl Bromide Field Fumigation Notification Requirements.**

3 CA ADC § 6447.1

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Article 4. Field Fumigation Use Requirements

3 CCR § 6447.1

§ 6447.1. Methyl Bromide Field Fumigation Notification Requirements.**(a) Notification to the Commissioner.**

(1) Notwithstanding section 6434, the operator of the property to be treated shall assure that the commissioner is notified (notice of intent) at least 48 hours prior to commencing fumigation. The notice of intent shall indicate the hour the fumigation is intended to commence and the information specified in section 6434(b).

(2) The fumigation shall not commence sooner than the intended starting time or later than 12 hours after the intended starting time specified on the notice of intent.

(3) If fumigation of an application block does not commence within the time specified in (a)(2), a new notice of intent must be submitted, but no new 48-hour waiting period is needed unless required by the commissioner.

(4) For multiple application blocks to be fumigated sequentially, the commissioner may allow one notice of intent that includes an application schedule for all the application blocks in lieu of a separate notice of intent for each application block to be fumigated. The schedule must specify the date and time each application block is intended to be fumigated.

(b) Notification to Property Operators.

(1) The operator of the property to be treated shall assure that operators of the following properties within 300 feet of the perimeter of the outer buffer zone receive notification that a permit to use methyl bromide near their property has been issued by the commissioner: properties that contain schools, residences, hospitals, convalescent homes, onsite employee housing, or other similar sites identified by the commissioner. Notification shall be in writing in both English and Spanish, or by other means approved by the commissioner. The operator of the property to be treated shall assure that notification is delivered at least seven days prior to the submission of the notice of intent. The notification shall include the following information:

(A) the name of the chemical(s) to be applied;

(B) name, business address, and business telephone number of the operator of the property to be treated;

(C) name, business address, and business telephone number of the commissioner;

(D) the earliest and latest dates that the fumigation will start; and

(E) how to request subsequent notification of specific date and time of the fumigation.

(2) The operator of the property to be treated shall assure that specific notification of the date and time of the start of the fumigation and anticipated expiration of buffer zones is provided to those persons notified in (b)(1) who request specific fumigation information. This specific fumigation notification shall be provided at least 48 hours prior to starting the fumigation. If a request for specific notification is received after the submission of the notice of intent and before the fumigation begins, the specific fumigation notification shall be provided prior to starting the fumigation, but the 48-hour requirement shall not apply. If the fumigation of an application block does not commence within the time frame specified in (a)(2), then a new notification must be provided to those persons who requested the information, but the 48-hour requirement shall not apply unless required by the commissioner.

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. Renumbering of former section 6450.1 to new section 6447.1, including amendment of subsections (a)(3) and (b)(1), filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

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3 CCR § 6447.1, 3 CA ADC § 6447.1

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[Home](#) [Table of Contents](#)**§ 6447.2. Methyl Bromide Field Fumigation Buffer Zone Requirements.**

3 CA ADC § 6447.2

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Article 4. Field Fumigation Use Requirements

3 CCR § 6447.2

§ 6447.2. Methyl Bromide Field Fumigation Buffer Zone Requirements.

(a) The commissioner shall set buffer zone sizes and durations based upon local conditions. The commissioner may not allow a buffer zone that is smaller or a duration that is less in permit conditions than those listed in Methyl Bromide Field Fumigation Buffer Zone Determination, Rev. 3/10, hereby incorporated by reference.

(b) Two buffer zones, an inner and outer for each application block, shall be approved by the commissioner after the proposed work site plan is submitted.

(c) Inner Buffer Zone Restrictions.

(1) The inner buffer zone must be at least 30 feet.

(2) The operator of the property to be treated shall assure that no persons are allowed within the inner buffer zone except to transit on public and private roadways by vehicles or bicycles or to perform fumigation-handling activities.

(3) The inner buffer zone must not extend into adjoining property except as provided below:

(A) The inner buffer zone may extend into adjoining agricultural property if the adjoining property operator gives written permission and allows the operator of the property to be treated to post the inner buffer zone boundary on the adjoining property with signs. If such written permission is given, the operator of the property to be treated shall assure that:

1. the inner buffer zone boundaries on the adjoining property are posted with signs while the buffer zone is in effect; and

2. the signs are posted with wording criteria in accordance with the label; and

3. the signs are posted at intervals not exceeding 200 feet.

(B) With approval from the commissioner, the inner buffer zone may extend across sites only where transit activities may occur, including streets, roads, roads within agricultural property, and highways. Written permission and posting requirements in 6447.2 (c)(3)(A) shall not apply.

(d) Outer Buffer Zone Restrictions.

(1) The outer buffer zone must be at least 60 feet.

(2) The operator of the property to be treated shall assure that no persons are allowed within the outer buffer zone except to transit on public and private roadways by vehicles or bicycles, perform fumigation-handling activities, and commissioner-approved activities as identified in the restricted materials permit conditions. In no instance shall persons be allowed within the outer buffer zone for more than 12 hours in a 24-hour period.

(3) The outer buffer zone may extend into other properties with written permission from the operators of these other properties. In no instances shall the outer buffer zone contain occupied residences or buildings, or occupied onsite employee housing while the outer buffer zone is in effect. The outer buffer zone must not extend into properties that contain schools, convalescent homes, hospitals, or other similar sites determined by the commissioner.

(4) The outer buffer zone may extend across roads, highways, or sites approved by the commissioner.

(e) The operator of the property to be treated shall assure that the operator of the other properties specified in (c)(3)(A) and (d)(3) above, notify the following persons that a buffer zone(s) has been established on the property: onsite employees, including those of a licensed pest control business or farm labor contractor. The notice to employees must be given prior to the commencement of the employee's work activity. Notification to farm labor contractor employees may be done by giving written notice to the farm labor contractor who shall then give the notice to the employee. Employee notification must be in a manner the employee can understand, and include information required in section 6447.1(b)(2).

(f) The operator of the property to be treated shall assure that specific notification of the date and time of the start of the fumigation and anticipated expiration of buffer zones is provided to the other property operator, if the operator of the other property is required to notify his/her employees as specified in (e). This specific fumigation notification must be provided to the other property operator at least 48 hours prior to starting the fumigation. If the fumigation of an application block does not commence within the time frame specified in 6447.1(a)(2), then a new notification must be provided to the other property operator specified in (c)(3)(A) and (d)(3), but the 48-hour requirement shall not apply unless required by the commissioner.

(g) No fumigant application with an outer buffer zone greater than 300 feet is permitted within 1/4 mile of a school property unless the school is scheduled to be unoccupied during the application period and for 36 hours thereafter.

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. Renumbering of former section 6450.2 to new section 6447.2, including amendment of subsections (e)(3)(B), (g) and (h), filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).
2. Editorial correction restoring inadvertently omitted subsections (e)-(e)(2) (Register 2008, No. 11).
3. Amendment of subsection (a) filed 10-27-2010; operative 11-26-2010 (Register 2010, No. 44).
4. Amendment filed 2-17-2016; operative 4-1-2016 (Register 2016, No. 8).

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3 CCR § 6447.2, 3 CA ADC § 6447.2

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3 CA ADC § 6447.3

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3 CCR § 6447.3

§ 6447.3. Methyl Bromide Field Fumigation Methods.

(a) The methyl bromide field soil fumigation must be made using only the methods described in this section. However, within the San Joaquin Valley, Southeast Desert, or Ventura ozone nonattainment areas, the following methods are prohibited during the May 1 through October 31 time period: (2), (4), and (6); and if applied as alternating fumigated and unfumigated areas (strip fumigation), methods (3) and (5). In addition to labeling requirements for each of these methods, the following requirements shall apply:

(1) (Reserved)

(2) Nontarpaulin/Deep/Broadcast.

(A) Broadcast equivalent application rate must not exceed 400 pounds of methyl bromide per acre.

(B) Forward-curved chisel must be used with:

1. An application tractor equipped with an air fan dilution system, and the injection depth must be at least 20 inches; or
2. Closing shoes and compaction roller and the injection depth must be at least 24 inches.

(C) Injection spacing must be 68 inches or less.

(D) The soil must not be disturbed for at least four days (96 hours) following completion of injection to the application block.

(3) Tarpaulin/Shallow/Broadcast.

(A) Broadcast equivalent application rate must not exceed 400 pounds of methyl bromide per acre.

(B) Application must be made using an application tractor equipped with an air fan dilution system, and with a plow consisting of horizontal v-shaped blades mounted by a vertical arm to the tool bar. The fumigant must be injected laterally beneath the soil surface.

(C) Injection depth must be at least 10 and no greater than 15 inches.

(D) Injection spacing must be 12 inches or less.

(E) The tarpaulin must be laid down simultaneously (with fumigant injection) by tarpaulin-laying equipment mounted on the application tractor.

(F) If using a tarpaulin that has been tested for permeability and determined by the U.S. Environmental Protection Agency to qualify for at least 60 percent buffer zone reduction credit, the tarpaulin must not be cut or perforated until a minimum of nine days following completion of injection to the application block.

(G) Tarpaulin removal shall begin no sooner than 24 hours after tarpaulin cutting has been completed.

(4) Tarpaulin/Shallow/Bed.

(A) Broadcast equivalent application rate must not exceed 250 pounds of methyl bromide per acre.

(B) Rearward-curved (swept-back) chisels must be used with either:

1. Closing shoes and compaction roller. The closing shoes must cover the chisel marks with soil just ahead of the compaction roller, and the tarpaulin must be laid down simultaneously (with fumigant injection) by tarpaulin-laying equipment mounted on the application tractor; or
2. Bed shaper. The chisels must be placed with the injection point under the bed shaper, and the tarpaulin must be laid down simultaneously (with fumigant injection) by tarpaulin-laying equipment mounted on the application tractor; or
3. Combination bed former and bed shaper. The chisels must be placed between the bed former and the bed shaper. The tractor with the tarpaulin-laying equipment must immediately follow the application tractor.

(C) Injection depth shall be between 6 and 15 inches. The injection depth to preformed beds must not be below the bed furrow.

(D) Injection spacing must be 12 inches or less.

(E) If using a tarpaulin that has been tested for permeability and determined by the U.S. Environmental Protection Agency to qualify for at least 60 percent buffer zone reduction credit, the tarpaulin must not be cut or perforated until a minimum of nine days following completion of injection to the application block.

(F) If tarpaulins are removed before planting, tarpaulin removal shall begin no sooner than 24 hours after tarpaulin cutting has been completed. The entry restricted period must be at least six days, or 10 days if using tarpaulin described in (E).

(G) If tarpaulins are not to be removed before planting, the application block entry restricted period must either:

1. consist of the five-day period plus an additional 48 hours after holes have been cut for planting if using a tarpaulin not described in subsection (E); or
2. consist of a nine-day period plus an additional 48 hours after holes have been cut for planting, if using a tarpaulin described in subsection (E); or
3. be at least 14 days. If this option is chosen, the methyl bromide air concentration underneath the tarpaulin must test less than five parts per million before planting begins.

(5) Tarpaulin/Deep/Broadcast.

(A) Broadcast equivalent application rate must not exceed 400 pounds of methyl bromide per acre.

(B) Forward-curved chisels must be used with either:

1. An air fan dilution system on the application tractor; or
2. Closing shoes and compaction roller.

(C) Injection depth must be at least 20 inches.

(D) Injection spacing must be 66 inches or less.

(E) The tarpaulin must be laid down simultaneously (with fumigant injection) by tarpaulin-laying equipment mounted on the application tractor.

(F) If using a tarpaulin that has been tested for permeability and determined by the U.S. Environmental Protection Agency to qualify for at least 60 percent buffer zone reduction credit, the tarpaulin must not be cut or perforated until a minimum of nine days following completion of injection to the application block.

(G) Tarpaulin removal must begin no sooner than 24 hours after tarpaulin cutting has been completed.

(6) Drip System - Hot Gas.

A hot gas application through a subsurface drip irrigation system to tarpaulin-covered beds may be used if all of the following criteria are met:

(A) Broadcast equivalent application rate must not exceed 225 pounds of methyl bromide per acre.

(B) The fumigant must be injected beneath the soil surface at a minimum depth of one inch.

(C) The portion of the drip system used in the fumigation must be physically disconnected from the main water supply during the fumigation to prevent possible contamination of the water supply.

(D) All fittings and emitters underneath the tarpaulin must be buried in the soil to a minimum depth of one inch.

(E) Prior to the start of the fumigation, all drip tubing must be checked for blockage, and the irrigation system connections and fittings checked for blockage and leaks using pressurized air and/or water. The end of each drip tubing must be placed under the tarpaulin prior to introduction of fumigant.

(F) The tarpaulin must be placed and inspected for tears, holes, or improperly secured edges prior to fumigating. Repairs and adjustments must be made before the fumigation begins.

(G) Prior to the start of the fumigation, all fittings above ground and outside of the tarpaulin must be pressure-tested with compressed air, water, or nitrogen gas to a maximum pressure of 50 pounds per square inch. A soap solution must be used to check the fittings for leaks if using air or nitrogen. All apparent leaks must be eliminated prior to the fumigation. All drip tubing with emitters connected to the distribution manifold not covered by the tarpaulin must be sealed to prevent fumigant loss through the emitters.

(H) Prior to introducing the fumigant, the drip system must be purged of water by means of pressurized gas, such as CO₂ or nitrogen.

(I) The drip system must be purged prior to disconnecting any line containing the fumigant.

(J) After purging, drip tubing must be pinched off and then disconnected from the distribution manifold. All disconnected tubing leading into the treated field must be secured to prevent gas from escaping.

(K) All fittings used for connecting or disconnecting the heat exchanger to the irrigation system manifold must be of a positive shut-off design.

(L) All persons must wear the eye protection specified on the label when working with a manifold system or tubing containing the fumigant under pressure.

(M) The entire fumigation system (heater, valves, and manifold) must be purged of the fumigant at the end of each day's fumigation.

(N) If using a tarpaulin that has been tested for permeability and determined by the U.S. Environmental Protection Agency to qualify for at least 60 percent buffer zone reduction credit, the tarpaulin must not be cut or perforated until a minimum of nine days following completion of injection to the application block.

(O) If tarpaulins are removed before planting, tarpaulin removal shall begin no sooner than 24 hours after tarpaulin cutting has been completed. The entry restricted period must be at least six days, or 10 days if when using tarpaulin described in (N).

(P) If tarpaulins are not to be removed before planting, the application block entry restricted period must either:

1. consist of the five-day period plus an additional 48 hours after holes have been cut for planting, if using a tarpaulin not described in subsection (N); or
2. consist of a nine-day period plus an additional 48 hours after holes have been cut for planting, if using a tarpaulin described in subsection (N); or
3. be at least 14 days. If this option is chosen, the methyl bromide air concentration underneath the tarpaulin must test less than five parts per million before planting begins.

(b) Notwithstanding section 6770, the operator of the property shall assure that only persons performing fumigation-handling activities are allowed in an application block before the entry restricted period expires. Persons performing activities other than tarpaulin cutting, removal, and repair described in sections 6784(b)(3) and (5) shall wear a full-face respirator that meets the requirements specified on the label.

(c) Notwithstanding subsection (a), a reduced volatile organic compound emission field fumigation method approved pursuant to section 6452 or a method for experimental research purposes pursuant to a valid research authorization issued according to section 6260 may be allowed.

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. Renumbering of former section 6450.3 to new section 6447.3, including repealer and new subsection (a), amendment of subsection (a)(3)(C) and new subsection (c), filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

2. Amendment filed 2-17-2016; operative 4-1-2016 (Register 2016, No. 8).

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3 CCR § 6447.3, 3 CA ADC § 6447.3

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3 CA ADC § 6448

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3 CCR § 6448

§ 6448. 1,3-Dichloropropene Field Fumigation - General Requirements.

The provisions of section 6448.1 apply to field soil fumigation using 1,3-Dichloropropene within the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, or Ventura ozone nonattainment areas during the May 1 through October 31 time period. Raised-tarpaulin nursery fumigations of less than one acre, or replant of individual vine or tree-sites (tree holes) less than one contiguous acre, are not considered field soil fumigations under the provision of section 6448.1.

Note: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).
2. Change without regulatory effect amending Note filed 6-18-2010 pursuant to section 100, title 1, California Code of Regulations (Register 2010, No. 25).

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3 CCR § 6448, 3 CA ADC § 6448

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3 CA ADC § 6448.1

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3 CCR § 6448.1

§ 6448.1. 1,3-Dichloropropene Field Fumigation Methods.

(a) Broadcast equivalent application rate must not exceed 332 pounds of 1,3-Dichloropropene active ingredient per acre.

(b) Fumigation methods using post-water treatments must be applied at a rate of 0.15-0.25 inches per hour and meet one of the following water requirements depending on soil texture:

- (1) coarse soils - a minimum of 0.40 inches of water per acre.
- (2) loamy, moderately coarse, or medium texture soils - a minimum of 0.30 inches of water per acre.
- (3) fine texture soils - a minimum of 0.20 inches of water per acre.

(c) If an application is made alternating fumigated and unfumigated areas (strip fumigation), the treated application block cannot be retreated with the same active ingredient between May 1 through October 31 during the same calendar year.

(d) The 1,3-Dichloropropene field soil fumigation must be made using only the methods described in this section. However within the San Joaquin Valley, Southeast Desert, or Ventura ozone nonattainment areas, method (1) is prohibited; method (2) is prohibited unless applied as a broadcast fumigation using a tarpaulin that has been tested for permeability and determined by the U.S. Environmental Protection Agency to qualify for at least 60 percent buffer zone reduction credit; and method (5) is prohibited when 1,3-Dichloropropene is used in combination with chloropicrin unless applied as alternating fumigated and unfumigated areas (strip fumigation). In addition to labeling requirements for each of these methods, the following requirements shall apply.

- (1) Nontarpaulin/Shallow/Broadcast or Bed.

Chisel trace must be eliminated by use of tillage equipment to mix the soil to a depth of at least three inches. Broadcast fumigation must be followed by compaction of the soil surface.

- (2) Tarpaulin/Shallow/Broadcast or Bed.

(A) Injection point must be at least 12 inches below the soil surface.

(B) Chisel trace must be eliminated by use of tillage equipment to mix the soil to a depth of at least three inches. Broadcast fumigation must be followed by compaction of the soil surface.

(C) Tarpaulins must be buried under at least four inches of firmly packed soil at the end of the rows.

(D) If using a tarpaulin that has been tested for permeability and determined by the U.S. Environmental Protection Agency to qualify for at least 60 percent buffer zone reduction credit, the tarpaulin must not be cut or perforated until a minimum of nine days following completion of injection to the application block.

(E) The operator of the property shall maintain a "tarpaulin repair response plan" pursuant to subsection (e).

- (3) Nontarpaulin/Shallow/Broadcast or Bed/Three Post-Fumigation Water Treatments.

(A) Chisel trace must be eliminated by use of tillage equipment to mix the soil to a depth of at least three inches. Broadcast fumigation must be followed by compaction of the soil surface.

(B) Fumigation must be completed in a time that allows compliance with the post-fumigation water treatments below and meet the requirements in subsection (b):

1. Water must be applied by an irrigation method that uniformly covers the treated area in the entire application block.
2. On the day of fumigation, the first water treatment must begin within 30 minutes of the completion of fumigation. A second post-fumigation water treatment must start no earlier than one hour prior to sunset on the day of fumigation and completed by midnight.
3. On the day following fumigation, a third post-fumigation water treatment must be applied starting no earlier than one hour prior to sunset and completed by midnight.
4. Additional post-fumigation water treatment(s) may be applied at any time provided the treatments required above are completed in the specified time periods.

(4) Tarpaulin/Shallow/Bed/Three Post-Fumigation Water Treatment.

(A) Chisel trace must be eliminated by use of tillage equipment to mix the soil to a depth of at least three inches.

(B) Tarpaulins must be buried under at least four inches of firmly packed soil at the end of the rows.

(C) If using a tarpaulin that has been tested for permeability and determined by the U.S. Environmental Protection Agency to qualify for at least 60 percent buffer zone reduction credit, the tarpaulin must not be cut or perforated until a minimum of nine days following completion of injection to the application block.

(D) Fumigation must be completed in a time that allows compliance with the post-fumigation water treatments below and meet the requirements in subsection (b):

1. Water must be applied by an irrigation method that uniformly covers the untarped area in the entire application block.
2. On the day of fumigation, the first water treatment to the untarped areas must begin within 30 minutes of the completion of fumigation. A second post-fumigation water treatment to the untarped areas must start no earlier than one hour prior to sunset on the day of fumigation and completed by midnight.
3. On the day following fumigation, a third post-fumigation water treatment to the untarped areas must be applied starting no earlier than one hour prior to sunset and completed by midnight.
4. Additional post-fumigation water treatment(s) may be applied at any time provided the treatments required above are completed in the specified time periods.

(E) The operator of the property shall maintain a "tarpaulin repair response plan" pursuant to subsection (e).

(5) Nontarpaulin/Deep/Broadcast.

(A) Injection point must be at least 18 inches below the soil surface.

(B) Chisel trace must be eliminated by use of tillage equipment to mix the soil to a depth of at least three inches. Broadcast fumigation must be followed by compaction of the soil surface.

(6) Tarpaulin/Deep/Broadcast.

(A) Injection point must be at least 18 inches below the soil surface.

(B) Chisel trace must be eliminated by use of tillage equipment to mix the soil to a depth of at least three inches. Broadcast fumigation must be followed by compaction of the soil surface.

(C) Tarpaulins must be buried under at least four inches of firmly packed soil at the end of the rows.

(D) The operator of the property shall maintain a "tarpaulin repair response plan" pursuant to subsection (e).

(7) Chemigation (Drip System)/Tarpaulin.

(A) Drip system must be filled with water and tested for pressure variation, clogged emitters, and leaks before chemigation. The pressure must not exceed the pressure rating of the drip tape, and the pressure variation in the drip tape throughout the field must be less than three pounds per square inch. Drip system must be free of leaks and clogged emitters.

(B) The tarpaulin must be placed and inspected for tears, holes, or improperly secured edges prior to fumigating. Repairs and adjustments must be made before the chemigation begins.

(C) Ends of drip tape not covered by tarpaulin must be covered by at least two inches of soil.

(D) After chemigation, the drip system must be flushed with a volume of water at least three times the volume of the mainline and laterals of the drip system.

(E) The operator of the property shall maintain a "tarpaulin repair response plan" pursuant to subsection (e).

(e) Tarpaulin Repair.

(1) If a tarpaulin is used, the operator of the property shall maintain a "tarpaulin repair response plan." The tarpaulin repair response plan must identify the responsibilities of the licensed pest control business and/or the permittee with regard to tarpaulin damage detection and repair activities. At a minimum, the tarpaulin repair response plan must indicate the parties responsible for the repair and incorporate the applicable elements listed in (2) below.

(2) The "tarpaulin repair response plan" must state with specificity the situations when tarpaulin repair must be conducted. The situations should be based on, but not limited to, hazard to the public, residents, or workers; proximity to occupied structures, size of the damaged area(s); timing of damage; feasibility and response time of repair; and environmental factors such as wind speed and direction.

(f) Notwithstanding subsection (d), a reduced volatile organic compound emission field fumigation method approved pursuant to section 6452 or a method for experimental research purposes pursuant to a valid research authorization issued according to section 6260 may be allowed.

Note: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).
2. Change without regulatory effect amending Note filed 6-18-2010 pursuant to section 100, title 1, California Code of Regulations (Register 2010, No. 25).
3. Amendment of subsection (b)(3), new subsections (c)-(c)(3), subsection relettering and amendment of newly designated subsections (d)(2)(D), (d)(3)(C), (d)(3)(C)2.-3., (d)(4)(D), (d)(4)(D)2.-3., (d)(4)(E), (d)(6)(D), (d)(7)(E) and (f) filed 4-7-2011; operative 4-7-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 14).
4. Amendment filed 2-17-2016; operative 4-1-2016 (Register 2016, No. 8).

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3 CCR § 6448.1, 3 CA ADC § 6448.1

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3 CA ADC § 6449

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Article 4. Field Fumigation Use Requirements

3 CCR § 6449

§ 6449. Chloropicrin Field Fumigation - General Requirements.

The provisions of section 6449.1 apply to field soil fumigation using chloropicrin within the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, or Ventura ozone nonattainment areas during the May 1 through October 31 time period. Raised-tarpaulin nursery fumigations of less than one acre or replant of individual vine or tree-sites (tree holes) less than one contiguous acre are not considered field soil fumigations under the provisions of section 6449.1.

Note: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).
2. Change without regulatory effect amending Note filed 6-18-2010 pursuant to section 100, title 1, California Code of Regulations (Register 2010, No. 25).

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3 CCR § 6449, 3 CA ADC § 6449

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3 CA ADC § 6449.1

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Article 4. Field Fumigation Use Requirements

3 CCR § 6449.1

§ 6449.1. Chloropicrin Field Fumigation Methods.

(a) For products containing chloropicrin as the sole active ingredient, the field soil fumigation must be made using only the methods described in section 6447.3 or 6448.1. However within the San Joaquin Valley, Southeast Desert, or Ventura ozone nonattainment areas the methods described in the following sections are prohibited:

(1) 6447.3(a)(1),(2), and (6); and 6448.1(d)(1) and (5);

(2) 6448.1(d)(5), unless applied as alternating fumigated and unfumigated areas (strip fumigation) and the broadcast equivalent application rate must not exceed 210 pounds of chloropicrin per acre; and

(3) 6447.3(a)(4), 6447.3(a)(3) and (5) if applied as alternating fumigated and unfumigated areas (strip fumigation), and 6448.1(d)(2) if applied as a bed fumigation unless a tarpaulin that has been tested for permeability and determined by the U.S. Environmental Protection Agency to qualify for at least 60 percent buffer zone reduction credit is used.

(b) If an application is made alternating fumigated and unfumigated areas (strip fumigation), the treated application block cannot be retreated with the same active ingredient between May 1 through October 31 during the same calendar year.

(c) Notwithstanding subsection (a), a reduced volatile organic compound emission field fumigation method approved pursuant to section 6452 or a method for experimental research purposes pursuant to a valid research authorization issued according to section 6260 may be allowed.

Note: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).
2. Change without regulatory effect amending Note filed 6-18-2010 pursuant to section 100, title 1, California Code of Regulations (Register 2010, No. 25).
3. Amendment of subsection (c)(3) filed 4-7-2011; operative 4-7-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 14).
4. Change without regulatory effect amending subsection (b) filed 9-18-2012 pursuant to section 100, title 1, California Code of Regulations (Register 2012, No. 38).
5. Amendment filed 2-17-2016; operative 4-1-2016 (Register 2016, No. 8).

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3 CCR § 6449.1, 3 CA ADC § 6449.1

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3 CA ADC § 6450

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Article 4. Field Fumigation Use Requirements

3 CCR § 6450

§ 6450. Metam-Sodium, Potassium N-methyldithiocarbamate (metam-potassium), and Dazomet Field Fumigation - General Requirements.

The provisions of sections 6450.1 and 6450.2 apply to field soil fumigation using metam-sodium, potassium N-methyldithiocarbamate (metam-potassium), or dazomet within the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, or Ventura ozone nonattainment areas during the May 1 through October 31 time period. Golf courses, tree applications for prevention of root graft disease transmission, wood decay uses, potting soil, replant of individual vine or tree-sites (tree holes) less than one contiguous acre, raised-tarpaulin nursery fumigations of less than one acre, and greenhouses and other similar structures are not considered field soil fumigations under the provisions of sections 6450.1 and 6450.2.

Note: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2453(a) to Section 6450 filed 8-13-85 (Register 85, No. 33).
2. Amendment of section and Note filed 12-15-2000; operative 1-14-2001 (Register 2000, No. 50).
3. Repealer and new section filed 9-19-2002 as an emergency; operative 9-22-2002 (Register 2002, No. 38). A Certificate of Compliance must be transmitted to OAL by 1-21-2003 or emergency language will be repealed by operation of law on the following day.
4. Repealer and new section refiled 1-21-2003 as an emergency; operative 1-21-2003 (Register 2003, No. 4). A Certificate of Compliance must be transmitted to OAL by 5-21-2003 or emergency language will be repealed by operation of law on the following day.
5. Repealer and new section refiled 5-19-2003 as an emergency; operative 5-21-2003 (Register 2003, No. 21). A Certificate of Compliance must be transmitted to OAL by 9-18-2003 or emergency language will be repealed by operation of law on the following day.
6. 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.
7. 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.
8. 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.
9. 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.

10. 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).

11. Renumbering of former section 6450 to section 6447 and new section 6450 filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

12. Change without regulatory effect amending Note filed 6-18-2010 pursuant to section 100, title 1, California Code of Regulations (Register 2010, No. 25).

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3 CCR § 6450, 3 CA ADC § 6450

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3 CA ADC § 6450.1

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3 CCR § 6450.1

§ 6450.1. Metam-Sodium and Potassium N-methyldithiocarbamate (Metam-Potassium) Field Fumigation Methods.

(a) Broadcast equivalent application rate must not exceed 350 pounds active ingredient per acre for potassium N-methyldithiocarbamate (metam-potassium).

(b) Fumigations must start no earlier than one hour after sunrise and must be completed no later than one hour before sunset except for the method described in subsection (d)(9), (10), and (11).

(c) Fumigation methods using post-water treatments must be applied at a rate of 0.15-0.25 inches per hour and meet one of the following water requirements depending on soil texture:

- (1) coarse soils - a minimum of 0.40 inches of water per acre.
- (2) loamy, moderately coarse, or medium texture soils - a minimum of 0.30 inches of water per acre.
- (3) fine texture soils - a minimum of 0.20 inches of water per acre.

(d) The metam-sodium or potassium N-methyldithiocarbamate (metam-potassium) field soil fumigation must be made using only the methods described in this section. However, within the San Joaquin Valley, Southeast Desert, or Ventura ozone nonattainment areas, methods (1), (4), and (9) are prohibited. In addition to labeling requirements for each of these methods, the following requirements shall apply.

(1) Sprinkler/Broadcast or Bed/One Post-Fumigation Water Treatment.

(A) Fumigation must be completed in a time that allows compliance with the post-fumigation water treatment below and meet the requirements in subsection (c):

1. Water must be applied by an irrigation method that uniformly covers the treated area in the entire application block.
2. On the day of fumigation, one post-fumigation water treatment must begin within 30 minutes of the completion of fumigation.
3. Any additional post-fumigation water treatment(s) may be applied at any time.

(2) Sprinkler/Broadcast or Bed/Two Post-Fumigation Water Treatments.

(A) Fumigation must be completed in a time that allows compliance with the post-fumigation water treatments below and meet the requirements in subsection (c):

1. Water must be applied by an irrigation method that uniformly covers the treated area in the entire application block.
2. On the day of fumigation, the first post-fumigation water treatment must begin within 30 minutes of the completion of fumigation. A second post-fumigation water treatment must start no earlier than one hour prior to sunset on the day of fumigation and completed by midnight.
3. Additional post-fumigation water treatment(s) may be applied at any time provided the treatments required above are completed in the specified time periods.

(3) Sprinkler/Broadcast or Bed/Three Post-Fumigation Water Treatments.

(A) Fumigation must be completed in a time that allows compliance with the post-fumigation water treatments below:

1. Water must be applied by an irrigation method that uniformly covers the treated area in the entire application block.
2. On the day of fumigation, the first post-fumigation water treatment must begin within 30 minutes of the completion of fumigation. A second post-fumigation water treatment must start no earlier than one hour prior to sunset on the day of fumigation and completed by midnight.
3. On the day following fumigation, a third post-fumigation water treatment must be applied starting no earlier than one hour prior to sunset and completed by midnight.
4. Additional post-fumigation water treatment(s) may be applied at any time provided the treatments required above are completed in the specified time periods.

(4) Nontarpaulin/Shallow/Broadcast or Bed/One Post-Fumigation Water Treatment.

(A) Fumigation must be completed in compliance with the post-fumigation water treatments pursuant to subsection (d)(1)(A).

(5) Nontarpaulin/Shallow/Broadcast or Bed /Two Post-Fumigation Water Treatments.

(A) Fumigation must be completed in compliance with the post-fumigation water treatments pursuant to subsection (d)(2)(A).

(6) Nontarpaulin/Shallow/Broadcast or Bed/Three Post-Fumigation Water Treatments.

(A) Fumigation must be completed in compliance with the post-fumigation water treatments pursuant to subsection (d)(3)(A).

(7) Chemigation (Drip System).

(A) Drip system must be filled with water and tested for pressure variation, clogged emitters, and leaks before chemigation. The pressure must not exceed the pressure rating of the drip tape and the pressure variation in the drip tape throughout the field must be less than three pounds per square inch. Drip system must be free of leaks and clogged emitters.

(B) After chemigation, the drip system must be flushed with a volume of water at least three times the volume of the mainline and laterals of the drip system.

(8) Rotary Tiller/Power Mulcher/Soil Capping.

(A) Application equipment must be followed immediately by soil compaction equipment.

(9) Flood.

(A) The fumigant must be applied with at least four inches of water per acre.

(10) 1:00 AM Start/Nontarpaulin/Shallow/Broadcast/Two Post-Fumigation Water Treatments.

(A) The fumigation application must start no earlier than 1:00 a.m.

(B) Fumigation must be completed in compliance with the post-fumigation water treatments pursuant to subsection (d)(2)(A).

(C) The following application equipment and procedures must be used:

1. The application equipment must meet the following criteria:

- i. The shanks must be set on three application tool bars, with the bars spaced 12 to 16 inches apart from front to back. The shanks must be staggered on each tool bar to produce a final overall shank spacing of 9 to 11 inches.
- ii. Injection depth on each shank must be 3 to 4 inches, 6 to 7 inches, and 9 to 10 inches.
- iii. Nitrogen must be used to purge the system before applicator bar is lifted out of the ground at any time.
- iv. The application tool bars must be followed by a ring roller that is at least as wide as the application tool bars, with four gauge wheels controlled by hydraulic cylinders to control depth and/or pressure; or with a coil packer that is at least as wide as the application tool bars.

(11) 4:00 AM/ Start/Sprinkler/Broadcast or Bed/Two Post-Fumigation Water Treatments.

(A) Notwithstanding (a), in the San Joaquin Valley, Southeast Desert, and Ventura ozone nonattainment areas the broadcast equivalent application rate must not exceed 260 pounds active ingredient per acre for metam-sodium or 290 pounds active ingredient per acre for potassium N-methyldithiocarbamate (metam-potassium).

(B) Fumigation must start no earlier than 4:00 a.m.

(C) Fumigation must be completed in compliance with post-fumigation water treatments pursuant to (d)(2)(A).

(12) Drench.

(A) Notwithstanding (a), in the Sacramento Metro and South Coast ozone nonattainment areas, broadcast equivalent application rate must not exceed 246 pounds active ingredient per acre for metam-sodium or 270 pounds active ingredient per acre for potassium N-methyldithiocarbamate (metam-potassium). In the San Joaquin Valley, Southeast Desert, and Ventura ozone nonattainment areas, broadcast equivalent application rate must not exceed 90 pounds active ingredient per acre for metam-sodium or 98 pounds active ingredient per acre for potassium N-methyldithiocarbamate (metam-potassium).

(B) Fumigation must be completed in compliance with the post-fumigation water treatments pursuant to subsection (d)(2)(A).

(e) Notwithstanding subsection (d), a reduced volatile organic compound emission field fumigation method approved pursuant to section 6452 or a method for experimental research purposes pursuant to a valid research authorization issued according to section 6260 may be allowed.

Note: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 12-15-2000; operative 1-14-2001 (Register 2000, No. 50).
2. Repealer and new section filed 9-19-2002 as an emergency; operative 9-22-2002 (Register 2002, No. 38). A Certificate of Compliance must be transmitted to OAL by 1-21-2003 or emergency language will be repealed by operation of law on the following day.
3. Repealer and new section refiled 1-21-2003 as an emergency; operative 1-21-2003 (Register 2003, No. 4). A Certificate of Compliance must be transmitted to OAL by 5-21-2003 or emergency language will be repealed by operation of law on the following day.
4. Repealer and new section refiled 5-19-2003 as an emergency; operative 5-21-2003 (Register 2003, No. 21). A Certificate of Compliance must be transmitted to OAL by 9-18-2003 or emergency language will be repealed by operation of law on the following day.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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).
10. Renumbering of former section 6450.1 to section 6447.1 and new section 6450.1 filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).
11. Change without regulatory effect amending Note filed 6-18-2010 pursuant to section 100, title 1, California Code of Regulations (Register 2010, No. 25).
12. Amendment filed 4-7-2011; operative 4-7-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 14).
13. Amendment filed 2-17-2016; operative 4-1-2016 (Register 2016, No. 8).

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3 CCR § 6450.1, 3 CA ADC § 6450.1

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3 CA ADC § 6450.2

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3 CCR § 6450.2

§ 6450.2. Dazomet Field Fumigation Methods.

(a) Fumigations must start no earlier than one hour after sunrise and must be completed no later than one hour before sunset.

(b) The field soil fumigation using dazomet is limited to methods specifically identified in the labeling. In addition to labeling requirements for each identified method, the fumigation must comply with the following.

(1) Fumigation must be completed in a time that allows compliance with the post-fumigation water treatments below:

(A) Water must be applied by an irrigation method that uniformly covers the treated area in the entire application block.

(B) On the day of fumigation, the first water treatment must consist of at least 0.20 inches of water, beginning within 30 minutes of the completion of fumigation. A second post-fumigation water treatment must consist of at least 0.20 inches of water applied starting no earlier than one hour prior to sunset on the day of fumigation and completed by midnight.

(C) On the day following fumigation, a third post-fumigation water treatment must consist of at least 0.20 inches of water, and must be applied starting no earlier than one hour prior to sunset and completed by midnight.

(D) On the second day following fumigation, a fourth post-fumigation water treatment must consist of at least 0.20 inches of water, and must be applied starting no earlier than one hour prior to sunset and completed by midnight.

(E) Additional post-fumigation water treatment(s) may be applied at any time provided the treatments required above are completed in the specified time periods.

(c) Notwithstanding subsection (b), a reduced volatile organic compound emission field fumigation method approved pursuant to section 6452 or a method for experimental research purposes pursuant to a valid research authorization issued according to section 6260 may be allowed.

Note: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 12-15-2000; operative 1-14-2001 (Register 2000, No. 50).

2. Amendment of subsection (e)(1) and new subsection (e)(4) filed 6-27-2001 as an emergency; operative 6-27-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 10-25-2001 or emergency language will be repealed by operation of law on the following day.

3. Amendment of subsection (e)(1) and new subsection (e)(4) refiled 10-15-2001 as an emergency; operative 10-25-2001 (Register 2001, No. 42). A Certificate of Compliance must be transmitted to OAL by 2-22-2002 or emergency language will be repealed by operation of law on the following day.

4. Certificate of Compliance as to 10-15-2001 order, including further amendment of section, transmitted to OAL 2-22-2002 and filed 4-8-2002 (Register 2002, No. 15).

5. Repealer and new section filed 9-19-2002 as an emergency; operative 9-22-2002 (Register 2002, No. 38). A Certificate of Compliance must be transmitted to OAL by 1-21-2003 or emergency language will be repealed by operation of law on the following

day.

6. Repealer and new section refiled 1-21-2003 as an emergency; operative 1-21-2003 (Register 2003, No. 4). A Certificate of Compliance must be transmitted to OAL by 5-21-2003 or emergency language will be repealed by operation of law on the following day.

7. Repealer and new section refiled 5-19-2003 as an emergency; operative 5-21-2003 (Register 2003, No. 21). A Certificate of Compliance must be transmitted to OAL by 9-18-2003 or emergency language will be repealed by operation of law on the following day.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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).

13. Renumbering of former section 6450.2 to section 6447.2 and new section 6450.2 filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

14. Change without regulatory effect amending Note filed 6-18-2010 pursuant to section 100, title 1, California Code of Regulations (Register 2010, No. 25).

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3 CCR § 6450.2, 3 CA ADC § 6450.2

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3 CA ADC § 6450.3

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Article 4. Field Fumigation Use Requirements

3 CCR § 6450.3

§ 6450.3. Methyl Bromide Field Fumigation Methods. [Renumbered.]

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. New section filed 12-15-2000; operative 1-14-2001 (Register 2000, No. 50).
2. Amendment of subsection (a)(1)(C)2. filed 6-27-2001 as an emergency; operative 6-27-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 10-25-2001 or emergency language will be repealed by operation of law on the following day.
3. Amendment of subsection (a)(2)(C)2. refiled 10-15-2001 as an emergency; operative 10-25-2001 (Register 2001, No. 42). A Certificate of Compliance must be transmitted to OAL by 2-22-2002 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 10-15-2001 order transmitted to OAL 2-22-2002 and filed 4-8-2002 (Register 2002, No. 15).
5. Repealer and new section filed 9-19-2002 as an emergency; operative 9-22-2002 (Register 2002, No. 38). A Certificate of Compliance must be transmitted to OAL by 1-21-2003 or emergency language will be repealed by operation of law on the following day.
6. Repealer and new section refiled 1-21-2003 as an emergency; operative 1-21-2003 (Register 2003, No. 4). A Certificate of Compliance must be transmitted to OAL by 5-21-2003 or emergency language will be repealed by operation of law on the following day.
7. Repealer and new section refiled 5-19-2003 as an emergency; operative 5-21-2003 (Register 2003, No. 21). A Certificate of Compliance must be transmitted to OAL by 9-18-2003 or emergency language will be repealed by operation of law on the following day.
8. 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.
9. 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.
10. 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.
11. 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.

12. 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).

13. Renumbering of former section 6450.3 to section 6447.3 filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

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3 CCR § 6450.3, 3 CA ADC § 6450.3

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3 CA ADC § 6451

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Article 4. Field Fumigation Use Requirements

3 CCR § 6451

§ 6451. Sodium Tetrathiocarbonate Field Fumigation - General Requirements.

The provisions of section 6451.1 apply to field soil fumigation using sodium tetrathiocarbonate within the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, or Ventura ozone nonattainment areas below during the May 1 through October 31 time period. Replant of individual vine or tree-sites (tree holes) less than one contiguous acre, and raised-tarpaulin nursery fumigations of less than one acre, and greenhouses and other similar structures are not considered field soil fumigations under the provisions of section 6451.1.

Note: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).
2. Change without regulatory effect amending Note filed 6-18-2010 pursuant to section 100, title 1, California Code of Regulations (Register 2010, No. 25).

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3 CCR § 6451, 3 CA ADC § 6451

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3 CA ADC § 6451.1

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3 CCR § 6451.1

§ 6451.1. Sodium Tetrathiocarbonate Field Fumigation Methods.

(a) The field soil fumigation of sodium tetrathiocarbonate is limited to methods specifically identified in the labeling.

(b) Notwithstanding subsection (a), a reduced volatile organic compound emission field fumigation method approved pursuant to section 6452 or a method for experimental research purposes pursuant to a valid research authorization issued according to section 6260 may be allowed.

Note: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

2. Change without regulatory effect amending Note filed 6-18-2010 pursuant to section 100, title 1, California Code of Regulations (Register 2010, No. 25).

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3 CCR § 6451.1, 3 CA ADC § 6451.1

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3 CA ADC § 6452

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Article 4. Field Fumigation Use Requirements

3 CCR § 6452

§ 6452. Reduced Volatile Organic Compound Emissions Field Fumigation Methods.

(a) For the Sacramento Metro and South Coast ozone nonattainment areas, the Director may approve use of a field fumigation method not described in sections 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, and 6451.1 if the request is accompanied by scientific data documenting the volatile organic compound (VOC) emissions. The emission rating specified in section 6881 or the maximum emission rate (emission rating multiplied by the maximum broadcast equivalent application rate) must be no greater than any one of the methods for the same fumigant described in sections 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, and 6451.1.

(b) For the San Joaquin Valley, Southeast Desert, and Ventura ozone nonattainment areas, upon written request, the Director may approve use of a field fumigation method either not described or excluded from use in sections 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, or 6451.1 if the request meets the following criteria:

(b) For the San Joaquin Valley, Southeast Desert, and Ventura ozone nonattainment areas, upon written request, the Director may approve use of a field fumigation method either not described or excluded from use in sections 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, or 6451.1 if the request meets the following criteria:

(1) The request is accompanied by scientific data documenting the VOC emissions;

(A) The emission rating, as specified in section 6881, is no greater than any one of the methods for the same fumigant allowed for use in the San Joaquin Valley, Southeast Desert, and Ventura ozone nonattainment areas as specified in sections 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, or 6451.1, or

(B) The maximum emission rate (emission rating multiplied by the maximum broadcast equivalent application rate) is no greater than any one of the methods for the same fumigant allowed for use in the San Joaquin Valley, Southeast Desert, and Ventura ozone nonattainment areas as specified in sections 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, or 6451.1.

(c) Criteria the Director shall consider includes whether:

(1) the data and information provided are sufficient to estimate emissions;

(2) the results are valid as indicated by the quality control data; and

(3) the conditions studied represent agricultural fields fumigated.

(d) The Director shall publish a notice of interim approval for a field fumigation method on the Department's Web site. The interim approval expires three years after the date of approval.

Note: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14102.

HISTORY

1. Editorial renumbering of former Section 2453(b) and (c) to Section 6452 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. Renumbering of former section 6452 to section 6453 and new section 6452 filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

4. Amendment of subsections (a) and (b)(1)(A) filed 5-23-2013; operative 11-1-2013 pursuant to Government Code section 11343.4(b)(2) (Register 2013, No. 21).

5. Amendment of subsections (a) and (b)(1)(B) filed 2-17-2016; operative 4-1-2016 (Register 2016, No. 8).

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3 CCR § 6452, 3 CA ADC § 6452

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[Home](#) [Table of Contents](#)**§ 6452.1. Fumigant Volatile Organic Compound Emission Records and Reporting.**

3 CA ADC § 6452.1

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3 CCR § 6452.1

§ 6452.1. Fumigant Volatile Organic Compound Emission Records and Reporting.

(a) Any person who applies field fumigants shall maintain records of fumigant applications pursuant to section 6624.

(b) Any person who applies field fumigants shall report the information specified in section 6626.

Note: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14102.

HISTORY

1. New section filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

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3 CCR § 6452.1, 3 CA ADC § 6452.1

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3 CA ADC § 6452.2

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Article 4. Field Fumigation Use Requirements

3 CCR § 6452.2

§ 6452.2. Volatile Organic Compound Emission Limits.

(a) The Director shall establish field fumigant volatile organic compound (VOC) emission limits in the Annual Volatile Organic Compound Emissions Inventory Report issued pursuant to section 6881 for for the Sacramento Metro, South Coast, Southeast Desert, and Ventura ozone nonattainment areas where the difference between emissions in the most recent inventory report and the benchmarks for that area is five percent or less of the benchmarks or exceeds the benchmarks listed below during the May 1 through October 31 time period:

	<i>Total Agricultural and Structural VOC Emissions Inventory Benchmarks from May 1 to October 31</i>
Sacramento Metro	820,000 lbs. (2.2 tons/day average)
South Coast	3,200,000 lbs. (8.7 tons/day average)
Southeast Desert	340,000 lbs. (0.92 tons/day average)
Ventura	1,100,000 lbs. (3.0 tons/day average)

(1) If a VOC emission limit is in effect pursuant to (a) that limit must remain in effect until the commissioner does not condition permits to include a fumigant emission allowance specified in (c)(1) or (d)(1), and does not deny any permit or notice of intent specified in (c)(2) or (d)(2) in order to comply with the fumigant emission limit for two consecutive years.

(b) The Director shall calculate the field fumigant VOC emission limits specified in (a) by subtracting the nonfumigant pesticide VOC emissions from the total agricultural and structural VOC emissions inventory benchmarks. Nonfumigant pesticide product emissions will be the summation of the pounds of each pesticide product used multiplied by the VOC content (emission potential) for the specific product.

(c) For the Ventura ozone nonattainment area, the commissioner shall ensure that the fumigant limits specified in (a) are not exceeded during the May 1 through October 31 time period using one or more of the following methods for field soil fumigations:

- (1) Condition permit to include fumigant emission allowances.
- (2) Deny any permit or notice of intent that would cause the fumigant limit to be exceeded.
- (3) Condition permit to prohibit or require any of the methods allowed by sections 6447.3(a), 6448.1(d), 6449.1(a), 6450.1(d), or 6452 during the May 1 through October 31 time period.

(d) For ozone nonattainment areas other than Ventura, the Director shall select one or more of the following methods to ensure the fumigant limits specified in (a) are not exceeded during the May 1 through October 31 time period:

- (1) The Director establishes a fumigant emission allowance for each permittee, based on information provided the commissioners within the ozone nonattainment area. The total allowances in each ozone nonattainment area must not exceed the fumigant limit established for that area. Commissioners shall issue permits or amend existing permits to comply with the fumigant emission allowance(s) established by the Director. Commissioners shall deny any notice of intent that does not comply with the permittees' fumigant emission allowances.

(2) Commissioners deny any permit or notice of intent that would cause the fumigant limit to be exceeded.

(3) Commissioners condition permits to prohibit or require any of the methods allowed by sections 6447.3(a), 6448.1(d), 6449.1(a), 6450.1(d), or 6452 during the May 1 through October 31 time period.

(e) No person may apply a field fumigant during the May 1 through October 31 time period in an ozone nonattainment area for which a fumigant emission limit has been established pursuant to (a), unless their restricted material permit includes conditions specified in (c) or (d), or notice of intent is approved in writing.

(f) For the San Joaquin Valley ozone nonattainment area, if the difference between emissions in the most recent emissions inventory report and the 6,700,000 pound (18.1 tons per day) benchmark for this area is five percent or less of the benchmark or exceeds this benchmark during the May 1 through October 31 time period, the provisions of section 6884 shall apply.

Note: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).
2. Amendment of subsection (a) and repealer and new subsection (c) filed 9-3-2008; operative 9-3-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 36).
3. Amendment of subsections (a) and (c) filed 4-20-2009; operative 4-20-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 17).
4. Amendment filed 4-7-2011; operative 4-7-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 14).
5. Amendment of section heading and subsections (a)-(a)(1) and (e) and new subsection (f) filed 5-23-2013; operative 11-1-2013 pursuant to Government Code section 11343.4(b)(2) (Register 2013, No. 21).
6. Amendment of subsections (c)(3) and (d)(3) filed 2-17-2016; operative 4-1-2016 (Register 2016, No. 8).

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3 CCR § 6452.2, 3 CA ADC § 6452.2

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[Home](#) [Table of Contents](#)**§ 6452.3. Field Fumigant Volatile Organic Compound Emission Allowances.**

3 CA ADC § 6452.3

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3 CCR § 6452.3

§ 6452.3. Field Fumigant Volatile Organic Compound Emission Allowances.

(a) To obtain a field fumigant emission allowance, a permittee shall request an emission allowance by submitting information to the commissioner by a date designated by the commissioner. The information must include but is not limited to the following:

- (1) restricted materials permit number;
- (2) crop;
- (3) number of acres to be fumigated; and
- (4) identification of each site to be fumigated;

Note: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).
2. Amendment filed 4-7-2011; operative 4-7-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 14).

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3 CCR § 6452.3, 3 CA ADC § 6452.3

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3 CA ADC § 6452.4

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Article 4. Field Fumigation Use Requirements

3 CCR § 6452.4

§ 6452.4. Annual Volatile Organic Compound Emissions Inventory Report. [Renumbered]

Note: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).
2. Amendment of subsection (a)(5) 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.
3. Amendment filed 4-7-2011; operative 4-7-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 14).
4. Certificate of Compliance as to 12-20-2010 order transmitted to OAL 4-26-2011 and filed 5-11-2011 (Register 2011, No. 19).
5. Renumbering of section 6452.4 to section 6881 filed 5-23-2013; operative 11-1-2013 pursuant to Government Code section 11343.4(b)(2) (Register 2013, No. 21).

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3 CCR § 6452.4, 3 CA ADC § 6452.4

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3 CA ADC § 6453

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3 CCR § 6453

§ 6453. Chloropicrin and Methyl Bromide -Nursery and Commodity Fumigation.

(a) When chloropicrin or methyl bromide is used, singly or in combination, to treat nursery potting soils or soil mixes, nursery stock, and other agricultural commodities, appliances, or equipment, it shall be done in a properly sealed fumigation chamber, railroad car, or truck trailer, or under a gas confining tarp approved by the commissioner or director. The commissioner or director may specify the fumigation period. Injection shall be made in a manner that minimizes gas loss.

(b) When chloropicrin or methyl bromide is applied singly or in combination, the commissioner or director may require the treatment site or fumigation chamber to be posted and attended for a specified time after application.

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. New article 5 heading and renumbering of former section 6452 to new section 6453 filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).

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3 CCR § 6453, 3 CA ADC § 6453

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§ 6454. Chloropicrin and Methyl Bromide -Structural Fumigation.

3 CA ADC § 6454

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3 CCR § 6454

§ 6454. Chloropicrin and Methyl Bromide -Structural Fumigation.

This section supplements the methyl bromide fumigation requirements found in the Business and Professions Code and Title 16 of the California Code of Regulations, as well as directions for use given on methyl bromide product labeling.

(a) When fumigating a structure, the fumigator shall ensure that the distance between the fumigated structure and its property line shall meet the following criteria and that no person, other than the fumigation crew, enters the area prescribed in either (1), (2), or (3) below during the treatment period:

- (1) For fumigations utilizing 50 pounds of methyl bromide or less, a distance of at least five (5) feet must exist; or
- (2) For fumigations utilizing more than 50 pounds, but less than 80 pounds, a distance in feet calculated using the following formula must exist:

5 times the total poundage of methyl bromide minus 240 feet; or

- (3) For fumigations utilizing 80 pounds or more, a distance in feet equal to two (2) times the total poundage of methyl bromide applied must exist.

(b) Structures shall be covered with the required tarpaulins or sealed prior to fumigation. The “acceptable” tarpaulin used in fumigations shall be vinyl coated with a minimum weight of seven (7) ounces per square yard (or having a fumigant retention capability equal to or greater than that provided by the seven-ounce weight tarpaulin). The vinyl coating shall not be worn, cracked, abraded, or similarly damaged to the extent that any of the underlying fabric shows through the vinyl coating.

(c) All cuts, tears, holes, or similar damage to tarpaulins shall be repaired prior to introduction of the fumigant. Temporary repairs to damaged tarpaulins shall be made with vinyl coated self-adhesive tape, or the damaged area of the tarpaulin may be rolled and clipped so the tarpaulin’s fumigant gas retention capability is maintained.

(d) Fumigators shall use the fumigant retention method specified in the table below for the application rate and poundage combinations utilized in the fumigation:

Methyl Bromide Application Rate Per 1,000 Cubic Feet of Structure	Total Pounds of Methyl Bromide Applied in a 24-hour Period	Fumigant Retention Method
Up to 0.5 pounds	Not more than 20 pounds	“acceptable” tarpaulin
	-----	-----
	More than 20 pounds, but less than 1,000 pounds	“acceptable” tarpaulin, or if the structure is a concrete tilt-up, seal with vinyl coated self-adhesive tape
More than 0.5 pounds Up to 1.5 pounds	Not more than 50 pounds	“acceptable” tarpaulin and a side drape of either: (1) an

		“acceptable” tarpaulin or (2) an unused 4-mil disposable polyethylene sheet
	-----	-----
	More than 50 pounds, but less than 1,000 pounds	“acceptable” tarpaulin, or if the structure is a concrete tilt-up, seal with vinyl coated self-adhesive tape
More than 1.5 pounds Up to 3.0 pounds	Not more than 50 pounds	“acceptable” tarpaulin and a side drape of one unused 4-mil disposable polyethylene sheet
	-----	-----
	More than 50 pounds, but less than 1,000 pounds	“acceptable” tarpaulin, or if the structure is a concrete tilt-up, seal with vinyl coated self-adhesive tape

(e) When tarpaulins are used, all sides of the structure shall be draped to the ground. Sand snakes, water snakes, or similar weights shall be used to seal the base of the tarpaulins to the ground. Prior to the placement of these snakes or weights, the soil adjacent to the structure foundation shall be thoroughly watered.

(f) Chloropicrin shall be used as a warning agent when fumigating a structure unless specifically prohibited by regulations or product labeling.

(g) A fan shall be used to disperse chloropicrin and methyl bromide within the structure. Chloropicrin shall be released into the airstream of the fan when it is introduced (either by itself or in combination with methyl bromide).

(h) Aeration of the fumigated structure shall not begin earlier than one hour after sunrise or later than one hour before sunset. The sunrise and sunset times published in the local newspaper shall be used to establish aeration timing.

(i) Following treatment, the fumigated structure shall be aerated through convection tubing or ducting. Except as provided in subsection (j), the convection tubing or ducting outlet shall be located above the highest point of the roof as follows:

- (1) Six (6) feet for fumigations utilizing 50 pounds of methyl bromide or less; or
- (2) Ten (10) feet for fumigations utilizing more than 50 pounds of methyl bromide.

(j) If any nearby structure is taller than the fumigated structure and the distance between the structures is equal to or less than the distance indicated in the following table, the convection tubing or ducting outlet shall be located as high as the top of the roof of the tallest structure.

Total Pounds of Methyl Bromide Applied	Convective Tubing or Ducting Outlet Must Be As High As the Tallest Structure Within:
1-14	50 ft.
15-24	75 ft.
25-32	100 ft.
33-40	125 ft.
41-50	150 ft.
51-60	175 ft.
61-99	200 ft.
100-1,000	A distance in footage equal to 2 times the pounds of methyl bromide used

(k) When aerating a fumigated structure, a licensed Branch 1 operator or field representative shall ensure, from the initiation of the aeration procedure to completion of the steps described in (n) of this section, that persons not involved in the aeration process do not come within:

- (1) Ten (10) feet of the fumigated structure, for fumigations utilizing 50 pounds of methyl bromide or less; or
- (2) For fumigations utilizing more than 50 pounds but less than 80 pounds, a distance in feet calculated using the following formula must exist:

5 times the total poundage of methyl bromide minus 240 feet; or

(3) The number of feet equaling two (2) times the pounds of methyl bromide used for fumigations utilizing more than 80 pounds.
 (1) Exhaust fans and convection tubing or ducting may be installed prior to aeration or when covering the structure with tarpaulins in preparation for fumigation. The exhaust fans, convection tubing, and installation of the fans and tubing shall meet the following requirements:

(1) Each exhaust fan shall have a capacity of at least 5,000 cubic feet per minute (cfm).

(2) Convection tubing or ducting shall be large enough to fit over the exhaust fan housing and shall be securely attached to the housing prior to aeration.

(3) Exhaust fans and convection tubing shall be installed in a manner which does not present a hazard to workers and the public.

(m) If exhaust fans and convection tubing or ducting are installed after the fumigation has begun, the installer shall wear self-contained breathing apparatus (SCBA) respiratory protection.

(n) The methyl bromide concentration shall be measured at the approximate center of the structure with a Fumiscope®, or similar instrument, that shall be located outside of the fumigated structure. (An instrument similar to a Fumiscope® may be used provided it can measure methyl bromide concentrations at the one ounce per 1,000 cubic feet [250 ppm] level.) Without entering the structure, the fumigator shall collect the methyl bromide sample for measurement through the use of tubing or ducting placed inside the structure and connected to the analytical instrument prior to the initiation of fumigation. The structure shall be aerated until the methyl bromide concentration has been reduced to 250 ppm or less (250 ppm is about one ounce per thousand cubic feet) while following the requirements listed below:

(1) If the fumigated structure's windows were left open during the fumigation, the structure shall be aerated through convection tubing or ducting until the methyl bromide concentration is 250 ppm or less with the tarpaulins left in place; or

(2) If the fumigated structure's windows were closed during the fumigation:

(A) The space between the fumigated structure and the tarpaulin shall be aerated prior to tarpaulin removal through convection tubing or ducting.

(B) After the tarpaulins are removed, the fumigated structure shall be aerated through convection tubing or ducting until the methyl bromide concentration is 250 ppm or less.

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 of former section 2453(d) to section 6454 filed 8-13-85 (Register 85, No. 33).
2. Amendment of section heading and Note and new subsections(c)-(f) filed 4-14-92 as an emergency; operative 4-14-92 (Register 92, No. 18). A Certificate of Compliance must be transmitted to OAL 8-12-92 or emergency language will be repealed by operation of law on the following day.
3. Amendment of section heading and Note and new subsections(c)-(f) refiled 8-14-92 as an emergency; operative 8-14-92 (Register 92, No. 33). A Certificate of Compliance must be transmitted to OAL 12-12-92 or emergency language will be repealed by operation of law on the following day.
4. Amendment of section heading and Note and new subsections(c)-(f) refiled 12-18-92 as an emergency; operative 12-18-92 (Register 92, No. 51). A Certificate of Compliance must be transmitted to OAL 4-17-93 or emergency language will be repealed by operation of law on the following day.
5. Amendment of section heading and Note and new subsections(c)-(f) refiled 3-29-93 as an emergency; operative 3-29-93 (Register 93, No. 14). A Certificate of Compliance must be transmitted to OAL 7-27-93 or emergency language will be repealed by operation of law on the following day.
6. Repealer of subsections (c)-(f) and reinstatement of section heading and Note as they existed prior to emergency amendments filed 12-1-93, effective 7-28-93 by operation of Government Code section 11346.1(f) (Register 93, No. 49).
7. Editorial correction of History 3, 4, 5, and 6 (Register 94, No. 30).
8. Repealer and new section and amendment of Note filed 8-15-2000; operative 9-14-2000 (Register 2000, No. 33).

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3 CCR § 6454, 3 CA ADC § 6454

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3 CA ADC § 6455

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3 CCR § 6455

§ 6455. Sulfuryl Fluoride -Structural Fumigation, Aeration, and Reentry. [Repealed'

Note: Authority: Sections 12976, 12981, 14005, 14102 and 15203, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 4-14-92 as an emergency; operative 4-14-92 (Register 92, No. 18). A Certificate of Compliance must be transmitted to OAL 8-12-92 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 8-14-92 as an emergency; operative 8-14-92 (Register 92, No. 33). A Certificate of Compliance must be transmitted to OAL 12-14-92 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 12-18-92 as an emergency; operative 12-15-92 (Register 92, No. 51). A Certificate of Compliance must be transmitted to OAL 4-19-93 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 3-29-93 as an emergency; operative 3-18-93 (Register 93, No. 14). A Certificate of Compliance must be transmitted to OAL 7-16-93 or emergency language will be repealed by operation of law on the following day.
5. Repealed by operation of Government Code section 11346.1(f) (Register 93, No. 49).

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3 CCR § 6455, 3 CA ADC § 6455

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3 CA ADC § 6456

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3 CCR § 6456

§ 6456. Sodium Arsenite. [Repealed]

Note: Authority cited: Sections 407, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2454 to Section 6456 filed 8-13-85 (Register 85, No. 33).
2. Repealer filed 5-31-95; operative 6-30-95 (Register 95, No. 22).

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3 CCR § 6456, 3 CA ADC § 6456

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[Home](#) [Table of Contents](#)**§ 6457. Bentazon (Basagran).**

3 CA ADC § 6457

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3 CCR § 6457

§ 6457. Bentazon (Basagran).

In addition to the restrictions specified in sections 6487.1, 6487.2, 6487.3, and 6487.4, the following restrictions apply for agricultural, outdoor institutional, and outdoor industrial uses of bentazon for the purpose of ground water protection:

(a) Bentazon shall not be applied in Del Norte or Humboldt Counties.

(b) Bentazon shall not be used in the production of rice.

Note: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former section 6486.6 to section 6457 filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

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3 CCR § 6457, 3 CA ADC § 6457

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3 CA ADC § 6458

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3 CCR § 6458

§ 6458. Aldicarb.

(a) The amount of pesticides containing aldicarb that may be applied to the following crops shall not exceed:

Crop	Stage of Growth of Crop	Pounds of 15G/ Acre/Application	Ounces 15G/1000 Feet of Row
(1) Cotton			40 " row spacing
	At Planting	7	8.5
	At First Squaring	14	17
	From Squaring Through Early Bloom	14	17
	(Do not exceed a total of 21 pounds per acre)		
(2) Potatoes			34 " row spacing
	At Planting	14 or	14.5
	After Planting	14	14.5
(3) Sugar beets			22 " row spacing
	At Planting or Within One Week Before Planting	14	9.5
	Postemergence	14	9.5
	(Do not exceed a total of 28 pounds per acre)		
(4) Dried Beans			22-48 " row spacing
		7	7.5
(5) Citrus		33	N/A
		Pounds of 10G/ Acre/Application	Ounces 10G/1000 Square Feet
(6) Ornamentals		50	20
			or Pounds of 10G/1000 Linear Feet 42 " row spacing 4
		(Do not exceed 50 pounds per acre per year)	

(b) Pesticides containing aldicarb shall not be applied to cotton, potatoes, sugar beets, dried beans, citrus, or field-grown ornamentals from September 1 to March 1 of each year.

Note: Authority cited: Sections 12781 and 12976, Food and Agricultural Code. Reference: Sections 12976 and 13150, Food and Agricultural Code.

HISTORY

1. New section filed 6-4-90; operative 7-4-90 (Register 90, No. 29).

2. Change without regulatory effect amending section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

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3 CCR § 6458, 3 CA ADC § 6458

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3 CA ADC § 6460

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3 CCR § 6460

§ 6460. Drift Control.

Unless expressly authorized by permit issued pursuant to section 6412, no liquid Dicamba, 2,4-dichlorophenoxyacetic acid, 2,4-dichlorophenoxybutyric acid, 2,4-dichlorophenoxypropionic acid, 2-methyl-4-chlorophenoxyacetic acid, or Propanil herbicide shall be:

- (a) Discharged more than ten feet above the crop or target. Discharge shall be shut off whenever it is necessary to raise the equipment over obstacles such as trees or poles.
- (b) Applied when wind velocity is more than ten miles per hour.
- (c) Applied by aircraft except as follows:
 - (1) The flow of liquid to aircraft nozzles shall be controlled by a positive shutoff system as follows:
 - (A) each individual nozzle shall be equipped with a check valve and the flow controlled by a suckback device or a boom pressure release device; or
 - (B) Each individual nozzle shall be equipped with a positive action valve.
 - (2) Aircraft nozzles shall not be equipped with any device or mechanism which would cause a sheet, cone, fan, or similar type dispersion of the discharged material except as otherwise provided.
 - (3) Aircraft boom pressure shall not exceed 40 pounds per square inch.
 - (4) Aircraft nozzles shall be equipped with orifices directed backward parallel to the horizontal axis of the aircraft in flight.
 - (5) Fixed wing aircraft and helicopters operating in excess of 60 miles per hour shall be equipped with jet nozzles having an orifice of not less than 1/16 inch in diameter.
 - (6) Helicopters operating at 60 miles per hour or less shall be equipped with:
 - (A) Nozzles having an orifice not less than 1/16 inch in diameter. A number 46 (or equivalent) or larger whirlplate may be used; or
 - (B) Fan nozzles with a fan angle number not larger than 80 degrees and a flow rate not less than one gallon per minute at 40 pounds per square inch pressure (or equivalent); or
 - (C) The Microfoil (R) boom (a coordinated spray system including airfoil-shaped nozzles with each orifice not less than 0.013 inches in diameter) or equivalent type approved by the director. Orifices shall be directed backward parallel to the horizontal axis of the aircraft in flight.
- (d) Applied by ground equipment except as follows:
 - (1) Ground equipment other than handguns shall be equipped with:
 - (A) Nozzles having an orifice not less than 1/16 inch in diameter or equivalent, and operated at a boom pressure not to exceed 30 pounds per square inch; or

(B) Low pressure fan nozzles with a fan angle number not larger than 80 degrees and fan nozzle orifice not smaller than 0.2 gallon per minute flow rate or equivalent, and operated at a boom pressure not to exceed 15 pounds per square inch.

Note: Authority cited: Sections 12781, 12972, 12976, 14001, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006, 14033 and 14102, Food and Agricultural Code.

HISTORY

1. Editorial renumbering and amendment of former section 2458(a)-(c) to section 6460 filed 8-13-85 (Register 85, No. 33).
2. Amendment filed 2-6-87; effective upon filing pursuant to Government Code section 11346.2(d) (Register 87, No. 7).
3. Amendment of subsection (c) filed 5-23-88 as an emergency, operative 5-23-88 (Register 88, No. 22). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-20-88.
4. Emergency language filed 5-23-88 repealed by operation of law (Register 89, No. 49).
5. Amendment of subsection (c) filed 12-1-89; operative 12-1-89 pursuant to Government Code section 11346.2(d) (Register 89, No. 49).
6. Editorial correction of printing error in subsection (c)(5) and HISTORY 5. (Register 91, No. 33).
7. Change without regulatory effect amending first paragraph and Note filed 4-3-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 14).
8. Change without regulatory effect amending first paragraph, redesignating former subsection (c)(6)(A)(13) as subsection (c)(6)(B) and relettering subsections filed 11-10-2011 pursuant to section 100, title 1, California Code of Regulations (Register 2011, No. 45).

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3 CCR § 6460, 3 CA ADC § 6460

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[Home Table of Contents](#)**§ 6462. Propanil.**

3 CA ADC § 6462

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3 CCR § 6462

§ 6462. Propanil.

The provisions of this section apply to propanil used in Butte, Colusa, Glenn, Placer, and Yuba Counties; the portion of Sutter County situated north of Sankey Road; and the portion of Yolo County situated north of State Highway 16.

(a) No emulsifiable concentrate formulation shall be applied.

(b) Applications using aircraft shall be made in accordance with the following requirements:

(1) Aerial applications shall not be made within four miles of cultivated commercial plantings of prunes.

(2) No more than 720 acres may be treated by aircraft within each county per day.

(3) Each operating aircraft nozzle shall produce a droplet size, in accordance with the manufacturer's specifications, not less than 600 microns volume median diameter (Dv0.5) with not more than ten percent of the diameter by volume (Dv0.1) less than 200 microns.

(c) Notwithstanding (b)(1), the Butte county agricultural commissioner may allow the California Rice Research Station to make aerial applications within four miles of cultivated commercial plantings of prunes according to a work plan submitted to and approved by the Butte county agricultural commissioner. The work plan shall include: the largest individual site that may be treated per application; total acres that may be treated per day which shall not exceed 45 acres; the minimum distance that must be maintained from cultivated commercial plantings of prunes and the application site; and any additional procedures to protect cultivated commercial plantings of prunes within four miles of the application site.

(d) Applications using ground equipment shall be made in accordance with the following requirements:

(1) Ground applications shall not be made within one mile of cultivated commercial plantings of prunes, except as provided in (A) and (B) below.

(A) The commissioner may allow applications to be made to sites not less than one-half mile from cultivated commercial plantings of prunes if the following requirements are met:

1. Prior to the application, the operator of the property shall provide to the commissioner a recommendation written by a licensed pest control adviser stating there are no other feasible pest management alternatives;

2. Onsite monitoring of wind speed and wind direction shall be conducted by the applicator in a manner approved by the commissioner throughout the entire application. A record of recorded data shall be retained for one year; and

3. A positive airflow away from cultivated commercial plantings of prunes is present throughout the entire application.

(B) The commissioner may allow applications to be made to sites less than one-half mile from cultivated commercial plantings of prunes when the following requirements are met in addition to the requirements of (A):

1. The commissioner shall provide onsite monitoring of all applications.

2. The commissioner shall provide for notice to, and opportunity to comment by, any owner of cultivated commercial plantings of prunes within one-half mile of the application.

(2) Each operating nozzle shall produce a droplet size, in accordance with the manufacturer's specifications, not less than 500 microns volume median diameter (Dv0.5) with not more than ten percent of the diameter by volume (Dv0.1) less than 200 microns.

Note: Authority cited: Sections 11456, 12781, 14001, 14005 and 14102, Food and Agricultural Code. Reference: Sections 14006 and 14007, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former section 2456 to section 6462 filed 8-13-85 (Register 85, No. 33).
2. Amendment filed 6-3-86; effective upon filing pursuant to Government Code section 11346.2(d) (Register 86, No. 23).
3. Amendment of subsection (b) filed 5-31-91; operative 5-31-91 pursuant to Government Code section 11346.2(d) (Register 91, No. 28).
4. Amendment of subsection (a), new subsection (c) and amendment of Note filed 6-4-97 as an emergency; operative 6-4-97 (Register 97, No. 23). A Certificate of Compliance must be transmitted to OAL by 10-2-97 or emergency language will be repealed by operation of law on the following day.
5. Reinstatement of section as it existed prior to 6-4-97 emergency amendment by operation of Government Code section 11346.1(f) (Register 98, No. 19).
6. Amendment of section and Note filed 5-8-98 as an emergency; operative 5-8-98 (Register 98, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-7-98 or emergency language will be repealed by operation of law on the following day.
7. Reinstatement of section as it existed prior to 5-8-98 emergency amendment by operation of Government Code section 11346.1(f) (Register 99, No. 15).
8. Amendment of subsection (b), new subsections (b)(1)-(e) and amendment of Note filed 4-7-99; operative 4-7-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 15).
9. Editorial correction replacing inadvertently filed text with correct regulatory text (Register 99, No. 22).
10. Amendment of section and Note filed 3-23-2004; operative 4-22-2004 (Register 2004, No. 13).

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3 CCR § 6462, 3 CA ADC § 6462

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[Home Table of Contents](#)**§ 6464. Phenoxy and Certain Other Herbicides.**

3 CA ADC § 6464

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3 CCR § 6464

§ 6464. Phenoxy and Certain Other Herbicides.

(a) The provisions of this subsection apply to Dicamba, 2,4-dichlorophenoxyacetic acid, 2,4-dichlorophenoxybutyric acid, 2,4-dichlorophenoxypropionic acid, 2-methyl-4-chlorophenoxyacetic acid, and Propanil herbicides when used in the Central Valley below one thousand feet elevation during the period beginning March 16 and continuing through October 15 of each calendar year. The boundary of this area through the Sacramento-San Joaquin Delta where the elevation does not reach 1,000 feet is as follows: Commencing from the point where Bailey Road intersects 1,000 feet elevation in Contra Costa County, thence north along Bailey Road to its intersection with Highway 4, thence west along Highway 4 or its intersection with Highway 680, thence north along Highway 680 to its intersection with Highway 80, thence northeast along Highway 80 to its intersection with Highway 505, thence north along Highway 505 to its intersection with the Solano-Yolo County line, thence west along the Solano-Yolo County line to its intersection with 1,000 feet elevation.

(1) A smoke column or other device satisfactory to the commissioner shall be employed at the time and place of air applications to indicate to the pilot of the aircraft temperature inversions and the direction and velocity of the air flow; and

(2) Unless expressly authorized by permit no herbicide in an ester form shall be applied.

(b) The requirements of this subsection apply to Dicamba, 2,4-dichlorophenoxyacetic acid, 2,4-dichlorophenoxybutyric acid, 2,4-dichlorophenoxypropionic acid, 2-methyl-4-chlorophenoxyacetic acid, and Propanil herbicides during the period beginning March 16 and continuing through October 15 of each calendar year when used in the following areas:

(1) That portion of Sacramento County bounded by a line beginning at the junction of the Mokelumne River and Georgianna Slough; thence in a northerly direction following the meanderings of the Georgianna Slough to its junction with the Sacramento River near Walnut Grove; thence northwesterly along the Sacramento River to the junction of the north end of Randall Island and the north end of Snodgrass Slough; thence southeasterly along Snodgrass Slough to a point 1.0 miles due north of Lambert Road (first Standard Parallel north) which is the common boundary line between Section 27 and 34, T6N-R4E; thence due east along said line to its intersection with the Southern Pacific Railroad tracks; thence southerly along the Southern Pacific Railroad tracks to its intersection with Lambert Road (first Standard Parallel north); thence easterly along Lambert Road to its intersection with Franklin Boulevard, then southerly along Franklin Boulevard to its intersection with Twin Cities Road; thence easterly along Twin Cities Road to its intersection with the Southern Pacific Railroad Tracks (Amador Branch); thence northeasterly along said tracks to their intersection with the first Standard Parallel north; thence easterly along the first Standard Parallel north to its intersection with the Sacramento-Amador County line; thence southerly along the Sacramento-Amador County line to its junction with the Sacramento-Amador-San Joaquin County lines; thence westerly along the Sacramento-San Joaquin County line to the point of beginning.

(2) All of Madera County west and south of a line beginning at the east boundary of Range 17 east and the Madera County-Merced County boundary line, thence south to the northwest corner of Section 30, Township 9 South, Range 18 east, thence east to the northeast corner of Section 28, Township 9 south, Range 18 east, thence south to the intersection of the Madera Canal in the northeast 1/4 of Section 9, Township 10 south, Range 18 east, thence southeasterly along the Madera Canal to the northeast corner of Section 1, Township 11 south, Range 19 east, thence east along the north boundary line of Township 11 south, to the Madera County-Fresno County boundary line.

(3) All of Fresno County lying west of a line beginning at Friant Dam and continuing southeasterly along the Friant-Kern Canal its point of intersection with the north boundary of Section 29, Township 13 south, Range 23 east, thence due east along said boundary line projected to its intersection with the east boundary of Township 13 south, Range 24 east; then south along said east boundary of Township 13 south, Range 24 east and continuing south along the east boundary of Township 14 south, Range 24 east to the county boundary line.

(4) All of Kings County.

(5) All of Tulare County lying west of a line drawn southeasterly from the northwest corner of Township 15 south, Range 25 east on the Fresno-Tulare County line to the southeast corner of Township 17 south, Range 27 east; thence due south along said east boundary of Range 27 east to the Kern County boundary line.

(6) Those portions of Kern County described as follows: (A) All of Kern County lying west of a line commencing at a point on Tulare-Kern County line at the northwest corner of Section 6, Township 25 south, Range 31 east; thence south along the west boundary of Range 31 east to the south boundary of Township 32 south, Range 31 east; thence continuing due south to the Los Angeles County line. (B) Rosamond Area. Includes all of Township 9 north, Range 14 west, Township 9 north, Range 13 west, and Township 9 north, and Range 12 west.

(7) A permit authorizing use shall show the application site(s) for which it is valid, except that a permit need not show the application site(s) if a notice of intent to apply pesticide is required to be filed previous to any application. The commissioner may require that any application be made only under his direct supervision.

(8) No application shall be made on any area situated within two miles of any cultivated commercial vineyard or cotton planting belonging to any person other than the owner of the property being treated unless there is a continuous air flow away from such planting, but in no case shall any application be made within one-half mile of such plantings.

(9) No application shall be made by aircraft, nor shall aircraft be loaded except as follows:

(A) Within Sacramento County.

(B) During the period beginning March 16 and continuing through March 31 within the counties of Fresno, Kern, Kings, and Tulare.

(10) The provisions of paragraphs (8) and (9) shall not apply to Dicamba or Propanil herbicides.

(c) The provisions of this subsection apply to Dicamba, 2,4-dichlorophenoxyacetic acid, 2,4-dichlorophenoxybutyric acid, 2,4-dichlorophenoxypropionic acid, 2-methyl-4-chlorophenoxyacetic acid, or Propanil herbicides during the period beginning March 16 and continuing through October 15 of each calendar year when used in that portion of San Joaquin County bounded by a line beginning at the intersection of Sacramento, San Joaquin and Amador Counties; thence southerly along the San Joaquin County line to State Highway 88; thence southwesterly along Highway 88 to its intersection with State Highway 12; thence westerly along Highway 12 and 88 to the intersection of Clements Road to its intersection with an imaginary easterly extension of Eight Mile Road from its junction with the Calaveras River; thence west along this extension to Eight Mile Road; then west along Eight Mile Road to Thornton Road; thence south on Thornton Road to its intersection with Disappointment Slough; thence westerly along Disappointment Slough to the southeast corner of Bishop Tract; thence westerly along the southern edges of Bishop Tract, King Island, and Empire Tract; thence northerly along the west edge of Empire Tract to the southeast corner of Bouldin Island; thence along the southern and western edges of Bouldin Island to the intersection of San Joaquin, Contra Costa, and Sacramento Counties; thence northerly and easterly along the San Joaquin-Sacramento County line to the point of beginning.

(1) No application shall be made when wind velocity is less than 2 miles per hour or greater than 7 miles per hour.

(2) No herbicide in an ester form shall be applied.

(3) A permit authorizing use shall show the application site(s) for which it is valid, except that a permit need not show the application site(s) if a notice of intent to apply pesticides is required to be filed previous to any application.

(4) No application shall be made on any area situated within two miles of any cultivated commercial vineyard belonging to any person other than the owner of the property being treated; that existed prior to May 1, 1978.

(5) No application shall be made by aircraft; nor shall aircraft be loaded except as follows:

(A) Within that portion of San Joaquin County described as the entire areas of Empire Tract, King Island, Bishop Tract, and Rio Blanco Tract, the eastern boundary line of which begins on Atherton Levee Road at the confluence of Disappointment Slough and the dredger cut, located approximately one-half mile west of Interstate Highway 5 Pixley Slough Bridge 29-200 L; and thence running northerly along the State of California borrow pit to its meeting with the easterly end of White Slough subject to the following restriction:

1. The commissioner may require that all applications be made under the direct supervision of the commissioner's representative.

(B) Within the entire area of Staten Island and Bouldin Island subject to the following restrictions:

1. The commissioner may require that all applications be made under the direct supervision of the commissioner's representative.

2. A drift reducing agent shall be added to the spray mixture.

3. Only one aircraft shall spray at a given time on each of the two islands.

(6) The provisions of subsections (4) and (5) shall not apply to Propanil herbicides.

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 Sections 2457 and 2458(d)-(f) to Section 6464 filed 8-13-85 (Register 85, No. 33).
2. Change without regulatory effect repealing subsections (a)-(a)(4), relettering subsections and amending newly designated subsections (a), (b), (b)(9), (b)(10), (c) and (c)(6) and Note filed 4-3-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 14).
3. New subsections (d)-(d)(4)(E) and amendment of Note filed 4-15-98 as an emergency; operative 4-15-98 (Register 98, No. 16). A Certificate of Compliance must be transmitted to OAL by 8-13-98 or emergency language will be repealed by operation of law on the following day.
4. Reinstatement of section as it existed prior to 4-15-98 emergency amendment by operation of Government Code section 11346.1(f) (Register 99, No. 16).
5. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
6. Change without regulatory effect amending subsections (a), (b) and (c) filed 11-10-2011 pursuant to section 100, title 1, California Code of Regulations (Register 2011, No. 45).

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3 CCR § 6464, 3 CA ADC § 6464

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[Home](#) [Table of Contents](#)**§ 6466. Paraquat.**

3 CA ADC § 6466

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3 CCR § 6466

§ 6466. Paraquat.

The aerial application of paraquat for preplant or preemergence weed control shall be made only in accordance with the following restrictions:

- (a) Jet nozzles having an orifice of not less than 1/16 inch in diameter shall be used 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.
- (b) Boom pressure shall not exceed 40 pounds per square inch.
- (c) Spray material shall not be discharged at a height of more than ten (10) feet above the crop or target.
- (d) Wind velocity shall not exceed 10 miles per hour.

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 of former Section 2458.2 to Section 6466 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).

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3 CCR § 6466, 3 CA ADC § 6466

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3 CA ADC § 6467

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Article 5. Use Requirements

3 CCR § 6467

§ 6467. Folpet. [Repealed]

Note: Authority cited: Sections 407, 12976, 12981 and 14006, Food and Agricultural Code. Reference: Sections 11501, 12981 and 14006, Food and Agricultural Code.

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).

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3 CCR § 6467, 3 CA ADC § 6467

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[Home](#) [Table of Contents](#)**§ 6468. 1, 3-Dichloropropene and Ethylene Dibromide. [Repealed]**

3 CA ADC § 6468

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Article 5. Use Requirements

3 CCR § 6468

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

Note: Authority cited: Sections 407, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

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).

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3 CCR § 6468, 3 CA ADC § 6468

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3 CA ADC § 6469

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3 CCR § 6469

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

Note: Authority cited: Sections 407, 12976, 12981 and 14005, Food and Agricultural Code. Reference: Sections 11501, 12981 and 14006, Food and Agricultural Code.

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).

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3 CCR § 6469, 3 CA ADC § 6469

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[Home Table of Contents](#)**§ 6470. Cotton Harvest Aids.**

3 CA ADC § 6470

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Article 5. Use Requirements

3 CCR § 6470

§ 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).

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[Home](#) [Table of Contents](#)**§ 6471. Brodifacoum, Bromadiolone, Difenacoum, and Difethialone.**

3 CA ADC § 6471

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Article 5. Use Requirements

3 CCR § 6471

§ 6471. Brodifacoum, Bromadiolone, Difenacoum, and Difethialone.

This section supplements the label restrictions on the use of brodifacoum, bromadiolone, difenacoum, and difethialone.

(a) It is prohibited to place any above ground bait more than 50 feet from a man-made structure unless there is a feature associated with the site that is harboring or attracting the pests targeted on the label between the 50-foot limit and the placement limit specified on the label.

Note: Authority cited: Sections 11456, 11502, 12781, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 3-18-2014; operative 7-1-2014 (Register 2014, No. 12).

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3 CCR § 6471, 3 CA ADC § 6471

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[Home](#) [Table of Contents](#)**§ 6472. Ethylene Dichloride. [Repealed]**

3 CA ADC § 6472

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Article 5. Use Requirements

3 CCR § 6472

§ 6472. Ethylene Dichloride. [Repealed]

Note: Authority cited: Sections 407, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2458.5 to Section 6472 filed 8-13-85 (Register 85, No. 33).
2. Repealer filed 5-31-95; operative 6-30-95 (Register 95, No. 22).

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3 CCR § 6472, 3 CA ADC § 6472

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[Home](#) [Table of Contents](#)**§ 6473. Bromoxynil. [Repealed]**

3 CA ADC § 6473

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Article 5. Use Requirements

3 CCR § 6473

§ 6473. Bromoxynil. [Repealed]

Note: Authority cited: Sections 407, 12976, 12981 and 14005, Food and Agricultural Code. Reference: Sections 11501, 12981 and 14006, Food and Agricultural Code.

HISTORY

1. New section filed 12-2-88 as an emergency; operative 12-2-88 (Register 88, No. 51). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 4-4-89.
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).

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3 CCR § 6473, 3 CA ADC § 6473

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[Home](#) [Table of Contents](#)**§ 6474. Carbofuran.**

3 CA ADC § 6474

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Article 5. Use Requirements

3 CCR § 6474

§ 6474. Carbofuran.

Carbofuran (Furadan) shall not be applied to alfalfa located within one mile of nesting geese, widgeon or coots or to areas where repeated feeding of these waterfowl is known to occur.

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 of former Section 2458.7 to Section 6474 1filed 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).

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3 CCR § 6474, 3 CA ADC § 6474

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[Home](#) [Table of Contents](#)**§ 6476. Fenamiphos.**

3 CA ADC § 6476

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3 CCR § 6476

§ 6476. Fenamiphos.

The following restrictions apply to all turf uses of fenamiphos (Nemacur).

- (a) Fenamiphos shall not be used to treat residential or institutional lawns or public recreation areas other than golf courses.
- (b) Fenamiphos shall not be applied with a knapsack or similar equipment that is placed on the applicator's body.
- (c) Fenamiphos shall be watered in immediately after it is applied with a minimum of one-half (1/2) inch of water. Such water shall not be allowed to run off the treated area.
- (d) Unprotected persons shall be kept out of areas being treated with fenamiphos until 24 hours after watering, as specified in subsection (c), is completed.

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 of former Section 2458.8 to Section 6476 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).

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3 CCR § 6476, 3 CA ADC § 6476

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[Home](#) [Table of Contents](#)**§ 6480. 2, 4-Dichlorophenyl P-Nitrophenyl Ether. [Repealed]**

3 CA ADC § 6480

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Article 5. Use Requirements

3 CCR § 6480

§ 6480. 2,4-Dichlorophenyl P-Nitrophenyl Ether. [Repealed]

Note: Authority cited: Sections 407, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2458.10 to Section 6480 filed 8-13-85 (Register 85, No. 33).
2. Repealer filed 5-31-95; operative 6-30-95 (Register 95, No. 22).

This database is current through 9/3/21 Register 2021, No. 36

3 CCR § 6480, 3 CA ADC § 6480

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[Home](#) [Table of Contents](#)**§ 6482. Oxydemeton-Methyl (Metasystox-R). [Repealed]**

3 CA ADC § 6482

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Article 5. Use Requirements

3 CCR § 6482

§ 6482. Oxydemeton-Methyl (Metasystox-R). [Repealed]

Note: Authority cited: Sections 407 and 14005, Food and Agricultural Code. Reference: Sections 14005 and 14006, Food and Agricultural Code.

HISTORY

1. New section filed 12-23-86 as an emergency; effective upon filing (Register 86, No. 52). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 4-22-87.
2. Certificate of Compliance including amendment of subsections (a)(2) and (a)(5) transmitted to OAL 4-22-87 and filed 5-21-87 (Register 87, No. 22).
3. Repealer of subsection (b) filed 12-7-88 as an emergency; operative 12-7-88 (Register 88, No. 51). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 4-6-89.
4. Certificate of Compliance including amendment transmitted to OAL 3-9-89 and filed 3-27-89 (Register 89, No. 13).
5. Repealer filed 8-13-90; operative 8-13-90 (Register 90, No. 41). (See new section 6790.)

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3 CCR § 6482, 3 CA ADC § 6482

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[Home](#) [Table of Contents](#)**§ 6484. Bentazon (Basagran). [Repealed]**

3 CA ADC § 6484

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Article 5. Use Requirements

3 CCR § 6484

§ 6484. Bentazon (Basagran). [Repealed]

Note: Authority cited: Sections 407 and 14005, Food and Agricultural Code. Reference: Sections 14005 and 14006, Food and Agricultural Code.

HISTORY

1. New section filed 6-2-87 as an emergency; operative 6-2-87 (Register 87, No. 25). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-87.
2. Emergency language filed 6-2-87 repealed by operation of Government Code section 11346.1(g) (Register 88, No. 21).
3. New section filed 5-18-88; operative 5-20-88 pursuant to Government Code section 11346.2(d) (Register 88, No. 21).
4. Repealer filed 12-12-91; operative 1-13-92 (Register 92, No. 13).

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3 CCR § 6484, 3 CA ADC § 6484

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[Home](#) [Table of Contents](#)**§ 6486. Atrazine. [Renumbered]**

3 CA ADC § 6486

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3 CCR § 6486

§ 6486. Atrazine. [Renumbered]

Note: Authority cited: Sections 407, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

HISTORY

1. New section filed 1-4-89; operative 1-4-89 pursuant to Government Code Section 11346.2(d) (Register 89, No. 5).
2. Renumbering and amendment of former section 6486 to section 6486.1 filed 4-10-90; operative 4-10-90 pursuant to Government Code section 11346.2 (d) (Register 90, No. 16).

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3 CCR § 6486, 3 CA ADC § 6486

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[Home](#) [Table of Contents](#)**§ 6486.1. Atrazine. [Repealed]**

3 CA ADC § 6486.1

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Article 5. Use Requirements

3 CCR § 6486.1

§ 6486.1. Atrazine. [Repealed]

Note: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former section 6486 to section 6486.1 filed 4-10-90; operative 4-10-90 pursuant to Government Code section 11346.2(d) (Register 90, No. 16). For prior history, see Register 89, No. 5.
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. Repealer filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

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3 CCR § 6486.1, 3 CA ADC § 6486.1

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[Home](#) [Table of Contents](#)**§ 6486.2. Simazine. [Repealed]**

3 CA ADC § 6486.2

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3 CCR § 6486.2

§ 6486.2. Simazine. [Repealed]

Note: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

HISTORY

1. New section filed 4-10-90; operative 4-10-90 pursuant to Government Code section 11346.2(d) (Register 90, No. 16).
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. Repealer filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

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3 CCR § 6486.2, 3 CA ADC § 6486.2

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[Home](#) [Table of Contents](#)**§ 6486.3. Bromacil. [Repealed]**

3 CA ADC § 6486.3

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Article 5. Use Requirements

3 CCR § 6486.3

§ 6486.3. Bromacil. [Repealed]

Note: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

HISTORY

1. New section filed 4-10-90; operative 4-10-90 pursuant to Government Code section 11346.2 (d) (Register 90, No. 16).
2. Change without regulatory effect amendingNote filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
3. Repealerfiled 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

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3 CCR § 6486.3, 3 CA ADC § 6486.3

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[Home](#) [Table of Contents](#)**§ 6486.4. Diuron. [Repealed]**

3 CA ADC § 6486.4

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3 CCR § 6486.4

§ 6486.4. Diuron. [Repealed]

Note: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

HISTORY

1. New section filed 4-10-90; operative 4-10-90 pursuant to Government Code section 11346.2 (d) (Register 90, No. 16).
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. Repealer filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

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3 CCR § 6486.4, 3 CA ADC § 6486.4

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[Home](#) [Table of Contents](#)**§ 6486.5. Prometon. [Repealed]**

3 CA ADC § 6486.5

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3 CCR § 6486.5

§ 6486.5. Prometon. [Repealed]

Note: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

HISTORY

1. New section filed 4-10-90; operative 4-10-90 pursuant to Government Code section 11346.2 (d) (Register 90, No. 16).
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. Repealer filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

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3 CCR § 6486.5, 3 CA ADC § 6486.5

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[Home](#) [Table of Contents](#)**§ 6486.6. Bentazon (Basagran). [Renumbered]**

3 CA ADC § 6486.6

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3 CCR § 6486.6

§ 6486.6. Bentazon (Basagran). [Renumbered]

Note: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

HISTORY

1. New section filed 12-12-91; operative 1-13-92 (Register 92, No. 13).
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. Renumbering of former section 6486.6 to section 6457 filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

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3 CCR § 6486.6, 3 CA ADC § 6486.6

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[Home](#) [Table of Contents](#)**§ 6486.7. Azinphos-Methyl. [Repealed]**

3 CA ADC § 6486.7

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Article 5. Use Requirements

3 CCR § 6486.7

§ 6486.7. Azinphos-Methyl. [Repealed]

Note: Authority cited: Sections 12981 and 14005, Food and Agricultural Code. Reference: Sections 12980, 12981, 14001 and 14006, Food and Agricultural Code.

HISTORY

1. New section filed 6-1-98 as an emergency; operative 6-1-98 (Register 98, No. 23). A Certificate of Compliance must be transmitted to OAL by 9-29-98 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g) (Register 98, No. 42).
3. New section filed 4-14-99 as an emergency; operative 4-14-99 (Register 99, No. 16). A Certificate of Compliance must be transmitted to OAL by 8-12-99 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 8-11-99 as an emergency; operative 8-11-99 (Register 99, No. 33). A Certificate of Compliance must be transmitted to OAL by 12-9-99 or emergency language will be repealed by operation of law on the following day.
5. Repealed by operation of Government Code section 11346.1(g) (Register 2000, No. 23).
6. New section filed 9-29-2000; operative 10-29-2000 (Register 2000, No. 39).
7. Change without regulatory effect amending subsection (a)(2) filed 9-18-2012 pursuant to section 100, title 1, California Code of Regulations (Register 2012, No. 38).
8. Repealer filed 4-15-2015; operative 7-1-2015 (Register 2015, No. 16).

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3 CCR § 6486.7, 3 CA ADC § 6486.7

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[Home](#) [Table of Contents](#)**§ 6486.8. Norflurazon. [Repealed]**

3 CA ADC § 6486.8

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Article 5. Use Requirements

3 CCR § 6486.8

§ 6486.8. Norflurazon. [Repealed]

Note: Authority cited: Sections 12976, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

HISTORY

1. New section filed 2-21-2001; operative 3-23-2001 (Register 2001, No. 8).
2. Repealer filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

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3 CCR § 6486.8, 3 CA ADC § 6486.8

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[Home](#) [Table of Contents](#)**§ 6487.1. Artificial Recharge Basins.**

3 CA ADC § 6487.1

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Article 5. Use Requirements

3 CCR § 6487.1

§ 6487.1. Artificial Recharge Basins.

Use of pesticides registered for agricultural, outdoor industrial, and outdoor institutional use containing chemicals listed in section 6800(a) shall be prohibited below the high water line inside artificial recharge basins, unless the pesticide is applied six months or more before the basin is used to recharge ground water.

Note: Authority cited: Sections 11456, 12976, 13145 and 14102, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

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3 CCR § 6487.1, 3 CA ADC § 6487.1

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[Home](#) [Table of Contents](#)**§ 6487.2. Inside Canal and Ditch Banks.**

3 CA ADC § 6487.2

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Article 5. Use Requirements

3 CCR § 6487.2

§ 6487.2. Inside Canal and Ditch Banks.

Use of pesticides registered for agricultural, outdoor industrial, and outdoor institutional use containing chemicals listed in section 6800(a) shall be prohibited below the high water line inside unlined canals and ditches, unless at least one of the following applies:

(a) the pesticide user can document that the percolation rate of the canal or ditch is equal to or less than 0.2 inches per hour (0.002 gallons per minute per square foot); or

(b) the pesticide is applied six months before water is run in the canal or ditch.

Note: Authority cited: Sections 11456, 12976, 13145 and 14102, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

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3 CCR § 6487.2, 3 CA ADC § 6487.2

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[Home](#) [Table of Contents](#)**§ 6487.3. Engineered Rights-of-Way Within Ground Water Protection Areas.**

3 CA ADC § 6487.3

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Article 5. Use Requirements

3 CCR § 6487.3

§ 6487.3. Engineered Rights-of-Way Within Ground Water Protection Areas.

Use of pesticides registered for agricultural, outdoor industrial, and outdoor institutional use containing chemicals listed in section 6800(a) shall be prohibited on engineered rights-of-way in leaching or runoff ground water protection areas unless one of the following management options can be met and is designated by the commissioner on the permit:

- (a) The property operator complies with section 6487.4; or
- (b) Any runoff from the treated right-of-way shall pass through a noncrop fully vegetated area adjacent, and equal in area, to the treated area, or spread out onto an adjacent unenclosed fallow field that is at least 300 feet long and that will not be irrigated for six months following application, with full consideration of any plantback restrictions; or
- (c) The property operator complies with any permit issued pursuant to the storm water provisions of the federal Clean Water Act pertaining to the treated area; or
- (d) An alternative management practice or pesticide approved by the Director as follows:
 - (1) Upon written request, the Director may evaluate and approve use of management practices that are based on scientific data demonstrating their effectiveness in reducing movement of pesticides to ground water; or
 - (2) Upon written request, the Director may make a determination to allow the interim use of a pesticide containing a chemical listed in section 6800(a) on an engineered right-of-way within a ground water protection area, for a period not to exceed three years. The Director's determination shall be based on evidence that the available management practices are not feasible for a specific crop or site, and that there are no feasible alternatives for the specific crop or site. The formal request shall include a study protocol(s) that is acceptable to the Director to develop feasible alternatives or alternate management practices. The study protocol shall include a description of the objective, personnel, study plan, sampling methods including number of samples to be analyzed, data analysis, chemical analytical methods including appropriate quality control, timetable, and references, if any. The requestor shall submit a written progress report every six months. If the progress report does not support the submitted study protocol(s), or if a report is not submitted, the Director may rescind the determination to allow the use of the pesticide within a ground water protection area.
 - (3) The Director will issue a public notice stating the reasons interim use has been approved under (1) or (2). The notice will be posted on the Department's Web site.

Note: Authority cited: Sections 11456, 12976, 13145 and 14102, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

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3 CCR § 6487.3, 3 CA ADC § 6487.3

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[Home Table of Contents](#)**§ 6487.4. Runoff Ground Water Protection Areas.**

3 CA ADC § 6487.4

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Article 5. Use Requirements

3 CCR § 6487.4

§ 6487.4. Runoff Ground Water Protection Areas.

Except as provided in sections 6487.1, 6487.2, and 6487.3, use of pesticides registered for agricultural, outdoor industrial, and outdoor institutional use containing chemicals listed in section 6800(a) shall be prohibited in runoff ground water protection areas unless one of the following management practices can be met and is designated by the commissioner on the permit. The management practice identified in (b), "Incorporation of the pesticide," does not apply to bentazon.

(a) Soil disturbance. Within seven days before the pesticide is applied, the soil to be treated shall be disturbed by using a disc, harrow, rotary tiller, or other mechanical method. This subsection does not apply to bentazon, and does not apply to the area to be treated that is immediately adjacent to the crop row and that does not exceed 33 percent of the distance between crop rows; or

(b) Incorporation of the pesticide. Within 48 hours after the day the pesticide is applied, the pesticide shall be incorporated on at least 90 percent of the area treated; using a disc, harrow, rotary tiller, or other mechanical method, or by sprinkler or low flow irrigation, including chemigation if allowed by the label, using a minimum of 1/4 inch of irrigation water and a maximum of either one inch or the maximum amount of irrigation water specified on the label, at application rates that do not cause surface water runoff from the treated property or to wells on the treated property. This subsection does not apply to bentazon, and does not apply to the area treated with other pesticides listed in section 6800(a) that is immediately adjacent to the crop row and that does not exceed 33 percent of the distance between crop rows; or

(c) Band treatment. The pesticide shall be applied as a band treatment immediately adjacent to the crop row so that not more than 33 percent of the distance between rows is treated; or

(d) Timing of application. The pesticide shall be applied between April 1 and July 31; or

(e) Retention of runoff on field. For six months following the application, the field shall be designed, by berms, levees, or nondraining circulation systems, to retain all irrigation runoff and all precipitation on, and drainage through, the field. The retention area on the field shall not have a percolation rate of more than 0.2 inches per hour (5 inches per 24 hours); or

(f) Retention of runoff in a holding area off the field. For six months following the application, all runoff shall be channeled to a holding area off the application site, under the control of the property operator, that is designed to retain all irrigation runoff and all precipitation on, and drainage through, the treated field and all other areas draining into that holding area. The holding area shall not have a percolation rate of more than 0.2 inches per hour (5 inches per 24 hours); or

(g) Runoff onto a fallow field. For six months following application, runoff shall be managed so that it runs off onto an adjacent unenclosed fallow field at least 300 feet long that is not irrigated for six months after application, with full consideration of any plant back restrictions; or

(h) An alternative management practice or pesticide approved by the Director as follows:

(1) Upon written request, the Director may evaluate and approve use of alternative management practices that are based on scientific data demonstrating their effectiveness in reducing movement of pesticides to ground water; or

(2) Upon written request, the Director may make a determination to allow the interim use of a pesticide containing a chemical listed in section 6800(a) within a runoff ground water protection area, for a period not to exceed three years. The Director's determination shall be based on evidence that the available management practices are not feasible for a specific crop or site, and that there are no feasible alternatives for the specific crop or site. The formal request shall include a study protocol(s) that is acceptable to the Director to develop feasible alternatives or alternate mitigation measures. The study protocol shall include a

description of the objective, personnel, study plan, sampling methods including number of samples to be analyzed, data analysis, chemical analytical methods including appropriate quality control, timetable, and references, if any. The requester shall submit a written progress report every six months. If the progress report does not support the submitted study protocol(s), or if a report is not submitted, the Director may rescind the determination to allow the use of the pesticide within a ground water protection area.

(3) The Director will issue a public notice stating the reasons interim use has been approved under (1) or (2). The notice will be posted on the Department's Web site.

Note: Authority cited: Sections 11456, 12976, 13145 and 14102, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

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3 CCR § 6487.4, 3 CA ADC § 6487.4

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[Home Table of Contents](#)**§ 6487.5. Leaching Ground Water Protection Areas.**

3 CA ADC § 6487.5

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Article 5. Use Requirements

3 CCR § 6487.5

§ 6487.5. Leaching Ground Water Protection Areas.

Except as provided in sections 6487.1, 6487.2, and 6487.3, use of pesticides registered for agricultural, outdoor industrial, and outdoor institutional use containing chemicals listed in section 6800(a) shall be prohibited in leaching ground water protection areas unless any one of the following management practices can be met and is designated by the commissioner on the permit:

- (a) The permittee shall not apply any irrigation water for six months following application of the pesticide; or
- (b) The permittee shall apply the pesticide to the planting bed or the berm above the level of irrigation water in the furrow or basin and the water level shall remain at or below that level for six months following application of the pesticide; or
- (c) Irrigation shall be managed so that the ratio of the amount of irrigation water applied divided by the net irrigation requirement is 1.33 or less for six months following application of the pesticide; or
- (d) An alternative management practice or pesticide approved by the Director as follows:
 - (1) Upon written request, the Director may evaluate and approve use of alternative management practices that are based on scientific data demonstrating their effectiveness in reducing movement of pesticides to ground water; or
 - (2) Upon written request, the Director may make a determination to allow the interim use of a pesticide containing a chemical listed in section 6800(a) within a leaching ground water protection area, for a period not to exceed three years. The Director's determination shall be based on evidence that the available management practices are not feasible for a specific crop or site, and that there are no feasible alternatives for the specific crop or site. The formal request shall include a study protocol(s) that is acceptable to the Director to develop feasible alternatives or alternate management practices. The study protocol shall include a description of the objective, personnel, study plan, sampling methods including number of samples to be analyzed, data analysis, chemical analytical methods including appropriate quality control, timetable, and references, if any. The requester shall submit a written progress report every six months. If the progress report does not support the submitted study protocol(s), or if a report is not submitted, the Director may rescind the determination to allow the use of the pesticide within a ground water protection area.
 - (3) The Director will issue a public notice stating the reasons interim use has been approved under (1) or (2). The notice will be posted on the Department's Web site.

Note: Authority cited: Sections 11456, 12976, 13145 and 14102, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

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3 CCR § 6487.5, 3 CA ADC § 6487.5

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3 CA ADC § 6488

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3 CCR § 6488

§ 6488. Antifouling Paints or Coatings Containing Tributyltin.

(a) Antifouling paints or coatings containing tributyltin shall be applied only to:

- (1) aluminum vessel hulls;
- (2) vessel hulls 82 feet or more in length; and
- (3) outboard motors and lower drive units.

(b) Except as provided in subsection (a), antifouling paints or coatings containing tributyltin shall not be applied to any surface or object that will come into contact with the freshwater or marine environment. This prohibition includes, but is not limited to, use on docks, piers, nets and other fishing equipment.

(c) Prior to purchase of antifouling paints or coatings containing tributyltin the purchaser shall present to the dealer a copy of the registration of the vessel to be painted or coated to verify the vessel type requirements specified in (a). In the case where no vessel registration exists or the paint or coating is to be applied to an outboard motor or lower drive unit, the purchaser shall submit a sworn statement to verify that the paint or coating shall be applied only to an aluminum vessel hull, to a vessel hull 82 feet or more in length, or to an outboard motor or lower drive. The sworn statement shall be made substantially in the form provided in Section 6574(b).

Note: Authority cited: Sections 14005 and 14151, Food and Agricultural Code. Reference: Sections 14005 and 14006, Food and Agricultural Code.

HISTORY

1. New section filed 12-31-87 as an emergency; operative 1-1-88 (Register 88, No. 3). A certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-2-88.
2. Certificate of Compliance including amendments and new subsection (b) transmitted to OAL 4-5-88 and filed 5-4-88 (Register 88, No. 19).
3. Amendment of subsections (a)-(a)(3) and (c) and amendment of Note filed 1-5-93; operative 1-5-93 (Register 93, No. 2).

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3 CCR § 6488, 3 CA ADC § 6488

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3 CA ADC § 6489

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3 CCR § 6489

§ 6489. Tributyltin Paint and/or Coating Additives.

Pesticides containing bis(tributyltin) oxide which are sold as “additives” to be mixed with paints or coatings shall not be applied, either alone or when mixed with paint, to any surface that comes into contact with the aquatic or marine environment including, but not limited to, vessels, piers and fishing equipment.

Note: Authority cited: Sections 12781, 14005 and 14102, Food and Agricultural Code. Reference: Sections 12824, 14005 and 14006, Food and Agricultural Code.

HISTORY

1. New section filed 6-16-88; operative 7-16-88 (Register 88, No. 26).
2. Change without regulatory effect amending section and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

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3 CCR § 6489, 3 CA ADC § 6489

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3 CA ADC § 6490

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Article 1. Tolerances and Exemptions

3 CCR § 6490

§ 6490. Incorporation of Federal Tolerances.

(a) The Director of Food and Agriculture hereby finds that the pesticide chemicals referred to in this group are useful for the production and marketing of produce and that the presence of such pesticide chemicals as spray residue in quantities within the tolerances hereby established is not deleterious to the health of man or animals.

(b) The director, having reviewed the tolerances and exemptions from tolerances established by the Environmental Protection Agency in Title 40, Code of Federal Regulations, Part 180 and having found that such tolerances and exemptions therefrom are in accordance with the standards and provisions of the Food and Agricultural Code, hereby establishes like tolerances for pesticide chemicals on produce packed, shipped, or sold within the State of California except as otherwise provided in this Group 5. The director will continuously review future amendments to said federal regulations, and tolerances and exemptions therefrom hereafter adopted shall also be deemed incorporated by reference, unless otherwise provided in this Group 5.

(c) If the director has evidence that tolerances developed by the EPA are not appropriate for California conditions, the director shall adopt a California tolerance taking into account such evidence.

Note: Authority cited: Sections 11456, 12531 and 12561, Food and Agricultural Code. Reference: Section 12565, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2490 to Section 6490 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).

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3 CCR § 6490, 3 CA ADC § 6490

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3 CA ADC § 6492

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3 CCR § 6492

§ 6492. Limitation on Residues.

No residue of a pesticide chemical in or on produce is justified or permitted unless a permissible tolerance has been established by the director, or unless the director has authorized an exemption from a tolerance.

Note: Authority cited: Sections 11456, 12531 and 12561, Food and Agricultural Code. Reference: Section 12565, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 2490.1 to Section 6492 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).

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3 CCR § 6492, 3 CA ADC § 6492

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3 CA ADC § 6500

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3 CCR § 6500

§ 6500. License Duration.

The Director shall issue licenses and certificates for two years; provided, however, a license or certificate may be issued for less than two years based on when the applicant enters the two-year cycle described below.

The term of the license or certificate is determined by the Director as follows:

Each license or certificate with a name beginning with A through L shall expire December 31 of the following even numbered year.

Each license or certificate with a name beginning with M through Z shall expire December 31 of the following odd numbered year.

The issuance of a two-year license or certificate in no way affects any annual county registration required by the Food and Agricultural Code.

Note: Authority cited: Sections 11456, 11502, 12005 and 12111, Food and Agricultural Code. Reference: Section 11456, Food and Agricultural Code.

HISTORY

1. New Group 1 (Articles 1-6, Sections 6500-6566, not consecutive) filed 1-24-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 5). For history of Subchapter 3, see Register 83, No. 2.

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. Amendment filed 11-3-2003 as an emergency; operative 1-1-2004 (Register 2003, No. 45). This action is a permanent emergency change for which no Certificate Compliance is needed pursuant to Food and Agricultural Code section 11502.5.

4. Editorial correction of History 3 (Register 2004, No. 37).

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3 CCR § 6500, 3 CA ADC § 6500

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3 CA ADC § 6502

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3 CCR § 6502

§ 6502. Applications.

(a) An application for a new license or certificate shall be made on a form prescribed by the Director and shall be accompanied by the required application fee specified below in Table 1 - License and Certificate Application Fees and Forms. The application fee shall allow an applicant a 12-month period to become licensed or certified.

(b) Beginning with those licenses or certificates expiring December 31, 2003, an application to renew a license or certificate shall be made on a form prescribed by the Director and shall be accompanied by the required renewal fee specified below in Table 2 - License and Certificate Renewal Fees and Forms. If the license or certificate is issued for more than one year pursuant to 6500, the applicant shall pay double the annual renewal fee.

(1) If the renewal application is not postmarked by December 31 of the year the license or certificate expires, a penalty of 50 percent of the renewal fee shall be added to the original amount due.

(c) Pursuant to this section, the prescribed forms, hereby incorporated by reference, are specified in Table 1 and Table 2 below.

Table 1 - License and Certificate Application Fees and Forms

<i>License or Certificate Type</i>	<i>New Application Fee</i>	<i>Form</i>
Pest Control Business License	\$160	Pest Control Business License Application
Additional fee for each Pest Control Business Branch	\$ 80	DPR-PML-042 (Rev. 10/18)
Pest Control Business License, Maintenance Gardener only	\$ 80	Maintenance Gardener Pest Control Business License Application DPR-PML-004 (Rev. 10/18)
Pest Control Dealer License	\$160	Pest Control Dealer License Application
Additional fee for each Dealer Branch	\$ 80	DPR-PML-041 (Rev. 10/18)
Pesticide Broker License	\$ 0	Pesticide Broker License Application (PB)
Additional fee for each Broker Branch	\$ 0	DPR-PML-217 (Rev. 10/18)
Agricultural Pest Control Adviser License	\$ 80	Agricultural Pest Control Adviser Application DPR-PML-084 (Rev. 01/18)
Pest Control Aircraft Pilot Certificate Manned or Unmanned	\$ 60	Pest Control Aircraft Pilot Certificate, Application DPR-PML-005 (Rev. 07/18)
Pest Control Dealer Designated Agent License	\$ 25	Pest Control Dealer Designated Agent

		License Application DPR-PML-043 (Rev. 10/18)
Qualified Applicator License	\$ 80	Qualified Applicator License Application DPR-PML-001 (Rev. 01/18)
Qualified Applicator Certificate	\$ 40	Qualified Applicator Certificate Application DPR-PML-001A (Rev. 01/18)

Table 2 - License and Certificate Renewal Application Fees and Forms

<i>License or Certificate Type</i>	<i>Annual Renewal Fee</i>	<i>Form</i>
Pest Control Business License	\$160	Pest Control Business Renewal Application
Additional fee for each Pest Control Business Branch	\$ 80	PR-PML-192 (Rev.04/18)
Pest Control Business License, Maintenance Gardener only	\$ 80	Maintenance Gardener Pest Control Business Renewal Application PR-PML-186 (Rev. 04/18)
Pest Control Dealer License	\$160	Pest Control Dealer License Renewal
Additional fee for each Dealer Branch	\$ 80	Application DPR-PML-191 (Rev. 04/18)
Pesticide Broker License	\$ 0	Pesticide Broker License Renewal Application
Additional fee for each Pesticide Broker Branch	\$ 0	DPR-PML-190 (Rev. 04/18)
Agricultural Pest Control Adviser License	\$ 70	Individual License/Certificate Renewal Application DPR-PML-141 (Rev. 07/18)
Pest Control Aircraft Pilot Certificate	\$ 45	Individual License/Certificate Renewal Application DPR-PML-141 (Rev. 07/18)
Pest Control Dealer Designated Agent License	\$ 25	Individual License/Certificate Renewal Application DPR-PML-141 (Rev. 07/18)
Qualified Applicator License	\$ 60	Individual License/Certificate Renewal Application DPR-PML-141 (Rev. 07/18)
Qualified Applicator Certificate	\$ 30	Individual License/Certificate Renewal Application DPR-PML-141 (Rev. 07/18)

Note: Authority cited: Sections 11456, 11502, 11502.5, 12005 and 12111, Food and Agricultural Code. Reference: Sections 11502.5, 11702, 11703, 11704, 11707, 11901, 11902, 11903, 11904, 12021, 12103, 12104, 12105, 12201, 12202, 12252 and 12401, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
2. Amendment of section and Note filed 11-3-2003 as an emergency; operative 1-1-2004 (Register 2003, No. 45). This action is a permanent emergency change for which no Certificate Compliance is needed pursuant to Food and Agricultural Code section 11502.5.
3. Editorial correction of History 2 (Register 2004, No. 37).
4. Change without regulatory effect amending Tables 1 and 2 within subsection (c) filed 9-9-2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 37).
5. Change without regulatory effect amending Tables 1 and 2 within subsection (c) filed 2-7-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 6).

6. Amendment of Tables 1 and 2 within subsection (c) filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).
7. Change without regulatory effect amending Tables 1 and 2 filed 8-26-2009 pursuant to section 100, title 1, California Code of Regulations (Register 2009, No. 35).
8. Amendment of Table 1 within subsection (c) filed 8-26-2010; operative 9-25-2010 (Register 2010, No. 35).
9. Change without regulatory effect amending subsection (c) - Table 1 filed 11-10-2011 pursuant to section 100, title 1, California Code of Regulations (Register 2011, No. 45).
10. Editorial correction of form revision dates in Table 2 (Register 2015, No. 27).
11. Change without regulatory effect amending subsection (c) - Table 2 filed 8-26-2015 pursuant to section 100, title 1, California Code of Regulations (Register 2015, No. 35).
12. Change without regulatory effect amending Table 1 within subsection (c) filed 5-24-2018 pursuant to section 100, title 1, California Code of Regulations (Register 2018, No. 21).
13. Change without regulatory effect amending Table 2 filed 9-13-2018 pursuant to section 100, title 1, California Code of Regulations (Register 2018, No. 37).
14. Amendment of subsection (c) and Note filed 4-22-2019; operative 7-1-2019 (Register 2019, No. 17).
15. Change without regulatory effect amending Table 1 within subsection (c) filed 6-10-2019 pursuant to section 100, title 1, California Code of Regulations (Register 2019, No. 24).

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3 CCR § 6502, 3 CA ADC § 6502

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3 CA ADC § 6504

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3 CCR § 6504

§ 6504. Examinations.

(a) The director shall schedule examinations at such times and places as he deems reasonable. Each applicant shall appear at a time and place designated by the director for examination.

(b) All applicants for a license or certificate will be required to pass an examination on the laws and regulations governing pesticide use and the safety precautions necessary to prevent injury.

(c) A passing score of 70 percent or greater is required to qualify for any license or certificate issued pursuant to Division 6 of the Food and Agricultural Code; or for a qualified applicator certificate.

(d) Applicants may request up to four examinations at each time and place.

Note: Authority cited: Sections 11456, 11502, 12005, 12024 and 12111, Food and Agricultural Code. Reference: Sections 11702, 11905, 12024 and 12106, Food and Agricultural Code.

HISTORY

1. Amendment filed 1-14-85 as an emergency; effective upon filing (Register 85, No. 4). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-14-85.

2. Certificate of Compliance transmitted to OAL 5-14-85 and filed 6-17-85 (Register 85, No. 25).

3. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6504, 3 CA ADC § 6504

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3 CA ADC § 6505

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3 CCR § 6505

§ 6505. Examination Fees.

(a) In addition to the application fee specified in section 6502(a), an agricultural pest control adviser, pest control aircraft pilot, pest control dealer designated agent, qualified applicator license or qualified certificate applicant shall pay, if applicable:

(1) A \$50 fee for the Laws, Regulations, and Basic Principles examination; and

(2) A \$50 fee for each additional examination category requested.

(b) A license or certificate holder seeking to add an additional category shall submit a \$50 fee for each examination category requested accompanied by the required application form specified in 6502.

(c) A \$50 fee shall be submitted for each request to reschedule an examination due to the applicant's failure to obtain a passing score or failure to appear for a scheduled examination.

Note: Authority cited: Sections 11456 and 11502.5, Food and Agricultural Code. Reference: Section 11502.5, Food and Agricultural Code.

HISTORY

1. New section filed 1-14-85 as an emergency; effective upon filing (Register 85, No. 4). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-14-85.

2. Certificate of Compliance transmitted to OAL 5-14-85 and filed 6-17-85 (Register 85, No. 25).

3. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

4. Repealer and new section filed 11-3-2003 as an emergency; operative 1-1-2004 (Register 2003, No. 45). This action is a permanent emergency change for which no Certificate Compliance is needed pursuant to Food and Agricultural Code section 11502.5.

5. Editorial correction of History 4 (Register 2004, No. 37).

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3 CCR § 6505, 3 CA ADC § 6505

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3 CA ADC § 6506

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3 CCR § 6506

§ 6506. Acceptance of Prior Examination. [Repealed]

Note: Authority cited: Sections 407, 11502, 12005 and 12111, Food and Agricultural Code. Reference: Sections 11702 and 12106, Food and Agricultural Code.

HISTORY

1. Repealer filed 5-24-85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 22).

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3 CCR § 6506, 3 CA ADC § 6506

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3 CA ADC § 6508

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3 CCR § 6508

§ 6508. Notification of Change.

(a) Every license or certificate holder shall immediately notify the Director of any change in, including but not limited to, name, business address, business organization, qualified person, bond, insurance, registered officers, or any other matter shown in the application.

(b) Licenses and certificates are not transferable, and in case of a change of business organization or ownership, a new application and fee are required.

(c) A \$20 fee is required when:

(1) a license or certificate holder requests a replacement or duplicate copy of a license or certificate; or

(2) a license or certificate is reissued as a result of a name change made pursuant to (a).

Note: Authority cited: Sections 11456, 11502, 12005 and 12111, Food and Agricultural Code. Reference: Sections 11501, 11708 and 12110, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

2. Amendment filed 11-3-2003 as an emergency; operative 1-1-2004 (Register 2003, No. 45). This action is a permanent emergency change for which no Certificate Compliance is needed pursuant to Food and Agricultural Code section 11502.5.

3. Editorial correction of History 2 (Register 2004, No. 37).

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3 CCR § 6508, 3 CA ADC § 6508

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3 CA ADC § 6510

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3 CCR § 6510

§ 6510. Renewals and New Applications.

A person who has not possessed a valid license or certificate within 12 months of the date of application or has a valid license or certificate and has not completed the continuing education requirements within each two-year license or certification period as specified in section 6511 shall not be allowed to renew his or her license or certificate and shall be required to submit an application for a new license or certificate and pass the examinations before being issued a license or certificate.

Note: Authority cited: Sections 11456, 11502, 12005, 12024, 12111 and 14005, Food and Agricultural Code. Reference: Sections 11702, 11905, 12024, 12106 and 14006, Food and Agricultural Code.

HISTORY

1. New section filed 5-24-85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 22).
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 section filed 4-18-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 16).

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3 CCR § 6510, 3 CA ADC § 6510

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3 CA ADC § 6511

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3 CCR § 6511

§ 6511. Continuing Education Requirements.

No license or certificate issued to a licensee or certificate holder specified in this section shall be renewed unless the holder has completed the required continuing education hours within each two-year license or certificate period. The education shall have been obtained in a course or program approved pursuant to section 6512.

(a) Except as provided in (f) and (g), a pest control aircraft pilot shall complete a minimum of 20 hours of approved continuing education relating to pest management and pesticides, including not less than four hours pertaining to pesticide laws and regulations and four hours pertaining to aerial pest control equipment and application techniques.

(b) Except as provided in (f) and (g), qualified applicator license and certificate holders shall complete a minimum of 20 hours of approved continuing education relating to pest management and pesticides, including not less than four hours pertaining to pesticide laws and regulations.

(c) Except as provided in (f) and (g), qualified applicator certificate holders engaged in the business of maintenance gardening, pursuant to Food and Agricultural Code section 11704, and qualified applicators who only possess a license or certificate in the antifouling-tributyltin, sewer line root control, and/or microbial pest control subcategory(ies) shall complete a minimum of eight hours of approved continuing education relating to pest management and pesticides, including not less than two hours pertaining to pesticide laws and regulations.

(d) Except as provided in (f) and (g), qualified applicators who only possess a license or certificate in the seed treatment pest control category shall complete a minimum of four hours of approved continuing education relating to pest management and pesticides, including not less than two hours pertaining to pesticide laws and regulations.

(e) Except as provided in (f) and (g), an agricultural pest control adviser licensee shall complete a minimum of 40 hours of approved continuing education relating to pest management and pesticides, including not less than four hours pertaining to pesticide laws and regulations.

(f) Each licensee or certificate holder listed in this section, whose initially issued license or certificate has been valid for less than 12 months at the time of its renewal is exempt from the continuing education requirements applicable to that license or certificate.

(g) Each licensee or certificate holder listed in this section whose initially issued license or certificate has been valid for 12 to 20 months at the time of its renewal shall complete a minimum of one-half of the continuing education requirements applicable to that license or certificate.

Note: Authority cited: Sections 11456 and 11502.5, Food and Agricultural Code. Reference: Section 11502.5, Food and Agricultural Code.

HISTORY

1. New section filed 6-4-90; operative 7-4-90 (Register 90, No. 29).
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. Amendment of subsection (c) filed 8-26-2010; operative 9-25-2010 (Register 2010, No. 35).

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3 CA ADC § 6512

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3 CCR § 6512

§ 6512. Approval of Continuing Education Courses or Programs.

A continuing education sponsor shall be responsible for the following, including but not limited to, administering the continuing education course or program, the agenda and course or program content, attendance verification, and administrative recordkeeping found in section 6513.

(a) Requests for evaluation and approval of continuing education courses or programs must be made on the Continuing Education Approval Request Application form (DPR-PML-131, Rev. 2/15), hereby incorporated by reference, and shall be submitted to the Director at least 30 days before the date of the course or program.

(1) Each continuing education approval request must include a \$45 fee and a comprehensive agenda that provides:

(A) a description of the course or program,

(B) the title of each session,

(C) the main points of each session.

(D) the start and end time, or for online and correspondence courses or programs the duration of each session,

(E) the continuing education category requested for each session ("Pesticide Laws and Regulations," "Aerial Pest Control Equipment and Application Techniques," or "Other,") and

(F) the name and affiliation of each speaker, if applicable.

(b) Continuing education courses or programs that occur over two or more days require a Continuing Education Approval Request Application form (DPR-PML-131, Rev. 2/15), comprehensive agenda, and \$45 fee for each day if license and certificate holders have the option to attend different days and/or sessions of the course or program.

(c) Requests for approval of additional dates for continuing education courses or programs previously approved within the calendar year must be made on the Continuing Education Additional Course Date Request form (DPR-PML-132 Rev. 2/15), hereby incorporated by reference, and shall be submitted to the Director at least 15 business days before the presentation of the course or program.

(d) Requests for approval of changes to continuing education courses or programs previously approved within the calendar year shall be submitted in writing to the Director before the course or program occurs, and must include:

(1) the name of the course or program,

(2) the date of the course or program,

(3) the course identification code assigned by the Director, and

(4) the changes to be made to the course or program.

(e) The Director may approve any course or program submitted for evaluation, which meets the following criteria:

- (1) The instruction must focus on pest management and pesticides including topics as specified in the Food and Agricultural Code section 11502.5 (plant health, organic and sustainable practices, water and air monitoring and residue mitigation, maximum residue levels, quarantine practices, and the on-farm storage of fumigants, all in the context of pesticides and pest management) and including but not limited to: California and federal pesticide laws and/or regulations, chemical formulations, labeling and label interpretation, application equipment, pests, identification of environmentally sensitive areas, endangered species, drift prevention, pesticide registration, integrated pest management, cultural practices, pesticide worker safety, surface and ground water protection, and biological control methods.
- (2) Courses or programs that are not focused on California or federal pesticide laws and/or regulations, such as courses or programs about maximum residue levels, or the Business and Professions Code Division 3, Chapter 14 or Chapter 14.5, or the California Code of Regulations Title 16, Division 19, shall not qualify for pesticide laws and regulations hours, as specified in section 6511.
- (3) The approved portion of a continuing education course or program must be at least one hour.
- (f) Interactive Online and Narrated Online Continuing Education Courses or Programs.
- (1) For the Director to consider approval of interactive online and narrated online courses or programs:
- (A) a complete copy of the course or program must be submitted in an electronic format, such as compact disc (CD), universal serial bus (USB) flash drive, Web site address, or any other comparable electronic method; and
- (B) the following criteria must be met:
1. courses or programs must be divided into distinct topics of no more than two hours, and for courses longer than two hours, each topic must end with review questions;
 2. a final examination at the end of the course or program that reviews the approved material and the main points; and
 3. a different version of the final examination each time a license or certificate holder retakes a failed final examination, if the sponsor provides a license or certificate holder with a reexamination option. Different versions of the final examination must be achieved by providing the license or certificate holder with new questions, or by shuffling the order of the final examination questions.
- (2) The course or program sponsor must require that a license or certificate holder receive a score of 70 percent or greater on the final examination in order to receive continuing education credit.
- (3) The final examination and review questions are approved at one minute of credit per question. Each hour of approved material may include up to twenty minutes of questions.
- (g) Correspondence and Noninteractive (text-based) Online Continuing Education Courses or Programs.
- (1) For the Director to consider approval of correspondence and noninteractive (text-based) online courses or programs:
- (A) a complete copy of the course or program must be submitted; and
- (B) the criteria specified in (f)(1)(B) and (f)(2-3) must be met.
- (2) Each 200 words of a correspondence or noninteractive (text-based) online course or program will count as one minute of course or program time.
- (h) The Director may request that more information about the content of the course or program be submitted before making the determination as to whether the course or program meets the criteria specified in (e), (f), and/or (g).
- (i) The approval of a course or program pursuant to this section shall be valid for the calendar year in which the course or program would be presented.

Note: Authority cited: Sections 11456 and 11502.5, Food and Agricultural Code. Reference: Section 11502.5, Food and Agricultural Code.

HISTORY

1. New section filed 6-4-90; operative 7-4-90 (Register 90, No. 29).
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. Amendment of section and Note filed 11-3-2003 as an emergency; operative 1-1-2004 (Register 2003, No. 45). This action is a permanent emergency change for which no Certificate Compliance is needed pursuant to Food and Agricultural Code section 11502.5.
4. Editorial correction of History 3 (Register 2004, No. 37).

5. Change without regulatory effect amending subsections (b) and (c) filed 11-10-2011 pursuant to section 100, title 1, California Code of Regulations (Register 2011, No. 45).

6. Amendment of section heading and section filed 11-7-2013; operative 1-1-2014 (Register 2013, No. 45).

7. Change without regulatory effect amending subsections (a), (b) and (c) filed 4-16-2015 pursuant to section 100, title 1, California Code of Regulations (Register 2015, No. 16).

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3 CCR § 6512, 3 CA ADC § 6512

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[Home Table of Contents](#)**§ 6513. Records of Continuing Education Courses or Programs.**

3 CA ADC § 6513

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3 CCR § 6513

§ 6513. Records of Continuing Education Courses or Programs.

(a) Recordkeeping responsibilities of the continuing education sponsor.

- (1) The continuing education sponsor shall maintain a record of license and certificate holders who have successfully completed continuing education hours.
- (2) Each record must be kept for three years from the completion date of the course or program.
- (3) Within 15 business days of successful completion of a course or program, the continuing education sponsor shall provide each license and certificate holder with his or her record of course or program completion.
- (4) Each record must contain the information specified in (c).

(b) Recordkeeping responsibilities of the license or certificate holder.

- (1) Each licensee and certificate holder specified in section 6511 shall maintain a record of all completed continuing education courses or programs.
- (2) Each record must be kept for three years from the completion date of the course or program.
- (3) Each record must contain the information specified in (c).

(c) The records specified in (a) and (b) of this section must include:

- (1) license or certificate holder's name;
- (2) license or certificate number;
- (3) title of the course or program;
- (4) name of the continuing education sponsor;
- (5) location of the course or program;
- (6) date of the course or program;
- (7) number of hours attended in each continuing education category;
- (8) license or certificate holder's signature; and
- (9) the course identification code assigned by the Director to the course or program.

(d) The records specified in (a) and (b) must be submitted to the Director upon written request.

Note: Authority cited: Sections 11456 and 11502.5, Food and Agricultural Code. Reference: Section 11502.5, Food and Agricultural Code.

HISTORY

1. New section filed 6-4-90; operative 7-4-90 (Register 90, No. 29).
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. Amendment of section heading, section and Note filed 11-7-2013; operative 1-1-2014 (Register 2013, No. 45).

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3 CCR § 6513, 3 CA ADC § 6513

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[Home](#) [Table of Contents](#)**§ 6514. Regional Accreditation Committees. [Repealed]**

3 CA ADC § 6514

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3 CCR § 6514

§ 6514. Regional Accreditation Committees. [Repealed]

Note: Authority cited: Sections 407 and 11502.5, Food and Agricultural Code. Reference: Sections 11502.5 and 12986, Food and Agricultural Code.

HISTORY

1. New section filed 6-4-90; operative 7-4-90 (Register 90, No. 29).
2. Repealer filed 8-1-96; operative 8-31-96 (Register 96, No. 31).

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3 CCR § 6514, 3 CA ADC § 6514

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[Home](#) [Table of Contents](#)**§ 6520. Authorized Agent Qualifications. [Repealed]**

3 CA ADC § 6520

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Article 2. Agricultural Pest Control Business Licenses

3 CCR § 6520

§ 6520. Authorized Agent Qualifications. [Repealed]

Note: Authority cited: Sections 407 and 11502, Food and Agricultural Code. Reference: Sections 11702 and 11703, Food and Agricultural Code.

HISTORY

1. Repealer filed 1-14-85 as an emergency; effective upon filing (Register 85, No. 4). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-14-85.
2. Certificate of Compliance transmitted to OAL 5-14-85 and filed 6-17-85 (Register 85, No. 25).
3. Change without regulatory effect amending article heading filed 11-10-2011 pursuant to section 100, title 1, California Code of Regulations (Register 2011, No. 45).

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3 CCR § 6520, 3 CA ADC § 6520

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[Home](#) [Table of Contents](#)**§ 6522. Categories.**

3 CA ADC § 6522

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Article 2. Agricultural Pest Control Business Licenses

3 CCR § 6522

§ 6522. Categories.

The categories for supervision of pest control by a qualified person pursuant to Section 11708 of the Food and Agricultural Code shall be those listed in Section 6530. Persons holding an unrevoked license or licenses pursuant to this section in 1984 will be issued a corresponding license or licenses for the categories specified in Section 6530 upon application before December 31, 1985.

Note: Authority cited: Sections 11456 and 11702, Food and Agricultural Code. Reference: Sections 11702 and 11705, Food and Agricultural Code.

HISTORY

1. Amendment filed 5-24-85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 22).
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).

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3 CCR § 6522, 3 CA ADC § 6522

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§ 6524. Financial Responsibility of Applicants for an Agricultural Pest Control Business Licens...

3 CA ADC § 6524

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 Article 2. Agricultural Pest Control Business Licenses

3 CCR § 6524

§ 6524. Financial Responsibility of Applicants for an Agricultural Pest Control Business License.

(a) Each applicant shall demonstrate financial responsibility in connection with the obtaining and maintenance of an agricultural pest control business license pursuant to Article 1 of Chapter 4 (beginning with Section 11701) of Division 6 of the Food and Agricultural Code as follows:

(1) File with the Department an original certificate of insurance (Form number DPR-PML-052, Rev. 8/11, entitled "Certificate of Insurance") certifying insurance coverage for the operations involved for an annual period in an amount not less than that specified in an in accordance with the provisions of (c). The certificate shall be provided by the Director and issued by the insurer. Within 10 days of expiration of the insurance policy(s) identified by the certificate, applicants who have been licensed by the Director, shall file a new certificate [identifying the current policy(s)] with the Department. For insurance covering aircraft, the certificate shall specify the N number(s) of the aircraft covered by the insurance for chemical liability; or,

(2) Deposit with the Director a certificate of deposit issued (by a licensed financial institution doing business in California) and maintained under the following conditions:

(A) The principal amount of the certificate of deposit at time of issuance is not less than that specified in and in accordance with the provisions of (c);

(B) The Director is given express authority to withdraw any part or all of the funds required to satisfy a final judgment of a California or Federal court based upon violation of the provisions of Food and Agricultural Code Division 6, and Division 7 pertaining to pesticides, and regulations issued pursuant to those provisions;

(C) The Director is given express authority to withdraw any part or all of the funds and deposit the funds in court in an interpleader action in any circumstance where it appears to the Director that there may be multiple judgments involving violation of the laws and regulations specified in (B) and such funds may be called upon to satisfy such judgments; and

(D) If any part of the funds are withdrawn as provided in (B) and (C), an additional certificate of deposit shall be filed with the Director so that the remaining funds, if any, of the initial certificate of deposit and the principal amount of the additional certificate of deposit equal the principal amount of the initial certificate of deposit at the time of its issuance; or

(3) Deposit with and on a form provided by the Director a surety bond (Form number DPR-PML-053, Rev. 8/11 entitled "Pest Control Business Licensees Bond") issued by a bonding company doing business in California in an amount not less than that specified in and in accordance with the provisions of (c).

(b) Applicants electing to show financial responsibility by a certificate of deposit as specified in (a)(2) shall assign the certificate to the Director and shall maintain the certificate and not be entitled to withdraw the funds for two years after termination of the license or until all claims filed against the licensee are satisfied, whichever occurs later.

(c) Applicants may show financial responsibility by liability insurance which covers chemical bodily injury and chemical property damage or by a certificate of deposit or a surety bond to cover chemical bodily injury and chemical property damage in the amounts specified below:

				<i>Certificate of Deposit or Surety</i>
		<i>Liability Insurance</i>		
<i>Type of Pest Control</i>	<i>Bodily Injury</i>	<i>Bodily Injury</i>	<i>Property</i>	

<i>Operations</i>	<i>Per Person</i>	<i>Per Occurance</i>	<i>Damage</i>	<i>Bond</i>
Agricultural pest control business license applicants who make applications by ground rigs or who make fumigations		\$100,000/300,000/50,000		\$75,000
Agricultural pest control business license applicants who make applications by aircraft		\$100,000/300,000/100,000 per aircraft; property damage aggregate: one-half the property damage limit times the number of insured aircraft, where more than one aircraft if insured		\$50,000 per aircraft but not to exceed \$300,000 per business license
Applicants for an agricultural pest control business licence in the maintenance gardener category; in lieu of insurance, a certificate of deposit, or a surety bond, these applicants may provided a statement to the Director under penalty of perjury as to chemical bodily injury and chemical property damage resulting from their pest control operations they are financially able to respond in damages usin their own personal assets		\$5,000/10,000/5,000		\$5,000

(d) Applicants whose business involves applications by aircraft and who elect to show financial responsibility by a certificate of deposit or a surety bond shall file with and on a form provided by the Director (Pest Control Business Licensees Bond Form DPR-PML-053, Rev. 8/11), with a list of the applicant's aircraft including their N numbers and their usages.

(e) Aircraft which is covered by liability insurance only for nonchemical bodily injury and nonchemical property damage shall not be operated for pesticide application purposes, unless the pest control business using the aircraft has deposited with the Director, as specified in (a)(2) and (a)(3), a certificate of deposit or a surety bond for that aircraft in the amount specified in (c).

(f) Applicants who make applications by aircraft and ground rigs shall meet the financial responsibility requirements of this section for both the aircraft and ground rig types of pest control operations.

Note: Authority cited: Sections 11456, 11502 and 11702, Food and Agricultural Code. Reference: Sections 11501 and 11702, Food and Agricultural Code.

HISTORY

1. New section filed 9-19-88; operative 9-19-88 (Register 88, No. 39).
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 subsections (a)(1), (a)(3) and (d) filed 11-10-2011 pursuant to section 100, title 1, California Code of Regulations (Register 2011, No. 45).

4. Change without regulatory effect amending subsection (a)(1) filed 6-10-2019 pursuant to section 100, title 1, California Code of Regulations (Register 2019, No. 24).

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3 CCR § 6524, 3 CA ADC § 6524

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[Home](#) [Table of Contents](#)**§ 6530. Categories and Examinations.**

3 CA ADC § 6530

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Article 3. Qualified Applicators

3 CCR § 6530

§ 6530. Categories and Examinations.

Applicants may qualify by examination to work in one or more of the following categories or subcategories:

- (a) Category A - Residential, Industrial and Institutional Pest Control
- (b) Category B - Landscape Maintenance Pest Control
- (c) Category C - Right of Way Pest Control
- (d) Category D - Agricultural Pest Control (plant)
- (e) Category E - Forest Pest Control
- (f) Category F - Aquatic Pest Control
- (g) Category G - Regulatory Pest Control
- (h) Category H - Seed Treatment
- (i) Category I - Agricultural Pest Control (animal)
- (j) Category J - Demonstration and Research
- (k) Category K - Health Related Pest Control
- (l) Subcategory L - Wood Preservation
- (m) Subcategory M - Antifouling-Tributyltin
- (n) Subcategory N - Sewer Line Root Control
- (o) Subcategory O - Field Fumigation Pest Control
- (p) Subcategory P - Microbial Pest Control
- (q) Subcategory Q - Maintenance Gardener Pest Control (see restriction in section 6531)

Note: Authority cited: Sections 11456, 11502, 12203.1, 12976, 14001, 14005, 14102, 14151 and 14153.1, Food and Agricultural Code. Reference: Sections 11501, 11701, 11704, 12203, 14001, 14015, 14102 and 14153, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former Section 2467 to Section 6530 filed 4-30-85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 18).
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. Amendment of section and Note filed 8-26-2010; operative 9-25-2010 (Register 2010, No. 35).

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3 CCR § 6530, 3 CA ADC § 6530

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[Home](#) [Table of Contents](#)**§ 6531. Maintenance Gardener Pest Control Restriction.**

3 CA ADC § 6531

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Article 3. Qualified Applicators

3 CCR § 6531

§ 6531. Maintenance Gardener Pest Control Restriction.

A person qualified to work solely in subcategory Q listed in section 6530 may not purchase or use federally restricted-use pesticides or state restricted materials.

Note: Authority cited: Sections 11456, 11502, 12203.1, 12976, 14001, 14005, 14102, 14151 and 14153.1, Food and Agricultural Code. Reference: Sections 11501, 11701, 11704, 12203, 14001, 14015, 14102 and 14153, Food and Agricultural Code.

HISTORY

1. New section filed 8-26-2010; operative 9-25-2010 (Register 2010, No. 35).

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3 CCR § 6531, 3 CA ADC § 6531

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[Home](#) [Table of Contents](#)**§ 6532. Expiration. [Repealed]**

3 CA ADC § 6532

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Article 3. Qualified Applicators

3 CCR § 6532

§ 6532. Expiration. [Repealed]

Note: Authority cited: Sections 407, 11702, 12976 and 14005, Food and Agricultural Code. Reference: Sections 11501, 11702 and 14001, Food and Agricultural Code.

HISTORY

1. New section filed 5-24-85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 22).
2. Repealer filed 8-1-96; operative 8-31-96 (Register 96, No. 31).

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3 CCR § 6532, 3 CA ADC § 6532

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[Home](#) [Table of Contents](#)**§ 6534. Refusal, Revocation, and Suspension.**

3 CA ADC § 6534

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Article 3. Qualified Applicators

3 CCR § 6534

§ 6534. Refusal, Revocation, and Suspension.

A qualified applicator certificate or license may be refused, revoked, or suspended by the director for any of the following:

- (a) Failure to adequately supervise the use of a restricted material;
- (b) Failure to comply with any applicable provision of Divisions 6 or 7 of the Food and Agricultural Code, or regulations adopted pursuant to such provisions;
- (c) Making any false or fraudulent record or report.

Note: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14001 and 14102, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former Section 2468 to Section 6534 filed 4-30-85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 18).
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).

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3 CCR § 6534, 3 CA ADC § 6534

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[Home](#) [Table of Contents](#)**§ 6536. Field Fumigation Licensing Requirements.**

3 CA ADC § 6536

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Article 3. Qualified Applicators

3 CCR § 6536

§ 6536. Field Fumigation Licensing Requirements.

A person who performs or supervises field fumigation applications pursuant to section 6445.5 must hold a qualified applicator license or certificate in the subcategory of field fumigation pest control.

Note: Authority cited: Sections 11456, 11502 and 14005, Food and Agricultural Code. Reference: Sections 11501, 14001 and 14151, Food and Agricultural Code.

HISTORY

1. New section filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).
2. Repeal of subsection (a) designator and repeal of subsections (b)-(b)(3) filed 4-7-2011; operative 4-7-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 14).

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3 CCR § 6536, 3 CA ADC § 6536

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[Home](#) [Table of Contents](#)**§ 6540. Apprentice Pilot Supervision.**

3 CA ADC § 6540

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Article 4. Pest Control Aircraft Pilot's Certificate

3 CCR § 6540

§ 6540. Apprentice Pilot Supervision.

(a) The journeyman pilot responsible for supervision of an apprentice pilot shall be aware of the conditions at the application site and be available to direct and control the manner in which applications are made by the apprentice. The availability of the journeyman shall be directly related to the actual or potential hazard of the situation.

(b) A manned aircraft apprentice pilot shall be supervised by a manned aircraft journeyman pilot and earn the required hours of operation in a manned aircraft.

Note: Authority cited: Section 11456, Food and Agricultural Code. Reference: Sections 11908 and 11909, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

2. Designation of section as subsection (a) and new subsection (b) filed 4-22-2019; operative 7-1-2019 (Register 2019, No. 17).

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3 CCR § 6540, 3 CA ADC § 6540

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[Home](#) [Table of Contents](#)**§ 6542. Registration.**

3 CA ADC § 6542

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Article 4. Pest Control Aircraft Pilot's Certificate

3 CCR § 6542

§ 6542. Registration.

(a) Each pest control aircraft pilot who registers as an apprentice pilot in any county shall include on the registration form the name of the journeyman pilot responsible for providing supervision of the pest control activities of such apprentice. The journeyman pilot named on the apprentice pilot's county registration must be currently registered with that county.

(b) The apprentice pilot shall immediately notify the commissioner and amend the registration in the event the journeyman pilot named on the apprentice's registration is no longer able to provide such apprentice with supervision.

Note: Authority cited: Sections 11456 and 11502, Food and Agricultural Code. Reference: Sections 11921 and 11924, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6542, 3 CA ADC § 6542

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[Home](#) [Table of Contents](#)**§ 6544. Pesticide Handling by Pilots.**

3 CA ADC § 6544

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Article 4. Pest Control Aircraft Pilot's Certificate

3 CCR § 6544

§ 6544. Pesticide Handling by Pilots.

Pilots who operate pest control aircraft shall not transfer, mix or load liquid category one or two pesticides containing organophosphates or carbamates unless a closed system is used.

Note: Authority cited: Sections 11456, 11502, 12976 and 12981, Food and Agricultural Code. Reference: Sections 11502 and 12981, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6544, 3 CA ADC § 6544

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[Home Table of Contents](#)**§ 6550. Minimum Qualifications.**

3 CA ADC § 6550

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Article 5. Agricultural Pest Control Adviser Licenses

3 CCR § 6550

§ 6550. Minimum Qualifications.

(a) A person who has never held an agricultural pest control adviser license shall meet one of the following minimum qualifications:

- (1) Graduated from college with a bachelor's degree in agricultural sciences, biological sciences, natural sciences, or pest management which includes completing the baccalaureate and/or post-baccalaureate curricula specified in (b); or
- (2) Graduated from an accredited doctoral degree program in agricultural sciences, biological sciences, natural sciences, or pest management; or
- (3) Completed the required curricula specified in (b) and 24 months of technical experience working:
 - (A) for a licensed agricultural pest control adviser;
 - (B) for a pest management specialist including, but not limited to, a farm adviser, certified commercial applicator, certified private applicator, or licensed pest control dealer;
 - (C) as a field sweeper, field checker or scout;
 - (D) as a participant in field or laboratory research activities relating to pest control;
 - (E) as a participant in agricultural pest control/management activities for a federal, state, or county entity;
 - (F) as a qualified applicator licensee pursuant to Division 6, Chapter 8, commencing with Food and Agricultural Code section 12201, employed by a licensed pest control business except that no more than 12 months experience solely in the categories specified in subsections 6530(b) and (k) shall be used;
 - (G) as a licensed structural pest control operator or field representative for a registered structural pest control company except that no more than 12 months experience shall be used
 - (H) as a farm operator involved in agricultural pest control/management activities; or
 - (I) as an assistant to, or work as, a certified crop adviser accredited by the American Society of Agronomy.

(b) To satisfy the requirements of the college-level curricula specified in (a)(1) and (3), 42 semester or 63 quarter units in the following core-course categories shall be completed with a 2.0 grade-point average or better:

- (1) Physical and Biological Sciences - 12 semester or 18 quarter units in this category which includes introduction to inorganic chemistry, organic chemistry, biochemistry, plant biology or botany, general ecology, biology, genetics, plant physiology, and zoology.
- (2) Crop Health - 9 semester or 13.5 quarter units in this category which includes courses in soils and irrigation, as well as introductory courses in vegetative management or weed science; plant pathology; entomology; plant nutrition or fertility; nematology; and vertebrate management. A current crop adviser certificate accredited by the American Society of Agronomy can count towards 3 semester or 4.5 quarter units.

(A) For course titles such as Senior Project, Internship, Cooperative Work Experience, Independent Study, Dissertation, and Thesis, only a total of 3 semester or 4.5 quarter units will be allowed. The applicant shall include a course or project description,

and a justification for the course category and principal area of study within the category to be accepted for credit.

(3) Pest Management Systems and Methods - 6 semester or 9 quarter units in this category, with at least one course emphasizing integrated pest management principles. This category includes applied courses in entomology; plant pathology; vegetation management or weed science; and other pest management disciplines, in addition to biological control and courses related to pesticides, pest control equipment systems, and the use of pesticides. Courses on alternative cropping systems, and sustainable or organic agricultural systems are acceptable.

(A) One year of full-time related work experience listed in section 6550(a)(3)(A-I) may be used to fulfill part of this requirement, provided the work experience is not counted towards the 24 months of technical experience specified in (a)(3) or towards credit for production systems work experience in subsection (b)(4)(A). If approved by the Director, 3 semester or 4.5 quarter units will be granted. Documentation of job duties, employment records, a statement from an employer, or other proof of pest management systems and methods work experience shall be submitted to the Director.

(B) For course titles such as Senior Project, Internship, Cooperative Work Experience, Independent Study, Dissertation, and Thesis, only a total of 3 semester or 4.5 quarter units will be allowed. The applicant shall include a course or project description, and a justification for the course category and principal area of study within the category to be accepted for credit.

(4) Production Systems - 6 semester or 9 quarter units in this category which includes horticulture; viticulture; forestry; agronomy; and crop, vegetable, fruit, or animal sciences; or other production systems.

(A) One year of full-time related work experience listed in section 6550(a)(3)(H) may be used to fulfill part of this requirement provided the work experience is not counted towards the 24 months of technical experience specified in (a)(3) or towards credit for pest management systems and methods work experience in subsection (b)(3)(A). If approved by the Director, 3 semester or 4.5 quarter units will be granted. Documentation of job duties, employment records, a statement from an employer, or other proof of production systems work experience shall be submitted to the Director.

(B) For course titles such Senior Project, Internship, Cooperative Work Experience, Independent Study, Dissertation, Thesis, and Enterprise Project, only a total of 3 semester or 4.5 quarter units will be allowed. The applicant shall include a course or project description, and a justification for the course category and principal area of study within the category to be accepted for credit.

(5) Electives - An additional 9 semester or 13.5 quarter units in any of the categories in (b)(2-4) above.

(c) The applicant shall submit to the Director the completed Agricultural Pest Control Adviser Core Course and/or Work Experience Requirements for New License Applicants form (PR-PML-085, Rev. 11/07), hereby incorporated by reference, an official transcript verifying the courses completed, and if applicable, documentation for course titles required in subsections (b)(2)(A), (b)(3)(B), or (b)(4)(B), and the degrees granted to the applicant. In addition, an applicant qualifying pursuant to (a)(3) shall submit employment records, a statement from an employer, or other proof of technical experience to the Director.

Note: Authority cited: Sections 11456, 12005 and 12024, Food and Agricultural Code. Reference: Section 12024, Food and Agricultural Code.

HISTORY

1. Amendment filed 9-3-85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 36).
2. Amendment of section and Note filed 4-26-99; operative 5-26-99 (Register 99, No. 18).
3. Repealer of subsection (d) filed 1-20-2000; operative 2-19-2000 (Register 2000, No. 3).
4. Change without regulatory effect amending section filed 12-5-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 49).
5. Amendment filed 4-23-2008; operative 4-23-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 17).

This database is current through 9/3/21 Register 2021, No. 36

3 CCR § 6550, 3 CA ADC § 6550

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[Home](#) [Table of Contents](#)**§ 6551. Licensing for Public Agencies.**

3 CA ADC § 6551

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3 CCR § 6551

§ 6551. Licensing for Public Agencies.

Except as specifically exempted in section 12001 of the Food and Agricultural Code, any person employed by any federal, state, county, or local public agency who provides to that federal, state, county, or local public agency recommendations on any agricultural use must possess a valid agricultural pest control adviser license issued by the Director.

Note: Authority cited: Sections 11456 and 12005, Food and Agricultural Code. Reference: Sections 11501 and 12001, Food and Agricultural Code.

HISTORY

1. New section filed 10-7-2005; operative 11-6-2005 (Register 2005, No. 40).

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3 CCR § 6551, 3 CA ADC § 6551

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[Home](#) [Table of Contents](#)**§ 6552. Continued Education Requirements. [Repealed]**

3 CA ADC § 6552

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Article 5. Agricultural Pest Control Adviser Licenses

3 CCR § 6552

§ 6552. Continued Education Requirements. [Repealed]

Note: Authority cited: Sections 407, 12005 and 12024, Food and Agricultural Code. Reference: Sections 11501 and 12024, Food and Agricultural Code.

HISTORY

1. Amendment of subsections (b)-(d) filed 9-3-85; effective upon filing pursuant to Government Code section 11346.2 (d) (Register 85, No. 36).

2. Repealer filed 6-4-90; operative 7-4-90 (Register 90, No. 29).

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3 CCR § 6552, 3 CA ADC § 6552

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[Home](#) [Table of Contents](#)**§ 6554. Regional Accreditation Committee. [Repealed]**

3 CA ADC § 6554

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3 CCR § 6554

§ 6554. Regional Accreditation Committee. [Repealed]

Note: Authority cited: Sections 407, 12005 and 12024, Food and Agricultural Code. Reference: Sections 11501 and 12024, Food and Agricultural Code.

HISTORY

1. Repealer filed 6-4-90; operative 7-4-90 (Register 90, No. 29).

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3 CCR § 6554, 3 CA ADC § 6554

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[Home](#) [Table of Contents](#)**§ 6556. Recommendations.**

3 CA ADC § 6556

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3 CCR § 6556

§ 6556. Recommendations.

In addition to the requirements of Section 12003 of the Food and Agricultural Code, each recommendation shall include:

- (a) Total acreage or units to be treated;
 - (b) Concentration and volume per acre or other units;
 - (c) Worker re-entry interval, if one has been established; preharvest or preslaughter interval; and label restrictions on use or disposition of the treated commodity, by-products or treated area;
 - (d) Criteria used for determining the need for the recommended treatment; and
 - (e) Certification that alternatives and mitigation measures that would substantially lessen any significant adverse impact on the environment have been considered and, if feasible, adopted.
- In addition, the recommendation shall designate the pest by accepted common name.

Note: Authority cited: Sections 11456, 12003 and 12005, Food and Agricultural Code. Reference: Section 12003, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6556, 3 CA ADC § 6556

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[Home](#) [Table of Contents](#)**§ 6557. Advisories for Groundwater Protection. [Repealed]**

3 CA ADC § 6557

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Article 5. Agricultural Pest Control Adviser Licenses

3 CCR § 6557

§ 6557. Advisories for Groundwater Protection. [Repealed]

Note: Authority cited: Sections 11456, 12976, 13145, 14005, 14006 and 14102, Food and Agricultural Code. Reference: Sections 11501, 13145 and 14006, Food and Agricultural Code.

HISTORY

1. New section filed 4-10-90; operative 4-10-90 pursuant to Government Code section 11346.2 (d) (Register 90, No. 16).
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. Repealer filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

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3 CCR § 6557, 3 CA ADC § 6557

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3 CA ADC § 6558

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Article 5. Agricultural Pest Control Adviser Licenses

3 CCR § 6558

§ 6558. Recommendation for Use of Nonfumigants in the San Joaquin Valley Ozone Nonattainment Area.

A licensed pest control adviser shall not recommend a use in violation with the provision in section 6884. If a licensed agricultural pest control adviser recommends the use of a high-volatile organic compound nonfumigant product implementing an exception under section 6884(b), the exception must be identified. A pest control adviser must retain a recommendation for a high-volatile organic compound product for at least two years.

Note: Authority cited: Sections 11456, 12976 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12003 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 5-23-2013; operative 11-1-2013 pursuant to Government Code section 11343.4(b)(2) (Register 2013, No. 21).

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3 CCR § 6558, 3 CA ADC § 6558

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[Home](#) [Table of Contents](#)**§ 6560. Supervision.**

3 CA ADC § 6560

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3 CCR § 6560

§ 6560. Supervision.

(a) Each licensed pest control dealer shall have and maintain at the principal office and at each branch location a designated agent to actively supervise all operations conducted by the location.

(b) The designated agent shall be a person who has passed the laws and regulations examination; or who holds a valid agricultural pest control adviser license, pest control aircraft pilot certificate, or is a qualified applicator licensee.

Note: Authority cited: Sections 11456 and 12111, Food and Agricultural Code. Reference: Sections 11501 and 12103, Food and Agricultural Code.

HISTORY

1. Amendment filed 1-14-85 as an emergency; effective upon filing (Register 85, No. 4). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-14-85.
2. Certificate of Compliance transmitted to OAL 5-14-85 and filed 6-17-85 (Register 85, No. 25).
3. Amendment of article 6 heading filed 10-20-2000; operative 11-19-2000 (Register 2000, No. 42).
4. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
5. Change without regulatory effect amending subsection (a) filed 11-10-2011 pursuant to section 100, title 1, California Code of Regulations (Register 2011, No. 45).

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3 CCR § 6560, 3 CA ADC § 6560

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[Home Table of Contents](#)**§ 6562. Dealer Records and Sales Reporting.**

3 CA ADC § 6562

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3 CCR § 6562

§ 6562. Dealer Records and Sales Reporting.

(a) Each licensed pest control dealer shall prepare and maintain records of all pesticides sold or delivered, except for pesticides labeled only for home use. These records shall include the following:

- (1) The purchaser's name and address;
- (2) The product purchased, and the amount;
- (3) The date of purchase;
- (4) The operator identification number(s) specified in section 6622 on the invoice, or a statement on the invoice indicating that the purchaser was not required to obtain an operator identification number pursuant to section 6622;
- (5) A copy of an agricultural pest control adviser's written recommendation, or the following statement (or a substantially similar statement) on the invoice or delivery slip supplied to the customer;
No recommendation has been made by, or provided to, the seller concerning the use of the pesticide covered by this invoice; and
- (6) The location where the pesticide was delivered, including the name of the person who, or business which, received the shipment, if the dealer delivered the pesticide.

(b) The records shall be maintained at the sales office for two years. These records shall be produced for inspection, by purchaser name, upon request by the director or agricultural commissioner.

Note: Authority cited: Sections 11456, 12111, 12976 and 13145, Food and Agricultural Code. Reference: Sections 11501, 12110 and 13145, Food and Agricultural Code.

HISTORY

1. Amendment filed 5-24-85; effective upon filing pursuant to Government Code section 11346.2(d) (Register 85, No. 22).
2. Amendment filed 12-22-89; operative 1-1-90 (Register 90, No. 1).
3. Amendment of section heading, subsections (a), (a)(2), (a)(4), (b), Note and new subsection (c) filed 4-3-92; operative 5-4-92 (Register 92, No. 18).
4. Repealer of subsection (c) filed 9-5-95; operative 10-5-95 (Register 95, No. 36).
5. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
6. Change without regulatory effect amending subsection (b) filed 9-22-2009 pursuant to section 100, title 1, California Code of Regulations (Register 2009, No. 39).
7. Change without regulatory effect amending subsections (a) and (a)(4) filed 11-10-2011 pursuant to section 100, title 1, California Code of Regulations (Register 2011, No. 45).

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3 CCR § 6562, 3 CA ADC § 6562

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[Home](#) [Table of Contents](#)**§ 6564. Appropriate Products.**

3 CA ADC § 6564

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3 CCR § 6564

§ 6564. Appropriate Products.

All persons engaged in business as licensed pest control dealers shall:

- (a) Sell or deliver a pesticide for which a recommendation has been provided to him or written by any person employed by him only when the pesticide labeling corresponds to the recommendation; and
- (b) Not knowingly sell or deliver a pesticide for a use not shown in the labeling, or when any condition of use shown in the labeling cannot be complied with.

Note: Authority cited: Sections 11456 and 12111, Food and Agricultural Code. Reference: Sections 12971 and 12973, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
2. Change without regulatory effect amending first paragraph filed 11-10-2011 pursuant to section 100, title 1, California Code of Regulations (Register 2011, No. 45).

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3 CCR § 6564, 3 CA ADC § 6564

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[Home](#) [Table of Contents](#)**§ 6566. Supplemental Labeling.**

3 CA ADC § 6566

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3 CCR § 6566

§ 6566. Supplemental Labeling.

When a recommended pesticide usage is included only in registered supplemental labeling, both the written recommendation, if any, and such registered supplemental labeling shall be delivered by the dealer to the applicator in sufficient time to allow him to prepare properly for the application.

Note: Authority cited: Sections 11456 and 12111, Food and Agricultural Code. Reference: Sections 11501 and 12973, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6566, 3 CA ADC § 6566

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[Home Table of Contents](#)**§ 6568. Dealer Responsibilities.**

3 CA ADC § 6568

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3 CCR § 6568

§ 6568. Dealer Responsibilities.

(a) Each licensed pest control dealer that sells a restricted material which requires a permit for its use or possession shall, before sale or delivery, obtain a copy of the permit.

(b) A restricted material specified in Section 6400(a) (federally restricted use) or in Section 6400(d) (potential to pollute ground water) that does not require a permit for possession or use shall be sold or delivered only to a certified applicator. The dealer shall, before sale or delivery, obtain from the purchaser a copy of his or her qualified applicator license or certificate, private applicator certificate, or a signed statement in substantially the following form:

I am a certified applicator authorized by the scope of my
_____ license/certification

(license/certificate type)

No. _____ to use the restricted material(s) I am purchasing.

My certificate/license is valid until _____ (Date)

Name of operator of the property that I am employed by

(if applicable): _____

(Certified Applicator) (Date)

(c) Prior to the sale or delivery of pesticides listed in section 6622 to the operator of the property (or the operator's authorized representative) the dealer shall obtain from the purchaser a copy of the restricted materials permit showing all operator identification numbers, if the purchaser has such a permit; or a copy of the form issued to an operator of the property pursuant to section 6622.

(d) The dealer shall send a list of the operator identification numbers with corresponding names of persons purchasing pesticides during the quarter, within 10 days following the end of each quarter of the calendar year, to each of the commissioners who issued the numbers. The dealer is not required to send the list to the commissioner of the county in which the dealer is located.

(e) The dealer shall retain for two years a copy of each form specified in section 6622, permit, or signed statement that pesticide purchaser provided to the dealer.

Note: Authority cited: Sections 11456 and 14005, Food and Agricultural Code. Reference: Sections 11501, 14006, 14010 and 14035, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former section 2461 to section 6568 filed 8-13-85 (Register 85, No. 33).
2. Amendment filed 1-4-89; operative 1-4-89 pursuant to Government Code section 11346.2(d) (Register 89, No. 5).
3. Amendment filed 12-22-89; operative 1-1-90 (Register 90, No. 1).
4. Editorial correction of printing errors in form (Register 91, No. 33).
5. Change without regulatory effect amending subsection (b) and Note filed 8-27-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 35).
6. Amendment of section and Note filed 10-20-2000; operative 11-19-2000 (Register 2000, No. 42).

This database is current through 9/3/21 Register 2021, No. 36

3 CCR § 6568, 3 CA ADC § 6568

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[Home](#) [Table of Contents](#)**§ 6570. Groundwater Protection Material Requirements. [Repealed]**

3 CA ADC § 6570

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3 CCR § 6570

§ 6570. Groundwater Protection Material Requirements. [Repealed]

Note: Authority cited: Sections 11456, 12976 and 13145, Food and Agricultural Code. Reference: Sections 11501 and 13145, Food and Agricultural Code.

HISTORY

1. New section filed 1-4-89; operative 1-4-89 pursuant to Government Code section 11346.2(d) (Register 89, No. 5).
2. Amendment of subsection (a) and NOTE and and repealer of subsection (a)(2) filed 12-12-91; operative 1-13-92 (Register 92, No. 13).
3. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
4. Repealer filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

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3 CCR § 6570, 3 CA ADC § 6570

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[Home](#) [Table of Contents](#)**§ 6572. Sales Reporting. [Repealed]**

3 CA ADC § 6572

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3 CCR § 6572

§ 6572. Sales Reporting. [Repealed]

Note: Authority cited: Sections 407, 12976 and 13145, Food and Agricultural Code. Reference: Section 13145, Food and Agricultural Code.

HISTORY

1. New section filed 1-4-89; operative 1-4-89 pursuant to Government Code section 11346.2(d) (Register 89, No. 5).
2. Repealer filed 4-3-92; operative 5-4-92 (Register 92, No. 18).

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3 CCR § 6572, 3 CA ADC § 6572

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[Home](#) [Table of Contents](#)**§ 6574. Antifouling Paints or Coatings Containing Tributyltin - Dealer Requirements.**

3 CA ADC § 6574

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3 CCR § 6574

§ 6574. Antifouling Paints or Coatings Containing Tributyltin - Dealer Requirements.

(a) Antifouling paints or coatings containing tributyltin shall be sold only for the following purposes:

- (1) For application to aluminum vessel hulls;
- (2) For application to vessel hulls 82 feet or more in length; or
- (3) For application to outboard motors or lower drive units.

(b) Prior to sale, the dealer shall secure a copy of the vessel registration to verify the use requirements of (a) (1) or (2). If no vessel registration exists or the paint or coating will be applied to an outboard motor or lower drive unit, the dealer shall secure a sworn statement to verify the use requirements of (a) (1), (2), or (3). The sworn statement shall be made in substantially the following form: I, (name of purchaser), declare under penalty of perjury that the antifouling paint or coating containing tributyltin that I am purchasing shall be applied only to an aluminum vessel hull, to a vessel hull 82 feet or more in length, or to an outboard motor or lower drive unit. The serial number of the vessel is (number).

(Signature of Purchaser) (Date)

(c) The dealer shall prepare and maintain the following records for all sales of antifouling paints that contain tributyltin:

- (1) Name and address of vessel owner;
- (2) Name and certificate or license number of the certified commercial applicator and location of vessel where application is to be made;
- (3) Date of sale;
- (4) Quantity sold; and
- (5) A copy of the vessel registration or sworn statement verifying the vessel length, vessel hull composition requirements, or intended use on an outboard motor or lower drive unit and registration number. If no registration number exists, the vessel serial number shall be included.

(d) The dealer shall maintain the records specified in (c) in a separate log of sales for two years; and the records shall be readily accessible to the director and the commissioner upon request.

Note: Authority cited: Sections 12111 and 14005, Food and Agricultural Code. Reference: Sections 11501 and 14006, Food and Agricultural Code.

HISTORY

1. New section filed 12-31-87 as an emergency; operative 1-1-88 (Register 88, No. 3) A certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-2-88.

2. Certificate of Compliance including amendment and new subsection (b) transmitted to OAL 4-5-88 and filed 5-4-88 (Register 88, No. 19).

3. Amendment of subsections (a)-(a)(3), (b), (c) and (c)(5) and amendment of Note filed 1-5-93; operative 1-5-93 (Register 93, No. 2).

This database is current through 9/3/21 Register 2021, No. 36

3 CCR § 6574, 3 CA ADC § 6574

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§ 6576. Sales Limitation of Clopyralid.

3 CA ADC § 6576

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3 CCR § 6576

§ 6576. Sales Limitation of Clopyralid.

Prior to sale of a pesticide containing the active ingredient clopyralid for which use restrictions have been established in section 6950, the licensed pest control dealer shall obtain and retain for two years a signed statement from a licensed or certified qualified applicator in substantially the following form:

I, (print name of purchaser), certify that my employees or I will not apply any product containing clopyralid to a residential lawn, and will only apply clopyralid to sites where I can assure the collected grass clippings will remain on the property.

Name of Product: _____ EPA Reg. No.: _____

Under penalty of perjury, the foregoing statement is true and my employees or I will not apply any pesticide containing the active ingredient clopyralid for lawn and turf uses as defined in Food and Agricultural Code section 13190(e) except in accordance with the listed applicator responsibility requirements.

_____ Signature of Qualified Applicator License or Certificate No.

_____ Category Expiration Date Date of Purchase

Note: Authority cited: Sections 11456, 12111, 12781, 12976 and 14102, Food and Agricultural Code. Reference: Sections 12824, 13191 and 13192, Food and Agricultural Code.

HISTORY

1. New section filed 12-28-2005; operative 1-27-2006 (Register 2005, No. 52).

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3 CCR § 6576, 3 CA ADC § 6576

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[Home](#) [Table of Contents](#)**§ 6577. Sales of Nonfumigants for Use in the San Joaquin Valley Ozone Nonattainment Area.**

3 CA ADC § 6577

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Article 6. Pest Control Dealer Licenses

3 CCR § 6577

§ 6577. Sales of Nonfumigants for Use in the San Joaquin Valley Ozone Nonattainment Area.

(a) When sale of a high-volatile organic compound (VOC) nonfumigant product with agricultural uses, specified in the Annual Volatile Organic Compound Emissions Inventory Report required in section 6881, is made to or for the operator of the property with an operator identification number issued by a county agricultural commissioner in the San Joaquin Valley ozone nonattainment area, the licensed pest control dealer shall provide the following VOC information, in writing, at time of purchase or delivery:

High-volatile organic compound nonfumigant products containing abamectin, chlorpyrifos, gibberellins, or oxyfluorfen as a primary active ingredient are subject to additional use restrictions during May 1 through October 31 when used in the San Joaquin Valley ozone nonattainment area on the following crops: alfalfa, almond, citrus, cotton, grape, pistachio, and walnut. Use prohibitions that may apply are found in Title 3, California Code of Regulations, section 6884. The operator of the property must obtain a written recommendation of a licensed pest control adviser prior to use on these crops during this time period.

(b) In addition to the requirements in section 6562, each licensed pest control dealer shall indicate on the invoice that the information required in (a) was provided.

Note: Authority cited: Sections 11456 and 12111, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code.

HISTORY

1. New section filed 5-23-2013; operative 11-1-2013 pursuant to Government Code section 11343.4(b)(2) (Register 2013, No. 21).

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3 CCR § 6577, 3 CA ADC § 6577

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[Home](#) [Table of Contents](#)**§ 6580. Certificate Issuance.**

3 CA ADC § 6580

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Article 7. Private Applicators

3 CCR § 6580

§ 6580. Certificate Issuance.

(a) An application for a new private applicator certificate shall be made on the Private Applicator Certificate Application form PR-PML-045 (Rev. 12/04), hereby incorporated by reference, and submitted to the county agricultural commissioner. No application fee is required.

(b) All private applicator certificate applicants shall be required to take and pass the private applicator examination before being issued a new certificate.

(c) Notwithstanding section 6500, the commissioner, or Director in a county where there is no county agricultural commissioner, shall issue a private applicator certificate for a period of up to three years in accordance with Food and Agricultural Code section 14095.

Note: Authority cited: Sections 11456 and 11502, Food and Agricultural Code. Reference: Sections 14091, 14092 and 14095, Food and Agricultural Code.

HISTORY

1. New article 7 (sections 6580-6584) and section filed 5-23-2006; operative 6-22-2006 (Register 2006, No. 21).

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3 CCR § 6580, 3 CA ADC § 6580

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[Home](#) [Table of Contents](#)**§ 6582. Certificate Renewal.**

3 CA ADC § 6582

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Article 7. Private Applicators

3 CCR § 6582

§ 6582. Certificate Renewal.

(a) A certified private applicator who elects to renew his/her certificate shall:

(1) Submit a Private Applicator Certificate Application form PR-PML-045 (Rev. 12/04), hereby incorporated by reference, to the county agricultural commissioner no sooner than 120 days prior to, and no later than 90 days after, the expiration date; and

(2) Complete continuing education requirements as specified in section 6584 during the time the certificate is valid, or retake and pass the private applicator certificate examination.

(b) A certified private applicator who has not renewed his/her private applicator certificate within the timeframe specified in (a)(1) shall be required to take and pass the private applicator examination before being issued a certificate.

Note: Authority cited: Sections 11456 and 11502, Food and Agricultural Code. Reference: Sections 14093 and 14096, Food and Agricultural Code.

HISTORY

1. New section filed 5-23-2006; operative 6-22-2006 (Register 2006, No. 21).

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3 CCR § 6582, 3 CA ADC § 6582

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3 CA ADC § 6584

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Article 7. Private Applicators

3 CCR § 6584

§ 6584. Continuing Education Requirements.

(a) Private applicator certificate holders who elect to renew their certification by obtaining continuing education shall have completed the following hours pertaining to the topic areas as described in section 6512(e)(1):

- (1) Each private applicator whose certificate has been valid for less than 12 months at the time of renewal is exempt from continuing education requirements applicable to the certificate.
- (2) Each private applicator whose certificate has been valid for 12 months to 24 months at the time of renewal shall have completed a minimum of four hours, including a minimum of two hours on pesticide laws and regulations.
- (3) Each private applicator whose certificate has been valid for more than 24 months and up to 36 months at the time of renewal shall have completed a minimum of six hours, including a minimum of two hours in pesticide laws and regulations.

(b) The continuing education shall have been obtained in a course or program approved pursuant to section 6512.

Note: Authority cited: Sections 11456, 11502 and 11502.5, Food and Agricultural Code. Reference: Section 14096, Food and Agricultural Code.

HISTORY

1. New section filed 5-23-2006; operative 6-22-2006 (Register 2006, No. 21).

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3 CCR § 6584, 3 CA ADC § 6584

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[Home](#) [Table of Contents](#)**§ 6600. General Standards of Care.**

3 CA ADC § 6600

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3 CCR § 6600

§ 6600. General Standards of Care.

Each person performing pest control shall:

- (a) Use only pest control equipment which is in good repair and safe to operate.
- (b) Perform all pest control in a careful and effective manner.
- (c) Use only methods and equipment suitable to insure proper application of pesticides.
- (d) Perform all pest control under climatic conditions suitable to insure proper application of pesticides.
- (e) Exercise reasonable precautions to avoid contamination of the environment.

Note: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code.

HISTORY

1. New Subchapter 3 (Group 2, Articles 1-3, Sections 6600-6656, not consecutive) filed 1-3-83; effective thirtieth day thereafter (Register 83, No. 2).
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).

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3 CCR § 6600, 3 CA ADC § 6600

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[Home](#) [Table of Contents](#)**§ 6601. General Application of Standards.**

3 CA ADC § 6601

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3 CCR § 6601

§ 6601. General Application of Standards.

(a) Whenever pesticide product labeling requires the use of personal protective equipment or specifies other restrictions or procedures be followed, the application of that labeling requirement to an owner or operator of the property to be treated, their families, and others, shall be consistent with any applicable standards for employees in Subchapter 3, commencing with Section 6700.

(b) It is not the intent of these regulations to require separate or duplicate equipment or facilities. Equipment and facilities provided for compliance with the requirements of other agencies may also be used for complying with these regulations provided the equipment and facilities meet the requirements of these regulations.

Note: Authority cited: Sections 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501, 12973 and 12980, Food and Agricultural Code.

HISTORY

1. New section filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

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3 CCR § 6601, 3 CA ADC § 6601

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[Home](#) [Table of Contents](#)**§ 6602. Availability of Labeling.**

3 CA ADC § 6602

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3 CCR § 6602

§ 6602. Availability of Labeling.

A copy of the registered labeling that allows the manner in which the pesticide is being used shall be available at each use site.

Note: Authority cited: Sections 11456 and 12976, Food and Agricultural Code. Reference: Section 11501 and 12973, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6602, 3 CA ADC § 6602

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3 CA ADC § 6604

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3 CCR § 6604

§ 6604. Accurate Measurement.

Concentrate pesticides shall be weighed or measured accurately using devices which are calibrated to the smallest unit in which the pesticide is being weighed or measured.

Note: Authority cited: Sections 11456 and 12976, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6604, 3 CA ADC § 6604

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3 CA ADC § 6606

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3 CCR § 6606

§ 6606. Uniform Mixture.

A uniform mixture shall be maintained in both application and service rigs.

Note: Authority cited: Sections 11456 and 12976, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6606, 3 CA ADC § 6606

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[Home](#) [Table of Contents](#)**§ 6608. Equipment Cleaning.**

3 CA ADC § 6608

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3 CCR § 6608

§ 6608. Equipment Cleaning.

Pest control equipment shall be thoroughly cleaned when necessary to prevent illness or damage to persons, plants or animals from residues of pesticides previously used in the equipment.

Note: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6608, 3 CA ADC § 6608

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3 CA ADC § 6609

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3 CCR § 6609

§ 6609. Wellhead Protection.

(a) Except as provided in subsection (b), the following activities shall be prohibited within 100 feet of a well (including domestic, municipal, agricultural, dry or drainage, monitoring, or abandoned wells):

- (1) mixing, loading, and storage of pesticides.
- (2) rinsing of spray equipment or pesticide containers.
- (3) maintenance of spray equipment that could result in spillage of pesticide residues on the soil.
- (4) application of preemergent herbicides.

(b) Wells shall not be subject to the requirements in (a) if they are:

- (1) sited so that runoff water from irrigation or rainfall does not move from the perimeter of the wellhead toward the wellhead and contact or collect around any part of the wellhead including the concrete pad or foundation; or
- (2) protected by a berm constructed of any material sufficient to prevent movement of surface runoff water from the perimeter of the wellhead to the wellhead.

(c) Application of preemergent herbicides shall be prohibited between the berm and the wellhead.

Note: Authority cited: Sections 11456, 12976 and 14102, Food and Agricultural Code. Reference: Sections 11501 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

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3 CCR § 6609, 3 CA ADC § 6609

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[Home](#) [Table of Contents](#)**§ 6610. Backflow Prevention.**

3 CA ADC § 6610

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3 CCR § 6610

§ 6610. Backflow Prevention.

Each service rig and piece of application equipment that handles pesticides and draws water from an outside source shall be equipped with an air-gap separation, reduced pressure principle backflow prevention device or double check valve assembly. Backflow protection must be acceptable to both the water purveyor and the local health department.

Note: Authority cited: Sections 11456 and 12976, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6610, 3 CA ADC § 6610

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3 CA ADC § 6612

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3 CCR § 6612

§ 6612. Age.

No person shall permit a minor under 18 years of age to mix or load a pesticide which, in any use situation, use of any of the following is required by labeling or regulation:

- (a) air supplied respiratory protection;
- (b) closed systems; or
- (c) full body chemical resistant protective clothing.

Note: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former Section 6722 to Section 6612 filed 9-26-88; operative 10-26-88 (Register 88, No. 41). For prior history, see Registers 86, No. 34 and 86, No. 31.
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).

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3 CCR § 6612, 3 CA ADC § 6612

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[Home](#) [Table of Contents](#)**§ 6614. Protection of Persons, Animals, and Property.**

3 CA ADC § 6614

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3 CCR § 6614

§ 6614. Protection of Persons, Animals, and Property.

(a) An applicator prior to and while applying a pesticide shall evaluate the equipment to be used, meteorological conditions, the property to be treated and surrounding properties to determine the likelihood of harm or damage.

(b) Notwithstanding that substantial drift will be prevented, no pesticide application shall be made or continued when:

- (1) There is a reasonable possibility of contamination of the bodies or clothing of persons not involved in the application process;
- (2) There is a reasonable possibility of damage to nontarget crops, animals or other public or private property; or
- (3) There is a reasonable possibility of contamination of nontarget public or private property, including the creation of a health hazard, preventing normal use of such property. In determining a health hazard, the amount and toxicity of the pesticide, the type and uses of the property and related factors shall be considered.

Note: Authority cited: Sections 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501 and 11791, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect adding new subsection designators (a)-(b), renumbering, and amendment of new subsection (b) (1) and Note filed 6-22-95 pursuant to section 100, title 1, California Code of Regulations (Register 95, No. 25).

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3 CCR § 6614, 3 CA ADC § 6614

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[Home](#) [Table of Contents](#)**§ 6616. Consent to Apply.**

3 CA ADC § 6616

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3 CCR § 6616

§ 6616. Consent to Apply.

No person shall directly discharge a pesticide onto a property without the consent of the owner or operator of the property.

Note: Authority cited: Sections 11456 and 12976, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6616, 3 CA ADC § 6616

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3 CA ADC § 6618

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3 CCR § 6618

§ 6618. Notice of Applications.

(a) This subsection applies to the use of any pesticide for the commercial or research production of an agricultural plant commodity. Notifications required by this subsection must be given orally or in writing and completed prior to the use of any pesticide and in ample time for all subsequent notifications to be made and for all persons notified to take appropriate action. This time will differ depending on the circumstances of each notification.

(1) Each person performing pest control shall assure that the operator of the property to be treated receives notice of the scheduled application. The notice must be in a manner the person can understand and include:

(A) The date(s), start time(s), and estimated end time(s) of the scheduled application;

(B) The location and description of the field to be treated;

(C) The pesticide product name(s), U.S. EPA registration number(s), and active ingredient(s);

(D) Spray adjuvant product name(s) and California registration number(s), if applicable;

(E) The applicable restricted entry interval;

(F) If the pesticide product labeling requires the posting of treated fields, oral notification, or both; and

(G) Any other precautions printed on the pesticide product labeling, or included in applicable laws and regulations, related to the protection of employees or other persons during or after application.

(2) If there is a change in the notice of the scheduled application specified in (a)(1), each person performing pest control shall assure that the operator of the property receives notice of this change prior to the application.

(3) The operator of the property shall assure that notice of the scheduled application is given to employees covered under section 6700 (which includes fieldworkers) and their employers working on the operator's property except as provided in (a)(5). The operator of the property is not required to provide notice to persons who will apply the pesticide(s) or supervise the application for which the notice is intended.

(4) Any employer notified of a scheduled application by the operator of the property shall assure that notice of the scheduled application is given to his or her employees working on the operator's property except as provided in (a)(5).

(5) The notice specified in subsections (a)(3) and (4) is not required to be given to an employee covered under section 6700 (which includes fieldworkers) or their employer if the operator of the property can assure that:

(A) The field to be treated is posted pursuant to section 6776(b-f), unless the pesticide product labeling requires both oral notification and the posting of treated fields; or

(B) From the start of the application and until the notice of completion pursuant to section 6619(c) is received, the employee or employer will not enter or walk within 1/4 mile of the field to be treated.

(6) The operator of the property shall assure that notice is given to persons, other than those specified in subsection (a)(3), whom the operator of the property has prior knowledge that he or she will likely enter the field to be treated on the date of the

application or while the restricted entry interval is in effect. This notice is not required when a field to be treated is posted as specified in section 6776(b-f).

(7) The notices specified in subsection (a)(3), (4), and (6) must be in a manner the person can understand and include:

(A) The date of the scheduled application;

(B) The location and description of the field to be treated; and

(C) Instructions not to enter the field to be treated and its application exclusion zone pursuant to section 6762 until authorized by the operator of the property.

(8) If there is a change in the date of the scheduled application specified in (a)(7)(A), then a new notice must be provided to persons specified in (a)(3), (4), and (6) prior to the application.

(b) This subsection applies to the use of any pesticide for purposes other than the commercial or research production of an agricultural plant commodity. Notifications required by this subsection must be given orally or in writing and be completed prior to the use of any pesticide and in ample time for all subsequent notifications to be made and for all persons notified to take appropriate action. This time will differ depending on the circumstances of each notification.

(1) Each person performing pest control shall assure that the operator of the property receives notice of the scheduled application. The notice must be in a manner the person can understand and include:

(A) The date of the scheduled application;

(B) The identity of the pesticide (including spray adjuvants, if applicable) by brand or common chemical name; and

(C) Any other precautions printed on the pesticide product labeling or included in applicable laws or regulations related to the protection of employees or other persons during the application.

(2) The operator of property shall assure that notice is given to all persons who are on the property to be treated, or who may enter during the application or the period of time that any restrictions on entry are in effect, except for the persons who made or supervised the application for which the notice is intended. The notice must be in a manner the person can understand and include:

(A) The date of the scheduled application;

(B) The identity of the pesticide (including spray adjuvants, if applicable) by brand or common chemical name; and

(C) Precautions to be observed as printed on the pesticide product labeling or included in applicable laws or regulations related to the entry of the treated area.

(3) Compliance by licensed Structural Pest Control Operators with the notice requirements of section 8538 of the Business and Professions Code meets the requirements of this subsection.

(4) Compliance by public agencies with the notice or barrier requirements of section 12978 of the Food and Agricultural Code meets the notice requirements of this subsection.

Note: Authority cited: Sections 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501, 12980 and 12981, Food and Agricultural Code; and Section 8538, Business and Professions Code.

HISTORY

1. Amendment filed 12-6-91; operative 1-1-92 (Register 92, No. 13).

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 filed 8-13-2009; operative 9-12-2009 (Register 2009, No. 33).

4. Amendment of subsections (a)(1)(A), (a)(1)(F), (a)(2) and (a)(6)(C) filed 10-17-2016; operative 1-2-2017 pursuant to Government Code section 11343.4(b)(2) (Register 2016, No. 43).

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3 CCR § 6618, 3 CA ADC § 6618

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3 CA ADC § 6619

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3 CCR § 6619

§ 6619. Notice of Completed Applications.

(a) Any person applying pesticides for the commercial or research production of an agricultural plant commodity shall assure that the operator of the property treated receives notice, orally or in writing, and within 24 hours of completion of the pesticide application. This notice must include the following information:

- (1) The location of the property, including the site identification number, and acreage treated;
- (2) The pesticide product name(s), U.S. EPA registration number(s), and active ingredient(s);
- (3) Spray adjuvant product name(s) and California registration number(s), if applicable;
- (4) The date(s) and time(s) the application started and ended; and
- (5) The applicable reentry and pre-harvest intervals, unless a copy of a written recommendation for the subject application made by a licensed agricultural pest control adviser, properly completed, was given to the operator of the property treated.

(b) The operator of the treated property shall maintain a written record of the application(s) on their property. These records must include the notice information specified in (a)(1-5).

(c) The operator of the property shall assure that notice of completed application is given to employees covered under section 6700 (which includes fieldworkers) and their employers except as provided in (e). The operator of the property is not required to provide notice to persons who will apply the pesticide(s) or supervise the application for which the notice is intended.

(d) Any employer who receives the notice of completed application from the operator of the property shall assure that notice of completed application is given to his or her employees except as provided in (e).

(e) The notices specified in subsections (c) and (d) are not required to be given to an employee covered under section 6700 (which includes fieldworkers) or their employer if the operator of the property can assure that:

- (1) The field is posted pursuant to section 6776(b-f), unless the pesticide product labeling requires both oral notification and posting of treated fields; or
- (2) During the restricted entry interval, that employee or employer will not enter or walk within 1/4 mile of the treated field.

(f) The notices specified in subsections (c) and (d) must be given orally or in writing and in a manner the person can understand and include:

- (1) The location and description of the treated field;
- (2) The time during which entry is restricted; and
- (3) Instructions not to enter the treated field until the restricted entry interval has expired, except as provided in section 6770.

(g) The operator of the property shall assure that notice is given orally or in writing to persons, other than those specified in subsection (c), whom the operator of the property has prior knowledge that he or she will likely enter the treated field during the restricted entry interval. This notice is not required when a field is posted as specified in section 6776(b-f). The notice must be in a manner the person can understand and include:

- (1) The location and description of the treated field;
 - (2) The time during which entry is restricted; and
 - (3) Instructions not to enter the treated field until the restricted entry interval has expired.
- (h) A pest control business shall maintain a written record that documents the following:
- (1) The name of the operator of the property treated;
 - (2) The location of the property, including the site identification number;
 - (3) The date and time the notice of completed application was given; and
 - (4) The method of notification, including the name of the person notified, if a person was notified.
- (i) The records required pursuant to this section must be retained for two years and made promptly available to the director or commissioner upon request.

Note: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501 and 12981, Food and Agricultural Code.

HISTORY

1. New section filed 12-22-89; operative 1-1-90 (Register 90, No. 1).
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. Amendment of section heading and section filed 8-13-2009; operative 9-12-2009 (Register 2009, No. 33).
4. Amendment of subsections (a)(4) and (b) filed 10-17-2016; operative 1-2-2017 pursuant to Government Code section 11343.4(b)(2) (Register 2016, No. 43).
5. Amendment of subsection (b) filed 12-20-2017; operative 3-1-2018 pursuant to Government Code section 11343.4(b)(3) (Register 2017, No. 51).

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3 CCR § 6619, 3 CA ADC § 6619

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3 CA ADC § 6620

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3 CCR § 6620

§ 6620. Vector Control Exemption.

(a) Sections 6616 (Consent to Apply) and 6618 (Notice) shall not apply to a public agency or its contractor operating under a cooperative agreement with the Department of Public Health pursuant to section 116180 of the Health and Safety Code.

(b) Section 6614(b)(1) (Protection of Persons, Animals and Property) shall not apply to persons or agencies specified in this section when the pesticide used is registered for use in residential areas for purposes of vector control and is used in accordance with that registered labeling.

(c) These exemptions are not intended to affect liability for damage as a result of an application made pursuant to this section.

Note: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501 ad 12981, Food and Agricultural Code.

HISTORY

1. Amendment of subsection (b) filed 5-24-85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 22).
2. Change without regulatory effect amendingNote 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 (b) filed 3-19-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 12).
4. Editorial correction restoring inadvertently omitted text in subsection (a) (Register 2009, No. 35).
5. Change without regulatory effect amending subsection (a) filed 8-26-2009 pursuant to section 100, title 1, California Code of Regulations (Register 2009, No. 35).

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3 CCR § 6620, 3 CA ADC § 6620

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3 CA ADC § 6621

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3 CCR § 6621

§ 6621. Public Health Exemption.

When a local health officer declares a local health emergency or the Director of the Department of Public Health declares a health emergency pursuant to Health and Safety Code section 101080, sections 6616 (Consent to Apply) and 6618 (Notice) shall not apply to a public agency or its contractor responding to the local health emergency or health emergency during the duration of the declared emergency.

Note: Authority cited: Sections 11456 and 12976, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code.

HISTORY

1. New section filed 4-6-2020; operative 4-6-2020 pursuant to Government Code section 11343.4(b)(3) (Register 2020, No. 15).

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3 CCR § 6621, 3 CA ADC § 6621

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3 CA ADC § 6622

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3 CCR § 6622

§ 6622. Operator Identification Numbers.

(a) A person performing pest control for hire is exempt from the requirements of this section.

(b) This subsection applies to the production of an agricultural commodity. Prior to the purchase and use of pesticide(s) for the production of an agricultural commodity, the operator of the property (or the operator's authorized representative) shall obtain an operator identification number from the commissioner of each county where pest control work will be performed. The operator shall provide each pest control business applying pesticides to such property with his or her operator identification number.

(c) This subsection applies to the pesticides listed below, when they are not used for the production of an agricultural commodity (e.g., uses on cemeteries, golf courses, parks, right-of-way, post-harvest agricultural commodities, and certain nonagricultural sites). Prior to the purchase and use of pesticides listed below, each operator of the property (or the operator's authorized representative), shall obtain an operator identification number from the commissioner of each county in which the operator intends to perform pest control. The operator of the property is not required to obtain an operator identification number when a person performing pest control for hire purchases and applies these pesticides.

(1) Any pesticide for agricultural use, as defined in Food and Agricultural Code section 11408, excluding those for use only on livestock, as defined in Food and Agricultural Code section 18663;

(2) Any pesticide listed in section 6400;

(3) Any pesticide for industrial use as a post-harvest commodity treatment; and

(4) Any pesticide listed in section 6800(b) for any outdoor institutional or outdoor industrial use.

(d) This subsection applies to both subsection (b) and (c).

(1) Each operator of the property to be treated who is required to obtain a number shall provide the commissioner with a list of the counties in which pest control will be performed and all valid operator identification number(s) issued by other commissioners. The number(s) provided by the operator of the property shall be recorded by the commissioner on the operator's restricted materials permit or on a form approved by the director.

(2) The operator of the property to be treated shall be issued an operator identification number from the commissioner of each county in which the operator intends to perform pest control. The number shall be recorded on a restricted materials permit, if the operator of the property has such a permit, or issued on a form approved by the director, and shall be valid for a specified period not to exceed 36 months.

(3) The requirements of this section do not exempt an operator of the property to be treated from obtaining a restricted materials permit(s) or a qualified applicator certificate.

Note: Authority cited: Sections 12976, 13145 and 14005, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14011.5, Food and Agricultural Code.

HISTORY

1. New section filed 12-22-89; operative 1-1-90 (Register 90, No. 1).

2. Change without regulatory effect amending subsection (c)(2) and Note filed 8-27-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 35).

3. Editorial correction of subsection (c) (Register 2002, No. 22).

4. Amendment of subsection (d)(2) and amendment of Note filed 12-3-2002; operative 1-2-2003 (Register 2002, No. 49).

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3 CCR § 6622, 3 CA ADC § 6622

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3 CA ADC § 6623

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3 CCR § 6623

§ 6623. Site Identification Numbers.

(a) Prior to the use of pesticide(s) for the production of an agricultural commodity, the operator of the property shall obtain site identification number(s) from the commissioner for each site where pest control work will be performed. The site identification number(s) shall be valid for the same, concurrent, period of time as the operator identification number.

(b) The site identification number(s) shall be recorded by the commissioner on a restricted materials permit, if the operator of the property has such a permit, or on a form approved by the director. The information on the permit or form shall include:

- (1) The name and address of the operator of the property;
- (2) The operator identification number;
- (3) The location, description, or map of the site(s) where the pest control will be performed;
- (4) A site identification number for each site where the pest control will be performed; and
- (5) The date of issuance of the site identification number(s).

(c) The operator of the property shall retain a copy of each restricted material permit or form for two years and make them promptly available to the director or commissioner upon request.

Note: Authority cited: Sections 11456, 12976, 13145 and 14005, Food and Agricultural Code. Reference: Sections 12981, 14006 and 14011.5, Food and Agricultural Code.

HISTORY

1. New section filed 12-22-89; operative 1-1-90 (Register 90, No. 1).
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).

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3 CCR § 6623, 3 CA ADC § 6623

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3 CA ADC § 6624

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3 CCR § 6624

§ 6624. Pesticide Use Records.

(a) The following persons shall maintain records of pesticide use:

- (1) Any person who uses a pesticide for an agricultural use as defined in Food and Agricultural Code section 11408, other than use on livestock as defined in Food and Agricultural Code section 18663;
- (2) Any person who uses a pesticide listed in section 6400;
- (3) Any person engaged for hire in the business of pest control;
- (4) Any person who uses a pesticide for industrial post-harvest commodity treatment; and
- (5) Any person who uses a pesticide listed in section 6800(b) for any outdoor institution or outdoor industrial use.

(b) The records shall include the following information for each pest control operation:

- (1) Date of application;
- (2) Name of the operator of the property treated;
- (3) Location of property treated;
- (4) Crop commodity, or site treated;
- (5) Total acreage or units treated at the site; and
- (6) Pesticide, including the U.S. Environmental Protection Agency (U.S. EPA) or State registration number which is on the pesticide label, and amount used.

(c) In addition to the information required in subsection (b), the operator of the property which is producing an agricultural commodity, and an agricultural pest control business applying pesticides to such property, shall include in the records the following information for each pest control operation:

- (1) Location of the property treated, by county, section, township, range, base and meridian;
- (2) Hour the treatment was completed;
- (3) The operator identification number issued to the operator of the property treated;
- (4) The site identification number issued to the operator of the property treated;
- (5) Total acreage (planted) or units at the site; and
- (6) Name or identity of the person(s) who made and supervised the application, if the pesticide application was made by an agricultural pest control business.

(d) The operator of the property which is producing an agricultural commodity shall maintain records of pesticides applied by an agricultural pest control business to such property, by site.

(e) In addition to the information required in (b), effective January 1, 2002, persons engaged for hire in the business of pest control at a school site [defined in Education Code section 17609(e)] shall include in the records the following information for each pest control operation:

- (1) Time application was completed;
- (2) Name and address of the school site; and
- (3) Application location at the school site. For purposes of this subsection, location includes, but is not limited to, classrooms, playgrounds, cafeteria, vehicles, and athletic fields.

(f) In addition to the information required in subsections (b) and (c), persons who use methyl bromide, 1,3-Dichloropropene, chloropicrin, metam-sodium, N-methyl dithiocarbamate (metam-potassium), dazomet, or sodium tetrathiocarbonate field fumigants within the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, or Ventura ozone nonattainment areas shall include in the records a description of the method of application pursuant to sections 6446.1, 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, 6451.1, or 6452.

(g) The records required pursuant to this section shall be retained for two years and made promptly available to the director or commissioner upon request.

Note: Authority cited: Sections 12976, 13145, 13188 and 14005, Food and Agricultural Code. Reference: Sections 11501, 11708, 11733, 13186, 14006 and 14011.5, Food and Agricultural Code.

HISTORY

1. New section filed 12-22-89; operative 1-1-90 (Register 90, No. 1).
2. Change without regulatory effect amending subsection (a)(2) and Note filed 8-27-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 35).
3. Amendment of subsections (b)(6), (c) and (c)(4), new subsections (e)-(e)(3), subsection relettering and amendment of Note filed 10-11-2001; operative 11-10-2001 (Register 2001, No. 41).
4. New subsection (f) and subsection relettering filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).
5. Amendment of subsection (f) 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.
6. Certificate of Compliance as to 12-20-2010 order transmitted to OAL 4-26-2011 and filed 5-11-2011 (Register 2011, No. 19).
7. Change without regulatory effect amending subsection (f) filed 8-6-2014 pursuant to section 100, title 1, California Code of Regulations (Register 2014, No. 32).

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3 CCR § 6624, 3 CA ADC § 6624

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3 CA ADC § 6625

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3 CCR § 6625

§ 6625. Pesticide Use Report for School Sites and Child Day Care Facilities.

(a) In addition to the reporting requirements of section 6627, persons engaged for hire in the business of pest control at a school site and required to maintain pesticide use records pursuant to section 6624 shall report the use of pesticides to the Director. The report shall be submitted, at least annually, by the 30th day following the end of the calendar year.

(b) The report shall be on a Department form, School Site and Child Day Care Facility Pesticide Use Reporting by a Business (DPR-ENF-117 Rev. 12/16), hereby incorporated by reference, or in a format approved by the Director. The report shall include the following:

- (1) The name and address of the person who, or business/organization which, applied the pesticide(s);
- (2) County where the pest control was performed;
- (3) Date and time of pesticide use;
- (4) Name and address of school site/child day care facility or school site/child day care facility identification number;
- (5) Location of application;
- (6) Pesticide, including the U.S. Environmental Protection Agency or State registration number which is on the pesticide label, and the amount used.

Note: Authority cited: Sections 11456, 11502, 12976, 13145, 13188 and 14005, Food and Agricultural Code. Reference: Sections 11501, 11708, 11733, 13186, 14006 and 14011.5, Food and Agricultural Code.

HISTORY

1. New section filed 10-11-2001; operative 11-10-2001 (Register 2001, No. 41).
2. Change without regulatory effect amending subsections (a) and (b) filed 1-5-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 1).
3. Change without regulatory effect amending section heading and subsections (b) and (b)(4) filed 11-10-2011 pursuant to section 100, title 1, California Code of Regulations (Register 2011, No. 45).
4. Change without regulatory effect amending subsection (b) filed 1-5-2017 pursuant to section 100, title 1, California Code of Regulations (Register 2017, No. 1).

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3 CCR § 6625, 3 CA ADC § 6625

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[Home](#) [Table of Contents](#)**§ 6626. Pesticide Use Reports for Production Agriculture.**

3 CA ADC § 6626

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3 CCR § 6626

§ 6626. Pesticide Use Reports for Production Agriculture.

(a) The operator of the property which is producing an agricultural commodity shall report the use of pesticides applied to the crop, commodity, or site to the commissioner of the county in which the pest control was performed. This report must be submitted by the 10th day of the month following the month in which the work was performed. This report is not required if the pesticide use is reported to the commissioner by a pest control business as specified in subsection (b), however, the operator of the property treated shall retain a copy of the business' report by site for two years.

(b) An agricultural pest control business shall report the use of pesticides applied by it for the production of an agricultural commodity to the commissioner of the county in which the pest control was performed. This report must be submitted within seven days of completion of the pesticide application. A copy of the report shall be sent by the business to the operator of the property where the pest control was done within 30 days of completion of the pesticide application.

(c) Each report of pesticide use pursuant to this section shall be on a Department form or in a format approved by the director. Acceptable Department forms include form 38-017, for an operator of the property to report pursuant to subsection (a), and 39-025 for an agricultural pest control business to report pursuant to subsection (b). The information to be reported shall include the information specified in section 6624 and the name and address of the agricultural pest control business which made the application, if such a business made the application.

(d) A use report required by (a) or (b) for the application of a field soil fumigant in the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, and Ventura ozone nonattainment areas shall include the information specified in 6624(f) in addition to that required by this section.

(e) If the report is mailed, the postmark shall be the date of delivery.

(f) If the county in which work was performed has no commissioner, the report shall be made to the director.

Note: Authority cited: Sections 11456, 11502, 12976, 13145 and 14005, Food and Agricultural Code. Reference: Sections 11501, 11708, 11733, 14006 and 14011.5, Food and Agricultural Code.

HISTORY

1. New section filed 12-22-89; operative 1-1-90 (Register 90, No. 1).
2. Editorial correction of printing error in subsection (a) (Register 91, No. 33).
3. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
4. Amendment of subsection (c), new subsections (d) and (e) and subsection relettering filed 1-25-2008; operative 1-25-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 4).
5. Change without regulatory effect amending subsections (a) and (b) filed 8-26-2009 pursuant to section 100, title 1, California Code of Regulations (Register 2009, No. 35).
6. Amendment of subsection (c), repealer of subsection (d), subsection relettering and amendment of newly designated subsection (d) and Note filed 4-7-2011; operative 4-7-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 14).

7. Change without regulatory effect amending section filed 11-10-2011 pursuant to section 100, title 1, California Code of Regulations (Register 2011, No. 45).

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3 CCR § 6626, 3 CA ADC § 6626

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3 CA ADC § 6627

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3 CCR § 6627

§ 6627. Monthly Summary Pesticide Use Reports.

(a) Except as provided in section 6626, persons required to maintain pesticide use records pursuant to section 6624 shall report a summary of the monthly use of pesticides to the commissioner of the county in which the work was performed. The report shall be provided to the commissioner by the 10th day of the month following the month in which the work was performed. If the report is mailed, the postmark shall be the date of delivery.

(b) The report shall be in a format approved by the director. The report shall include the following:

- (1) The name and address of the person who or business/organization which applied the pesticide(s);
- (2) County where the pest control was performed;
- (3) Month and year of pesticide use;
- (4) Crop, commodity or site treated, except when using a designated use code, as specified on the Monthly Summary Pesticide Use Report form;
- (5) Pesticide, including Environmental Protection Agency or State registration number which is on the pesticide label, and the amount used;
- (6) Number of applications made with each pesticide and the total number of applications made during the month; and
- (7) Total acres or units treated with each pesticide, except when using a designated use code, as specified on Summary Pesticide Use Report form.

(c) If the county in which the work was performed has no commissioner, the report shall be made to the director.

Note: Authority cited: Sections 11456, 11502, 12976, 13145 and 14005, Food and Agricultural Code. Reference: Sections 11501, 11708, 11733, 12981, 14006 and 14011.5, Food and Agricultural Code.

HISTORY

1. New section filed 12-22-89; operative 1-1-90 (Register 90, No. 1).
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 subsections (a) and (b) filed 8-26-2009 pursuant to section 100, title 1, California Code of Regulations (Register 2009, No. 35).

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3 CCR § 6627, 3 CA ADC § 6627

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3 CA ADC § 6627.1

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3 CCR § 6627.1

§ 6627.1. Monthly Summary Pesticide Use Report Form. [Repealed]**HISTORY**

1. New section filed 12-22-89; operative 1-1-90 (Register 90, No. 1).
2. Repealer filed 8-1-96; operative 8-31-96 (Register 96, No. 31).

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3 CCR § 6627.1, 3 CA ADC § 6627.1

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3 CA ADC § 6628

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3 CCR § 6628

§ 6628. Negative Pesticide Use Reports.

(a) During any month, when a licensed agricultural pest control business performs no pest control work in a county where the business is registered with the commissioner pursuant to Food and Agricultural Code section 11732, he/she shall submit a report stating this fact to the commissioner, or to the Director in any county where there is no commissioner, by the 10th day of the following month.

(b) During any month, when a licensed structural pest control operator performs no pest control work in a county in which he/she is registered with the commissioner pursuant to section 15204 or 15204.5 of the Food and Agricultural Code, he/she shall submit a report stating this fact to the commissioner, or to the Director in any county where there is no commissioner, by the 10th day of the following month.

(c) If the report is mailed, the postmark shall be the date of delivery.

Note: Authority cited: Sections 11456, 11502, 12976, 13145 and 14005, Food and Agricultural Code. Reference: Sections 11501, 11708, 11733, 14006 and 14011.5, Food and Agricultural Code.

HISTORY

1. New section filed 12-22-89; operative 1-1-90 (Register 90. No. 1).
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 section and Note filed 11-10-2011 pursuant to section 100, title 1, California Code of Regulations (Register 2011, No. 45).
4. Change without regulatory effect amending subsections (a) and (b) filed 3-1-2018 pursuant to section 100, title 1, California Code of Regulations (Register 2018, No. 9).

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3 CCR § 6628, 3 CA ADC § 6628

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3 CA ADC § 6630

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3 CCR § 6630

§ 6630. Equipment Identification.

Each person engaged for hire in the business of pest control shall keep each ground rig, service rig, and similar equipment used for mixing or applying pesticides conspicuously and legibly marked with either the business' name, or with "Licensed Pest Control Operator," "Fumigation Division," "Licensed Fumigator" or substantially similar wording and the pest control operator license number of the person or firm. The markings shall be large enough to be readable at a distance of 25 feet.

Note: Authority cited: Sections 11456, 11502 and 12976, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6630, 3 CA ADC § 6630

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3 CA ADC § 6632

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3 CCR § 6632

§ 6632. Recommendation and Use Permit.

Each person engaged for hire in the business of pest control shall have available a copy of both of the following covering each agricultural use application of a pesticide that requires a permit.

(a) A copy of the written recommendation adopted by the operator of the property or a work order that contains the elements of a recommendation required by Food and Agricultural Code section 12003 and Title 3, California Code of Regulations, section 6556, and

(b) A copy of the use permit authorizing treatment of that site with that pesticide(s).

Note: Authority cited: Sections 11456, 11502 and 12976, Food and Agricultural Code. Reference: Sections 11501, 12003 and 14007, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

2. Change without regulatory effect amending section filed 11-10-2011 pursuant to section 100, title 1, California Code of Regulations (Register 2011, No. 45).

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3 CCR § 6632, 3 CA ADC § 6632

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3 CA ADC § 6634

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3 CCR § 6634

§ 6634. Accident Reports.

Each person engaged for hire in the business of pest control shall report to the commissioner as soon as practicable, by the most expedient method, any forced landing, or emergency or accidental release of pesticides. Such report shall include the location, the pesticide and estimated amount.

Note: Authority cited: Sections 11456, 11502 and 12976, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6634, 3 CA ADC § 6634

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3 CA ADC § 6636

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3 CCR § 6636

§ 6636. Pest Control Records and Reports. [Repealed]

Note: Authority cited: Sections 407, 11502 and 12976, Food and Agricultural Code. Reference: Sections 11501, 11708 and 11733, Food and Agricultural Code.

HISTORY

1. Amendment filed 5-24-85; effective upon filing pursuant to Government Code section 11346.2(d) (Register 85, No. 22).
2. Repealer filed 12-22-89; operative 1-1-90 (Register 90, No. 1).
3. Editorial correction deleting text previously repealed (Register 91, No. 33).

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3 CCR § 6636, 3 CA ADC § 6636

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3 CA ADC § 6650

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3 CCR § 6650

§ 6650. Pesticides Toxic to Bees.

(a) Pesticides toxic to bees are those that include the words “toxic to bees” on the 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 degrees Fahrenheit. The sunset and sunrise times will be those indicated in the local newspaper.

(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.

HISTORY

1. Amendment of subsection (a) and NOTE filed 12-7-89; operative 1-6-90 (Register 89, No. 49).
2. Repealer and new section filed 12-26-2001; operative 1-25-2002 (Register 2001, No. 52).

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3 CCR § 6650, 3 CA ADC § 6650

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3 CA ADC § 6651

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3 CCR § 6651

§ 6651. 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.

HISTORY

1. Amendment of NOTE filed 12-7-89; operative 1-6-90 (Register 89, No. 49).

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3 CCR § 6651, 3 CA ADC § 6651

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3 CA ADC § 6652

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3 CCR § 6652

§ 6652. Availability for Notification.

(a) Each beekeeper who desires advance notice of applications of pesticides 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). 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: Sections 11456 and 29102, Food and Agricultural Code. Reference: Section 29102, Food and Agricultural Code.

HISTORY

1. Amendment filed 5-24-85; effective upon filing pursuant to Government Code section 11346.2(d) (Register 85, No. 22).
2. Amendment filed 12-7-89; operative 1-6-90 (Register 89, No. 49).
3. Editorial correction of printing error in subsection (a) (Register 91, No. 33).
4. Amendment of subsection (a) filed 9-27-91; operative 1-1-92 pursuant to Government Code section 11346.2(c) (Register 91, No. 52).
5. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6652, 3 CA ADC § 6652

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3 CA ADC § 6654

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3 CCR § 6654

§ 6654. Notification to Beekeepers.

(a) Each person intending to apply any pesticide 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 with apiaries within one mile of the application site has requested notice of such application.

(b) If the person performing pest control is advised of a request for notification, he or she shall notify the beekeeper, at least 48 hours in advance of the application, of the time and place the application is to be made, the crop and acreage to be treated, the method of application, the identity and dosage rate of the pesticide to be applied and how the person performing pest control may be contacted by the beekeeper. This time may be increased or decreased by the commissioner, or by a agreement of both the beekeeper and the person performing the pest control work.

(c) 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.

HISTORY

1. Amendment filed 4-18-85 as an emergency; effective upon filing (Register 85, No. 16).
2. Order of Repeal of 4-18-85 emergency filed 4-18-85 by OAL pursuant to Government Code Section 11349.6 (Register 85, No. 16).
3. Amendment of subsection (c) filed 4-29-85 as an emergency; effective upon filing (Register 85, No. 18). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8-27-85.
4. Certificate of Compliance including amendment transmitted to OAL 8-27-85 and filed 9-27-85 (Register 85, No. 39).
5. Amendment of subsection (c) and new subsection (d) filed 3-29-89 as an emergency; operative 3-29-89 (Register 89, No. 13). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 7-27-89.
6. Amendment filed 12-7-89; operative 1-6-90 (Register 89, No. 49).
7. Amendment of subsection (a) filed 12-26-2001; operative 1-25-2002 (Register 2001, No. 52).

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3 CCR § 6654, 3 CA ADC § 6654

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3 CA ADC § 6655

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3 CCR § 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:

Beehives	Annual Fee
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.

HISTORY

1. New section filed 7-20-89; operative 8-19-89 (Register 89, No. 31).

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).

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3 CCR § 6655, 3 CA ADC § 6655

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3 CA ADC § 6656

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3 CCR § 6656

§ 6656. Citrus/Bee Protection Area.

(a) The area within one mile of any citrus planting of one acre or more in Fresno, Kern or Tulare county 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 may be made 48 hours or more after the official end of citrus bloom without advance notification to beekeepers until March 15 of the following year pursuant to section 6654(c). 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.

(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, including notice of departure from the citrus/bee protection area.

(e) Within a citrus/bee protection area, each beekeeper who desires notification of applications 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 from persons intending to apply pesticide(s).

(f) Any person intending to apply a pesticide toxic to bees 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 section 6656(g) applied when bees are inactive.

(g) Notwithstanding section 6654(b), the following pesticide applications may be made within a citrus/bee protection area during the citrus bloom period when bees are inactive without notification to beekeepers:

(1) Methomyl (Lannate);

(2) formetanate (Carzol);

(3) Chlorpyrifos (Lorsban);

(4) Any pesticide applied so that the RT period shown on the labeling will expire before the next period of bee activity.

(h) Except for applications of pesticides listed 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 recontact beekeepers 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 toxic to bees, except those exempted in subsection (g) during a citrus bloom period, unless 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 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 why alternatives less hazardous to bees would not be effective.

For azinphosmethyl (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.

HISTORY

1. Amendment filed 4-18-85 as an emergency; effective upon filing (Register 85, No. 16).
2. Order of Repeal of 4-18-85 emergency filed 4-18-85 by OAL pursuant to Government Code section 11349.6 (Register 85, No. 16).
3. Amendment of subsection (b) filed 4-29-85 as an emergency; effective upon filing (Register 85, No. 18). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8-27-85.
4. Certificate of Compliance including amendment transmitted to OAL 8-27-85 and filed 9-27-85 (Register 85, No. 39).
5. Amendment filed 3-29-89 as an emergency; operative 3-29-89 (Register 89, No. 13). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 7-27-89.
6. Amendment of subsection (b) filed 4-27-89 as an emergency; operative 4-27-89 (Register 89, No. 18). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8-25-89.
7. Amendment filed 12-7-89; operative 1-6-90 (Register 89, No. 49).
8. Editorial correction of printing errors in subsections (b) and (c) (Register 91, No. 33).
9. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
10. Amendment of subsections (c), (f)-(h) and (i)(2) filed 12-26-2001; operative 1-25-2002 (Register 2001, No. 52).

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3 CCR § 6656, 3 CA ADC § 6656

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3 CA ADC § 6670

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3 CCR § 6670

§ 6670. General Requirement.

Pesticides, emptied containers or parts thereof, or equipment that holds or has held a pesticide, shall not be stored, handled, emptied, disposed of, or left unattended in such a manner or at any place where they may present a hazard to persons, animals (including bees), food, feed, crops or property. The commissioner may take possession of such unattended pesticides or emptied containers to abate such hazard.

Note: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501, 12981 and 14102, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 3135 to Section 6670(a), and renumbering of former Section 3136(a) to Section 6670(b) filed 7-18-85; effective thirtieth day thereafter (Register 85, No. 29).
2. Amendment of section heading and repealer of subsection (a) and subsection (b) designator filed 8-1-96; operative 8-31-96 (Register 96, No. 31).
3. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
4. Change without regulatory effect amending section heading filed 8-26-2009 pursuant to section 100, title 1, California Code of Regulations (Register 2009, No. 35).

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3 CCR § 6670, 3 CA ADC § 6670

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3 CA ADC § 6672

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3 CCR § 6672

§ 6672. Security of Pesticides and Pesticide Containers.

(a) No person shall deliver a container which holds or has held a pesticide to a property unless he stores it in an enclosure or closure complying with the requirements of this section or delivers it to a person in charge of the property or his agent, or a pest control operator or his employee. The person receiving the container shall control access to it in accordance with this section.

(b) Each person who controls the use of any property or premises is responsible for all containers or equipment on the property which hold or have held a pesticide. Unless all such containers are under his personal control so as to avoid contact by unauthorized persons, he shall:

(1) Provide a person responsible to him to maintain such control over the containers at all times, or

(2) Store all such containers in a locked enclosure, or in the case of liquid pesticides in a container larger than 55 gallons capacity, the container shall have a locked closure. Either shall be adequate to prevent unauthorized persons from gaining access to any of the material.

Note: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501, 12981 and 14102, Food and Agricultural Code.

HISTORY

1. Editorial renumbering and amendment of former Section 3137 to Section 6672(a), and renumbering of former Section 3136(b) to Section 6672(b) filed 7-18-85; effective thirtieth day thereafter (Register 85, No. 29).

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 section heading filed 8-26-2009 pursuant to section 100, title 1, California Code of Regulations (Register 2009, No. 35).

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3 CCR § 6672, 3 CA ADC § 6672

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3 CA ADC § 6674

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3 CCR § 6674

§ 6674. Posting of Pesticide Storage Areas.

Signs visible from any direction of probable approach shall be posted around all storage areas where containers which hold or have held pesticides required to be labeled with the signal words "warning" or "danger" are stored. Each sign shall be of such size that it is readable at a distance of 25 feet and be substantially as follows:

DANGER

POISON STORAGE AREA

ALL UNAUTHORIZED PERSONS KEEP OUT

KEEP DOOR LOCKED WHEN NOT IN USE

The notice shall be repeated in an appropriate language other than English when it may reasonably be anticipated that persons who do not understand the English language will come to the enclosure.

Note: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501, 12981 and 14102, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 3138 to Section 6674 filed 7-18-85; effective thirtieth day thereafter (Register 85, No. 29). For prior history of Section 3138, see Register 78, No. 49.

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).

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3 CCR § 6674, 3 CA ADC § 6674

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3 CA ADC § 6676

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3 CCR § 6676

§ 6676. Container Requirements.

Except as provided in the Food and Agricultural Code pertaining to service containers, any container which holds or has held any pesticide, when stored or transported, shall carry the registrant's label. All lids or closures shall be securely tightened except when the procedure described in Section 6684 has been followed. This section shall not apply to measuring devices that are not used to store or transport a pesticide.

Note: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501, 12981 and 14102, Food and Agricultural Code.

HISTORY

1. Editorial renumbering and amendment of former Section 3140 to Section 6676 filed 7-18-85; effective thirtieth day thereafter (Register 85, No. 29).
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).

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3 CCR § 6676, 3 CA ADC § 6676

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3 CA ADC § 6678

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Article 4. Storage, Transportation and Disposal

3 CCR § 6678

§ 6678. Service Container Labeling.

Service containers, other than those used by a person engaged in the business of farming when the containers are used on the property the person is farming, shall be labeled with:

- (a) the name and address of the person or firm responsible for the container;
- (b) the identity of the pesticide in the container; and
- (c) the word "Danger," "Warning," or "Caution" in accordance with the label on the original container.

Note: Authority cited: Sections 11456, 11502, 12781 and 12859, Food and Agricultural Code. Reference: Sections 11501 and 12859, Food and Agricultural Code.

HISTORY

1. New section filed 5-25-90; operative 6-24-90 (Register 90, No. 28).
2. Change without regulatory effect amending subsection (b) and Note filed 3-27-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).
3. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6678, 3 CA ADC § 6678

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3 CA ADC § 6680

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Article 4. Storage, Transportation and Disposal

3 CCR § 6680

§ 6680. Prohibited Containers for Pesticides.

In no case shall a pesticide be placed or kept in any container of a type commonly used for food, drink or household products.

Note: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501, 12981 and 14102, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 3139 to Section 6680 filed 7-18-85; effective thirtieth day thereafter (Register 85, No. 29).
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).

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3 CCR § 6680, 3 CA ADC § 6680

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3 CA ADC § 6682

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Article 4. Storage, Transportation and Disposal

3 CCR § 6682

§ 6682. Transportation.

(a) Pesticides shall not be transported in the same compartment with persons, food or feed.

(b) Pesticide containers shall be secured to vehicles during transportation in a manner that will prevent spillage onto the vehicle or off the vehicle. Paper, cardboard, and similar containers shall be covered when necessary to protect them from moisture.

Note: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501, 12981 and 14102, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former section 3140.1 to section 6682 filed 7-18-85; effective thirtieth day thereafter (Register 85, No. 29).
2. Editorial correction of printing error in subsection (a) (Register 91, No. 33).
3. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6682, 3 CA ADC § 6682

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3 CA ADC § 6684

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Article 4. Storage, Transportation and Disposal

3 CCR § 6684

§ 6684. Rinse and Drain Procedures.

(a) Except for containers to be returned to the registrant, each emptied container which has held less than 28 gallons of a liquid pesticide that is diluted for use shall be rinsed and drained by the user at time of use as follows:

(b)(1) Use the following amount of water or other designated spray carrier for each rinse.

Size of container Amount of rinse medium

Less than 5 gallons 1/4 container volume

5 gallons or over 1/5 container volume

(2) Place required minimum amount of rinse medium in the container, replace closure securely, and agitate.

(3) Drain rinse solution from container into tank mix. Allow container to drain 30 seconds after normal emptying.

(4) Repeat (2) and (3) above a minimum of two times so as to provide a total of three rinses; or

(c)(1) Invert the emptied container over a nozzle located in the opening of the mix tank which is capable of rinsing all inner surfaces of the container.

(2) Activate the rinse nozzle allowing the rinse solution to drain into the tank. The rinse shall continue until the rinse solution appears clear and a minimum of one-half of the container volume of rinse medium has been used. A minimum of 15 pounds pressure per square inch shall be used for rinsing; or

(d) Other rinse methods, at least equal in effectiveness to the above, approved by the director.

Note: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501, 12981 and 14102, Food and Agricultural Code.

HISTORY

1. Editorial renumbering of former Section 3141 to Section 6684 filed 7-18-85; effective thirtieth day thereafter (Register 85, No. 29).

2. Designation and amendment of subsection (a) and subsection relettering filed 5-31-95; operative 6-30-95 (Register 95, No. 22).

3. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6684, 3 CA ADC § 6684

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3 CA ADC § 6686

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Article 4. Storage, Transportation and Disposal

3 CCR § 6686

§ 6686. Exemptions.

(a) Sections 6672, 6674, 6682, and 6684 shall not apply to containers which hold or have held pesticides packaged, labeled, and used for home use when in the possession of a householder on his property.

(b) Sections 6670 and 6672(b) shall not apply to exempt materials specified in section 6402 except where the commissioner, or the director in any county where there is no commissioner, determines that a hazard to public health and safety exists requiring the control specified in sections 6670 and 6672(b).

(c) Section 6684 shall not apply to outer shipping containers that are not contaminated with a pesticide.

(d) This article shall not apply to sanitizers, disinfectants, or medical sterilants.

Note: Authority cited: Sections 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501, 12981 and 14102, Food and Agricultural Code.

HISTORY

1. Editorial renumbering and amendment of former Section 3141 to Section 6684 filed 7-18-85; effective thirtieth day thereafter (Register 85, No. 29).
2. New subsection (e) filed 3-9-95; operative 4-10-95 (Register 95, No. 10).
3. Change without regulatory effect amending section filed 2-28-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 9).
4. Change without regulatory effect amending subsections (a)-(c) filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6686, 3 CA ADC § 6686

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3 CA ADC § 6690

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Article 5. Pesticide Use near Schoolsites

3 CCR § 6690

§ 6690. Pesticide Use Near Schoolsites.

The provisions of this article pertain to pesticide applications made for the production of an agricultural commodity within 1/4 mile of a schoolsite. "Schoolsite" as used in sections 6690-6692 means any property used as a child day care facility, as defined in Health and Safety Code section 1596.750, or for a kindergarten, elementary, or secondary school. This includes all areas of the property used on weekdays by children who attend such facilities or schools, or other property identified by the commissioner as a park adjacent to a school that is used by the school for recess, sports, or other school activities. "Schoolsite" does not include: family day care homes as defined in Health and Safety Code section 1596.78; any postsecondary educational facility attended by secondary pupils; private kindergarten, elementary, or secondary school facilities; or vehicles or bus stops not on schoolsite property.

Note: Authority cited: Sections 11456 and 12976, Food and Agricultural Code. Reference: Sections 2281, 11501.5 and 11501, Food and Agricultural Code.

HISTORY

1. New article 5 (sections 6690-6692) and section filed 11-7-2017; operative 1-1-2018 (Register 2017, No. 45).

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3 CCR § 6690, 3 CA ADC § 6690

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[Home Table of Contents](#)**§ 6691. Pesticide Application Restrictions.**

3 CA ADC § 6691

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Article 5. Pesticide Use near Schoolsites

3 CCR § 6691

§ 6691. Pesticide Application Restrictions.

Pesticide application restrictions will apply Monday through Friday, during the hours of 6:00 a.m. to 6:00 p.m., depending on the distance from the treated area to a schoolsite, the application equipment used, and type of pesticide applied. The type of pesticide is not the product formulation but the final form applied (e.g., if a powder is mixed with water and then applied, this is considered a liquid application). During these time periods, the operator of the property and the applicator shall assure that an application is not made within the distance of the schoolsite as specified below.

(a) There must be a minimum 1/4 mile distance restriction for applications using a:

- (1) Aircraft.
- (2) Airblast sprayer or other ground application equipment with a pump that delivers spray into an air stream created by a fan.
- (3) Sprinkler chemigation equipment.
- (4) Dust or powder except as provided in subsection (c)(3).
- (5) Fumigant.

(b) There must be a minimum 25 foot distance restriction when using a:

- (1) Ground-rig sprayer. However, if this type of equipment is used to apply a dust, powder, or fumigant, the 1/4 mile distance restriction in subsection (a) applies.
- (2) Field soil injection equipment. However, if this type of equipment is used to apply a fumigant, the 1/4 mile distance restriction in subsection (a) applies; or if used to apply a dust or powder, there is no minimum distance restriction.
- (3) Other application equipment not identified in this section, such as drip or flood chemigation equipment. However, if this type of equipment is used to apply dust, powder, or fumigant, the 1/4 mile distance restriction in subsection (a) applies.

(c) Notwithstanding subsections (a) and (b), there is no distance restriction when:

- (1) the application is made within an enclosed space, such as a greenhouse. However, when applying a fumigant, the 1/4 mile distance restriction in subsection (a) applies.
- (2) the application is made using bait stations.
- (3) a pesticide is applied as a dust or powder using field soil injection equipment.
- (4) a pesticide is applied as a granule, flake, or pellet. However, when the pesticide product formulation is applied as a fumigant, or applied by aircraft, the 1/4 mile distance restriction in subsection (a) applies.
- (5) an application is made using a backpack sprayer. However, when this type of equipment incorporates an airblast sprayer or is used to apply a dust or powder, the 1/4 mile distance restriction in subsection (a) applies.
- (6) an application is made using a hand pump sprayer. However, when this type of equipment is used to apply a dust, powder, or fumigant, the 1/4 mile distance restriction in subsection (a) applies.

(d) Notwithstanding subsections (a) and (b), there is no distance restriction when:

(1) school classes are not scheduled for the day of application.

(2) the child day care facility is closed during the entire day of the application.

(e) In addition to the time period and distance restriction specified in subsections (a)-(c), fumigants cannot be applied when school classes are scheduled or child day care facilities are open within 36 hours following fumigation.

(f) Notwithstanding subsections (a) through (c), the application restrictions do not apply when there is a written agreement between the operator of the property, the principal or child day care facility administrator, and the commissioner that specifies alternative application restrictions that the parties agree provide the same or a greater level of protection as provided by subsections (a) through (c). Any party may rescind the agreement at any time by notifying the other parties in writing. If an agreement is rescinded, then subsections (a) through (c) control. The commissioner shall enforce a written agreement for restrictions as if they were requirements in regulation.

Note: Authority cited: Sections 11456 and 12976, Food and Agricultural Code. Reference: Sections 2281, 11501.5 and 11501, Food and Agricultural Code.

HISTORY

1. New section filed 11-7-2017; operative 1-1-2018 (Register 2017, No. 45).

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3 CCR § 6691, 3 CA ADC § 6691

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[Home Table of Contents](#)**§ 6692. Annual Notification.**

3 CA ADC § 6692

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Article 5. Pesticide Use near Schoolsites

3 CCR § 6692

§ 6692. Annual Notification.

(a) For all applications of pesticides expected to be made for the production of an agricultural commodity within 1/4 mile of a schoolsite, the operator of the property to be treated shall provide annual notification to those specified in (b) no later than April 30 of pesticide(s) expected to be used from July 1 of the current year through June 30 of the next year.

(1) Effective April 1, 2018, if the operator of the property to be treated changes, the new property operator shall provide the notification as specified in (b) and (c) within 30 days of assuming control of that property for expected pesticide(s) to be used from the time the notification is provided through June 30 of the following year. If the notification made 30 days after assuming control includes information about the pesticide(s) expected to be used July 1 of the current year through June 30 of the following year, then (a) does not apply. Subsequent notifications must be provided as specified in (a).

(b) The annual notification must be provided to:

- (1) The principal of the public K-12 school;
- (2) The administrator of the child day care facility; and
- (3) The county agricultural commissioner.

(c) The annual notification must be in writing and include the following information:

- (1) A summary of the operator of the property's requirements to provide annual notification to a schoolsite as described in subsection (a).
- (2) A summary of the applicable pesticide application restrictions specified in section 6691.
- (3) Operator of the property's name and contact information;
- (4) Map showing location of the field(s) involved and the school or child day care facilities;
- (5) County agricultural commissioner's contact information;
- (6) National Pesticide Information Center Web site address;
- (7) Information on the pesticide(s) expected to be used including: name of each active ingredient, or principal functioning agent for a spray adjuvant; example pesticide product name(s); and the U.S. Environmental Protection Agency or California registration number.
- (8) The following statements: "This notification is informational only, and includes a list of pesticides expected to be used. Beginning July 1, 2018, schoolsites will be informed of pesticides not on the list at least 48 hours prior to their use. The county agricultural commissioner may be contacted for questions or additional information; if violations of these requirements are suspected; or other non-emergency situations."
- (9) A description of the option to negotiate an alternate to the required application restrictions as provided in section 6691, subsection (f).

(d) Effective July 1, 2018, if a pesticide to be used was not included in the annual notification as specified in subsection (c)(7), the operator of the property shall provide this information to the schoolsite and commissioner at least 48 hours prior to the application.

(e) The property operator shall retain a copy of each annual notification for two years and make them available to the Director or commissioner upon request. The commissioner shall retain a copy of each annual notification for one year.

Note: Authority cited: Sections 11456 and 12976, Food and Agricultural Code. Reference: Sections 2281, 11501.5 and 11501, Food and Agricultural Code.

HISTORY

1. New section filed 11-7-2017; operative 1-1-2018 (Register 2017, No. 45).

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3 CCR § 6692, 3 CA ADC § 6692

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[Home](#) [Table of Contents](#)**§ 6700. Scope.**

3 CA ADC § 6700

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Article 1. General Scope and Purpose

3 CCR § 6700

§ 6700. Scope.

This group specifies work practices for:

(a) employees who mix, load, apply, store, transport, or otherwise handle pesticides for any use, except for manufacturing, formulating or repackaging of pesticides; and

(b) for employees who are exposed to residues of pesticides after application to fields.

The requirements of this group do not allow a lower standard of protection when pesticide labeling statements require a higher standard of protection.

The requirements of this group do not apply to storage and transportation of pesticides in the manufacturer's sealed or closed container. In general, the work practices and safety requirements stated in this group are designed to reduce risk of exposure and to ensure availability of medical services for employees who handle pesticides, and to provide safe working conditions for field and other workers.

Note: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of former Chapter 4, Subchapter 1, Group 2 (Sections 2475, 2477-2487) to Chapter 6, Subchapter 3, Group 3 (Sections 6700-6778, not consecutive) filed 10-25-85; effective thirtieth day thereafter (Register 85, No. 43). For prior history of Sections 2475, 2477-2487, see Registers 83, No. 41; 79, No. 29; and 79, No. 1.

2. Amendment filed 9-26-88; operative 10-26-88 (Register 88, No. 41).

3. Amendment filed 8-13-90; operative 8-13-90 (Register 90, No. 41).

4. Editorial correction restoring inadvertently omitted H istories 1 and 2 (Register 99, No. 25).

5. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6700, 3 CA ADC § 6700

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§ 6701. Interpretation Consistent with Federal Standards.
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3 CCR § 6701

§ 6701. Interpretation Consistent with Federal Standards.

Whenever the context will allow, the requirements of this subchapter should be interpreted at least as strict as, and consistent, with the Worker Protection Standards in Title 40 Code of Federal Regulations, Part 170. It is intended that these regulations, rather than those in Title 40 Code of Federal Regulations, Part 170, be enforced by the Department of Pesticide Regulation and county agricultural commissioners within the State of California. Any references to Part 170, Code of Federal Regulations on pesticide product labeling shall be considered a reference to Title 3, Division 6, California Code of Regulations when use occurs within California.

Note: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 11501, 12973, 12980 and 12981, Food and Agricultural Code.

HISTORY

1. New section filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

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3 CCR § 6701, 3 CA ADC § 6701

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[Home Table of Contents](#)**§ 6702. Employer-Employee Responsibilities.**

3 CA ADC § 6702

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3 CCR § 6702

§ 6702. Employer-Employee Responsibilities.

- (a) The employer shall comply with each regulation in this subchapter which is applicable to the employer's action or conduct.
- (b) The employer:
- (1) is responsible for knowing about applicable safe use requirements specified in regulations and on the pesticide product labeling;
 - (2) shall inform the employee, in a language the employee understands, of the specific pesticide being used, pesticide safety hazards, the personal protective equipment and other equipment to be used, work procedures to be followed, and pesticide safety regulations applicable to all activities they may perform;
 - (3) shall assure safe work practices, including all applicable regulations and pesticide product labeling requirements, are complied with;
 - (4) has the duty to provide a safe work place for employees and require employees to follow safe work practices; and
 - (5) shall assure that employees handle and use pesticides in accordance with the requirements of law, regulations, and pesticide product labeling requirements.
- (c) Employees shall utilize the personal protective equipment and other safety equipment required by pesticide product labeling or specified in this subchapter that has been provided by the employer at the work site in a condition that will provide the safety or protection intended by the equipment.

Note: Authority cited: Sections 12976 and 12981, Food and Agricultural Code. Reference: Sections 12973, 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Amendment filed 8-1-86; effective thirtieth day thereafter (Register 86, No. 31).
2. Amendment of section and Note filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).
3. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
4. Amendment of subsections (b)(3) and (b)(5) filed 4-15-2015; operative 7-1-2015 (Register 2015, No. 16).

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3 CCR § 6702, 3 CA ADC § 6702

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3 CA ADC § 6704

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3 CCR § 6704

§ 6704. Application of Labor Code.

In order to insure that rights granted to California employees by Chapter 1 of Division 5 of the California Labor Code are adequately provided to agricultural employees, including employee rights (1) to file confidential complaints alleging unsafe work conditions, (2) to have complaints promptly investigated, (3) to talk to inspectors or compliance officers, and to point out hazards during the inspection process, (4) to be notified of any relevant job hazard, and (5) to not be subject to any retaliation or discrimination because such employee has filed any complaint regarding an unsafe work condition, the director, commissioners, and the Department of Industrial Relations shall cooperate in fully implementing any master agreements entered into between these parties which are designed to insure enforcement of employees' rights as well as any inspection protocols adopted pursuant to such master agreements.

Note: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6704, 3 CA ADC § 6704

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3 CA ADC § 6706

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3 CCR § 6706

§ 6706. Hazardous Areas.

When there is a reasonable suspicion by the Director or commissioner that a specific workplace has been or may be unsafe for workers due to exposure to active or inert ingredients in pesticide products, or breakdown products of these ingredients, the director or commissioner may require the employer to prohibit entry of employees into that workplace. The director or commissioner may require the employer to provide medical supervision for the period of time necessary for the director to determine the safety of the workplace to protect employees who have been working in or will enter that workplace. This medical supervision may include biological monitoring of persons for possible over-exposure to pesticide product ingredients or breakdown products of these ingredients. The director or commissioner may also specify exposure time limits and protective clothing and equipment to be worn by employees under these circumstances.

Note: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Amendment filed 9-26-88; operative 10-26-88 (Register 88, 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).

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3 CCR § 6706, 3 CA ADC § 6706

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3 CA ADC § 6708

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3 CCR § 6708

§ 6708. Inspection Authority. [Renumbered]

Note: Authority cited: Sections 407 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of Section 6708 to Section 6140 filed 9-26-88; operative 10-26-88 (Register 88, No. 41).

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3 CCR § 6708, 3 CA ADC § 6708

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3 CA ADC § 6710

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3 CCR § 6710

§ 6710. Pesticide Exposure Studies Involving Human Participants.

(a) No person shall conduct any pesticide exposure study in California, which involves human participants, unless the Director has given written authorization to the study director to conduct the pesticide exposure study according to an approved protocol.

(b) The study director shall submit the protocol to the Director for review and provisionary determination of acceptability.

(c) The Director shall forward a copy of the protocol and review documentation to the Office of Environmental Health Hazard Assessment for concurrent review.

(d) The Director shall provide comments to the study director on the basis of Department of Pesticide Regulation review and any comments from the Office of Environmental Health Hazard Assessment. The study director shall make any changes deemed necessary by the Director. Upon receipt of the Director's provisionary determination of acceptability, the study director shall obtain a review and approval from an Institutional Review Board (IRB). The IRB must conduct its review in compliance with Title 40 Code of Federal Regulations (Protection of Environment), Part 26 (Protection of Human Subjects).

(e) The study director shall submit to the Director the IRB's approval of the protocol and all documentation exchanged between the IRB and the study director related to the review.

(f) The Director shall make the final decision regarding approval or denial of the protocol based on the information required in subsection (e), other relevant available information available to the Director. The Director shall notify the study director in writing of the decision and the basis for the decision.

(g) The Director shall establish an expiration date for the approved protocol. In no instances shall the expiration date exceed that established by the IRB. If a pesticide exposure study is not completed by the expiration date established by the Director, the study director shall not continue the pesticide exposure study until the Director has approved the renewal of the protocol in writing as required in subsection (i).

(h) Protocol Amendment. The study director shall not make an amendment to the approved protocol that may impact the health of the human participants without approval from the Director. For amendments where participant health is potentially impacted, the study director shall make the request in writing. The proposed amendment, justification, potential impact on study participants, and any measures proposed to mitigate potential impacts shall accompany the request. The Director shall forward a copy of the proposed amendment and any accompanying documentation to the Office of Environmental Health Hazard Assessment for concurrent review. The Director shall provide comments to the study director on the basis of Department of Pesticide Regulation review and any comments from the Office of Environmental Health Hazard Assessment. The study director shall make any changes deemed necessary by the Director. Upon receipt of the Director's provisionary determination of acceptability, the study director shall obtain a review and approval of the proposed amendment from an IRB as required in subsection (d). The study director shall submit to the Director the protocol and all documentation exchanged between the IRB and the study director. The Director shall notify the study director of the decision and the basis for the decision. If approved by the Director, the pesticide exposure study shall be conducted in accordance with the approved amended protocol. In the event that the potential impact on human participants is uncertain, the study director shall consult with the Director.

(i) Renewal of Protocol. The study director shall obtain approval of renewal from an IRB as described in subsection (d) prior to requesting the Director's approval to renew the protocol. The study director shall submit, to the Director, the protocol and all documentation exchanged between the IRB and the study director regarding the renewal. After reviewing the documentation, if the Director approves the request for protocol renewal, the Director shall establish a revised expiration date. The revised expiration shall not exceed that date established in the IRB's renewal recommendation.

(j) In the event of any complications or adverse health effects identified during the conduct of the study, the study director shall take immediate action to ensure the health and safety of the human participants. The study director shall immediately notify the Director of such complications or adverse health effects and the immediate actions taken.

(k) The study director shall submit the following information to the Director by the expiration date:

- (1) A statement regarding the status of the study including information as to whether the study was completed, postponed, or cancelled.
- (2) A report and explanation of any complications or adverse health effects involving the human participants and what actions were taken.

(l) The Director or agricultural commissioner of the county where the study is taking place may inspect the pesticide exposure study activities to evaluate compliance with the protocol. The Director or commissioner may order the study director or human participants to cease immediately any human pesticide exposure activity conducted during the study to protect the safety of the human participants. The Director may cancel the authorization to conduct the pesticide exposure study whenever it is deemed necessary to protect participant safety, public safety, or the environment.

Note: Authority cited: Sections 12976 and 12981, Food and Agricultural Code. Reference: Sections 12980, 12981, 12987 and 12988, Food and Agricultural Code.

HISTORY

1. Amendment filed 9-26-88; operative 10-26-88 (Register 88, No. 41).
2. Amendment of section and Note filed 5-26-95; operative 6-26-95 (Register 95, No. 21).
3. Repealer and new section heading and section filed 7-18-2002 as an emergency; operative 7-18-2002 (Register 2002, No. 29). A Certificate of Compliance must be transmitted to OAL by 11-15-2002 or emergency language will be repealed by operation of law on the following day.
4. Repealer and new section heading and section refiled 11-7-2002 as an emergency; operative 11-15-2002 (Register 2002, No. 45). A Certificate of Compliance must be transmitted to OAL by 3-17-2003 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 11-17-2002 order, including further amendment of section, transmitted to OAL 3-17-2003 and filed 4-24-2003 (Register 2003, No. 17).

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3 CCR § 6710, 3 CA ADC § 6710

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3 CA ADC § 6712

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3 CCR § 6712

§ 6712. Public Agencies. [Renumbered]

Note: Authority cited: Sections 407 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Renumbering and amendment of Section 6712 to Section 6760(c) filed 9-26-88; operative 10-26-88 (Register 88, No. 41).

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3 CCR § 6712, 3 CA ADC § 6712

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3 CA ADC § 6714

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3 CCR § 6714

§ 6714. Exemptions. [Repealed]

Note: Authority cited: Sections 407 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Repealer filed 9-26-88; operative 10-26-88 (Register 88, No. 41).

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3 CCR § 6714, 3 CA ADC § 6714

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3 CA ADC § 6716

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3 CCR § 6716

§ 6716. Sunset Review of Regulations. [Repealed]

Note: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. New section filed 5-10-99; operative 6-9-99 (Register 99, No. 20).
2. Repealer filed 1-20-2000; operative 2-19-2000 (Register 2000, No. 3).

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3 CCR § 6716, 3 CA ADC § 6716

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[Home Table of Contents](#)**§ 6720. Safety of Employed Persons.**

3 CA ADC § 6720

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3 CCR § 6720

§ 6720. Safety of Employed Persons.

(a) The requirements of this article shall be complied with by the employer for the safety of employees handling pesticides.

(b) When only vertebrate pest control baits, solid fumigants (including, but not limited to, aluminum phosphide, magnesium phosphide, and smoke cartridges), insect monitoring traps or non-insecticidal lures are handled, the employer is exempt from the requirements of sections 6730 (Working Alone), and 6732 (Change Area), and 6738.1(e).

(c) When antimicrobial agents, used only as sanitizers, disinfectants, or medical sterilants, or pool and spa chemicals are handled, the employer is exempt from complying with the provisions of Title 3, California Code of Regulations sections specified below, provided the employer instead complies with any applicable requirements in the following corresponding provisions of Title 8, California Code of Regulations.

<i>Title 3, CCR</i>	<i>Title 8, CCR</i>
6700	3200 and 3202
6702	3200 and 3203
6720	As indicated in this Subsection
6723	3203, 3204, and 5194
6724	3203 and 5194
6726	3400
6732	3367
6734	3363 and 3366
6738-6738.4	3380 through 3385
6739	5144
6740	3317
6742	5141
6744	3203 and 5194

(d) The provisions of sections 6726, 6734, 6738.1-6738.4, 6739, 6766, 6768, and 6770 do not apply to licensed agricultural pest control advisers and registered professional foresters while performing, crop adviser tasks, after the application is completed, including field-checking or scouting, making observations of the well-being of the plants, or taking samples provided:

(1) They have been trained equivalent to the requirements of section 6724 (licensed agricultural pest control advisers are considered trained for the purposes of this exception); and

(2) The licensed agricultural pest control adviser or registered professional forester has made specific determinations regarding appropriate personal protective equipment, needed decontamination facilities, and how to safely conduct crop adviser tasks.

(e) The provisions of this subchapter do not apply to employees handling consumer products packaged for distribution to, and use by, the general public, provided that employee use of the product is not significantly greater than the typical consumer use of the product.

Note: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 11501, 12973, 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Amendment filed 8-1-86; effective thirtieth day thereafter (Register 86, No. 31).
2. Amendment of subsection (a) and new subsections (b) and (c) filed 9-26-88; operative 10-26-88 (Register 88, No. 41).
3. Amendment of subsection (b) and Note filed 7-6-93; operative 8-5-93 (Register 93, No. 28).
4. Repealer and new subsection (c) filed 3-9-95; operative 4-10-95 (Register 95, No. 10).
5. New subsections (d)-(e) and amendment of Note filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).
6. Amendment of subsections (b) and (e) filed 5-10-99; operative 6-9-99 (Register 99, No. 20).
7. Amendment of subsections (b)-(d) filed 6-13-2007; operative 1-1-2008 (Register 2007, No. 24).
8. Amendment of subsections (b)-(d) filed 4-15-2015; operative 7-1-2015 (Register 2015, No. 16).
9. Amendment of subsections (d) and (d)(2) and repealer of subsections (d)(2)(A)-(C) filed 10-17-2016; operative 1-2-2017 pursuant to Government Code section 11343.4(b)(2) (Register 2016, No. 43).

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3 CCR § 6720, 3 CA ADC § 6720

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3 CA ADC § 6722

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3 CCR § 6722

§ 6722. Minimum Age Requirements.

The employer shall not permit an employee under 18 years of age to:

- (a) handle any pesticide used in the commercial or research production of an agricultural commodity.
- (b) enter a field under a restricted entry interval.

Note: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. New section filed 10-17-2016; operative 1-2-2017 pursuant to Government Code section 11343.4(b)(2) (Register 2016, No. 43). For prior history, see Register 88, No. 41.

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3 CCR § 6722, 3 CA ADC § 6722

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3 CA ADC § 6723

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3 CCR § 6723

§ 6723. Hazard Communication for Pesticide Handlers.

(a) Before employees are allowed to handle pesticides, the employer shall display a copy of a completed Written Hazard Communication Information for Employees Handling Pesticides in Agricultural Settings (Pesticide Safety Information Series leaflet A-8) or Hazard Communication Information for Employees Handling Pesticides in Noncrop Settings (Pesticide Safety Information Series leaflet N-8), as applicable, at a central location at the workplace. Upon request, the employer shall read to the requesting employee, in a language understandable to that employee, Pesticide Safety Information Series leaflet A-8/N-8. Pesticide Safety Information Series Leaflet A-8/N-8 shall be written by the Department of Pesticide Regulation in English and Spanish. Pesticide Safety Information Series leaflets are available from the Department.

(b) The employer shall maintain, at a central location at the workplace accessible to employees who handle pesticides, the following:

(1) pesticide use records as specified in section 6624(b), (c) and (e) for pesticides that have been handled by his or her employees.

(2) copies of available Pesticide Safety Information Series leaflets which are applicable to the pesticides and handling activities listed in the pesticide use records referred to in subsection (b)(1).

(A) The A-8 must also be posted at all permanent decontamination facilities and decontamination facilities servicing 11 or more handlers.

(B) Any changes to the A-8 relating to the name, address, or telephone number of the facility providing emergency medical care must be updated within 24 hours of the change.

(3) a Safety Data Sheet (SDS), as specified by Title 8 California Code of Regulations, section 5194, for each pesticide listed in the pesticide use records referred to in subsection (b)(1). If the SDS is not provided by the registrant of a pesticide, the employer shall:

(A) within seven working days of a request for a SDS from an employee, employee representative or employee's physician, make written inquiry to the registrant of the pesticide, asking that a SDS be sent to the employer. If the employer has made written inquiry within the last 12 months as to whether the pesticide is subject to the requirement for a SDS or the employer has made a written inquiry within the last 6 months requesting new, revised or later information on the SDS, the employer need not make additional written inquiry. A copy of the written inquiry shall immediately be sent to the person requesting the SDS;

(B) notify the requester of the availability of the SDS or provide a copy of the SDS to the requester within 15 days of receipt of the SDS from the registrant; and

(C) if a response has not been received from the registrant within 25 working days of the date the inquiry was made, send the Department a copy of the inquiry with a notation that no response has been received. The employer is not precluded from obtaining and providing the SDS utilizing other more expedient methods in lieu of those provided in this subsection.

(c) The employer shall inform employees, before they are allowed to handle pesticides and at least annually thereafter, of the location and availability of the records and other documents listed in this section or relating to employee training, monitoring, and potential exposure. If the location of the records and other documents changes, an employer shall promptly inform his or her employees of the new location.

(d) The employer shall provide, upon request of his or her employee, employee representative, or employee's physician, access to any records or other documents required to be maintained pursuant to this chapter. Access shall be granted as soon as possible and not to exceed 48 hours from the date of the request. A request from an employee representative must contain the following in writing:

(1) The name of the employee being represented.

(2) A description of the specific information being requested. The description must include the dates of employment of the employee, the date or dates for which the records are requested, type of work conducted by the employee (e.g., planting, harvesting, applying pesticides, mixing or loading pesticides) during the period for which the records are requested, and the specific application and/or hazard information requested.

(3) A written statement clearly designating the representative to request pesticide application and hazard information on the employee's behalf, bearing the employee's printed name and signature, the date of the designation, and the printed name and contact information for the employee representative.

(4) Directions on where the requested information should be sent (e.g., mailing address or email address).

INFORMATIONAL NOTE: Other requirements relating to hazard communication can be found in Sections 6602, 6618, 6619, 6724, 6726, 6738, 6744, 6764, 6766, 6770, and 6776.

Note: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code; and 29 Code of Federal Regulations, Part 1910.1200.

HISTORY

1. New section filed 12-6-91; operative 1-1-92 (Register 92, No. 13).
2. Amendment of subsections (a), (b)(2), (b)(3), (c) and (d) and amendment of Note filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).
3. Change without regulatory effect amending subsection (a) filed 11-4-99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 45).
4. Change without regulatory effect amending section filed 12-2-2015 pursuant to section 100, title 1, California Code of Regulations (Register 2015, No. 49).
5. Amendment of subsection (a)(2), new subsections (a)(2)(A)-(B), amendment of subsection (d) and new subsections (d)(1)-(4) filed 10-17-2016; operative 1-2-2017 pursuant to Government Code section 11343.4(b)(2) (Register 2016, No. 43).

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3 CCR § 6723, 3 CA ADC § 6723

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3 CA ADC § 6723.1

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3 CCR § 6723.1

§ 6723.1. Application-Specific Information for Handlers.

(a) The operator of property used for the commercial or research production of an agricultural plant commodity shall display, at a central location, the following application-specific information while employees are employed to handle pesticides:

- (1) The crop or site treated and identification of the treated area;
- (2) The date(s) and time(s) the application started and ended;
- (3) Restricted entry interval;
- (4) Product name, U.S. EPA registration number, and active ingredients; and
- (5) A copy of the Safety Data Sheet(s) for the applied pesticide(s).

(b) The information shall be displayed within 24 hours of the completion of an application and include all applications that have been made to any treated field on the agricultural establishment within 1/4 mile of where employees will be working. Once displayed, the information shall remain displayed until the area no longer meets the definition of a treated field or handler employees will no longer be on the establishment, whichever occurs earlier.

(c) The information required by this section must be retained for two years.

(d) The original or copies of documents otherwise required to be maintained by this chapter may be used to meet the requirements of this section provided they contain the information required by this section.

Note: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 11501, 12973, 12980 and 12981, Food and Agricultural Code.

HISTORY

1. New section filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).
2. Amendment of subsections (a)(1)-(4), new subsections (a)(5) and (c) and subsection relettering filed 10-17-2016; operative 1-2-2017 pursuant to Government Code section 11343.4(b)(2) (Register 2016, No. 43).

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3 CCR § 6723.1, 3 CA ADC § 6723.1

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3 CA ADC § 6724

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3 CCR § 6724

§ 6724. Handler Training.

The employer shall assure that employees who handle pesticides have been trained pursuant to the requirements of this section and that all other provisions of this section have been complied with for employees who handle pesticides.

(a) The employer shall have a written training program. The training program shall describe the materials (e.g., study guides, pamphlets, pesticide product labeling, Pesticide Safety Information Series leaflets, Safety Data Sheets, slides, video) and information that will be provided and used to train his or her employees and identify the person or firm that will provide the training. The training program shall address each of the subjects specified in subsection (b) that is applicable to the specific pesticide handling situation. The employer shall maintain a copy of the training program while in use and for two years after use, at a central location at the workplace.

(b) The training shall cover, for each pesticide or chemically similar group of pesticides, to be used:

- (1) Format and meaning of information, such as precautionary statements about human health hazards, contained in pesticide product labeling;
- (2) Applicator's responsibility to protect persons, animals, and property while applying pesticides; and not to apply pesticides in a manner that results in contact with persons not involved in the application process;
- (3) Need for, limitations, appropriate use, removal, and sanitation of any required personal protective equipment;
- (4) Safety requirements and procedures, including engineering controls (such as closed mixing systems and enclosed cabs) for handling, transporting, storing, disposing of pesticides, and spill clean-up;
- (5) Where and in what forms pesticides may be encountered, including treated surfaces, residues on clothing, personal protective equipment, application equipment, and drift;
- (6) Hazards of pesticides, including acute, chronic, and delayed effects, and sensitization effects, as identified in pesticide product labeling, Safety Data Sheets, or Pesticide Safety Information Series leaflets;
- (7) Routes by which pesticides can enter the body;
- (8) Signs and symptoms of overexposure;
- (9) Routine decontamination procedures when handling pesticides, including that employees should:
 - (A) Wash hands before eating, drinking, using the toilet, chewing gum, or using tobacco;
 - (B) Thoroughly wash or shower with soap and water;
 - (C) Change into clean clothes as soon as possible; and
 - (D) Wash work clothes separately from other laundry before wearing them again.
- (10) How Safety Data Sheets provide hazard, emergency medical treatment, and other information about the pesticides with which employees may come in contact;

- (11) The hazard communication program requirements of section 6723;
- (12) The purposes and requirements for medical supervision if organophosphate or carbamate pesticides with the signal word "DANGER" or "WARNING" on the labeling are mixed, loaded, or applied for the commercial or research production of an agricultural plant commodity;
- (13) First aid and emergency decontamination procedures and emergency eye flushing techniques; and if pesticides are spilled or sprayed on the body to wash immediately with decontamination supplies and as soon as possible, wash or shower with soap and water and change into clean clothes;
- (14) How and when to obtain emergency medical care;
- (15) Prevention, recognition, and first aid for heat-related illness in accordance with Title 8 of the California Code of Regulations, section 3395;
- (16) Requirements of this chapter and chapter 4 relating to pesticide safety, Safety Data Sheets, and Pesticide Safety Information Series leaflets;
- (17) The requirement that handlers of pesticides used in the commercial or research production of an agricultural commodity must be at least 18 years of age;
- (18) Environmental concerns such as drift, runoff, and wildlife hazards;
- (19) Field posting requirements and restricted entry intervals when pesticides are applied for the commercial or research production of an agricultural commodity;
- (20) That employees should not take pesticides or pesticide containers home from work;
- (21) Potential hazards to children and pregnant women from pesticide exposures, including that:
 - (A) Children and nonworking family members should keep away from treated areas;
 - (B) After performing handling activities or after working in a treated area, employees should remove boots or shoes before entering the home and remove work clothes; and
 - (C) Employees should wash or shower before physical contact with children or family members.
- (22) How to report suspected pesticide use violations; and
- (23) The employee's rights, including the right:
 - (A) To personally receive information about pesticides to which he or she may be exposed;
 - (B) For his or her physician or an employee representative designated in writing to receive information about pesticides to which he or she may be exposed;
 - (C) To be protected against retaliatory action due to the exercise of any of his or her rights; and
 - (D) To report suspected use violations to the Department or county agricultural commissioner.
- (c) The training shall be in a manner the employee can understand, be conducted pursuant to the written training program, and include response to questions. Training for employees handling pesticides used for the commercial or research production of an agricultural commodity must be at a location reasonably free from distraction and trainers must be present throughout the entire presentation.
- (d) Training shall be completed before the employee is allowed to handle pesticides, continually updated to cover any new pesticides that will be handled, and repeated at least annually thereafter. Initial training may be waived if the employee submits a record showing that training meeting the requirements of this section and covering the pesticides and use situations applicable to the new employment situation was received within the last year. A certified applicator is considered trained for the purposes of this section.
- (e) The date and extent of initial and annually required training given to the employee and the job to be assigned shall be recorded. This record shall be verified by the employee's signature and retained by the employer for two years at a central location at the workplace accessible to employees. For an employee handling pesticides used for the commercial or research production of an agricultural commodity, the record must also include employee's printed name; the title(s) and source(s) of the training materials used; employer's name; and trainer's name and qualifications as specified in (f).
- (f) The person conducting the training for employees who will be handling pesticides for the commercial or research production of an agricultural plant commodity shall be qualified as one of the following:
 - (1) A California certified commercial applicator;
 - (2) A California certified private applicator;

- (3) A person holding a valid County Biologist License in Pesticide Regulation or Investigation and Environmental Monitoring issued by the Department of Food and Agriculture;
- (4) A University of California Extension Advisor;
- (5) A person who has completed an "instructor training" program presented by one of the following:
 - (A) the University of California, Integrated Pest Management Program; or
 - (B) other instructor training program approved by the Director;
- (6) A California licensed Agricultural Pest Control Adviser;
- (7) A California Registered Professional Forester; or
- (8) Other trainer qualification approved by the Director.

Note: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Amendment filed 8-1-86; effective thirtieth day thereafter (Register 86, No. 31).
2. Amendment of subsection (a) filed 9-26-90; operative 10-26-88 (Register 88, No. 41).
3. New subsections (a) and (c) and renumbering and amendment of subsection (b) filed 8-13-90; operative 8-13-90 (Register 90, No. 41).
4. Amendment filed 12-6-91; operative 1-1-92 (Register 92, No. 13).
5. Repealer and new section filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).
6. Amendment of subsections (b)(9) and (b)(16) filed 4-15-2015; operative 7-1-2015 (Register 2015, No. 16).
7. Change without regulatory effect amending subsections (a), (b)(2), (b)(13) and (b)(15) filed 12-2-2015 pursuant to section 100, title 1, California Code of Regulations (Register 2015, No. 49).
8. Amendment of subsections (c), (e) and (f)(5)(A) filed 10-17-2016; operative 1-2-2017 pursuant to Government Code section 11343.4(b)(2) (Register 2016, No. 43).
9. Editorial correction of subsection (f)(1) (Register 2017, No. 51).
10. Amendment filed 12-20-2017; operative 3-1-2018 pursuant to Government Code section 11343.4(b)(3) (Register 2017, No. 51).

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3 CCR § 6724, 3 CA ADC § 6724

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3 CA ADC § 6726

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3 CCR § 6726

§ 6726. Emergency Medical Care.

(a) Emergency medical care for employees handling pesticides shall be planned for in advance. The employer shall locate a facility where emergency medical care is available for employees who will be handling pesticides.

(b) Employees shall be informed of the name and location of a facility where emergency medical care is available. The employer shall post in a prominent place at the work site, or work vehicle if there is no designated work site, the name, address and telephone number of a facility able to provide emergency medical care whenever employees will be handling pesticides and, if the identified facility is not reasonably accessible from that work location, procedures to be followed to obtain emergency medical care.

(c) When there is reasonable grounds to suspect that an employee has a pesticide illness or when an exposure to a pesticide has occurred that might reasonably be expected to lead to an employee's illness, the employer shall ensure that the employee is taken to a physician immediately.

(d) The employer shall provide the following information to medical personnel treating an employee suspected of being exposed to a pesticide used in the commercial or research production of an agricultural commodity:

- (1) Copies of the applicable Safety Data Sheet(s) and the product name(s), U.S. Environmental Protection Agency registration number(s), and active ingredient(s) for each pesticide product to which the employee may have been exposed.
- (2) The circumstances of application or use of the pesticide.
- (3) The circumstances that could have resulted in exposure to the pesticide.

Note: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Relettering and amendment of subsections (a) and (b) to subsections (b) and (c) and new subsection (a) filed 9-26-88; operative 10-26-88 (Register 88, 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).
3. New subsections (d)-(d)(3) filed 10-17-2016; operative 1-2-2017 pursuant to Government Code section 11343.4(b)(2) (Register 2016, No. 43).

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3 CCR § 6728

§ 6728. Medical Supervision.

(a) Whenever an employee mixes, loads, or applies a pesticide with the signal word "DANGER" or "WARNING" that contains an organophosphate or carbamate, for the commercial or research production of an agricultural plant commodity, the employer shall maintain use records that identify the employee, name of the pesticide and the date of use. The original or copies of documents otherwise required to be maintained by this chapter may be used to meet the requirements of this section provided they contain the information required by this section.

(b) Each employer who has an employee that regularly handles pesticides specified in (a) shall have a written agreement signed by a physician, that includes the names and addresses of both the physician providing the medical supervision and the employer responsible for the employees, stating that the physician has agreed to provide medical supervision and that the physician possesses a copy of, and is aware of the contents of the document "Medical Supervision of Pesticide Workers-Guidelines for Physicians" (available from the Office of Environmental Health Hazard Assessment). A copy of this agreement shall be given to the commissioner by the employer no later than when an employee begins to regularly handle pesticides specified in (a).

(c) The employer's responsibilities for medical supervision for employees regularly handling pesticides specified in (a) shall include the following:

(1) All covered employees shall have baseline red cell and plasma cholinesterase determinations. Baseline values shall be verified every two years. For new employees, the medical supervisor may accept previously established baseline values if they are obtained in accordance with these regulations by the same laboratory methodology and are acceptable to the laboratory which will analyze the new employee's blood samples.

(2) (A) The employer shall ensure that each employee, not previously under medical supervision associated with that employer, has red cell and plasma cholinesterase determinations within three working days after the conclusion of each 30-day period in which pesticides specified in (a) are regularly handled.

(B) After three tests at 30-day intervals, further periodic monitoring shall be at intervals specified in writing by the medical supervisor except for verification of baseline as specified in (1).

(C) Where the medical supervisor has made no written recommendation for continued periodic monitoring, the testing interval shall be 60 days.

(3) The employer shall keep a record of the agreement to provide medical supervision, use records, all recommendations received from the medical supervisor and all results of cholinesterase tests required to be made on his employees by this section or by the medical supervisor. Records required by this section shall be maintained for three years and shall be available for inspection by the employee, the director, commissioner, county health official, or state health official.

(4) The employer shall follow the recommendations of the medical supervisor concerning matters of occupational health.

(5) The employer shall post the name, address, and telephone number of the medical supervisor in a prominent place at the locale where the employee usually starts the workday or, if there is no locale where the employee usually starts the workday, at each worksite or in each work vehicle.

(d) The employer shall investigate the work practices of any employee whose red cell or plasma cholinesterase levels fall below 80% of the baseline. The investigation of work practices shall include a review of the safety equipment used and its condition; and the employee's work practices which included employee sanitation, pesticide handling procedures, and equipment usage. The employer

shall maintain a written record of the findings, any changes in equipment or procedures and any recommendations made to the employee.

(e) The employer shall remove an employee from exposure to organophosphate or carbamate pesticides if the employee's plasma cholinesterase level falls to 60% or less of baseline, or if red cell cholinesterase falls to 70% or less of baseline. The employee shall be removed from further exposure until cholinesterase values return to 80% or more of their respective baseline values. The employer shall maintain written records of the dates of removal and the dates when employees are returned to exposure.

(f) To meet the requirements of these regulations, acetylcholinesterase (also known as red blood cell cholinesterase) and butyrylcholinesterase (also known as plasma or serum cholinesterase or pseudocholinesterase) tests ordered by a medical supervisor for occupational health surveillance shall be performed by a clinical laboratory currently approved by the California Department of Public Health to perform these tests. By January 1, 2000, tests shall be performed according to the procedures outlined below. If tests cannot be performed according to the following procedures, the conversion procedure outlined in 6728(f)(8) shall be performed.

(1) Using personnel and procedures acceptable to the California Department of Public Health (Business and Professions Code sections 1242, 1243, 1246, 1269, 2070; Health and Safety Code sections 120580, 1607), blood collection and storage shall be done according to the following conditions:

(A) Blood samples shall be kept in ice or at a temperature of 4° C until time of assay. If the sample is centrifuged to remove the erythrocytes from the plasma, the plasma shall be stored frozen at a temperature of ± minus 20° C until the assay is performed. If possible, the assay shall be performed within 24 hours after blood collection. Time of sample collection, analysis, and storage conditions shall be specified on the report.

(B) Ethylenediaminetetraacetic acid (EDTA) or heparin shall be used as an anticoagulant in a standard vacutainer tube.

(2) The reagents and equipment shall conform to the following conditions:

(A) A spectrophotometer at a wavelength between 405 and 425 nanometers shall be used.

(B) The assay shall be performed at the temperature of 25° C.

(C) The following conditions regarding the buffer/chromogen shall apply:

1. A sodium phosphate buffer shall be used at a concentration of 0.1 M adjusted to a pH of 8.0 with a pH meter calibrated at both 7.0 and 10.0.

2. Dithiobisnitrobenzoic acid (DTNB) at a stock concentration of 9.7 mM in 0.1 M sodium phosphate buffer pH 7.0 shall be used.

(D) The substrate acetylthiocholine iodide shall be used at a stock concentration of 10.1 mM in 0.1 M sodium phosphate buffer pH 8.0.

(E) The butyrylcholinesterase inhibitor quinidine hydrochloride monohydrate shall be used at a stock concentration of 6 mM in distilled deionized water.

(3) The acetylcholinesterase enzyme assay shall be performed within 15 minutes of preparation and the procedure for performing the assay shall be as follows:

(A) Measure 0.2 mL whole blood and add into a 1.8 mL solution of deionized distilled water; mix thoroughly and keep the solution on ice.

(B) To 2.5 mL of the sodium phosphate buffer, add 0.02 mL of the blood solution, 0.1 mL of DTNB (0.32 mM final concentration) and 0.1 mL of quinidine (0.2 mM final concentration); mix thoroughly and allow to sit for 5 minutes.

(C) Add 0.3 mL acetylthiocholine iodide (1.0 mM final concentration) into the buffer/sample solution and mix thoroughly.

(D) Measure absorbance over the linear portion of the enzyme activity curve in the spectrophotometer.

(4) The procedure for performing butyrylcholinesterase enzyme assay determination shall be as follows:

(A) Physical separation of plasma or serum shall be performed.

(B) If samples are frozen, they shall be thawed at room temperature to assure homogeneity of the sample.

(C) To 2.6 mL of the sodium phosphate buffer, add 0.02 mL of the plasma or serum and 0.1 mL of DTNB (0.32 mM final concentration), mix thoroughly and allow to sit for 5 minutes.

(D) Add 0.3 mL acetylthiocholine iodide (1.0 mM final concentration) into the buffer/sample solution and mix thoroughly.

(E) Measure absorbance over the linear portion of the enzyme activity curve in the spectrophotometer.

(5) A Buffer Blank containing 2.6 mL of sodium phosphate buffer, 0.3 mL of acetylthiocholine (1.0 mM final concentration), and 0.1 mL of DTNB (0.32 mM final concentration) and 0.02 mL of distilled deionized water shall be run with every batch of assays.

(6) Reporting units shall be in International Units per milliliter of sample (IU/mL).

(7) Baseline and follow up assays specified in 6728(c)(2)(A) shall be conducted by the same laboratory method.

(8) If an assay different from that described above is used, the method shall be shown comparable with the foregoing conditions and a conversion equation prepared. Results shall be reported in International Units per mL on both the original and the converted scale. The conditions to establish comparability shall be as described below.

(A) Using personnel and procedures acceptable to the California Department of Public Health (Business and Professions Code sections 1242, 1243, 1246, 1269, 2070; Health and Safety Code sections 120580, 1607), blood samples shall be collected from at least ten subjects.

(B) Blood from each subject shall be tested by serial dilution as specified in "Comparison and Acetylcholinesterase Assays Run under Conditions Specified by the Standard Ellman Method and Conditions Specified by a Commercial Cholinesterase Reagent Kit." HS-1752, July 30, 1998, Department of Pesticide Regulation, Worker Health and Safety Branch.

(C) Test dilutions shall be made at 100% and 50% of enzyme activity.

(D) Triplicate samples shall be run by both the reference and the alternative methods.

(E) Pearson product-moment correlation coefficient squared (r^2) shall be at least 0.9 between results of the alternative and reference methods.

Note: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code; and Section 105206, Health and Safety Code.

HISTORY

1. Amendment filed 9-26-88; operative 10-26-88 (Register 88, No. 41).
2. Editorial correction of subsection (a) (Register 95, No. 8).
3. Amendment of subsection (a) and Note filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).
4. Amendment of subsection (f) and new subsections (f)(1)-(9) filed 4-29-99; operative 5-29-99 (Register 99, No. 18).
5. Repealer of subsection (f)(9) filed 1-20-2000; operative 2-19-2000 (Register 2000, No. 3).
6. Change without regulatory effect amending subsection (b) filed 11-10-2011 pursuant to section 100, title 1, California Code of Regulations (Register 2011, No. 45).
7. Change without regulatory effect amending subsections (f)-(f)(1) and (f)(8)(A) and amending Note filed 11-15-2017 pursuant to section 100, title 1, California Code of Regulations (Register 2017, No. 46).

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3 CCR § 6728, 3 CA ADC § 6728

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[Home](#) [Table of Contents](#)**§ 6730. Working Alone.**

3 CA ADC § 6730

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3 CCR § 6730

§ 6730. Working Alone.

(a) An employee mixing, loading or applying a pesticide in toxicity category one for production of an agricultural commodity may not work alone during daylight hours unless personal, radio, or telephone contact is made to a responsible adult at intervals not exceeding two hour.

(b) An employee mixing, loading or applying a pesticide in toxicity category one for production of an agricultural commodity may not work alone during nighttime hours unless personal, radio, or telephone contact is made to a responsible adult at intervals not exceeding one hour.

(c) A pilot, mixer-loader, and/or flagger team shall be considered as working together. In the case of two ground applicators working in the same field, no additional person is necessary if they can see each other or each other's application vehicles.

Note: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Amendment filed 9-26-88; operative 10-26-88 (Register 88, 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).

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3 CCR § 6730, 3 CA ADC § 6730

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[Home](#) [Table of Contents](#)**§ 6732. Change Area.**

3 CA ADC § 6732

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3 CCR § 6732

§ 6732. Change Area.

For any employee who regularly handles pesticides with the signal word "DANGER" or "WARNING", and for all employees who handle any pesticides for the commercial or research production of an agricultural plant commodity, the employer shall assure that there is, at the place where employees end their exposure period and remove their personal protective equipment, an area where employees may change clothes and wash themselves. Clean towels, soap, and sufficient water shall be available to allow for thorough washing. For employees who handle pesticides for the commercial or research production of an agricultural plant commodity, the change area must meet the requirements specified in section 6734(a), (b)(1), and (b)(2). The employer shall provide a clean, pesticide-free place where employees may store any personal clothing not in use while at work handling pesticides.

Note: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Amendment filed 8-1-86; effective thirtieth day thereafter (Register 86, No. 31).
2. Amendment filed 9-26-88; operative 10-26-88 (Register 88, No. 41).
3. Amendment of section and Note filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).
4. Amendment filed 10-17-2016; operative 1-2-2017 pursuant to Government Code section 11343.4(b)(2) (Register 2016, No. 43).

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3 CCR § 6732, 3 CA ADC § 6732

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[Home Table of Contents](#)**§ 6734. Handler Decontamination Facilities.**

3 CA ADC § 6734

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3 CCR § 6734

§ 6734. Handler Decontamination Facilities.

(a) The employer shall assure that sufficient water, soap and single use towels for routine washing of hands and face and for emergency eye flushing and washing of the entire body are available for employees as specified in this section.

(1) This water shall be of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed, and shall be stored separate from that used for mixing with pesticides unless the tank holding water for mixing with pesticides is equipped with appropriate valves to prevent back flow of pesticides into the water.

(2) One clean change of coveralls shall be available at each decontamination site.

(b) For employees handling pesticides used in the commercial or research production of an agricultural commodity, the employer shall assure:

(1) The water required to be available in (a) is at least three gallons per handler at the beginning of each handler's work day.

(2) Hand sanitizing gels and liquids or wet towelettes are not used to meet the requirement for soap and single use towels as specified in (a).

(3) The decontamination site is at the mixing/loading site and not more than 1/4 mile (or at the nearest point of vehicular access) from other handlers, except that the decontamination site for pilots may be at the loading site regardless of distance from where the pilot is working. The decontamination site must not be in an area being treated or under a restricted entry interval unless:

(A) The handlers for whom the site is provided are working in that area being treated or under a restricted entry interval;

(B) The soap, towels, and extra change of coveralls are in an enclosed container; and

(C) The water is running tap water or enclosed in a container.

(4) Employees are notified of the location of the decontamination site prior to handling pesticides.

(5) One pint of water for emergency eye flushing is immediately available to each employee (carried by the handler or on the vehicle or aircraft the handler is using) if the pesticide product labeling requires protective eyewear. When the handler is mixing or loading a pesticide then only the requirements in (6) apply.

(6) At the mixing/loading site there is immediate employee access to at least one system capable of delivering gently running water at a rate of least 0.4 gallons per minute for at least 15 minutes, or at least six gallons of water in containers suitable for providing a gentle eye-flush for about 15 minutes for emergency eye-flushing, if the product labeling requires protective eyewear or a closed mixing system is used.

(c) The decontamination site for employees handling pesticides for uses other than the commercial or research production of an agricultural plant commodity shall be within 100 feet of the mixing/loading site when they are handling pesticides with the signal word "DANGER" or "WARNING" on the label.

Note: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Amendment of section heading, section and Note filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

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

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3 CCR § 6734, 3 CA ADC § 6734

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3 CA ADC § 6736

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3 CCR § 6736

§ 6736. Coveralls. [Repealed]

Note: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Amendment filed 9-26-88; operative 10-26-88 (Register 88, No. 41).
2. Editorial correction of printing error in subsection (b)(3) (Register 91, No. 33).
3. Amendment of section heading, section and Note filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).
4. Change without regulatory effect amending subsections (a) and (b)(2) filed 8-26-2009 pursuant to section 100, title 1, California Code of Regulations (Register 2009, No. 35).
5. Repealer filed 4-15-2015; operative 7-1-2015 (Register 2015, No. 16).

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3 CCR § 6736, 3 CA ADC § 6736

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[Home](#) [Table of Contents](#)**§ 6738. Personal Protective Equipment Care.**

3 CA ADC § 6738

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3 CCR § 6738

§ 6738. Personal Protective Equipment Care.

(a) The employer shall:

- (1) Provide all personal protective equipment required by pesticide product labeling, regulation, and restricted material permit condition, provide for its daily inspection and cleaning (according to pesticide labeling instructions or, absent any instructions, washed in detergent and hot water), and repair or replace any worn, damaged, or heavily contaminated personal protective equipment. Leather gloves used to apply only aluminum phosphide or magnesium phosphide pesticides and which have been aerated for 12 hours or more are considered cleaned.
- (2) Assure that all clean personal protective equipment, when not in use, is kept separate from personal clothing and in a clean and pesticide-free, specifically designated place.
- (3) Assure that personal protective equipment is used correctly for its intended purpose.
- (4) Keep and wash potentially contaminated personal protective equipment separately from other clothing or laundry.
- (5) Assure that all clean personal protective equipment is either dried thoroughly before stored or is put in a well-ventilated place to dry.
- (6) Assure that personal protective equipment remains the property of the employer and that pesticide handlers are not allowed or directed to take potentially contaminated personal protective equipment into their homes. However, employees whose work day does not involve return to the employer's headquarters shall remove and store potentially contaminated coveralls in a sealable container outside of their own living quarters for later return to the employer.
- (7) Assure that any person or firm assigned or hired to clean or repair potentially contaminated personal protective equipment is protected and informed in accordance with the requirements of section 6744.

Note: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Amendment filed 8-1-86; effective thirtieth day thereafter (Register 86, No. 31).
2. Amendment filed 9-26-88; operative 10-26-88 (Register 88, No. 41).
3. Amendment of subsections (a), (b), (c) and (d) filed 8-13-90; operative 8-13-90 (Register 90, No. 41).
4. Editorial correction of printing error in subsection (d) (Register 91, No. 33).
5. Amendment of subsections (b)(1)(C)4, (c)(3)(C) and Note filed 7-6-93; operative 8-5-93 (Register 93, No. 28).
6. Amendment of section heading and section filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).
7. Amendment filed 5-10-99; operative 6-9-99 (Register 99, No. 20).

8. Amendment of subsection (g)(2), repealer of subsections (h)-(h)(8), subsection relettering and repealer of Informational Note filed 6-13-2007; operative 1-1-2008 (Register 2007, No. 24).

9. Change without regulatory effect amending subsections (b)(1)(A), (c)(1)(A) and (g)(2) filed 8-18-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 34).

10. Amendment of section heading and subsections (a)(1)-(2), repealer of subsections (a)(3) and (a)(5), subsection relettering, amendment of newly designated subsections (a)(4)-(7) and repealer of subsections (b)-(h)(9) filed 4-15-2015; operative 7-1-2015 (Register 2015, No. 16).

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3 CCR § 6738, 3 CA ADC § 6738

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[Home](#) [Table of Contents](#)**§ 6738.1. Personal Protective Equipment Use.**

3 CA ADC § 6738.1

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3 CCR § 6738.1

§ 6738.1. Personal Protective Equipment Use.

Personal protective equipment may be required by pesticide product labeling, regulations, or restricted material permit conditions. Except as provided in section 6738.4, the employer shall assure that:

- (a) Employees wear protective eyewear as specified in section 6738.2 when employees are mixing, loading, or applying pesticides by hand or ground rig, and when exposed to application, mixing, or loading equipment (such as but not limited to hoppers, tanks, or lines) that contains or is contaminated with pesticide.
- (b) Employees wear chemical-resistant gloves as specified in section 6738.3 when employees are mixing, loading, or applying pesticides by hand or ground rig, or when exposed to application equipment (such as but not limited to aircraft, hoppers, tanks, or lines) that contains or is contaminated with pesticide.
- (c) Employees wear chemical-resistant footwear when required. Unless specified on the pesticide product labeling, chemical-resistant shoes, chemical-resistant boots, or chemical-resistant coverings worn over shoes or boots meet this requirement.
- (d) Employees wear a chemical-resistant hood or a wide-brim chemical-resistant hat when chemical-resistant headgear is required.
- (e) Employees wear coveralls whenever they handle pesticides with the signal word "DANGER" or "WARNING" except when using fumigants unless the pesticide product labeling expressly requires the use of coveralls.
- (f) Employees wear a chemical-resistant apron when required. The apron must cover the front of the body from mid-chest to the knees.
- (g) Employees wear a chemical-resistant suit that covers the torso, head, arms, and legs when a full-body chemical-resistant suit is required.
 - (1) If the ambient temperature exceeds 80°F during daylight hours or 85°F during nighttime hours (sunset to sunrise), employees required to wear a chemical-resistant suit must not handle the pesticide(s) unless the pesticide is handled pursuant to subsections 6738.4(c) or (e); or employees use cooled chemical-resistant suits, or engineering controls, to reduce temperatures to an effective working environment of 80°F during daylight hours or 85°F during nighttime hours (sunset to sunrise).

Note: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. New section filed 4-15-2015; operative 7-1-2015 (Register 2015, No. 16).

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3 CCR § 6738.1, 3 CA ADC § 6738.1

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[Home](#) [Table of Contents](#)**§ 6738.2. Selection of Protective Eyewear.**

3 CA ADC § 6738.2

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3 CCR § 6738.2

§ 6738.2. Selection of Protective Eyewear.

The employer shall assure that appropriate protective eyewear, providing brow and temple protection that conforms to the curvature of the face and side protection to the eyes, is worn when its use is required.

(a) Whenever protective eyewear is required, and the labeling does not identify a specific type, one of the following types of eyewear or eye protective devices bearing evidence of compliance with American National Standard for Occupational and Education Personal Eye and Face Protection Devices ANSI Z87.1-2010 must be worn:

- (1) Safety glasses that provide front, brow, and temple protection.
- (2) Goggles.
- (3) Face shield.

(b) If the pesticide labeling identifies a specific type of protective eyewear, that specified eyewear or more protective eyewear, must be worn.

(c) Use of a respirator with a full-face mask approved by the National Institute of Occupational Safety and Health (NIOSH) will satisfy the protective eyewear requirement, unless specifically prohibited by the pesticide labeling.

(d) The wearing of prescription lenses must not interfere with the fit and function of the protective eyewear and the protective eyewear must not interfere with the fit and function of prescription lenses.

Note: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. New section filed 4-15-2015; operative 7-1-2015 (Register 2015, No. 16).

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3 CCR § 6738.2, 3 CA ADC § 6738.2

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3 CA ADC § 6738.3

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3 CCR § 6738.3

§ 6738.3. Selection of Gloves.

The employer shall assure that appropriate chemical-resistant gloves are worn by employees when their use is required.

(a) If the barrier material is specified by a category on the product labeling, the required glove material must be:

- (1) Category A: barrier laminate, butyl rubber, nitrile rubber, neoprene, natural rubber, polyethylene, polyvinyl chloride (PVC), or Viton®.
- (2) Category B: barrier laminate or butyl rubber.
- (3) Category C: barrier laminate, butyl rubber, nitrile rubber, neoprene, PVC, or Viton®.
- (4) Category D: barrier laminate or butyl rubber.
- (5) Category E: barrier laminate, nitrile rubber, neoprene, or Viton®.
- (6) Category F: barrier laminate, butyl rubber, nitrile rubber, or Viton®.
- (7) Category G or H: barrier laminate, or Viton®.

(b) If use of chemical-resistant gloves is required by pesticide labeling without specification of a barrier material or category, the barrier material may be any cited in (a).

(c) All barrier materials must be 14 mils or thicker except:

- (1) barrier laminate and polyethylene materials.
- (2) when chemical-resistant gloves are used to make fine adjustments to equipment or other activities that require high dexterity and motor control skill the gloves must be made of an appropriate barrier material, as specified in (a) and (b) above, and only be used for a maximum of 15 minutes. Such gloves may only be used once for such specific tasks and must be discarded and not reused after the task is accomplished.

(d) Separable glove liners made of cotton or other absorbent materials may be worn under chemical-resistant gloves unless expressly prohibited by pesticide product labeling. The glove liners must not extend beyond the end of the chemical-resistant glove. Glove liners must be disposed of at the end of the workday, or immediately if any portion of the liner comes in contact with pesticide during the workday.

- (1) Flocked gloves or those with other types of non-separable liners are prohibited.

(e) Leather gloves may be worn over chemical-resistant gloves when required by working conditions. Once leather gloves have been used for this purpose, they must not be worn without being worn over chemical-resistant gloves.

(f) If chemical-resistant gloves are brought into the cockpit of an aircraft that has been used to apply pesticides, the gloves must be stored in an enclosed chemical-resistant container.

Note: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. New section filed 4-15-2015; operative 7-1-2015 (Register 2015, No. 16).
2. New subsection (f) filed 10-17-2016; operative 1-2-2017 pursuant to Government Code section 11343.4(b)(2) (Register 2016, No. 43).

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3 CCR § 6738.3, 3 CA ADC § 6738.3

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3 CA ADC § 6738.4

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3 CCR § 6738.4

§ 6738.4. Personal Protective Equipment Exemptions.

The following exceptions and substitutions to personal protective equipment required by pesticide product labeling or regulation are permitted. However, employers shall assure that all exempted personal protective equipment is present and available for use at the worksite and stored in a chemical-resistant container, such as a plastic bag, even if the personal protective equipment's use is exempted by this section.

(a) Chemical-resistant gloves and protective eyewear are not required when:

- (1) applying in an enclosed cab;
- (2) using vehicle-mounted or towed equipment with spray nozzles that are located below the employee and directed downward;
- (3) applying vertebrate pest control baits using long-handled implements that avoid actual hand contact with the bait or potentially contaminated areas of equipment;
- (4) working in situations where the handler has no liquid contact with a fumigant. The handler may wear gloves, unless expressly prohibited by pesticide product labeling; or
- (5) using an application system approved by the Director that is engineered to provide a level of protection to the employee that is equivalent to, or better than, the required personal protective equipment.

(b) Protective eyewear is not required when:

- (1) applying non-insecticidal lures or baiting insect monitoring traps;
- (2) applying solid fumigants (including, but not limited to, aluminum phosphide, magnesium phosphide, and smoke cartridges) to vertebrate burrows; or,
- (3) applying vertebrate pest control baits that are placed without being propelled from application equipment.

(c) Protective eyewear, coveralls, chemical-resistant gloves, and a chemical-resistant apron may be worn instead of personal protective equipment required by pesticide product labeling when using a closed system to handle pesticide products with the signal word "DANGER" or "WARNING". This also applies when using a closed system to handle dry pesticide product formulations provided the requirements in section 6746(d) and (g) are met. For purposes of this subsection and subsection (d), persons mixing pesticides packaged in sealed and intact water-soluble packets are considered to be using a closed system.

(d) Protective eyewear and work clothing may be worn instead of personal protective equipment required by pesticide product labeling when using a closed system to handle pesticide products with the signal word "CAUTION".

(e) Work clothing may be worn instead of personal protective equipment, including when required by pesticide product labeling, when occupying an enclosed cab as defined in section 6000. If a filtering facepiece respirator (NIOSH approval number prefix TC-84A) or dust/mist filtering respirator is required by the pesticide product labeling, then no respirator is required to be worn inside the enclosed cab if the enclosed cab has a properly functioning air ventilation system that is used and maintained in accordance with the manufacturer's written operating instructions. If any other type of respirator is required by the pesticide labeling, then the respirator must be worn inside the enclosed cab during handling activities. If personal protective equipment is contaminated by use in a treated area, it shall be removed and stored in a chemical-resistant container, such as a plastic bag, before reentering the cab.

(f) Work clothing may be worn instead of personal protective equipment, including when required by pesticide product labeling, when occupying an enclosed aircraft cockpit. Respiratory protection is not required to be worn when occupying an enclosed aircraft cockpit.

(g) A helmet may be worn instead of chemical-resistant headgear when operating an aircraft.

(h) A helmet with the face shield lowered to cover the face may be worn instead of protective eyewear when operating an aircraft.

Note: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. New section filed 4-15-2015; operative 7-1-2015 (Register 2015, No. 16).

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

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3 CCR § 6738.4, 3 CA ADC § 6738.4

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3 CA ADC § 6739

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3 CCR § 6739

§ 6739. Respiratory Protection.**(a) General Requirements.**

(1) The employer shall assure that:

(A) Employees use approved respiratory equipment in compliance with this regulation when handling pesticides where respirators are required by label, restricted material permit condition, or regulation.

(2) In any workplace where respirators are required by label, restricted material permit condition, regulation, or employer, the employer shall establish a written respiratory protection program with work site-specific procedures. The program shall be updated as necessary to reflect those changes in workplace conditions that affect respirator use. The employer shall include in the program the following provisions, as applicable:

(A) Procedures for selecting respirators for use in the workplace;

(B) Medical evaluations of employees required to use respirators;

(C) Fit testing procedures for tight-fitting respirators;

(D) Procedures for proper use of respirators in routine and reasonably foreseeable emergency situations;

(E) Procedures and schedules for cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respirators;

(F) Procedures to ensure adequate air quality, quantity, and flow of breathing air for atmosphere-supplying respirators;

(G) Training of employees in the respiratory hazards to which they are potentially exposed during routine and emergency situations, including Immediately Dangerous to Life or Health (IDLH) atmospheres, if appropriate;

(H) Training of employees in the proper use of respirators, including putting on and removing them, any limitations on their use, and their maintenance; and

(I) Procedures for evaluating the effectiveness of the program pursuant to subsections (n)(1) and (2).

1. The respirator program administrator shall administer the respiratory protection program in compliance with this section.

2. The employer shall provide respirators, training, and medical evaluations at no cost to the employee.

(b) Voluntary Respirator Provision.

(1) An employer may provide respirators at the request of employees or permit employees to use their own respirators for use on a voluntary basis, if the employer determines that such respirator use will not in itself create a hazard.

(2) If the employer determines that any voluntary respirator use is permissible, the employer shall provide the respirator users with the information contained in subsection (r) and display this information alongside the display of either the Hazard Communication Information for Employees Handling Pesticides in Agricultural Settings (Pesticide Safety Information Series

leaflet A-8), or Hazard Communication Information for Employees Handling Pesticides in Noncrop Settings (Pesticide Safety Information Series leaflet N-8), at a central location in the workplace.

(3) Under the employer-supplied voluntary respirator provision, the employer shall establish and implement the provisions of a written respiratory protection program necessary to ensure that any employee using a respirator voluntarily is medically able to use that respirator, and that the respirator is cleaned, stored, and maintained so that its use does not present a health hazard to the user. Employers are not required to include a written respiratory protection program for those employees whose only use of respirators involves the voluntary use of filtering facepieces.

(A) The employer shall provide respirators, training, and medical evaluations at no cost to the employee.

(c) Selection of Respirators. The employer shall select and provide an appropriate respirator certified by the National Institute for Occupational Safety and Health (NIOSH) based on the respiratory hazard(s) and relevant workplace and user factors to which the worker is exposed; and the appropriate pesticide label, restricted materials permit condition, regulation, or employer requirements, whichever is most protective.

(1) The employer shall select respirators from a sufficient number of respirator models and sizes so that the respirator is acceptable to, and correctly fits, the user.

(2) Fumigant-confining structures shall be considered IDLH atmosphere unless proven not to be by appropriate measuring devices as to that chemical. The employer shall provide the following respirators for employee use in IDLH atmospheres:

(A) A full facepiece pressure demand self-contained breathing apparatus (SCBA) certified by NIOSH for a minimum service life of thirty minutes, or

(B) A combination full facepiece pressure demand supplied-air respirator (SAR) with auxiliary self-contained air supply.

(C) Respirators provided only for escape from IDLH atmospheres shall be NIOSH-certified for escape from the atmosphere in which they will be used.

(d) Medical Evaluation. The employer shall ensure a medical evaluation is conducted to determine the employee's ability to use a respirator before the employee is fit tested or required to use the respirator in the workplace. The employer may discontinue an employee's medical evaluations when the employee is no longer required to use a respirator.

(1) Medical Evaluation Procedures.

(A) The employer shall identify a physician or other licensed health care professional (PLHCP) to perform medical evaluations using the medical questionnaire in subsection (q) or an equivalent form or an initial medical examination that obtains the same information as the medical questionnaire.

(B) The medical evaluation shall obtain the information requested by the questionnaire in subsection (q), sections 1 and 2.

(2) Follow-up Medical Examination.

(A) The employer shall ensure that a follow-up medical examination is provided when a PLHCP determines that there is a need for a follow-up medical examination.

(B) The follow-up medical examination shall include any medical tests, consultations, or diagnostic procedures that the PLHCP deems necessary to make a final determination.

(3) Administration of the Medical Questionnaire and Examinations.

(A) The medical questionnaire and examinations shall be administered confidentially during the employee's normal working hours or at a time and place convenient to the employee. The medical questionnaire shall be administered in a manner that ensures that the employee understands its content.

(B) The employer shall provide the employee with an opportunity to discuss the questionnaire and examination results with the PLHCP.

(4) Supplemental Information for the PLHCP.

(A) The employer shall provide the following information to the PLHCP before the PLHCP makes a recommendation concerning an employee's ability to use a respirator:

1. The type and weight of the respirator to be used by the employee;
2. The duration and frequency of respirator use (including use for rescue and escape);
3. The expected physical work effort;
4. Additional protective clothing and equipment to be worn; and
5. Temperature and humidity extremes that may be encountered.

(B) The employer shall not be required to provide any supplemental information provided previously to the PLHCP regarding an employee for a subsequent medical evaluation if the information and the PLHCP remain the same. When the employer replaces a PLHCP, the employer shall ensure that the new PLHCP obtains the information specified in (4)(A)1-5 by having the documents transferred from the former PLHCP to the new PLHCP. Employers are not required to have employees medically reevaluated solely because a new PLHCP has been selected.

(C) The employer shall provide the PLHCP with a copy of the written respiratory protection program and a copy of this section.

(5) Medical Determination.

(A) The employer shall obtain a written medical recommendation from the PLHCP regarding the employee's ability to use the respirator. The written medical recommendation shall be provided on the form in subsection (s) or provide substantially the same information as follows:

1. Any limitations on respirator use related to the medical condition of the employee, or relating to the workplace conditions in which the respirator will be used, including whether or not the employee is medically able to use the respirator;
2. The need, if any, for follow-up medical evaluations; and
3. A statement that the PLHCP has provided the employee with a copy of the PLHCP's written medical recommendation.

(B) If a negative pressure respirator is to be used and the PLHCP finds a medical condition that may place the employee's health at increased risk, the employer shall either provide a powered air purifying respirator (PAPR) provided the PLHCP's medical evaluation finds that the employee can use such a respirator or make changes in the workplace such that respiratory protection is not required. If a subsequent medical evaluation finds that the employee is medically able to use a negative pressure respirator, then the employer shall no longer be required to provide a PAPR.

(6) Additional Medical Evaluations. The employer shall provide additional medical evaluations that comply with the requirements of this section if:

(A) An employee reports medical signs or symptoms that are related to their ability to use a respirator;

(B) A PLHCP, supervisor, or the respirator program administrator informs the employer that an employee needs to be reevaluated;

(C) Information from the respiratory protection program administrator, including observations made during fit testing and program evaluation, indicates a need for employee reevaluation; or

(D) A change occurs in workplace conditions including, but not limited to, physical work effort, protective clothing, or temperature, that may result in a substantial increase in the physiological burden placed on an employee.

(e) Fit Testing. The employer shall assure that employees using a tight-fitting facepiece respirator pass an appropriate qualitative fit test (QLFT) or quantitative fit test (QNFT).

(1) The employer shall ensure that an employee using a tight-fitting facepiece respirator is fit tested before initial use of the respirator, whenever a different respirator facepiece (size, style, model or make) is used, and at least annually thereafter.

(2) The employer shall conduct an additional fit test whenever the employee reports, or the employer, PLHCP, supervisor, or respirator program administrator makes visual observations of changes in the employee's physical condition that could affect respirator fit. Such conditions include, but are not limited to, facial scarring, dental changes, cosmetic surgery, or an obvious change in body weight.

(3) If after passing a QLFT or QNFT, the employee subsequently notifies the employer, PLHCP, supervisor, or respirator program administrator that the fit of the respirator is unacceptable, the employee shall be given a reasonable opportunity to select a different respirator facepiece and to be retested.

(4) The fit test shall be administered using either the Cal/OSHA-accepted QLFT or QNFT protocols (Title 8, California Code of Regulations, section 5144, Appendix A), or as recommended by the manufacturer of the respirator, if such recommendations are in accordance with Title 8 CCR section 5144, Appendix A, Part II. QLFT is acceptable for all negative-pressure tight-fitting half or full facepiece respirators used in the application of pesticides.

(5) If the fit factor, as determined through a Cal/OSHA-accepted QNFT protocol (Title 8, California Code of Regulations, section 5144, Appendix A), is equal to or greater than 100 for tight-fitting half facepieces, or equal to or greater than 500 for tight-fitting full facepieces, the QNFT has been passed with that respirator.

(6) Fit testing of tight-fitting atmosphere-supplying respirators and tight-fitting powered air-purifying respirators shall be accomplished by performing quantitative or qualitative fit testing in the negative pressure mode, regardless of the mode of operation (negative or positive pressure) that is used for respiratory protection.

- (A) Qualitative fit testing of these respirators shall be accomplished by temporarily converting the respirator user's actual facepiece into a negative pressure respirator with appropriate filters, or by using an identical negative pressure air-purifying respirator facepiece with the same sealing surfaces as a surrogate for the atmosphere-supplying or powered air-purifying respirator facepiece.
- (B) Quantitative fit testing of these respirators shall be accomplished by modifying the facepiece to allow sampling inside the facepiece in the breathing zone of the user, midway between the nose and mouth. This requirement shall be accomplished by installing a permanent sampling probe onto a surrogate facepiece, or by using a sampling adapter designed to temporarily provide a means of sampling air from inside the facepiece.
- (C) Any modifications to the respirator facepiece for fit testing shall be completely removed, and the facepiece restored to NIOSH-approved configuration, before that facepiece can be used in the workplace.
- (f) Facepiece Seal Protection. A respirator that requires a tight face-to-facepiece seal shall not have any interference with the establishment of this seal. The employer shall ensure that:
- (1) Employees shall not wear a respirator with a tight-fitting facepiece if:
 - (A) Facial hair comes between the sealing surface of the facepiece and the face or interferes with valve function; or
 - (B) Any physical or mental condition interferes with the face-to-facepiece seal or valve function.
 - (2) Corrective glasses or goggles or other personal protective equipment worn by an employee do not interfere with the face-to-facepiece seal.
 - (3) Employees perform a user seal check each time they put on the respirator using the Cal/OSHA procedures (Title 8, California Code of Regulations, section 5144, Appendix B-1) or procedures recommended by the respirator manufacturer that the employer demonstrates are as effective as those in the Cal/OSHA procedures when using tight-fitting respirators.
 - (4) Appropriate surveillance shall be maintained of work area conditions and degree of employee exposure or stress. When there is a change in work area conditions or degree of employee exposure or stress that may affect respirator effectiveness, the employer shall reevaluate the continued effectiveness of the respirator.
 - (5) Employees shall leave the contaminated area:
 - (A) To wash their faces and respirator facepieces as necessary to prevent eye or skin irritation associated with respirator use;
 - (B) If they detect vapor or gas breakthrough, changes in breathing resistance, or leakage of the facepiece; or
 - (C) To replace or adjust the respirator or the filter, cartridge, or canister elements.
 - (6) If the employee detects vapor or gas breakthrough, changes in breathing resistance, or leakage of the facepiece, the employer shall replace or repair the respirator before allowing the employee to return to the work area.
- (g) Procedures for Immediately Dangerous to Life or Health (IDLH) Atmospheres. Fumigant-confining structures shall be considered IDLH atmosphere unless proven not to be by appropriate measuring devices. For all IDLH atmospheres, the employer shall assure that:
- (1) One employee, or when needed pursuant to (2), more than one employee is located outside the IDLH atmosphere;
 - (2) Visual, voice, or signal line communication is maintained between the employee(s) in the IDLH atmosphere and the employee(s) located outside the IDLH atmosphere;
 - (3) The employee(s) located outside the IDLH atmosphere is trained and equipped to provide effective emergency rescue;
 - (4) The employee(s) located outside the IDLH atmosphere notifies the employer or designee, and/or calls 9-1-1 before entering the IDLH atmosphere to provide emergency rescue. Once notified, the employer or designee authorized to do so by the employer, shall provide necessary assistance appropriate to the situation; and
 - (5) Employee(s) located outside the IDLH atmospheres is equipped with:
 - (A) Pressure demand or other positive pressure self-contained breathing apparatus (SCBA), or a pressure demand or other positive pressure supplied-air respirator with auxiliary SCBA; and if necessary,
 - (B) Appropriate retrieval equipment for removing the employee(s) who enter(s) these hazardous atmospheres where retrieval equipment would contribute to the rescue of the employee(s) and would not increase the overall risk resulting from entry.
- (h) Cleaning and Disinfecting. The employer shall provide each respirator user with a respirator that is clean, sanitary, and in good working order. The employer shall ensure that respirators are cleaned and disinfected using the procedures recommended by the respirator manufacturer. If the manufacturer requires a cleaning agent that does not contain a disinfectant, the respirator components shall be disinfected with a registered disinfectant approved for such use. The employer shall assure that:

- (1) Respirators issued for the exclusive use of an employee shall be cleaned and disinfected as often as necessary to be maintained in a sanitary condition.
 - (2) Respirators maintained for emergency use shall be cleaned and disinfected after each use.
 - (3) Respirators that are collected and reissued for use of any employee shall be cleaned and disinfected before reissued.
 - (4) Respirators are stored to protect them from damage, contamination, dust, sunlight, extreme temperatures, excessive moisture, and damaging chemicals. Respirators shall be packed or stored to prevent deformation of the facepiece and exhalation valve.
- (i) Storage of Emergency Respirators. Emergency respirators shall be:
- (1) Stored immediately accessible to the work area.
 - (2) Stored in compartments or in covers that are clearly marked as containing emergency respirators.
 - (3) Stored in accordance with any applicable manufacturer instructions.
 - (4) Stored in such a location as to be safely accessible for use if conditions develop requiring utilization of emergency respiratory protection.
- (j) Inspection and Repair.
- (1) The employer shall ensure that all respirators are inspected before each use and during cleaning, and that:
 - (A) Routine-use respirator inspections include the following:
 1. A check of respirator function, tightness of connections, and the condition of the various parts including, but not limited to, the facepiece, head straps, valves, connecting tube, and cartridges, canisters or filters;
 2. A check of elastomeric parts for pliability and signs of deterioration; and
 3. SCBA air cylinders are checked to ensure that at least one routine use SCBA air cylinder is charged to 80 percent of the manufacturer's recommended pressure level at the beginning of the workday.
 - (B) Emergency-use or second respirators are checked to ensure that the air cylinders are maintained at 100 percent of manufacturer's recommended capacity just prior to each use of a pesticide requiring their presence.
 - (C) Emergency-use respirators are also inspected at least monthly according to the routine-use inspection criteria, manufacturer's recommendations, and include performance of the following:
 1. A check for proper function;
 2. A certification that documents the date the inspection was performed, the name (or signature) of the person who made the inspection, the findings, required remedial action, and a serial number or other means of identifying the inspected respirator; and that this information is included on a tag or label that is attached to the storage compartment for the respirator or is kept with the respirator. This information shall be maintained until replaced following a subsequent certification; and
 3. A check for properly functioning SCBA regulator and warning devices.
 - (D) Escape-only respirators must be inspected according to the routine-use inspection criteria, and before being brought into the workplace for use.
 - (2) The employer shall ensure that respirators that fail an inspection or are otherwise found to be defective shall be removed from service, and discarded, repaired, or adjusted in accordance with the following procedures:
 - (A) Repairs or adjustments to respirators shall be made only by persons appropriately trained to perform such operations and shall use only the respirator manufacturer's NIOSH-approved parts designed for the respirator;
 - (B) Repairs shall be made according to the manufacturer's recommendations and specifications for the type and extent of repairs to be performed; and
 - (C) Reducing and admission valves, regulators, and alarms shall be adjusted or repaired only by the manufacturer or a technician trained by the manufacturer.
- (k) Breathing Air Quality and Use. The employer shall ensure:
- (1) Compressed breathing air suppliers meet at least the requirements for Grade D breathing air described by the Compressed Gas Association (CGA) Commodity Specification for Air, G-7.1-1997 and certify such with a Certificate of Analysis (original or copy) from the supplier.

- (2) Cylinders shall be tested and maintained as prescribed in the Shipping Container Specification Regulations of the Department of Transportation (49 Code of Federal Regulation part 173 and part 178).
- (3) Compressors used to supply breathing air to respirators are constructed and situated so as to conform to Title 8, California Code of Regulations, section 5144.
- (l) Identification of Filters, Cartridges, and Canisters. The employer shall ensure that all filters, cartridges and canisters used in the workplace are labeled and color-coded with the NIOSH approval label. The label shall remain legible and not be removed.
- (m) Training and Information. In addition to the training requirements specified in section 6724, the employer shall ensure that:
- (1) Each employee can demonstrate knowledge of at least the following:
 - (A) Why the respirator is necessary and how improper fit, usage, or maintenance can compromise the protective effect of the respirator;
 - (B) What the limitations and capabilities of the respirator are;
 - (C) How to use the respirator effectively in emergency situations, including situations in which the respirator malfunctions;
 - (D) How to inspect, put on and remove, use, and check the seals of the respirator;
 - (E) What the procedures are for maintenance and storage of the respirator;
 - (F) How to recognize medical signs and symptoms that may limit or prevent the effective use of respirators; and
 - (G) The general requirements of this section.
 - (2) Training shall be conducted in a manner that is understandable to the employee.
 - (3) Training is provided prior to requiring the employee to use a respirator in the workplace.
 - (4) A new employee who has received training within the last 12 months that addresses the elements specified in subsection (m)(1)(A) through (G) is not required to repeat such training provided that, as required by subsection (m)(1), the employee can demonstrate knowledge of those element(s). Previous training not repeated initially by the employer must be provided no later than 12 months from the date of the previous training.
 - (5) Retraining shall be administered annually, and when the following situations occur:
 - (A) Changes in the workplace or the type of respirator render previous training obsolete;
 - (B) Inadequacies in the employee's knowledge or use of the respirator indicate that the employee has not retained the requisite understanding or skill; or
 - (C) Any other situation arises in which retraining appears necessary to ensure safe respirator use.
 - (6) The basic advisory information on respirators specified in (r) is provided in any written or oral format to employees who wear respirators when such use is not required by label, restricted materials permit condition, regulation, or by the employer.
- (n) Program Evaluation.
- (1) The employer shall conduct evaluations of the workplace as necessary to ensure that the provisions of the current written program are being effectively implemented and that it continues to be effective as required by this section.
 - (2) The employer shall annually consult employees required to use respirators to assess the employees' views on program effectiveness and to identify any problems. Any problems that are identified during this assessment shall be corrected. Factors to be assessed include, but are not limited to:
 - (A) Respirator fit (including the ability to use the respirator without interfering with effective workplace performance);
 - (B) Appropriate respirator selection for the pesticides to which the employee is exposed;
 - (C) Proper respirator use under the workplace conditions the employee encounters; and
 - (D) Proper respirator maintenance.
 - (3) A written record of these evaluations and consultations shall be documented and at least contain:
 - (A) Name of workers consulted.
 - (B) Date of evaluation/consultation.
 - (C) Description of any finding from the evaluation or consultation requiring modification of written respiratory protection program or a declaration of no findings.

(4) Any findings from either the employer evaluation or the employee consultation that necessitate the modification to the written respiratory protection program shall be implemented within 30 days from the date of the evaluation/consultation.

(o) End-of-Service Life. When air-purifying respirators are required for protection against pesticides, the employer shall ensure that air-purifying elements (or entire respirator, if disposable type) shall be replaced according to the following hierarchically arranged criteria:

- (1) At the first indication of odor, taste, or irritation while in use, the respirator wearer leaves the contaminated area, adjusts the mask for fit and on returning still encounters odor, taste, or irritation. This criterion item supercedes any of the criteria listed in (2)-(6).
- (2) When any End-of-Service-Life-Indicator (ESLI) indicates that the respirator has reached its end of service;
- (3) All disposable filtering facepiece respirators shall be discarded at the end of the workday;
- (4) According to pesticide-specific label directions/recommendations;
- (5) According to pesticide-specific directions from the respirator manufacturer;
- (6) Absent any pesticide-specific directions/recommendations, at the end of the day's work period;

(p) Recordkeeping. The employer shall retain written information regarding medical recommendations, fit testing, and the respirator program.

(1) Records required by this section shall be maintained while the employee is required to use respiratory protection and for three years after the end of employment conditions requiring respiratory protection and shall be available for inspection by the employee, the Director, or commissioner.

(2) Fit testing.

(A) The employer shall establish a record of the qualitative and quantitative fit tests administered to an employee including:

1. The name or identification of the employee tested;
2. Type of fit test performed;
3. Specific make, model, style, and size of respirator tested;
4. Date of test; and
5. The pass/fail results for qualitative fit testing or the fit factor and strip chart recording or other recording of the test results for QNFTs.

(3) A written copy of the current respirator program shall be retained by the employer. Previous versions of the written respirator protection program shall be retained for three years.

(4) Written information required to be retained under this subsection shall be made available upon request to employees falling under the respiratory protection program and to the commissioner or persons designated by the Director for review and copying.

(q) Medical Evaluation Questionnaire. The completion of this form, or a form that obtains the same information as the medical questionnaire, by each respirator wearing employee; and the review of the completed form by a physician or licensed health care provider, is mandatory for all employees whose work activities require the wearing of respiratory protection. The medical evaluation questionnaire shall be administered in a manner that ensures that the employee understands the document and its content. The person administering the questionnaire shall offer to read or explain any part of the questionnaire to the employee in a language and manner the employee understands. After giving the employee the questionnaire, the person administering the questionnaire shall ask the following question of the employee: "Can you read and complete this questionnaire?" If the answer is affirmative, the employee shall be allowed to confidentially complete the questionnaire. If the answer is negative, the employer must provide either a copy of the questionnaire in a language understood by the employee or a confidential reader, in the primarily understood language of the employee.

To the employee:

Can you read (circle): Yes/No (*This question to be asked orally by employer. If yes, employee may continue with answering form. If no, employer must provide a confidential reader, in the primarily understood language of the employee.*)

Your employer must allow you to answer this questionnaire during normal working hours, or at a time and place that is convenient to you. To maintain your confidentiality, your employer or supervisor must not look at or review your answers, and your employer must tell you how to deliver or send this questionnaire to the health care professional who will review it.

Section 1. (Mandatory, no variance in this format allowed) Every employee who has been selected to use any type of respirator must provide the following information (please print):

1. Today's date: ____ / ____ / ____

2. Your name: _____
3. Your age: _____
4. Sex (circle one): Male/Female
5. Your height: _____ ft. _____ in.
6. Your weight: _____ lbs.
7. Your job title: _____
8. How can you be reached by the health care professional who reviews this questionnaire?

9. If by phone, the best time to call is Morning/Afternoon/Evening/Night at: (include the area code): ____ - ____ - ____
10. Has your employer told you how to contact the health care professional who will review this questionnaire (circle one):
Yes/No
11. Check the type of respirator you will use (you can check more than one category):
 - a. N, R, or P disposable respirator (filter-mask, noncartridge type only).
 - b. Half-face respirator (particulate or vapor filtering or both)
 - c. Full-face respirator (particulate or vapor filtering or both)
 - d. Powered air purifying respirator (PAPR)
 - e. Self contained breathing apparatus (SCBA)
 - f. Supplied air respirator (SAR)
 - g. Other
12. Have you worn a respirator (circle one): Yes/No

If "yes," what type(s):

- a. N, R, or P disposable respirator (filter-mask, noncartridge type only).
- b. Half-face respirator (particulate or vapor filtering or both)
- c. Full-face respirator (particulate or vapor filtering or both)
- d. Powered air purifying respirator (PAPR)
- e. Self contained breathing apparatus (SCBA)
- f. Supplied air respirator (SAR)
- g. Other

Section 2. (Mandatory) Every employee who has been selected to use any type of respirator must answer questions 1 through 8 below (please circle "yes" or "no").

1. Do you currently smoke tobacco or have you smoked tobacco in the last month: Yes/No
2. Have you ever had any of the following conditions?
 - a. Seizures (fits): Yes/No
 - b. Allergic reactions that interfere with your breathing: Yes/No
 - c. Claustrophobia (fear of closed-in places): Yes/No
 - d. Trouble smelling odors: Yes/No/Do not know
 - e. Diabetes (sugar disease): Yes/No/Do not know
3. Have you ever had any of the following pulmonary or lung problems?
 - a. Asbestosis: Yes/No

- b. Asthma: Yes/No
 - c. Chronic bronchitis: Yes/No
 - d. Emphysema: Yes/No
 - e. Pneumonia: Yes/No
 - f. Tuberculosis: Yes/No
 - g. Silicosis: Yes/No
 - h. Pneumothorax (collapsed lung): Yes/No
 - i. Lung cancer: Yes/No
 - j. Broken ribs: Yes/No
 - k. Any chest injuries or surgeries: Yes/No
 - l. Any other lung problem that you have been told about: Yes/No
4. Do you currently have any of the following symptoms of pulmonary or lung illness?
- a. Shortness of breath: Yes/No
 - b. Shortness of breath when walking fast on level ground or walking up a slight hill or incline: Yes/No
 - c. Shortness of breath when walking with other people at an ordinary pace on level ground: Yes/No
 - d. Have to stop for breath when walking at your own pace on level ground: Yes/No
 - e. Shortness of breath when washing or dressing yourself: Yes/No
 - f. Shortness of breath that interferes with your job: Yes/No
 - g. Coughing that produces phlegm (thick sputum): Yes/No
 - h. Coughing that wakes you early in the morning: Yes/No
 - i. Coughing that occurs mostly when you are lying down: Yes/No
 - j. Coughing up blood in the last month: Yes/No
 - k. Wheezing: Yes/No
 - l. Wheezing that interferes with your job: Yes/No
 - m. Chest pain when you breathe deeply: Yes/No
 - n. Any other symptoms that you think may be related to lung problems: Yes/No
5. Have you ever had any of the following cardiovascular or heart problems?
- a. Heart attack: Yes/No
 - b. Stroke: Yes/No
 - c. Angina (pain in chest): Yes/No
 - d. Heart failure: Yes/No
 - e. Swelling in your legs or feet (not caused by walking): Yes/No
 - f. Irregular heart beat (an arrhythmia): Yes/No/Do not know.
 - g. High blood pressure: Yes/No/Do not know
 - h. Any other heart problem that you have been told about: Yes/No
6. Have you ever had any of the following cardiovascular or heart symptoms?
- a. Frequent pain or tightness in your chest: Yes/No
 - b. Pain or tightness in your chest during physical activity: Yes/No

- c. Pain or tightness in your chest that interferes with your job: Yes/No
 - d. In the past two years, have you noticed your heart skipping or missing a beat: Yes/No
 - e. Heartburn or indigestion that is not related to eating: Yes/No
 - f. Any other symptoms that you think may be related to heart or circulation problems: Yes/No
7. Do you currently take medication for any of the following problems?
- a. Breathing or lung problems: Yes/No
 - b. Heart trouble: Yes/No
 - c. Blood pressure: Yes/No
 - d. Seizures (fits): Yes/No
8. If you have used a respirator, have you ever had any of the following problems?
(If you have never used a respirator, check the following space and go to question 9:)
- a. Eye irritation: Yes/No
 - b. Skin allergies or rashes: Yes/No
 - c. Anxiety: Yes/No
 - d. General weakness or fatigue: Yes/No
 - e. Breathing difficulty: Yes/No
 - f. Any other problem that interferes with your use of a respirator: Yes/No
9. Would you like to talk to the health care professional who will review this questionnaire about your answers to this questionnaire:
Yes/No
- Questions 10-15 must be answered by every employee who has been selected to use either a fullfacepiece respirator or a self-contained breathing apparatus (SCBA). For employees who have been selected to use other types of respirators, answering these questions is voluntary.
10. Have you ever lost vision in either eye (temporarily or permanently): Yes/No
11. Do you currently have any of the following vision problems?
- a. Wear contact lenses: Yes/No
 - b. Wear glasses: Yes/No
 - c. Color blind: Yes/No
 - d. Any other eye or vision problem: Yes/No
12. Have you ever had an injury to your ears, including a broken ear drum: Yes/No
13. Do you currently have any of the following hearing problems?
- a. Difficulty hearing: Yes/No
 - b. Wear a hearing aid: Yes/No
 - c. Any other hearing or ear problem: Yes/No
14. Have you ever had a back injury: Yes/No
15. Do you currently have any of the following musculoskeletal problems?
- a. Weakness in any of your arms, hands, legs, or feet: Yes/No
 - b. Back pain: Yes/No
 - c. Difficulty fully moving your arms and legs: Yes/No
 - d. Pain and stiffness when you lean forward or backward at the waist: Yes/No
 - e. Difficulty fully moving your head up or down: Yes/No

- f. Difficulty fully moving your head side to side: Yes/No
- g. Difficulty bending at your knees: Yes/No
- h. Difficulty squatting to the ground: Yes/No
- i. Difficulty climbing a flight of stairs or a ladder carrying more than 25 lbs: Yes/No
- j. Any other muscle or skeletal problem that interferes with using a respirator: Yes/No

At the discretion of the PLHCP, if further information is required to ascertain the employee's health status and suitability for wearing respiratory protection, the PLHCP may include and require the questionnaire found in Title 8, California Code of Regulations, section 5144, Appendix C, Part B, Questions 1-19.

(r) Voluntary Respirator Provision Information. The employer shall ensure that the following information is provided to employees who voluntarily wear a respirator when not required to do so by label, restricted materials permit condition, regulation, or employer.

Information for Employees Using Respirators When Not Required By Label or Restricted Material Permit Conditions or Regulation.

Respirators are an effective method of protection against designated hazards when properly selected and worn. Respirator use, even when exposures are below the exposure limit, may provide an additional level of comfort and perceived protection for workers. However, if a respirator is used improperly or not kept clean, the respirator itself can become a hazard to the worker. Sometimes, workers may wear respirators to avoid exposures to hazards, even if the amount of hazardous substance does not exceed the limits set by OSHA standards or Department of Pesticide Regulation guidelines. If your employer provides respirators for your voluntary use, or if you provide your own respirator, you need to take certain precautions to be sure that the respirator itself does not present a hazard.

You should do the following:

1. Read and follow all instructions provided by the manufacturer on use, maintenance, cleaning and care, and warnings regarding the respirators limitations.
2. Choose respirators certified for use to protect against the contaminant of concern. NIOSH, the National Institute for Occupational Safety and Health of the U.S. Department of Health and Human Services, certifies respirators. A label or statement of certification should appear on the respirator or respirator packaging. It will tell you what the respirator is designed for and how much it will protect you.
3. Do not wear your respirator into atmospheres containing contaminants for which your respirator is not designed to protect against. For example, a respirator designed to filter dust particles will not protect you against gases, vapors, or very small solid particles of fumes or smoke.
4. Keep track of your respirator so that you do not mistakenly use someone else's respirator.
5. Air filtering respirators DO NOT supply oxygen. Do not use in situations where the oxygen levels are questionable or unknown.

(s) Medical Recommendation Form. A physician or other licensed health care professional's report of evaluation and approval for respirator use must be on file with the employer before work requiring respirator use is allowed. The following or substantially similar statement from a physician is acceptable:

On _____,	I evaluated _____.
Date	Patient's name

At this time there (are)/(are not) medical contraindications to the employee named above wearing a respirator while working in potential pesticide exposure environments. The patient (does)/(does not) require further medical evaluation at this time. Any restrictions to wearing a respirator or to the type of respiratory protection are given below.

I have provided the above-named patient with a copy of this form.

_____ Physician	_____ Date
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INFORMATIONAL NOTE for section 6739: Employers requiring employees to enter oxygen-deficient atmospheres shall conform to respiratory protection requirements in Title 8, California Code of Regulations, section 5144. Oxygen-deficient atmospheres contain less than 19.5 percent oxygen by volume.

Note: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. New section filed 6-13-2007; operative 1-1-2008 (Register 2007, No. 24).
2. Change without regulatory effect amending subsections (e)(1), (j)(1)(A)3. and (q) filed 8-18-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 34).
3. New subsection (j)(1)(B), subsection relettering, amendment of newly designated subsections (j)(1)(C)-(j)(1)(C)3., repealer of newly designated subsection (j)(1)(C)4. and new subsection (j)(1)(D) filed 4-15-2015; operative 7-1-2015 (Register 2015, No. 16).
4. Amendment of subsection (b)(3) filed 2-12-2018; operative 4-1-2018 (Register 2018, No. 7).

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3 CCR § 6739, 3 CA ADC § 6739

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3 CA ADC § 6740

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3 CCR § 6740

§ 6740. Adequate Light.

Whenever natural light in mixing/loading area is not adequate to allow an employee to read the label and work in a safe manner, artificial light shall be provided in such areas which is sufficient to perform these activities.

Note: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6740, 3 CA ADC § 6740

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3 CA ADC § 6742

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3 CCR § 6742

§ 6742. Safe Equipment.

(a) The employer shall assure that equipment used for mixing, loading, transferring, or applying pesticides is inspected before each day of use and equipment with any safety defect is repaired or altered to remove the hazard before further use.

(b)(1) All openings on tanks used for mixing or applying pesticides must be equipped with covers that will prevent splashes and spills.

(2) Flexible hoses carrying liquid pesticides in toxicity categories one or two under pressure must not pass unshielded through the cockpit of an airplane or helicopter.

(3) Shut-off devices must be installed on the exit end of all hoses carrying liquid pesticides in toxicity categories one or two from mixing tanks that are adequate to prevent splashes onto the employee doing the loading when filling operations are stopped and the filler hose is removed from the inlet to the tank of the application vehicle. As an alternative, a reversing action pump, or a similar system, may be used that will empty the hose and will eliminate dripping of liquid from the end of the hose when the filling operation is stopped.

(4) Each tank, with a capacity of more than 49 gallons, that is used to mix or apply any liquid mixture derived from a pesticide in toxicity categories one or two, must have either:

(A) a properly functioning means to indicate externally the internal liquid level in the tank such as a sight gauge; or

(B) the tank or the filler hose nozzle must have a device that will automatically stop the filling operation before the pesticide liquid mixture spills over the top.

(5) All external sight gauges must be protected against breakage and be equipped with valves so the pipes or tubes connected to the sight gauge can be shut off.

Note: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Amendment of subsection (b)(1) filed 8-1-86; effective thirtieth day thereafter (Register 86, No. 31).

2. Editorial correction of printing error in subsection (b) (Register 91, No. 33).

3. Amendment of subsection (a) and Note filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

4. Amendment of subsections (b)(1)-(b)(4) and (b)(4)(B), new subsection (b)(5) and amendment of Note filed 11-4-2015; operative 1-1-2016 (Register 2015, No. 45).

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3 CCR § 6742, 3 CA ADC § 6742

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3 CA ADC § 6744

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3 CCR § 6744

§ 6744. Equipment Maintenance.

(a) Persons who own or operate pesticide mixing, loading, or application equipment shall inform each employee under their control who may be involved in the cleaning, servicing or repair of that equipment of the hazards of the pesticides that a person may encounter, and the methods of protecting against personal injury.

(b) When cleaning, servicing or repairing is to be performed by persons not under the control of the owner or operator of the equipment, the owner or operator of the equipment shall notify the person in charge of performing these services of the requirements in (a).

(1) If the equipment has been used in the commercial or research production of an agricultural plant commodity, the owner or operator of the equipment shall also notify the person in charge of performing these services of the following:

(A) Pesticide application equipment may be contaminated with pesticides.

(B) Procedures for handling pesticide application equipment and for limiting exposure to pesticide residues.

(C) Personal hygiene practices and decontamination procedures for preventing pesticide exposures and removing pesticide residues.

(c) Employees who clean, service, or repair mixing and application equipment shall be provided with any necessary protective equipment or clothing by their employer, and shall be instructed and supervised in the maintenance operation in a manner that will reduce work hazards.

Note: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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

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3 CCR § 6744, 3 CA ADC § 6744

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3 CA ADC § 6746

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3 CCR § 6746

§ 6746. Closed Mixing System Requirement.

Closed mixing systems are engineering controls used to protect workers from dermal hazard when mixing pesticides with high acute dermal toxicity. The dermal toxicity of a pesticide is determined by the precautionary statements on the label.

(a) When mixing liquid formulations of pesticides for the production of an agricultural commodity, the employer shall assure employees use an appropriate closed mixing system as specified by this section or pesticide product labeling.

(b) Employees who mix liquid pesticide products, including adjuvants, bearing the statement "Fatal if absorbed through skin" or other comparable language shall use a closed mixing system that is capable of enclosing the pesticide while removing the contents from its original container, preventing the pesticide from contacting handlers. Each emptied pesticide container must be rinsed and drained as required by the pesticide product label or section 6684, and while still connected to the closed mixing system. A closed mixing system meeting this standard is a "Tier 1" closed mixing system.

(c) Employees who mix liquid pesticide products, excluding adjuvants, bearing the statement "May be fatal if absorbed through skin" or "Corrosive, causes skin damage" or other comparable language shall use a closed mixing system that is capable of enclosing the pesticide while removing the contents from its original container, preventing the pesticide from contacting handlers. A closed mixing system meeting this standard is a "Tier 2" closed mixing system.

(d) The employer shall assure employees operating a closed mixing system are trained in its use pursuant to section 6724 and operate the closed mixing system in accordance with its written operating instructions.

(e) All personal protective equipment (PPE) required by the pesticide product label, restricted material permit conditions, or regulation must be at the worksite during operation of the closed mixing system and available in a condition that provides the intended protection. Protective eyewear must be worn while using a closed mixing system. While using a closed mixing system, PPE requirements may be reduced or modified as provided in section 6738.4.

(f) Closed Mixing System Design Criteria - A closed mixing system must meet the following design criteria.

(1) Any closed mixing system used, as required by this section, must be designed to remove a pesticide from its original container and transfer the pesticide product through connecting hoses, pipes and couplings that are sufficiently tight to prevent exposure of any employee to the pesticide concentrate or, when rinsing is required, the rinsate.

(2) Properly Constructed

(A) All elements of the closed mixing system, such as hoses, connectors, and valves, must be designed and maintained for the pesticides being transferred and the pressures or vacuums being generated during system operation.

(B) Tier 1 closed mixing systems must provide for effective rinsing of the original pesticide product from the emptied container as specified by section 6684 and transfer the rinsate to the mix or spray tank.

(C) Tier 1 closed mixing systems must provide adequate pressure and volume of rinse water to rinse the inner surfaces of the pesticide container and must not rupture the container by over pressurizing.

(g) Written Operating Instructions and Maintenance Requirements.

(1) Any employee using a closed mixing system must have written operating instructions.

(2) The written operating instructions must include: operating procedures for use, including the safe removal of a probe; maintenance, cleaning and repair; known restrictions or limitations relating to the system, such as incompatible pesticides, sizes (or types) of containers or closures that cannot be handled by the system; any limits on the ability to measure a pesticide, or special procedures or limitations on the ability of the system to handle partial containers.

(3) The written operating instructions must be clearly legible and available with the closed mixing system and available for inspection by the Director or commissioner upon request.

(4) The employer shall assure that the closed mixing system is cleaned and maintained as specified in the written operating instructions, and as needed to ensure the closed mixing system functions properly.

(h) Exemptions. The requirements of this section do not apply to:

(1) Mixing pesticides using a method or mixing device required by the pesticide product label and the failure to follow the label directions would result in the use of a pesticide in conflict with labeling, as specified in Food and Agricultural Code section 12973.

(2) Opening of a container by removal of the manufacturer's original sealing device without removing any of the contents before re-closing with a liquid-tight sealing device.

(3) Regulatory personnel collecting samples of pesticides.

(4) The rinsing of refillable pesticide containers that are required to be returned to a pesticide dealer, pesticide registrant, or manufacturer (pesticide producing establishment registered by the U.S. Environmental Protection Agency).

(5) An employee required to use a Tier 2 closed mixing system if the employee handles a daily maximum of one gallon or less. The employee shall wear all personal protective equipment required by pesticide product labeling and regulation when not using a closed mixing system.

Note: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Amendment filed 8-1-86; effective thirtieth day thereafter (Register 86, No. 31).
2. Amendment filed 9-26-88; operative 10-26-88 (Register 88, No. 41).
3. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
4. Amendment of section heading and repealer and new section filed 11-4-2015; operative 1-1-2016 (Register 2015, No. 45).

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3 CCR § 6746, 3 CA ADC § 6746

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3 CA ADC § 6760

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Article 3. Field Worker Safety

3 CCR § 6760

§ 6760. Employer Responsibility and Exceptions.

(a) Employers shall comply with the requirements of this article to protect employees who may enter treated fields.

(b) If only granular baits or attractants or repellents in traps have been applied in a field, the employer is exempt from the requirements of Sections 6762 (Field Work During Application), 6764 (Fieldworker Training), 6766(a) and (b) (Emergency Medical Care), 6768 (Decontamination Facilities), 6770 (Entry After Pesticide Application), 6771 (Requirements for Early Entry Fieldworkers), 6772 (Restricted Entry Intervals), 6774 (Reentry Interval Adjustments), and 6776 (Field Posting).

(c) Pesticide applications for areawide public pest control programs sponsored by governmental agencies, such as for fruit fly eradication, and those made by vector control agencies operating under cooperative agreements with the State Department of Health Services pursuant to Section 116180 of the Health and Safety Code, and contractors of those agencies, are exempt from the requirements of this article.

(d) If only algaecides have been used to treat the irrigation system, the employer is exempt from the requirements of Sections 6762 (Field Work During Application), 6764 (Fieldworker Training), 6766(a) and (b) (Emergency Medical Care), 6768 (Decontamination Facilities), 6770 (Field Entry After Pesticide Application), 6771 (Requirements for Early Entry Fieldworkers), 6772 (Restricted Entry Intervals), 6774 (Restricted Entry Interval Adjustments) and 6776 (Field Posting).

(e) If pesticides have been applied only by injection directly into plants the employer is exempt from the requirements of this article. Direct injection does not include "hack and squirt" methods.

Note: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Amendment of subsection (a), renumbering and amendment of Section 6712 to Section 6760(c), renumbering and amendment of Section 6770(h) to Section 6760(d) and new subsection (e) filed 9-26-88; operative 10-26-88 (Register 88, No. 41).

2. Amendment of section heading, section and Note filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

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3 CCR § 6760, 3 CA ADC § 6760

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3 CA ADC § 6761

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3 CCR § 6761

§ 6761. Hazard Communication for Fieldworkers.

(a) Whenever employees are working as fieldworkers in a treated field, the employer shall display at the worksite and all permanent decontamination facilities and decontamination facilities servicing 11 or more fieldworkers, a copy of a completed written Hazard Communication Information for Employees Working in Fields (Pesticide Safety Information Series leaflet A-9). Any changes to the name, address, or telephone number of the facility providing emergency medical care must be updated on the Pesticide Information Series leaflet A-9 within 24 hours of the change. In the event that fieldworkers gather at a central location prior to transportation to the worksite, the Pesticide Safety Information Series leaflet A-9, required to be at the worksite, may instead be displayed at that central location. Pesticide Safety Information Series leaflet A-9 shall be written by the department in English and Spanish. Upon request, the employer shall read to the requesting employee, in a language understandable to that employee, Pesticide Safety Information Series leaflet A-9. Pesticide Safety Information Series leaflets are available from the Department.

(b) The operator of the property shall maintain in a central location at the workplace accessible to employees, including the employees of labor contractors, who enter a treated field, the following:

(1) pesticide use records specified in section 6624 (b), (c), (d), and (e) for pesticides that have been applied to the field within the last two years;

(2) a Safety Data Sheet (SDS), as specified in Title 8, California Code of Regulations, section 5194, for each pesticide listed in the pesticide use records referred to in subsection (b)(1). If the SDS is not provided by the registrant of a pesticide, the operator of the property shall:

(A) within 7 working days of a request for a SDS from an employee, employee representative or employee's physician, make written inquiry to the registrant of the pesticide, asking that a SDS be sent to the operator of the property. If the operator of the property has made a written inquiry within the last 12 months as to whether the pesticide is subject to the requirement for a SDS or the operator of the property has made a written inquiry within the last 6 months requesting new, revised or later information on the SDS, the operator of the property need not make additional written inquiry. A copy of the written inquiry shall immediately be sent to the person requesting the SDS;

(B) notify the requester of the availability of the SDS or provide a copy of the SDS to the requester within 15 days of receipt of the SDS from the registrant; and

(C) if a response has not been received from the registrant within 25 working days of the date the inquiry was made, send the Department a copy of the inquiry with a notation that no response has been received. The operator of the property is not precluded from obtaining and providing the SDS utilizing other more expedient methods in lieu of those provided in this subsection.

(c) The operator of the property shall inform his or her employees, before they are allowed to enter a treated field, of the location and availability of any records and other documents required by subsections (a) and (b). If the employees are employed by a labor contractor, the operator of the property shall inform the labor contractor of the location, or changed location, of the records and other documents. The labor contractor shall provide that information to his or her employees. If the location of the records and other documents changes, the operator of the property and the labor contractor shall promptly inform his or her employees of the new location. The employer, including the labor contractor, shall also inform their employees that they, their physicians and their representatives have a right of access to the information and that the employees are protected against discharge or other discrimination due to the exercise of their rights under this section.

(d) The operator of the property shall provide, upon request of his or her employee, an employee of a labor contractor, employee representative, or an employee's physician, access to any records, documents and information required to be maintained by this chapter. Access shall be granted as soon as possible and not to exceed 48 hours from the date of the request. A request from an employee representative must be in writing and contain the following:

(1) The name of the employee being represented.

(2) A description of the specific information being requested. The description must include the dates of employment of the employee, the date or dates for which the records are requested, type of work conducted by the employee (e.g., planting, harvesting, applying pesticides, mixing or loading pesticides) during the period for which the records are requested, and the specific application and/or hazard information requested.

(3) A written statement clearly designating the representative to request pesticide application and hazard information on the employee's behalf, bearing the employee's printed name and signature, the date of the designation, and the printed name and contact information for the employee representative.

(4) Directions on where the requested information should be sent (e.g., mailing address or email address).

INFORMATIONAL NOTE: Other requirements relating to hazard communication can be found in sections 6602, 6618, 6619, 6724, 6726, 6738, 6744, 6764, 6766, 6770, 6771 and 6776.

Note: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code; and 29 Code of Federal Regulations, Part 1910.1200.

HISTORY

1. New section filed 12-6-91; operative 1-1-92 (Register 92, No. 13).
2. Amendment of section and Note filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).
3. Change without regulatory effect amending Informational Note filed 11-10-2011 pursuant to section 100, title 1, California Code of Regulations (Register 2011, No. 45).
4. Change without regulatory effect amending subsections (b)(1)-(b)(2)(C) and (d) filed 12-2-2015 pursuant to section 100, title 1, California Code of Regulations (Register 2015, No. 49).
5. Amendment of section heading and subsections (a), (b)(1) and (d) and new subsections (d)(1)-(4) filed 10-17-2016; operative 1-2-2017 pursuant to Government Code section 11343.4(b)(2) (Register 2016, No. 43).

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3 CCR § 6761, 3 CA ADC § 6761

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3 CA ADC § 6761.1

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Article 3. Field Worker Safety

3 CCR § 6761.1

§ 6761.1. Application-Specific Information for Fieldworkers.

(a) The operator of property used for the commercial or research production of an agricultural plant commodity shall display at a central location the following application-specific information, while fieldworkers are employed to work in treated fields on the operator's property:

- (1) The crop or site treated and identification of the treated field;
- (2) The date(s) and time(s) the application started and ended;
- (3) Restricted entry interval;
- (4) Product name(s), U.S. EPA registration number(s), and active ingredient(s);
- (5) A copy of the Safety Data Sheet(s) for the applied pesticide(s); and
- (6) Spray adjuvant product name(s) and California registration number(s) if applicable.

(b) The information must be displayed when the operator of the property receives notice of the completion of an application and before any fieldworkers are allowed to enter the treated field. The information must include all applications that have been made to any field on the operator's property. The information must remain displayed until the area no longer meets the definition of a treated field or fieldworkers will no longer be on the operator's property, whichever occurs earlier.

(c) The operator of the property and any employer with fieldworkers hired to work on the operator's property, shall display at the worksite or at a central location where fieldworkers gather, a description of the location of the application-specific information display whenever their fieldworkers are working in a treated field. The description of the location must be specific enough for fieldworkers to find and have unimpeded access to the displayed application-specific information. The location description must be included in the appropriate section of, or as an attachment to, the Hazard Communication Information for Employees Working in Fields (Pesticide Safety Information Series leaflet A-9) pursuant to section 6761(a).

(d) The information required by this section must be retained for two years.

(e) The original or copies of documents otherwise required to be maintained by this chapter may be used to meet the requirements of this section, provided they contain the information required by this section.

Note: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 11501, 12973, 12980 and 12981, Food and Agricultural Code.

HISTORY

1. New section filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).
2. Amendment filed 8-13-2009; operative 9-12-2009 (Register 2009, No. 33).
3. Amendment of subsections (a)(1)-(2) and (a)(4), new subsection (a)(5), subsection renumbering, new subsection (d) and subsection relettering filed 10-17-2016; operative 1-2-2017 pursuant to Government Code section 11343.4(b)(2) (Register 2016, No. 43).

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3 CCR § 6761.1, 3 CA ADC § 6761.1

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3 CA ADC § 6762

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3 CCR § 6762

§ 6762. Field Work During Pesticide Application.

(a) The requirements of this section are minimum requirements established by the U. S. Environmental Protection Agency and do not assure compliance with the general standard in section 6614.

(b) No employer shall direct or allow any person, other than the persons making the application, to enter or remain in a treated area of a field during the application.

(c) When pesticides are used for the commercial or research production of an agricultural commodity, no employer shall direct or allow any person, other than the persons making the application, to enter or remain in the application exclusion zone, as specified below.

(1) If the pesticide is applied for outdoor production, the application exclusion zone is defined as follows:

(A) the area that extends 100 feet horizontally from the application equipment in all directions during application when the pesticide is applied by any of the following methods: aerially; air blast; as a fumigant, smoke, mist, or fog; or as a fine spray using a spray.

(B) the area that extends 25 feet horizontally from the application equipment in all directions during application when the pesticide is applied in a manner not specified in (1)(A) and is sprayed from a height of greater than 12 inches from the soil or planting medium using at least a medium spray.

(C) There is no application exclusion zone when the pesticide is applied in a manner other than those in subsections (1)(A) and (1)(B).

(2) If the pesticide is applied for enclosed space production, the application exclusion zone is defined as follows:

(A) The entire enclosed space plus any adjacent area that is not sealed (sufficient to prevent pesticide transfer) from the treatment site when the pesticide is applied as a space treatment (fumigant, smoke, fog, aerosol, or mist) or is a pesticide for which the product labeling requires respiratory protection until ventilation criteria have been met.

(B) The entire enclosed space when the pesticide is applied using a fine spray until the ventilation criteria has been met.

(C) The treatment site plus 25 feet in all directions within the enclosed space when the pesticide is applied as a spray from a height greater than 12 inches from the soil or other planting medium, or as a spray of medium or larger.

(3) There is no application exclusion zone when the pesticide is applied in a manner other than those in subsection (2)(A) and (2)(B).

(d) The American Society of Agricultural and Biological Engineers (ASABE) S572.1 or comparable standard may be used to measure and interpret spray quality (fine, medium, or larger than medium) as used in this section.

Note: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Amendment of section and Note filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

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

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3 CA ADC § 6764

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3 CCR § 6764

§ 6764. Fieldworker Training.

(a) The employer shall assure that each employee assigned to work in a treated field has been trained within the last 12 months, in a manner the employee understands, before beginning work in the treated field.

(b) The training shall include the following information:

- (1) Where and in what forms pesticides may be encountered, including treated surfaces in the field, residues on clothing, personal protective equipment, application and chemigation equipment, irrigation water, and drift;
- (2) Potential hazards that pesticides present to fieldworkers and their families including acute, chronic, and delayed effects, and sensitization effects;
- (3) Routes by which pesticides can enter the body;
- (4) Signs and symptoms of overexposure;
- (5) Routine decontamination procedures when working in a treated field and the employer's responsibility to provide decontamination supplies:
 - (A) Wash hands before eating, drinking, using the toilet, chewing gum, or using tobacco;
 - (B) Thoroughly wash or shower with soap and water; and
 - (C) Change into clean clothes as soon as possible.
- (6) Wear work clothing that protects the body from pesticide residues when working in treated fields, and wash work clothes separately from other laundry before wearing them again;
- (7) How Safety Data Sheets provide hazard, emergency medical treatment, and other information about the pesticides with which they may come in contact;
- (8) The hazard communication program requirements of sections 6761 and 6761.1;
- (9) First aid and emergency decontamination procedures including emergency eye flushing techniques, and if pesticides are spilled or sprayed on the body to wash immediately with decontamination supplies and as soon as possible, wash or shower with soap and water and change into clean clothes;
- (10) How and when to obtain emergency medical care;
- (11) Prevention, recognition, and first aid for heat-related illness in accordance with Title 8 of the California Code of Regulations, section 3395;
- (12) Restricted entry intervals and what posting means, including both California and federal field posting sign formats;
- (13) Employer responsibility to keep workers out of application exclusion zones;

- (14) Employees must be at least 18 years old to perform early-entry activities. The responsibility of the employer to provide specific information to the employees before directing them to perform early-entry activities;
- (15) Employers are prohibited from allowing or directing any employee to handle pesticides unless the employee has been trained as a handler;
- (16) Do not to take pesticides or pesticide containers home from work;
- (17) Potential hazards to children and pregnant women from pesticide exposures, including that:
- (A) Children and nonworking family members should keep away from pesticide-treated fields;
- (B) After working in pesticide-treated fields, remove boots or shoes before entering the home and remove work clothes; and
- (C) Employees should wash or shower before physical contact with children or family members.
- (18) How to report suspected pesticide use violations; and
- (19) Employee rights, including the right:
- (A) To personally receive information about pesticides to which he or she may be exposed;
- (B) For his or her physician or an employee representative designated in writing to receive information about pesticides to which he or she may be exposed;
- (C) To be protected against retaliatory action due to the exercise of any of his or her rights; and
- (D) To report suspected use violations to the Department or county agricultural commissioners.
- (c) An employee who holds a valid personal pesticide license or certificate issued by the department, current documented pesticide handler training pursuant to section 6724, or other valid certificate of pesticide training approved by the director is considered to be trained for the purposes of this section.
- (d) The information shall be presented in a manner the employee can understand, orally from written materials or audio visually, using nontechnical terms in a location reasonably free from distraction. The trainer shall be present throughout the training and shall respond to employee questions.
- (e) The record of initial and annually required training given to the employee must include the date; employee's printed name and signature; the title(s) and source(s) of the training materials used; employer's name; and trainer's name and qualifications as specified in (f). This record shall be retained by the employer for two years at a central location at the workplace accessible to employees. The record must be provided to the employee upon request.
- (f) The person conducting the training shall be qualified as one of the following:
- (1) A California certified applicator;
- (2) A person holding any other valid license or certificate of personal pesticide qualification issued by the department;
- (3) A person who has completed an "instructor training" program presented by one of the following:
- (A) The University of California, Integrated Pest Management Program;
- (B) Other instructor training program approved by the director;
- (4) A California Registered Professional Forester;
- (5) A person holding a valid County Biologist License in Pesticide Regulation or Investigation and Environmental Monitoring issued by the California Department of Food and Agriculture;
- (6) A University of California Extension Advisor; or
- (7) Other valid trainer qualification approved by the director.

Note: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Amendment filed 9-26-88; operative 10-26-88 (Register 88, No. 41).
2. Amendment of section heading, repealer and new section, and amendment of Note filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

3. New subsection (a)(9), subsection renumbering and amendment of newly designated subsection (a)(11) filed 4-15-2015; operative 7-1-2015 (Register 2015, No. 16).

4. Amendment of subsections (a), (c) and (d), new subsection (e), subsection relettering and amendment of newly designated subsections (f)(3)(A)-(B) filed 10-17-2016; operative 1-2-2017 pursuant to Government Code section 11343.4(b)(2) (Register 2016, No. 43).

5. Amendment filed 12-20-2017; operative 3-1-2018 pursuant to Government Code section 11343.4(b)(3) (Register 2017, No. 51).

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3 CCR § 6764, 3 CA ADC § 6764

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3 CA ADC § 6766

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3 CCR § 6766

§ 6766. Emergency Medical Care.

(a) Emergency medical care for employees that enter fields that have been treated with pesticides shall be planned for in advance. The employer shall locate a facility where emergency care is available for employees who will be working in treated fields.

(b) The employees or their supervisor in the field shall be informed of the name and location of a physician or medical facility where emergency medical care is available, and if the identified facility is not reasonably accessible from that work location, the procedures to be followed to obtain emergency medical care.

(c) When there are reasonable grounds to suspect that an employee has a pesticide illness or when an exposure to a pesticide has occurred that might reasonably be expected to lead to an employee's illness, the employer shall ensure that the employee is taken to a physician immediately.

(d) The employer shall provide the following information to medical personnel treating an employee for a suspected pesticide exposure in the production of an agricultural commodity:

(1) Copies of the applicable Safety Data Sheet(s) and the product name(s), U.S. Environmental Protection Agency registration number(s) and active ingredient(s) for each pesticide product to which the person may have been exposed.

(2) The circumstances of application or use of the pesticide.

(3) The circumstances that could have resulted in exposure to the pesticide.

Note: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Amendment filed 9-26-88; operative 10-26-88 (Register 88, 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).

3. New subsections (d)-(d)(3) filed 10-17-2016; operative 1-2-2017 pursuant to Government Code section 11343.4(b)(2) (Register 2016, No. 43).

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3 CCR § 6766, 3 CA ADC § 6766

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3 CCR § 6768

§ 6768. Fieldworker Decontamination Facilities.

(a) The employer shall assure that sufficient water and the following are located together at the decontamination site and reasonably accessible for washing of hands and face and for emergency eye flushing to all fieldworkers engaged in activities involving contact with treated surfaces in treated fields:

(1) at least one gallon of water per employee, or three gallons of water per employee for employees engaged in early entry activities pursuant to section 6770(d). The water must be provided at the start of the work day and be of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed. The water shall be stored separate from that used for mixing with pesticides unless the tank holding water for mixing with pesticides is equipped with appropriate valves to prevent back flow of pesticides into the water;

(2) Soap (hand sanitizing gels and liquids or wet towelettes do not meet the requirement for soap); and

(3) Single use towels (wet towelettes do not meet the requirement for single-use towels).

(b) The decontamination facilities shall be not more than 1/4 mile from the fieldworkers (or at the nearest point of vehicular access). Employees must be notified of the location of the decontamination site prior to working in a treated field.

(c) The decontamination facilities shall not be in an area under a restricted entry interval unless the fieldworkers for whom the site is provided are performing early entry activities. The facilities shall not be in an area under treatment.

Note: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Amendment of section heading, section and Note filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

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

3. Amendment of subsection (a) filed 12-20-2017; operative 3-1-2018 pursuant to Government Code section 11343.4(b)(3) (Register 2017, No. 51).

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3 CCR § 6768, 3 CA ADC § 6768

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3 CA ADC § 6769

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3 CCR § 6769

§ 6769. Enclosed Space Ventilation Criteria.

When a pesticide with product labeling requiring respiratory protection for application is applied by any method, or when any pesticide is applied as a fumigant, smoke, mist, fine spray, fog, or aerosol inside an enclosed space, ventilation shall continue until:

- (a) The concentration is measured and found not to exceed any pesticide product labeling standard; or
- (b) One of the following has occurred if there is no labeling standard:
 - (1) Ten air exchanges are complete;
 - (2) Two hours of mechanical ventilation, such as with fans;
 - (3) Four hours of passive ventilation, such as opening vents, windows, or doors;
 - (4) Twenty-four hours with no ventilation; or
 - (5) Any combination of percentage portions of (1), (2), (3), and (4) the sum of which equals 100 percent.

Note: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. New section filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).
2. Amendment of section heading, first paragraph and subsection (b)(5) filed 10-17-2016; operative 1-2-2017 pursuant to Government Code section 11343.4(b)(2) (Register 2016, No. 43).
3. Amendment of first paragraph filed 12-20-2017; operative 3-1-2018 pursuant to Government Code section 11343.4(b)(3) (Register 2017, No. 51).

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3 CCR § 6769, 3 CA ADC § 6769

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3 CA ADC § 6770

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3 CCR § 6770

§ 6770. Field Entry After Scheduled or Completed Pesticide Applications.

(a) The operator of the property shall not allow or direct employees covered under section 6700 (which includes fieldworkers) or their employers (except for those persons who were scheduled to apply the pesticide(s) or supervise the application) to enter a field on the date of the scheduled application unless the operator assures that:

- (1) the application has not occurred; and
- (2) the application will not occur during the time the employees are in the field to be treated.

(b) The operator of the property shall not allow or direct employees covered under section 6700 (which includes fieldworkers) or their employer to enter a treated field until the operator has received the notice of completion as specified in section 6619(c), and the restricted entry interval has expired or the operator of the property has assured that the restrictions and exceptions pursuant to section 6770(d) have been met.

(c) Any employer hired by the operator of the property shall not allow or direct any of his or her employees to enter a treated field until the employer has received confirmation from the operator of the property that the notice of completion as specified in section 6619(c) has been received, and the restricted entry interval has expired or the operator of the property has assured that the restrictions and exceptions pursuant to section 6770(d) have been met.

(d) The operator of the property and any hired employer shall not allow or direct any of his or her employees to enter a treated field before the restricted entry interval stated on pesticide product labeling or listed in section 6772 has expired except as provided below or otherwise expressly authorized by the director pursuant to Title 40 Code of Federal Regulations, Part 170.603(c).

- (1) Pesticide handling activities. Employees may enter a treated field during a restricted entry interval to conduct pesticide handling activities, including soil incorporation (mechanical or watered-in), provided the employer assures that they are wearing the personal protective equipment specified on the pesticide product labeling for handling activities.
- (2) No contact activities. Employees may enter a treated field during a restricted entry interval provided the employer assures that:
 - (A) There will be no contact with anything that has been treated, including soil, water, air, equipment, or plant surfaces.
 - (B) Inhalation exposure does not exceed any pesticide product labeling standard or, for enclosed space, the ventilation criteria in section 6769 have been met.
 - (3) Short-term, limited-contact activities. Employees may enter a treated field during a restricted entry interval specified on pesticide product labeling to conduct limited contact activities (including limited contact irrigation) that are necessary and unforeseen, provided the employer assures that:
 - (A) The restricted entry interval is not for a pesticide product with the requirement on the labeling for both oral notification and the posting of treated fields (double notification);
 - (B) At least 4 hours have elapsed since the end of the application;
 - (C) Inhalation exposure does not exceed the applicable pesticide product labeling standard or, for enclosed space, the ventilation criteria in section 6769 have been met;

(D) Exposure is minimal and limited to the feet, legs (below the knees), hands, and forearms (below the elbows);

(E) The personal protective equipment required for early entry is used by the employees. The personal protective equipment and/or work clothing must conform with the label requirements for early entry PPE or consist of at least coveralls, socks, chemical resistant footwear, chemical resistant gloves, and protective eyewear (if eyewear is required by the pesticide product labeling for early entry workers), whichever is more protective;

(F) The time in treated fields under a restricted entry interval does not exceed 8 hours in any 24-hour period for each employee entering under this exception; and

(G) No hand labor activities are performed.

(4) Short-term, high-contact activities. Employees may enter a treated field during a restricted entry interval specified on pesticide product labeling to conduct other activities, not included in (d)(1), (2), and (3) that do not involve hand labor provided the employer assures that:

(A) At least 4 hours have elapsed since the end of the application;

(B) Inhalation exposure does not exceed any pesticide product labeling standard or, for greenhouses, the ventilation criteria in section 6769 have been met;

(C) The personal protective equipment specified on pesticide product labeling for early entry is used by the employees. The personal protective equipment and/or work clothing must either conform with the label requirements for early entry PPE; or consist of at least coveralls, socks, chemical resistant footwear, chemical resistant gloves, and protective eyewear (if eyewear is required by the pesticide product labeling for early entry workers), whichever is more protective; and

(D) Entry does not exceed 1 hour in any 24-hour period for any employee.

(e) Employees may enter a treated field after the expiration of the restricted entry interval specified on pesticide product labeling and while a restricted entry interval specified in section 6772 is in effect to conduct activities, other than hand labor, provided that employees are wearing work clothing with long sleeves and legs, shoes with socks, and gloves.

Note: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Amendment filed 8-15-86; effective thirtieth day thereafter (Register 86, No. 34).
2. Amendment of subsections (a)-(f) and renumbering and amendment of subsection (h) to Section 6760(d) filed 9-26-88; operative 10-26-88 (Register 88, No. 41).
3. Amendment of subsections (d) and (g) filed 8-13-90; operative 8-13-90 (Register 90, No. 41).
4. Repealer and new section filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).
5. Amendment of section heading and section filed 8-13-2009; operative 9-12-2009 (Register 2009, No. 33).
6. Amendment of subsections (d), (d)(2)(A)-(B), (d)(3)(C) and (d)(3)(G) filed 10-17-2016; operative 1-2-2017 pursuant to Government Code section 11343.4(b)(2) (Register 2016, No. 43).

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3 CCR § 6770, 3 CA ADC § 6770

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3 CCR § 6771

§ 6771. Requirements for Early Entry Employees.

(a) Before any employee may enter a field under restricted entry as permitted by section 6770, the employer shall assure that the employee has been informed orally of the following in a manner that he or she can understand:

- (1) Location of early-entry area where work activities are to be performed;
- (2) Pesticide(s) applied;
- (3) Dates and times that the restricted-entry interval begins and ends;
- (4) Specific restrictions and conditions pursuant to section 6770 about the work activity to be performed;
- (5) Pesticide product labeling precautionary statements related to human hazards;
- (6) Symptoms of poisoning;
- (7) Emergency first aid and decontamination procedures for pesticide injuries or poisonings, including emergency eye flushing techniques;
- (8) How to obtain emergency medical care;
- (9) The prevention, recognition, and first aid for heat-related illness if personal protective equipment is used in accordance with Title 8 of the California Code of Regulations, section 3395;
- (10) Location of the Pesticide Safety Information Series leaflets A-8 and A-9 as required by sections 6723 and 6761;
- (11) The need for, use, and care of personal protective equipment required for early entry into treated fields;
- (12) That clothing and personal protective equipment may be contaminated with pesticide residues;
- (13) Instructions for removing and storing such clothing and equipment, and laundering such equipment; and
- (14) The importance of washing thoroughly at the end of the exposure period.

(b) The employer shall provide all required personal protective equipment and provide for its cleaning (according to pesticide labeling instructions or, absent any instructions, washed in detergent and hot water), repair and replacement when it cannot be adequately cleaned or properly repaired. The employer shall assure that all personal protective equipment is inspected before each day of use. The employer shall assure that all personal protective equipment is kept separate from personal clothing, in a pesticide free, specifically designated place, when not in use. All required personal protective equipment required for employees must meet the applicable standards in sections 6738 through 6739.

(c) The employer shall assure that personal protective equipment is used correctly for its intended purpose.

(d) The employer shall assure that cleaned personal protective equipment is dried or stored in a well-ventilated place to dry. The employer shall assure that contaminated personal protective equipment is kept and washed separately from other clothing or laundry.

(e) Personal protective equipment must remain the property of the employer. Employees shall not be allowed or directed to take home pesticide contaminated personal protective equipment. The employer shall inform any person who cleans or launders personal protective equipment that the equipment may be contaminated, about the hazards presented, and how to properly handle and clean it.

(f) The employer shall assure that at least one pint of eyeflush water is immediately accessible (carried by the employee or on the vehicle being operated by the employee) to each employee who is performing, during any restricted entry interval specified on pesticide product labeling, early entry activities in a treated field for which the pesticide product labeling requires protective eyewear.

(g) The employer shall assure that employees engaged in tasks pursuant to section 6770(d) are provided, at the place where they remove personal protective equipment, at least three gallons of water per employee, soap, and clean or single use towels so that they may wash thoroughly at the end of the exposure period. The water shall be of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed, and shall be stored separate from that used for mixing with pesticides unless the tank holding water for mixing with pesticides is equipped with appropriate valves to prevent back flow of pesticides into the water.

(h) The employer shall assure that a clean, pesticide-free place for storing personal clothing and putting on personal protective equipment at the start of work and taking off personal protective equipment at the end of the exposure period is provided for employees.

(i) The employer shall take appropriate measures to prevent heat related illness, when necessary.

(j) The employer shall assure that one clean change of coveralls is available for employees engaged in tasks pursuant to section 6770(d) at the decontamination site.

Note: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. New section filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).
2. Amendment of section heading and section filed 8-13-2009; operative 9-12-2009 (Register 2009, No. 33).
3. Amendment of subsections (a)(6) and (b) filed 4-15-2015; operative 7-1-2015 (Register 2015, No. 16).
4. Amendment filed 10-17-2016; operative 1-2-2017 pursuant to Government Code section 11343.4(b)(2) (Register 2016, No. 43).

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3 CCR § 6771, 3 CA ADC § 6771

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3 CCR § 6772

§ 6772. Restricted Entry Intervals.

(a) The restricted entry intervals specified in this section shall be applied according to the following:

- (1) Other restricted entry intervals are found on pesticide product labeling. In case of an inconsistency between the pesticide product labeling and this section, the longer restricted entry interval shall be followed;
- (2) If more than one restricted entry interval in this section is applicable to a given situation, the longer restricted entry interval shall apply, except as provided in section 6774;
- (3) When reference is made to pounds of a pesticide in a restricted entry interval, the reference means pounds of active ingredient;
- (4) A day is considered to be a 24-hour period beginning at the conclusion of the application to the identified field or portion of a field.

(b) The restricted entry intervals in days in the following table apply to the pesticide/crop combinations listed.

Crop	Apples	Citrus	Corn	Grapes	Peaches/ Nectarines	Other Crops
Azinphos-methyl	14(B)	30		21	14(B)	14(A),(B)
Chlorpyrifos		2				
Diazinon		5		5	5	
Endosulfan	2	2	2	2	2	2
Malathion		1		1	1	
Methidathion						
(Supracide)		30				
Methomyl (Lannate)				7(C)		
Parathion-methyl (non-encapsulated)	14	14(D)	14(D)	14(E)	21	14(D)
Phorate (Thimet)			7			
Phosmet (Imidan)				5	5	
Propargite (Omite/Comite)	21	42	7	30	21	21(F)(G)
Sulfur				3(H)		

Footnotes:

(A) This restricted entry interval for other crops applies to stone fruit, such as apricots, cherries, plums, and prunes, and pome fruit, such as pears, only. Stone fruit does not include almonds and other nut crops. (B) If the total Azinphos-methyl applied in the current calendar year is 1.0 pounds per acre or less, thinning may be done after 7 days. (C) Applications of methomyl made after August 15 have a 21 day restricted entry interval. This interval may be terminated after 10 days if leaf samples tested pursuant to section 6774(c)(4) show 0.1 micrograms per square centimeter or less of dislodgeable foliar residue of methomyl.

(D) This restricted entry interval applies only when more than one pound per acre of non-encapsulated parathion-methyl is applied. (E) The restricted entry interval for non-encapsulated parathion-methyl on grapes in Monterey County is 6 days. (F) The restricted entry interval for strawberries and field grown roses treated with propargite is 3 days. (G) The restricted entry interval for cotton fields treated with propargite is 7 days. However, from the end of the restricted entry interval until the beginning of harvest, the employer shall assure that employees entering propargite treated cotton fields wear work clothing with long sleeves and legs and gloves. (H) This restricted entry interval for sulphur applies from May 15 through harvest in the counties of: Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare; and during March and April in Riverside County. INFORMATIONAL NOTE FOR SECTION 6772: The inclusion of a reentry interval in this section does not imply that the use of a pesticide is currently registered. Consult the pesticide product labeling for permitted registered uses.

Note: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Amendment of subsection (c) filed 5-15-86 as an emergency; effective upon filing (Register 86, No. 20). Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed 9-12-86.
2. Amendment of subsection (c) filed 5-22-86 as an emergency; effective upon filing (Register 86, No. 23). Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed 9-19-86.
3. Amendment filed 8-15-86; effective thirtieth day thereafter (Register 86, No. 34). This supersedes language from 5-15-86 emergency orders.
4. Amendment filed 6-3-88 as an emergency; operative 6-3-88 (Register 88, No. 24). Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed 10-3-88.
5. Amendment filed 9-26-88; operative 10-26-88 (Register 88, No. 41).
6. Amendment of table and new footnotes (q) and (r) filed 10-27-88 as an emergency; operative 10-27-88 (Register 88, No. 45). Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed 2-24-89.
7. Amendment of subsection (b) filed 2-14-89 as an emergency; operative 2-14-89 (Register 89, No. 9). Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed 6-14-89.
8. Change without regulatory effect of subsection(a) filed 2-27-89 (Register 89, No. 9).
9. Readoption of amendment substantially equivalent to emergency amendment of 10-27-88 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 and regulation will revert to text in effect prior to 10-27-89.
10. Amendment of subsection (a) and footnote (j) filed 6-29-89 as an emergency; operative 6-29-89 (Register 89, No. 27). Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed 10-27-89.
11. Amendment of subsections (a) and (b) substantially equivalent to emergency amendments of 2-14-89 and 2-24-89 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.
12. Amendment of subsection (a) and footnote (j) filed 5-14-90; operative 5-14-90 (Register 90, No. 24). This supersedes language from 6-3-88 and 6-29-89 emergency order.
13. Amendment of subsections (a) and (b) and footnotes (q) and (r) filed 8-13-90; operative 8-13-90 (Register 90, No. 41). This supersedes language from 10-27-88, 2-14-89, and 2-24-89 emergency orders.
14. Editorial correction of history notes 3., 11., and 12. (Register 90, No. 41).
15. Editorial correction of footnotes (c), (d), (f), (g) and (j) (Register 91, No. 19).
16. Editorial correction adding previously missing HISTORY 11. and renumbering former HISTORYs 11., 12., and 13. to HISTORYs 12., 13., and 14. (Register 91, No. 19).
17. Repealer and new section filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).
18. Editorial correction restoring inadvertently omitted footnotes and Note(Register 97, No.11).
19. Change without regulatory effect amending table and footnote (D) filed 10-2-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 40).
20. Amendment of subsection (b) (Azinphos-methyl listing in table and footnotes (A) and (B)) filed 6-1-98 as an emergency; operative 6-1-98 (Register 98, No. 23). A Certificate of Compliance must be transmitted to OAL by 9-29-98 or emergency language will be repealed by operation of law on the following day.

21. Reinstatement of section as it existed prior to 6-1-98 emergency amendment by operation of Government Code section 11346.1(f) (Register 98, No. 42).
22. Editorial correction of Azinphos-methyl listing in table (Register 99, No. 16).
23. Amendment of footnote A filed 4-14-99 as an emergency; operative 4-14-99 (Register 99, No. 16). A Certificate of Compliance must be transmitted to OAL by 8-12-99 or emergency language will be repealed by operation of law on the following day.
24. Amendment of footnote A refiled 8-11-99 as an emergency; operative 8-11-99 (Register 99, No. 33). A Certificate of Compliance must be transmitted to OAL by 12-9-99 or emergency language will be repealed by operation of law on the following day.
25. Reinstatement of section as it existed prior to 4-14-99 emergency amendment by operation of Government Code section 11346.1(f) (Register 2000, No. 23).
26. Amendment of footnote A filed 9-29-2000; operative 10-29-2000 (Register 2000, No. 39).

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3 CA ADC § 6774

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3 CCR § 6774

§ 6774. Restricted Entry Interval Adjustments.

- (a) The adjustments in this section apply only to restricted entry intervals specified in section 6772.
- (b) Whenever a mixture of two or more organophosphate pesticides is applied, the restricted entry interval shall be lengthened by adding to the longest applicable restricted entry interval listed in 6772, 50 percent of the next longest applicable restricted entry interval.
- (c) When there is no foliage on the plant that has been treated by a pesticide and any crop or weed cover in the treated area is not over 4 inches in height, the restricted entry interval shall be reduced by 50 percent, but in no case to less than the restricted entry interval specified on the pesticide product labeling.
- (d) A restricted entry interval may be shortened to not less than the restricted entry interval specified on the pesticide product labeling upon verification by the county agricultural commissioner that one of the following has occurred:
- (1) two inches of rainfall within any seven-day period following the pesticide application;
 - (2) the equivalent of two inches of rainfall has been applied evenly above all plants by sprinkler irrigation equipment within any seven-day period following the pesticide application;
 - (3) for tree crops, at least 50 gallons of water has been applied at one time under pressure and evenly distributed to each tree;
or
 - (4) the plants have been tested by a procedure acceptable to the director and determined to have no residues or to have residue levels that the director considers not to be hazardous.
- (e) Whenever the pesticide product labeling specifies that a restricted entry interval be adjusted when outdoor applications are made in areas that receive less than 25 inches of average annual rainfall, the restricted entry interval specified for the dry areas shall apply to all outdoor applications in the State. A county agricultural commissioner, upon presentation of valid rainfall data from an official governmental source showing that an area within his or her county receives 25 inches or more of average annual rainfall, may exempt that area from this requirement.

Note: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Amendment filed 8-15-86; effective thirtieth day thereafter (Register 86, No. 34).
2. Amendment of section heading, section and Note filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

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3 CCR § 6774, 3 CA ADC § 6774

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[Home](#) [Table of Contents](#)**§ 6776. Field Postings.**

3 CA ADC § 6776

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3 CCR § 6776

§ 6776. Field Postings.

(a) The operator of the property shall assure that signs are posted around treated fields in the following circumstances:

(1) Whenever required by pesticide product labeling, unless access to the treated field is controlled in a manner that assures no employee (other than the handlers making the application) will enter, work in, remain in, or walk within 1/4 mile during the application and the restricted entry interval.

(2) Applications in an entirely enclosed space unless access is controlled in a manner that assures no employee (other than the handlers making the application) will enter, work in, remain in, or pass through the enclosed space during the application and the restricted entry interval.

(3) All other applications made in an enclosed space not specified in (2) that result in a restricted entry interval of greater than four hours, unless access to the enclosed space is controlled in a manner that assures no employee (other than the handlers making the application) will enter, work in, remain in, or walk within 1/4 mile during the application and the restricted entry interval.

(4) Any application that results in a restricted entry interval of greater than 48 hours as specified on the product label unless access to the treated field is controlled in a manner that assures no employee (other than the handlers making the application) will enter, work in, remain in, or walk within 1/4 mile during the application and the restricted entry interval.

(b) The signs shall be of a size so that the wording specified in (2) and (3) is readable and the skull and crossbones symbol is clearly visible, to a person with normal vision, from a distance of 25 feet. Signs complying with the size requirements of Title 40 Code of Federal Regulations, Part 170.409 are considered to be readable at 25 feet. The signs shall contain the following:

(1) The skull and crossbones symbol near the center of the sign;

(2) The words "DANGER" and "PELIGRO" and "PESTICIDES" and "PESTICIDAS" in the upper portion of the sign;

(3) The words "KEEP OUT" and "NO ENTRE" in the lower portion on the sign;

(4) Whenever the sign is used to indicate a restricted entry interval of more than 7 days, the following information in the lower portion of the sign:

(A) The date of unrestricted entry;

(B) The name of the operator of the property; and

(C) The field identification, (if any);

(5) All letters and the symbol shall be of a color which sharply contrasts with their immediate background; and

(6) The Spanish portion of the sign may be replaced with another non-English language which is read by a majority of workers who do not read English. The replacement sign must be in the same format and meet the same size and other requirements as the original.

(c) The signs shall:

- (1) Be posted before the application begins but shall not be posted unless a pesticide application is scheduled within the next 24 hours;
 - (2) Remain posted and clearly legible throughout the application and the restricted entry interval; and,
 - (3) Be removed within 3 days after the end of the restricted entry interval and before any entry prohibited during a restricted entry interval.
- (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; and
 - (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.

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).

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3 CCR § 6776, 3 CA ADC § 6776

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3 CA ADC § 6778

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Article 3. Field Worker Safety

3 CCR § 6778

§ 6778. Records. [Repealed]

Note: Authority cited: Sections 407 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

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).

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3 CCR § 6778, 3 CA ADC § 6778

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3 CA ADC § 6780

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Article 4. Fumigation

3 CCR § 6780

§ 6780. General Fumigation Safe-Use Requirements.

(a) When fumigant concentrations cannot be controlled and an employee's exposure exceeds the Permissible Exposure Limit (PEL) as specified in Title 8, California Code of Regulations, Section 5155, Airborne Contaminants, or more stringent requirements by product labeling, the employer shall provide and require the employee to wear approved respiratory protective equipment.

(b) Whenever an employee may be exposed above an exposure standard to methyl bromide, sulfuryl fluoride, or any other fumigant for which only air-supplied respirator equipment is approved, the employer shall either:

- (1) require the use of air-supplied respirator equipment,
- (2) employ continuous monitoring to warn employees before the PEL is reached or
- (3) operate under the provisions of (c) below.

(c) Upon written application by an employer, the director will review and may accept a Fumigation Safety Program that describes methods, work practices, devices, or processes which the director determines will ensure that employees will not be exposed to concentrations of fumigants in excess of the PEL.

(d) The employer shall have an accident response plan at the worksite. The plan shall provide instructions to protect employees during situations such as spills, fire, and leaks. Employees shall be trained in accident management procedures based on the plan.

Note: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Section 12981, Food and Agricultural Code.

HISTORY

1. New Article 4 (Sections 6780, 6782 and 6784) filed 8-1-86; effective thirtieth day thereafter (Register 86, No. 31).
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) filed 3-8-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 10).
4. Change without regulatory effect amending subsection (d) filed 11-10-2011 pursuant to section 100, title 1, California Code of Regulations (Register 2011, No. 45).

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3 CCR § 6780, 3 CA ADC § 6780

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[Home Table of Contents](#)**§ 6782. Fumigation of Enclosed Areas.**

3 CA ADC § 6782

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Article 4. Fumigation

3 CCR § 6782

§ 6782. Fumigation of Enclosed Areas.

Enclosed areas include vaults, chambers, greenhouses, vans, boxcars, ships, planes, vehicles, and tarpaulin-covered structures and commodities. When fumigating tarpaulin-covered commodities inside buildings, and areas or things inside greenhouses, this section applies to the entire structure.

(a) Whenever a pesticide is used for fumigation inside an enclosed area, at least two trained employees shall be present at all times when:

(1) The fumigant is introduced into the enclosed area;

(A) Except, only one trained person is required to be present when solid fumigants (including aluminum phosphide, magnesium phosphide, and smoke cartridges) are introduced into the enclosed area from outside the enclosed area;

(2) The enclosed area is entered for the purpose of facilitating aeration; and

(3) The enclosed area is entered to determine the concentration of the fumigant and personal protective equipment is required by pesticide product labeling or regulation.

(b) When using a fumigant for the commercial or research production of an agricultural commodity, any employee in an enclosed area during a fumigant application shall maintain continuous visual or voice contact with another employee stationed immediately outside of the enclosed area.

(c) The second employee shall have immediate access to the personal protective equipment required by the pesticide product labeling for handlers in the event entry into the fumigated enclosed area becomes necessary for rescue.

(d) Prior to the commencement of fumigation, warning signs shall be posted in plainly visible locations on or in the immediate vicinity of all entrances to the area under fumigation and shall not be removed until fumigation and ventilation have been completed, and the premises are safe for reentering. Warning signs shall be printed in red on white background and shall contain, in English and Spanish, the following statement in letters not less than two inches in height: "DANGER-FUMIGATION". They shall also depict a skull and crossbones not less than one inch in height and shall state in letters not less than one-half inch in height the name of the fumigant, the date and time the fumigant was injected, and the name, address and telephone number of the applicator performing the fumigation.

(e) Employees shall not be allowed to enter fumigated enclosed areas, except to determine the fumigant concentration or facilitate aeration, unless the concentration in the area is known to be at or below the level specified in 6780(a) above.

(f) The fumigant shall not be released into an occupied work area.

(g) After completion of the fumigation, the treated area or products shall be managed so that employees entering the area or working with the treated products are not exposed to a concentration in excess of the level specified in 6780(a) above.

Note: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. Amendment filed 8-15-86; effective thirtieth day thereafter (Register 86, No. 31).

2. Amendment of section heading, first paragraph, and subsection (a), new subsections (a)(1)-(b), subsection relettering, and amendment of newly designated subsection (c) and Note filed 12-31-96; operative 1-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 1).

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).

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3 CCR § 6782, 3 CA ADC § 6782

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§ 6784. Field Fumigation.

3 CA ADC § 6784

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3 CCR § 6784

§ 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.

Table 1. Maximum Work Hours

	<i>Maximum Work</i>

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

¹ Exception: 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.

² Exception: 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.

*If the actual methyl bromide application rate is less than the maximum application rate shown in Table 1 or below in Table 2 for the particular fumigation method used, the maximum work hours may be increased in accordance with the following formula:

$[\text{maximum application rate for method} \div \text{actual application rate}] \times \text{maximum work hours in a 24-hour period} = \text{revised maximum work hours in a 24-hour period}$

Table 2. Maximum Work Hours in a Maximum Three (3) Workdays Per Calendar Month

	<i>Maximum Application Rate</i> <i>(lbs. of actual methyl bromide per acre)</i>	<i>Maximum Work Hours in a 24-Hour Period Without the Use of Respirators</i>
<i>Fumigation Method/Activities</i>		
Nontarpaulin/Shallow/Bed:		
Tractor Equipment Driving	200 lbs.	4*
Supervising		4*
Nontarpaulin/Deep/Broadcast:		
Tractor Equipment Driving	400 lbs.	4*
Supervising		7*
Tarpaulin/Shallow/Broadcast:		
Tractor Equipment Driving		4*
Shoveling, Copiloting		3*
Supervising	400 lbs.	3*
Tarpaulin Cutting		4
Tarpaulin Removal		7
Tarpaulin/Shallow/Bed:		
Tractor Equipment Driving		4*
Shoveling, Copiloting	250 lbs.	4*
Supervising		4*
Tarpaulin Cutting		4
Tarpaulin Removal		7
Tarpaulin/Deep/Broadcast:		
Tractor Equipment Driving		4*
Shoveling, Copiloting	400 lbs.	3*
Supervising		3*
Tarpaulin Cutting		4
Tarpaulin Removal		7
Drip System - Hot Gas:		
Applicators		2*
Supervising	225 lbs.	2*
Tarpaulin Cutting		4
Tarpaulin Removal		7

(C) No employee shall be allowed to alternate between the workday and work-hour requirements specified in subsection (b)(3) (A) and (B) unless the employee did not perform fumigation-handling activities during the previous 30 days.

(4) (Reserved)

(5) Tarpaulin Repair.

(A) The operator of the property shall assure that a "tarpaulin repair response plan" is provided to the commissioner. The tarpaulin repair response plan must identify the responsibilities of the licensed pest control business and/or the permittee with regard to tarpaulin damage detection and repair activities. At a minimum, the tarpaulin repair response plan must indicate the parties responsible for the repair and incorporate the applicable elements listed in (B) below.

(B) The "tarpaulin repair response plan" approved by the commissioner in the work site plan must state with specificity the situations when tarpaulin repair must be conducted. The situations should be based on, but not limited to, hazard to the public, residents, or workers; proximity to occupied structures, size of the damaged area(s); timing of damage; feasibility and response time of repair; and environmental factors such as wind speed and direction.

(C) The ambient air in the damaged areas of the tarpaulin to be repaired must be tested for methyl bromide concentration by a certified applicator of the licensed pest control business that made the application, or by a certified applicator employee of the

permittee, or certified applicator permittee, using a testing device as specified by the labeling. The certified applicator shall wear self-contained breathing apparatus when conducting these tests.

(D) All repair work areas must test less than five parts per million methyl bromide before any employee without respiratory protection shall be allowed to enter and conduct tarpaulin repair. Such employee is limited to one work hour in a 24-hour period, unless respiratory protection specified on the label is worn.

Note: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Section 12981, Food and Agricultural Code.

HISTORY

1. New section filed 8-15-86; effective thirtieth day thereafter (Register 86, No. 31).
2. Amendment of section and Note filed 12-15-2000; operative 1-14-2001 (Register 2000, No. 50).
3. Amendment of subsections (b)(4)(A)-(B) and (b)(6)(C)-(D) and new subsections (b)(7)-(b)(7)(B) filed 4-8-2002; operative 4-8-2002 (Register 2002, No. 15).
4. Repealer and new section filed 9-19-2002 as an emergency; operative 9-22-2002 (Register 2002, No. 38). A Certificate of Compliance must be transmitted to OAL by 1-21-2003 or emergency language will be repealed by operation of law on the following day.
5. Repealer and new section refiled 1-21-2003 as an emergency; operative 1-21-2003 (Register 2003, No. 4). A Certificate of Compliance must be transmitted to OAL by 5-21-2003 or emergency language will be repealed by operation of law on the following day.
6. Repealer and new section refiled 5-19-2003 as an emergency; operative 5-21-2003 (Register 2003, No. 21). A Certificate of Compliance must be transmitted to OAL by 9-18-2003 or emergency language will be repealed by operation of law on the following day.
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).

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3 CCR § 6784, 3 CA ADC § 6784

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3 CA ADC § 6790

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Article 5. Minimal Exposure Pesticides

3 CCR § 6790

§ 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).

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3 CCR § 6790, 3 CA ADC § 6790

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3 CA ADC § 6791

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Article 5. Minimal Exposure Pesticides

3 CCR § 6791

§ 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).

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3 CA ADC § 6792

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Article 5. Minimal Exposure Pesticides

3 CCR § 6792

§ 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).

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3 CCR § 6792, 3 CA ADC § 6792

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[Home](#) [Table of Contents](#)**§ 6793. Minimal Exposure Pesticide Safety Use Requirements.**

3 CA ADC § 6793

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Article 5. Minimal Exposure Pesticides

3 CCR § 6793

§ 6793. Minimal Exposure Pesticide Safety Use Requirements.

- (a) The employer shall provide a clothing change area and instructions, as required by section 6732, for employees who handle minimal exposure pesticides for any period of time, regardless of the toxicity category of the product used.
- (b) The employer shall provide washing facilities, as specified in section 6734, where minimal exposure pesticides are mixed or loaded, regardless of the toxicity category of the product used.
- (c) The employer shall provide and maintain coveralls and require them to be worn, regardless of the toxicity category.
- (d) The employer shall provide and require employees to wear full-body, chemical-resistant protective clothing, as specified in subsection 6738.1(g), when handling minimal exposure pesticides. Employees working in the following situations are not required by this subsection to wear chemical-resistant, full-body protective clothing, but this clothing shall be present at the work site:
- (1) employees using a closed system, or sealed water soluble packets, while mixing, loading, or transferring these pesticides. These employees shall wear a chemical-resistant apron, protective eyewear, chemical-resistant gloves, and chemical-resistant boots;
 - (2) employees working as applicators in enclosed cabs;
 - (3) applicators using vehicle-mounted or towed equipment to inject or incorporate these pesticides into the soil; and
 - (4) applicators using equipment with vehicle-mounted spray nozzles directed downward and located below the level of the employee.
- (e) The employer shall provide and require employees to wear respiratory protection, as specified in section 6739, when engaged in:
- (1) Hand application or ground application of minimal exposure pesticides, except:
 - (A) Reserved;
 - (B) applicators using vehicle-mounted or towed equipment to inject or incorporate these pesticides into the soil; and
 - (C) applicators using equipment with vehicle-mounted spray nozzles directed downward and located below the level of the employee;
 - (2) Mixing or loading dry formulations of minimal exposure pesticides, except mixers or loaders using sealed water soluble packets.
- (f) All protective clothing and equipment shall be cleaned inside and out or discarded at the end of the day's use.

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).
3. Change without regulatory effect amending subsection (d) filed 4-18-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 16).
4. Amendment of subsections (e), (e)(1), (e)(4) and (f) filed 6-13-2007; operative 1-1-2008 (Register 2007, No. 24).
5. Amendment of subsections (c), (e) and (e)(1), repealer of subsections (e)(3) and (f)(2) and subsection renumbering filed 4-15-2015; operative 7-1-2015 (Register 2015, No. 16).
6. Repealer of subsections (d)-(d)(2), subsection relettering and amendment of newly designated subsections (d)-(d)(1), (d)(3)-(4) and (e)(1)(B)-(C) filed 11-4-2015; operative 1-1-2016 (Register 2015, No. 45).

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3 CCR § 6793, 3 CA ADC § 6793

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[Home](#) [Table of Contents](#)**§ 6795. Thiophanate-Methyl.**

3 CA ADC § 6795

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3 CCR § 6795

§ 6795. Thiophanate-Methyl.

(a) Employers shall provide and ensure that employees who handle pesticides containing thiophanate-methyl for the treatment of potato seed pieces wear respiratory protection approved by NIOSH for particulates.

(b) Indoor applications of thiophanate-methyl for potato seed-piece treatment are prohibited if there are persons within the room or enclosed space where the treatment is taking place, unless the persons are protected in the manner specified in subsection (a).

Note: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

HISTORY

1. New section filed 4-24-91 as an emergency; operative 4-24-91 (Register 91, No. 21). A Certificate of Compliance must be transmitted to OAL by 8-22-91 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g) (Register 91, No. 46).
3. New section filed 2-11-92; operative 2-11-92 pursuant to Government Code section 11346.2(d) (Register 92, No. 12).
4. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).
5. Amendment of subsection (a) filed 4-15-2015; operative 7-1-2015 (Register 2015, No. 16).

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3 CCR § 6795, 3 CA ADC § 6795

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[Home](#) [Table of Contents](#)**§ 6800. Groundwater Protection List.**

3 CA ADC § 6800

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3 CCR § 6800

§ 6800. Groundwater Protection List.

Pesticides labeled for agricultural, outdoor institutional or outdoor industrial use that contain any of the following chemicals are designated as having the potential to pollute ground water:

(a) The following chemicals detected in ground water or soil pursuant to section 13149 of the Food and Agricultural Code:

- (1) Atrazine
- (2) Simazine
- (3) Bromacil
- (4) Diuron, except for products with less than 7% diuron that are applied to foliage
- (5) Prometon
- (6) Bentazon (Basagran®)
- (7) Norflurazon

(b) The following chemicals identified pursuant to section 13145(d) of the Food and Agricultural Code:

Acephate

Alachlor

Aldicarb

Aminocyclopyrachlor

Aminocyclopyrachlor, potassium salt

Aminopyralid, triisopropanolamine salt

Azoxystrobin

Bensulfuron methyl

Bensulide

Bispyribac-sodium

Boscalid

Carbaryl

Chlorantraniliprole

Chloropicrin

Chlorothalonil
Chlorsulfuron
Clomazone
Clothianidin
Cycloate
Cyprodinil
2,4-D, 2-ethylhexyl ester
2,4-D, diethanolamine salt
2,4-D, dimethylamine salt
2,4-D, isooctyl ester
Dazomet
Diazinon
Dicamba, diglycolamine salt
Dicamba, dimethylamine salt
Dicamba, sodium salt
Dichlobenil
Dichloran
Dimethenamid-P
Dimethoate
Dimethomorph
Dinotefuran
Dithiopyr
EPTC
Ethofumesate
Ethoprop
Fenamidone
Flazasulfuron
Fludioxonil
Fluopicolide
Flutolanil
Fosetyl-Al (aluminum tris)
Fosthiazate
Halosulfuron-methyl
Hexazinone
Imazamox, ammonium salt
Imazapyr, isopropylamine salt
Imazethapyr, ammonium salt
Imidacloprid

Indaziflam
Iprodione
Isoxaben
Linuron
Malathion
Mefenoxam
Mesotrione
Metalaxyl
Metaldehyde
Metconazole
Methiocarb
Methomyl
Metolachlor
(S)-Metolachlor
Metribuzin
Myclobutanil
Napropamide
Nitrpyrin
Orthosulfamuron
Oryzalin
Penoxsulam
Phorate
Prometryn
Propamocarb hydrochloride
Propanil
Propiconazole
Propyzamide
Prothioconazole
Pyraclostrobin
Pyrazon
Rimsulfuron
Siduron
Sulfentrazone
Sulfometuron-methyl
Tebuconazole
Tebuthiuron
Thiamethoxam
Thiencarbazone-methyl

Thiobencarb

Thiophanate methyl

Triadimefon

Triallate

Triclopyr, butoxyethyl ester

Triclopyr, triethylamine salt

Triflumizole

Triticonazole

Note: Authority cited: Sections 11456 and 13145, Food and Agricultural Code. Reference: Sections 13144, 13145 and 13149, Food and Agricultural Code.

HISTORY

1. New section filed 1-4-89; operative 1-4-89 pursuant to Government Code section 11346.2(d) (Register 89, No. 5).
2. Amendment of subsections (a) and (b) filed 4-10-90; operative 4-10-90 pursuant to Government Code section 11346.2 (d) (Register 90, No. 16).
3. New subsection (a)(6) filed 12-12-91; operative 1-13-92 (Register 92, No. 13).
4. Amendment of subsection (b) filed 4-3-92; operative 5-4-92 (Register 92, No. 18).
5. Amendment of subchapter 1 heading and amendment of section and Note filed 4-13-99; operative 5-13-99 (Register 99, No. 16).
6. Amendment filed 2-21-2001; operative 3-23-2001 (Register 2001, No. 8).
7. Amendment of subsection (a) and Note filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).
8. Amendment of subsection (b) filed 5-13-2009; operative 6-12-2009 (Register 2009, No. 20).
9. Change without regulatory effect redesignating and amending portion of subsection (b) as new subsection (b)(1) and adding subsection (b)(2) filed 8-22-2012 pursuant to section 100, title 1, California Code of Regulations (Register 2012, No. 34).
10. Amendment filed 8-25-2014; operative 10-1-2014 (Register 2014, No. 35).

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3 CCR § 6800, 3 CA ADC § 6800

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[Home](#) [Table of Contents](#)**§ 6802. Pesticide Management Zones. [Repealed]**

3 CA ADC § 6802

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3 CCR § 6802

§ 6802. Pesticide Management Zones. [Repealed]

Note: Authority cited: Sections 11456, 12976 and 13145, Food and Agricultural Code. Reference: Section 13145, Food and Agricultural Code.

HISTORY

1. New section filed 1-4-89; operative 1-4-89 pursuant to Government Code section 11346.2(d) (Register 89, No. 5).
2. Amendment of subsection (b) and new subsections (c)-(g) filed 4-10-90; operative 4-10-90 pursuant to Government Code section 11346.2(d) (Register 90, No. 16).
3. Amendment of subsections (b)-(f) filed 6-3-92; operative 7-3-92 (Register 92, No. 23).
4. Editorial correction of subsection (f) (Register 95, No. 8).
5. Amendment of section and Note filed 4-13-99; operative 5-13-99 (Register 99, No. 16).
6. Amendment of subsection (b) and new subsection (h) filed 2-21-2001; operative 3-23-2001 (Register 2001, No. 8).
7. Repealer filed 4-27-2004; operative 5-27-2004 (Register 2004, No. 18).

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3 CCR § 6802, 3 CA ADC § 6802

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[Home](#) [Table of Contents](#)**§ 6804. Specific Numerical Values.**

3 CA ADC § 6804

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Article 1. Pesticide Contamination Prevention

3 CCR § 6804

§ 6804. Specific Numerical Values.

Specific numerical values required by Food and Agricultural Code section 13144(a) are established as follows:

- (a) Water solubility - 3 ppm
- (b) Soil adsorption coefficient (Koc) - 1900 cm³/gm
- (c) Hydrolysis - 14 days half-life
- (d) Aerobic soil metabolism - 610 days half-life
- (e) Anaerobic soil metabolism - 9 days half-life

Note: Authority cited: Sections 11456 and 13145, Food and Agricultural Code. Reference: Sections 13144 and 13145, Food and Agricultural Code.

HISTORY

1. New section filed 1-4-89; operative 1-4-89 pursuant to Government Code section 11346.2(d) (Register 89, No. 5).
2. Amendment of subsections (a)-(c) and new subsection (d) filed 10-23-89; operative 11-22-89 (Register 89, No. 44).
3. Amendment filed 10-19-90; operative 11-18-90 (Register 90, No. 47).
4. Editorial correction of printing error in subsection (b) (Register 91, No. 32).
5. Amendment of subsection (d) and new subsection (e) filed 2-1-93; operative 3-3-93 (Register 93, No. 6).
6. Change without regulatory effect amending Note filed 6-20-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 25).

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3 CCR § 6804, 3 CA ADC § 6804

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[Home](#) [Table of Contents](#)**§ 6806. Use Reporting. [Repealed]**

3 CA ADC § 6806

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3 CCR § 6806

§ 6806. Use Reporting. [Repealed]

Note: Authority cited: Sections 407, 12976, 13145 and 14102, Food and Agricultural Code. Reference: Section 13145, Food and Agricultural Code.

HISTORY

1. New section filed 1-4-89; operative 1-4-89 pursuant to Government Code Section 11346.2(d) (Register 89, No. 5).
2. Repealer filed 12-22-89; operative 1-1-90 (Register 90, No. 1).

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3 CCR § 6806, 3 CA ADC § 6806

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[Home](#) [Table of Contents](#)**§ 6806.1. Groundwater Protection List Use Report Form. [Repealed]**

3 CA ADC § 6806.1

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3 CCR § 6806.1

§ 6806.1. Groundwater Protection List Use Report Form. [Repealed]**HISTORY**

1. New section filed 1-4-89; operative 1-4-89 pursuant to Government Code Section 11346.2(d) (Register 89, No. 5).
2. Repealer filed 12-22-89; operative 1-1-90 (Register 90, No.1).

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3 CCR § 6806.1, 3 CA ADC § 6806.1

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[Home](#) [Table of Contents](#)**§ 6808. Sunset Review of Regulations. [Repealed]**

3 CA ADC § 6808

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3 CCR § 6808

§ 6808. Sunset Review of Regulations. [Repealed]

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

HISTORY

1. New section filed 4-13-99; operative 5-13-99 (Register 99, No. 16).
2. Repealer filed 1-20-2000; operative 2-19-2000 (Register 2000, No. 3).

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3 CCR § 6808, 3 CA ADC § 6808

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[Home](#) [Table of Contents](#)**§ 6860. Toxic Air Contaminants List.**

3 CA ADC § 6860

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Article 1. Toxic Air Contaminants

3 CCR § 6860

§ 6860. Toxic Air Contaminants List.

The Director designates the following pesticides to be toxic air contaminants:

(a) The following pesticides are designated toxic air contaminants pursuant to Food and Agricultural Code section 14023:

Chloropicrin

Chlorpyrifos

Endosulfan

Ethyl parathion

Methidathion

Methyl isothiocyanate (MITC) and other pesticides that generate MITC

Methyl parathion

S,S,S-tributyl phosphorotrithioate (DEF, tribufos)

Sulfuryl Fluoride

(b) The following pesticides are designated toxic air contaminants to implement Food and Agricultural Code section 14021:

Acrolein

Arsenic acid

Arsenic pentoxide

Arsenic trioxide

Captan

Carbaryl

Carbon disulfide-generating pesticides

Chlorine

Chromic acid

m-Creosol

2,4-D salts and esters

1,4-Dichlorobenzene

1,3-Dichloropropene

Dichlorovos

Ethylene oxide

Formaldehyde

Hydrochloric acid

Lindane

Mancozeb

Maneb

Methanol

Methoxychlor

Methyl bromide

Methyl iodide

Naphthalene

10 10' oxybisphenoxyarsine

Pentachloronitrobenzene

Pentachlorophenol

Phenol

Phosphorus

Phosphine and phosphine-generating pesticides

Potassium permanganate

Propoxur

Propylene oxide

Sodium cyanide

Sodium dichromate

Trifluralin

Xylene

Note: Authority cited: Sections 11456 and 14023, Food and Agricultural Code. Reference: Sections 14021 and 14023, Food and Agricultural Code.

HISTORY

1. New section filed 9-7-93; operative 10-7-93 (Register 93, No. 37).
2. New subsections (a) and (b) and amendment of Note filed 3-7-95; operative 4-6-95 (Register 95, No. 10).
3. Amendment of subsection (a) filed 1-31-2000; operative 3-1-2000 (Register 2000, No. 5).
4. Amendment of subsection (a) filed 8-30-2000; operative 9-29-2000 (Register 2000, No. 35).
5. Amendment filed 5-22-2003; operative 6-21-2003 (Register 2003, No. 21).
6. Amendment filed 5-7-2007; operative 6-6-2007 (Register 2007, No. 19).
7. Amendment of subsection (a) filed 3-13-2008; operative 4-12-2008 (Register 2008, No. 11).
8. Amendment of subsection (a) filed 3-25-2009; operative 4-24-2009 (Register 2009, No. 13).
9. Amendment of subsection (a) filed 12-9-2010; operative 1-8-2011 (Register 2010, No. 50).

10. Amendment of subsection (b) filed 5-11-2011; operative 5-11-2011 (Register 2011, No. 19).

11. Amendment of subsection (a) filed 1-30-2019; operative 4-1-2019 (Register 2019, No. 5).

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3 CCR § 6860, 3 CA ADC § 6860

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[Home](#) [Table of Contents](#)**§ 6864. Criteria for Identifying Pesticides as Toxic Air Contaminants.**

3 CA ADC § 6864

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Article 1. Toxic Air Contaminants

3 CCR § 6864

§ 6864. Criteria for Identifying Pesticides as Toxic Air Contaminants.

A pesticide shall be identified as a toxic air contaminant if its concentrations in ambient air are greater than the following levels (for the purposes of this section, a threshold is defined as the dose of a chemical below which no adverse effect occurs):

(a) For pesticides which have thresholds for adverse health effects, this level shall be ten-fold below the air concentration which has been determined by the Director to be adequately protective of human health.

(b) For pesticides which do not have thresholds for adverse health effects, this level shall be equivalent to the air concentration which would result in a ten-fold lower risk than that which has been determined by the Director to be a negligible risk.

Note: Authority cited: Section 11456, Food and Agricultural Code. Reference: Sections 14021 and 14023, Food and Agricultural Code.

HISTORY

1. Renumbering of section 6890 to new section 6864 filed 5-23-2013; operative 11-1-2013 pursuant to Government Code section 11343.4(b)(2) (Register 2013, No. 21).

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3 CCR § 6864, 3 CA ADC § 6864

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§ 6880. Criteria to Designate Low-Volatile Organic Compound (VOC) or High-VOC Nonfumigant Pesti...

3 CA ADC § 6880

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Article 2. Volatile Organic Compounds

3 CCR § 6880

§ 6880. Criteria to Designate Low-Volatile Organic Compound (VOC) or High-VOC Nonfumigant Pesticide Products.

(a) The Director shall designate in the Annual VOC Emissions Inventory Report all nonfumigant products with agricultural uses containing the following primary active ingredients as low-VOC if the product has less than or equal to the product VOC emission potential listed below. All other products containing the primary active ingredients below with active or inactive registrations shall be designated as high-VOC.

<i>Product Primary Active Ingredient*</i>	<i>Product VOC Emission Potential (percent by weight)</i>
Abamectin	35
Chlorpyrifos	25
Gibberellins	25
Oxyfluorfen	15

*If a product contains more than one active ingredient, the primary active ingredient is the one present at the highest percentage in a product. These criteria do not apply to products that contain an active ingredient listed above, but not as the primary active ingredient, including products with one or more active ingredients present at the same percentage.

Note: Authority cited: Sections 11456, 12976 and 14102, Food and Agricultural Code. Reference: Sections 11501 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 5-23-2013; operative 11-1-2013 pursuant to Government Code section 11343.4(b)(2) (Register 2013, No. 21).

This database is current through 9/3/21 Register 2021, No. 36

3 CCR § 6880, 3 CA ADC § 6880

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[Home](#) [Table of Contents](#)**§ 6881. Annual Volatile Organic Compound Emissions Inventory Report.**

3 CA ADC § 6881

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Article 2. Volatile Organic Compounds

3 CCR § 6881

§ 6881. Annual Volatile Organic Compound Emissions Inventory Report.

(a) The Director shall issue an annual emissions inventory report for the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, and Ventura ozone nonattainment areas. The emissions inventory report must:

- (1) report the total agricultural and structural (fumigant and nonfumigant) pesticide volatile organic compound (VOC) emissions for the previous years. Nonfumigant pesticide product emissions will be the summation of the pounds of each pesticide product used multiplied by the VOC content (emission potential) for the specific product. Fumigant product emissions will be the summation of the pounds of each pesticide product used multiplied by the emission potential for that specific product and VOC emission rating for the application method, as specified in (4);
- (2) evaluate compliance with the total pounds of agricultural and structural VOC emissions specified in section 6452.2;
- (3) establish fumigant emissions limits pursuant to section 6452.2 for the upcoming year;
- (4) establish an emission rating for each field fumigation method described in sections 6446.1, 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, 6451.1, or 6452. The emission rating will be expressed as a percentage of the amount of fumigant applied. The Director shall base the emission rating upon available scientific data documenting the VOC emissions;
- (5) establish prohibitions on high-VOC nonfumigant products pursuant to section 6452.2(f), and if applicable, determine if prohibitions pursuant to section 6884(c) remain in effect;
- (6) establish a list of the nonfumigant products that are designated as low-VOC pursuant to section 6880;
- (7) establish a list of the actively registered nonfumigant products that are designated as high-VOC pursuant to section 6880.

(b) A draft emissions report shall be made available to the public for comment. A 45-day public comment period will be provided to allow for submission of written statements or arguments to the Director for review before finalizing the Annual Volatile Organic Compound Emissions Inventory Report. The emissions report will be posted on the Department's Web site.

(c) Low-VOC agricultural use products registered after the release of the Annual VOC Emissions Inventory Report and contain abamectin, chlorpyrifos, gibberellins, or oxyfluorfen as the primary active ingredient, will be listed in a supplemental report and posted on the Department's Web site. The products designated as low-VOC will be based upon the criteria established in section 6880.

Note: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14102, Food and Agricultural Code.

HISTORY

1. Renumbering of section 6452.4 to new section 6881, including amendments and adoption of new subsection (c), filed 5-23-2013; operative 11-1-2013 pursuant to Government Code section 11343.4(b)(2) (Register 2013, No. 21).

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3 CCR § 6881, 3 CA ADC § 6881

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[Home](#) [Table of Contents](#)**§ 6883. Recommendation Requirements in the San Joaquin Valley Ozone Nonattainment Area.**

3 CA ADC § 6883

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Article 2. Volatile Organic Compounds

3 CCR § 6883

§ 6883. Recommendation Requirements in the San Joaquin Valley Ozone Nonattainment Area.

In the San Joaquin Valley ozone nonattainment area, the operator of the property shall not apply a high-volatile organic compound nonfumigant product specified in section 6881 during May 1 through October 31 to one of the following crops unless they obtain the written recommendation of a licensed agricultural pest control adviser: alfalfa, almond, citrus, cotton, grape, pistachio, and walnut. The operator of the property shall retain the written recommendation for at least two years after the application occurs.

Note: Authority cited: Sections 11456, 12976 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12003 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 5-23-2013; operative 11-1-2013 pursuant to Government Code section 11343.4(b)(2) (Register 2013, No. 21).

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3 CCR § 6883, 3 CA ADC § 6883

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§ 6884. San Joaquin Valley Ozone Nonattainment Area Use Prohibitions.

3 CA ADC § 6884

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3 CCR § 6884

§ 6884. San Joaquin Valley Ozone Nonattainment Area Use Prohibitions.

Pursuant to section 6452.2(f), the following shall apply to agricultural uses of high-volatile organic compound (VOC) products specified in the Annual VOC Emissions Inventory Report required in section 6881 containing abamectin, chlorpyrifos, gibberellins, or oxyfluorfen as the primary active ingredient in the San Joaquin Valley ozone nonattainment area during the May 1 through October 31 time period.

(a) No person may apply a nonfumigant product that has been designated as a high-VOC pursuant to section 6880 and as specified in the Annual VOC Emissions Inventory Report required by section 6881 on the following crops: alfalfa, almond, citrus, cotton, grape, pistachio, and walnut. If the product is not listed as a low-VOC, it cannot be used.

(b) Notwithstanding (a), the following exceptions for use of high-VOC products are permitted:

- (1) Use of chlorpyrifos products to control aphids on cotton.
- (2) Use of gibberellins products when applied at an application rate of 16 grams of active ingredient per acre or less.
- (3) Use of oxyfluorfen products when applied at an application rate of 0.125 (1/8) pounds of active ingredient per acre or less.
- (4) Uses for which the U.S. Environmental Protection Agency has issued an emergency exemption from registration under Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act.
- (5) Uses registered as a Special Local Need under Section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act.
- (6) Applications made by or under the direction of the U.S. Department of Agriculture, the California Department of Food and Agriculture, or county agricultural commissioner to control, suppress or eradicate pests.
- (7) Applications using precision spray technology meeting the criteria of the California Office of the Natural Resources Conservation Service's Environmental Quality Incentives Program.

(c) If prohibitions for high-VOC nonfumigant products are in effect pursuant to section 6452.2(f), those prohibitions must remain in effect until the hypothetical VOC emissions shown in the Annual VOC Emissions Inventory Report comply with the limit specified in section 6452.2(f) for at least two consecutive years. The hypothetical VOC emissions during a year of prohibitions shall be calculated for each active ingredient used on each crop specified in section 6884. The hypothetical emissions shall be calculated by assuming the relative mixture of high and low-VOC products used in the current year of prohibitions would have been the same as in the most recent year without prohibitions. The VOC emissions are then calculated using that product mixture for the amount of active ingredient used in the current year.

The following formula represents how the hypothetical VOC emissions described above would be calculated for each pesticide-crop combination:

Hypothetical emissions for a pesticide-crop combination listed in section 6884 during May-Oct for the year of prohibitions	=	(Emissions for the pesticide-crop combination during May-Oct for the most current year without prohibitions)	x	(Pounds active ingredient for the crop during May-Oct for the year of prohibitions)
		Pounds active ingredient for the crop during May-Oct for the year most current year without prohibitions		

The total hypothetical VOC emissions will be the summation of the hypothetical emissions for each pesticide-crop combination, plus the actual VOC emissions for the remaining pesticides and crops not listed in section 6880.

(d) If the Director makes a determination that the removal of an active ingredient designated as a high-VOC in section 6880, or the removal of a crop in subsection (a), or the addition of an exception in subsection (b) will not affect the ability to comply with the limit specified in section 6452.2(f) (17.2 tons per day), then the Director may approve the interim removal and/or addition using the Annual VOC Emissions Inventory process described below in (e).

(1) The Director's determination to remove an active ingredient shall be based on:

(A) the decrease in its use and emissions;

(B) the decrease being caused by factors that are likely to persist; and

(C) on a calculation of the inventory using the assumption that all applications to the crops listed in subsection (a) would have used the product(s) containing the removed pesticide that would result in the highest VOC emissions for the two most recent years of the VOC emissions inventory.

(2) The Director's determination to remove a crop shall be based on:

(A) the decrease in use and emissions from products specified in section 6880 on this crop;

(B) the decrease being caused by factors that are likely to persist; and

(C) on a calculation of the inventory using the assumption that all applications to the removed crop would use the products containing the primary active ingredients listed in section 6880 that result in the highest VOC emissions for the two most recent years of VOC emissions inventory.

(3) The Director's determination to add an exception shall be based on the estimated VOC emissions that would result from allowing the exception based on the two most recent years of the VOC emissions inventory and study information. The study must:

(A) specify the maximum application rate (pounds per acre) of the high-VOC product of the added exception; and

(B) estimate the maximum number of acres that could be treated with a high-VOC product for the added exception during May-October, and the method to estimate the number of acres.

(C) No exception would be allowed unless the study shows a greater amount of an active ingredient must be applied using a low-VOC product to achieve the same efficacy as a high-VOC product.

(e) The Director shall publish the proposed interim removal of an active ingredient or crop, or the addition of an exception in the draft VOC emissions report specified in section 6881(b). The report must include a description of the calculations used to determine that the limit specified in section 6452.2(f) would not have been exceeded in the two most recent years, with the removal or addition. The report must also include a description of the changes in cropping patterns, pest management practices, product registration, regulatory requirements, or other factors that have caused a decrease in use and emissions, and are likely to persist. A 45-day public comment period will be provided to allow for submission of written statements or arguments to the Director for review before finalizing the Annual VOC Emissions Inventory Report. The emissions report will be posted on the Department's Web site. The removal or addition must be evaluated each year in the Annual VOC Emissions Inventory Report and may only remain in effect up to three years unless implemented through state and federal rulemaking.

Note: Authority cited: Sections 11456, 12976 and 14102, Food and Agricultural Code. Reference: Sections 11501 and 14102, Food and Agricultural Code.

HISTORY

1. New section filed 5-23-2013; operative 11-1-2013 pursuant to Government Code section 11343.4(b)(2) (Register 2013, No. 21).

This database is current through 9/3/21 Register 2021, No. 36

3 CCR § 6884, 3 CA ADC § 6884

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[Home](#) [Table of Contents](#)**§ 6886. Dealer Responsibilities for the San Joaquin Valley Ozone Nonattainment Area.**

3 CA ADC § 6886

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Article 2. Volatile Organic Compounds

3 CCR § 6886

§ 6886. Dealer Responsibilities for the San Joaquin Valley Ozone Nonattainment Area.

Each licensed pest control dealer of a high-volatile organic compound (VOC) nonfumigant product specified in the Annual VOC Emissions Inventory Report, shall provide VOC information, in writing, to the purchaser at time of purchase or delivery pursuant section 6577 if the sale is made to or for the operator of the property with an operator identification number issued by a county agricultural commissioner in the San Joaquin Valley ozone nonattainment area.

Note: Authority cited: Sections 11456 and 12111, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code.

HISTORY

1. New section filed 5-23-2013; operative 11-1-2013 pursuant to Government Code section 11343.4(b)(2) (Register 2013, No. 21).

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3 CCR § 6886, 3 CA ADC § 6886

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[Home](#) [Table of Contents](#)**§ 6890. Criteria for Identifying Pesticides as Toxic Air Contaminants. [Renumbered]**

3 CA ADC § 6890

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3 CCR § 6890

§ 6890. Criteria for Identifying Pesticides as Toxic Air Contaminants. [Renumbered]

Note: Authority cited: Section 11456, Food and Agricultural Code. Reference: Sections 14021 and 14023, Food and Agricultural Code.

HISTORY

1. New section filed 1-16-91; operative 2-15-91 (Register 91, No. 8).
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. Renumbering of section 6890 to section 6864 filed 5-23-2013; operative 11-1-2013 pursuant to Government Code section 11343.4(b)(2) (Register 2013, No. 21).

This database is current through 9/3/21 Register 2021, No. 36

3 CCR § 6890, 3 CA ADC § 6890

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[Home](#) [Table of Contents](#)**§ 6895. Prohibition of Use of Weed Oils. [Repealed]**

3 CA ADC § 6895

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3 CCR § 6895

§ 6895. Prohibition of Use of Weed Oils. [Repealed]

Note: Authority cited: Sections 407, 12781 and 12981, Food and Agricultural Code. Reference: Sections 11501 and 12824, Food and Agricultural Code.

HISTORY

1. New section filed 8-16-90; operative 8-16-90 (Register 90, No. 36.)
2. Change without regulatory effect adding article 2 heading filed 8-28-91 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 4).
3. Repealer filed 8-1-96; operative 8-31-96 (Register 96, No. 31).

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3 CCR § 6895, 3 CA ADC § 6895

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[Home](#) [Table of Contents](#)**§ 6900. Antifouling Paints or Coatings Containing Tributyltin.**

3 CA ADC § 6900

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3 CCR § 6900

§ 6900. Antifouling Paints or Coatings Containing Tributyltin.

Antifouling paints or coatings which contain tributyltin shall have an average release rate of no more than four micrograms of organotin per square centimeter per day as determined by the Environmental Protection Agency testing procedure (ASTM Draft 6).

Note: Authority cited: Sections 11456, 12781, 14005 and 14102, Food and Agricultural Code. Reference: Sections 12824, 14005 and 14006, Food and Agricultural Code; and Public Law No. 100-333 (June 16, 1988) 102 Statutes 605.

HISTORY

1. New section filed 10-31-88; operative 11-30-88 (Register 88, No. 45).
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).

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3 CCR § 6900, 3 CA ADC § 6900

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[Home](#) [Table of Contents](#)**§ 6910. Prohibition of Use and Sale of Pesticide Products Containing Tributyltin.**

3 CA ADC § 6910

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3 CCR § 6910

§ 6910. Prohibition of Use and Sale of Pesticide Products Containing Tributyltin.

(a) No person shall possess for use or use a pesticide product containing tributyltin for the control of fouling microorganisms (such as bacteria, algae, or fungi) in cooling water systems in the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma for the control of fouling microorganisms (such as bacteria, algae, or fungi) in cooling water systems.

(b) No person in the counties listed in subsection (a) shall sell to users a pesticide containing tributyltin for the control of fouling microorganisms (such as bacteria, algae, or fungi) in cooling water systems.

Note: Authority cited: Sections 12976, 14005 and 14102, California Food and Agricultural Code. Reference: Sections 14005, 14006 and 14102, California Food and Agricultural Code.

HISTORY

1. New section filed 12-11-95 as an emergency; operative 12-11-95 (Register 95, No. 50). A Certificate of Compliance must be transmitted to OAL by 4-9-96 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 4-9-96 as an emergency; operative 4-9-96 (Register 96, No. 15). A Certificate of Compliance must be transmitted to OAL by 8-8-96 or emergency language will be repealed by operation of law on the following day.
3. Repealed by operation of Government Code section 11346.1(g) (Register 96, No. 45).
4. New section filed 11-7-96; operative 11-7-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 45).

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3 CCR § 6910, 3 CA ADC § 6910

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[Home](#) [Table of Contents](#)**§ 6920. Prohibition of Use and Sale of Pesticide Products Containing Copper.**

3 CA ADC § 6920

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3 CCR § 6920

§ 6920. Prohibition of Use and Sale of Pesticide Products Containing Copper.

(a) No person shall possess for use or use a pesticide product containing copper sulfate for the control, in sewers and drains, of tree or other plant roots, or fungal slime in the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma.

(b) No person in the counties listed in subsection (a) shall sell to users a pesticide product containing copper sulfate for the control, in sewers and drains, of tree or other plant roots, or fungal slime.

Note: Authority cited: Sections 12976 and 14102, California Food and Agricultural Code. Reference: Section 14102, California Food and Agricultural Code.

HISTORY

1. New section filed 12-11-95 as an emergency; operative 12-11-95 (Register 95, No. 50). A Certificate of Compliance must be transmitted to OAL by 4-9-96 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 4-9-96 as an emergency; operative 4-9-96 (Register 96, No. 15). A Certificate of Compliance must be transmitted to OAL by 8-8-96 or emergency language will be repealed by operation of law on the following day.
3. Repealed by operation of Government Code section 11346.1(g) (Register 96, No. 45).
4. New section filed 11-7-96; operative 11-7-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 45).

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3 CCR § 6920, 3 CA ADC § 6920

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[Home](#) [Table of Contents](#)**§ 6950. Clopyralid.**

3 CA ADC § 6950

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3 CCR § 6950

§ 6950. Clopyralid.

The provisions of this section apply to pesticide products that contain the active ingredient clopyralid and are intended for lawn and turf use as defined in Food and Agricultural Code section 13190(e).

(a) No application shall be made to lawn and turf unless the licensed or certified qualified applicator assures that the grass clippings from the treated area remain on the property. In no instances shall clopyralid-containing products be applied to residential lawns.

Note: Authority cited: Sections 11456, 12781, 12976 and 14102, Food and Agricultural Code. Reference: Sections 12824, 13191 and 13192, Food and Agricultural Code.

HISTORY

1. New section filed 12-28-2005; operative 1-27-2006 (Register 2005, No. 52).

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3 CCR § 6950, 3 CA ADC § 6950

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[Home](#) [Table of Contents](#)**§ 6960. Dormant Insecticide Contamination Prevention.**

3 CA ADC § 6960

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Article 1. Pesticide Contamination Prevention

3 CCR § 6960

§ 6960. Dormant Insecticide Contamination Prevention.

(a) The operator of the property shall meet at least one of the following requirements when making dormant applications:

- (1) only apply a dormant oil, or a biocontrol agent such as but not limited to spinosad or *Bacillus* sp.; or
- (2) only apply to a hydrologically isolated site; or
- (3) divert any runoff with an on-farm recirculating system and/or contain and hold any runoff for 72 hours before releasing into a sensitive aquatic site.

(b) If none of the requirements in subsection (a) can be met, the following dormant insecticide application restrictions shall apply:

- (1) the operator of the property to be treated shall obtain a written recommendation from a licensed pest control adviser prior to the application; and
- (2) the application shall not be made within 100 feet of any sensitive aquatic site; and
- (3) wind speed shall be 3-10 miles per hour (mph) at the perimeter of the application site as measured by an anemometer on the upwind side.

(c) Aerial application of dormant insecticides shall only be allowed if:

- (1) soil conditions do not allow field entry, or approaching bloom conditions necessitate aerial application; and
- (2) all the requirements in subsection (b) are met.

(d) No dormant insecticide application shall occur if:

- (1) soil moisture is at field capacity and a storm event, forecasted by the National Oceanic and Atmospheric Administration (NOAA) or National Weather Service (NWS), is to occur within 48 hours following application; or
- (2) a storm event likely to produce runoff from the treated area is forecasted by NOAA/NWS to occur within 48 hours following the application.

Note: Authority cited: Section 11456, Food and Agricultural Code. Reference: Sections 11456 and 11501, Food and Agricultural Code.

HISTORY

1. New subchapter 5, article 1 (section 6960) and section filed 7-18-2006; operative 8-17-2006 (Register 2006, No. 29).

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3 CCR § 6960, 3 CA ADC § 6960

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[Home](#) [Table of Contents](#)**§ 6970. Surface Water Protection in Outdoor Nonagricultural Settings.**

3 CA ADC § 6970

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3 CCR § 6970

§ 6970. Surface Water Protection in Outdoor Nonagricultural Settings.

The provisions of this section apply to any person performing pest control for hire, including landscape maintenance gardeners, when any of the following pesticides is applied outdoors to structural, residential, industrial, and institutional sites:

bifenthrin

bioallethrin

S-bioallethrin

cyfluthrin

beta-cyfluthrin

gamma-cyhalothrin

lambda-cyhalothrin

cypermethrin

deltamethrin

esfenvalerate

fenpropathrin

tau-fluvalinate

permethrin

phenothrin

prallethrin

resmethrin

tetramethrin

(a) Except when prohibited in (e), applications to the soil surface, mulch, gravel, lawn, turf, or groundcover must be made using only the methods described below:

(1) Spot treatment

(2) Pin stream treatment of one-inch wide or less

(3) Perimeter band treatment of three feet wide or less from the base of a building outward

(4) Broadcast treatment but not within two feet from any horizontal impervious surface. Pin stream treatment of one-inch wide or less may be made within the two-foot area.

- (5) For broadcast treatment of termiticides to preconstruction sites, prior to precipitation, the treatment site must be covered with a waterproof covering, such as a polyethylene sheet, or a concrete slab must be poured over the treated soil.
- (b) Except when prohibited in (e), applications to windows and doors, and horizontal impervious surfaces must be made using only the methods described below:
- (1) Spot treatment
 - (2) Crack and crevice treatment
 - (3) Pin stream treatment of one-inch wide or less
- (c) Except when prohibited in (e), applications to vertical structural surfaces, such as walls, foundations, and fencing, must be made using only the methods described below:
- (1) Spot treatment
 - (2) Crack and crevice treatment
 - (3) Pin stream treatment of one-inch wide or less
 - (4) Perimeter band treatment up to a maximum height of two feet above the grade level.
- (d) Except when prohibited in (e), for applications using granules to the soil surface, mulch, gravel, lawn, turf, or groundcover, the applicator shall sweep any granules that land on horizontal impervious surfaces onto the treatment site.
- (e) The following applications are prohibited:
- (1) To any site during precipitation, except for applications made to the underside of eaves;
 - (2) To the soil surface, mulch, gravel, lawn, turf, groundcover, or horizontal impervious surfaces with standing water, including puddles;
 - (3) To a sewer or storm drain, or curbside gutter;
 - (4) To the following components of a constructed drainage system that drains to a sewer or storm drain, curbside gutter, or aquatic habitat:
 - (A) Visible drainage grate connected to a drain pipe; or
 - (B) Visible french drain, or a landscaped dry river bed, swale or trench filled with gravel or rock;
 - (5) To the soil surface, including preconstruction termiticide sites, mulch, gravel, lawn, turf, groundcover, or horizontal impervious surfaces within 25 feet of aquatic habitat located downgradient from the application. The applicator shall measure the distance from the high water mark or intermittent streams that are dry from the top of the near bank; or
 - (6) To the preconstruction termiticide site within 10 feet of a storm drain located downgradient from the application.
- (f) Application to plants, shrubs, or trees where there is standing water in the dripline or perimeter of the plants, shrubs, or trees is prohibited.

Note: Authority cited: Section 11456, Food and Agricultural Code. Reference: Sections 11456 and 11501, Food and Agricultural Code.

HISTORY

1. New section filed 6-19-2012; operative 7-19-2012 (Register 2012, No. 25).

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3 CCR § 6970, 3 CA ADC § 6970

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[Home](#) [Table of Contents](#)**§ 6972. Exemptions from Surface Water Protection in Outdoor Nonagricultural Settings.**

3 CA ADC § 6972

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Article 1. Pesticide Contamination Prevention

3 CCR § 6972

§ 6972. Exemptions from Surface Water Protection in Outdoor Nonagricultural Settings.

The following applications are exempt from the provisions of section 6970:

- (a) Injection into soil or structural materials, such as bricks, concrete, or wood.
- (b) Post-construction rod or trench termiticide application methods.
- (c) Applications to below-ground insect nests or nests made of mud or paper combs.
- (d) Applications of baits in weather-proof stations or gel baits.
- (e) Pesticide applications to receiving waters for which a permit has been issued under the Statewide General National Pollutant Discharge Elimination System (NPDES) for Pesticide Discharges to Waters of the U.S. from Spray Applications, and Vector Control Applications.
- (f) Applications to the underside of eaves.
- (g) Foggers or aerosol applications.

Note: Authority cited: Section 11456, Food and Agricultural Code. Reference: Sections 11456 and 11501, Food and Agricultural Code.

HISTORY

1. New section filed 6-19-2012; operative 7-19-2012 (Register 2012, No. 25).

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3 CCR § 6972, 3 CA ADC § 6972

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