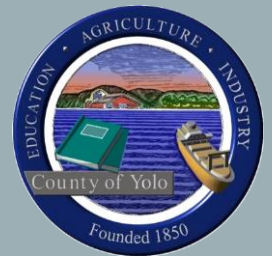


# LAWS & REGULATIONS

## Updates and Reminders



Molly Mathews

Yolo County Deputy Agricultural Commissioner

# OVERVIEW

- Updates:
  - Neonics
  - Adjuvants
  - Certified Applicators- PACs, QAL/QAC
  - I,3-D
  - Proposed Regs
    - Decontamination Sites
    - Statewide Notification
- PCA Requirements
- HQ and Field Inspection Reminders

# NEONICOTINOIDS

## CCR 6990-6990.16



- Application restrictions- all crop groups
  - Clothianidin
    - Belay Insecticide
    - Nipsit Vegetables Insecticide
    - Clutch
  - Dinotefuran
    - Venom Insecticide
    - Scorpion Insecticide
    - Safari Insecticide
  - Imidacloprid
    - Admire Pro Systemic
    - Wrangler
    - Leverage 360
    - Nuprid
    - Macho
  - Thiamethoxam
    - Actara
    - Platinum
    - Endigo ZC
    - Agri-Flex Miticide/Insecticide
    - Voliam Flexi

# NEONICOTINOIDS

## CCR 6990-6990.16

- Additional Neonics applied in Yolo 2023
  - Advise Four
  - Bioadvanced Tree & S
  - Durivo
  - Flagship 25WG
  - Mana Alias 4F
  - Marathon 1% Granular
  - Montana 4F Insecticide
  - Nuprid 4F Max Insecticide
  - Provoke
  - Willowood Imidacloprid 4SC

# NEONICS

## FRUIT VEG-CROP GROUPS 8 & 8-10

- “Bloom” means the period from the *onset of flowering until petal fall is complete*. For citrus subject to section 6984, the bloom period is defined in section 6984(b).

### I. BLOOM PROHIBITION

Application of a neonicotinoid is prohibited during bloom.

### I. TOTAL MAXIMUM COMBINED APPLICATION RATE

If both soil and foliar application methods are used on the same crop, or if multiple neonicotinoid active ingredients are applied to the same crop, a total maximum combined application rate must not exceed 0.172lbs. ai/A/season.

### I. RATE AND TIMING RESTRICTIONS (EXCEPT AS NOTED IN 4)

Except as noted in 4 below, if managed pollinators will be used within the growing season, the application rate and timing restrictions apply- soil (all ai's) only allowed from pre-planting until third leaf on main shoot unfolded; foliar- prohibited.

### I. EXCEPTIONS

If managed pollinators will be used for peppers, goji berries, ground cherries, martynia, okra, roselle, or tomatillos during the growing season, then application of a neonicotinoid is prohibited.

# NEONICS BERRIES AND SMALL FRUITS CROP GROUPS 13 AND 13-07

## I. BLOOM PROHIBITION

Application of a neonicotinoid is prohibited during bloom.

## I. TOTAL MAXIMUM COMBINED APPLICATION RATE

If both soil and foliar application methods are used on the same crop, or if multiple neonicotinoid active ingredients are applied to the same crop, a total maximum combined application rate of 0.3 lbs ai/A/season may be applied, provided: (1) Soil application rate must not exceed 0.2 lbs. ai/A/season; (2) Foliar application rate must not exceed 0.1 lbs ai/A/season.

## I. OTHER BERRY AND SMALL FRUIT CROPS (EXCEPT GRAPES)

If managed pollinators will be used during the growing season, application of a neonicotinoid is prohibited.

## I. GRAPES-RATE AND TIMING RESTRICTITONS

If managed pollinators will be used to pollinate grapes during the growing season, an application of a neonicotinoid to grapes may be made under the application rate and timing restrictions listed in the following table.

Active Ingredient	Soil Application		Foliar Application	
	Maximum Application Rate	Required Timing	Maximum Application Rate	Required Timing
Clothianidin, Dinotefuran, Imidacloprid, or Thiamethoxam	0.2 lbs. ai/A/season	Apply only up until bud break	0.1 lbs. ai/A/season	Apply only between post-bloom (all flower hoods fallen) and harvest

# NEONICOTINOIDS CCR 6990-6990.16

California Department of Pesticide Regulation

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Programs Databases News/Publications Quick Links Search

- Statewide Pesticide Application Notification System
- Accelerating Sustainable Pest Management: A Roadmap for California
- Health & Safety
  - Report an Illness | Food Safety | Active Ingredient Risk Assessment and Mitigation | Human Health | Physicians | Workers | Fact Sheets
- Enforcement
  - Complaints | County Oversight | Actions | Compliance | Restricted Materials | Endangered Species
- Pest Management
  - Pesticide Use Report | Grants | IPM Achievement Awards | Schools | Child Care | Projects
- Licensing
  - Exam Schedule | Valid Licenses | Continuing Ed | Study Materials | Forms | Index | Renewals
- Registration
  - Product/Label Search | Chemical Search | Register a Product | Notices | Resources | Fees | Forms
- Mill Assessment
  - Pesticides Sold | Container Recycling
- Monitoring
  - Surface Water | Groundwater | Air | Special Projects
- Laws & Regulations
- more programs...

Food Safety Programs

Laws and Regulations

Enforcement-Related Programs

Additional Resources

Pesticide Complaint Reporting

DPR's Website

Programs

Enforcement

Additional Resources

Neonicotinoid Regs to Protect Pollinators

# ADJUVANTS

- Labels amended or registered as new a product will list the principal functioning agents
  - Top three by weight, listed as a percentage
  - Separately or total combined percentage
- DPR Statement of reasons:
  - Not including this information on the label may pose a hazard to humans or the environment
  - Listing ingredient will help with pesticide product mixing instructions or label requirements
    - Order- impact compatibility

The logo for WETCIT features a stylized orange and yellow crescent shape to the left of the word "WETCIT" in a bold, black, sans-serif font.

**PENETRANT-SPREADER-WETTING AGENT**

Already  
Complies

A large orange arrow pointing to the right, containing the text "Already Complies".

#### PRINCIPAL FUNCTIONING AGENTS

Secondary alcohol ethoxylate and sodium lauryl ether sulfate.....	14.96%
Constituents ineffective as spray adjuvants.....	85.04%
<b>Total.....</b>	<b>100.00%</b>

All ingredients are exempt from tolerance according to 40 CFR 180  
Surfactant Content: 14.96%

KEEP OUT OF REACH OF CHILDREN  
WARNING / AVISO



CA Reg. No. 72662-50001-AA  
WA Reg. No. 72662-20002

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NET CONTENTS  
2.5 US GAL



**APE/NPE  
FREE**



# CERTIFIED APPLICATORS PAC, QAL & QAC

- Revised Federal Regulations- Certification of Pesticide Applicators- 2017
  - Minimum requirements for RUPs (Restricted Use Products)
    - aka Federal Restricted Material
- CA Restricted Materials include RUPs
- Revised competency standards for Private Applicator Certificates
  - Phased-in approach
  - R-Z renewing in 2024
  - A-H, 2025
  - I-Q, 2026





## CERTIFIED APPLICATORS PAC, QAL & QAC

- Fumigations
  - Private Applicators now required to take and pass the Burrowing Vertebrate Pest Fumigation Certificate Option
    - Aluminum phosphide
    - NEW Exam required and BV Fumigation Option
  - QAL and QAC
    - Category L- Soil fumigations
      - Now applies to growers (PAC with EPA training no longer accepted)
    - Category M- Non-Soil fumigations
      - Commodity
      - Burrowing Rodent

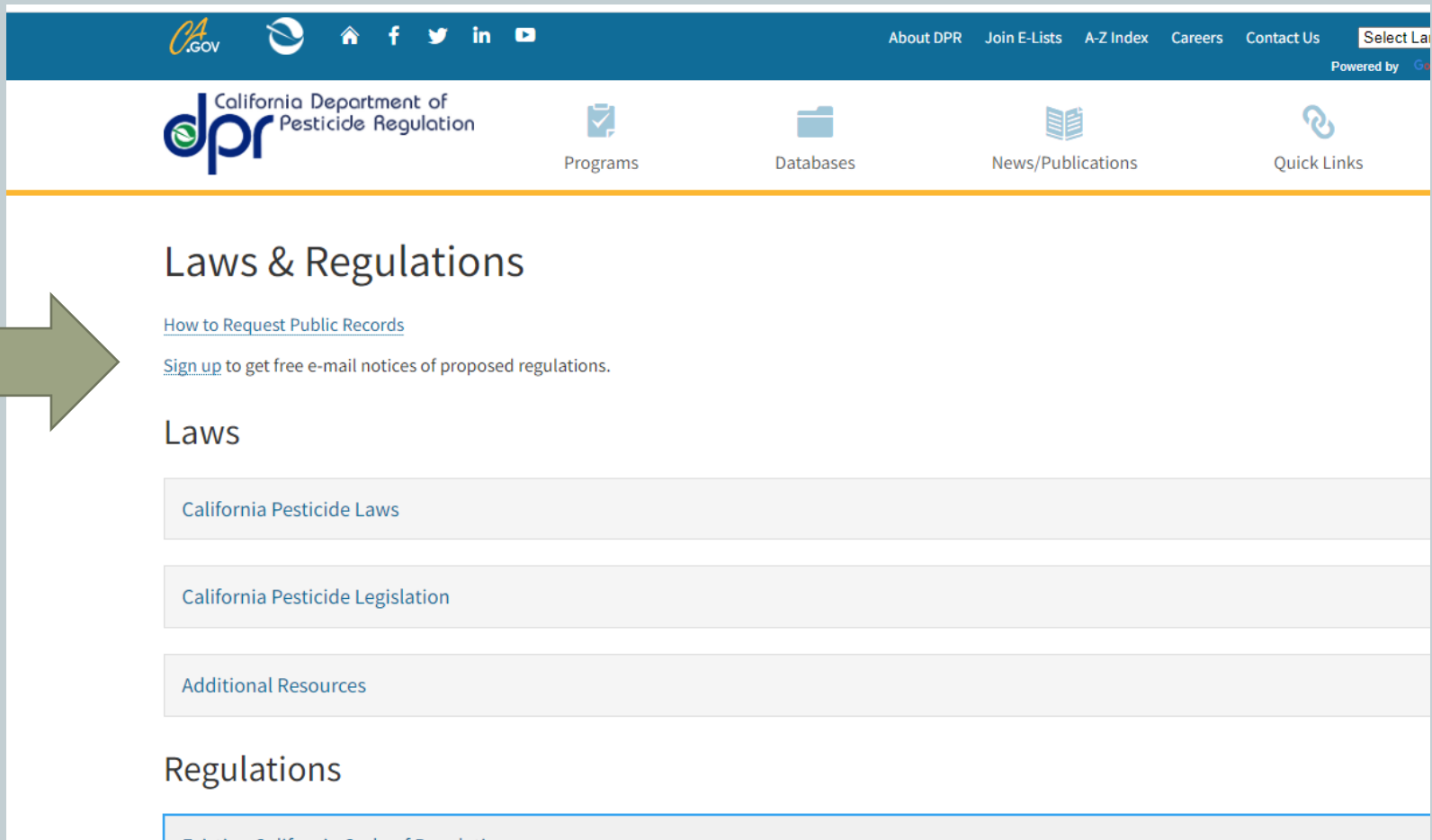
## I,3-D TELONE



- Last stage of regulation- final approval at OAL
- I,3-D fumigations must have fumigation code
  - Tree hole fumigations no longer allowed
  - Method without a code- must go through formal process to be assigned a code
- Setback distances
  - Buffers from occupied structures
  - Distance determined by method, rate, acreage, and time of the year

# PROPOSED REGULATIONS

# SIGN UP ON DPR'S WEBSITE PARTICIPATE IN COMMENT PERIODS



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## Laws & Regulations

[How to Request Public Records](#)

[Sign up](#) to get free e-mail notices of proposed regulations.

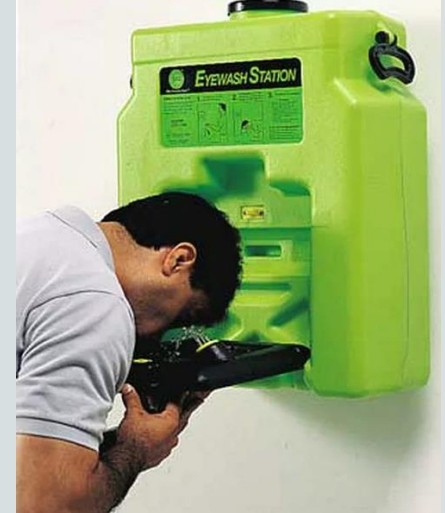
### Laws

- California Pesticide Laws
- California Pesticide Legislation
- Additional Resources

### Regulations

- Final California Statewide...

# DECONTAMINATION SITES

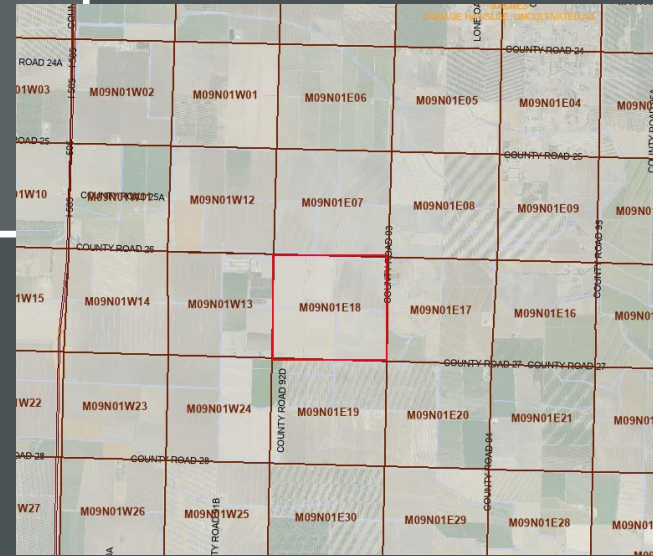


## CCR 6734

- Employer required to notify employees of the location prior to employees handling pesticides
- Water required to be between 60-100 degrees F.
- Provide an ANSI Z358.1 eyewash station
  - If the pesticide product labeling requires employees who are mixing, loading or handling a liquid fumigant to wear protective eyewear, or a closed system is used.
  - Eyewash station does not include water hoses, sink faucets, or showers
  - Annually instruct employees on proper use of the eyewash station
- Soap, water (3 gallons/employee), single use towels, extra change of coveralls
  - Enclosed container
- Non-Ag- decontamination now required to be present at the mix/load site or fumigation site regardless of the signal word.

# STATEWIDE NOTIFICATION

- CCR 6434 NOTICE OF INTENT
  - Submit NOI electronically
    - CalAg Permits or system that links to CalAg
      - AgVerdict, Agrian, etc.
    - Undue hardship, unable to electronically submit NOI
      - CAC most likely will request NOI more than 24 hours in advance
      - CAC to enter NOI in CalAg and document undue hardship
  - NOI times: 24 hours or 48 hours
    - Yolo County Condition #6- 48 hours
    - Soil fumigations- 48 hours
    - Standard NOI's 24 hours
  - DPR will provide the public portions of the NOI (county number, date and time, MTRS, pesticide reg no., method of app., acres to be treated).
    - 24 hours prior to the application of a non-soil fumigant
    - 48 hours prior to a soil fumigant



## CIVIL PENALTY ACTIONS BY COMMISSIONERS

### Initial Statement of Reasons:

- Updating California's local pesticide use enforcement response regulations to align with AB 211 (2022) *is necessary to strengthen the deterrence of illegal pesticide use, protect workers, and strengthen the local implementation of the statewide pesticide use compliance and enforcement program.*
- In 2022, AB 211 amended FAC section 12999.5 to increase penalty maximums for violations of pesticide use laws and regulations, *thereby heightening the deterrent effect of administrative enforcement actions by CACs and strengthening the statewide pesticide compliance and enforcement program.*



# CIVIL PENALTY ACTIONS BY COMMISSIONERS

## ACP Fine Range

- Current
  - A: \$700-5,000
    - Caused health, property or environmental hazard
  - B: \$250-1,000
    - Potential to cause or aggravating circumstances support elevation to Class A
      - History of violations
      - Failure to cooperate in the investigation of the incident
  - C: \$50-400
    - Will not cause, “paperwork” violations
- Proposed new fine ranges
  - A: \$700-15,000
  - B: \$250-3,000
  - C: \$50-400

# REMINDERS:

✦ PCA REQUIREMENTS

✦ LABELS

✦ FIELD INSPECTIONS

✦ HEADQUARTER  
INSPECTIONS

# PCA REQUIREMENTS



- Licensed and Registered in County
- Recommendation match licensed categories
- Recommendations
  - Copies to property operator, dealer and PCB
  - Retain for one year
  - Statement certifying alternatives considered and mitigation measures to reduce adverse environmental effects
  - Complies with pesticide labeling
    - Ai annual max?
- License- exempts training, train scouts and seasonal staff
- FAC 12023.5- Unprofessional Conduct
  - Repeated acts of excessive use of a pesticide or any method or device for the control of plant, animal, or other pests
    - Maximum allowable rates
  - Recommending the use of ineffective pesticide or ineffective method or device

# LABELS

## WATCH OUT FOR PPE STATEMENTS

### **PERSONAL PROTECTIVE EQUIPMENT**

Some materials that are chemical-resistant to this product are barrier laminate, butyl rubber, nitrile rubber, neoprene rubber, PVC and viton. If you want more options, follow the instructions for category A on an EPA chemical-resistance category selection chart.

**Mixers, loaders, applicators and other handlers must wear the following:**

1. Long-sleeved shirt and long pants
2. Chemical resistant gloves made of any waterproof material
3. Shoes plus socks
4. Protective eyewear such as face shield or goggles

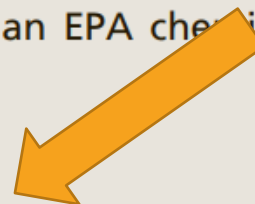


### **Personal Protective Equipment (PPE)**

Some materials that are chemical-resistant to this product are listed below. If you want more options, follow the instructions for Category G on an EPA chemical resistance category selection chart.

**Applicators and other handlers must wear:**

- Coveralls over short-sleeved shirt and short pants
- Chemical-resistant gloves, Category G, such as barrier laminate or Viton® ≥ 14 mils
- Chemical-resistant footwear plus socks
- Chemical-resistant apron when cleaning equipment, mixing, or loading
- For overhead exposure wear chemical-resistant headgear.



Discard clothing and other absorbent materials that have been drenched or heavily

# 104 INSPECTIONS-FIELD APPLICATION, MIX & LOAD

- Labeling at use site
  - Pesticides, including adjuvants
- Label PPE
  - Employees and owners/operators
- Regulations PPE
  - Employees
    - Eye protection
    - Chemical resistant gloves, 14 mils
    - Coveralls, “warning” or “danger”
- Emergency Medical Care- display at work site or work vehicle
- Decontamination: soap, water (3 gallons/handler), single use towels, change of coveralls
  - Mix/load- emergency eye flush, 6 gallons/handler or fresh water source (hose) capable of 0.4 gallons per minute
- Eye wash- one pint- when labeling requires protective eyewear- immediate access



# 104 INSPECTIONS-FIELD APPLICATION, MIX & LOAD

- Field Postings
  - Greater than 48 hours
  - Enclosed space- greenhouse, greater than 4 hours
  - Danger or MEPs through an irrigation system
  - Field fumigations
- Service Container Labeling
  - Name and address of the person or firm
  - Identity of the pesticide
  - Signal word
    - Duct taping labels to the tank help meet the label requirement and a portion of service container labeling



# HQ INSPECTIONS

- All records are required to be retained for two (2) years
  - Respiratory records or medical supervision records, three (3) years
- Annual training
  - Written training program and record for each employee
  - Field worker training
- Respiratory protection
  - Voluntary use- filtering face piece only!
  - Medical evaluation- once
  - Fit Test- annual
- Pesticide Use Reports
- Application Specific Information Display
- A8-Posted
- Safety Data Sheets
  - Hardcopies or electronic
- Pesticide Storage
  - Locked and posted
  - PPE stored separate from pesticides



A Series: Agricultural Settings



N Series: Non-Agricultural Settings

THANK YOU!

Questions?

Molly Mathews

[Molly.Mathews@yolocounty.org](mailto:Molly.Mathews@yolocounty.org)

530-666-8260