



2017 DPR UPDATES



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EXPANDED PESTICIDE MONITORING NETWORK



- THE CALIFORNIA DEPARTMENT OF PESTICIDE REGULATION (**DPR**), IN COOPERATION WITH THE CALIFORNIA AIR RESOURCES BOARD (**CARB**), IS INCREASING THE NUMBER OF COMMUNITIES WHERE AIR MONITORING FOR PESTICIDES WILL BE CONDUCTED.
- THE EXPANDED AIR-MONITORING NETWORK WILL ALLOW **DPR** TO
 - OBTAIN MORE DATA FROM MORE LOCATIONS AND
 - GIVE A MORE COMPREHENSIVE PICTURE OF PESTICIDE CONCENTRATIONS IN THE AIR IN VARIOUS CALIFORNIA AGRICULTURAL COMMUNITIES.
- **CALIFORNIA** IS THE ONLY STATE THAT MONITORS AIR AS PART OF ITS CONTINUOUS REEVALUATION OF PESTICIDES TO ENSURE THE PROTECTION OF WORKERS, PUBLIC HEALTH, AND THE ENVIRONMENT.

EXPANDED PESTICIDE MONITORING NETWORK



- THE EXPANDED NETWORK WILL CONCLUDE BY **DECEMBER 2018**.
- **THE MAJOR CHANGES INCLUDE:**
 - Increasing the number of communities monitored from six to eight;
 - Monitoring for 31 pesticides and five pesticide breakdown products at all sites. (Previously only three sites monitored for all 31 pesticides.)
- **SAMPLES WILL BE COLLECTED ONE DAY PER WEEK AT EACH LOCATION.** THE SITES, WHICH INCLUDE SIX SCHOOLS, WERE CHOSEN BASED ON SEVERAL FACTORS INCLUDING PESTICIDE USE ON SURROUNDING FARMLAND; DEMOGRAPHICS INCLUDING THE PERCENTAGE OF CHILDREN AND ELDERLY LIVING NEARBY; AND THE INCOME OF THE LOCAL POPULATION.

EXPANDED PESTICIDE MONITORING NETWORK



- DPR FORMED THE **AIR MONITORING NETWORK** IN 2011, THE FIRST OF ITS KIND IN THE NATION. THE PESTICIDES WERE CHOSEN FOR MONITORING BASED ON THE AMOUNT OF USE AND THEIR POTENTIAL HEALTH RISKS. THEY INCLUDE ALL THE MAJOR FUMIGANTS AND MANY ORGANOPHOSPHATES.

EXPANDED PESTICIDE MONITORING NETWORK

DPR's Air Monitoring Network

Old (2011-2016)

Six locations

County	Community	Site
Kern	Shafter	Shafter High School
Monterey	Salinas	Salinas Municipal Airport
San Joaquin	Ripon	Near City Hall
Santa Barbara	Santa Maria	ARB air station (near Santa Maria High School)
Monterey	South of Watsonville	Ohlone Elementary School
Ventura	Oxnard	Rio Mesa High School

DPR sites 

ARB sites 

New (2017 forward)

Eight locations *

County	Community	Site
Monterey	Chualar	City well location
Santa Barbara	Santa Maria	ARB air station (near Santa Maria High School)
Monterey	South of Watsonville	Ohlone Elementary School
Fresno	San Joaquin	San Joaquin Elementary School
Kern	Shafter	Shafter High School
Santa Barbara	Cuyama	Cuyama Elementary School
Tulare	Lindsay	Jefferson Elementary School
Ventura	Oxnard	Rio Mesa High School

* All sites will monitor the air for 31 pesticides and 5 breakdown products.

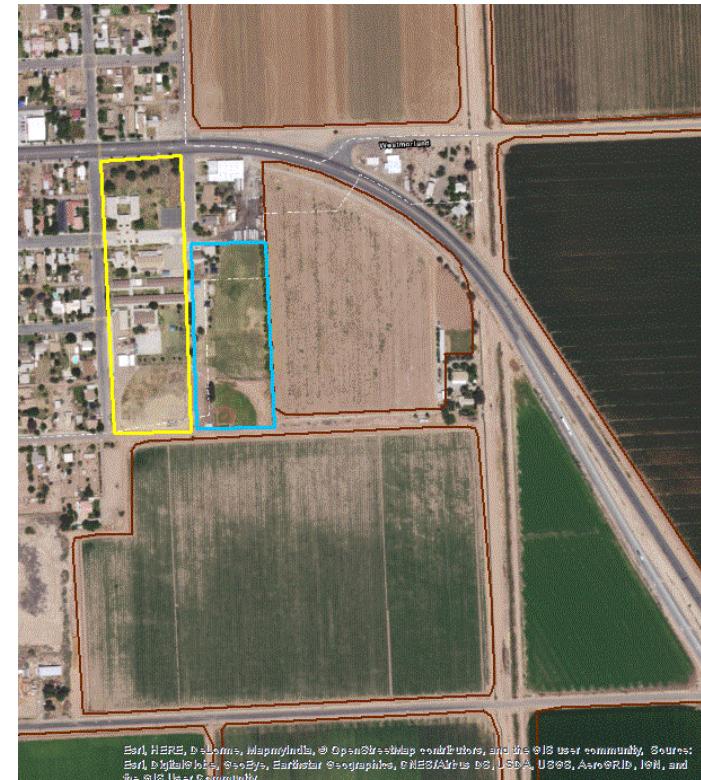
EXPANDED PESTICIDE MONITORING NETWORK

The 36 chemicals included in the AMN are listed below (breakdown products are shown with an *):

1. 1,3-Dichloropropene
2. Acephate
3. Bensulide
4. Chloropicrin
5. Chlorothalonil
6. Chlorpyrifos
7. Chlorpyrifos Oxygen Analog*
8. Chlorthal-dimethyl (DCPA)
9. Cypermethrin
10. Diazinon
11. Diazinon Oxygen Analog*
12. Dicofol
13. Dimethoate
14. Dimethoate Oxygen Analog*
15. Diuron
16. Endosulfan
17. Endosulfan Sulfate*
18. EPTC
19. Iprodione
20. Malathion
21. Malathion Oxygen Analog*
22. Methidathion
23. Methyl Bromide
24. Methyl Isothiocyanate (MITC)
25. Metolachlor (S-metolachlor)
26. Naled as Dichlorvos (DDVP)
27. Norflurazon
28. Oryzalin
29. Oxydemeton-methyl
30. Oxyfluorfen
31. Permethrin
32. Phosmet
33. Propargite
34. Simazine
35. SSS-tributylphosphorotrithioate
36. Trifluralin

AGRICULTURAL PESTICIDE USE NEAR SCHOOLS AND CHILD DAY-CARE CENTERS

- THE PROPOSED REGULATION WOULD PROVIDE AN EXTRA MEASURE OF PROTECTION TO **PUBLIC K-12 SCHOOL SITES AND LICENSED CHILD DAY CARE FACILITIES**
 - FROM THE RISK OF SHORT-TERM PESTICIDE EXPOSURE
 - HELP INCREASE COMMUNICATION BETWEEN GROWERS AND SCHOOL SITES/LICENSED CHILD DAY CARE FACILITIES
 - IT WOULD ALSO ASSIST THESE SITES IN RESPONDING TO INQUIRIES AND POTENTIAL INCIDENTS



AGRICULTURAL PESTICIDE USE NEAR SCHOOLS AND CHILD DAY-CARE CENTERS



- THE REVISED DRAFT REGULATION REFLECTS EXTENSIVE PUBLIC INPUT RECEIVED DURING THE MOST RECENT ROUND OF PUBLIC REVIEW,
 - WHICH INCLUDED THREE FORMAL HEARINGS AND ENDED IN DECEMBER
- THE ORIGINAL PROPOSAL WAS ISSUED IN SEPTEMBER 2016, AFTER THE DEPARTMENT HELD A SERIES OF PUBLIC WORKSHOPS IN FIVE LOCATIONS AROUND THE STATE.
- THE REGULATION IS ANTICIPATED TO BECOME EFFECTIVE **JANUARY 1, 2018**

AGRICULTURAL PESTICIDE USE NEAR SCHOOLS AND CHILD DAY-CARE CENTERS



- THE PROPOSED REGULATION WILL AFFECT ABOUT **3,500** PUBLIC K-12 SCHOOLS AND LICENSED CHILD DAY CARE FACILITIES AND INVOLVE APPROXIMATELY **2,500 GROWERS** IN CALIFORNIA.
- WHILE MANY COUNTIES IN CALIFORNIA CURRENTLY HAVE VARYING REQUIREMENTS FOR NOTIFICATION OF CERTAIN PESTICIDE APPLICATIONS NEAR SCHOOLS, THE PROPOSED REGULATION WOULD BE THE FIRST **STATEWIDE STANDARD**.

AGRICULTURAL PESTICIDE USE NEAR SCHOOLS AND CHILD DAY-CARE CENTERS



THE PROPOSED REGULATION WOULD:

- PROHIBIT MANY **PRODUCTION AG.** PESTICIDE APPLICATIONS WITHIN A 1/4 MILE (1,320 FEET) OF PUBLIC K-12 SCHOOLS AND *LICENSED DAY CARE FACILITIES FROM MONDAY THROUGH FRIDAY BETWEEN 6AM AND 6PM.
 - THESE INCLUDE ALL APPLICATIONS BY AIRCRAFT, SPRINKLERS, AIR-BLAST SPRAYERS, AND ALL FUMIGANT APPLICATIONS.
 - IN ADDITION, MOST DUST AND POWDER PESTICIDE APPLICATIONS, SUCH AS SULFUR, WOULD BE PROHIBITED DURING THIS TIME.

*EXCEPT FAMILY DAY CARE HOMES

AGRICULTURAL PESTICIDE USE NEAR SCHOOLS AND CHILD DAY-CARE CENTERS

Application Equipment Type	<u>Minimum Distance</u>				All Other Pesticides
	Dust	Fumigant	Granule		
Airblast Sprayer	1/4 mile	Labels prohibit	No apps	1/4 mile	
Aircraft	1/4 mile	Labels prohibit	1/4 mile	1/4 mile	
Backpack Sprayer	1/4 mile	Labels prohibit	None	None	
Bait Station	None	Labels prohibit	None	None	
Ground-Rig Sprayer	1/4 mile	1/4 mile	None	25 feet	
Hand Pump Sprayer	1/4 mile	1/4 mile	None	None	
Soil Injection	None	1/4 mile	None	25 feet	
Sprinkler Chemigation	No apps	1/4 mile	No apps	1/4 mile	
All Other Equipment	1/4 mile	1/4 mile	None	25 feet	

No minimum distance if application in **enclosed space** (unless fumigant), or no classes scheduled, day care closed

AGRICULTURAL PESTICIDE USE NEAR SCHOOLS AND CHILD DAY-CARE CENTERS

- **FOR FUMIGANT APPLICATIONS WITHIN 1/4 MILE OF A SCHOOLSITE, 36 HOURS MUST ELAPSE FROM END OF FUMIGATION UNTIL CLASSES START, DAY CARE OPENS**
- **GROWER, SCHOOL PRINCIPAL OR DAY CARE ADMINISTRATOR, AND CAC CAN NEGOTIATE A WRITTEN AGREEMENT THAT ACHIEVES THE SAME OR GREATER LEVEL OF PROTECTION AS THE REGULATION**
- **NEW: AIRBLAST SPRAYER INCLUDES EQUIPMENT WITH A PUMP THAT DELIVERS SPRAY INTO AN AIR STREAM CREATED BY A FAN**



AGRICULTURAL PESTICIDE USE NEAR SCHOOLS AND CHILD DAY-CARE CENTERS



- GROWERS WILL NOT BE REQUIRED TO NOTIFY SCHOOL SITES/LICENSED CHILD DAY CARE FACILITIES AND THE COUNTY AGRICULTURAL COMMISSIONERS (CACs) OF PESTICIDE APPLICATIONS MADE WITHIN A QUARTER MILE OF THESE FACILITIES 48 HOURS BEFORE THEY OCCUR.
- **HOWEVER**, GROWERS WILL STILL BE REQUIRED TO PROVIDE ANNUAL NOTIFICATION OF THE PESTICIDES EXPECTED TO BE APPLIED WITHIN A QUARTER MILE OF THESE FACILITIES.
- PROVIDE PARENTS AND STAFF COPIES OF NOTIFICATIONS USING SAME METHOD AS **HEALTHY SCHOOLS ACT**

AGRICULTURAL PESTICIDE USE NEAR SCHOOLS AND CHILD DAY-CARE CENTERS



- EACH ANNUAL NOTIFICATION MUST LIST THE PESTICIDES EXPECTED TO BE USED DURING THE UPCOMING JULY THROUGH JUNE PERIOD. THIS LIST MUST BE PROVIDED TO THE SCHOOL PRINCIPAL OR CHILD DAY CARE FACILITY ADMINISTRATOR BY **APRIL 30TH EACH YEAR**.
- THE NOTICE MUST INCLUDE AMONG OTHER THINGS:
 - The name of pesticide products (and the main active ingredient) to be used
 - A map showing the location of the field to be treated
 - Contact information for the grower/operator and the CAC
 - The website address for the National Pesticide Information Center where additional information on pesticides may be obtained
 - **NEW: pesticides not on list must be added at least 48 hrs prior to use**
 - Options available to school/day care facility
 - Grower retains notifications for 2 years, **NEW: CAC retains for 1 year**

AGRICULTURAL PESTICIDE USE NEAR SCHOOLS AND CHILD DAY-CARE CENTERS



- THE REVISION ALSO CLARIFIES THE DEFINITION OF "SCHOOL SITE" AND OTHER TERMS: FOR EXAMPLE, IT MAKES CLEAR THAT THE REGULATIONS DO NOT APPLY TO SCHOOL BUSES OR VEHICLES NOT ON SCHOOL PROPERTY, AND THAT COUNTY AGRICULTURAL COMMISSIONERS (CACs) MAY IDENTIFY AN ADJACENT PARK USED REGULARLY BY SCHOOLS ON THE WEEKDAYS AS PART OF A SCHOOL SITE.

AGRICULTURAL PESTICIDE USE NEAR SCHOOLS AND CHILD DAY-CARE CENTERS



NEW: NEW GROWERS MUST PROVIDE NOTIFICATION WITHIN 30 DAYS OF ASSUMING CONTROL OF PROPERTY AND AT LEAST 48 HOURS PRIOR TO USE

NEW: NEW GROWER'S FIRST NOTIFICATION INCLUDES LIST OF EXPECTED PESTICIDES THROUGH JUNE 30 OF FOLLOWING YEAR, A PERIOD OF 6 TO 18 MONTHS

AGRICULTURAL PESTICIDE USE NEAR SCHOOLS AND CHILD DAY-CARE CENTERS



ESTIMATED TIMELINE

- **JANUARY 1, 2018:** APPLICATION PROHIBITIONS GO INTO EFFECT
- **APRIL 1, 2018:** NEW GROWERS MUST PROVIDE NOTIFICATION WITHIN 30 DAYS OF ASSUMING CONTROL OF PROPERTY
 - *4/1/2018 EFFECTIVE DATE PROVIDES CONSISTENCY FOR GROWERS WHO ASSUME CONTROL BETWEEN 1/1/18 AND 4/30/18*
- **NO LATER THAN APRIL 30, 2018**>>ANNUAL NOTIFICATIONS MUST BE SUBMITTED FOR JUL-JUN APPLICATIONS

AGRICULTURAL PESTICIDE USE NEAR SCHOOLS AND CHILD DAY-CARE CENTERS



IMPLEMENTATION TASKS

- DPR WILL PROVIDE GUIDANCE AND TRAINING TO CACs, INCLUDING
 - CLARIFICATIONS AND INTERPRETATIONS
 - FACT SHEETS
 - NOTIFICATION TEMPLATES
- DPR AND CACs WILL MODIFY CALAGPERMITS ENABLING GROWERS TO
 - IDENTIFY AFFECTED SCHOOL SITES AND FIELDS
 - PREPARE AND SUBMIT NOTIFICATIONS

AGRICULTURAL PESTICIDE USE NEAR SCHOOLS AND CHILD DAY-CARE CENTERS

Type of Requirement	<u>Requirement Based on Drift Class</u>		
	Higher	Lower	Negligible
Minimum Distance Between Application and Schoolsite, Mon-Fri, 6:00am-6:00pm	1/4 mile	25 feet	None
Annual Notification of Pesticides Expected to be Used Within 1/4 mi of Schoolsite	Yes	Yes	Yes

- Grower, schoolsite, and CAC can negotiate agreement that achieves the same or greater level of protection as the regulation
- For fumigations within 1/4 mile of a schoolsite, 36 hours must elapse from end of fumigation until classes start, day care opens

-U.S. FOREST SERVICE-

CHALLENGES IN DISEASE PREVENTION



BORAX

- GROUP OF COMPOUNDS USED AS A PREVENTATIVE TREATMENT AGAINST THE ESTABLISHMENT AND GROWTH OF FUNGI THAT CAUSES **HETEROBASIDION ROOT DISEASE**, WHICH INFECTS CUT TREES AND CAN THEN SPREAD FROM INFECTED STUMPS TO OTHER TREES IN THE AREA.



HETEROBASIDION VS. BORAX

• SPORAX

2935-501-AA

INACTIVE 12/31/16

• CELLU-TREAT
DOT WOOD
PRESERVATIVE

64405-8-ZB



WILBUR-ELLIS®

SPORAX

A BORAX FUNGICIDE FOR CONTROL OF ANNOSUS ROOT DISEASE

ACTIVE INGREDIENT

SODIUM TETRABORATE DECAHYDRATE (Na ₂ B ₄ O ₇ ·10H ₂ O).....	100%
Boric Oxide (B ₂ O ₃) equivalent.....	37.50%

EPA Reg. No. 2935-501

EPA Est. No. 2935-CA-01

ENVIRONMENTAL HAZARDS

Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high-water mark. Do not contaminate water when disposing of equipment washwaters or rinsate. Borax carelessly spilled or applied to cropland or growing plants - including trees or shrubs - may kill or seriously retard plant growth.

KEEP OUT OF REACH OF CHILDREN DANGER/PELIGRO

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand the label, find someone to explain it to you in detail.)

USER SAFETY RECOMMENDATIONS

Users should:

- Wash thoroughly with soap and water after handling.
- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.

**SPORAX: APPLIED EITHER BY DILUTION
WITH WATER AND SPRAYED ON OR
SPRINKLED ON DRY**
**CELLU-TREAT: DILUTED WITH WATER AND
SPRAYED ON**

U.S. FOREST SERVICE CONTRACTS

TIMBER SALE CONTRACT

- LOGGING COMPANY PAYS THE US FOREST SERVICE FOR THE VALUE OF THE TREES AND AS PART OF THEIR CONTRACT, THEY ARE REQUIRED TO APPLY BORAX TO THE STUMPS.
 - EXAMPLE: THE COMPANY CONTRACTING TO HARVEST THE TIMBER – PAYING THE USFS FOR THE COMMODITY- IS REQUIRED TO REPORT THE PESTICIDE USE (BORAX) THAT IS APPLIED TO THE REMAINING STUMPS OF THE CUT TREE TO PREVENT HETEROBASIDIUM ROOT DISEASE, BECAUSE THEY APPLIED IT.

STEWARDSHIP CONTRACT

- LOGGING COMPANY PAYS THE US FOREST SERVICE FOR THE VALUE OF THE TREES AND AS PART OF THEIR CONTRACT THEY ARE REQUIRED TO APPLY BORAX TO THE STUMPS. THE LOGGING COMPANY IS ALSO REQUIRED TO DO OTHER WORK SUCH AS FUEL MANAGEMENT, SO THE NET RECEIPT FOR THE GOVERNMENT IS LESS.

SERVICE CONTRACT

- THE FOREST SERVICE ENTERS INTO SERVICE CONTRACTS FOR VARIOUS SERVICES. IT IS USUALLY NOT FOR STUMP TREATMENT WITH BORAX. IF THEY CONTRACT A COMPANY TO APPLY HERBICIDES OR INSECTICIDES THEY HIRE LICENSED PEST CONTROL COMPANIES.

WHAT AUTHORITY DOES DPR OR THE CAC HAVE RELATED TO PESTICIDE USE BY A FEDERAL AGENCY?



- Neither DPR nor the CACs can directly regulate pesticide use by federal employees on federal facilities, with limited exceptions as noted in Compendium 5 Appendix H. Federal facilities are broadly exempt from operator ID, use records, pesticide use reporting, and dealer licensing requirements
- DPR and the CACs **DO** have authority to directly regulate and impose civil penalties on private persons who conduct pest control activities on federal facilities at the request of, or under contract to, a federal agency

DOES THE LOGGING CONTRACTOR WHO CUTS DOWN THE TREES AND TREATS THE STUMP WITH SPORAX OR CELLU-TREAT HAVE TO BE LICENSED AS A PCB?



- Generally NO. Previous guidance to commissioners in ENF 84-27 *Policy on Pest Control Incidental to Woodcutting* stated the following:

Pest control is sometimes done in conjunction with woodcutting activities. In a typical situation, the woodcutter is harvesting the tree and treating the stump with a growth inhibitor or herbicide soon after to control resprouting of the stump. This is similar to the intent of the exemption provided for those engaged in tree surgery in Section 11710 of the Food and Agricultural Code; and when done by the woodcutter incidental to harvesting the trees, a Pest Control [Business] license need not normally be required.

- The removal of trees or brush primarily to promote timber production is normally considered to be pest control. Therefore, a person engaged in this type of pest control work for hire would require a Pest Control [Business] license.
- This policy affects only the need for a Pest Control [Business] license. It in no way affects the Restricted Materials or Worker Safety Requirements.



Heterobasidion annosum by Dick Culbert

As far as the PCB license exemption, it is nullified if any of the following are true:

- Per FAC 11701, if the logging contractor is advertising that it will apply pesticides (including Sporax or Cellu-Treat), soliciting pest control for hire or operating as a pest control business, the logging contractor needs to be licensed by DPR as a PCB.
- If stump treatment takes place after a reasonable amount of time has passed from tree harvest and stump treatment this application would no longer be “incidental” to the harvest and a PCB license is required. For example, if the logging crew moves to another area within the harvest or leaves the site, and another crew arrives later to treat the stumps.
- If the logging contractor hires a sub-contractor to apply pesticides, the sub-contractor is required to be a PCB licensed by DPR.

IS THE USE OF A PESTICIDE ON TREE STUMPS A POST-HARVEST AGRICULTURAL COMMODITY TREATMENT?

NO, an application to stumps is a not post-harvest commodity treatment. The agricultural commodity is the trees while they are standing and the logs when the tree is cut down. A post-harvest commodity treatment would be a treatment to the harvested logs, similar to a post-harvest commodity fumigation of harvested almonds or strawberries prior to export.



UGA1137019

IS THE USE OF A PESTICIDE ON STUMPS AGRICULTURAL OR NON- AGRICULTURAL USE?



AGRICULTURAL USE

- As seen in FAC 11408 and Compendium 8, Section 1.1 *Agricultural and Non-Agricultural Pest Control Use*, California has a broad definition of “Agricultural Use.” Up until the point the tree is harvested the forest is in the production agriculture sub-category
- Generally for most USFS sites, after the tree is harvested the stump now falls into the non-production agriculture sub-category for interpreting California’s laws and regulations. As a grower applies herbicides to a fallow field to control weeds; similarly the logging contractor/USFS can apply fungicides to the stumps and have it be considered non-production agricultural use.

DOES THE LOGGING CONTRACTOR NEED TO OBTAIN AN OPERATOR ID NUMBER (OIN) AND SUBMIT USE REPORTS?



It depends. An OIN is required if the logging contractor is exempt from obtaining a PCB license under Question 1.

- Consistent with the definition of “Operator of the property” in 3CCR 6000, once the logging contractor is legally entitled to possess the timber stand through the contract with the USFS, the contractor in essence becomes the operator of the property. A similar situation is seen where a packer/shipper purchases a crop from the grower and then harvests it. During this short window of time, the packer/shipper or logging contractor is considered the operator of the property.

- As stated in Question 4 above, a pesticide application to stumps is an agricultural use as defined in FAC section 11408. If the logging contractor is exempt from obtaining a PCB license and wishes to use pesticides, including Sporax or Cellu-Treat, it is required to obtain an OIN from the CAC prior to use, maintain pesticide use records, and submit Monthly Summary Pesticide Use Reports to the CAC [See 3CCR sections 6622(c)(1), 6624(a)(1), and 6627(a), respectively]. Consistent with Draft Compendium 1, Chapter 4, Section 4, a map of the treatment area must be included with the Use Report submitted to the CAC.
- If the logging contractor is a licensed PCB, and the only pesticide applications performed by the contractor are the “borax” application in non-production agricultural use sub-category, per 3CCR section 6622(a) no OIN is required. Like any other PCB, the logging contractor must register annually with the CAC prior to performing pest control in the county and submit pesticide use reports. If the contractor is also performing other pesticide applications, the CAC should review the situation and interpret it accordingly.

CAN THE LOGGING CONTRACTOR USE AN OIN ISSUED TO USFS TO PURCHASE PESTICIDES OR SUBMIT USE REPORTS TO THE CAC?

No. As stated above, there is no requirement for USFS to obtain an OIN or submit use reports to the CAC, and consistent to previous guidance issued to CACs the CAC cannot deny issuance of an OIN.

- In some situations, employees of federal agencies may obtain an OIN from the CAC to make it easier for the agency to purchase pesticides from California-based dealers.
- However, the logging contractor CANNOT make use of any OIN issued to USFS to purchase or report pesticide use. Unless a licensed and registered PCB, the logging contractor, as the operator of the property during the timber harvest and incidental “borax” application, must obtain a separate OIN from the CAC.

DOES THE LOGGING CONTRACTOR HAVE TO TRAIN EMPLOYEES TO APPLY SPORAX OR CELLU-TREAT?

Yes, per 3CCR section 6724, all employees who handle pesticides are required to receive annual handler training. The employer must have a written training program, cover the topics specified in the regulation, train employees before handling and annually thereafter, document the training, and make training records available to DPR or CAC upon request.



THE LABELS FOR BOTH SPORAX AND CELLU-TREAT REQUIRE PROTECTIVE EYEWEAR. DOES THE LOGGING CONTRACTOR HAVE TO ASSURE HANDLERS HAVE EYEWASH IMMEDIATELY AVAILABLE?

- NO. BECAUSE THE USE SITE FOR THESE APPLICATIONS TO TREE STUMPS IS NON-PRODUCTION AGRICULTURE, THE REQUIREMENT TO HAVE EMERGENCY EYEWASH IMMEDIATELY AVAILABLE IN 3CCR SECTION 6734(B)(5) DOES NOT APPLY.



CAN THE CAC CONDUCT INSPECTIONS ON THESE APPLICATIONS?



- Generally, the Federal Government has been resistant to allowing State or CAC pesticide use enforcement officials on federal property. Consistent with your negotiated work plan, conduct Headquarters and Employee Safety Inspections using the 109 or 110 form, as appropriate, on the logging contractors.
- Consistent with the guidance in Compendium 4, during headquarter inspections the CAC staff conducting the inspection should include interviews of handler-employees if they are available. If issues or inconsistencies arise (such as failure to provide label- or regulation-required PPE or lack of handler training) it may be necessary to interview more employees. From your inspection and interview(s) should you feel a site inspection is warranted, consult with your Enforcement Branch Liaison.

IS IT LEGAL TO CARRY A PESTICIDE, SUCH AS SPORAX, IN A PLASTIC “BAGGIE”?

- Per Compendium 8 Section 1.13 *Service Containers*, anything that is not the registrants’ original container but holds the pesticide is a service container. 3CCR section 6680 prohibits end users from using empty containers that are readily identifiable or recognizable as food or beverage containers as pesticide service containers.
- It does not prohibit end users from using a generic baggie, such as could be found at a craft store, or a specialized shaker that was clearly not a food container. In either case, each service container must be properly labeled as detailed 3CCR section 6678.
- Given the nature of hiking through woods carrying equipment over long distances, DPR is concerned about the safety, security and durability of the “baggies” that may be used as service containers. Given the warnings on the pesticide label, use of “baggies” as service containers should be reviewed on a case-by-case basis to ensure adequate protection of the pesticide handler, the public and the environment

THE PUBLIC CAN OBTAIN A WOODCUTTING PERMIT FROM USFS TO CUT AND GATHER UP TO TEN CORDS OF “DEAD AND DOWN” WOOD FOR PERSONAL USE. CAN A PERSON RECEIVING THIS PERMIT BE GIVEN A “BAGGIE” OF SPORAX TO TREAT THE TREES THEY CUT?



- U.S. EPA provided general guidance on service containers [on its website](#). In one example, an applicator leaves a filled service container for the customer to apply. In the example, the container is being used to distribute a pesticide. This triggers a number of different requirements.
- Selling and/or distributing a pesticide requires the product to be registered with U.S. EPA, the product container to display full labeling, and for transfer of the product into a container to occur at a pesticide producing establishment registered with the U.S. EPA. Given this guidance from U.S. EPA, the USFS practice documented in the 2011 FAQ document may be in violation of the Federal Insecticide, Fungicide and Rodenticide Act (FIRFA). However neither DPR nor the CACs have authority to enforce these requirements on USFS.
- In addition to the potential FIFRA violation, if a copy of the registered labeling was not provided to the user to be available at the use site, the user would be in violation of 3CCR section 6602

Thank You!!



Root Fomes (*Heterobasidion annosum*) by Peter Orchard

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