



Department of Parks and Recreation

BOATING AND WATERWAYS COMMISSION

One Capitol Mall, Suite 500

Sacramento, California 95814

Telephone: (916) 327-1916 / Fax: (916) 327-1770

Lisa Ann L. Mangat, *Director*

COMMISSION MEMBERS

Randy Short, Chair

Virginia Madueño, Vice Chair

Cecily Harris

David O. Livingston

Douglas Metz

Frank Peralta

Katherine Pettibone

Aquatic Invasive Species (AIS)

Pest Control Headquarters and Pesticide Use Monitoring Compliance

TABLE OF CONTENTS

1. Overview of Pest Control Headquarters and Pesticide Use Monitoring Compliance
2. California Code of Regulations (Title 3. Food and Agriculture) Sections 6404 – 6417
 - a. Supervision Standards
 - b. Restricted Material Permits
3. California Code of Regulations (Title 3. Food and Agriculture) Sections 6420 – 6444
 - a. Notice of Intent
4. California Code of Regulations (Title 3. Food and Agriculture) Sections 6487.5 – 6487.6
 - a. Runoff Ground Water Protection Areas
 - b. Leaching Ground Water Protection Areas
5. California Code of Regulations (Title 3. Food and Agriculture) Sections 6600 – 6628
 - a. Availability of Labeling
 - b. Wellhead Protection
 - c. Backflow Prevention
 - d. Protection of Persons, Animals, and Property
 - e. Notice of Applications
 - f. Operator Identification Numbers
 - g. Site Identification Numbers
 - h. Pesticide Use Records
 - i. Pesticide Use Reports for Production Agriculture
 - j. Monthly Summary Pesticide Use Reports
6. California Code of Regulations (Title 3. Food and Agriculture) Sections 6630 – 6636
 - a. Equipment Identification
7. California Code of Regulations (Title 3. Food and Agriculture) Sections 6670 – 6686
 - a. General Requirement
 - b. Security of Pesticides and Pesticide Containers
 - c. Posting of Pesticide Storage Areas
 - d. Container Requirements
 - e. Service Container Labeling
 - f. Prohibited Container for Pesticides
 - g. Transportation
 - h. Rinse and Drain Procedures
8. California Code of Regulations (Title 3. Food and Agriculture) Sections 6720 – 6746
 - a. Hazard Communication for Pesticide Handlers
 - b. Application-Specific Information for Handlers
 - c. Handler Training
 - d. Emergency Medical Care
 - e. Working Alone
 - f. Change area
 - g. Handler Decontamination Facilities
 - h. Personal Protective Equipment Care

- i. Respiratory Protection
 - j. Safe Equipment
 - k. Closed Mixing Systems Requirement
- 9. California Code of Regulations (Title 3. Food and Agriculture) Sections 6760 – 6778
 - a. Emergency Medical Care
 - b. Field Postings
- 10. California Code of Regulations (Title 3. Food and Agriculture) Sections 6780 – 6784
 - a. Field Fumigation
- 11. California Code of Regulations (Title 3. Food and Agriculture) Sections 6960 – 6972
 - a. Dormant Insecticide Contamination Prevention
 - b. Surface Water Protection in Outdoor Nonagricultural Settings
- 12. California Food and Agricultural Code (Division 6. Pest Control Operations) Sections 11701 – 11711
 - a. PCB Licensed
- 13. California Food and Agricultural Code (Division 6. Pest Control Operations) Sections 11731 – 11741
 - a. PCB Registered in County
 - b. PCB Equipment Registered
- 14. California Food and Agricultural Code (Division 7. Agricultural Chemicals, Livestock Remedies, and Commercial Feeds) Sections 12971 – 12979
 - a. Labeling (PPE and Site/Rate/Other)
 - b. Permit Condition Compliance
- 15. Previous Pest Control Headquarters Inspection Reports
- 16. Previous Pesticide Use Monitoring Inspection Reports
- 17. References

Overview of Pest Control Headquarters and Pesticide Use Monitoring Compliance

An important part of the work that the Aquatic Invasive Species (AIS) Branch performs relies upon maintaining compliance with local and state requirements. This binder is designed to contain the information in a single place at each office location for AIS that helps meet the requirements of any pest control headquarters or pesticide use compliance inspection. Files can also be found electronically on the shared drive at G:/Administrative/Compliance Requirements and Records/Compliance Binders.

There will always be at least one individual responsible for updating this binder at least annually. That individual will be assigned the task by management. This individual can also provide more information or updates as needed.

Currently, that individual is:

Jeffrey Caudill
Associate Toxicologist
California Department of Parks and Recreation
Aquatic Invasive Species Branch
Division of Boating and Waterways
One Capitol Mall, Suite 410
Sacramento, CA 95814
916-327-1805



California Code of Regulations (Title 3. Food and Agriculture) Division 6. Pesticides and Pest Control Operations

Division 6. Pesticides and Pest Control Operations Chapter 2. Pesticides Subchapter 4. Restricted Materials Article 2. Possession and Use Limitations

6404. Certification Requirements.

NOTE: Authority cited: Sections 407, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501 and 14006, Food and Agricultural Code.

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.

6408. Private Applicator Certification.

NOTE: Authority cited: Sections 407, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501 and 14006, Food and Agricultural Code.

6410. Pesticide Safety Information Series.

NOTE: Authority cited: Sections 407, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501 and 14006, Food and Agricultural Code.

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.

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 paints 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.

6416. Groundwater Protection Restrictions.

California Code of Regulations (Title 3. Food and Agriculture)

Section 6406: Supervision Standards:

Definition:

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.

California Code of Regulations (Title 3. Food and Agriculture)

6412. Restricted Material Permit Requirements.

Definition:

(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.



California Department of

Pesticide Regulation

[About DPR](#) | [Join E-Lists](#) | [A-Z Index](#) | [Contact Us](#)

Search

DPR

California

[HOME](#)[PROGRAMS](#)[DATABASES](#)[NEWS/PUBLICATIONS](#)[QUICK LINKS](#)

California Code of Regulations (Title 3. Food and Agriculture)

Division 6. Pesticides and Pest Control Operations

Division 6. Pesticides and Pest Control Operations

Chapter 2. Pesticides

Subchapter 4. Restricted Materials

Article 3. Permit System

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.

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.

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.

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.

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.

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.

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.

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.

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 five percent 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.

6438. Pest Control Records.

NOTE: Authority cited: Sections 407, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501 and 14006, Food and Agricultural Code.

6440. Pesticide Use Reports.

NOTE: Authority cited: Sections 407, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501, 14006 and 14011.5, Food and Agricultural Code.

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.

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 phenoxy 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.

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.

[Return to Top](#)

[Back to Top](#) | [Help](#)

If you have difficulty accessing any document on our website, contact cdprweb@cdpr.ca.gov

[Accessibility](#) | [Conditions of Use](#) | [Privacy Policy](#)
Copyright © 2013 State of California

(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 ground water 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.

6417. Research Authorization for Groundwater Protection List Chemicals.

NOTE: Authority cited: Sections 407, 12781, 12976, 13145, 14005 and 14006, Food and Agricultural Code.

Reference: Section 14006.6, Food and Agricultural Code.

e 5-3-92 (Register 92, No. 18)

[Return to Top](#)

[Back to Top](#) | [Help](#)

If you have difficulty accessing any document on our website, contact cdprweb@cdpr.ca.gov

[Accessibility](#) | [Conditions of Use](#) | [Privacy Policy](#)
Copyright © 2013 State of California

California Code of Regulations (Title 3. Food and Agriculture)

6434. Notice of Intent.

Definition:

(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.

CALIFORNIA RESTRICTED MATERIALS REQUIREMENTS

A FEDERAL RESTRICTED USE PESTICIDES

(Included by reference as California Restricted Materials)

Pesticides display the RESTRICTED USE PESTICIDE (RUP) statement on the pesticide container similar to the statement shown here. RUPs require an RUP statement enclosed in a box, at the top of the front panel of the label.



RESTRICTED USE PESTICIDE

DUE TO (reason for restricted use classification)
For retail sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's certification.

Some product labels require a Certified Applicator be "physically present" at the use site.

B CALIFORNIA RESTRICTED MATERIALS

This section is written in a quick reference format; refer to Title 3, California Code of Regulations (3 CCR) section 6400 for complete text.

Acrolein, labeled for use as an aquatic herbicide
Aldicarb – unregistered
All dust (except products containing only exempt pesticides)**
Aluminum phosphide
Any pesticide containing active ingredients listed under section 6800(a), labeled for agricultural, outdoor institutional, or outdoor industrial use¹
Any pesticide pursuant to Section 18 of FIFRA (Emergency exemption)
4-Amino pyridine
Azinphos-methyl – unregistered
Brodifacoum
Bromadiolone
Calcium cyanide – unregistered
Carbaryl^{†**†}
Carbofuran – unregistered
Chloropicrin
3-Chloro-p-toluidine hydrochloride

Chlorpyrifos, labeled for the production of an agricultural commodity
Dazomet, labeled for the production of agricultural plant commodities
Dicamba*
2,4-dichlorophenoxyacetic acid (2,4-D)*
2,4-dichlorophenoxybutyric acid (2,4-DB)*
2,4-dichlorophenoxypropionic acid (2,4-DP)*
1,3-Dichloropropene (1,3-D)
Difenacoum
Difethialone
Disulfoton** – unregistered
Endosulfan**
Ethoprop, labeled for turf
Fenamiphos – unregistered
Lindane** – unregistered
Magnesium phosphide

Metam sodium, labeled for the production of agricultural plant commodities
Methamidophos – unregistered
Methidathion
Methomyl^{††}
Methyl bromide
2-methyl-4-chlorophenoxyacetic acid (MCPA)*
Methyl iodide – unregistered
Methyl isothiocyanate (MITC), labeled for the production of agricultural plant commodities
Mevinphos – unregistered
Molinate – unregistered
Oxydemeton-methyl
Paraquat
Parathion-methyl – unregistered
Phorate
Phosphine gas

Potassium n-methyldithiocarbamate (metam-potassium), labeled for the production of agricultural plant commodities
Propanil (3,4-dichloropropionanilide)
Sodium cyanide
Sodium fluoroacetate (compound 1080) – unregistered
Sodium tetrathiocarbonate – unregistered
Strychnine**
Sulfotepp – unregistered
Sulfuryl fluoride
Thiobencarb
Tribufos
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**

EXCEPTIONS FROM RESTRICTION

** Products labeled only for one or more of the following uses: home use, structural pest control, industrial use, institutional use, public agency vector control district use per Health and Safety Code section 116180.

[†] Carbaryl formulated as a bait or used directly on livestock or poultry; additional exceptions include those in ** above.

^{††} Fly baits containing not more than 1% methomyl

*** 2,4-D labeled only for use as a plant growth regulator**

For 2,4-D; 2,4-DB; 2,4-DP; Dicamba (Phenoxy); MCPA:

* Liquid formulations packaged in containers of 1 quart or less

* Liquid formulations packaged in containers of 1 gallon or less that contain 15% or less of the active ingredient

* Liquid formulations labeled for use without further dilution

* Dry formulations packaged in containers of 1 pound or less. (For dicamba/phenoxy labeled to be further diluted.)

* Dry formulations packaged in containers of 50 pounds or less, containing 10% or less of the active ingredient, and labeled for use without further dilution

APPLICATORS WHO HAVE MET THE CERTIFICATION REQUIREMENTS FOR RESTRICTED MATERIALS PURSUANT TO FOOD AND AGRICULTURAL CODE SECTION 14015

CERTIFIED COMMERCIAL APPLICATORS

(PERSONS OTHER THAN PRIVATE APPLICATORS USING RESTRICTED PESTICIDES)

- Journeyman Pilots
- Qualified Applicator Licensees
- Qualified Applicator Certificate Holders
- Structural Pest Control Field Representatives
- Structural Pest Control Operators
- Vector Control Technicians

A PESTICIDES ONLY IN "A" ABOVE – NO PERMIT REQUIRED

B PESTICIDES IN "B" ABOVE -- PERMIT REQUIRED; EXCEPTIONS APPLY

CERTIFIED PRIVATE APPLICATORS

(GROWERS, NURSERYMEN, AND OTHERS USING RESTRICTED PESTICIDES TO PRODUCE AGRICULTURAL COMMODITIES)

- Private Applicator Certificate Holders

A PESTICIDES ONLY IN "A" ABOVE – NO PERMIT REQUIRED

B PESTICIDES IN "B" ABOVE -- PERMIT REQUIRED; EXCEPTIONS APPLY

EXCEPTIONS FROM PERMIT REQUIREMENT

- No permit required for pesticides used by persons licensed by the Structural Pest Control Board per Food and Agricultural Code section 14006.6(d).
- No permit required for antifouling paints or coatings containing tributyltin per 3 CCR section 6414(c).
- ¹ No permit required for certified applicators using pesticides listed in 3 CCR section 6800(a) (*Potential to Pollute Ground Water*) outside of a Ground Water Protection Area: Atrazine Bentazon (Basagran®) Bromacil Diuron Norflurazon Prometon Simazine

Reference: Sections 13145, 13150, and 14102, Food and Agricultural Code.

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.

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.

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 ¼ 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.

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.

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

California Code of Regulations (Title 3. Food and Agriculture)

6487.4. Runoff Ground Water Protection Areas.

Definition:

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 ¼ 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.

California Code of Regulations (Title 3. Food and Agriculture)

6487.5. Leaching Ground Water Protection Areas.

Definition:

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.



California Department of

Pesticide Regulation

[About DPR](#) | [Join E-Lists](#) | [A-Z Index](#) | [Contact Us](#)

Search

[DPR](#)[California](#)[HOME](#)[PROGRAMS](#)[DATABASES](#)[NEWS/PUBLICATIONS](#)[QUICK LINKS](#)

California Code of Regulations (Title 3. Food and Agriculture)

Division 6. Pesticides and Pest Control Operations

Division 6. Pesticides and Pest Control Operations

Chapter 3. Pest Control Operations

Subchapter 2. Work Requirements

Article 1. Pest Control Operations Generally

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.

Copies of herbicide labels and safety data sheets are provided in Volume II of the PEIR

NOTE: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code.

Reference: Section 11501, Food and Agricultural Code.

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.

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.

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.

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.

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.

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.

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.

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.

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 would 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.

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.

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 $\frac{1}{4}$ 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 the 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.

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 date(s) and time(s) the application started and ended.

(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 ¼ 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.

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.

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.

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.

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.

Reference: Sections 11501, 11708, 11733, 12981, 14006, and 14011.5, Food and Agricultural Code.

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.

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 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 fumigants 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.

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 the United States 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.

6627.1. Monthly Summary Pesticide Use Report Form.

6628. Negative Pesticide Use Reports.

- (a) When, during any month, 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) When, during any month, a licensed structural pest control operator performs no pest control work in a county in which he provided notice of business operation to the commissioner pursuant to section 15204 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.

[Back to Top](#) | [Help](#)

If you have difficulty accessing any document on our website, contact cdprweb@cdpr.ca.gov

[Accessibility](#) | [Conditions of Use](#) | [Privacy Policy](#)
Copyright © 2013 State of California

California Code of Regulations (Title 3. Food and Agriculture)

6609. Wellhead Protection.

Definition:

(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.

California Code of Regulations (Title 3. Food and Agriculture)

6610. Backflow Prevention.

Definition:

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.

California Code of Regulations (Title 3. Food and Agriculture)

6614. Protection of Persons, Animals, and Property.

Definition:

(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 would 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.

California Code of Regulations (Title 3. Food and Agriculture)

6618. Notice of Applications.

Definition:

(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 the 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.

California Code of Regulations (Title 3. Food and Agriculture)

6622. Operator Identification Numbers.

Definition:

(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.

California Code of Regulations (Title 3. Food and Agriculture)

6623. Site Identification Numbers.

Definition:

(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.

California Code of Regulations (Title 3. Food and Agriculture)

6624. Pesticide Use Records.

Definition:

(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.

Reference: Sections 11501, 11708, 11733, 12981, 14006, and 14011.5, Food and Agricultural Code.

FLOATING AQUATIC VEGETATION (FAV) DAILY TREATMENT LOG

Week of Year: _____

DATE: _____

BOAT # _____ ☐ Spray Rig

TRUCK # _____

CREW: 1 _____

2 _____

3 _____

BOAT HOUR METER

Start: _____

End: _____

% Treated			Site #	County	H ₂ O Temp (°C) (Beg/End)	D.O. (mg/L) (Beg/End)	Wind (mph) (Beg/End)	Time (Beg/End)	Begin Easting	Begin Northing	End Easting	End Northing	CHEM 1 Rate (oz/100 gal H ₂ O)	CHEM 2 Rate (oz/100 gal H ₂ O)	CHEM 1 Used (gal) <input type="checkbox"/> Glyphosate <input type="checkbox"/> 2,4-D <input type="checkbox"/> Imazamox	CHEM 2 Used (gal) <input type="checkbox"/> Glyphosate <input type="checkbox"/> 2,4-D <input type="checkbox"/> Imazamox	Compe- titor	Agridex
WH	SP	UWP																
Weather Conditions: <input type="checkbox"/> Sunny <input type="checkbox"/> Partly Cloudy <input type="checkbox"/> Overcast <input type="checkbox"/> Showers <input type="checkbox"/> Rain <input type="checkbox"/> Foggy													LEFT					
Tidal Conditions: <input type="checkbox"/> Flood <input type="checkbox"/> High Slack <input type="checkbox"/> Ebb <input type="checkbox"/> Low Slack													ADDED					
Yes No <input type="checkbox"/> <input type="checkbox"/> Was a leak inspection completed?													TOTAL START					
<input type="checkbox"/> <input type="checkbox"/> Were oils, greases, or waxes discharged into the water? If yes, explain steps taken to alleviate the problem in the comments section.													TOTAL USED					
<input type="checkbox"/> <input type="checkbox"/> Was a visual/environmental assessment completed?													END					
<input type="checkbox"/> <input type="checkbox"/> Was this a complaint site?													ORIFICE SIZE					
<input type="checkbox"/> <input type="checkbox"/> Were any photos taken?																		
Date regular maintenance was last performed: _____ Oil change, tune-up, etc.																		
Was this part of regularly scheduled maintenance? If no, explain in the comments section.																		
<input type="checkbox"/> Yes <input type="checkbox"/> No																		
Last Calibration Date: _____																		

Other FAV Species Observed	WH	SP	UWP	PW	WH	SP	UWP	PW	WH	SP	UWP	PW	WH	SP	UWP	PW	WH	SP	UWP	PW																			
	Other Species (not listed above):				Other Species (not listed above):				Other Species (not listed above):				Other Species (not listed above):				Other Species (not listed above):																						
	Site Observed:				Site Observed:				Site Observed:				Site Observed:				Site Observed:																						
	Estimated Area (ft ²):				Estimated Area (ft ²):				Estimated Area (ft ²):				Estimated Area (ft ²):				Estimated Area (ft ²):																						
Comments																																							
Specialist Signature										Date										Assistant Manager Signature										Date									

NOTICE OF INTENT SUMMARY

CA State Parks Division of Boating & Waterways 2017 Floating Aquatic Vegetation Control Program Water Hyacinth, Spongeplant & Water Primrose

Week of August 28 – 31

Ed Somera, Assistant Program Manager (916) 416-0480

Al Gold, Assistant Program Manager (916) 261-8710

COUNTY & INTENDED SITES								APPLICATOR
ALA	CC	MER	SAC	SJ	STAN	SOL	YOLO	
	19b, 21b		18a, 19a, 20, 21a	18b, 25- 44				Amber Brookins (916) 296-2167
		520		300-309	310-323, 700-718			Tyler Brookins (916) 247-1281
	23b, 24b, 106-118, 119b, 120b, 121b 173-175		22, 23a, 24a, 119a, 120a, 121a, 122- 132, 240b, 241			176, 240a		Gabe Comages (925) 383-4465
79	83a, 84a, 85a, 86a, 87a, 88			45-49, 72- 78, 80-82, 83b, 84b, 85b, 86b, 87b, 291				Tony Delgado (916) 416-6982
Assist A. Brookins, J. Quigg, G. Comages, and M. Palm								Michael Doan (916) 416-6991
				6, 8, 10, 13-16, 59, 61, 62, 66-69				Kevin Kirchner (916) 416-6989
Assist T. Brookins, T. Delgado, K. Kirchner, J. Snoddy								Mark Nelson (916) 416-6984
			20, 209a, 210a, 211a, 212a, 213a, 214- 219, 285- 289	200-208, 209b, 210b, 211b, 212b, 213b				Michael Palm (916) 416-6985

			257b, 258b			257a,260 -267, 270, 272- 275, 277- 284	258a, 259,268, 269, 271, 276	John Quigg (916) 416-6983
	87a, 88, 89a, 90a, 91a, 92a, 93-97, 98b, 99a, 101a, 102, 103a, 104a			52-59, 87b, 89b, 90b, 91b, 92b, 98a, 99b, 100, 101b, 103b, 104b				Justin Snoddy (916) 217-0915
		325, 400- 427, 500- 537						Merced CAC (209) 385-7434

State Water Resources Control Board Water Quality Order No. 2013-0002-DWQ

NOI 8/27/17 at 9:26 am

Herbicide applications for the NOI period will utilize Glyphosate (Roundup Custom), Imazamox (Clearcast) and 2,4-D (Weedar64)

NOTICE OF INTENT SUMMARY

CA State Parks Division of Boating & Waterways
2016 Submersed Aquatic Vegetation Control Program

Egeria densa, curlyleaf pondweed,
Eurasian watermilfoil, coontail, and fanwort

Week of August 28 – 31

Al Gold, Assistant Program Manager (916) 261-8710

Ed Somera, Assistant Program Manager (916) 416-0480

NOI DATE & TIME	COUNTY & INTENDED SITES					APPLICATOR	HERBICIDE
	ALA	CC	SAC	SJ	SOL		
8/24/2017 9:28 am					176, 272	Gabe Comages (925) 303-4465	Fluridone (Sonar)
			241			John Quigg (916) 416-6983	

State Water Resources Control Board Water Quality Order No. 2013-0002-DWQ

California Code of Regulations (Title 3. Food and Agriculture)

6626. Pesticide Use Reports for Production Agriculture.

Definition:

(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 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 fumigants 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.

California Code of Regulations (Title 3. Food and Agriculture)

6627. Monthly Summary of Pesticide Use Reports.

Definition:

(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 the United States 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.



California Department of

Pesticide Regulation[About DPR](#) | [Join E-Lists](#) | [A-Z Index](#) | [Contact Us](#)

Search

[DPR](#)[California](#)[HOME](#)[PROGRAMS](#)[DATABASES](#)[NEWS/PUBLICATIONS](#)[QUICK LINKS](#)

California Code of Regulations (Title 3. Food and Agriculture) Division 6. Pesticides and Pest Control Operations

Division 6. Pesticides and Pest Control Operations Chapter 3. Pest Control Operations Subchapter 2. Work Requirements Article 2. Pest Control Business Operations

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.

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.

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.

6636. Pest Control Records and Reports.

NOTE: Authority cited: Sections 407, 11502 and 12976, Food and Agricultural Code.

Reference: Sections 11501, 11708 and 11733, Food and Agricultural Code.

[Return to Top](#)

[Back to Top](#) | [Help](#)

If you have difficulty accessing any document on our website, contact cdprweb@cdpr.ca.gov

[Accessibility](#) | [Conditions of Use](#) | [Privacy Policy](#)
Copyright © 2013 State of California



California Code of Regulations (Title 3. Food and Agriculture) Division 6. Pesticides and Pest Control Operations

Division 6. Pesticides and Pest Control Operations Chapter 3. Pest Control Operations Subchapter 2. Work Requirements Article 4. Storage, Transportation and Disposal

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.

6672. Security of Pesticides and Pesticide Containers.

(a) No person shall deliver a container that 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 that 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 in 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.

6674. Posting of Pesticide Storage Areas.

Signs visible from any direction of probable approach shall be posted around all storage areas where containers that 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.

6676. Container Requirements.

Except as provided in the Food and Agricultural Code pertaining to service containers, any container that 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.

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.

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.

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.

6684. Rinse and Drain Procedures.

(a) Except for containers to be returned to the registrant, each emptied container that 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.

<i>Size of container</i>	<i>Amount of rinse medium</i>
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.

6686. Exemptions.

(a) Sections 6672, 6674, 6682, and 6684 shall not apply to containers that 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.

[Return to Top](#)

[Back to Top](#) | [Help](#)

If you have difficulty accessing any document on our website, contact cdprweb@cdpr.ca.gov

[Accessibility](#) | [Conditions of Use](#) | [Privacy Policy](#)
Copyright © 2013 State of California

California Code of Regulations (Title 3. Food and Agriculture)

6670. General Requirement.

Definition:

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.

California Code of Regulations (Title 3. Food and Agriculture)

6672. Security of Pesticides and Pesticide Containers.

Definition:

(b) Each person who controls the use of any property or premises is responsible for all containers or equipment on the property that 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 in 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.

California Code of Regulations (Title 3. Food and Agriculture)

6674. Posting of Pesticide Storage Areas.

Definition:

Signs visible from any direction of probable approach shall be posted around all storage areas where containers that 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.

California Code of Regulations (Title 3. Food and Agriculture)

6676. Container Requirements.

Definition:

Except as provided in the Food and Agricultural Code pertaining to service containers, any container that 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.

California Code of Regulations (Title 3. Food and Agriculture)

6678. Service Container Labeling.

Definition:

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.

California Code of Regulations (Title 3. Food and Agriculture)

6680. Prohibited Containers for Pesticides.

Definition:

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.

California Code of Regulations (Title 3. Food and Agriculture)

6682. Transportation.

Definition:

- (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.

California Code of Regulations (Title 3. Food and Agriculture)

6684. Rinse and Drain Procedures.

Definition:

(a) Except for containers to be returned to the registrant, each emptied container that 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.



California Department of

Pesticide Regulation

[About DPR](#) | [Join E-Lists](#) | [A-Z Index](#) | [Contact Us](#)

Search

[DPR](#)[California](#)[HOME](#)[PROGRAMS](#)[DATABASES](#)[NEWS/PUBLICATIONS](#)[QUICK LINKS](#)

California Code of Regulations (Title 3. Food and Agriculture)

Division 6. Pesticides and Pest Control Operations

Division 6. Pesticides and Pest Control Operations

Chapter 3. Pest Control Operations

Subchapter 3. Pesticide Worker Safety

Article 2. General Safety Requirements

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.

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.

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 in the workplace. Upon request, the employer shall read to the requesting employee, in a language understandable to that employee, Pesticide Information Series leaflet A-8/N-8. Pesticide Information Series Leaflet A-8/N-8 shall be written by the Department of Pesticide Regulation in English and Spanish. Pesticide 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 Sheets (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.

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.

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 tapes) 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) Hazards of pesticides, including acute and chronic effects, delayed effects, and sensitization, as identified in pesticide product labeling, Safety Data Sheets, or Pesticide Safety Information Series leaflets;

(3) Routes by which pesticides can enter the body;

(4) Signs and symptoms of overexposure;

(5) Emergency first aid for pesticide overexposure;

(6) How to obtain emergency medical care;

(7) Routine and emergency decontamination procedures, including spill clean up and the need to thoroughly shower with soap and warm water after the exposure period;

(8) Need for, limitations, appropriate use, and sanitation, of, any required personal protective equipment;

(9) Prevention, recognition, and first aid for heat-related illness in accordance with Title 8 of the California Code of Regulations, section 3395;

(10) Safety requirements and procedures, including engineering controls (such as closed systems and enclosed cabs) for handling, transporting, storing, and disposing of pesticides;

(11) Environmental concerns such as drift, runoff, and wildlife hazards;

(12) Warnings about taking pesticides or pesticide containers home;

(13) Requirements of this chapter and chapter 4 relating to pesticide safety, Safety Data Sheets, and Pesticide Safety Information Series leaflets;

(14) 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;

(15) The location of the written Hazard Communication Information For Employees Handling Pesticides (Pesticide Safety Information Series leaflet A-8), other Pesticide Safety Information Series leaflets, and Safety Data Sheets;

(16) 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 employee representative to receive information about pesticides to which he or she may be exposed; and

(C) To be protected against retaliatory action due to the exercise of any of his or her rights.

(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 farm advisor employed by the University of California Extension Office;

(5) A person who has completed an "instructor trainer" program presented by one of the following:

(A) the University of California, Integrated Pest Management; 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.

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.

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, the 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 who 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/her 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 percent 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 percent or less of baseline, or if red cell cholinesterase falls to 70 percent or less of baseline. The employee shall be removed from further exposure until cholinesterase values return to 80 percent 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 State Department of Health Services 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 Department of Health Services (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 a 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. Dithionitrobenzoic 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 Department of Health Services (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 of 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.

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 hours.

(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.

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.

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 at 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.

6736. Coveralls.

NOTE: Authority cited: Section 12981, Food and Agricultural Code.

Reference: Sections 12980 and 12981, Food and Agricultural Code.

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 being 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.

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.

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.

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.

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.

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 (dust masks).

(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 full-facepiece 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

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.

6740. Adequate Light.

Whenever natural light in a 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 that 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.

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 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.

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, he 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.

6746. Closed Mixing Systems 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.

[Back to Top](#) | [Help](#)

If you have difficulty accessing any document on our website, contact cdprweb@cdpr.ca.gov

[Accessibility](#) | [Conditions of Use](#) | [Privacy Policy](#)
Copyright © 2013 State of California

California Code of Regulations (Title 3. Food and Agriculture)

6723.1. Application-Specific Information For Handlers.

Definition:

(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.

California Code of Regulations (Title 3. Food and Agriculture)

6723. Hazard Communication for Pesticide Handlers.

Definition:

(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 in the workplace. Upon request, the employer shall read to the requesting employee, in a language understandable to that employee, Pesticide Information Series leaflet A-8/N-8. Pesticide Information Series Leaflet A-8/N-8 shall be written by the Department of Pesticide Regulation in English and Spanish. Pesticide 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 Sheets (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.

PESTICIDE SAFETY



Information

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

INDEX

PESTICIDE SAFETY INFORMATION SERIES (PSIS) N Series

NON-AGRICULTURAL SETTINGS

Title	FILE #	REVISED
Working Safely with Pesticides in Non-Agricultural Settings Also available in Punjabi Translation (p) and Spanish (s)	HS-1742 PSIS N-1 -1742(p), -1742(s)	9/15
Storing, Moving, and Disposing of Pesticides in Non-Agricultural Settings Also available in Punjabi Translation (p) and Spanish (s)	HS-1743 PSIS N-2 -1743(p), -1743(s)	9/15
Closed Systems, Enclosed Cabs, and Water-Soluble Packaging in Non-Agricultural Settings Also available in Punjabi Translation (p) and Spanish (s)	HS-1744 PSIS N-3 -1744(p), -1744(s)	9/15
First Aid Also available in Punjabi Translation (p) and Spanish (s)	HS-1745 PSIS N-4 -1745(p), -1745(s)	9/15
Protecting Yourself From Breathing Pesticides in Non-Agricultural Settings Also available in Punjabi Translation (p) and Spanish (s)	HS-1746 PSIS N-5 -1746(p), -1746(s)	9/15
Safety Rules for Minimal Exposure Pesticides (MEPs) in Non-Agricultural Settings Also available in Punjabi Translation (p) and Spanish (s)	HS-1759 PSIS N-6 -1759(p), -1759(s)	9/15
Washing Pesticide Work Clothing Also available in Punjabi Translation (p) and Spanish (s)	HS-1748 PSIS N-7 -1748(p), -1748(s)	9/15
Safety Rules for Pesticide Handlers in Non-Agricultural Settings Also available in Punjabi Translation (p) and Spanish (s)	HS-1749 PSIS N-8 -1749(p), -1749(s)	9/15

PESTICIDE SAFETY



Information

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

N No. 1

Working Safely With Pesticides in Non-Agricultural Settings

Workers who handle pesticides must be trained how to protect themselves. Handle means to mix, load, or apply pesticides; repair or clean equipment that was used for pesticides; or touch unrinsed pesticide containers.

If you handle pesticides in an industrial/institutional setting or work for a structural pest control business, landscape and maintenance firm, rights-of-way maintenance company, or similar business, the information in this leaflet will help teach you about working safely with pesticides.

Why should I worry about pesticides?

Pesticides can get into your body many different ways and can have both acute and chronic effects on your health. If a pesticide can hurt you or make you sick right away, that is an acute health effect. If you have to be exposed to a pesticide for a long time (months or years) before it makes you sick, that's called a chronic health effect. Pesticides can make you sick by moving into your body through your skin, mouth or eyes, or your lungs as you breathe.

What can a pesticide label tell me?

Most labels have a special word in capital letters on the front of the label. It tells you what the acute health hazard is.

The words you might see are:



SAFETY TIP

1

KEEPING PESTICIDES OFF YOUR hands is often the hardest part of working safely with pesticides. Always wash your hands before eating, drinking, smoking or going to the bathroom.

- **DANGER**, this pesticide is extremely harmful.
- **WARNING**, this pesticide is moderately harmful.
- **CAUTION**, this pesticide is slightly harmful, but still can make you sick.

If the label doesn't have one of these words, it means that the pesticide is less likely to harm you. However, you should handle every pesticide carefully.

You must use pesticides according to the directions on the label. If you can't read the label, ask your employer to tell you what it says. For some pesticides, California has stricter rules than those on the label. Your employer must know these rules and tell you about them.



What safety rules do I need to follow?

1. Read the label

Read the label, and then look at the application situation for things like weather conditions, people, or buildings around you. If you are applying the pesticide indoors, the pesticide or its vapors can be moved through the building by the air conditioning or heating system. Look at these conditions and decide if it's safe before you apply a pesticide. If you don't think it's safe, talk to your employer.

2. Be especially careful with pesticides before they are mixed with water

Moving pesticide containers before the pesticide is mixed with water, and hand-pouring pesticides from their containers, are the most dangerous parts of working with pesticides. Pesticides that are mixed with water and are in the application equipment may be less dangerous, but can still hurt you. When working with these, or any pesticides, you should always try to avoid getting pesticide on yourself.

3. Wear the Right Kind of Protection

Protecting your EYES:

- You must wear eye protection when you mix, load, or apply pesticides and clean or repair equipment that was used for pesticides.
- Types of eye protection can be safety glasses (with temple and brow protection), goggles, a face shield, or a full-face mask.

Regular eyeglasses and sunglasses DO NOT provide enough protection. Pesticides can easily get around these glasses and into your eyes. The pesticide label will tell you what type of eye protection to wear.

Protecting your HANDS:

Keeping pesticides off your hands is often the hardest part of working safely with pesticides. Once a pesticide gets on your hands, it can get in your eyes if you rub them, or in your mouth. If you touch your food. Always wash your hands before eating, drinking, smoking or going to the bathroom.

- You must wear gloves when you mix, load, or apply pesticides; clean or repair pesticide application equipment; during all hand applications of



pesticides; and anytime the label says so. If the label does not say what type of glove you need, you must use gloves made of chemical-resistant material like rubber or neoprene. Never wear fabric-lined or leather gloves unless the label specifically says you may.

- Your employer must give you clean or new gloves every day you mix or load pesticides, repair or clean pesticide equipment, or apply pesticides with hand-held equipment and you must wear them.
- In a few cases, a pesticide label may tell you not to wear gloves. If it does, do not wear them.

Protecting your LUNGS:

- You must wear a respirator while using pesticides that are harmful if you breathe them (this can include fumigants, powders, dusts, and some liquids), anytime the pesticide label requires one, or if you are mixing, loading or applying most pesticides on California's list of Minimal Exposure Pesticides. Ask your employer for a copy of the N-6 safety leaflet for more information on Minimal Exposure Pesticides and for a copy of the N-5 safety leaflet for more information about respirators.



Protecting your BODY:

- Your employer must give you clean coveralls (or a long-sleeved shirt and long pants) every day that you work with pesticides with either the word **DANGER** or **WARNING** on the label.
- Your employer must give you clean chemical-resistant clothes and equipment (such as a suit that covers your body, an apron, or foot and head protection) if the label, or other rules, calls for them.
- If it is hot outside, wearing a chemical-resistant suit that covers your body may make you so hot that you can get sick. If the pesticide label says you must wear a chemical-resistant suit, then you must not work in temperatures above 80°F (27°C) during the day or 85°F (29°C) at night.
- You must use a closed system if you mix or load liquid pesticides with the word **DANGER** on the label or pesticides on California's minimal exposure list. Ask your employer for a copy of the N-3 safety leaflet that has more information on closed systems.

Remember, your employer must give you all the personal protective equipment you need, and you must wear it.

Washing pesticides off:

Your employer must give you a place to change clothes and wash up at the end of the day if you work with pesticides that have the signal word **DANGER** or **WARNING** on the label.

How do I learn about working safely with pesticides?

California law requires that you be trained before you handle pesticides for the first time and every year after that. For each pesticide (or group of pesticides that are alike chemically), your training must include all of these things:



Health effects:

- How pesticides can make you sick
- How you may feel or look if you get pesticides in or on you
- How pesticides can get in your body
- How to prevent a heat-related illness, how you may feel or look if you get sick from the heat, and first aid for this illness
- Ways to clean yourself if you get pesticides on you

What to do in an emergency:

- Emergency first aid
- How and where to get emergency medical care

Personal Protective Equipment (PPE):

- Why you need to wear PPE
- How to take care of the PPE
- What PPE can and cannot protect you against

Pesticide safety:

- The meaning of safety statements on the pesticide label
 - Safety rules for handling pesticides
 - Why you should not take pesticides or pesticide containers home
 - Pesticide dangers to the environment
-

What are my employee rights?

You have the right as an employee to know where you can find more information about pesticides, job safety information, safety leaflets, and Safety Data Sheets (SDS's). The SDS tells you about each specific pesticide and its dangers.



If you don't get all the information you need in your training, you should call your County Agricultural Commissioner, or the Department of Pesticide Regulation (DPR) for more information. You can find the Commissioner's number in your local white pages phone directory, by calling 1-87PestLine, or at:

<http://www.cdfa.ca.gov/exec/county/countymap/>

DPR's Regional Offices are:

- Northern (West Sacramento) 916/376-8960
- Central (Fresno) 559/243-8111
- Southern (Anaheim) 714/279-7690

Pesticide Complaint ?

I-87PestLine
INFORMATION LINE

1-877-378-5463



PESTICIDE SAFETY



Information

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

N No. 2

Storing, Moving, and Disposing of Pesticides in Non-Agricultural Settings

Pesticides are poisonous and must be stored or disposed of with caution and concern for others, particularly children. Every year children are poisoned from eating or drinking pesticides that someone did not put away or throw out correctly. If you follow the directions in this leaflet, you can help prevent accidents with pesticides.



MOST IMPORTANT THINGS TO REMEMBER

- Keep pesticides in their original containers.
- Never put pesticides in containers used for food, drink, or household products.
- DO NOT take home any pesticide used at work.

STORAGE

No job is finished until the pesticides, containers, and equipment have been put away properly. Always remember to store all of your materials safely before you clean up and go home, or move on to the next job. While you are cleaning up and putting away the pesticides, containers, and equipment, you must wear all the personal protective equipment you used on the job. Consider wearing gloves and other protective equipment, even if they weren't required on the label. Spills and accidents often occur as pesticides are being put away.

.....

How should pesticides be stored?

Pesticides and their empty containers must be kept either in a locked area, or under the control of a person who can keep others away. If the pesticides are not locked up, the person in control of the pesticides must be able to see the pesticides at all times to keep others away.

The label will tell you the right way to store the pesticide. Read and follow these directions. If you have to store pesticides in the same place as fertilizers, keep them apart. Pesticides and fertilizers can react with each other and start a fire.

Do not store pesticides near food, animal feed, or personal protective equipment. They can become contaminated with pesticide, and make people or animals sick.

Here are some acceptable ways to store pesticides:

- A locked, fenced area.
- A lockable storage compartment.
- A truck or trailer with locked side racks. (The tops of the racks should be at least six feet above the ground).

MOVING PESTICIDES SAFELY

Accidents can happen even when you are moving pesticides a short distance. If there is an accident, the pesticide can make you and maybe others sick, or contaminate the environment.

What do I need to know about moving pesticides?

FOLLOW THESE RULES:

- Never carry pesticides inside your car, car trunk, van, or truck cab. Dangerous fumes may be released. Pesticides can cause injury or death if they spill on you or your passengers. Spills on seat covers are very hard to get out. The pesticide may make people sick days or weeks later if it is not cleaned up properly.
- Close container lids tightly.
- Vehicles make turns, sudden starts, and stops. Secure pesticide containers in an upright position to prevent spills.
- Make sure all the pesticide containers have a label.
- If the pesticide has been put in another container, you must label this container. The label has to have the **name** of the pesticide, its **signal word** (Danger, Warning, Caution), and the **name and address of the person responsible** for the container and the pesticide.
- Never let your vehicle out of your sight when you are moving pesticides in an open bed truck. You are responsible if anyone is poisoned by unattended pesticides.



How do I rinse the containers?

Containers must be rinsed as soon as they are emptied. If you are using a closed mix/load system, the equipment will do the rinsing. Otherwise you can use one of these methods.

METHOD #1

1. Wear all the required personal protective equipment (PPE).
2. Fill the pesticide container about 1/4 full with water.
3. Close it tightly and shake it.
4. Pour all of this rinse water into the mix tank so it will be applied with the pesticide.
5. Repeat steps 2, 3 and 4 at least two more times.

METHOD #2 (for equipment with a rinsing unit)

1. Wear all the required PPE.
 2. Put the opening of the container over the nozzle of the machine so the liquid will drain into the tank.
 3. Turn the nozzle on and rinse until clean.
-

What do I do with empty pesticide containers?

Pesticide containers are never “empty.” They still have small amounts of pesticide, even after they have been rinsed out. Never toss containers into streams, ponds, fields, or vacant buildings. Keep track of every pesticide container you used for the job. Never allow children or other persons to come in contact with empty containers, or use them for anything else. You must rinse and empty out pesticide containers properly. Empty containers must be disposed of the right way.

Ask your employer about how to dispose of containers. The county agricultural commissioner can also tell you how to dispose of empty containers, including pesticide bags. Lock up all empty bags and containers until they are disposed of.

.....

Are there other rules?

Depending on the pesticide, there may be additional rules. If you are moving a pesticide, you must receive training about all the rules. You and/or your employer should call the California Highway Patrol, Motor Carrier Safety Unit, if you are moving more pesticides than you will use in a few days. The Highway Patrol telephone number can be found in the Government Pages of your telephone book. You can also ask the County Agricultural Commissioner’s office for the number.



If you don't get all the information you need in your training, you should call your County Agricultural Commissioner, or the Department of Pesticide Regulation (DPR) for more information. You can find the Commissioner's number in your local white pages phone directory, by calling 1-87PestLine, or at:

<http://www.cdfa.ca.gov/exec/county/countymap/>

DPR's Regional Offices are:

- Northern (West Sacramento) 916/376-8960
- Central (Fresno) 559/243-8111
- Southern (Anaheim) 714/279-7690

Pesticide Complaint ?

1-87PestLine
INFORMATION LINE

1-877-378-5463



PESTICIDE SAFETY



Information

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

N No. 3

Closed Systems, Enclosed Cabs, and Water-Soluble Packaging in Non-Agricultural Settings

If you hand-pour or mix a dangerous pesticide, you are at great risk of getting hurt or sick.

There are additional safety rules you must follow when working with these pesticides. Your employer must make sure you know these rules before you use these types of pesticides.

There are many ways to protect yourself when mixing, loading, and applying pesticides. You must follow label directions, wear the right kind of clothes and personal protective equipment (PPE), and use the right kind of equipment. There are special kinds of equipment and packages for dangerous pesticides to help keep you safe.

Here are Three Special Kinds of Extra Protection from Dangerous Pesticides

1. CLOSED SYSTEMS

A “closed system” is equipment that takes the pesticide out of its container for you and then rinses the container. If you use the machine properly, it prevents the pesticide from touching you. It also moves the pesticide into the application tank and then rinses the containers and hoses for you. Before you use a closed system, you must be trained how to use it and what safety rules to follow.



When should I use a closed system?

You must use one if:

- The label requires a closed system; or
- You mix any Minimal Exposure Pesticide (see the N-6 safety leaflet for more information on this).

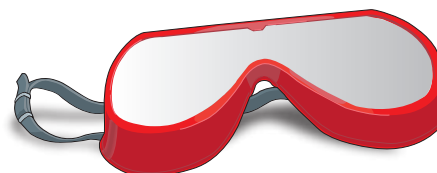
If you are mixing or loading the contents from a single original container of one gallon or less a day, you do not have to use a closed system.

.....

If I use a closed system, do I still need to wear personal protective equipment (PPE)?

You should always wear eye protection, even when using a closed system. But sometimes you can wear different PPE. Pesticide labels and California laws list what PPE you need for certain pesticides. There is a chart on this sheet that lists the kinds of PPE you can wear when using a closed system. Even if you don't have to wear the PPE when using a closed system, your employer must make sure the right kind of PPE is at the place where you mix and load pesticides in case of an emergency.

.....



Who takes care of a closed system?

Your employer must make sure the closed system is working properly and is regularly cleaned. It will not protect you if it is not working right. You have the right to wait until it is fixed before you work with the pesticide.

2. ENCLOSED CABS

An “enclosed cab” is a place where you can sit and be protected while pesticides are being applied around you. Enclosed cabs can be on any tractor, truck, or car with windows and doors that can close. Enclosed cabs should keep you from touching anything outside that has pesticide on it. Pesticide applicators can help protect themselves by using enclosed cabs.

There are two types of enclosed cabs—

- Cabs that have only the doors and windows to protect you. There is nothing to clean the outside air that comes in so you are not protected from breathing in pesticides.
- Enclosed cabs that also have special air filters that can keep you from breathing pesticides.

3. WATER-SOLUBLE PACKAGING

Water-soluble packaging is a special pesticide container or package. Both the package and the pesticide dissolve when you put the package in water. Using pesticides in water-soluble packaging protects you the same as a closed system does. NEVER cut open a water-soluble package, even if you only want to use part of it. This puts you in great danger of getting the pesticide on you and becoming sick or hurt.

.....



PERSONAL PROTECTIVE EQUIPMENT YOU NEED WHEN USING CLOSED SYSTEMS, ENCLOSED CABS, OR WATER-SOLUBLE PACKAGING

If you use	You may use ¹	Instead of this
Closed system for pesticides with "Danger" or "Warning" ²	Coveralls, chemical-resistant gloves, chemical-resistant apron, eye protection	PPE required on pesticide labeling, regulation, and restricted material permit condition
Closed system for pesticides with "Caution" ²	Work clothing (shirt, pants, shoes) eye protection	PPE required on pesticide labeling, regulation, and restricted material permit condition
Enclosed cab	Work clothing and respiratory protection required on the label	PPE required on pesticide labeling, regulation, and restricted material permit condition
Enclosed cab acceptable for respiratory protection ³	Work clothing	PPE required on pesticide labeling, regulation, and restricted material permit condition

1 For any substitution, all PPE required by the label, regulation, and restricted material permits must be available on site in case of an emergency.

2 Using pesticides in water-soluble packages is considered the same as mixing with a closed system. However, transfer from mix tank to application tank must be made with a closed system.

3 This type of enclosed cab must meet American Society of Agricultural and Biological Engineers (ASABE) standards. For more information, see "Engineering Controls" at www.cdpr.ca.gov.



If you don't get all the information you need in your training, you should call your County Agricultural Commissioner, or the Department of Pesticide Regulation (DPR) for more information. You can find the Commissioner's number in your local white pages phone directory, by calling 1-87PestLine, or at:

<http://www.cdpr.ca.gov/exec/county/countymap/>

DPR's Regional Offices are:

- Northern (West Sacramento) 916/376-8960
- Central (Fresno) 559/243-8111
- Southern (Anaheim) 714/279-7690

Pesticide Complaint?

1-87PestLine
INFORMATION LINE

1-877-378-5463



PESTICIDE SAFETY



Information

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

N No. 4

First Aid — How do I get ready for an emergency?

In case of an emergency, your employer must make arrangements ahead of time to provide you with emergency medical care if you handle pesticides. You should know the name of this clinic or hospital and where it is. If you don't know, ask your employer before an emergency happens. Never let sick or hurt people drive themselves to a doctor. They could have an accident on the road.

What should I do if someone collapses while they are using pesticides?

- Get the person away from the pesticides if you can without hurting yourself. Remember the sick person might have pesticides on them that could get on you.
- Get help RIGHT AWAY. If you have a phone, call 911.
- Try to stop pesticides from getting in or on the person's body. You can find out how later in this handout.
- If the person is not breathing, give CPR (cardiopulmonary resuscitation) if you know how. The emergency responders will take over when they arrive.

REMEMBER: Tell the emergency responders about the pesticide(s). Also, remember that pesticides may not be the problem. It could, for instance, be a heart attack.

What should I do if someone swallows a pesticide?

- Get help RIGHT AWAY. If you have a phone, call 911, or the free phone number for California Poison Control Center, 1-800-222-1222.
- If people are sleepy or unconscious from poisoning and you don't have a phone, **TAKE THEM TO A DOCTOR OR HOSPITAL RIGHT AWAY.**



DO NOT give them anything to eat or drink. **DO NOT** try to make them throw up.

- If the person is awake and alert, follow the first aid instructions on the label. These directions will tell you what will be helpful or dangerous. For instance, making the person throw up, or giving them milk or water to drink could be helpful, or it might be dangerous, depending on the pesticide. Never use salt water or mustard to make people throw up. Some old labels may still recommend those things, but they are not safe.

What should I do if I get sick from pesticides?

If you have a pesticide label, know what the label says about first aid.

- Stop work and leave the area **RIGHT AWAY**. You must stop working with the pesticide and stop any more from getting into your body. Read below to find out how to do this.
- **GET HELP**. Tell someone at your workplace what happened.
- Ask your employer to take you to a doctor or hospital.
DO NOT TAKE YOURSELF.



How can pesticides get into my body?

There are four ways:

1. Breathing dust, mist, or vapor.
2. Getting it on your skin.
3. Getting it in your eyes.
4. Swallowing the pesticide.

To Stop a Person from Breathing in Pesticides:

Take any sick people where the air is clean. In open areas, go at least 100 feet away. If there is a wind, make sure the wind is blowing the pesticide away from you.

Pesticides on your Skin—

Most often, pesticides get in your body through your skin. Some pesticides move very fast through your skin. Others move slowly. Many pesticides can move through your clothes, even if they are waterproof. That is why it is important to get rid of any pesticide on your skin or clothing right away.

To Get Pesticides Off Your Skin:

- Take off all clothes that have pesticides on them.
- Shower with soap and clean under your nails. If you don't have a shower or soap, use any clean water.
- Wash your hair.
- Get dressed only in clean clothes. Do not put clothes with pesticides on them back on. If you do, more pesticides can get into your body.



Be sure to wash any clothes that have pesticides on them separately and completely before wearing them again. Ask your employer for a copy of the N-7 safety leaflet for information on how to wash clothes safely.

To Get Pesticides Out of your Eyes:

- Rinse eyes with plenty of water. Keep rinsing for at least 15 minutes. Rinsing in a shower is okay, but **DO NOT** use a hard spray.
 - Otherwise, pour water over your eyes or use a gentle flow from a faucet or hose.
 - Blink while you are rinsing.
 - **NEVER** force anybody's eyes open.
-



What do I need to tell the doctor?

Be ready to tell the doctor or nurse exactly what happened with the pesticide to make people sick. Warn the doctor or nurse that the person might be sick from pesticides so they can protect themselves. If you know, tell the doctor the age of the sick people, and what pesticide was involved. Bring any information about the pesticide to show the doctor. Bring the label or the name of the pesticide from the label, its active ingredient(s), and EPA registration number. If you can't do this, and have no other choice, bring the clean empty pesticide container (with the label still on it) or an unused, sealed container.

ALWAYS tell your employer if someone gets sick or hurt at work.

.....



If you don't get all the information you need in your training, you should call your County Agricultural Commissioner, or the Department of Pesticide Regulation (DPR) for more information. You can find the Commissioner's number in your local white pages phone directory, by calling 1-87PestLine, or at:

<http://www.cdffa.ca.gov/exec/county/countymap/>

DPR's Regional Offices are:

- Northern (West Sacramento) 916/376-8960
- Central (Fresno) 559/243-8111
- Southern (Anaheim) 714/279-7690

Pesticide Complaint?
1-87PestLine
INFORMATION LINE
1-877-378-5463



PESTICIDE SAFETY



Information

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

N No. 5

Protecting Yourself From Breathing Pesticides in Non-Agricultural Settings

Pesticide spray can stay in the air that you breathe.
The best way to avoid breathing pesticides is to wear a protective mask called a respirator.

When should I wear a respirator?

You must wear a respirator anytime the pesticide label requires one. You may need to wear a respirator if the pesticide label says, "Avoid breathing vapor or mist."

Your employer must give you, at no cost, a respirator when it is needed. You must wear it.

Can anyone use a respirator?

Breathing through a respirator can be very hard for some people. People with problems such as high blood pressure, heart disease, or lung disease, may not be able to use a respirator safely. If you are handling a pesticide and are supposed to use a respirator, your employer must get a doctor's permission before you use a respirator. The doctor may examine you or review a questionnaire your employer will have you fill out. The doctor must give a report to your employer (and give you a copy) about whether or not you can wear a respirator safely before you use one and your employer must follow the doctor's written orders.

If I have a mustache or a beard, can I wear a respirator?

If you have a beard, a wide mustache, or long sideburns, a regular respirator cannot protect you properly because the mustache, beard



**YOU MUST
ALWAYS WEAR
a respirator
anytime
the pesticide label
requires one.**

or sideburns keep it from making a tight seal on your face. You cannot have facial hair wherever the mask contacts the face.

If your employer does not have a respirator that can make a tight seal on your face, you cannot do the work.

What training do I need?

Before you use a respirator for the first time, you must be fit tested and trained on when you need to wear a respirator and how to use it safely. You must get trained and fit tested every year. Also, you must be told about what the respirator does and does not protect you from.

How do I get the right respirator?

There are many kinds of respirators that will protect you from different dangers. The pesticide label or your employer will tell you what kind of respirator to use. For example, some pesticides change into vapor, so you might need to wear a half-face respirator with special filters (cartridges) to protect your lungs. In other cases, a filtering facepiece mask may be all that is necessary to protect you.

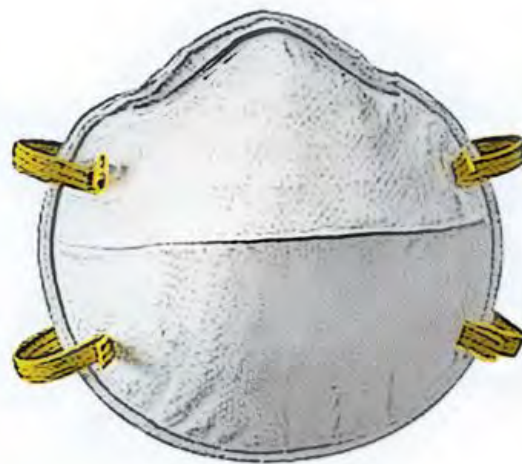
Respirators come in different sizes. It is very important that the respirator fits your face. You must be trained how to check your respirator fit. Your employer or someone he hires will make sure it fits your face. This must be done every year you have to wear a respirator. When checking how your respirator fits your face, wear it in an area where there are no pesticides.

The respirator you wear must have the letters “NIOSH” somewhere on it to show that it is an approved mask. NIOSH is the National Institute for Occupational Safety and Health.

How can I tell if my respirator is working?

Respirators do not really “clean the air.” What they do is stop most harmful chemicals from getting into your lungs. They do this with special filters. Make sure you have the right kind of filter for the pesticide you are handling. Filters stop working after a while and the pesticide can pass through them and you will breathe it in. If you notice a smell, odd taste, burning eyes or throat, or it gets hard for you to breathe, leave the area **RIGHT AWAY**. Go to a safe area that contains no pesticides. Then take off your respirator and look at it carefully. Is it torn, cracked, worn out, or dirty? If there are no problems you can see, you may need to change the filter.

Because many pesticides do not have a smell or cause any irritation, your employer must replace the filter often.



THE FILTER MUST BE REPLACED WHEN:

1. The directions on the pesticide label say so.
2. The respirator maker says it should be replaced.
3. If you notice a smell, taste, or irritation.
4. At the end of each workday.

Follow the rule that replaces the filter soonest.

.....

Who takes care of the respirator?

Respirators should be cleaned and inspected regularly by a person who is trained to do so. Do not use someone else's respirator. Each worker should have their own respirator or you use respirators that can be thrown away after one use.

When respirators are broken, your employer must fix them. If they cannot be fixed, your employer must get new ones.

Store respirators and all personal protective equipment away from pesticides. They need to be protected from dust, sunlight, and big changes in temperature. Water or certain chemicals can also damage the filters or cartridges. Other chemicals can damage the mask itself. Respirators should be stored so the face piece does not become bent. Hard plastic containers with air tight lids are good storage containers for respirators.



If you don't get all the information you need in your training, you should call your County Agricultural Commissioner, or the Department of Pesticide Regulation (DPR) for more information. You can find the Commissioner's number in your local white pages phone directory, by calling 1-87PestLine, or at:

<http://www.cdfa.ca.gov/exec/county/countymap/>

DPR's Regional Offices are:

- Northern (West Sacramento) 916/376-8960
- Central (Fresno) 559/243-8111
- Southern (Anaheim) 714/279-7690



PESTICIDE SAFETY



Information

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

N No. 6

Safety Rules for Minimal Exposure Pesticides (MEPs) in Non-Agricultural Settings

Pesticides can get into your body many different ways and make you sick. They can get in through your skin, eyes, or lungs as you breathe.

What are the “minimal exposure pesticides”?

Some pesticides are called “Minimal Exposure Pesticides,” or MEPs, because it is important to make sure you are exposed to them as little as possible. MEPs can hurt you in ways you might not notice right away. If you are exposed to them, they could be doing damage in your body and causing problems you might not notice until much later.

These are the two MEPs you might use:

1. Buctril

- **USE:** Kills broadleaf weeds in ornamental turf. Also used in landscape maintenance and rights-of-way.
- **DANGER:** If you are a pregnant woman and exposed to even a little of this pesticide, it might hurt you and/or your unborn child.

2. Metasystox-R (MSR) and Inject-A-Cide

- **USE:** Kills insects and mites in landscape maintenance and rights-of-way.
- **DANGER:** These pesticides can affect your nervous system. If you are exposed to too much of them you might start vomiting, get a headache, feel sick to your stomach, or your vision might blur. If you are a man and are exposed to even a little of these pesticides, it might hurt your ability to have children.



SAFETY TIP

6

IT IS IMPORTANT
to make sure that
your body is exposed
as little as possible
to MEPs.

What must my employer do to protect me when I use a MEP?

If you handle MEPs, your employer must make sure you have:

- One or two pieces of clothing, such as coveralls, which cover your entire body except your head, hands, and feet. Your employer must make sure that you start each work day with clean coveralls.
- Clean, chemical resistant clothes that cover your body, hands, and feet.
- The right kind of respirator (Ask your employer for the N-5 safety leaflet for more information on respirators).
- A closed system for mixing and loading, so you are not directly exposed to the pesticide (Ask your employer for the N-3 safety leaflet for more information on closed systems).
- Enough water, soap, and single use towels for normal washing and in case of an emergency where you mix and load the pesticides.
- A place with enough water, soap, and clean towels where you can change your clothes and wash at the end of your work day.
- A clean, pesticide-free place to store your own clothes while you work with these pesticides.



Are there any special rules I should know?

If you use certain kinds of equipment to protect yourself at work, you may not have to wear full body personal protective equipment (PPE). Ask your employer for a copy of the N-3 safety leaflet for more information about the equipment. The information in the table below explains the substitutions.

PERSONAL PROTECTIVE EQUIPMENT YOU NEED WHEN USING CLOSED SYSTEMS, ENCLOSED CABS, OR WATER-SOLUBLE PACKAGING

If you use	You may use ¹	Instead of this
Closed system for pesticides with "Danger" or "Warning" ²	Coveralls, chemical-resistant gloves, chemical-resistant apron eye protection	PPE required on pesticide labeling, regulation, and restricted material permit condition
Closed system for pesticides with "Caution" ²	Work clothing (shirt, pants, shoes) eye protection	PPE required on pesticide labeling, regulation, and restricted material permit condition
Enclosed cab	Work clothing and respiratory protection required on the label	PPE required on pesticide labeling, regulation, and restricted material permit condition
Enclosed cab acceptable for respiratory protection ³	Work clothing	PPE required on pesticide labeling, regulation, and restricted material permit condition

1 For any substitution, all PPE required by the label, regulation, and restricted material permit condition, must be available on site in case of an emergency.

2 Using pesticides in water-soluble packages is considered the same as mixing with a closed system. However, transfer from mix tank to application tank must be made with a closed system.

3 This type of enclosed cab must meet American Society of Agricultural and Biological Engineers (ASABE) standards. For more information, see "Engineering Controls" at www.cdpr.ca.gov.



If you don't get all the information you need in your training, you should call your County Agricultural Commissioner, or the Department of Pesticide Regulation (DPR) for more information. You can find the Commissioner's number in your local white pages phone directory, by calling 1-87PestLine, or at:

<http://www.cdpr.ca.gov/exec/county/countymap/>

DPR's Regional Offices are:

- Northern (West Sacramento) 916/376-8960
- Central (Fresno) 559/243-8111
- Southern (Anaheim) 714/279-7690

Pesticide Complaint?

1-87PestLine
INFORMATION LINE

1-877-378-5463



PESTICIDE SAFETY



Information

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

N No. 7

Washing Pesticide Work Clothing

If you work with pesticides, your work clothes can have pesticides on them. This can happen even if you wear coveralls or other personal protective equipment (PPE) over your own clothes.

This leaflet tells you how to clean your own work clothes. It is your employer's job to clean your PPE. If you don't wash your clothes, the pesticides on them can make you, and even your family sick. Following these directions will help protect you and your family from pesticides.

Wear clean work clothes every day

Wash clothes that have pesticides on them as soon as you can. The longer you wait, the harder it is to wash the pesticide off. If you keep wearing the clothes, you can get more pesticides on them. Pesticides on your clothes can get onto your skin and into your body making you sick.

Before you wash your clothes:

- If you have pesticide powder, granules, or loose dirt on your clothes, shake them off before you leave work. Pay special attention to your cuffs and pockets.
- Keep clothes with pesticides on them (including underwear) in closed plastic bags until you are ready to wash the clothes. Keep the bags outside your home. Make sure children and pets cannot get to the bags.
- Tell the person who does the laundry at home that your clothes have pesticides on them. Explain how to wash them.

You cannot get all the pesticides off of leather items such as watch bands, belts, and boots. You must throw these items away if they have pesticides on them. If you wear them again, the pesticide can get in your body through your skin.

Washing Pesticide Work Clothing



- ▶ **Wear rubber gloves**
- ▶ **Keep separate from other clothes**
- ▶ **Use a pre-soak cycle or run through the wash cycle twice**
- ▶ **Use the highest water level**
- ▶ **Wash a full cycle, in very HOT water**
- ▶ **Use a strong detergent**
- ▶ **If possible, dry clothes outside on a line**
- ▶ **Clean the washing machine by running a cycle with no clothes**

When you come home from work, do not hug or touch your family until you have changed out of your work clothes. Shower and wash your hair. This is to protect your family from pesticides.

.....

When you wash your clothes:

- Do not mix clothes with pesticides on them with other laundry. They must be washed alone, or pesticide can get onto your family's laundry and make them sick.
 - Try to dump the clothes straight from the plastic bag into the washer, without touching them. If you have to touch the clothes, wear rubber gloves, wash the gloves, take them off, and throw them away. Then wash your hands and arms.
 - Only put a few things in the washer at one time, use the longest cycle with **LOTS** of **HOT** water and a strong detergent. Cold water will not do a good job taking out pesticides. You can use bleach if you want, but it does not help take out pesticides.
-

Washing pesticide work clothing:

1. Wear rubber gloves.
 2. Keep clothes separate from other laundry.
 3. Use a pre-soak cycle or run through the wash cycle twice.
 4. Use the highest water level.
 5. Wash a full cycle, in very hot water.
 6. Use strong detergent.
 7. If possible, dry the clothes outside on a line
 8. Clean the washing machine afterward by running a cycle with no clothes.
-

After you wash your clothes:

- Before you use the washing machine again, clean it by running it with no clothes—only hot water and detergent.
 - Dry your clothes on a line outside if you can. The sun will help get rid of any pesticides that are left.
 - If you dry the clothes in a dryer, run it until the clothes are completely dry. Then run the dryer empty for 10 minutes.
-



What if I spill pesticide on my clothes?

If you spill pesticides on your clothes, take them off **RIGHT AWAY**. If you spill a pesticide that is full strength (not mixed with water) **DO NOT** try to clean the clothes, you must **THROW THEM AWAY**. Follow the state and local rules for doing this (ask your employer how to do this).

.....

What about cleaning Personal Protective Equipment (PPE)?

It is your employer's job to clean coveralls and other PPE, or they may train you how to clean your PPE at work. **NEVER** take PPE home to clean it.

Your supervisor must make sure that you change out of your coveralls and wash at the end of the workday. You should not take the coveralls home.

If you do not go to your employer's headquarters at the end of your workday, you must take off your coveralls and put them in a container (a plastic bag is good) outside of your home. Return them to your employer for washing.



If you don't get all the information you need in your training, you should call your County Agricultural Commissioner, or the Department of Pesticide Regulation (DPR) for more information. You can find the Commissioner's number in your local white pages phone directory, by calling 1-87PestLine, or at:

<http://www.cdfa.ca.gov/exec/county/countymap/>

DPR's Regional Offices are:

- Northern (West Sacramento) 916/376-8960
- Central (Fresno) 559/243-8111
- Southern (Anaheim) 714/279-7690

Pesticide Complaint?

1-87PestLine
INFORMATION LINE

1-877-378-5463



PESTICIDE SAFETY



Information

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

N No. 8

Safety Rules for Pesticide Handlers in Non-Agricultural Settings

The pesticide label, your training, and this leaflet, tell you about pesticide dangers at work.

Your employer must teach you how to use pesticides safely and how to protect yourself when you use them. Pesticides are chemicals that are used to control unwanted insects, weeds, and plant diseases.

EMPLOYERS: This is the hazard communication leaflet for pesticide handlers. Fill in the blank lines in this leaflet and display this handout at the employee's worksite.

Emergency medical care

Your employer must make plans for emergency medical care before you start working with pesticides. If you think that pesticides made you sick or hurt you at work, tell your employer. They must make sure that you are taken to a doctor right away. **DO NOT TAKE YOURSELF.**

Emergency medical care is available at
(address and telephone number):

REMEMBER: You do not have to pay for medical care if you get sick or hurt from pesticides at work.

.....



**If you think
pesticides have
made you sick
at work,
your employer must
make sure that
you are taken
to the doctor
IMMEDIATELY.**

What are my rights?

You have the right to know the following about pesticides that have been used recently where you work:

- When and where the pesticide was applied
- Name of the pesticide and active ingredient(s)
- The EPA registration number

As part of your training, your employer must tell you where all this information is kept and also let you see the records anytime you want without having to ask.

If you get sick or hurt **BECAUSE OF YOUR JOB**, you have the right to file for worker's compensation. Workers' compensation will pay for your medical bills, and sometimes, lost pay.

You have the right to look at Safety Data Sheets (SDS) and records for all pesticides used where you work. The SDS tells you about each specific pesticide and its dangers.

These records are kept at:

Your employer must explain your rights to you. If you need more help in understanding your rights, call or go to your local county agricultural commissioner's office, local legal aid and worker's rights office, union or the Department of Pesticide Regulation (DPR).

.....

Who do I tell about dangers at work?

Pesticides are only one kind of danger at your work. If you have a complaint about a pesticide safety problem, you should call your County Agricultural Commissioner. You can look up the Commissioner's number in the government pages of your local phone book, or by calling DPR's toll-free complaint information line, **1-87PestLine (1-877-378-5463)**. Other health and safety complaints (bathrooms, heat stress, drinking water, etc.) should be filed with the California Department of Industrial Relations Cal/OSHA office.

.....

What training should I get?

Your employer must:

- Train you in a way that you understand **BEFORE** you begin working with pesticides, and anytime you work with new pesticides.
- Give you training each year to remind you how to work with pesticides safely.
- Tell you the ways a pesticide can hurt you and how to safely use each



pesticide you work with (Ask your employer for the N-1 safety leaflet to learn more about training).

- Give you extra training if you have to use a respirator (ask your employer for the N-5 safety leaflet).
- Tell you how to move pesticides from one place to another, or dispose of empty pesticide containers (there are special rules your employer must tell you about. Ask for the N-2 safety leaflet for more information).

Other safety leaflets mentioned in this document should be part of your training. They are free and are available from your employer and your County Agricultural Commissioner's office.

All the information about your training must be written down. You will be given a paper to sign to show you have been trained. Only sign this form after you have finished the training and you understand what you heard.



What can a pesticide label tell me?

All pesticides are poisonous. If a pesticide gets in or on you, it can hurt you or make you sick. The pesticide label tells you how to safely mix and apply the pesticide. **The label must be at the place where you mix or apply the pesticide.** You must read and follow **ALL** directions on the label. There may be additional product bulletins or label information that you must read and follow.

Some of the most important things listed on the label are:

1. Chemicals in the pesticide.
2. First aid and health warnings.
3. Protective equipment needed.
4. Directions for applying the pesticide.

How can I tell which pesticides are more dangerous?

Most pesticide labels have a signal word in large print on the front of the label. This word tells you about the acute health effect of the pesticide. If a pesticide can hurt you or make you sick right away, that's called an acute effect. If it takes months or years of exposure to a pesticide before you get sick, that's called a chronic effect.

These are the words that tell about acute effects:

- **"DANGER"**—this pesticide is extremely harmful.
- **"WARNING"**—this pesticide is moderately harmful.
- **"CAUTION"**—this pesticide is slightly harmful.

If the label doesn't have one of these words, it means that the pesticide is less likely to harm you. **However, you should handle every pesticide carefully.**

Pesticide Name EPA Registration No.	
Active Ingredients	xx%
Inert Ingredients	x%
DANGER	
First Aid Duis aute irure dolor in reprehenderit in voluptate velit esse cillum dolore eu fugiat nulla pariatur.	
Precautionary Statements Hazards to Humans Personal Protective Equipment Environment Hazards	
Agricultural Use Requirements Em ipsum dolor sit amet, consectetur in voluptate velit esse cillum dolore eu fu	
Directions for Use Excepteur sint occaecat cupidatat non proident, sunt in culpa qui officia deserunt mollit anim id est laborum.	

What else does the label tell me?

- If the pesticide can severely hurt your eyes or skin, the label will say something like “Corrosive, causes eye and skin damage.”
- If the pesticide can make you very sick, the label will have a skull-and-crossbones symbol and the word “POISON.”
- Words like “FATAL” or “may be fatal if swallowed, inhaled, or absorbed through the skin,” mean the pesticide can make you very sick or even kill you.
- Some pesticide labels tell you about other health problems that might not show up until long after use (may take years), such as cancer or dangers to unborn babies.

Are there any extra rules for very dangerous pesticides?

Yes, there is a group of pesticides, called Minimal Exposure Pesticides (MEPs) that California has extra rules for because they could be especially dangerous to you.

These are the pesticides on this list:

1. Buctril
2. Metasystox-R

See the N-6 safety leaflet for more information about safety rules if you have to work with these pesticides.



SUMMARY OF RECORDS YOUR EMPLOYER MUST KEEP

Information	Location
Training papers	Employer's office site
Written training program	Employer's office site
Respirator program procedures	Employer's office site
Accident response plan (fumigants)	Work site
Pesticide label	Work site
Pesticide Safety Information Series	Employer's office site
Safety Data Sheet	Employer's office site
Storage area posting ¹	Storage area
Emergency medical care notice	Work site
Doctor's report for respirator use	Employer's office site
Pesticide use records	Employer's office site

¹ Required only for pesticides with the Signal word “DANGER” or “WARNING”

Proposition 65

In 1986, a law called the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) was passed. Proposition 65 requires California to make a list of chemicals that cause cancer, birth defects, or other reproductive harm. The Proposition 65 list contains many different chemicals, including dyes, solvents, pesticides, drugs, and food additives. Your employer may also choose to warn you if a pesticide on the Proposition 65 list has been sprayed, even if health problems are not likely. Your employer is required to keep information on each pesticide application and allow you to look at it. If you are not sure of the record location, ask your foreman.

The list of pesticides that are on the Proposition 65 list and that might be used in California, can be found at
<http://www.cdpr.ca.gov/docs/dept/factsheets/prop65.htm>.

DOWNLOAD current Proposition 65 list of chemicals known to the State to cause cancer or reproductive toxicity:

http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html

.....



If you don't get all the information you need in your training, you should call your County Agricultural Commissioner, or the Department of Pesticide Regulation (DPR) for more information. You can find the Commissioner's number in your local white pages phone directory, by calling 1-87PestLine, or at:

<http://www.cdpr.ca.gov/exec/county/countymap/>

DPR's Regional Offices are:

- Northern (West Sacramento) 916/376-8960
- Central (Fresno) 559/243-8111
- Southern (Anaheim) 714/279-7690



California Code of Regulations (Title 3. Food and Agriculture)

6724. Handler Training.

Definition:

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 tapes) 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) Hazards of pesticides, including acute and chronic effects, delayed effects, and sensitization, as identified in pesticide product labeling, Safety Data Sheets, or Pesticide Safety Information Series leaflets;

(3) Routes by which pesticides can enter the body;

(4) Signs and symptoms of overexposure;

(5) Emergency first aid for pesticide overexposure;

(6) How to obtain emergency medical care;

(7) Routine and emergency decontamination procedures, including spill clean up and the need to thoroughly shower with soap and warm water after the exposure period;

(8) Need for, limitations, appropriate use, and sanitation, of, any required personal protective equipment;

(9) Prevention, recognition, and first aid for heat-related illness in accordance with Title 8 of the California Code of Regulations, section 3395;

(10) Safety requirements and procedures, including engineering controls (such as closed systems and enclosed cabs) for handling, transporting, storing, and disposing of pesticides;

(11) Environmental concerns such as drift, runoff, and wildlife hazards;

(12) Warnings about taking pesticides or pesticide containers home;

(13) Requirements of this chapter and chapter 4 relating to pesticide safety, Safety Data Sheets, and Pesticide Safety Information Series leaflets;

(14) 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;

(15) The location of the written Hazard Communication Information For Employees Handling Pesticides (Pesticide Safety Information Series leaflet A-8), other Pesticide Safety Information Series leaflets, and Safety Data Sheets;

(16) 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 employee representative to receive information about pesticides to which he or she may be exposed; and

(C) To be protected against retaliatory action due to the exercise of any of his or her rights.

(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 farm advisor employed by the University of California Extension Office;
- (5) A person who has completed an "instructor trainer" program presented by one of the following:
 - (A) the University of California, Integrated Pest Management; 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.



PESTICIDE SAFETY TRAINING RECORD



This is to certify that Joel Achea has received 10 hours of training in the use of the pesticides typically used in our operations (listed below).

Employee Signature [Signature] Employee Title Aquatic pest control tech
Employee Work Location Secker Trainer Joel trembo Date 5/24/17

TRAINING TOPICS COVERED DURING TRAINING

SAFETY PROCEDURES TO BE FOLLOWED	EMERGENCY PROCEDURES	APPLICABLE LAWS AND REGULATIONS
HOW TO UNDERSTAND A PESTICIDE LABEL	SYMPTOMS OF OVEREXPOSURE	EMPLOYEE RIGHTS
PESTICIDE HANDLING PROCEDURES	IMMEDIATE AND LONG TERM HAZARDS	LOCATION OF DOCUMENTS
FIRST AID AND DECONTAMINATION	HEAT-RELATED ILLNESSES	

PESTICIDE ACTIVE INGREDIENTS & PRODUCT EXAMPLES

Aminopyralid (Milestone®)	Diuron (Direx®, Karmex®)	Rotenone (Noxfish®, Nusyn-Noxfish®)
Chlorophacinone/Diphacinone	Fluazifop p-butyl (Fusilade®)	Sethoxydim (Poast®)
Chlorsulfuron (Telar®)	Flumioxazin (Payload®)	Simazine (Princep®)
Clethodim (Envoy®)	Glyphosate (AquaMaster®, Roundup® Pro)	Sulfometuron methyl (Landmark®)
Clopyralid (Transline®)	Imazapyr (Habitat®, Polaris®, Stalker®)	Triclopyr Amine (Garlon® 3A)
Dicamba (Banvel®)	Isoxaben (Gallery®)	Triclopyr Ester (Garlon® 4 Pathfinder® II)
Diquat (Reward®)	Oryzalin (Poast®)	2,4-D (Weedar® 64, Weedone® LV4)
Dithiopyr (Dimension® Ultra 40WP)	Oxyfluorfen (Goal®, GoalTender®)	



PESTICIDE SAFETY TRAINING RECORD

This is to certify that John Samelson has received _____ hours of training in the use of the pesticides typically used in our operations (listed below).

Employee Signature [Signature] Employee Title tek
Employee Work Location ddlex Trainer 5-23-24-2007 Date 5-21-17

TRAINING TOPICS COVERED DURING TRAINING

SAFETY PROCEDURES TO BE FOLLOWED EMERGENCY PROCEDURES APPLICABLE LAWS AND REGULATIONS
HOW TO UNDERSTAND A PESTICIDE LABEL SYMPTOMS OF OVEREXPOSURE EMPLOYEE RIGHTS
PESTICIDE HANDLING PROCEDURES IMMEDIATE AND LONG TERM HAZARDS LOCATION OF DOCUMENTS
FIRST AID AND DECONTAMINATION HEAT-RELATED ILLNESSES

PESTICIDE ACTIVE INGREDIENTS & PRODUCT EXAMPLES

Aminopyralid (Milestone®)	Diuron (Direx®, Karmex®)	Rotenone (Noxfish®, Nusyn-Noxfish®)
Chlorophacinone/Diphacinone	Fluazifop p-butyl (Fusilade®)	Sethoxydim (Poast®)
Chlorsulfuron (Telar®)	Flumioxazin (Payload®)	Simazine (Princep®)
Clethodim (Envoy®)	Glyphosate (AquaMaster®, Roundup® Pro)	Sulfometuron methyl (Landmark®)
Clopyralid (Transline®)	Imazapyr (Habitat®, Polaris®, Stalker®)	Triclopyr Amine (Garlon® 3A)
Dicamba (Banvel®)	Isoxaben (Gallery®)	Triclopyr Ester (Garlon® 4 Pathfinder® II)
Diquat (Reward®)	Oryzalin (Poast®)	2,4-D (Weedar® 64, Weedone® LV4)
Dithiopyr (Dimension® Ultra 40WP)	Oxyfluorfen (Goal®, GoalTender®)	



PESTICIDE SAFETY TRAINING RECORD

This is to certify that KELLIE WENSTROM has received 10 hours of training in the use of the pesticides typically used in our operations (listed below).

Employee Signature Kellie Wenstrom Employee Title AQUATIC PEST CONTROL TECHNICIAN

Employee Work Location STOCKTON Trainer JOEL TRUMBZO Date 5/24/17

TRAINING TOPICS COVERED DURING TRAINING

SAFETY PROCEDURES TO BE FOLLOWED EMERGENCY PROCEDURES APPLICABLE LAWS AND REGULATIONS
HOW TO UNDERSTAND A PESTICIDE LABEL SYMPTOMS OF OVEREXPOSURE EMPLOYEE RIGHTS
PESTICIDE HANDLING PROCEDURES IMMEDIATE AND LONG TERM HAZARDS LOCATION OF DOCUMENTS
FIRST AID AND DECONTAMINATION HEAT-RELATED ILLNESSES

PESTICIDE ACTIVE INGREDIENTS & PRODUCT EXAMPLES

Aminopyralid (Milestone®)	Diuron (Direx®, Karmex®)	Rotenone (Noxfish®, Nusyn-Noxfish®)
Chlorophacinone/Diphacinone	Fluazifop p-butyl (Fuslade®)	Sethoxydim (Poast®)
Chlorsulfuron (Telar®)	Flumioxazin (Payload®)	Simazine (Princep®)
Clethodim (Envoy®)	Glyphosate (AquaMaster®, Roundup® Pro)	Sulfometuron methyl (Landmark®)
Clopyralid (Transline®)	Imazapyr (Habitat®, Polaris®, Stalker®)	Triclopyr Amine (Garlon® 3A)
Dicamba (Banvel®)	Isoxaben (Gallery®)	Triclopyr Ester (Garlon® 4 Pathfinder® II)
Diquat (Reward®)	Oryzalin (Poast®)	2,4-D (Weedar® 64, Weedone® LV4)
Dithiopyr (Dimension® Ultra 40WP)	Oxyfluorfen (Goal®, GoalTender®)	



Date: 7/5/2017

Accredited Course Attendance Report

Page No: 1

Copyright 1993,2017

Continuing Education Center for Pest Management

7/5/2017

DPR Course: M-0756-17 Course Title: WILDLANDS IPM SEMINAR

Start Date: 05/23/2017

Location: FOLSOM

Sponsor: DEPT FISH & WILDLIFE

Laws: 1.50

Aerial: 0.00

Other: 5.50

Attendee Name	DPRLicensee	Laws	Aerial	Other	Total
AGUILAR, BERNARD C	136160	1.50	0.00	5.50	7.00
ALLEN, SEAN M	079071	1.50	0.00	5.50	7.00
ATKINSON, ANDY	085934	1.50	0.00	5.50	7.00
AUSTIN, RICK L	074430	1.50	0.00	5.50	7.00
AUTRY, CRISTINA M	094433	1.50	0.00	5.50	7.00
BAUMGARTNER, STEVEN J	136161	1.50	0.00	5.50	7.00
BEARD, DENALI J	094195	1.50	0.00	5.50	7.00
BEESLEY, PETER M	138863	1.50	0.00	5.50	7.00
BOHLMAN, DANIEL J	127597	1.50	0.00	5.50	7.00
BRIGHTWELL, STEPHEN D	091702	1.50	0.00	5.50	7.00
BROOKINS, AMBER M	124713	1.50	0.00	5.50	7.00
BROOKINS, TYLER W	117089	1.50	0.00	5.50	7.00
BROWN, MATTHEW R	118418	1.50	0.00	5.50	7.00
BROWN, ROGER A	094813	1.50	0.00	5.50	7.00
BRUEGGEMANN, STEVEN	085749	1.50	0.00	5.50	7.00
BURKE, ERIC B	140813	1.50	0.00	5.50	7.00
BURKHOLDER, BRADLEY J	085722	1.50	0.00	5.50	7.00
BUSH, JOSHUA P	132011	1.50	0.00	5.50	7.00
CALDWELL, IAN M	087607	1.50	0.00	5.50	7.00
CARROLL, MARK A	089066	1.50	0.00	5.50	7.00
CARROTHERS, DAVID R	130367	1.50	0.00	5.50	7.00
CARTER, MICHAEL	129079	1.50	0.00	5.50	7.00
CHISSIE, PAUL M	137070	1.50	0.00	5.50	7.00
CLARK, PHILIP B	133489	1.50	0.00	5.50	7.00
COCKRELL, LAURA E	132308	1.50	0.00	5.50	7.00
COMAGES, GABRIEL C	094201	1.50	0.00	5.50	7.00
CRECELIUS, CHRISTOPHER T	132915	1.50	0.00	5.50	7.00
CURRIER, MONTY L	136163	1.50	0.00	5.50	7.00
CURTHOYS, MICHAEL V	134418	1.50	0.00	5.50	7.00
DEGE, MICHAEL	136164	1.50	0.00	5.50	7.00
DELGADO, TONY	090086	1.50	0.00	5.50	7.00
DILL, ALLEN J	137889	1.50	0.00	5.50	7.00
DISALVO, JOSEPH F	084030	1.50	0.00	5.50	7.00
DIVINE, PAUL I	136176	1.50	0.00	5.50	7.00
EKHOF, JOHN R	102969	1.50	0.00	5.50	7.00
EMERY, DAWNE E	080281	1.50	0.00	5.50	7.00
FLORES, CHRIS M	118013	1.50	0.00	5.50	7.00
FOULK, PATRA B	141464	1.50	0.00	5.50	7.00
FRYE, JERAH A	131933	1.50	0.00	5.50	7.00
GAREWAL, RANDALL M	130264	1.50	0.00	5.50	7.00
GOZA, DALE W	132066	1.50	0.00	5.50	7.00
GRAHAM, PATRICK A	093482	1.50	0.00	5.50	7.00
HAGEN, CURTIS L	095952	1.50	0.00	5.50	7.00
HALL, JONATHAN C	073792	1.50	0.00	5.50	7.00
HARTMAN, JOHN A	131793	1.50	0.00	5.50	7.00



Date: 7/5/2017

Accredited Course Attendance Report

Page No: 2

Copyright 1993,2017

Continuing Education Center for Pest Management

7/5/2017

DPR Course: M-0756-17 Course Title: WILDLANDS IPM SEMINAR

Start Date: 05/23/2017

Location: FOLSOM

Sponsor: DEPT FISH & WILDLIFE

Laws: 1.50

Aerial: 0.00

Other: 5.50

Attendee Name	DPRLicensee	Laws	Aerial	Other	Total
HEINTZELMAN, CHRIS J	120600	1.50	0.00	5.50	7.00
HEITKOTTER, SHARI	115230	1.50	0.00	5.50	7.00
HEXT, ASHLEY R	134328	1.50	0.00	5.50	7.00
HOLM, SARA M	094673	1.50	0.00	5.50	7.00
HOLMES, KATHERINE A	119024	1.50	0.00	5.50	7.00
JARVIS, NICK W	132779	1.50	0.00	5.50	7.00
JENSEN, ANDREW J	136177	1.50	0.00	5.50	7.00
KIRCHNER, KEVIN J	087642	1.50	0.00	5.50	7.00
KLEINFELTER, ERIC B	077644	1.50	0.00	5.50	7.00
KNEELAND, DAVID K	142599	1.50	0.00	5.50	7.00
LYON, RAYMOND P	135181	1.50	0.00	5.50	7.00
MCALPINE, ELIZABETH C	141928	1.50	0.00	5.50	7.00
MENDOZA, SEAN P	139396	1.50	0.00	5.50	7.00
MIYAMOTO, STEVEN T	089463	1.50	0.00	5.50	7.00
MOORE, ROY A	121533	1.50	0.00	5.50	7.00
MUNOZ, GARY A	124976	1.50	0.00	5.50	7.00
NANCE, JOHN H	095674	1.50	0.00	5.50	7.00
OVERTON, SHAWN	083837	1.50	0.00	5.50	7.00
PALM, MICHAEL A	090147	1.50	0.00	5.50	7.00
PHILPS, PAUL A	094771	1.50	0.00	5.50	7.00
PLEMONS, SAMUEL L	136328	1.50	0.00	5.50	7.00
PRICE, JASON L	117635	1.50	0.00	5.50	7.00
QUIGG, JOHN	093858	1.50	0.00	5.50	7.00
ROSE, CHRISTOPHER	089925	1.50	0.00	5.50	7.00
ROSER, DAYDRE T	129989	1.50	0.00	5.50	7.00
SATER, PATRICK R	116748	1.50	0.00	5.50	7.00
SCHIEWEK, DEREK A	137447	1.50	0.00	5.50	7.00
SCHRAG, ROBERT A	126609	1.50	0.00	5.50	7.00
SILBERNAGEL, AUDREY J	137760	1.50	0.00	5.50	7.00
SNODDY, JUSTIN D	131202	1.50	0.00	5.50	7.00
SOMER, WILLIAM	086352	1.50	0.00	5.50	7.00
SOMERA, EDWARD	078491	1.50	0.00	5.50	7.00
SOMERS, SARAH C	130410	1.50	0.00	5.50	7.00
STAMP, FREEMAN P	139802	1.50	0.00	5.50	7.00
STEWART, DANIELLE E	132947	1.50	0.00	5.50	7.00
STONE, BYRON B	094332	1.50	0.00	5.50	7.00
TRUMBO, JOEL D	073713	1.50	0.00	5.50	7.00
TYNDALL, JENNA M	142736	1.50	0.00	5.50	7.00
UZES, DIONNE M	140903	1.50	0.00	5.50	7.00
VAN BAREN, DAVID C	083301	1.50	0.00	5.50	7.00
WELCH, ANTHONY J	085386	1.50	0.00	5.50	7.00
WOOLFOLK, ANDREA M	090801	1.50	0.00	5.50	7.00
YEGOROVA, SVETLANA V	139313	1.50	0.00	5.50	7.00

Total Attendees: 88



Date: 7/5/2017

Accredited Course Attendance Report

Page No: 1

Copyright 1993,2017

Continuing Education Center for Pest Management

7/5/2017

DPR Course: M-0757-17 Course Title: WILDLANDS IPM SEMINAR

Start Date: 05/24/2017

Location: FOLSOM

Sponsor: DEPT FISH & WILDLIFE

Laws: 2.00

Aerial: 0.00

Other: 1.00

Attendee Name	DPRLicensee	Laws	Aerial	Other	Total
AGUILAR, BERNARD C	136160	2.00	0.00	1.00	3.00
ALLEN, SEAN M	079071	2.00	0.00	1.00	3.00
ATKINSON, ANDY	085934	2.00	0.00	1.00	3.00
AUSTIN, RICK L	074430	2.00	0.00	1.00	3.00
AUTRY, CRISTINA M	094433	2.00	0.00	1.00	3.00
BAUMGARTNER, STEVEN J	136161	2.00	0.00	1.00	3.00
BEARD, DENALI J	094195	2.00	0.00	1.00	3.00
BOHLMAN, DANIEL J	127597	2.00	0.00	1.00	3.00
BRIGHTWELL, STEPHEN D	091702	2.00	0.00	1.00	3.00
BROOKINS, AMBER M	124713	2.00	0.00	1.00	3.00
BROOKINS, TYLER W	117089	2.00	0.00	1.00	3.00
BROWN, MATTHEW R	118418	2.00	0.00	1.00	3.00
BROWN, ROGER A	094813	2.00	0.00	1.00	3.00
BRUEGGEMANN, STEVEN	085749	2.00	0.00	1.00	3.00
BURKE, ERIC B	140813	2.00	0.00	1.00	3.00
BURKHOLDER, BRADLEY J	085722	2.00	0.00	1.00	3.00
BUSH, JOSHUA P	132011	2.00	0.00	1.00	3.00
CALDWELL, IAN M	087607	2.00	0.00	1.00	3.00
CARROLL, MARK A	089066	2.00	0.00	1.00	3.00
CARROTHERS, DAVID R	130367	2.00	0.00	1.00	3.00
CARTER, MICHAEL	129079	2.00	0.00	1.00	3.00
CHISSIE, PAUL M	137070	2.00	0.00	1.00	3.00
CLARK, PHILIP B	133489	2.00	0.00	1.00	3.00
COCKRELL, LAURA E	132308	2.00	0.00	1.00	3.00
COMAGES, GABRIEL C	094201	2.00	0.00	1.00	3.00
CRECELIUS, CHRISTOPHER T	132915	2.00	0.00	1.00	3.00
CURRIER, MONTY L	136163	2.00	0.00	1.00	3.00
CURTHOYS, MICHAEL V	134418	2.00	0.00	1.00	3.00
DEGE, MICHAEL	136164	2.00	0.00	1.00	3.00
DELGADO, TONY	090086	2.00	0.00	1.00	3.00
DILL, ALLEN J	137889	2.00	0.00	1.00	3.00
DISALVO, JOSEPH F	084030	2.00	0.00	1.00	3.00
DIVINE, PAUL I	136176	2.00	0.00	1.00	3.00
EKHOFF, JOHN R	102969	2.00	0.00	1.00	3.00
EMERY, DAWNE E	080281	2.00	0.00	1.00	3.00
FLORES, CHRIS M	118013	2.00	0.00	1.00	3.00
FOULK, PATRA B	141464	2.00	0.00	1.00	3.00
FRYE, JERAH A	131933	2.00	0.00	1.00	3.00
GAREWAL, RANDALL M	130264	2.00	0.00	1.00	3.00
GOZA, DALE W	132066	2.00	0.00	1.00	3.00
GRAHAM, PATRICK A	093482	2.00	0.00	1.00	3.00
HAGEN, CURTIS L	095952	2.00	0.00	1.00	3.00
HALL, JONATHAN C	073792	2.00	0.00	1.00	3.00
HARTMAN, JOHN A	131793	2.00	0.00	1.00	3.00
HEINTZELMAN, CHRIS J	120600	2.00	0.00	1.00	3.00



Date: 7/5/2017

Accredited Course Attendance Report

Page No: 2

Copyright 1993,2017

Continuing Education Center for Pest Management

7/5/2017

DPR Course: M-0757-17 Course Title: WILDLANDS IPM SEMINAR

Start Date: 05/24/2017

Location: FOLSOM

Sponsor: DEPT FISH & WILDLIFE

Laws: 2.00

Aerial: 0.00

Other: 1.00

Attendee Name	DPRLicensee	Laws	Aerial	Other	Total
HEITKOTTER, SHARI	115230	2.00	0.00	1.00	3.00
HEXT, ASHLEY R	134328	2.00	0.00	1.00	3.00
HOLM, SARA M	094673	2.00	0.00	1.00	3.00
HOLMES, KATHERINE A	119024	2.00	0.00	1.00	3.00
JARVIS, NICK W	132779	2.00	0.00	1.00	3.00
JENSEN, ANDREW J	136177	2.00	0.00	1.00	3.00
KIRCHNER, KEVIN J	087642	2.00	0.00	1.00	3.00
KLEINFELTER, ERIC B	077644	2.00	0.00	1.00	3.00
KNEELAND, DAVID K	142599	2.00	0.00	1.00	3.00
LYON, RAYMOND P	135181	2.00	0.00	1.00	3.00
MADSEN, JOHN D	138239	2.00	0.00	1.00	3.00
MCALPINE, ELIZABETH C	141928	2.00	0.00	1.00	3.00
MENDOZA, SEAN P	139396	2.00	0.00	1.00	3.00
MIYAMOTO, STEVEN T	089463	2.00	0.00	1.00	3.00
MOORE, ROY A	121533	2.00	0.00	1.00	3.00
MUNOZ, GARY A	124976	2.00	0.00	1.00	3.00
NANCE, JOHN H	095674	2.00	0.00	1.00	3.00
OVERTON, SHAWN	083837	2.00	0.00	1.00	3.00
PALM, MICHAEL A	090147	2.00	0.00	1.00	3.00
PHILPS, PAUL A	094771	2.00	0.00	1.00	3.00
PLEMONS, SAMUEL L	136328	2.00	0.00	1.00	3.00
PRICE, JASON L	117635	2.00	0.00	1.00	3.00
QUIGG, JOHN	093858	2.00	0.00	1.00	3.00
RAGGIO, PATRICIA A	094512	2.00	0.00	1.00	3.00
ROSE, CHRISTOPHER	089925	2.00	0.00	1.00	3.00
ROSER, DAYDRE T	129989	2.00	0.00	1.00	3.00
SATER, PATRICK R	116748	2.00	0.00	1.00	3.00
SCHIEWEK, DEREK A	137447	2.00	0.00	1.00	3.00
SCHRAG, ROBERT A	126609	2.00	0.00	1.00	3.00
SILBERNAGEL, AUDREY J	137760	2.00	0.00	1.00	3.00
SNODDY, JUSTIN D	131202	2.00	0.00	1.00	3.00
SOMER, WILLIAM	086352	2.00	0.00	1.00	3.00
SOMERA, EDWARD	078491	2.00	0.00	1.00	3.00
SOMERS, SARAH C	130410	2.00	0.00	1.00	3.00
STAMP, FREEMAN P	139802	2.00	0.00	1.00	3.00
STEWART, DANIELLE E	132947	2.00	0.00	1.00	3.00
STONE, BYRON B	094332	2.00	0.00	1.00	3.00
TRUMBO, JOEL D	073713	2.00	0.00	1.00	3.00
TYNDALL, JENNA M	142736	2.00	0.00	1.00	3.00
UZES, DIONNE M	140903	2.00	0.00	1.00	3.00
VAN BAREN, DAVID C	083301	2.00	0.00	1.00	3.00
WELCH, ANTHONY J	085386	2.00	0.00	1.00	3.00
WOOLFOLK, ANDREA M	090801	2.00	0.00	1.00	3.00
YEGOROVA, SVETLANA V	139313	2.00	0.00	1.00	3.00



Date: 7/5/2017

Accredited Course Attendance Report

Page No: 3

Copyright 1993,2017

Continuing Education Center for Pest Management

7/5/2017

DPR Course: M-0757-17		Course Title: WILDLANDS IPM SEMINAR		Start Date: 05/24/2017	
Location: FOLSOM		Sponsor: DEPT FISH & WILDLIFE			
Laws: 2.00		Aerial: 0.00		Other: 1.00	
Attendee Name	DPRLicensee	Laws	Aerial	Other	Total
Total Attendees: 89					

California Code of Regulations (Title 3. Food and Agriculture)

6726. Emergency Medical Care.

Definition:

(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.

APPENDIX F – Medical and Emergency Contact Telephone Numbers

CALIFORNIA DEPARTMENT OF PARKS AND RECREATION HazMat Coordinator	Michael Stephens (916) 324-0412 (916) 275-8061 (cell)
SACRAMENTO COUNTY Mercy General Hospital 4001 J Street, Sacramento (916) 453-4545	NORTH DELTA Lodi Memorial Hospital 975 S. Fairmont, Lodi (800) 323-3360
MIDDLE DELTA, SAN JOAQUIN COUNTY <div> <div> US Health Works 3663 E. Arch Road, Ste. 400, Stockton (209) 943-2202 St. Joseph's Hospital 1800 North California Street, Stockton (209) 943-2000 </div> <div> Dameron Hospital 525 W. Acacia, Stockton (209) 944-5550 San Joaquin General 500 West Hospital Road, French Camp (209) 468-6000 </div> </div>	
WEST DELTA, CONTRA COSTA COUNTY <div> Sutter Delta Medical Center 3901 Lonetree Way, Antioch (925) 779-7200 </div> <div> Kaiser Foundation 3400 Delta Fair Boulevard, Antioch (925) 779-5000 </div>	
SOUTH DELTA, TRACY <div> Sutter Tracy Community Hospital 1420 North Tracy Boulevard, Tracy (209) 835-1500 </div> <div> Doctor's Hospital 1205 East North, Manteca (209) 823-3111 </div>	
MODESTO, CERES, AND SOUTH <div> Memorial Hospital 1700 Coffee Road, Modesto (209) 526-4500 Stanislaus Medical Center – Urgent Care 830 Scenic Drive, Modesto (209) 558-7212 </div> <div> Doctor's Medical Center 1441 Florida Avenue, Modesto (209) 578-1211 Stanislaus Medical Center 1900 Memorial Drive, Ceres (209) 541-2929 </div>	
MERCED COUNTY Merced Community Medical Center 301 E. 13 th Street, Merced (209) 385-7000 Mercy Medical Center 333 Mercy Avenue, Merced (209) 564-5000	FRESNO COUNTY St. Agnes Hospital 1303 E. Herndon Avenue, Fresno (559) 450-3000

Federal Services		
Contact Agency	Contact Name	Telephone Number
1. United States Fish and Wildlife Service (USFWS)	Kim S. Turner, Assistant Field Supervisor	(916) 930-5604
	Dan Crum, Resident Agent-in-Charge, Law Enforcement Division	(916) 414-6660
2. National Marine Fisheries Service (NMFS)	Dr. Li-Ming He	(916) 930-5615

State Agencies/Departments		
Contact Agency	Contact Name	Telephone Number
1. California Department of Fish and Wildlife, Office of Spill Prevention and Response		(916) 445-9338 24-Hour Response (916) 445-0045
	Andrea Boertien, Environmental Scientist	(209) 942-6070
2. California Regional Water Quality Control Board (Central Valley)	Rudy Schnagl	(916) 255-3101
3. California Office of Emergency Services		(916) 464-3230

Local Government Agencies/Departments				
County	Agricultural Commissioner's Office	Sheriff's Office	California Highway Patrol	Health Services Department
Contra Costa	(925) 646-5250	(925) 335-1500	(925) 646-4980	(925) 646-2286
Fresno	(559) 456-7510	(559) 488-3121	(559) 441-5441	(559) 445-3357
Kings	(559) 582-3211 x2831	(559) 582-3211 x2790	(559) 582-0231	(559) 584-1411
Sacramento	(916) 875-6603	(916) 874-5115	(916) 338-6710	(916) 875-8484
San Joaquin	(209) 468-3300	(209) 468-4570	(209) 943-8666	(209) 468-3420
Solano	(707) 421-7465	(707) 421-6330	(707) 428-2100	(707) 784-8600
Stanislaus	(209) 525-4730	(209) 525-7216	(209) 545-7440	(209) 558-7000
Yolo	(530) 666-8140	(530) 666-6612	(530) 622-4685	(530) 666-8646

Division of Boating and Waterways			
Name	Title	Telephone	Cellular Telephone
Sylvia Hunter	Deputy Director	(916) 327-1776	
Geoff Newman	Senior Environmental Scientist	(916) 327-1862	(916) 240-8723
Angela Liaban	Environmental Scientist	(916) 327-1859	(916) 870-6762
Michael Palm	Acting Field Supervisor	(916) 416-6985	
Dorene Smith	Electronic Data Problems, Mapping	(916) 327-1782	
Cate Schmeidt	NOI/Office Asst.	(916) 327-1860	

California Code of Regulations (Title 3. Food and Agriculture)

6730. Working Alone.

Definition:

(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 hours.

(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.

California Code of Regulations (Title 3. Food and Agriculture)

6732. Change Area.

Definition:

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.

California Code of Regulations (Title 3. Food and Agriculture)

6734. Handler Decontamination Facilities.

Definition:

(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.

California Code of Regulations (Title 3. Food and Agriculture)

6738.1. Personal Protective Equipment Use.

Definition:

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.

California Code of Regulations (Title 3. Food and Agriculture)

6738.2. Selection of Protective Eyewear.

Definition:

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.

California Code of Regulations (Title 3. Food and Agriculture)

6738.3. Selection of Gloves.

Definition:

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.

California Code of Regulations (Title 3. Food and Agriculture)

6738.4. Personal Protective Equipment Exemptions.

Definition:

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 watersoluble 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.

California Code of Regulations (Title 3. Food and Agriculture)

6738. Personal Protective Equipment Care.

Definition:

(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 being 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.

California Code of Regulations (Title 3. Food and Agriculture)

6739. Respiratory Protection.

Definition:

(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 (dust masks).

(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 followup 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 airpurifying 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 full-facepiece 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

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.

California Code of Regulations (Title 3. Food and Agriculture)

6742. Safe Equipment.

Definition:

(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 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.

California Code of Regulations (Title 3. Food and Agriculture)

6746. Closed Mixing Systems Requirement.

Definition:

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.



California Department of

Pesticide Regulation

[About DPR](#) | [Join E-Lists](#) | [A-Z Index](#) | [Contact Us](#)

Search

DPR

California

[HOME](#)[PROGRAMS](#)[DATABASES](#)[NEWS/PUBLICATIONS](#)[QUICK LINKS](#)

California Code of Regulations (Title 3. Food and Agriculture)

Division 6. Pesticides and Pest Control Operations

Division 6. Pesticides and Pest Control Operations

Chapter 3. Pest Control Operations

Subchapter 3. Pesticide Worker Safety

Article 3. Field Worker Safety

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 (Restricted Entry 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 algacides 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.

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 Sheets (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.

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.

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.

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) Importance of routine decontamination and washing thoroughly after the exposure period;

(2) Restricted entry intervals and what posting means, including both California and federal field posting sign formats;

(3) Where pesticides are encountered, including treated surfaces in the field, residues on clothing, chemigation and drift;

(4) Routes of exposure;

(5) The hazards of pesticides, including acute effects, chronic and delayed effects, and sensitization effects;

(6) Common signs and symptoms of overexposure;

(7) First aid including decontamination, eye flushing, and obtaining emergency medical care;

(8) Warnings about taking pesticides or pesticide containers home;

(9) Prevention, recognition, and first aid for heat-related illness in accordance with Title 8 of the California Code of Regulations, section 3395;

(10) The hazard communication program requirements of section 6761; and

(11) 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 employee representative to receive information about pesticides to which he or she may be exposed; and

(C) To be protected against retaliatory action due to the exercise of any of his or her rights.

(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 farm adviser employed by the University of California Extension Office; 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.

6766. Emergency Medical Care.

(a) Emergency medical care for employees who 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.

6768. Fieldworker Decontamination Facilities.

(a) The employer shall assure that 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.

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, 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.

6770. Field Entry After Scheduled or Completed Pesticide Application.

(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 four 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 four 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 one 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.

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.

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.

PESTICIDE	CROPS					OTHER CROPS
	APPLES	CITRUS	CORN	GRAPES	PEACHES/NECTARINES	
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	
Methodathion (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 seven 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 six 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 seven 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 sulfur 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 restricted entry 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.

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 four 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.

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 (after adjustment pursuant to section 6774) 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); and

(5) All letters and the symbol shall be of a color which sharply contrasts with their immediate background.

(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 three 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 eight 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, signs shall be posted in the manner specified in (d). These signs shall contain the following information instead of the information specified in (b):

(1) The skull and crossbones symbol; and

(2) The following statements:

(A) "DANGER/PELIGRO";

(B) "Area under fumigation, DO NOT ENTER/NO ENTRE";

(C) "(Name of Fumigant) Fumigant in use";

(D) The date and time of the fumigation; and

(E) The name, address, and telephone number of the applicator.

NOTE: Authority cited: Section 12981, Food and Agricultural Code.

Reference: Sections 12980 and 12981, Food and Agricultural Code.

6778. Records.

NOTE: Authority cited: Sections 407 and 12981, Food and Agricultural Code.

Reference: Sections 12980 and 12981, Food and Agricultural Code.

[Return to Top](#)

[Back to Top](#) | [Help](#)

If you have difficulty accessing any document on our website, contact cdprweb@cdpr.ca.gov

[Accessibility](#) | [Conditions of Use](#) | [Privacy Policy](#)
Copyright © 2013 State of California

California Code of Regulations (Title 3. Food and Agriculture)

6766. Emergency Medical Care.

Definition:

(a) Emergency medical care for employees who 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.

California Code of Regulations (Title 3. Food and Agriculture)

6776. Field Postings.

Definition:

(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 (after adjustment pursuant to section 6774) 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); and

(5) All letters and the symbol shall be of a color which sharply contrasts with their immediate background.

(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 three 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 eight 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, signs shall be posted in the manner specified in (d). These signs shall contain the following information instead of the information specified in (b):

(1) The skull and crossbones symbol; and

(2) The following statements:

(A) "DANGER/PELIGRO";

(B) "Area under fumigation, DO NOT ENTER/NO ENTRE";

(C) "(Name of Fumigant) Fumigant in use";

(D) The date and time of the fumigation; and

(E) The name, address, and telephone number of the applicator.

NOTE: Authority cited: Section 12981, Food and Agricultural Code.

Reference: Sections 12980 and 12981, Food and Agricultural Code.



California Department of

Pesticide Regulation

[About DPR](#) | [Join E-Lists](#) | [A-Z Index](#) | [Contact Us](#)

Search

[DPR](#)[California](#)[HOME](#)[PROGRAMS](#)[DATABASES](#)[NEWS/PUBLICATIONS](#)[QUICK LINKS](#)

California Code of Regulations (Title 3. Food and Agriculture)

Division 6. Pesticides and Pest Control Operations

Division 6. Pesticides and Pest Control Operations

Chapter 3. Pest Control Operations

Subchapter 3. Pesticide Worker Safety

Article 4. Fumigation

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.

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.

6784. Field Fumigation.

(a) Signs required to be posted in accordance with section 6776(f) shall remain in place until aeration is complete.

(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

Fumigation Method/Activities	Maximum Application Rate (lbs. of actual methyl bromide per acre)	Maximum Work Hours in a 24-Hour Period Wearing Half-Face Respirator During Entire Fumigation-Handling Activity
Nontarpaulin/Shallow/Bed Tractor Equipment Driving Supervising	200 lbs.	8* 8*
Nontarpaulin/Deep/Broadcast Tractor Equipment Driving Supervising	400 lbs.	8* 8 1/2
Tarpaulin/Shallow/Broadcast Tractor Equipment Driving Shoveling, Copiloting Supervising Tarpaulin Cutting Tarpaulin Removal	400 lbs.	7* 3* 3* 10 1/2 no limitation 2/
Tarpaulin/Shallow/Bed Tractor Equipment Driving Shoveling, Copiloting Supervising Tarpaulin Cutting Tarpaulin Removal	250 lbs.	no limitation 6* 6* 10 1/2 no limitation 2/
Tarpaulin/Deep/Broadcast	400 lbs.	7*

Tractor Equipment Driving Shoveling, Copiloting Supervising Tarpaulin Cutting Tarpaulin Removal		3* 3* 10 1/ no limitation 2/
Drip System - Hot Gas Applicators Supervising Tarpaulin Cutting Tarpaulin Removal	225 lbs.	4* 4* 10 1/ 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 above 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:

$$\frac{\text{maximum application rate for method}}{\text{actual application rate}} \times \text{work hours in a 24-hour period} = \text{revised maximum work hours in a 24-hour period}$$

Table 2. Maximum Work Hours in a Maximum Three (3) Workdays Per Calendar Month

Fumigation Method/Activities	Maximum Application Rate (lbs. of actual methyl bromide per acre)	Maximum Work Hours in a 24-Hour Period Without the Use of Respirators
Nontarpaulin/Shallow/Bed: Tractor Equipment Driving Supervising	200 lbs.	4* 4*
Nontarpaulin/Deep/Broadcast: Tractor Equipment Driving Supervising	400 lbs.	4* 7*
Tarpaulin/Shallow/Broadcast: Tractor Equipment Driving Shoveling, Copiloting Supervising Tarpaulin Cutting Tarpaulin Removal	400 lbs.	4* 3* 3* 4 7
Tarpaulin/Shallow/Bed: Tractor Equipment Driving Shoveling, Copiloting Supervising Tarpaulin Cutting Tarpaulin Removal	250 lbs.	4* 4* 4* 4 7
Tarpaulin/Deep/Broadcast: Tractor Equipment Driving Shoveling, Copiloting Supervising Tarpaulin Cutting Tarpaulin Removal	400 lbs.	4* 3* 3* 4 7
Drip System - Hot Gas: Applicators Supervising Tarpaulin Cutting Tarpaulin Removal	225 lbs.	2* 2* 4 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.

[Back to Top](#) | [Help](#)

If you have difficulty accessing any document on our website, contact cdprweb@cdpr.ca.gov

[Accessibility](#) | [Conditions of Use](#) | [Privacy Policy](#)
Copyright © 2013 State of California

California Code of Regulations (Title 3. Food and Agriculture)

6784. Field Fumigation.

Definition:

(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.

(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.

Table 1. Maximum Work Hours

Fumigation Method/Activities	Maximum Application Rate (lbs. of actual methyl bromide per acre)	Maximum Work Hours in a 24-Hour Period Wearing Half-Face Respirator During Entire Fumigation-Handling Activity
Nontarpaulin/Shallow/Bed Tractor Equipment Driving Supervising	200 lbs.	8* 8*
Nontarpaulin/Deep/Broadcast Tractor Equipment Driving Supervising	400 lbs.	8* 81/
Tarpaulin/Shallow/Broadcast Tractor Equipment Driving	400 lbs.	7* 3*

Shoveling, Copiloting Supervising Tarpaulin Cutting Tarpaulin Removal		3* 101/ no limitation 2/
Tarpaulin/Shallow/Bed Tractor Equipment Driving Shoveling, Copiloting Supervising Tarpaulin Cutting Tarpaulin Removal	250 lbs.	no limitation 6* 6* 10 1/ no limitation 2/
Tarpaulin/Deep/Broadcast	400 lbs.	7*
Tractor Equipment Driving Shoveling, Copiloting Supervising Tarpaulin Cutting Tarpaulin Removal		3* 3* 10 1/ no limitation 2/
Drip System - Hot Gas Applicators Supervising Tarpaulin Cutting Tarpaulin Removal	225 lbs.	4* 4* 10 1/ 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 above 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:

maximum

revised maximum

maximum application rate for method actual application rate x work hours in a 24-hour period = work hours in a 24-hour period

Table 2. Maximum Work Hours

Fumigation Method/Activities	Maximum Application Rate (lbs. of actual methyl bromide per acre)	Maximum Work Hours in a 24-Hour Period Without the Use of Respirators
Nontarpaulin/Shallow/Bed: Tractor Equipment Driving Supervising	200 lbs.	4* 4*

Nontarpaulin/Deep/Broadcast: Tractor Equipment Driving Supervising	400 lbs.	4* 7*
Tarpaulin/Shallow/Broadcast: Tractor Equipment Driving Shoveling, Copiloting Supervising Tarpaulin Cutting Tarpaulin Removal	400 lbs.	4* 3* 3* 4 7
Tarpaulin/Shallow/Bed: Tractor Equipment Driving Shoveling, Copiloting Supervising Tarpaulin Cutting Tarpaulin Removal	250 lbs.	4* 4* 4* 4 7
Tarpaulin/Deep/Broadcast: Tractor Equipment Driving Shoveling, Copiloting Supervising Tarpaulin Cutting Tarpaulin Removal	400 lbs.	4* 3* 3* 4 7
Drip System - Hot Gas: Applicators Supervising Tarpaulin Cutting Tarpaulin Removal	225 lbs.	2* 2* 4 7

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code.

Reference: Section 12981, Food and Agricultural Code.



California Department of

Pesticide Regulation

[About DPR](#) | [Join E-Lists](#) | [A-Z Index](#) | [Contact Us](#)

Search

[DPR](#)[California](#)[HOME](#)[PROGRAMS](#)[DATABASES](#)[NEWS/PUBLICATIONS](#)[QUICK LINKS](#)

California Code of Regulations (Title 3. Food and Agriculture)

Division 6. Pesticides and Pest Control Operations

Division 6. Pesticides and Pest Control Operations

Chapter 4. Environmental Protection

Subchapter 5. Surface Water

Article 1. Pesticide Contamination Prevention

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.

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.

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.

[Return to Top](#)

[Back to Top](#) | [Help](#)

If you have difficulty accessing any document on our website, contact cdprweb@cdpr.ca.gov

[Accessibility](#) | [Conditions of Use](#) | [Privacy Policy](#)
Copyright © 2013 State of California

California Code of Regulations (Title 3. Food and Agriculture)

6960. Dormant Insecticide Contamination Prevention.

Definition:

(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.

California Code of Regulations (Title 3. Food and Agriculture)

6970. Surface Water Protection in Outdoor Nonagricultural Settings.

Definition:

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.

[Home](#)[Bill Information](#)[California Law](#)[Publications](#)[Other Resources](#)[My Subscriptions](#)[My Favorites](#)Code: Section: 
[Up^](#) [Add To My Favorites](#)
FOOD AND AGRICULTURAL CODE - FAC**DIVISION 6. PEST CONTROL OPERATIONS [11401 - 12408]** (*Heading of Division 6 amended by Stats. 1971, Ch. 1187.*)**CHAPTER 4. Pest Control [11701 - 11897]** (*Heading of Chapter 4 amended by Stats. 1993, Ch. 620, Sec. 4.*)**ARTICLE 1. Licenses and Permits [11701 - 11711]** (*Article 1 enacted by Stats. 1967, Ch. 15.*)

11701. It is unlawful for a person to advertise, solicit, or operate as a pest control business, unless the person has a valid pest control business license issued by the director.

(Amended by Stats. 1996, Ch. 435, Sec. 2. Effective January 1, 1997.)

11701.5. Every principal and branch office of a business licensed pursuant to Section 11701 shall have at least one person in a supervisory position who holds a qualified applicator license issued pursuant to Chapter 8 (commencing with Section 12201). The qualified applicator license shall include the categories of pest control activities supervised by that person who is employed by that business.

(Amended by Stats. 1993, Ch. 620, Sec. 6. Effective January 1, 1994.)

11702. Applicants for a pest control business license shall do all of the following:

(a) Submit information to the director covering the applicant's business and personal qualifications that the director requires.

(b) Designate in the application the qualified applicator who shall be responsible for the conduct of the principal office of the applicant and of each branch location.

(c) Satisfy the director of the responsibility of the applicant as to any of the following:

(1) Equipment and facilities.

(2) Financial ability to perform the work authorized by the license and to respond in damages for any illness, injury, or damage resulting from the work, which ability may be satisfied by insurance in a form satisfactory to the director insuring against liability for personal injury and property damage in an amount prescribed by regulation of the director. The amount shall be related to the volume and type of pest control operations for which the applicant is licensed to perform.

(3) Personal responsibility to conduct the business.

The director shall establish by regulation the general classes of pest control operations in which the applicant may be qualified.

Licensing by the director shall not derogate from the authority of commissioners stated in Sections 11731 to 11741, inclusive.

(Amended by Stats. 1993, Ch. 620, Sec. 7. Effective January 1, 1994.)

11703. (a) Except as otherwise provided in Sections 11704 and 11707, the application shall be accompanied by a fee as prescribed by the director pursuant to Section 11502.5.

(b) If the applicant maintains any branch office in this state or outside this state and the applicant engages in the pest control business in this state from that branch office, the applicant shall pay an additional fee as prescribed by the director pursuant to Section 11502.5 for each of these branch offices.

(Amended by Stats. 2003, Ch. 741, Sec. 48. Effective January 1, 2004.)

11704. (a) A person who is regularly engaged in the business of maintenance gardening and who desires to engage in pest control for hire incidental to that business shall qualify for a pest control business license in the maintenance gardener category by passing the certified commercial applicators examination in both the laws and regulation and the landscape maintenance categories.

(b) The maintenance gardener category shall be limited to pest control in ornamental and turf plantings indoors, in commercial parks, or surrounding structures. A contract or verification that the pest control operation is incidental and that maintenance gardening is the primary purpose shall be immediately submitted to the commissioner or director upon request.

(c) An application for a license limited to the maintenance gardener category shall be accompanied by a fee as prescribed by the director pursuant to Section 11502.5.

(Amended by Stats. 2003, Ch. 741, Sec. 49. Effective January 1, 2004.)

11705. The director shall issue to each applicant that satisfies the requirements of this article a license which authorizes the applicant to perform the type or types of pest control activities specified in the license during the calendar year for which the license is issued, unless the license is sooner revoked or suspended.

(Amended by Stats. 1971, Ch. 1187.)

11706. The license may be renewed annually upon application to the director, accompanied by the proper fee, on or before the first day of January of the calendar year for which the license is issued.

(Enacted by Stats. 1967, Ch. 15.)

11707. To any fee which is not paid by the date of expiration, there shall be added a penalty as prescribed by the director pursuant to Section 11502.5.

(Amended by Stats. 2003, Ch. 741, Sec. 50. Effective January 1, 2004.)

11708. The director may refuse to grant any license and may revoke or suspend any license if the applicant or licensee:

(a) Does not have, or has not maintained at its principal office and at each branch location, a person who holds a qualified applicator license issued pursuant to Chapter 8 (commencing with Section 12201) to actively supervise all operations performed for each such location as prescribed by regulations of the director. This subdivision does not apply to businesses that are licensed only in the maintenance gardener category.

(b) Does not have, or has not maintained, adequate safe equipment and facilities to perform the operations undertaken or to be undertaken.

(c) Does not have adequately trained personnel to perform the operations undertaken or to be undertaken.

(d) Violates or permits the violation of any provision of this division and Division 7 (commencing with Section 12501) pertaining to pesticides or of any regulations adopted pursuant thereto by the director or any commissioner or any industrial safety order relating to pesticides issued by the Department of Industrial Relations.

(e) Fails to maintain and report to the director or commissioner, as required, information concerning pest control performed or authorized to be performed by the license or the registration of the commissioner.

Any hearing to deny, suspend, or revoke a license shall be heard under the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. However, if the director finds on the basis of affidavits submitted to him or her by the enforcement personnel provided in Section 11501.5, or by injured parties, that the protection of the public welfare or safety requires immediate action, the director may, without hearing, temporarily suspend or condition the license of any pest control operator and shall forthwith schedule the matter for hearing. The director may terminate the suspension of, or any condition placed upon, a license upon correction of the defects of equipment, establishment of adequate safety practices, or any other corrective action as he or she deems satisfactory to assure compliance with the requirements of statutes and regulations. In that event, the matter may proceed to hearing as though the license had not been suspended or the conditions placed upon it.

(Amended by Stats. 1993, Ch. 624, Sec. 2. Effective January 1, 1994.)

11709. A person not regularly engaged in the business of pest control that operates only in the vicinity of his or her own property and for the accommodation of his or her neighbors is not required to pay the fee specified by Section 11703, but is required to procure a license. The person shall register with the commissioner as provided in Section 11732, and is subject to all other provisions of this division. The determination of the director that a person is

engaged in the business of pest control beyond the vicinity of his or her own property or for the accommodation of others than his or her neighbors is final.

(Amended by Stats. 1983, Ch. 388, Sec. 1.)

11710. A person that is regularly engaged in the business of tree surgery is not required to procure a license to remove diseased or infested tissues or apply disinfectants to wounds or cavities incidental to tree surgery. If such person desires to engage in any other pest control operation, he shall procure a license from the director, shall register with the commissioner as provided in Section 11732, and is subject to all other provisions of this division.

(Enacted by Stats. 1967, Ch. 15.)

11711. Unless worker's compensation insurance is not required, no license may be issued or renewed under this chapter to any person who is an employer, as defined in Section 3300 of the Labor Code, unless the application is accompanied by identification and the number and expiration date of the worker's compensation insurance policy of the applicant or the applicant is a qualified self-insurer.

(Amended by Stats. 1976, Ch. 1079.)

Food and Agricultural Code (Division 6. Pest Control Operations) Licenses and Permits [11701 – 11711]

Definition:

11701. It is unlawful for a person to advertise, solicit, or operate as a pest control business, unless the person has a valid pest control business license issued by the director.

(Amended by Stats. 1996, Ch. 435, Sec. 2. Effective January 1, 1997.)

11701.5. Every principal and branch office of a business licensed pursuant to Section 11701 shall have at least one person in a supervisory position who holds a qualified applicator license issued pursuant to Chapter 8 (commencing with Section 12201). The qualified applicator license shall include the categories of pest control activities supervised by that person who is employed by that business.

(Amended by Stats. 1993, Ch. 620, Sec. 6. Effective January 1, 1994.)



California

LEGISLATIVE INFORMATION

[Home](#)[Bill Information](#)[California Law](#)[Publications](#)[Other Resources](#)[My Subscriptions](#)[My Favorites](#)Code: Section: [Up^](#)[<< Previous](#)[Next >>](#)[cross-reference chaptered bills](#)[PDF](#)[Add To My Favorites](#)**FOOD AND AGRICULTURAL CODE - FAC****DIVISION 6. PEST CONTROL OPERATIONS [11401 - 12408]** (*Heading of Division 6 amended by Stats. 1971, Ch. 1187.*)**CHAPTER 4. Pest Control [11701 - 11897]** (*Heading of Chapter 4 amended by Stats. 1993, Ch. 620, Sec. 4.*)**ARTICLE 2. Registration [11731 - 11741]** (*Article 2 enacted by Stats. 1967, Ch. 15.*)

11732. It is unlawful for any person to advertise, solicit, or operate as a pest control business in any county unless the person has registered with the commissioner for the current calendar year.

The registration shall be in the form prescribed by the commissioner and shall show all of the following information:

- (a) Name and address of the registrant.
- (b) Number and kind of units to be operated in the county.
- (c) Type of pests that are intended to be controlled.
- (d) Any other information as the commissioner may require.

(Amended by Stats. 2003, Ch. 366, Sec. 2. Effective January 1, 2004.)

Food and Agricultural Code (Division 6. Pest Control Operations) Licenses and Permits [11731 – 11741]

Definition:

11732. It is unlawful for any person to advertise, solicit, or operate as a pest control business in any county unless the person has registered with the commissioner for the current calendar year.

The registration shall be in the form prescribed by the commissioner and shall show all of the following information:

- (a) Name and address of the registrant.
- (b) Number and kind of units to be operated in the county.
- (c) Type of pests that are intended to be controlled.
- (d) Any other information as the commissioner may require.

(Amended by Stats. 2003, Ch. 366, Sec. 2. Effective January 1, 2004.)

[Home](#)[Bill Information](#)[California Law](#)[Publications](#)[Other Resources](#)[My Subscriptions](#)[My Favorites](#)Code: Section: [Up^](#)[<< Previous](#)[Next >>](#)[cross-reference chaptered bills](#)[PDF](#)[Add To My Favorites](#)**FOOD AND AGRICULTURAL CODE - FAC****DIVISION 7. AGRICULTURAL CHEMICALS, LIVESTOCK REMEDIES, AND COMMERCIAL FEEDS [12500 - 15340] (***Division 7 enacted by Stats. 1967, Ch. 15.)***CHAPTER 2. Pesticides [12751 - 13192] (Heading of Chapter 2 amended by Stats. 1996, Ch. 361, Sec. 26.)****ARTICLE 10. Recommendations and Usage [12971 - 12979] (Article 10 enacted by Stats. 1967, Ch. 15.)**

12973. The use of any pesticide shall not conflict with labeling registered pursuant to this chapter which is delivered with the pesticide or with any additional limitations applicable to the conditions of any permit issued by the director or commissioner.

(Repealed and added by Stats. 1978, Ch. 1049.)

Food and Agricultural Code (Division 7. Agricultural Chemicals, Livestock Remedies, and Commercial Feeds) Recommendations and Usage [12971 - 12979]

Definition:

12973. The use of any pesticide shall not conflict with labeling registered pursuant to this chapter which is delivered with the pesticide or with any additional limitations applicable to the conditions of any permit issued by the director or commissioner.

(Repealed and added by Stats. 1978, Ch. 1049.)

**PEST CONTROL HEADQUARTERS
INSPECTION REPORT**☒ COMPLETE
☐ PARTIAL
☐ FOLLOW-UP INSPECTION

109-34-17-W000-017

Page 1 of 2

ORIGINAL INSP. # _____

SACRAMENTO
INSPECTING COUNTY

FIRM INSPECTED CA STATE PARKS/DIV. BOATING & WATERWAYS		TELEPHONE NUMBER (916)261-8710	
FIRM MAILING ADDRESS 1 CAPITAL MALL SUITE 500, SACRAMENTO, CA 95814		BUSINESS TYPE <input checked="" type="checkbox"/> Property Operator <input type="checkbox"/> Pest Control Dealer	PERMIT / OPERATOR ID # 3400152 EXPIRES 12/30/2017
FIRM LOCATION San Joaquin County, CA		BUSINESS LICENSE # EXPIRES	
PERSON INSPECTED SOMERA, EDWARD		LICENSE NUMBER QAC-78491	CATEGORY(S) F EXPIRES 12/31/2017
Name of Handler Trainer		Name of Field Worker Trainer	Name of RPA

Employee Other REQUIREMENTS	SECTION	COMPLIANCE		
		YES	NO	N/A
1. Valid Restricted Material Permit	6412	X		
2. Notice Prior to Application	6618(b)	X		
4. Operator ID Number Obtained	6622			X
5. Site ID / Permit Kept / 2years	6623	X		
6. Pest. Use Rec. Available / 2 years	6624	X		
7. Pest. Use Reports Submitted	6626/7	X		
8. Emergency Med. Care Planned	6726/66	X		
9. Change Area	6732	X		
10. Proper Storage of PPE	6738(a)			X
11. MB - Recordkeeping	6784(b)			X
12. Haz Com/Training: Haz. Communication / Handler	6723	X		
15. Haz Com/Training: Written Program	6724(a)	X		
16. Haz Com/Training: Handler Training	6724(b-e)		X	
20. Respiratory Protection: Written Program	6739(a),(p)			X
21. Respiratory Protection: Medical Evaluation	6739(d)			X
22. Respiratory Protection: Fit Test Records	6739(e),(p)			X
23. Respiratory Protection: Respirators Inspected	6739(j)(1)			X
24. Respiratory Protection: Respirator Storage	6739(h)(4)			X
25. Respiratory Protection: Voluntary Use Display	6739(b)(2)			X
30. Pesticide Storage: Possession Permit for Stored RM	6412			X
31. Pesticide Storage: Containers Secured	6672(b)			X
32. Pesticide Storage: Storage Posted, "Warning/Danger"	6674			X
33. Pesticide Storage: Containers Labeled / Closures	6676			X
34. Pesticide Storage: Service Container Labeling	6678			X
35. Pesticide Storage: Proper Containers	6680			X
36. Pesticide Storage: Containers Properly Rinsed	6684			X

COMPLIANCE ACTIONS:

Cease and Desist Order: No

Correct Noncompliance By: 08/08/2017

Follow-up Required: Yes

REMARKS**General Remarks**

PCA recs written by Wilbur Ellis. NOIS have been submitted for Sacramento County. In 2016, only one application of 2,4,D applied. Primarily applies aquatic glyphosate products. Permit conditions very specific about phenoxy applications. A weekly notification is sent out to each marina within each county. Applies in the other following counties: Contra Costa, San Joaquin, Alameda, Stanislaus, Merced, Fresno, Yolo, Solano, Tuolumne and Madera.

PPE and pesticides stored in San Joaquin and Contra Costa Counties.

Requirement Remarks

16. Haz Com/Training: Handler Training (3CCR 6724(b-e))

**PEST CONTROL HEADQUARTERS
INSPECTION REPORT**

☒ COMPLETE
☐ PARTIAL
☐ FOLLOW-UP INSPECTION



109-34-17-W000-017

Page 2 of 2

ORIGINAL INSP. # _____

SACRAMENTO
INSPECTING COUNTY

Pesticide training has been provided to the following unlicensed applicators: John Nance, John Samerone, Anthony Suza, Kelly Wenstrom, Paul Ochoa. However, documentation was not available at the time of inspection. Email documentation to evansc@sacounty.net.

INSPECTOR (Print Name) Christina Evans	SIGNATURE 	TIME AND DATE INSPECTED 07/25/2017 10:00 AM
INSPECTION ACKNOWLEDGED BY (Print Name) Ed Somera	SIGNATURE 	DATE ACKNOWLEDGED 07/25/2017

VIOLATION NOTICE ☐ YES ☒ NO

BUSINESS/INDIVIDUAL NAME	LICENSE OR PERMIT #	ROLE
None		

FOR CAC USE

ACTION REFERENCE:
Investigation #:
DPR/WH/OTHER (Circle one)

A. Violator Information

FIRM / PERSON NAME California State Parks/Division Boating & Waterways	TELEPHONE NUMBER 916-261-8710	COUNTY NAME Sacramento
MAILING ADDRESS 1 Capitol Mall Suite 500	PERMIT/OP ID NUMBER 3400152	VIOLATION NOTICE NUMBER NOV CE090117-1
CITY Sacramento	STATE CA	ZIP CODE 95814
		VIOLATION DATE/TIME 7/25/17

B. Firm / Person Information

<input type="checkbox"/> Agricultural Pest Control Adviser	<input type="checkbox"/> Structural Pest Control Operator	<input type="checkbox"/> Private Applicator	LICENSE/ CERTIFICATE #
<input type="checkbox"/> Pest Control Business	<input type="checkbox"/> Field Representative	<input type="checkbox"/> Labor Contractor	
<input type="checkbox"/> Pest Control Aircraft Pilot	<input type="checkbox"/> Qualified Applicator Certificate	<input checked="" type="checkbox"/> Government Agency	
<input type="checkbox"/> Pest Control Dealer	<input type="checkbox"/> Qualified Applicator License	<input type="checkbox"/> Other	

C. Violation Location

ADDRESS/PROPERTY LOCATION 1 Capitol Mall Suite 500	CITY Sacramento
---	--------------------

D. Section(s) Violated

Food and Agricultural Code (FAC)	
California Code of Regulations (CCR)	6724(e)
Business and Professions Code (B&P)	
Labor Code (LC)	

E. Violation Narrative

On 7/25/17, Senior Agricultural & Standards Inspector Christina Evans performed a Headquarters and Employee Safety Inspection (109-34-17-W000-017) at CA State Parks/Div. Boating & Waterways, located at 1 Capitol Mall Suite 500. in Sacramento. During the records inspection Inspector Evans noted that employee training had been conducted for 2017; however documentation for the training was not available at the time of inspection. This is a Class C violation of the California Code of Regulations (CCR) Section 6724(e) which requires that employers retain a copy of the annual pesticide training record for two years, at a central location in the workplace. A copy of this code section is enclosed with this notice. No further action is being considered at this time. Future violations of the same class of violation will result in an agricultural civil penalty.

F. Cease and Desist

You are ordered to cease and desist:


N/A

Pursuant to Food and Agricultural Code Section: (Check one box) ☐ 11737 ☐ 11896 ☐ 11897 ☐ 13101 ☐ 13102

G. Notice

This information documents that a violation of statutes or regulations pertaining to Pesticides and Pest Control Operations or a violation of the Business and Professions Code pertaining to Structural Pest Control or a violation of the Labor Code pertaining to Farm Labor Contractors has occurred. Violations of this nature may subject the violator to further action as prescribed by law.

H. Notification Information

NOTIFIED PERSON'S PRINTED NAME Ed Somera	TITLE Responsible Person	SIGNATURE Certified Mail	DATE
The "Notified Person's Signature" (above) is not an admission of guilt or a promise to appear (citation).			
ENFORCING OFFICER'S PRINTED NAME Christina Evans	TITLE Sr.Ag & Stds Inspector	SIGNATURE 	DATE 9/1/17
ISSUING AGENCY Sacramento County Agricultural Commissioner's Office	DATE NOTICE ISSUED		
VIOLATION DELIVERED: <input checked="" type="checkbox"/> Certified Mail # <input type="checkbox"/> Fax # <input type="checkbox"/> Other <input type="checkbox"/> Regular Mail <input type="checkbox"/> In Person			
Date:			

California Code of Regulations (Title 3. Food and Agriculture)

Division 6. Pesticides and Pest Control Operations

Division 6. Pesticides and Pest Control Operations

Chapter 3. Pest Control Operations

Subchapter 3. Pesticide Worker Safety

Article 2. General Safety Requirements

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.

(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).

**PESTICIDE USE
MONITORING INSPECTION REPORT**☒ COMPLETE
☐ PARTIAL
☐ FOLLOW-UP INSPECTION

104-39-17-M03Z-008

Page 1 of 2

ORIGINAL INSP. # _____

SAN JOAQUIN
INSPECTING COUNTY

FIRM / PERSON INSPECTED CA STATE PARKS, DIVISION OF BOATING & WATERWAYS			FIRM MAILING ADDRESS ONE CAPITOL MALL, SUITE 500, SACRAMENTO, CA 95814			
PROPERTY OPERATOR CA STATE PARKS, DIVISION OF BOATING		SUPERVISOR SOMERA, EDWARD	INTERVIEWED	BUSINESS TYPE <input checked="" type="checkbox"/> Property Operator <input type="checkbox"/> Pest Control Business <input type="checkbox"/> Maintenance Gardener <input type="checkbox"/> Other		
PROPERTY LOCATION / SITE ID Off Ringe tract / 1				PERMIT / OPERATOR ID # 3400152 BUSINESS LICENSE #		
ADJACENT ENVIRONMENT <div style="display: flex; justify-content: space-around; align-items: center;"><div>N</div><div></div><div></div></div> <div style="display: flex; justify-content: space-around; align-items: center;"><div>W</div><div></div><div>E</div></div> <div style="display: flex; justify-content: space-around; align-items: center;"><div></div><div>S</div><div></div></div>			LICENSE NUMBER QAC-78491 TELEPHONE NUMBER 916-327-1916			
COMMODITY / SITE WATER AREA <div style="text-align: right;"><input type="checkbox"/> PROD AG <input checked="" type="checkbox"/> OTHER</div>						
METHOD OF APPLICATION HandHeld				WIND		
HANDLER'S NAME / # INTERVIEWED: 1			ACTIVITY			
Amber Brookins			Applicato			
Paul Ochoa			Handler			
PESTICIDE NAME / MANUFACTURER		LABEL REGISTRATION NUMBER	SIGNAL WORD	FORMULATION	RATE	DILUTION
NUFARM WEEDAR 64 BROADLEAF HERBICIDE NUFARM, INC.		71368-1-ZC	DANGER (ONLY)	LIQUID CONCENTRATE	64 Ounces per 1 Acres	100 Gallons
AGRI-DEX HELENA CHEMICAL COMPANY		5905-50094-AA	WARNING	EMULSIFIABLE CONCENTRATE	1 Quarts per 1 Acres	100 Gallons

Application

REQUIREMENTS	SECTION	COMPLIANCE		
		YES	NO	N/A
1. PCB Licensed	11701			X
2. PCB Registered in County	11732			X
3. Labeling Available at Use Site	6602	X		
4. Notice of Intent	6434			X
5. Certified Applicator Sup RM	6406			X
6. Complies w/Permit Conditions	12973	X		
7. Labeling - Site/Rate/Other	12973	X		
8. Labeling - PPE	12973	X		
9. Regulations - PPE	6738	X		
10. Respiratory Protection	6739			X
11. Coveralls, "Warning / Danger"	6738.1(e)	X		
12. Handler(s) Trained	6724	X		
13. Emergency Med. Care Posting	6726	X		
14. Employee Working Alone, "Danger"	6730			X
15. Decontamination Facility	6734	X		
16. Eyewash Immed. Available - Prod. Ag.	6734(b)			X
17. Field Postings	6776			X
18. Safe Equipment	6742	X		
19. Closed Sys. Used	6746(a)			X
20. Protect. Of Persons/Animals/Property	6614	X		
21. Equipment Registered - PCB	11732			X

**STATE WATER RESOURCES CONTROL BOARD
WATER QUALITY ORDER NO. 2013-0032-DWQ**

**AMENDING
STATE WATER RESOURCES CONTROL BOARD
WATER QUALITY ORDER 2004-0009-DWQ, STATEWIDE GENERAL NATIONAL
POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR THE DISCHARGE OF
AQUATIC PESTICIDES FOR AQUATIC WEED CONTROL IN WATERS OF THE UNITED
STATES, GENERAL PERMIT NO. CAG990005**

Order 2004-0009-DWQ was adopted by the State Water Board on:	May 20, 2004
This Order, which amends Order 2004-0009-DWQ, was adopted by the State Water Board on:	June 4, 2013
This Order became effective on:	June 4, 2013

IT IS HEREBY ORDERED that this Order amends Order 2004-0009-DWQ. Additions to Order 2004-0009-DWQ are reflected in **bold-underline** text. Removal of the text is reflected in **~~bold strike-out~~** text.

IT IS FURTHER ORDERED that staff is directed to post a conformed copy of Order 2004-0009-DWQ incorporating the amendments made by this Order.


I, Jeanine Townsend, Clerk to the Board, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the State Water Resources Control Board (State Water Board), on **June 4, 2013**.

AYE: Chair Felicia Marcus
Vice Chair Frances Spivy-Weber
Board Member Tam M. Doduc
Board Member Steven Moore
Board Member Dorene D'Adamo

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board

Fact Sheet, page 7, Permit Coverage/Notification Requirements, first and second paragraphs:

This General Permit addresses the discharge of aquatic pesticides related to the application of 2,4-D, acrolein, copper, diquat, endothall, fluridone, glyphosate, **imazamox**, imazapyr, sodium carbonate peroxyhydrate, and triclopyr-based aquatic pesticides to surface waters for the control of aquatic weeds. Aquatic pesticides that are applied to application areas^{FN} within waters of the United States in accordance with FIFRA label requirements and Use Permit restrictions are not considered pollutants. However, pollutants associated with aquatic pesticide application require coverage under this General Permit. These include over-applied or misdirected pesticide products and pesticide residues. Residues are any pesticide byproduct, or breakdown product, or pesticide product that is present after the use of the pesticide to kill or control the target weed.

This General Permit does not cover agricultural storm water discharges or return flows from irrigated agriculture because these discharges are not defined as “point sources” and do not require coverage under an NPDES permit. This General Permit also does not cover other indirect or nonpoint source discharges from applications of pesticides, including discharges of pesticides to land that may be conveyed in storm water or irrigation runoff. This General Permit does not cover the discharge of pollutants related to applications of pesticides other than 2,4-D, acrolein, copper, diquat, endothall, fluridone, glyphosate, **imazamox**, imazapyr, sodium carbonate peroxyhydrate, and triclopyr based pesticides; however, this General Permit includes a re-opener statement specifying that the permit may be reopened for the specific purpose of modifying the list of pesticides whose associated discharge is authorized by this General Permit.

Fact Sheet, page 15, insert the following paragraphs between “Glyphosate” and “Imazapyr”:

Imazamox

Imazamox is a derivative of the active ingredient, ammonium salt of imazamox for the aquatic herbicide Clearcast, which DPR registered for use in California in October 2012. It is labeled for application to water to control emergent, submerged and floating aquatic plants.

Imazamox is an herbicide that inhibits an enzyme in aquatic plants that is essential for the synthesis of three-branched chain amino acids.

Staff obtained toxicity data for imazamox from the United States Environmental Protection Agency (U.S. EPA) Ecotoxicity Database to assess its toxicity to freshwater aquatic life. However, the U.S. EPA Ecotoxicity Database contains toxicity data only for imazamox, but not for its salt. The table below summarizes the toxicity data for imazamox.

<u>Type of Organism</u>	<u>Study Length</u>	<u>Study Date</u>	<u>LC50* (mg/L)</u>
<u>Mysid</u>	<u>96 hours</u>	<u>1998</u>	<u>> 100</u>
		<u>1998</u>	<u>> 94.3</u>
<u>Bluegill sunfish</u>	<u>96 hours</u>	<u>1994</u>	<u>> 119</u>
<u>Rainbow trout</u>	<u>96 hours</u>	<u>1994</u>	<u>> 122</u>
<u>Sheephead minnow</u>	<u>96 hours</u>	<u>1998</u>	<u>> 94.2</u>
		<u>1998</u>	<u>> 94.2</u>

*** Lethal Concentration at 50 percent of the test species**

Due to the absence of ambient water quality criteria for imazamox and its low toxicity to aquatic life as indicated in the U.S. EPA Ecotoxicity Database, this order does not include a receiving water limitation, receiving water monitoring trigger, or a monitoring requirement for imazamox.

Permit page 2, add new Finding 15 and renumber subsequent paragraphs:

On October 23, 2012, DPR registered imazamox for aquatic application. On June 4, 2013, this General Permit was modified to allow the discharge of pollutants associated with the application of imazamox-based aquatic pesticides to surface waters for aquatic weed control.

Permit page 7, Section A. Application Requirements:

In order to obtain coverage, the discharger must submit the following to the appropriate Regional Water Board(s)^{FN}. Dischargers that apply 2,4-D, acrolein, copper, diquat, endothall, fluridone, glyphosate, **imazamox**, imazapyr, sodium carbonate peroxyhydrate, and triclopyr – based aquatic pesticides to waters of the United States are eligible for coverage under this General Permit provided:

STATE WATER RESOURCES CONTROL BOARD

1001 I Street, Sacramento, California 95814

http://www.waterboards.ca.gov/water_issues/programs/npdes/aquatic.shtml

WATER QUALITY ORDER NO. 2013-0002-DWQ GENERAL PERMIT NO. CAG990005

STATEWIDE GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR RESIDUAL AQUATIC PESTICIDE DISCHARGES TO WATERS OF THE UNITED STATES FROM ALGAE AND AQUATIC WEED CONTROL APPLICATIONS

The following Dischargers may apply for coverage under this General Permit in compliance with the waste discharge requirements as set forth in this General Permit:

Table 1. Discharger Information

Dischargers	Any entity that discharges residual algaecides and aquatic herbicide and their degradation byproducts to waters of the United States* from algae and aquatic weed control applications.
--------------------	---

Table 2. Administrative Information

This General Permit was adopted by the State Water Resources Control Board (hereinafter State Water Board) on:	March 5, 2013
This General Permit shall become effective on:	December 1, 2013
This General Permit shall expire on:	November 30, 2018
The U.S. Environmental Protection Agency (U.S. EPA) and the State Water Board have classified this discharge as a minor discharge.	


I, Jeanine Townsend, Clerk to the Board, do hereby certify that this General Permit with all attachments is a full, true, and correct copy of the General Permit adopted by the State Water Board on March 5, 2013.

AYE: Vice Chair Frances Spivy-Weber
Board Member Tam M. Doduc
Board Member Steven Moore
Board Member Felicia Marcus

NAY: None

ABSENT: None

ABSTAIN: Chairman Charles R. Hoppin



Jeanine Townsend
Clerk to the Board

Table of Contents

I.	Discharge Information	3
II.	Permit Coverage and Application Requirements	3
	A. General Permit Coverage	3
	B. Discharger	4
	C. General Permit Application	4
	D. Fees.....	5
	E. Terminating Coverage	5
III.	Findings.....	5
IV.	Discharge Prohibitions.....	6
V.	Effluent Limitations	6
VI.	Receiving Water Limitations	6
VII.	Receiving Water Monitoring Triggers	8
VIII.	Aquatic Pesticide Use Requirements	8
	A. Application Schedule	8
	B. Public Notice Requirements.....	9
	C. Aquatic Pesticides Application Plan (APAP)	9
	D. APAP Processing, Approval, and Modifications.....	11
	E. Algaecide and Aquatic Herbicide Application Log.....	11
IX.	Provisions	12
	A. Standard Provisions.....	12
	B. Monitoring and Reporting Program Requirements.....	13
	C. Special Provisions	13
X.	Compliance Determination	17

List of Tables

Table 1.	Discharger Information	1
Table 2.	Administrative Information	1
Table 3.	Receiving Water Limitations	7
Table 4.	Receiving Water Monitoring Triggers.....	8

List of Attachments

Attachment A – Definitions	A-1
Attachment B – Standard Provisions	B-1
Attachment C – Monitoring and Reporting Program	C-1
Attachment D – Fact Sheet.....	D-1
Attachment E – Notice of Intent	E-1
Attachment F – Notice of Termination	F-1
Attachment G – Exception List	G-1

I. DISCHARGE INFORMATION

Pesticide formulations may include “active ingredients”^{*} and “inert ingredients.”^{*} Adjuvants^{*} or surfactants may be added to the ingredients in the application equipment used in delivery of the pesticide. As part of the registration process of pesticides for use in California, U.S. EPA and the California Department of Pesticide Regulation (DPR) evaluate data submitted by registrants to ensure that a product used according to label instructions will cause no harm or adverse impact on non-target organisms that cannot be reduced or mitigated with protective measures or use restrictions. The Clean Water Act (CWA) section 301(a) broadly prohibits the discharge of any pollutant to waters of the United States, except in compliance with an NPDES permit. Residual pesticides^{*} discharged into surface waters constitute pollutants within the meaning of the CWA even if the discharge is in compliance with the registration requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Therefore, coverage under an NPDES permit is required.

The discharge of algaecides and aquatic herbicides and their residues to surface waters for algae and aquatic weed control throughout the State of California may pose a threat to existing and potential beneficial uses of waters of the United States if not properly controlled and regulated.

This General Permit regulates the discharge of aquatic pesticides^{*} (algaecides and aquatic herbicides) used for algae and aquatic weed control to waters of the United States. These are algaecides and aquatic herbicides with registration labels that explicitly allow direct application to water bodies.

II. PERMIT COVERAGE AND APPLICATION REQUIREMENTS

A. General Permit Coverage

Except for discharges on tribal lands that are regulated by a federal permit, this General Permit covers the point source^{*} discharge to waters of the United States of residues resulting from pesticide applications using products containing 2,4-D, acrolein, copper, diquat, endothall, fluridone, glyphosate, imazamox, imazapyr, penoxsulam, sodium carbonate peroxyhydrate, and triclopyr-based algaecides and aquatic herbicides, and adjuvants containing ingredients represented by the surrogate nonylphenol. This General Permit covers only discharges of algaecides, and aquatic herbicides that are currently registered for use in California, or that become registered for use and contain the above-listed active ingredients and ingredients represented by the surrogate of nonylphenol.

^{*} An asterisk means the term is defined in Attachment A. This applies to all sections of this General permit.

This General Permit does not cover agricultural storm water discharges or return flows from irrigated agriculture because these discharges are not defined as “point sources” and do not require coverage under an NPDES permit. This General Permit also does not cover other indirect or nonpoint source discharges from applications of algaecides and aquatic herbicides, including discharges of pesticides to land that may be conveyed in storm water or irrigation runoff.

As shown in Table 1, this General Permit becomes effective on December 1, 2013. To obtain coverage under this General Permit on or after that date, Dischargers must submit their application for coverage as set forth in Section II.C below, at least 90 days prior to their first pesticide application.

B. Discharger

A Discharger under this General Permit includes any entity involved in the application of algaecides and aquatic herbicides that results in a discharge of algaecides and aquatic herbicides and their residues and degradation byproducts to waters of the United States, and meets either or both of the following two criteria:

The entity has control over the financing for or the decision to perform algaecide and aquatic herbicide applications that result in discharges, including the ability to modify those decisions; or

The entity has day-to-day control of algaecide and aquatic herbicide applications or performs activities that are necessary to ensure compliance with this General Permit. For example, the entity is authorized to direct workers to carry out activities required by this General Permit or perform such activities themselves.

C. General Permit Application

To obtain authorization under this General Permit, Dischargers must submit to the State Water Board a complete application that consists of the following:

1. A Notice of Intent (NOI) shown as Attachment E, signed in accordance with the signatory requirements of the Standard Provisions in Attachment B;
2. An application fee. A fee is required only for new Dischargers. Dischargers enrolled under Order No. 2004-0009-DWQ and applying for coverage under this Permit will be billed during the regular billing cycle; and
3. An Aquatic Pesticide* Application Plan (APAP).

Within 90 days of receipt of an application, the State Water Board's Deputy Director of the Division of Water Quality (Deputy Director) will either issue a Notice of Applicability (NOA) or deny the application. The NOA will specify the permitted algaecide and aquatic herbicide active ingredients that may be used, and any region-specific conditions and requirements not stated in this General Permit. Any such region-specific conditions and requirements shall be enforceable. The Discharger is authorized to discharge starting on the date of the NOA.

Alternatively, the Deputy Director or a Regional Water Board Executive Officer may issue a Notice of Exclusion (NOE),¹ which either terminates the permit coverage or requires submittal of an application for an individual permit or alternative general permit.

D. Fees

The fee for enrollment under this General Permit shall be based on section 2200(b)(9) category 3 of title 23, California Code of Regulations, which is available at http://www.waterboards.ca.gov/resources/fees/docs/fy1112fee_schdl_npdes_prmt.pdf and is payable to the State Water Board.

E. Terminating Coverage

To terminate permit coverage, a Discharger must submit a complete and accurate Notice of Termination (NOT) provided in Attachment F. The Discharger's authorization to discharge under this General Permit terminates on the day of the coverage termination letter issued by the Deputy Director. Prior to the termination effective date, the Discharger is subject to the terms and conditions of this General Permit and is responsible for submitting the annual fee and all reports associated with this General Permit.

A Discharger must submit an NOT when one of the following conditions occurs:

1. A new operator has taken over responsibility of the Discharger's algae or aquatic weed control activities covered under an existing NOA;
2. The Discharger has ceased all discharges from the application of algaecides and aquatic herbicide for which it obtained General Permit coverage and does not expect to discharge during the remainder of this General Permit term; or
3. The Discharger has obtained coverage under an individual permit or an alternative general permit for all discharges required to be covered by an NPDES permit.

III. FINDINGS

The Fact Sheet (Attachment D), which contains the background information and rationale for the requirements in this General Permit, is hereby incorporated into this General Permit and constitutes its findings. All other attachments (A, B, C, and E through G) are also incorporated into this General Permit.

¹ An NOE is a one-page notice that indicates and justifies why the Discharger or proposed Discharger is not eligible for coverage under this General Permit and states the reason why. This justification can include, but is not limited to, necessity to comply with a total maximum daily load or to protect sensitive water bodies. The NOE can also indicate that the coverage is denied if feasible alternatives to the selected pesticide application project are not analyzed.

THEREFORE, IT IS HEREBY ORDERED that this General Permit supersedes Order No. 2004-0009-DWQ except for enforcement purposes, and in order to meet the provisions contained in division 7 of the Water Code (commencing with §13000) and regulations adopted thereunder, and the provisions of the CWA and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order.

IV. DISCHARGE PROHIBITIONS

- A. The discharge of residual algaecides and aquatic herbicides in a manner different from that described in this General Permit is prohibited.
- B. The discharge of residual algaecides and aquatic herbicides shall not create a nuisance as defined in section 13050 of the California Water Code.
- C. The discharge shall not cause, have a reasonable potential to cause, or contribute to an in-stream excursion above any applicable standard or criterion promulgated by U.S. EPA pursuant to section 303 of the CWA, or water quality objective adopted by the State or Regional Water Boards.
- D. All pesticides are prohibited from the waters of the Lahontan Region (Region 6). The use of this permit is invalid in the Lahontan Region unless the discharger has requested a prohibition exemption from the Lahontan Water Board and the Lahontan Water Board has granted an exemption for the use of algaecides or aquatic herbicides.

V. EFFLUENT LIMITATIONS

- A. The discharge of residual algaecides and aquatic herbicides must meet applicable water quality standards; and
- B. Dischargers shall implement Best Management Practices (BMPs) when applying aquatic algaecides and aquatic herbicides. The BMPs must be provided in the APAP which is described in Section VIII.C below.

VI. RECEIVING WATER LIMITATIONS

The discharge shall not result in any of the following:

- A. The discharge of residual algaecides and aquatic herbicides shall not cause or contribute to an exceedance of the following limitations in the receiving water:*

Table 3. Receiving Water Limitations

Constituent/ Parameter	BENEFICIAL USE ¹				Basis
	MUN, µg/L	WARM or COLD, µg/L	Other than MUN, WARM, or COLD, µg/L	All Designations	
2,4-D	70				U.S. EPA MCL
Acrolein ²	320	21	780		U.S. EPA Water Quality Criteria, 1986.
Copper ²				Dissolved Freshwater ³ Copper Chronic = $0.960\exp\{0.8545[\ln(\text{hardness}^4)] - 1.702\}$ ^{5,6} Dissolved saltwater ³ Copper Chronic = $0.83\exp\{0.8545[\ln(\text{hardness}^4)] - 1.702\}$ ^{5,6}	California Toxics Rule
Diquat	20				U.S. EPA MCL
Endothall	100				U.S. EPA MCL
Fluridone	560				U.S. EPA Integrated Risk Information System
Glyphosate	700				U.S. EPA MCL
Nonylphenol				Freshwater Chronic Criterion = 6.6 µg/L Saltwater Chronic Criterion = 1.7 µg/L	U.S. EPA National Recommended Ambient Water Quality Criteria
Toxicity	Algaecide and aquatic herbicide applications shall not cause or contribute to toxicity in receiving water(s).				Regional Water Boards' Basin Plans

Notes:

1. See Regional Water Boards' Water Quality Control Plans (Basin Plans) for beneficial use definitions.
2. Public entities and mutual water companies* listed in Attachment G are not required to meet these limitations in receiving waters during the exception period described in the APAP and Section VIII.C.10 below.
3. For waters in which the salinity is equal to or less than 1 part per thousand 95% or more of the time, the freshwater criteria apply. For waters in which the salinity is equal to or greater than 10 parts per thousand 95% or more of the time, saltwater criteria apply. For waters in which the salinity is between 1 and 10 parts per thousand, the applicable criteria are the more stringent of the freshwater or saltwater criteria.
4. For freshwater aquatic life criteria, waters with a hardness 400 mg/L or less as calcium carbonate, the actual ambient hardness of surface water shall be used. For waters with a hardness of over 400 mg/L as calcium carbonate, a hardness of 400 mg/L as calcium carbonate shall be used with a default Water-Effect Ratio of 1.
5. Values should be rounded to two significant figures.
6. This limitation does not apply to the Sacramento River and its tributaries above the State Highway 32 Bridge at Hamilton City. See Table III-1 of the Basin Plan for the Sacramento and San Joaquin River Basins for copper limitation.

B. Dissolved Oxygen. Dissolved oxygen to be below the Regional Water Board Basin Plans' dissolved oxygen objectives for the receiving water.

C. Floating Material. Floating material to be present in the amounts that cause nuisance or adversely affect beneficial uses.

- D. **Settleable Substances.** Settleable substances to be present in concentrations that result in the deposition of material that causes nuisance or adversely affects beneficial uses.
- E. **Suspended Material.** Suspended material to be present in concentrations that cause nuisance or adversely affect beneficial uses.
- F. **Taste and Odors.** Taste- or odor-producing substances to be present in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin, or that cause nuisance, or otherwise adversely affect beneficial uses or domestic or municipal water supplies.
- G. **Toxic Pollutants.** Toxic pollutants to be present in the water column, sediments, or biota in concentrations that adversely affect beneficial uses; that produce detrimental response in human, plant, animal, or aquatic life; or that bioaccumulate in aquatic resources at levels which are harmful to human health.
- H. **Color.** Esthetically undesirable discoloration.
- I. **Aquatic Communities.** Aquatic communities and populations, including vertebrates, invertebrates, and non-target plant species to be degraded.

VII. RECEIVING WATER MONITORING TRIGGERS

In the absence of Receiving Water Limitations, the Receiving Water Monitoring Triggers shown in Table 4 below will be used to assess compliance with the narrative receiving water toxicity limitation. However, exceeding the monitoring trigger does not constitute a violation of this General Permit as long as the Discharger performs the following actions: (1) initiates additional investigations for the cause of the exceedance; (2) implements additional BMPs to reduce the algaecide and aquatic herbicide residue concentration to be below the monitoring triggers in future applications; and (3) evaluates the appropriateness of using alternative products.

Table 4. Receiving Water Monitoring Triggers

Ingredient	Unit	Instantaneous Maximum Monitoring Trigger	Basis
Imazapyr	mg/L	11.2	U.S. EPA Office of Pesticides <i>Ecotoxicity Database</i>
Triclopyr Triethylamine	mg/L	13.0	U.S. EPA Office of Pesticides <i>Ecotoxicity Database</i>

VIII. AQUATIC PESTICIDE USE REQUIREMENTS

A. Application Schedule

The Discharger shall provide a phone number or other specific contact information to all persons who request the Discharger's application schedule. The Discharger shall provide the requester with the most current application schedule and inform the requester if the schedule is subject to change. Information may be made available by electronic means, including posting prominently on a well-known website.

B. Public Notice Requirements

Every calendar year, at least 15 days prior to the first application of algaecide or aquatic herbicide, the Discharger shall notify potentially affected public agencies. The Discharger shall post the notification on its website if available. The notification shall include the following information:

1. A statement of the discharger's intent to apply algaecide or aquatic herbicide(s);
2. Name of algaecide and aquatic herbicide(s);
3. Purpose of use;
4. General time period and locations of expected use;
5. Any water use restrictions or precautions during treatment; and
6. A phone number that interested persons may call to obtain additional information from the Discharger.

C. Aquatic Pesticides Application Plan (APAP)

Dischargers shall submit an APAP at least 90 days before the expected day of permit coverage. The APAP shall contain, but not be limited to, the following elements sufficient to address each proposed treatment area:*

1. Description of the water system to which algaecides and aquatic herbicides are being applied;
2. Description of the treatment area in the water system;
3. Description of types of weed(s) and algae that are being controlled and why;
4. Algaecide and aquatic herbicide products or types of algaecides and aquatic herbicides expected to be used and if known their degradation byproducts, the method in which they are applied, and if applicable, the adjuvants and surfactants used;
5. Discussion of the factors influencing the decision to select algaecide and aquatic herbicide applications for algae and weed control;
6. If applicable, list the gates or control structures to be used to control the extent of receiving waters potentially affected by algaecide and aquatic herbicide application and provide an inspection schedule of those gates or control structures to ensure they are not leaking;
7. If the Discharger has been granted a short-term or seasonal exception under *State Water Board Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays,* and Estuaries of California* (Policy) section 5.3 from meeting acrolein and copper receiving water limitations, provide the beginning and ending dates of the exception period, and justification for the needed time for the exception. If algaecide and aquatic herbicide applications occur outside of the exception period, describe plans to ensure that receiving water criteria are not exceeded because the Dischargers must comply with the

acrolein and copper receiving water limitations for all applications that occur outside of the exception period;

8. Description of monitoring program;
9. Description of procedures used to prevent sample contamination from persons, equipment, and vehicles associated with algaecide and aquatic herbicide application;
10. Description of the BMPs to be implemented. The BMPs shall include, at the minimum:
 - a. Measures to prevent algaecide and aquatic herbicide spill and for spill containment during the event of a spill;
 - b. Measures to ensure that only an appropriate rate of application consistent with product label requirements is applied for the targeted weeds or algae;
 - c. The Discharger's plan in educating its staff and algaecide and aquatic herbicide applicators on how to avoid any potential adverse effects* from the algaecide and aquatic herbicide applications;
 - d. Discussion on planning and coordination with nearby farmers and agencies with water rights diversion so that beneficial uses of the water (irrigation, drinking water supply, domestic stock water, etc.) are not impacted during the treatment period; and
 - e. A description of measures that will be used for preventing fish kill when algaecides and aquatic herbicides will be used for algae and aquatic weed controls.
11. Examination of Possible Alternatives. Dischargers should examine the alternatives to algaecide and aquatic herbicide use to reduce the need for applying algaecides and herbicides. Such methods include:
 - a. Evaluating the following management options, in which the impact to water quality, impact to non-target organisms including plants, algaecide and aquatic herbicide resistance, feasibility, and cost effectiveness should be considered:
 - i. No action;
 - ii. Prevention;
 - iii. Mechanical or physical methods;
 - iv. Cultural methods;
 - v. Biological control agents; and
 - vi. Algaecides and aquatic herbicides;

If there are no alternatives to algaecides and aquatic herbicides, Dischargers shall use the minimum amount of algaecides and aquatic herbicides that is necessary to have an effective control program and is consistent with the algaecide and aquatic herbicide product label requirements.

- b. Using the least intrusive method of algaecide and aquatic herbicide application; and
- c. Applying a decision matrix concept to the choice of the most appropriate formulation.

D. APAP Processing, Approval, and Modifications

Upon receipt of an APAP, staff will post it on the State Water Board's website for a 30-day public comment period² and will distribute a notice via the State Water Board's Lyris list that an APAP has been posted. Staff will coordinate with Regional Water Board staff in reviewing the application package for completeness and applicability to this General Permit. If no comments are received and State and Regional Water Board staff deem the APAP complete, the Deputy Director will issue an NOA within five (5) working days of closure of the comment period. If comments are received, staff will work with Regional Water Board staff and the Discharger to address the comments to allow the Deputy Director to issue an NOA as expeditiously as possible. Permit coverage will begin when the Discharger receives the NOA.

Major changes to the APAP shall be submitted to the Deputy Director for approval. Examples of major changes include using a different product other than what is specified in the APAP, changing an application method that may result in different amounts of pesticides being applied, or adding or deleting BMPs.

E. Algaecide and Aquatic Herbicide Application Log

The Discharger shall maintain a log for each algaecide and aquatic herbicide application. The application log shall contain, at a minimum, the following information:

1. Date of application;
2. Location of application;
3. Name of applicator;
4. Type and amount of algaecide and aquatic herbicide used;
5. Application details, such as flow and level of water body, time application started and stopped, algaecide and aquatic herbicide application rate and concentration;
6. Visual monitoring assessment; and
7. Certification that applicator(s) followed the APAP.

² See *Waterkeeper Alliance, Inc. v. EPA*, 399 F.3d 486 (2nd Cir. 2005).

IX. PROVISIONS

A. Standard Provisions

1. All Dischargers authorized to discharge under this General Permit shall comply with the Federal Standard Provisions included in Attachment B of this General Permit.
2. This General Permit does not authorize the discharge of residual algaecides and aquatic herbicides or their degradation byproducts to waters of the United States that are impaired by the active ingredient of the algaecides and herbicides used. Impaired waters are those waters not meeting water quality standards pursuant to section 303(d) of the CWA. California impaired waters are listed on:
http://www.waterboards.ca.gov/water_issues/programs/tmdl/2010state_ir_reports/2010_combo303d.xls.
3. This General Permit does not authorize any take of endangered species. The discharge is prohibited from adversely impacting biologically sensitive or critical habitats, including, but not limited to, habitat of species listed under federal or state endangered species laws. To ensure that endangered species issues are raised to the responsible agencies, the State Water Board has notified the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the California Department of Fish and Wildlife of this General Permit.
4. The State Water Board may use this General Permit to regulate the discharge of algaecides and aquatic herbicides and their residues to a surface water classified as Outstanding National Resource Waters or as a water body impaired by unknown toxicity only after the following conditions are satisfied: (1) the proposed project will comply with the limitations and discharge requirements specified in the General Permit; and (2) if required, the proposed algaecide and aquatic herbicide application qualifies for and has been granted a Basin Plan prohibition exception prior to discharge. The two bodies of water that are classified as Outstanding National Resource Waters in California are Lake Tahoe and Mono Lake.
5. The Discharger must follow all FIFRA pesticide label instructions and any Restricted Material Use Permits issued by a County Agricultural Commissioner.
6. All adjuvants used with the algaecides and aquatic herbicides must be labeled for aquatic use.
7. The Discharger must comply with effluent and receiving water limitations and must develop and implement an APAP.
8. To reduce the potential impacts to water quality, Dischargers shall implement the feasible alternatives to algaecide and aquatic herbicide use that are identified in the APAP.
9. All Dischargers authorized to discharge under this General Permit shall comply with discharge prohibitions and other requirements contained in Basin Plans, as implemented by the State and the nine Regional Water Boards.

10. All Dischargers authorized to discharge under this General Permit shall comply with the following provisions:
- a. After notice and opportunity for a hearing, this General Permit may be terminated or modified for cause, including, but not limited to:
 - i. Violation of any term or condition contained in this General Permit;
 - ii. Obtaining this General Permit by misrepresentation or by failing to disclose fully all relevant facts;
 - iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; and
 - iv. A material change in the character, location, or volume of discharge (if applicable).
 - b. The provisions of this General Permit are severable. If any provision of this General Permit is found invalid, the remainder of this General Permit shall not be affected.
 - c. The Discharger shall maintain a copy of this General Permit and make it available at all times to operating personnel. Key operating personnel shall be familiar with its content.
 - d. Laboratories that perform sample analyses must be identified in all monitoring reports submitted to the State and Regional Water Boards.
 - e. All monitoring and analysis instruments and devices used by the Discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated based on manufacturer's recommendations to ensure their continued accuracy.
 - f. Each Discharger shall file with the State Water Board and the appropriate Regional Water Board technical reports on self monitoring* performed according to the detailed specifications contained in the Monitoring and Reporting Program attached to this General Permit.
 - g. The State and Regional Water Board are authorized to enforce the terms of this General Permit under provisions of the California Water Code, including, but not limited to, sections 13385, 13386, and 13387.

B. Monitoring and Reporting Program Requirements

The Discharger shall comply with the Monitoring and Reporting Program, and future revisions thereto, in Attachment C of this General Permit.

C. Special Provisions

1. Reopener Provisions

This General Permit may be reopened for modification and reissuance in accordance with the provisions contained in title 40 Code Federal Regulation (40 C.F.R.) section 122.62, and for the following reasons:

- a. **Addition to the Public Entity List.** This General Permit may be reopened to modify Attachment G if any additional entity becomes qualified for a Policy section 5.3 exception.
- b. **Addition of Aquatic Pesticide Active Ingredients.** This General Permit may be reopened to add additional algaecide and aquatic herbicide active ingredients if new active ingredients are registered by U.S. EPA and DPR.
- c. **Acute and Chronic Toxicity.** If the State Water Board revises the Policy toxicity control provisions that would require new implementation procedures including the establishment of numeric chronic toxicity limitations, this General Permit may be reopened to include numeric acute and/or chronic toxicity receiving water limitations based on the new provisions.
- d. **Receiving Water Limitations.** This General Permit may be reopened to add numeric Receiving Water Limitations for the residual algaecide and aquatic herbicides* exceeding the triggers if the additional investigation results show necessary.
- e. **Endangered Species Act.** If U.S. EPA develops biological opinions regarding algaecides and aquatic herbicides included in this General Permit, this General Permit may be re-opened to add or modify Receiving Water Limitations/Monitoring Triggers for aquatic herbicides and algaecides and their residues of concern, if necessary.

2. **Change of Discharger**

In the event of any change in the Discharger that has obtained coverage under this General Permit, the previous Discharger shall notify the new Discharger of the existence of this General Permit by letter. A copy of the letter shall be immediately forwarded to the Deputy Director. After receipt of the letter, the Deputy Director will terminate the permit coverage to the previous Discharger. The new Discharger shall complete and submit to the Deputy Director a revised NOI form (Attachment E), and any revisions to the APAP prepared by the previous control entity or a new APAP.

3. **Application Package**

Dischargers who seek coverage under this General Permit shall file a complete application package at least 90 days before the expected date of algaecide and aquatic herbicide application. The application package shall include an NOI, APAP, and application fee. Enrolled Dischargers will be billed annually thereafter.

4. **Special Studies, Technical Reports, and Additional Monitoring Requirements**

a. **Additional Investigation**

Each Discharger must conduct additional investigations when the chemical monitoring shows exceedance of any receiving water limitation or monitoring trigger. The additional investigations shall identify corrective actions to

eliminate exceedance of receiving water limitations or monitoring triggers caused by the algaecide and aquatic herbicide application. The investigation shall include, but not be limited to evaluating the need to implement one or more of the following actions: revising and improving the existing BMPs, revising the mode of application, using less toxic algaecide and aquatic herbicide products, or selecting alternative methods for algae and aquatic weed control.

b. Qualified Biologist Certification Following Project Completion

Upon completion of an algaecide and aquatic herbicide project, public entities and mutual water companies listed in Attachment G of this General Permit shall provide certification by a qualified biologist* that beneficial uses of receiving waters have been restored.

5. Corrective Action

a. Exceedance of Receiving Water Limitations or Monitoring Triggers.

If a Receiving Water Limitation in Table 3 or a Monitoring Trigger in Table 4 is exceeded in the Event or Post-Event sample, the Discharger shall perform the following actions: (1) initiate additional investigations for the cause of the exceedance, (2) implement appropriate BMPs to reduce the algaecide and aquatic herbicide concentration to be below the applicable receiving water limitation or monitoring triggers in future applications, and (3) evaluate the appropriateness of using alternative products.

b. Revision of Control Measures.

If any of the following situations occur, the Discharger must review and, as necessary, revise the evaluation and selection of the control measures to ensure that the situation is eliminated and will not be repeated in the future:

- i. An unauthorized release or discharge associated with the application of algaecides and aquatic herbicides (e.g., spill, leak, or discharge not authorized by this or another NPDES permit) occurs;
- ii. The Discharger becomes aware, or the State Water Board concludes, that the control measures are not adequate/sufficient for the discharge to meet applicable water quality standards;
- iii. Any monitoring activities indicate that the Discharger failed to:
 - a) Follow the label instructions for the product used;
 - b) Use the minimum amount of algaecide and aquatic herbicide product per application and optimum frequency of algaecide and aquatic herbicide applications that are necessary for an effective control program consistent with reducing the potential for development of resistance and the algaecide and aquatic herbicide product label requirements;
 - c) Perform regular maintenance activities to reduce leaks, spills, or other unintended discharges of algaecides and aquatic herbicides

associated with the application of algaecides and aquatic herbicides covered under this General Permit; or

- d) Maintain algaecide and aquatic herbicide application equipment in proper operating condition by adhering to any manufacturer's conditions and industry practices, and by calibrating, cleaning, and repairing such equipment on a regular basis to ensure effective algaecide and aquatic herbicide application and algae and aquatic weed control. The Discharger must ensure that the equipment's rate of algaecide and aquatic herbicide application is calibrated to deliver the minimum quantity of algaecides and aquatic herbicides that is needed to have an effective control program and is consistent with the algaecide and aquatic herbicide product label requirements.

c. Corrective Action Deadlines

If the Discharger determines that changes to the control measures are necessary to eliminate any situation identified above, the Discharger shall make such changes within 60 days. The Discharger shall take the corrective action before any further discharge of the algaecides and aquatic herbicides and their residues will be allowed.

d. Effect of Corrective Action

The occurrence of a situation identified in Section C.5.b above may constitute a violation of this General Permit. Correcting the situation according to Corrective Action Section C.5.c above does not absolve the Discharger of liability for any original violation. However, failure to comply with any Corrective Action as required by Section C.5.c above constitutes an additional permit violation. The State and Regional Water Boards will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

The State Water Board and the appropriate Regional Water Boards may impose additional requirements and schedules of compliance, including requirements to submit additional information concerning the condition(s) triggering corrective action or schedules and requirements more stringent than specified in this General Permit. Those requirements and schedules will supersede those in the Corrective Action Section above if such requirements conflict.

6. Adverse Incident to Threatened or Endangered Species or Critical Habitat

If the Discharger becomes aware of an adverse incident* to a federally-listed threatened or endangered species or its federally-designated critical habitat, that may have resulted from the Discharger's algaecides and aquatic herbicides application, the Discharger must immediately notify the National Marine Fisheries Service (NMFS) Santa Rosa office by phone at (707) 575-6050 in the case of an anadromous or marine species, or the U.S. Fish and Wildlife Service (FWS) at (916) 414-6600 in the case of a terrestrial or freshwater species. This notification must be made by telephone immediately when the Discharger becomes aware of the adverse incident and must include at least the following information:

- a. The caller's name, telephone number, and e-mail address;
- b. Applicator name and mailing address;
- c. The name of the affected species;
- d. How and when the Discharger became aware of the adverse incident;
- e. Description of the location of the adverse incident;
- f. Description of the adverse incident, including the U.S. EPA pesticide registration number for each product applied in the area of the adverse incident; and
- g. Description of any steps that have been taken or will be taken to alleviate the adverse impact to the species.

Additional information on federally-listed threatened or endangered species and federally-designated critical habitat is available from NMFS (www.nmfs.noaa.gov) for anadromous or marine species or FWS (www.fws.gov) for terrestrial or freshwater species.

X. COMPLIANCE DETERMINATION

Compliance with receiving water limitations and monitoring triggers shall be determined through event and post-event monitoring results.

Attachment A – Definitions

Active Ingredient

Active ingredients are ingredients disclosed by manufacturers that yield toxic effects* on target organisms.

Adjuvants

Adjuvants are ingredients that are mixed with herbicides prior to an application event and are often trade secrets. These ingredients are chosen by the Discharger, based on site characteristics, and typically increase the effectiveness of pesticides on target organisms.

Adverse Incident

Adverse Incident means a situation where the Discharger observes upon inspection or becomes aware of in which:

- A person or non-target organism may have been exposed to an algaecide or aquatic herbicide residue; and
- The person or non-target organism suffered an adverse or toxic effect.

Adverse or Toxic Effect

An “adverse or toxic effect” includes any impact that occurs within waters of the United States on non-target organisms as a result of algaecide or aquatic herbicide residue discharge.

Examples of these effects may include:

- Distressed or dead juvenile and small fishes
- Washed up or floating fish
- Fish swimming abnormally or erratically
- Fish lying lethargically at water surface or in shallow water
- Fish that are listless or nonresponsive to disturbance
- Stunting, wilting, or desiccation of non-target submerged or emergent aquatic plants
- Other dead or visibly distressed non-target aquatic organisms (amphibians, turtles, invertebrates, etc.)

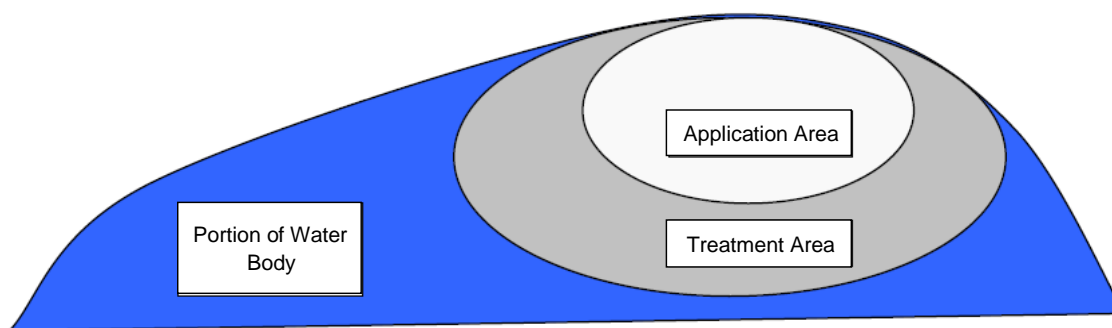
An “adverse or toxic effect” also includes any adverse effects to humans (e.g., skin rashes) or domesticated animals that occur either directly or indirectly from a discharge to waters of the United States that are temporally and spatially related to exposure to an algaecide and aquatic herbicide residue (e.g., vomiting, lethargy).

Algae Control

Algae control means the treatment of filamentous algae, cyanobacteria (blue-green algae), or algal species that have the potential to affect human or environmental health.

Application Area

The application area is the area to which aquatic pesticides are directly applied.



Application Event

The application event is the time that introduction of the algaecide or aquatic herbicide to the treatment area takes place, not the length of time that the environment is exposed to the algaecide or aquatic herbicide.

Aquatic Pesticides

Aquatic pesticides in this General Permit are limited to algaecides and aquatic herbicides labeled for aquatic use to control aquatic weeds or algae.

Beneficial Uses

Beneficial uses of the waters of the state that may be protected against quality degradation include, but are not limited to, domestic, municipal, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.

Coalition

Specifically refers to a monitoring coalition which is a collaborative monitoring partnership of dischargers to develop a monitoring plan that addresses the monitoring requirements of this General Permit. The Coalition's monitoring plan will be submitted for Coalition members in lieu of individual monitoring plans from each member.

Enclosed Bays

Enclosed Bays means indentations along the coast that enclose an area of oceanic water within distinct headlands or harbor works. Enclosed bays include all bays where the narrowest distance between the headlands or outermost harbor works is less than 75 percent of the greatest dimension of the enclosed portion of the bay. Enclosed bays do not include inland surface waters or ocean waters.

Estuaries

Estuaries means waters, including coastal lagoons, located at the mouths of streams that serve as areas of mixing for fresh and ocean waters. Coastal lagoons and mouths of streams that are temporarily separated from the ocean by sandbars shall be considered estuaries. Estuarine waters shall be considered to extend from a bay or the open ocean to a point upstream where there is no significant mixing of freshwater and seawater. Estuaries do not include inland surface waters or ocean waters.

Half-Life

Half-life is the time required for half of the compound introduced into an ecosystem to be eliminated or disintegrated by natural processes.

Inert Ingredients

Inert ingredients are additional ingredients and are often trade secrets; therefore, they are not always disclosed by the manufacturer.

Mutual Water Company

A mutual water company is defined in the Public Utilities Code, section 2725 as "[a]ny private corporation or association organized for the purpose of delivering water to its stockholders and members at cost, including use of works for conserving, treating, and reclaiming water."

Point Source

Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock concentrated animal feeding operation, landfill leachate collection system, or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Priority Pollutants

Priority pollutants are listed within the California Toxics Rule in 40 Code of Federal Regulations, section 131.38(b)(1). Criteria to protect aquatic life and human health are set for priority pollutants in the California Toxics Rule.

Public Entity

Public entity includes the federal government or a state, county, city and county, city, district, public authority, or public agency.

Qualified Biologist

A qualified biologist is a biologist who has the knowledge and experience in the ecosystem where the algaecide or aquatic herbicide is applied so that he or she can adequately evaluate whether the beneficial uses of the receiving waters have been protected and/or restored upon completion of the algaecide and aquatic herbicide application project.

Receiving Waters

Receiving waters are waters of the United States anywhere outside of the treatment area at anytime and anywhere inside the treatment area after completion of the treatment event.

Representative Monitoring Location

To be considered "representative," at a minimum, a location must be similar in hydrology, algaecide or aquatic herbicide use, and other factors that affect the residual discharge to the areas being represented in that environmental setting.

Residual Algaecide and Aquatic Herbicide

Residual algaecide and aquatic herbicide are those portions of the pesticides that remain in

the water after the application and its intended purpose (injury or elimination of targeted pests) have been completed.

Self Monitoring

Sampling and analysis performed by the Discharger or Coalition to determine compliance with the Permit. All laboratory analyses must be conducted by a laboratory certified by the California Department of Public Health.

Treatment Area

The treatment area is the area being treated by the algacide or aquatic herbicide for algae and aquatic weed control and, therefore, the area being targeted to receive an appropriate rate of application consistent with product label requirements of algacide or aquatic herbicide. It is the responsibility of the Discharger to define the treatment area for each specific algacide and aquatic herbicide application.

Waters of the United States

1. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate "wetlands;"
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - a. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - c. Which are used or could be used for industrial purposes by industries in interstate commerce.
4. All impoundments of waters otherwise defined as waters of the United States under this definition;
5. Tributaries of waters identified in items 1 through 4 of this definition;
6. The territorial sea; and
7. "Wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (1) through (6) of this definition. Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 C.F.R. section 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal area in wetlands) nor resulted from the impoundment of waters of the United States [See Note 1 of this Section.] Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with U.S. EPA.

Attachment B – Standard Provisions

I. STANDARD PROVISIONS – PERMIT COMPLIANCE (IF APPLICABLE)

A. Duty to Comply

1. The Discharger must comply with all of the conditions of this General Permit. Any noncompliance constitutes a violation of the CWA and the California Water Code and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. (40 C.F.R. §122.41(a).)
2. The Discharger shall comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this General Permit has not yet been modified to incorporate the requirement. (40 C.F.R. §122.41(a)(1).)

B. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this General Permit. (40 C.F.R. §122.41(c).)

C. Duty to Mitigate

The Discharger shall take all reasonable steps to minimize or prevent any discharge in violation of this General Permit that has a reasonable likelihood of adversely affecting human health or the environment. (40 C.F.R. §122.41(d).)

D. Proper Operation and Maintenance

The Discharger shall at all times properly operate and maintain all facilities and systems of control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with the conditions of this General Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. (40 C.F.R. §122.41(e).)

E. Property Rights

1. This General Permit does not convey any property rights of any sort or any exclusive privileges. (40 C.F.R. §122.41(g).)
2. The issuance of this General Permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations. (40 C.F.R. §122.5(c).)

F. Inspection and Entry

The Discharger shall allow the Regional Water Board, State Water Board, United States Environmental Protection Agency (U.S. EPA), and/or their authorized

representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, (40 C.F.R. §122.41(i); Water Code, §13383) to:

1. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this General Permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this General Permit;
3. Inspect and photograph, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this General Permit; and
4. Sample or monitor, at reasonable times, for the purposes of assuring General Permit compliance or as otherwise authorized by the CWA or the Water Code, any substances or parameters at any location.

II. STANDARD PROVISIONS – PERMIT ACTION

A. General

This General Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any General Permit condition. (40 C.F.R. §122.41(f).)

B. Duty to Reapply

If the Discharger wishes to continue an activity regulated by this General Permit after the expiration date of this General Permit, the Discharger must apply for and obtain authorization as required by the new permit. (40 C.F.R. §122.41(b).)

C. Transfers

This General Permit is not transferable to any person except after notice to the State Water Board. The State Water Board may require modification or revocation and reissuance of the General Permit to change the name of the Discharger and incorporate such other requirements as may be necessary under the CWA and the Water Code. (40 C.F.R. §122.41(l)(3); §122.61.)

D. Continuation of this Permit

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 40 C.F.R. section 122.6 and remain in full force and effect.

III. STANDARD PROVISIONS – MONITORING

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. (40 C.F.R. §122.41(j)(1).)

Monitoring results must be conducted according to test procedures under 40 C.F.R. part 136 unless other test procedures have been specified in this General Permit. (40 C.F.R. §122.41(j)(4); §122.44(i)(1)(iv).)

IV. STANDARD PROVISIONS – RECORDS

A. Records Retention

The Discharger shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this General Permit, and records of all data used to complete the application for this General Permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the the State Water Board's Deputy Director of the Division of Water Quality (Deputy Director) at any time. (40 C.F.R. §122.41(j)(2).)

B. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements (40 C.F.R. §122.41(j)(3)(i).);
2. The individual(s) who performed the sampling or measurements (40 C.F.R. §122.41(j)(3)(ii).);
3. The date(s) analyses were performed (40 C.F.R. §122.41(j)(3)(iii).);
4. The individual(s) who performed the analyses (40 C.F.R. §122.41(j)(3)(iv).);
5. The analytical techniques or methods used (40 C.F.R. §122.41(j)(3)(v).); and
6. The results of such analyses. (40 C.F.R. §122.41(j)(3)(vi).)

C. Claims of confidentiality for the following information will be denied (40 C.F.R. §122.7(b).):

1. The name and address of any permit applicant or Discharger (40 C.F.R. §122.7(b)(1).); and
2. Permit applications and attachments, permits and effluent data. (40 C.F.R. §122.7(b)(2).)

V. STANDARD PROVISIONS – REPORTING

A. Duty to Provide Information

The Discharger shall furnish to the Regional Water Board, State Water Board, or U.S. EPA within a reasonable time, any information which the Regional Water Board, State Water Board, or U.S. EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this General Permit or to determine compliance with this General Permit. Upon request, the Discharger shall also furnish to the Regional Water Board, State Water Board, or U.S. EPA copies of records required to be kept by this General Permit. (40 C.F.R. §122.41(h); Wat. Code, §13267.)

B. Signatory and Certification Requirements

1. All applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or U.S. EPA shall be signed and certified in accordance with Standard Provisions – Reporting V.B.2, V.B.3, V.B.4, V.B.5, and V.B.6 below. (40 C.F.R. §122.41(k).)
2. **For a corporation.** By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
3. **For a partnership or sole proprietorship.** By a general partner or the proprietor, respectively;
4. **For a municipality, state, federal, or other public agency:** All permit applications shall be signed by either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of U.S. EPA). (40 C.F.R. §122.22(a)(3).)
5. All reports required by this General Permit and other information requested by the Regional Water Board, State Water Board, or U.S. EPA shall be signed by a person described in Standard Provisions – Reporting V.B.1 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described in Standard Provisions – Reporting V.B.1 above (40 C.F.R. §122.22(b)(1).);
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity or an individual or a position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) (40 C.F.R. §122.22(b)(2).); and
 - c. The written authorization is submitted to the Regional Water Board and State Water Board. (40 C.F.R. §122.22(b)(3).)

6. If an authorization under Standard Provisions – Reporting V.B.1 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Standard Provisions – Reporting V.B.1 above must be submitted to the Regional Water Board and State Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative. (40 C.F.R. §122.22(c).)

Any person signing a document under Standard Provisions – Reporting V.B.1 or V.B.3 above shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.” (40 C.F.R. §122.22(d).)

C. Monitoring Reports

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program (Attachment C) in this General Permit. (40 C.F.R. §122.22(l)(4).)
2. Monitoring results must be reported on a Self Monitoring* Report (SMR) form as agreed to by the Deputy Director and the Discharger.
3. If the Discharger monitors any pollutant more frequently than required by this General Permit using test procedures approved under 40 C.F.R part 136 or as specified in this General Permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the SMR or a reporting form specified by the State Water Board. (40 C.F.R. §122.41(l)(4)(ii).)
4. Calculations for all limitations, which require averaging of measurements, shall utilize an arithmetic mean unless otherwise specified in this General Permit. (40 C.F.R. §122.41(l)(4)(iii).)

D. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this General Permit, shall be submitted no later than 14 days following each schedule date. (40 C.F.R. §122.41(l)(5).)

E. Planned Changes

The Discharger shall give notice to the State and the Regional Water Board as soon as possible of any planned physical alterations or additions to the permitted activity or discharge. Notice is required under this provision (40 C.F.R. §122.41(l)(1)) only when

the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in this General Permit nor to notification requirements under 40 C.F.R. section 122.42(a)(1).

F. Anticipated Noncompliance

The Discharger shall give advance notice to the State and Regional Water Boards of any planned changes in the permitted discharge or activity that may result in noncompliance with General Permit requirements. (40 C.F.R. §122.41(l)(2).)

G. Other Noncompliance

The Discharger shall report all instances of noncompliance not reported under Standard Provisions – Reporting V.C, V.D, and V.E above at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting V.F above. (40 C.F.R. §122.41(l)(7).)

H. Other Information

When the Discharger becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the State Water Board, Regional Water Board, or U.S. EPA, the Discharger shall promptly submit such facts or information. (40 C.F.R. §122.41(l)(8).)

VI. STANDARD PROVISIONS – ENFORCEMENT

The State and the Regional Water Boards are authorized to enforce the terms of this General Permit under several provisions of the Water Code, including, but not limited to, sections 13385, 13386, and 13387.

Attachment C – Monitoring and Reporting Program

Table of Contents

I.	General Monitoring Provisions.....	C-2
II.	Monitoring Locations and Sample Types.....	C-3
	A. Monitoring Locations.....	C-3
	B. Sample Types.....	C-4
III.	Receiving Water Monitoring Requirements – Surface Water.....	C-4
	A. General Monitoring Requirements	C-4
	B. Visual, Physical, and Chemical Monitoring Requirements	C-5
IV.	Reporting Requirements.....	C-6
	A. General Monitoring and Reporting Requirements.....	C-6
	B. Annual Information Collection	C-7
	C. Annual Report.....	C-8
	D. Electronic Reporting	C-8
	E. Reporting Protocols	C-8
	F. Other Reporting Requirements	C-10

List of Tables

Table C-1.	Monitoring Requirements	C-6
Table C-2.	Reporting Schedule	C-8

ATTACHMENT C – MONITORING AND REPORTING PROGRAM

Section 122.48 of title 40 of the Code of Federal Regulations (40 C.F.R. §122.48) requires that all NPDES permits specify monitoring and reporting requirements. California Water Code sections 13267 and 13383 also authorize the State Water Resources Control Board (the State Water Board) and the Regional Water Quality Control Board (Regional Water Board) to require technical and monitoring reports. This Monitoring and Reporting Program (MRP) establishes monitoring and reporting requirements which implement federal and California State laws and regulations.

This MRP is designed to address the two key questions shown below. It also encourages Dischargers to form monitoring coalitions with others doing similar applications within a given watershed or doing applications of similar environmental settings (flowing water and non-flowing water). The Coalition or Discharger may select sites representing worst case scenarios or high-use areas for each active ingredient in each environmental setting. If the Discharger elects in its Aquatic Pesticide Application Plan (APAP) to undertake monitoring and reporting through a Coalition, then the Coalition will prepare and implement an MRP (pursuant to this Attachment C) and act on behalf of the Discharger with respect to monitoring and reporting. Otherwise, the Discharger will prepare and implement an individual MRP.

Question No. 1: Does the residual algaecides and aquatic herbicides discharge cause an exceedance of receiving water limitations?

Question No. 2: Does the discharge of residual algaecides and aquatic herbicides, including active ingredients, inert ingredients, and degradation byproducts, in any combination cause or contribute to an exceedance of the “no toxics in toxic amount” narrative toxicity objective?

If the Discharger elects in its APAP to undertake monitoring and reporting through a Coalition, the APAP should reference and attach the Coalition’s monitoring plan.

I. GENERAL MONITORING PROVISIONS

- A. Samples and measurements taken as required herein shall be representative of the nature of the monitored discharge. All samples shall be taken at the anticipated monitoring locations specified in the Discharger’s or Coalition’s APAP.
- B. All laboratory analyses shall be conducted at a laboratory certified for such analyses by the California Department of Public Health in accordance with California Water Code section 13176. Laboratories that perform sample analyses shall be identified in all monitoring reports. The Discharger shall institute a Quality Assurance-Quality Control Program for any onsite field measurements such as electric conductivity, pH, turbidity, and temperature. A manual containing the steps followed in this program must be kept in the laboratory and shall be available for inspection by the State Water Board and the appropriate Regional Water Board staff. The Quality Assurance-Quality Control Program must conform to United States Environmental Protection Agency (U.S. EPA) guidelines or to procedures approved by the State Water Board and the appropriate Regional Water Board.

- C. All analyses shall be conducted in accordance with the latest edition of “Guidelines Establishing Test Procedures for Analysis of Pollutants,” promulgated by the U.S. EPA in title 40 Code Federal Regulation (40 C.F.R.) 136 or equivalent methods that are commercially and reasonably available and that provide quantification of sampling parameters and constituents sufficient to evaluate compliance with applicable effluent limits and to perform reasonable potential analysis. Equivalent methods must be more sensitive than those specified in 40 C.F.R. 136 if the method is available in the 40 C.F.R. 136, and must be approved for use by the Regional Water Board Executive Officer.

Any procedures to prevent the contamination of samples as described in the monitoring program in the APAP shall be implemented.

- D. Records of monitoring information shall include the following:
1. The date, exact place, and time of sampling or measurements;
 2. The individuals who performed the sampling or measurements;
 3. The dates analysis were performed;
 4. The individuals who performed the analyses;
 5. The analytical techniques or methods used; and
 6. Results of analyses.
- E. All monitoring instruments and devices used to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their accuracy.
- F. Monitoring results, including noncompliance, shall be reported at intervals and in a manner specified in this MRP.

II. MONITORING LOCATIONS AND SAMPLE TYPES

A. Monitoring Locations

Each Discharger or Coalition shall establish monitoring locations specified in the APAP to demonstrate compliance with the receiving water limitations, discharge specifications, and other requirements in this General Permit. The number and location of samples shall be selected to answer the two key questions. A Discharger or Coalition may use representative monitoring locations* to characterize water quality for all waters of the United States within the Discharger’s or Coalition’s boundaries for each environmental setting (flowing water and non-flowing water). However, the Discharger or Coalition must provide justification for the selection of the representative monitoring locations. To be considered “representative,” at a minimum, a location must be similar in hydrology, algaecides and aquatic herbicides use, and other factors that affect the discharge of algaecides and aquatic herbicides and their residues to surface waters as a result of applications to the areas being represented in that environmental setting. Each Discharger or Coalition must provide technical justification and identify which areas are to be considered representative. Monitoring location information shall include a description of the treatment area, GPS

coordinates if feasible, and algaecides and aquatic herbicides being applied. The specific monitoring locations initially identified as representative monitoring locations may be changed based on surveillance of the Discharger or Coalition.

B. Sample Types

The following monitoring is required for each sampling:

1. **Background Monitoring.** Background monitoring samples shall be collected upstream at the time of the application event* or in the application area* just prior to (up to 24 hours in advance of) the application event.
2. **Event Monitoring.** Event monitoring samples shall be collected immediately downstream of the treatment area in flowing waters or immediately outside of the treatment area in non-flowing waters, immediately after the application event, but after sufficient time has elapsed such that treated water would have exited the treatment area.
3. **Post-Event Monitoring.** Post-event monitoring samples shall be collected within the treatment area within one week after application.

III. RECEIVING WATER MONITORING REQUIREMENTS – SURFACE WATER

A. General Monitoring Requirements

The monitoring program described in the APAP shall be designed to answer the two key questions stated above. The monitoring program in the APAP shall describe the tasks and time schedules in which these two key questions will be addressed. Monitoring shall take place at locations that are being planned to be applied or may be applied as described in the Discharger's APAP.

The monitoring program described in the APAP must consider watershed specific attributes and waste constituents, based on the characteristics of applications within the Coalition's or Discharger's area, as well as the receiving water quality conditions. Developing the details of a monitoring design requires clearly defining several inputs to the design and then organizing these in a logical framework that supports effective decision making about indicators, monitoring locations, and monitoring frequency. The logical framework should describe:

1. The basic geographic and hydrographic features of the area, particularly application points and the pathways(s) of residue flows;
2. Algaecides and aquatic herbicides application practices and how they are distributed in space and time;
3. Relevant knowledge about the transport, fates, and effects of algaecides and aquatic herbicides, including best- and worst-case scenarios;
4. Description of the designated beneficial uses in each water body;
5. Relevant knowledge about the action of cumulative and indirect effects;

6. Mechanisms through which algaecides and aquatic herbicides applications could lead to designated use impacts, given the basic features of the area;
7. Known and potential impacts of algaecides and aquatic herbicides applications on water quality, ranked in terms of relative risk, based on factors such as magnitude, frequency and duration;
8. Sufficient number of sampling areas to assess the entire Discharger's or Coalition's area of influence; and
9. A description of sampling methods and a sampling schedule.

In conducting the receiving water sampling, a log shall be kept of the receiving water conditions throughout the reach bounded by the treatment area. Attention shall be given to the presence or absence of:

1. Floating or suspended matter;
2. Discoloration;
3. Bottom deposits;
4. Aquatic life;
5. Visible films, sheens, or coatings;
6. Fungi, slimes, or objectionable growths; and
7. Potential nuisance conditions.

Notes on receiving water conditions shall be summarized in the monitoring report.

B. Visual, Physical, and Chemical Monitoring Requirements

Monitoring shall take place at locations that are described and scheduled in the Coalition's or Discharger's APAP. Monitoring for all active ingredients must include frequent and routine monitoring on a pre-determined schedule, as summarized in the Table C-1 below:

Table C-1. Monitoring Requirements

Sample Type	Constituent/Parameter	Units	Sample Method	Minimum Sampling Frequency	Sample Type Requirement	Required Analytical Test Method
Visual	1. Monitoring area description (pond, lake, open waterway, channel, etc.) 2. Appearance of waterway (sheen, color, clarity, etc.) 3. Weather conditions (fog, rain, wind, etc.)	Not applicable	Visual Observation	1	Background, Event and Post-event Monitoring	Not applicable
Physical	1. Temperature ²	°F	Grab ⁴	5	Background, Event and Post-event Monitoring	6
	2. pH ³	Number				
	3. Turbidity ³	NTU				
	4. Electric Conductivity ³ @ 25°C	µmhos/cm				
Chemical	1. Active Ingredient ⁷	µg/L	Grab ⁴	5	Background, Event and Post-event Monitoring	6
	2. Nonylphenol ⁸	µg/L				
	3. Hardness (if copper is monitored)	mg/L				
	4. Dissolved Oxygen ²	mg/L				

¹ All applications at all sites.

² Field testing.

³ Field or laboratory testing.

⁴ Samples shall be collected at three feet below the surface of the water body or at mid water column depth if the depth is less than three feet.

⁵ Collect samples from a minimum of six application events for each active ingredient in each environmental setting (flowing water and non-flowing water) per year, except for glyphosate. If there are less than six application events in a year, collect samples during each application event for each active ingredient in each environmental setting (flowing water and non-flowing water). If the results from six consecutive sampling events show concentrations that are less than the receiving water limitation/trigger for an active ingredient in an environmental setting, sampling shall be reduced to one application event per year for that active ingredient in that environmental setting. If the yearly sampling event shows exceedance of the receiving water limitation/trigger for an active ingredient in an environmental setting, then sampling shall return to six application events for that active ingredient in each environmental setting. For glyphosate, collect samples from one application event from each environmental setting (flowing water and non-flowing water) per year.

⁶ Pollutants shall be analyzed using the analytical methods described in 40 C.F.R. part 136.

⁷ 2,4-D, acrolein, dissolved copper, diquat, endothall, fluridone, glyphosate, imazamox, imazapyr, penoxsulam, and triclopyr.

⁸ It is required only when a surfactant is used.

IV. REPORTING REQUIREMENTS

A. General Monitoring and Reporting Requirements

1. The Coalition or Discharger shall comply with all Standard Provisions (Attachment B) related to monitoring, reporting, and recordkeeping.

2. Upon written direction of the State Water Board or the Regional Water Board, the Coalition or Discharger shall submit information as specified.
3. The Coalition or Discharger shall report to the State Water Board and appropriate Regional Water Board any toxic chemical release data that are reported to the State Emergency Response Commission within 15 days of reporting the data to the Commission pursuant to section 313 of the "Emergency Planning and Community Right to Know Act" of 1986 (42 U.S.C. §11001 et. seq.).

B. Annual Information Collection

The Coalition or Discharger shall complete and retain all information on the previous reporting year beginning January 1 and ending December 31. When requested by the Deputy Director or Executive Officer of the applicable Regional Water Board, the Coalition or Discharger shall submit the annual information which must include the following:

1. An executive summary discussing compliance or violation of this General Permit and the effectiveness of the APAP to reduce or prevent the discharge of pollutants associated with algaecide and aquatic herbicide applications;
2. A summary of monitoring data, including the identification of water quality improvements or degradation as a result of the algaecide or aquatic pesticide application, if appropriate, and recommendations for improvements to the APAP [including proposed best management practices (BMPs)] and monitoring program based on the monitoring results. All receiving water monitoring data shall be compared to receiving water limitations and receiving water monitoring triggers;
3. Identification of BMPs currently in use and a discussion of their effectiveness in meeting the requirements in this General Permit;
4. A discussion of BMP modifications addressing violations of this General Permit;
5. A map showing the location of each treatment area;
6. Types and amounts of algaecides and aquatic herbicides used at each application event;*
7. Information on surface area and/or volume of treatment areas and any other information used to calculate dosage, concentration, and quantity of each algaecide and aquatic herbicide used;
8. Sampling results shall indicate the name of the sampling agency or organization, detailed sampling location information (including latitude and longitude or township/range/section if available), detailed map or description of each sampling area (address, cross roads, etc.), collection date, name of constituent/parameter and its concentration detected, minimum levels, method detection limits for each constituent analysis, name or description of water body sampled, and a comparison with applicable water quality standards, description of analytical QA/quality control plan. Sampling results shall be tabulated so that they are readily discernible; and
9. Summary of algaecide and aquatic herbicide application log.

C. Annual Report

The Coalition or Discharger shall submit to the Deputy Director and the appropriate Regional Water Board Executive Officer an annual report consisting of a summary of the past year's activities, and certify compliance with all requirements of this General Permit. If there is no discharge of algaecides and aquatic herbicides, their residues, or their degradation byproducts, the Coalition or Discharger shall provide the Deputy Director and the appropriate Regional Water Board Executive Officer a certification that algaecide and aquatic herbicide application activities did not result in a discharge to any water body. The annual report shall contain the following information:

1. An executive summary discussing compliance or violation of this General Permit and the effectiveness of the APAP; and
2. A summary of monitoring data, including the identification of water quality improvements or degradation as a result of the algaecide or aquatic pesticide application,
3. Dischargers shall submit the annual report according to the following schedule:

Table C-2. Reporting Schedule

Reporting Frequency	Reporting Period	Annual Report Due
Annual	January 1 through December 31	March 1

D. Electronic Reporting

At any time during the term of this General Permit, the State Water Board or the appropriate Regional Water Board may notify the Coalition or Discharger of the requirement to submit electronically Self Monitoring Reports (SMRs) using the State Water Board's California Integrated Water Quality System (CIWQS) Program (<http://www.waterboards.ca.gov/ciwqs/index.html>). Until such notification is given, the Coalition or Discharger shall submit hardcopy SMRs. The CIWQS website will provide additional directions for SMR submittal in the event there will be service interruption for electronic submittal.

The Coalition or Discharger shall report the results for all monitoring specified in this MRP in the SMR. The Coalition or Discharger shall submit annual SMRs including the results of all required monitoring using U.S. EPA-approved test methods or other test methods specified in this General Permit. If the Coalition or Discharger monitors any pollutant more frequently than required by this General Permit, the results of this monitoring shall be included in the calculations and reporting of the data submitted in the SMR.

E. Reporting Protocols

The Coalition or Discharger shall report with each sample result the applicable reported Minimum Level (ML) and the current Minimum Detection Limit, as determined by the procedure in 40 C.F.R. part 136.

The Coalition or Discharger shall report the results of analytical determinations for the presence of chemical constituents in a sample using the following reporting protocols:

1. Sample results greater than or equal to the reported ML shall be reported as measured by the laboratory (i.e., the measured chemical concentration in the sample).
2. Sample results less than the Report Limit, but greater than or equal to the laboratory's MDL, shall be reported as "Detected, but Not Quantified," or DNQ. The estimated chemical concentration of the sample shall also be reported.

For the purposes of data collection, the laboratory shall write the estimated chemical concentration next to DNQ as well as the words "Estimated Concentration" (may be shortened to "Est. Conc."). The laboratory may, if such information is available, include numerical estimates of the data quality for the reported result. Numerical estimates of data quality may be percent accuracy (plus a percentage of the reported value), numerical ranges (low to high), or any other means considered appropriate by the laboratory.

3. Sample results less than the laboratory's MDL shall be reported as "<" followed by the MDL.
4. The Coalition or Discharger shall instruct laboratories to establish calibration standards so that the ML value (or its equivalent if there is differential treatment of samples relative to calibration standards) is the lowest calibration standard. At no time is the Coalition or Discharger to use analytical data derived from extrapolation beyond the lowest point of the calibration curve.
5. Multiple Sample Data: If two or more sample results are available, the Coalition or Discharger shall compute the arithmetic mean unless the data set contains one or more reported determinations of DNQ or "Not Detected" (ND). In those cases, the Coalition or Discharger shall compute the median in place of the arithmetic mean in accordance with the following procedure:
 - a. The data set shall be ranked from low to high, ranking the reported ND determinations lowest, DNQ determinations next, followed by quantified values (if any). The order of the individual ND or DNQ determinations is unimportant.
 - b. The median value of the data set shall be determined. If the data set has an odd number of data points, then the median is the middle value. If the data set has an even number of data points, then the median is the average of the two values around the middle unless one or both of the points are ND or DNQ, in which case the median value shall be the lower of the two data points where DNQ is lower than a value and ND is lower than DNQ.
6. The annual report shall comply with the following requirements:
 - a. The Coalition or Discharger shall arrange all reported data in a tabular format. The data shall be summarized to clearly illustrate whether the algaecide and aquatic herbicide applications are conducted in compliance

with effluent and receiving water limitations. The Coalition or Discharger is not required to duplicate the submittal of data that are entered in a tabular format within CIWQS. When electronic submittal of data is required and CIWQS does not provide for entry into a tabular format within the system, the Coalition or Discharger shall submit electronically the data in a tabular format as an attachment.

- b. The Coalition or Discharger shall attach a cover letter to the annual report that clearly identifies violations of the permit; discusses corrective actions taken or planned; and provides a time schedule for corrective actions. Identified violations must include a description of the requirement that was violated and a description of the violation.
- c. The annual report must be submitted to the State Water Board and the appropriate Regional Water Board, signed and certified as required by the Standard Provisions (Attachment B).

F. Other Reporting Requirements

1. Twenty-Four Hour Report

The Coalition or Discharger shall report to the State Water Board and appropriate Regional Water Board any noncompliance, including any unexpected or unintended effect of an algaecide or aquatic herbicide use that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Coalition or Discharger becomes aware of the circumstances and must include the following information:

- a. The caller's name and telephone number;
- b. Applicator name and mailing address;
- c. Waste Discharge Identification (WDID) number;
- d. The name and telephone number of a contact person;
- e. How and when the Coalition or Discharger become aware of the noncompliance;
- f. Description of the location of the noncompliance;
- g. Description of the noncompliance identified and the U.S. EPA pesticide registration number for each product the Discharger applied in the area of the noncompliance; and
- h. Description of any steps that the Coalition or Discharger has taken or will take to correct, repair, remedy, cleanup, or otherwise address any adverse effects.

If the Coalition or Discharger is unable to notify the State and the appropriate Regional Water Board within 24 hours, the Coalition or Discharger must do so as soon as possible and also provide the rationale for why the Discharger was unable to provide such notification within 24 hours.

2. **Five-Day Written Report**

The Coalition or Discharger shall also provide a written submission within five (5) days of the time the Discharger becomes aware of the noncompliance. The written submission shall contain the following information:

- a. Date and time the Coalition or Discharger contacted the State Water Board and the appropriate Regional Water Board notifying of the noncompliance and any instructions received from the State and/or Regional Water Board; information required to be provided in Section D.1 (24-Hour Reporting);
- b. A description of the noncompliance and its cause, including exact date and time and species affected, estimated number of individual and approximate size of dead or distressed organisms (other than the pests to be eliminated);
- c. Location of incident, including the names of any waters affected and appearance of those waters (sheen, color, clarity, etc);
- d. Magnitude and scope of the affected area (e.g. aquatic square area or total stream distance affected);
- e. Algaecide and aquatic herbicide application rate, intended use site (e.g., banks, above, or direct to water), method of application, and name of algaecide and herbicide product, description of algaecide and herbicide ingredients, and U.S. EPA registration number;
- f. Description of the habitat and the circumstances under which the noncompliance activity occurred (including any available ambient water data for aquatic algaecides and aquatic herbicides applied);
- g. Laboratory tests performed, if any, and timing of tests. Provide a summary of the test results within five days after they become available;
- h. If applicable, explain why the Coalition or Discharger believes the noncompliance could not have been caused by exposure to the algaecides or aquatic herbicides from the Coalition's or Discharger's application; and
- i. Actions to be taken to prevent recurrence of adverse incidents.

The State Water Board staff or Regional Water Board staff may waive the above-required written report under this provision on a case-by-case basis if an oral report has been received within 24 hours.

Attachment D – Fact Sheet

Table of Contents

I.	Permit Information	D-3
A.	Background.....	D-3
B.	General Criteria	D-7
II.	Notification Requirements.....	D-8
A.	General Permit Application	D-8
B.	Fee.....	D-9
C.	Public Notification	D-9
III.	Discharge Description	D-9
A.	Existing Discharge Description	D-9
B.	Annual Report Review	D-10
C.	Receiving Water Description.....	D-11
IV.	Applicable Plans, Policies, and Regulations	D-11
A.	Legal Authorities	D-11
B.	California Environmental Quality Act (CEQA)	D-11
C.	State and Federal Regulations, Policies, and Plans	D-11
V.	Rationale For Effluent Limitations and Discharge Specifications	D-15
A.	Discharge Prohibitions	D-16
B.	Effluent Limitations	D-17
VI.	Rationale for Receiving Water Limitations and Monitoring Triggers	D-21
A.	Groundwater	D-21
B.	Surface Water	D-21
VII.	Rationale for Monitoring and Reporting Requirements	D-30
A.	MRP Goals	D-30
B.	Effluent Monitoring	D-31
C.	Toxicity Testing Requirements.....	D-31
D.	Receiving Water Monitoring	D-32
VIII.	Rationale for Aquatic Pesticide Use Requirements	D-32
A.	Application Schedule	D-32
B.	Application Notification Requirements	D-33
C.	APAP	D-33
D.	APAP Processing, Approval, and Modifications.....	D-33
E.	Aquatic Pesticide Application Log	D-33
IX.	Rationale for Provisions.....	D-33
A.	Standard Provisions.....	D-33
B.	Special Provisions	D-34
X.	Compliance Determination	D-35
XI.	Public Participation	D-36
A.	Notification of Interested Parties	D-36
B.	Written Comments	D-36
C.	Public Hearing and Meeting.....	D-36
D.	Information and Copying.....	D-37
E.	Register of Interested Persons	D-37
F.	Additional Information	D-37

List of Tables

Table D-1. Monitoring Data Summary, 2004-2008, Order No. 2004-0009-DWQ.....	D-10
Table D-2. Summary of Receiving Water Limitations	D-23
Table D-3. Toxicity Data Summary for Imazamox (CAS# 114311-32-9)	D-25
Table D-4. Toxicity Data Summary for Imazapyr (CAS#81334-34-1)	D-26
Table D-5. Toxicity Data Summary for Imazapyr Isopropylamine Salt (CAS#81510-83-0)...	D-27
Table D-6. Toxicity Data Summary for Penoxsulam (CAS#219714-96-2)	D-28
Table D-7. Toxicity Data Summary for Triclopyr TEA Salt (CAS#57213-69-1)	D-29

Attachment D – Fact Sheet

As described in Section III, Findings, of this General Permit, the State Water Resources Control Board (State Water Board) incorporates this Fact Sheet as findings of the State Water Board that support the issuance of this General Permit. This Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this General Permit.

This General Permit has been prepared under a standardized format to accommodate a broad range of discharge requirements for Dischargers in California.

I. PERMIT INFORMATION

A. Background

1. The Regulatory Background

In 1972, the Federal Water Pollution Control Act (also referred to as the Clean Water Act or CWA) was amended to provide that the discharge of pollutants to waters of the United States from any point source is effectively prohibited unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) Permit.

On September 22, 1989, the U.S. Environmental Protection Agency (U.S. EPA) granted the State of California, through the State Water Resources Control Board (State Water Board) and the Regional Water Quality Control Boards (Regional Water Boards), the authority to issue general NPDES permits pursuant to title 40 Code of Federal Regulations (40 C.F.R.) 122 and 123.

Section 122.28 of 40 C.F.R. provides for issuance of general permits to regulate a category of point sources if the sources involve the same or substantially similar types of operations; discharge the same type of waste; require the same type of effluent limitations or operating conditions; require similar monitoring; and are more appropriately regulated under a general permit rather than individual permits.

On March 12, 2001, the Ninth Circuit Court of Appeals held that discharges of pollutants from the use of aquatic pesticides in waters of the United States require coverage under an NPDES permit. (*Headwaters, Inc. v. Talent Irrigation District*).³ The *Talent* decision was issued just prior to the major season for applying aquatic pesticides.

Because of the serious public health, safety, and economic implications of delaying pesticide applications, in 2001 the State Water Board adopted Water Quality Order (Order) No. 2001-12-DWQ, Statewide General NPDES Permit for

³ 243 F.3d 526 (9th Cir., 2001).

Discharges of Aquatic Pesticides to Waters of the United States on an emergency basis to provide immediate NPDES permit coverage for broad categories of aquatic pesticide use in California.

Order No. 2001-12-DWQ imposed requirements on any discharge of aquatic pesticides by public entities to waters of the United States in accordance with the Policy which establishes procedures for implementing water quality standards for priority pollutants* in NPDES permits.

Section 5.3 of the State Water Board Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (Policy) allows for short-term or seasonal exceptions from its requirements for resource or pest management conducted by public entities or mutual water companies. In order to qualify for an exception from meeting priority pollutant standards, a public entity must fulfill the requirements listed in section 5.3 and the State Water Board must decide to grant the exception. Among other requirements, entities seeking an exception to complying with water quality standards for priority pollutants must submit documents in compliance with California Environmental Quality Act (CEQA).⁴ Because of the emergency adoption of Order No. 2001-12-DWQ, the State Water Board invoked an exemption to the requirements of section 5.3 of the Policy and issued the permit incorporating a categorical exception to water quality standards for priority pollutants.

Order No. 2001-12-DWQ required that Dischargers develop a best management practices (BMPs) plan that minimizes adverse impacts to receiving waters and a monitoring and reporting plan that is representative of each type of aquatic pesticide application.

In August 2001, Waterkeepers Northern California (Waterkeepers) filed a lawsuit against the State Water Board challenging several aspects of Order No. 2001-12-DWQ. Major aspects of the challenge included the emergency adoption of the Order without compliance with CEQA and other exception requirements of the Policy; failure to address cumulative impacts; and failure to comply with the California Toxics Rule (CTR).⁵

In a settlement of the Waterkeepers' lawsuit, the State Water Board agreed to fund a comprehensive aquatic pesticide monitoring program that would assess receiving water toxicity caused by aquatic pesticides and alternatives for pesticide use. The State Water Board contracted with the San Francisco Estuary Institute (SFEI) to conduct the program. SFEI published the final report on February 5, 2004.

In November 2002, the Ninth Circuit issued another opinion concerning the need for an NPDES permit for pesticide application. (*League of Wilderness Defenders*

⁴ Cal. Pub. Resources Code § 21000 et. seq.

⁵ 40 C.F.R. Section 131.38.

v. Forsgren.⁶) In this case, the court held that the USDA Forest Service must obtain an NPDES permit before it sprays insecticides* from an aircraft directly into or over rivers as part of silviculture activities. The court found that the insecticides are pollutants under the CWA. The court also defined the exemption for silvicultural pest control from the definition of “point source” in U.S. EPA’s regulations to be limited to pest control activities from which there is natural runoff.

Also in 2002, the Second Circuit issued an unpublished decision regarding the need for an NPDES permit for application of pesticides for mosquito control in federal wetland areas. (*Altman v. Town of Amherst*.) The lower court had dismissed a citizens’ suit, holding that pesticides, when used for their intended purpose, do not constitute a “pollutant” for purposes of the CWA, and are more appropriately regulated under Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The appeals court vacated the trial court’s decision and remanded the matter. In its unpublished decision, the Second Circuit expressed concern that: “[u]ntil the EPA articulates a clear interpretation of current law - among other things, whether properly used pesticides released into or over waters of the United States can trigger the requirements for NPDES permits - the question of whether properly used pesticides can become pollutants that violate the [Clean Water Act] will remain open.”

Order No. 2001-12-DWQ expired on January 31, 2004. In 2004, it was replaced by two general permits: a vector control permit for larvicides (Order No. 2004-0008-DWQ) and a weed control permit (Order No. 2004-0009-DWQ). The State Water Board determined that adoption of these two permits was consistent with the Ninth Circuit decisions.

In 2005, the Ninth Circuit held that a pesticide that is applied consistent with FIFRA is not a “chemical waste” (*Fairhurst v. Hagener*),⁷ but also stated that it would not change its decision in *Headwaters*. The court stated that whether an NPDES permit was required depends on whether there was any “residue or unintended effect” from application of the pesticide. In *Fairhurst*, the court found neither residue nor unintended effect was present. Therefore, the pesticide application at issue did not require an NPDES permit.

U.S. EPA’s Final Rule: On November 20, 2006, U.S. EPA adopted a final regulation providing that NPDES permits are not required for pesticide applications as long as the Discharger follows FIFRA label instructions. According to the regulation, pesticides applied under the following two circumstances are not pollutants and, therefore, are not subject to NPDES permitting requirements:

- a. The application of pesticides directly to waters of the United States in order to control pests. Examples of such applications include applications to control

⁶ 309 F.3d 1181 (9th Cir., 2002).

⁷ 422 F.3d 1146 (9th Cir., 2005).

mosquito larvae, aquatic weeds, or other pests that are present in waters of the United States; and

- b. The application of pesticides to control pests that are present over waters of the United States, including near such waters, where a portion of the pesticides will unavoidably be deposited to waters of the United States in order to target the pests effectively; for example, when insecticides are aerially applied to a forest canopy where waters of the United States may be present below the canopy or when pesticides are applied over or near water for control of adult mosquitoes or other pests.

Lawsuits Against U.S. EPA's Final Rule: After U.S. EPA's new regulation was adopted in 2006, lawsuits were filed by both the pesticide industry and environmental groups in 11 of the 13 Circuits, including the Ninth Circuit Court, challenging U.S. EPA's Final Rule.

The National Cotton Council of America v. U.S. EPA:⁸ The petitions for review were consolidated in the Sixth Circuit Court by an order of the Judicial Panel on Multidistrict Litigation.

On January 11, 2009, the Sixth Circuit Court of Appeals determined that U.S. EPA's Final Rule is not a reasonable interpretation of the CWA and vacated the Final Rule. U.S. EPA did not request reconsideration of the decision, but did file a motion for a two-year stay of the effect of the decision in order to provide agencies time to develop, propose, and issue NPDES general permits for pesticide applications covered by the ruling. On June 8, 2009, the Sixth Circuit granted the motion, such that the U.S. EPA exemption was to remain in place until April 9, 2011. Subsequently, U.S. EPA was granted an extension of the stay, which allowed the exemption to continue until October 31, 2011.

2. Related Pesticide Regulation Information

Pesticide formulations may include "active ingredients" and "inert ingredients." Adjuvants or surfactants may be added to the ingredients in the application equipment that is used in the delivery of the aquatic pesticide.

As part of the registration process of pesticides for use in California, U.S. EPA and the California Department of Pesticide Regulation (DPR) evaluate data submitted by registrants to ensure that a product used according to label instructions will cause no harm or adverse impact on non-target organisms that cannot be reduced or mitigated with protective measures or use restrictions. Registrants are required to submit data on the effects of pesticides on target pests (efficacy) as well as non-target effects. Data on non-target effects include plant effects (phytotoxicity), fish and wildlife hazards (ecotoxicity), impacts on endangered species, effects on the environment, environmental fate, degradation byproducts, leachability, and persistence. Requirements that are specific to use in California are included in many pesticide labels that are approved by U.S. EPA.

⁸ 553 F.3d 927 (6th Cir., 2009).

Use must be reported to the County Agricultural Commissioner where required by law or by agreement with DPR.

The CWA, at section 301(a), broadly prohibits the discharge of any pollutant to waters of the United States, except in compliance with an NPDES permit. Since FIFRA is not necessarily as protective of water quality as the CWA, pesticides discharged into surface waters may constitute pollutants within the meaning of the CWA even if the discharge is in compliance with the registration requirements of FIFRA, thus, requiring coverage under a valid NPDES permit.

DPR and the County Agricultural Commissioners regulate the sale and use of pesticides in California. Pesticide applications subject to this General Permit must be consistent with permits issued by County Agricultural Commissioners and the pesticide label instructions approved by U.S. EPA under FIFRA. According to federal law, pesticide label language is under the sole jurisdiction of U.S. EPA. Label language and any changes thereto must be approved by U.S. EPA before the product can be sold in this country. DPR cannot require manufacturers to make changes on labels; however, DPR can refuse to register products unless manufacturers address unmitigated hazards by amending the pesticide label.

State regulations require that the County Agricultural Commissioners determine if a substantial adverse environmental impact will result from the proposed use of a restricted material. If the County Agricultural Commissioner determines that this is likely, the commissioner may deny the restricted pesticide use permit or may issue it under the condition that site-specific use practices be followed (beyond the label and applicable regulations) to mitigate potentially adverse effects. DPR conducts scientific evaluations of potential health and environmental impacts and provides commissioners with information in the form of suggested permit conditions. DPR's suggested permit conditions reflect minimum measures necessary to protect people and the environment. County Agricultural Commissioners use this information and its evaluation of local conditions to set site-specific limits in permits.

B. General Criteria

1. This General Permit serves as a general NPDES Permit for the discharge of residual algaecides and aquatic herbicides to surface waters as a result of algaecides and aquatic herbicides applications for algae and aquatic weed controls.
2. Dischargers who submit a complete application under this General Permit are not required to submit an individual permit application. The State Water Board's Deputy Director of the Division of Water Quality (Deputy Director) may request additional information or determine that a Discharger is not eligible for coverage under this General Permit and would be better regulated under an individual permit or other general NPDES permit adopted by the appropriate Regional Water Board. If the discharge becomes covered by an individual or another general permit, the applicability of this General Permit to the specified discharge

will be immediately terminated on the effective date of the individual permit or coverage under the other general permit.

II. NOTIFICATION REQUIREMENTS

A. General Permit Application

To obtain authorization under this General Permit, Dischargers must submit to the State Water Board a complete application at least 90 days prior to their first application of the season. This is to allow posting of the Aquatic Pesticide Application Plan (APAP) for a 30-day comment period, staff to review APAP and respond to comments, and the Deputy Director to issue the Notice of Applicability (NOA). Following are the application information requirements:

1. A Notice of Intent (NOI shown as Attachment E) signed in accordance with the signatory requirements of the Standard Provisions in Attachment B;
2. An application fee. A fee is required only for new Dischargers. Dischargers that are enrolled under Order No. 2004-0009-DWQ and are applying for coverage under this Permit will be billed during the regular billing cycle; and
3. An APAP.

State Water Board staff will post the APAP on the State Water Board's website for 30 days for public review. In the meantime, the State and Regional Water Board staff will review the application package for completeness and applicability to this General Permit. After the application has been deemed complete, the Deputy Director will issue an NOA. The NOA will specify the permitted active ingredients of algaecides and aquatic herbicides that may be used, and any Regional Water Board specific conditions and requirements not stated in this General Permit. Any such region-specific conditions and requirements shall be enforceable. The Discharger is authorized to discharge starting on the date of the NOA. If comments are received, staff will immediately work to resolve them in order to issue an NOA within 90 days of receipt of the application.

This General Permit specifies an effective date of December 1, 2013. The effective date is delayed because, with the impending start of the 2013 application season, Dischargers may be unable to comply with the requirement to submit their applications 90 days prior to their first pesticide application. The delay will allow enrollees under Water Quality Order No. 2004-0009-DWQ to have continued permit coverage throughout the 2013 application season while preparing their new application for coverage under this General Permit; new enrollees to prepare and submit their applications as well; and Water Boards' staff to process the applications and issue NOAs.

Alternatively, the Deputy Director may issue a Notice of Exclusion, which either terminates permit coverage or requires submittal of an application for an individual permit or alternative general permit.

B. Fee

The annual fee for enrollment under this General Permit, shall be based on Category 3 in section 2200(b)(9) of title 23, California Code of Regulations (Cal. Code Regs.). This category is appropriate because algaecide and aquatic herbicide applications incorporate BMPs to control potential impacts to beneficial uses, and this General Permit prohibits pollutant discharge associated with algaecide and aquatic herbicide applications from causing exceedance of CTR criteria or water quality objectives. Information concerning the applicable fees can be found at http://www.waterboards.ca.gov/resources/fees/docs/fy1112fee_schdl_npdes_prmt.pdf

C. Public Notification

The State Water Board has notified interested agencies and persons of its intent to prescribe waste discharge requirements in this General Permit and provided them with an opportunity to submit their written comments and recommendations.

III. DISCHARGE DESCRIPTION

This General Permit covers the point source discharge to waters of the United States of pesticide residues resulting from applications using products containing 2,4-D, acrolein, copper, diquat, endothall, fluridone, glyphosate, imazamox, imazapyr, penoxsulam, sodium carbonate peroxyhydrate, and triclopyr-based algaecides and aquatic herbicides, and adjuvants containing ingredients represented by the surrogate nonylphenol. This General Permit covers only discharges of algaecides, aquatic herbicides, and adjuvants that are currently registered for use in California, or that become registered for use and contain the above-listed active ingredients and ingredients represented by the surrogate of nonylphenol.

A. Existing Discharge Description

As of January 11, 2013, there were 153 active enrollees under Water Quality Order No. 2004-0009-DWQ, Statewide General National Pollutant Discharge Elimination System Permit for the Discharge of Aquatic Pesticides for Aquatic Weed Control in Waters of the United States, General Permit No. CAG990005 (Order No. 2004-0009-DWQ). Most of the enrollees are local public agencies such as cities and irrigation, flood control, or reclamation districts. The other enrollees include six state of California agencies: the Departments of Boating and Waterways, Fish and Wildlife, Food and Agriculture, Parks and Recreation, Transportation, and Water Resources; a federal agency, U.S. Department of Fish and Wildlife Service; and a few private entities such as home owner associations and mobile home park owners.

The State Water Board granted exceptions to public agencies and mutual water companies that met the criteria stated in section 5.3 of the Policy for short-term or seasonal exceptions from meeting the receiving water limitations for priority pollutants of acrolein and copper.

Order No. 2004-0009-DWQ permits the discharge of aquatic pesticides with the following active ingredients: 2,4-D, acrolein, copper, diquat, endothall, fluridone, glyphosate, and triclopyr. The State Water Board reopened Order No. 2004-0009-DWQ after its adoption to add two more active ingredients: (1) imazapyr, a non-selective herbicide, for control of cordgrass and broadleaf weeds and other emergent aquatic species; and (2) sodium carbonate peroxyhydrate as an alternative to copper for algae control.*

B. Annual Report Review

State Water Board staff reviewed annual reports from 2004 through 2008⁹ submitted under Order No. 2004-0009-DWQ. The data are summarized in Table D-1 below. As shown in Table D-1, all constituent concentrations from post-event application samples were below receiving water limitations except for the following: three exceedances each for acrolein and glyphosate and 82 exceedances for copper out of 288 monitoring events. For glyphosate, it is likely that the three exceedances were not the result of aquatic pesticide applications because the pre-application samples also showed exceedances and the remaining 151 sampling events showed no exceedance. For copper, 43 of the 82 exceedances were from public agencies or mutual water companies that were excepted from meeting priority pollutant limitations during the exception period. Thus, staff did not consider these exceedances as violations of the receiving water limitations. However, 39 of the exceedances were from entities that did not have a Policy exception. Therefore, staff considered these exceedances as true violations of the receiving water limitations.

Table D-1. Monitoring Data Summary, 2004-2008, Order No. 2004-0009-DWQ

Pollutant	Number of Samples	Number of Exceedance
2,4-D	3	0
Acrolein	213	3
Copper	288	85
Diquat	17	0
Endothall	6	0
Fluridone	12	0
Glyphosate	154	3
Nonylphenol	53	0

Under Order No. 2004-0009-DWQ, the most commonly used aquatic pesticide products contained copper, acrolein, and glyphosate in descending order.

⁹ The data are submitted to the Regional Water Boards per Order No. 2004-0009-DWQ. When State Water Board staff started collecting data from the Regional Water Boards, the data available covered only this period.

C. Receiving Water Description

The annual reports showed that most algae and aquatic weed control applications were performed in fresh inland surface waters such as lakes, ponds, flood control and drainage channels, or canals. Some applications were performed in coastal waters, marina lagoons, and slough with brackish water.

IV. APPLICABLE PLANS, POLICIES, AND REGULATIONS

The requirements contained in this General Permit are based on the applicable plans, policies, and regulations identified below.

A. Legal Authorities

This General Permit is issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (U.S. EPA) and chapter 5.5, division 7 of the California Water Code, commencing with section 13370. It shall serve as an NPDES permit for point source discharges of residual algacides and aquatic herbicides to surface waters. This General Permit also serves as WDRs pursuant to article 4, chapter 4, division 7 of the California Water Code (commencing with §13260).

This General Permit shall serve as a General NPDES permit for point source discharges of residues from algacides and aquatic herbicide applications for algae and aquatic weed control. This General Permit also serves as general Waste Discharge Requirements pursuant to article 4, chapter 4, and division 7 of the California Water Code (commencing with §13260).

B. California Environmental Quality Act (CEQA)

Pursuant to California Water Code section 13389, State and Regional Water Boards are exempt from the requirement to comply with Chapter 3, Division 13 of the Public Resources Code when adopting NPDES permits.

C. State and Federal Regulations, Policies, and Plans

1. Water Quality Control Plans (Basin Plans)

The Regional Water Boards have adopted Basin Plans that designate beneficial uses, establish water quality objectives, and contain implementation programs and policies to achieve those objectives for all waters addressed through the plans. In addition, the Basin Plans implement State Water Board Resolution No. 88-63, which established state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply. The Basin Plans identify typical beneficial uses as follows: municipal and domestic supply, agricultural irrigation, stock watering, process supply, service supply, hydropower supply, water contact recreation, canoeing and rafting recreation, other non-contact water recreation,* warm freshwater aquatic habitat, cold freshwater habitat,* warm fish migration habitat, cold fish migration habitat,

warm and cold spawning habitat, wildlife habitat, navigation, rare, threatened, or endangered species habitat, groundwater recharge,* and freshwater replenishment.

Requirements of this General Permit implement provisions contained in the applicable Basin Plans.

2. National Toxics Rule (NTR) and California Toxics Rule (CTR)

U.S. EPA adopted the NTR on December 22, 1992, and later amended it on May 4, 1995 and November 9, 1999. About 40 criteria in the NTR applied in California. On May 18, 2000, U.S. EPA adopted the CTR. The CTR promulgated new toxics criteria for California and, in addition, incorporated the previously adopted NTR criteria that were applicable in the state. The CTR was amended on February 13, 2001. These rules contain water quality criteria for priority pollutants.

3. State Implementation Policy (Policy)

On March 2, 2000, the State Water Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (Policy). The Policy became effective on April 28, 2000 with respect to the priority pollutant criteria promulgated for California by U.S. EPA through the NTR and to the priority pollutant objectives established by the Regional Water Board in the Basin Plans. The Policy became effective on May 18, 2000 with respect to the priority pollutant criteria promulgated by U.S. EPA through the CTR. The State Water Board adopted amendments to the Policy on February 24, 2005 that became effective on July 13, 2005. The Policy establishes implementation provisions for priority pollutant criteria and objectives and provisions for chronic toxicity control. Requirements of this General Permit implement the Policy.

Policy Exception

The Policy provides categorical exceptions allowing short-term or seasonal exceptions from meeting the priority pollutant criteria/objectives if it is determined to be necessary to implement control measures for resource or pest management conducted by public entities or mutual water companies to fulfill statutory requirements. The Policy specifically refers to vector or weed control, pest eradication, or fishery management as the basis for categorical exceptions. The exceptions are only granted to public entities or mutual water companies that have adequately provided the following information as required by the Policy:

- a. A detailed description of the proposed action which includes the proposed method of completing the action;
- c. A time schedule;
- d. A discharge and receiving water monitoring plan that specifies monitoring prior to application events,* during application events, and after completion with the appropriate quality control procedures;

- e. CEQA documentation including notifying potentially affected public and government agencies; and
- f. Any necessary contingency plans.

The public entities and mutual water companies listed in Attachment G have met the above requirements before the issuance or during the term of the Order No. 2004-0009-DWQ.

The final Negative Declaration or Mitigated Negative Declarations (ND/MND) prepared by the public entities or mutual water companies have determined that the water quality impacts identified in the environmental assessments of the ND/MND from algaecide and aquatic herbicide applications are less than significant, and would not have a significant effect on the environment. The boards of each public entity and mutual water company*, as the lead agencies under CEQA, approved the final ND/MND. Therefore, each public entity or mutual water company is not required to meet priority pollutant criteria during the exception period.

During the issuance of the Order No. 2004-0009-DWQ, as required in section 15096 of the CEQA Guidelines, the State Water Board, as a Responsible Agency under CEQA, considered the ND/MND approved by the board of each public entity or mutual water company. The State Water Board found that the projects will have less than significant water quality impact if the Dischargers meet the requirements in this General Permit. Accordingly, the Policy 5.3 exception granted previously will continue to be valid under this Order.

Any Discharger not listed in Attachment G is required to meet all applicable priority pollutant criteria for receiving waters.

4. Antidegradation Policy

Section 131.12 of 40 C.F.R. requires that the state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings. The Basin Plans implement, and incorporate by reference, both the state and federal antidegradation policies.

The permitted discharge must be consistent with the antidegradation provision of 40 C.F.R. section 131.12 and Resolution No. 68-16. The conditions of this General Permit require residual algaecide and aquatic herbicide discharges to meet applicable water quality objectives. Specifically, the General Permit sets receiving water limitations for 2,4-D, acrolein, copper, diquat, endothall, fluridone, glyphosate, and nonylphenol. It also sets receiving water monitoring triggers for imazapyr and triclopyr triethylamine (TEA).

The BMPs and other controls required pursuant to the General Permit constitute Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT).

The General Permit requirements are protective of the broad range of beneficial uses set forth in basin plans throughout the state, constituting best control available consistent with the purposes of the algaecide and aquatic herbicide application in order to ensure that pollution or nuisance will not occur. The nature of pesticides is to be toxic in order to protect beneficial uses such as human health or long-term viability of aquatic life. For example, blue-green algae are bacteria that live in both fresh and marine waters. In California, certain forms of blue-green algae have been a particular problem in the Klamath River watershed and on the Central Coast. Blooms of these bacteria can poison livestock, wildlife, and humans; they can also damage drinking water sources. The use of an algaecide is one of the effective ways to control the harmful blooms of blue-green algae. Although algaecide application will temporarily degrade the water quality and result in short-term toxicity in the receiving water, it prevents the toxicities in the entire water body for a long period of time. While surface waters may be temporarily degraded; water quality standards and objectives will not be exceeded after project completion.

Another example of benefits of pesticide application is the control of aquatic weeds in flood control channels. Aquatic herbicides used to control emerging aquatic weeds in a flood control channel will effectively prevent full growth and bloom of aquatic weeds that may block the channel and cause flooding in the surrounding communities. Although the water quality is temporarily degraded while the herbicide is taking its effect in eliminating the weeds, the water quality will not be exceeded after the project is completed. In addition, the receiving water limitations and other requirements of this General Permit will ensure maintenance of the highest water quality consistent with maximum benefit to the people of the state.

Given the nature of a General Permit and the broad range of beneficial uses to be protected across the state, data analysis of specific water bodies is infeasible. While surface waters may be temporarily degraded, water quality standards and objectives will not be exceeded. The nature of pesticides is to be toxic in order to protect human health and water resources. However, compliance with receiving water limitations is required. Therefore, this General Permit is consistent with state and federal antidegradation policies.

5. Endangered Species Act

This General Permit does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code §2050 et. seq) or the Federal Endangered Species Act (16 U.S.C.A. §1531 et. seq). This General Permit requires compliance with effluent limitations, receiving water limitations, and other requirements to protect the beneficial uses of waters of the state. The Discharger is responsible for meeting all requirements of the applicable Endangered Species Act.

6. Impaired Water Bodies on CWA 303(d) List

This General Permit does not authorize the discharge of residual algaecides and aquatic herbicides and their degradation byproducts to waters of the United States that are impaired by the same active ingredients and their degradation byproducts. The links to California's impaired waters bodies are provided at http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtm.

7. Other Plans, Policies, and Regulations

The State Water Board adopted the *Water Quality Control Policy for the Enclosed Bays and Estuaries of California*. The requirements within this General Permit are consistent with the policy.

V. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

Effluent limitations and toxic and pretreatment effluent standards established pursuant to sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 304 (Information and Guidelines), and 307 (Toxic and Pretreatment Effluent Standards) of the CWA and amendments thereto are applicable to the discharge.

The control of pollutants discharged is established through effluent limitations and other requirements in NPDES permits. There are two principal bases for effluent limitations: (1) 40 C.F.R. section 122.44(a) requires that permits include applicable technology-based limitations and standards; and (2) 40 C.F.R. section 122.44(d) requires that permits include water quality-based effluent limitations to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water where numeric water quality objectives have not been established.

The CWA mandates the implementation of effluent limitations that are as stringent as necessary to meet water quality standards established pursuant to state or federal law (33 U.S.C., §1311(b)(1)(C); 40 C.F.R. §122.44(d)(1)). NPDES permits must incorporate discharge limits necessary to ensure that water quality standards are met. This requirement applies to narrative criteria as well as to numeric criteria specifying maximum amounts of particular pollutants. Pursuant to 40 C.F.R. section 122.44(d)(1)(i), NPDES permits must contain limits that control all pollutants that "*are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard, including state narrative criteria for water quality.*" Section 122.44(d)(1)(vi) of 40 C.F.R. further provides that "[w]here a state has not established a water quality criterion for a specific chemical pollutant that is present in an effluent at a concentration that causes, has the reasonable potential to cause, or contributes to an excursion above a narrative criterion within an applicable State water quality standard, the permitting authority must establish effluent limits."

The CWA requires point source dischargers to control the amount of conventional, non-conventional, and toxic pollutants that are discharged into the waters of the United States. The control of pollutants discharged is established through effluent limitations and other requirements in NPDES permits. There are two principal bases for effluent limitations: 40 C.F.R. section 122.44(a) requires that permits include applicable technology-based

limitations and standards; and section 122.44(d) requires that permits include water quality-based effluent limitations to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water where numeric water quality objectives have not been established.

With respect to narrative objectives, the State Water Board must establish effluent limitations using one or more of three specified sources: (1) U.S. EPA's published water quality criteria; (2) a proposed state criterion (i.e., water quality objective) or an explicit state policy interpreting its narrative water quality criteria; or (3) an indicator parameter (i.e., 40 C.F.R. §122.44(d)(1)(vi)(A), (B) or (C)). Basin Plans contain a narrative objective requiring that: *"All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life."* Basin Plans require the application of the most stringent objective necessary to ensure that surface water and groundwater do not contain chemical constituents, discoloration, toxic substances, radionuclides, or taste and odor producing substances that adversely affect beneficial uses. Basin Plans state that material and relevant information, including numeric criteria, and recommendations from other agencies and scientific literature will be utilized in evaluating compliance with the narrative toxicity objective. Basin Plans also limit chemical constituents in concentrations that adversely affect surface water beneficial uses. Basin Plans further state that, to protect all beneficial uses, the Regional Water Board may apply limits more stringent than MCLs.

A. Discharge Prohibitions

1. The discharge of residual algaecides, residual aquatic herbicides, and their degradation byproducts in a manner different from that described in this General Permit is prohibited.

This prohibition is based on 40 C.F.R. 122.21(a), "Duty to Apply," and California Water Code section 13260, which requires filing a Report of Waste Discharge before discharges can occur. Discharges not described in the NOI, and subsequently not discharged in the manner permitted by this General Permit, are prohibited.

2. The discharge of residual algaecides, residual aquatic herbicides, and their degradation byproducts shall not create a nuisance as defined in section 13050 of the California Water Code.

This prohibition is based on California Water Code section 13050 for water quality control for achieving water quality objectives.

3. The discharge shall not cause, have a reasonable potential to cause, or contribute to an in-stream excursion above any applicable standard or criterion promulgated by U.S. EPA pursuant to section 303 of the CWA, or water quality objective adopted by the State or Regional Water Boards.

This prohibition is based on CWA section 301 and California Water Code.

4. All pesticides are prohibited from the waters of the Lahontan Region (Region 6). The use of this permit is invalid in the Lahontan Region unless the discharger has

requested a prohibition exemption from the Lahontan Water Board and the Lahontan Water Board has granted an exemption for the use of algaecides or aquatic herbicides.

This prohibition is based on the Lahontan Water Board's region-wide waste discharge prohibition for pesticides in water with exemption criteria to allow certain uses of aquatic pesticides.

B. Effluent Limitations

1. Technology-Based Effluent Limitations

The intent of technology-based effluent limitations in NPDES permits is to require a minimum level of treatment of pollutants based on available treatment technologies while allowing the Discharger to use any available control technique to meet the limitations. For industrial and other non-municipal facilities, technology-based effluent limitations are derived by using: (1) national effluent limitations guidelines and standards established by U.S. EPA; or best professional judgment on a case-by-case basis in the absence of national effluent limitations guidelines and standards. In the case of pesticide applications, U.S. EPA has not developed guidelines and standards other than the requirement to follow the labels when applying pesticides. At this point, it is not appropriate to establish technology-based effluent limitations other than following the label when applying algaecides and aquatic herbicides.

Therefore, the effluent limitations contained in this General Permit are narrative and include requirements to develop and implement an APAP that describes appropriate BMPs, including compliance with all algaecide and aquatic herbicide label instructions, and to comply with numeric receiving water limitations and actions required if monitoring triggers are exceeded.

The BMPs required herein constitute BAT and BCT and will be implemented to minimize the area and duration of impacts caused by the discharge of algaecides and aquatic herbicides in the treatment area and to allow for restoration of water quality and protection of beneficial uses of the receiving waters to pre-application quality following completion of an application event.* In addition, for those enrollees that have been granted an exception to meeting receiving water limitations for acrolein and copper, in accordance with the Policy, this General Permit requires that upon completion of a pesticide application project, the Discharger shall provide certification by a qualified biologist that the receiving water beneficial uses have been restored.

The development of BMPs provides the flexibility necessary to establish controls to minimize the area extent and duration of impacts caused by the discharge of algaecides and aquatic herbicides. This flexibility allows Dischargers to implement appropriate BMPs for different types of applications and different types of waters.

Much of the BMP development has been incorporated into the algaecide and aquatic herbicide regulation process by U.S. EPA, DPR, and County Agricultural

Commissioners. The Dischargers must be licensed by DPR if such licensing is required for the algaecide and aquatic herbicide application project. The algaecide and aquatic herbicide use must be consistent with the algaecide and aquatic herbicide label instructions and any Restricted Material Use Permits issued by County Agricultural Commissioners.

U.S. EPA and DPR scientists review algaecide and aquatic herbicide labels to ensure that a product used according to label instructions will cause no harm (or “adverse impact”) on non-target organisms that cannot be reduced (or “mitigated”) with protective measures or use restrictions. Many of the label directions constitute BMPs to protect water quality and beneficial uses. Label directions may include: precautionary statements regarding toxicity and environmental hazards; directions for proper handling, dosage, application, and disposal practices; prohibited activities; spill prevention and response measures; and restrictions on type of water body and flow conditions.

A Restricted Material Use Permit issued by the County Agricultural Commissioner incorporates applicable suggested permit conditions from DPR and local site-specific conditions necessary to protect the environment. State regulations require that specific types of information be provided in an application to the County Agricultural Commissioners for a Restricted Material Use Permit. The County Agricultural Commissioners review the application to ensure that appropriate alternatives were considered and that any potential adverse effects are mitigated. The County Agricultural Commissioners also conduct pre-project inspections on at least five percent of projects.

This General Permit requires that Dischargers use BMPs when implementing control programs in order to mitigate effects to water quality resulting from algaecide and aquatic herbicide applications. Dischargers are required to consider alternative control measures to determine if there are feasible alternatives to the selected algaecide and aquatic herbicide application project that could reduce potential water quality impacts. If the Discharger identifies alternative control measures to the selected algaecide and aquatic herbicide application project that could reduce potential water quality impacts and that are also feasible, practicable, and cost-effective, the Discharger shall implement the identified alternative measures. The selection of control measures that use non-toxic and less toxic alternatives is an example of an effective BMP.

2. Water Quality-Based Effluent Limitations (WQBELs)

a. Scope and Authority

Section 122.44(d)(1)(i) of 40 C.F.R. mandates that permits include effluent limitations for all pollutants that are or may be discharged at levels that have the reasonable potential to cause or contribute to an exceedance of a water quality standard, including numeric and narrative objectives within a standard. Where reasonable potential has been established for a pollutant, but there is no numeric criterion or objective for the pollutant, WQBELs must be established using: (1) U.S. EPA criteria under CWA section 304(a), supplemented where necessary by other relevant information; (2) an

indicator parameter for the pollutant of concern; or (3) a calculated numeric water quality criterion, such as a proposed state criterion or policy interpreting the state's narrative criterion, supplemented with other relevant information, as provided in 40 C.F.R. section 122.44(d)(1)(vi).

The process for determining reasonable potential and calculating WQBELs when necessary is intended to protect the designated uses of the receiving water as specified in the Basin Plans, and achieve applicable water quality objectives and criteria that are contained in other state plans and policies, or any applicable water quality criteria contained in the CTR and NTR.

Section 122.44(k)(3) of 40 C.F.R. allows the use of other requirements such as BMPs in lieu of numeric effluent limits if the latter are infeasible. It is infeasible for the State Water Board to establish numeric effluent limitations in this General Permit because:

- i. The application of algaecides and aquatic herbicides is not necessarily considered a discharge of pollutants according to the *National Cotton Council of America v. U.S. EPA*¹⁰ and other applicable case law. The Sixth Circuit Court of Appeals ruled that residual pesticides associated with the application of pesticides at, over, or near water constitute pollutants within the meaning of the CWA and that the discharge must be regulated under an NPDES permit;
- ii. This General Permit regulates the discharge of residual algaecides and aquatic herbicides used for algae and aquatic weed control to waters of the United States. These are algaecides and herbicides with registration labels that explicitly allow direct application to water bodies. In algaecides and aquatic herbicides applications to control pests, any algaecides and aquatic herbicides residue or degradation byproduct that is deposited in waters of the United States is a pollutant. However, at what point the algaecides and aquatic herbicides become a residue is not precisely known and varies depending on the type of algaecides and aquatic herbicides, application method and quantity, water chemistry, etc. Therefore, in the application of algaecides and aquatic herbicides, the exact effluent is unknown;
- iii. It would be impractical to provide effective treatment of the algaecides and aquatic herbicides residue to protect water quality, given typically, algaecides and aquatic herbicides applications consist of numerous short duration intermittent algaecides and aquatic herbicides residue releases to surface waters from many different locations; and
- iv. Treatment may render the algaecides and aquatic herbicides useless for algae and aquatic weed control.

¹⁰ 553 F.3d 927 (6th Cir., 2009)

Therefore, as stated in Technology-Based Effluent Limitations, Section V.B.1 above, the effluent limitations contained in this General Permit are narrative and include requirements to develop and implement an APAP that describes appropriate BMPs, including compliance with all algaecides and aquatic herbicides label instructions, and to comply with narrative receiving water limitations and triggers.

b. Receiving Water Beneficial Uses

Algaecide and aquatic herbicide applications for algae and aquatic weed control may potentially deposit residual algaecides and aquatic herbicides to surface waters. Beneficial uses of receiving waters are as follows: municipal and domestic supply, agricultural irrigation, agricultural stock watering, process water supply, service water supply, and hydropower supply, water contact recreation, canoeing and rafting recreation, other non-contact water recreation, warm freshwater aquatic habitat, cold freshwater aquatic habitat, warm fish migration habitat, cold fish migration habitat, warm and cold spawning habitat, wildlife habitat, navigation, groundwater recharge, and freshwater replenishment. Requirements of this General Permit implement the applicable Basin Plans.

c. Determining the Need for WQBELs

Water quality standards include Regional Water Board Basin Plan beneficial uses and narrative and numeric water quality objectives, State Water Board-adopted standards, and federal standards, including the CTR and NTR, as well as antidegradation policies. The Basin Plans include numeric site-specific water quality objectives and narrative objectives for toxicity, chemical constituents, and tastes and odors. The narrative toxicity objective states: *"All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life."* With regard to the narrative chemical constituent objective, the Basin Plans state that waters shall not contain chemical constituents in concentrations that adversely affect beneficial uses. At minimum, *"...water designated for use as domestic or municipal supply (MUN) shall not contain concentrations of chemical constituents in excess of the maximum contaminant levels (MCLs)" in title 22 of CCR.* The narrative tastes and odors objective states: *"Water shall not contain taste- or odor-producing substances in concentrations that impart undesirable tastes or odors to domestic or municipal water supplies or to fish flesh or other edible products of aquatic origin, or that cause nuisance, or otherwise adversely affect beneficial uses."*

Federal regulations require effluent limitations for all pollutants that are or may be discharged at a level that will cause or have the reasonable potential to cause, or contribute to an in-stream excursion above a narrative or numerical water quality standard.

d. Antidegradation Policy

The permitted discharge is consistent with the antidegradation provisions of 40 C.F.R. section 131.12 and State Water Board Resolution No. 68-16. Compliance with these requirements will result in the use of best practicable treatment or control of the discharge. Due to the low volume of discharge expected from discharges regulated under this General Permit, the impact on existing water quality will be insignificant. Dischargers seeking authorization to discharge under this General Permit are required to demonstrate compliance with receiving water limitations during the application. If, however, the appropriate Regional Water Board, subsequent to review of any application, finds that the impact of a discharge will be significant, then authorization for coverage under this General Permit will be denied and coverage under an individual permit will be required (including preparation of an antidegradation analysis).

VI. RATIONALE FOR RECEIVING WATER LIMITATIONS AND MONITORING TRIGGERS

A. Groundwater

[Not Applicable]

B. Surface Water

CWA section 303(a-c), requires states to adopt water quality standards, including criteria necessary to protect beneficial uses. Regional Water Boards adopted water quality criteria as water quality objectives in the Basin Plans. The Basin Plans state that “[t]he numerical and narrative water quality objectives define the least stringent standards that the Regional Water Board will apply to regional waters in order to protect the beneficial uses.” The Basin Plans include numeric and narrative water quality objectives for various beneficial uses and water bodies. This General Permit contains receiving water limitations based on the Basin Plans’ numerical and narrative water quality objectives for bio-stimulatory substances, chemical constituents, color, temperature, floating material, settleable substances, suspended material, tastes and odors, and toxicity. This General Permit also requires compliance with any amendment or revision to the water quality objectives contained in the Basin Plans adopted by Regional Water Boards subsequent to adoption of this General Permit.

Once algaecides and aquatic herbicides have been applied to a treatment area, the algaecide and aquatic herbicide product can actively control pests within the treatment area. The discharge of algaecides and aquatic herbicides, their residues, and their degradation byproducts from the applications to surface water must meet applicable water quality criteria and objectives. The receiving water limitations ensure that an application event* does not result in an exceedance of a water quality standard in the receiving water.

To protect all designated beneficial uses of the receiving water, the most protective (lowest) and appropriate (to implement the CTR criteria and WQOs in the Basin

Plans) criteria should be selected as the permit limitation for a particular water body and constituent. In many cases, water quality standards include narrative, rather than numerical, water quality objectives. In such cases, numeric water quality limits from the literature or publicly available information may be used to ascertain compliance with water quality criteria.

Algaecide and aquatic herbicide formulations contain disclosed “active” ingredients that yield toxic effects* on target organisms and may also have toxic effects on non-target organisms. Algaecide and aquatic herbicide active ingredients that do not contain pollutants for which there are applicable numeric CTR criteria may still have toxic effects on receiving water bodies. In addition, the inactive or “inert” ingredients of algaecides and aquatic herbicides, which are trade secrets and have not been publicly disclosed, may also contain toxic pollutants or pollutants that could affect water quality.

DPR is responsible for reviewing toxic effects of product formulations and determining whether an algaecide or aquatic herbicide is suitable for use in California’s waters. In this General Permit, inert ingredients are also considered on a constituent-by-constituent basis. U.S. EPA regulates pesticide use through strict labeling requirements in order to mitigate negative impacts to human health and the environment, and DPR environmental and medical toxicologists review toxicity data on formulations and can deny registration or work with registrants or County Agricultural Commissioners to impose additional requirements in order to protect human health or the environment.

U.S. EPA and DPR require that pesticides undergo toxicity testing and meet specific toxicity requirements before registering the pesticide for application to surface waters. U.S. EPA has found that the application of properly registered pesticides pose a minimal threat to people and the environment. In addition, the effects of these pesticides on water quality will be mitigated through compliance with FIFRA label requirements, application of BMPs, and monitoring.

Basin Plan water quality objectives to protect the beneficial uses of surface water and groundwater include numeric objectives and narrative objectives, including objectives for chemical constituents, toxicity, and tastes and odors. The toxicity objective requires that surface water and groundwater be maintained free of toxic substances in concentrations that produce detrimental physiological responses in humans, plants, animals, or aquatic life. The chemical constituent objective requires that surface water and groundwater shall not contain chemical constituents in concentrations that adversely affect any beneficial use or that exceed the MCLs set forth in title 22, Cal. Code Regs. The tastes and odors objective states that surface water and groundwater shall not contain taste- or odor-producing substances in concentrations that cause nuisance or adversely affect beneficial uses. The Basin Plans require the application of the most stringent objective necessary to ensure that surface water and groundwater do not contain chemical constituents, toxic substances, radionuclides, or taste and odor producing substances in concentrations that adversely affect domestic drinking water supply, agricultural supply, or any other beneficial use.

1. Receiving Water Limitations

The instantaneous maximum receiving water limitations are based on promulgated water quality criteria such as those provided in the CTR, water quality objectives adopted by the State and Regional Water Boards in their Basin Plans, water quality criteria adopted by the California Department of Fish and Wildlife, water quality standards such as drinking water standards adopted by U.S. EPA or the California Department of Public Health (CDPH), or U.S. EPA National Recommended Ambient Water Quality Criteria.

This General Permit provides receiving water limitations based on the lowest water quality criteria/objectives to protect all designated beneficial uses of the receiving water. The receiving water limitations in this General Permit are the same as those in Order No. 2004-0009-DWQ. The rationale for each limitation is summarized below.

Table D-2. Summary of Receiving Water Limitations

Constituent/ Parameter	BENEFICIAL USE ¹				Basis
	MUN, µg/L	WARM or COLD, µg/L	Other than MUN, WARM, or COLD, µg/L	All Designations	
2,4,-D	70				U.S. EPA MCL
Acrolein ²	320	21	780		U.S. EPA Water Quality Criteria, 1986.
Copper ²				Dissolved Freshwater ³ Copper Chronic = $0.960\exp\{0.8545[\ln(\text{hardness}^4)] - 1.702\}$ ^{5,6} Dissolved saltwater ³ Copper Chronic = $0.83\exp\{0.8545[\ln(\text{hardness}^4)] - 1.702\}$ ^{5,6}	California Toxics Rule
Diquat	20				U.S. EPA MCL
Endothall	100				U.S. EPA MCL
Fluridone	560				U.S. EPA Integrated Risk Information System
Glyphosate	700				U.S. EPA MCL
Nonylphenol				Freshwater Chronic Criterion = 6.6 µg/L Saltwater Chronic Criterion = 1.7 µg/L	U.S. EPA National Recommended Ambient Water Quality Criteria
Toxicity	Algaecide and aquatic herbicide applications shall not cause or contribute to toxicity in receiving water(s).				Regional Water Boards' Basin Plans

Notes

1. See Regional Water Boards' Water Quality Control Plans (Basin Plans) for beneficial use definitions.
2. Public entities and mutual water companies listed in Attachment G are not required to meet this receiving water limitation during the exception period described in Section VIII.C.10, Limitations and Discharge Requirements, Aquatic Pesticides Application Plan (APAP).

3. For waters in which the salinity is equal to or less than 1 part per thousand 95% or more of the time, the freshwater criteria apply. For waters in which the salinity is equal to or greater than 10 parts per thousand 95% or more of the time, saltwater criteria apply. For waters in which the salinity is between 1 and 10 parts per thousand, the applicable criteria are the more stringent of the freshwater or saltwater criteria.
4. For freshwater aquatic life criteria, waters with a hardness 400 mg/L or less as calcium carbonate, the actual ambient hardness of surface water shall be used. For waters with a hardness of over 400 mg/L as calcium carbonate, a hardness of 400 mg/L as calcium carbonate shall be used with a default Water-Effect Ratio of 1.
5. Values should be rounded to two significant figures.
6. This limitation does not apply to the Sacramento River and its tributaries above the State Highway 32 Bridge at Hamilton City. See Table III-1 of the Basin Plan for the Sacramento and San Joaquin River Basins for copper limitation.

The copper limitation in Order No. 2004-0009-DWQ was based on the CTR's Criteria Continuous Concentration (CCC) expressed in total recoverable concentration. This General Permit also uses CCC from the CTR as the basis of the copper limitations; however, the copper limitation is now expressed in dissolved concentration. Since the copper criterion in the CTR is expressed in dissolved concentration, the receiving water limitation must also be expressed in dissolved rather than total concentration since it is the dissolved portion of copper that is bioavailable to aquatic life.

Based on Policy section 5.3, this General Permit grants public entities and mutual water companies listed in Attachment G a short-term or seasonal exception from meeting receiving water limitations for acrolein and copper during treatment. As a condition of the exception, this General Permit requires Dischargers to provide the length and justification of required exception periods in their APAPs. There is no discrete definition for short-term; but the intent is to allow the exception to apply during the treatment period. It is up to the Discharger to make this demonstration.

The receiving water dissolved oxygen limitation is based on the Regional Water Board Basin Plans' dissolved oxygen objectives.

2. Receiving Water Monitoring Triggers

In algaecide or aquatic herbicide applications, it is reasonable to conclude that some residual algaecides or aquatic herbicides will remain in the receiving waters. These residual algaecides or aquatic herbicides may cause toxicity to aquatic life. However, information regarding the specific amount of algaecide or aquatic herbicide residues (described below) in the receiving water as a result of direct applications for weed control is not adequate to develop receiving water limitations for these algaecides and aquatic herbicides. Therefore, this General Permit only contains Receiving Water Monitoring Triggers and/or monitoring requirements for these algaecides or aquatic herbicides. The monitoring triggers and monitoring data will be used to assess whether the discharges of these algaecide or aquatic herbicide residues have the reasonable potential to cause or contribute to an excursion of a water quality standard, including numeric and narrative objectives within a standard.

In the absence of adopted criteria, objectives, or standards, the State Water Board used U.S. EPA's Ambient Criteria for the Protection of Freshwater Aquatic

Life (Ambient Water Quality Criteria) which are directly applicable as a regulatory level to implement narrative toxicity limitations included in all Regional Water Board Basin Plans. Where adopted criteria, objectives, standards, or Ambient Water Quality Criteria are unavailable, the State Water Board used data from U.S. EPA's *Ecotoxicity Database* to develop the Receiving Water Monitoring Triggers to protect all beneficial uses of the receiving water.

For constituents that do not have Ambient Water Quality Criteria, the Instantaneous Maximum Receiving Water Monitoring Trigger is based on one-tenth of the lowest 50 Percent Lethal Concentration (LC50) from U.S. EPA's *Ecotoxicity Database*. Using one-tenth of the lowest LC50 as the receiving water monitoring trigger is consistent with the Central Valley Regional Water Board's Basin Plan approach when developing the Daily Maximum Limitation for algaecides or aquatic herbicides that do not have water quality criteria.

This General Permit may be re-opened to add receiving water limitations to the algaecides or aquatic herbicides listed below if the monitoring triggers are exceeded or the monitoring data indicate re-opening of the permit is appropriate. The following is a detailed discussion of toxicity data, applicable water quality criteria, and Receiving Water Monitoring Triggers, if applicable, for these algaecide or aquatic herbicide:

a. Imazamox

Imazamox is a derivative of the active ingredient, ammonium salt of imazamox for the aquatic herbicide Clearcast, which DPR registered for use in California in October 2012. It is labeled for application to water for the control of submerged aquatic plants species and some emergent and floating species.

Imazamox is an herbicide that inhibits an enzyme in aquatic plants that is essential for the synthesis of three-branched chain amino acids.

Staff obtained toxicity data for imazamox from U.S. EPA's *Ecotoxicity Database* to assess its toxicity to freshwater aquatic life. However, U.S. EPA's *Ecotoxicity Database* contains toxicity data only for imazamox, but not for its salt. Table D-3 summarizes the toxicity data for imazamox below.

Table D-3. Toxicity Data Summary for Imazamox (CAS# 114311-32-9)

Type of Organism	Study Length	Study Date	LC50 (mg/L)
Mysid	96 h	1998	> 100
		1998	> 94.3
Bluegill sunfish	96 h	1994	> 119
Rainbow trout	96 h	1994	> 122
Sheephead mino	96 h	1998	> 94.2
		1998	> 94.2
Lowest LC50/10 > 9.4 mg/L			

Ambient Water Quality Criteria are unavailable for imazamox and imazamox salt. Table D-3 shows that one-tenth of the lowest LC50 to protect the most sensitive freshwater aquatic life for imazamox is greater than 9.4 mg/l.

Due to the absence of water quality criteria for imazamox and its low toxicity to aquatic life as indicated in U.S. EPA's *Ecotoxicity Database*, this General Permit does not have a receiving water monitoring trigger for imazamox. However, this General Permit requires receiving water monitoring for imazamox to collect data, which will provide information on whether the use of imazamox has water quality impacts.

b. Imazapyr

The active ingredient imazapyr is marketed by the trade names Arsenal, Chopper, and Assault. Upon contact, imazapyr can interfere with DNA synthesis and cell growth of the plants. The target weed species are grasses, broad-leaves, vines, brambles, shrubs and trees, and riparian and emerged aquatics. The result of exposure is death of new leaves. It was first registered in the United States in 1984.

Imazapyr is a slow-acting amino acid synthesis inhibitor. It has an average water half-life* of four days with photodegradation as the primary form of degradation in water. Imazapyr acts more quickly and is less toxic than other low-volume herbicides. According to the San Francisco Estuary* Invasive *Spartina* Project's May 4, 2005 report titled *Use of Imazapyr Herbicide to Control Invasive Cordgrass (Spartina spp.) in the San Francisco Estuary*, imazapyr in water rapidly degrades via photolysis. The report further states that a number of field studies demonstrated that imazapyr rapidly dissipated from water within several days, and no detectable residues of imazapyr were found in either water or sediment within two months; in estuarine systems, dilution of imazapyr with the incoming tides contributes to its rapid dissipation, suggesting that imazapyr is not environmentally persistent in the estuarine environment and does not result in significant impacts to water quality. The report concludes that imazapyr herbicides can be a safe, highly effective treatment for control and eradication of non-native *Spartina* species in the San Francisco Estuary and offers an improved risk scenario over the existing treatment regime with glyphosate herbicides. On August 30, 2005, DPR registered imazapyr for aquatic application as an aquatic herbicide.

Toxicity data for imazapyr were obtained from U.S. EPA's *Ecotoxicity Database* to assess the toxicity of imazapyr to freshwater aquatic life. Tables D-4 and D-5 summarize the toxicity data for imazapyr and imazapyr salt.

Table D-4. Toxicity Data Summary for Imazapyr (CAS#81334-34-1)

Type of Organism	Study Length	Study Date	LC50 (mg/L)
Pink shrimp	96 h	1988	> 189
Atlantic silverside	96 h	1988	> 184
Bluegill sunfish	96 h	1983	> 100
		1983	> 100

Type of Organism	Study Length	Study Date	LC50 (mg/L)
Channel catfish	96 h	1983	> 100
Rainbow trout	96 h	1983	> 100
		1995	> 110
Lowest LC50/10 > 10			

**Table D-5. Toxicity Data Summary for Imazapyr Isopropylamine Salt
(CAS#81510-83-0)**

Type of Organism	Study Length	Study Date	LC50 (mg/L)
Water flea	48 h	1984	350
Rainbow trout	96 h	1984	112
Bluegill sunfish	96 h	1984	> 1000
Lowest LC50/10 = 11.2			

Ambient Water Quality Criteria are unavailable for imazapyr and imazapyr salt. Tables D-4 and D-5 show that the lowest one-tenth of LC50 to protect the most sensitive freshwater aquatic life for imazapyr is 11.2 mg/l.

Due to its safe use in the environment and low toxicity to aquatic life as indicated in U.S. EPA's *Ecotoxicity Database*, this General Permit does not have a receiving water limitation for imazapyr. However, this General Permit contains a monitoring trigger of 11.2 mg/l based on one-tenth of the lowest LC50 from U.S. EPA's *Ecotoxicity Database* and requires receiving water monitoring to collect data, which will provide information on whether imazapyr has water quality impacts.

c. Penoxsulam

Penoxsulam is the active ingredient for Galleon SC, a selective systemic aquatic herbicide for management of freshwater aquatic vegetation in ponds, lakes, reservoirs, marshes, wetlands, non-irrigation canals, slow-moving water bodies, etc. Penoxsulam is a post-emergence acetolactate synthase (ALS) inhibitor developed by Dow AgroSciences to be used as a foliar spray on dry-seeded rice crops. The mode of action is to inhibit the acetolactate synthases enzyme in the target weed.

The U.S. EPA Pesticide Fact Sheet states that penoxsulam is expected to be very mobile, but not very persistent, in either aqueous or terrestrial environments. Penoxsulam exists almost exclusively in a disassociated state at pH values normally found in rice paddy water (averaging about eight), but not in terrestrial environments where lower pH values may be found. Penoxsulam degrades by two different transformation mechanisms, producing 13 different identified transformation products, 11 of which meet

the criteria to be classified as major degradation byproducts,¹¹ six of which reached peak concentrations at study termination, indicating a greater degree of persistence than penoxsulam and a potential to reach concentrations even greater than those reported at study termination. The results of the screening-level risk assessment suggest that penoxsulam will not pose a threat to aquatic or terrestrial animals, however, this conclusion must be tempered by the fact that testing has not been conducted on several major degradation byproducts.

Toxicity data for penoxsulam were obtained from U.S. EPA's *Ecotoxicity Database* to assess the toxicity of penoxsulam to freshwater aquatic life. Table D-6 summarizes the toxicity data for penoxsulam.

Table D-6. Toxicity Data Summary for Penoxsulam (CAS#219714-96-2)

Type of Organism	Study Length	Study Date	LC50 (mg/L)
Bluegill sunfish	96 h	2000	> 103
Common carp fish	96 h	2001	> 101
Mysid	96 h	2000	> 114
Rainbow trout	96 h	2002	> 147
		2000	> 102
Scud	96 h	2000	> 126
Lowest LC50/10 > 10.1			

Ambient Water Quality Criteria are unavailable for penoxsulam. Table D-6 shows that the lowest one-tenth of LC50 to protect the most sensitive freshwater aquatic life for penoxsulam is greater than 10.1 mg/l.

Due to its safe use in the environment, low toxicity to aquatic life as indicated in U.S. EPA's *Ecotoxicity Database*, and lack of accurate toxicity value, this General Permit does not have a receiving water monitoring trigger. However, this General Permit requires receiving water monitoring to collect data, which will provide information on whether penoxsulam has water quality impacts.

d. Sodium Carbonate Peroxyhydrate

Sodium carbonate hydroxyhydrate has been registered as an algaecide since early 2006. The most common brand names are PAK 27, Phycomycin, and Green Clean. It is an alternative to traditional copper based algaecides. It acts as an oxidizing agent and thus kills the target algae. When it is

¹¹ U.S. EPA defines major degradation byproducts to be BSA, 2-amino-TP, TPSA, BSTCA methyl, BSTCA, 2-amino-TCA, 5-OH-penoxsulam, SFA, sulfonamide, 5,8-di-OH and 5-OH, 2 aminoTP.

applied into water, the compound quickly breaks down into hydrogen peroxide (H₂O₂) and sodium carbonate. The hydrogen peroxide oxidizes and thus kills the target pests. After contact, the hydrogen peroxide breaks down into water and oxygen.

U.S. EPA has waived toxicity testing for freshwater fish and invertebrate during the registration process. According to the U.S. EPA fact sheet, when the pesticide is applied in accordance with directions on the label, no harm is expected to freshwater fish or freshwater invertebrates.

There are no toxicity data for sodium carbonate peroxyhydrate in U.S. EPA's *Ecotoxicity Database*. Therefore, this General Permit does not have a monitoring trigger or a monitoring requirement for sodium carbonate peroxyhydrate.

e. Triclopyr Triethylamine (TEA) Salt

Triclopyr TEA is a systemic herbicide used to control broad-leaf weeds and woody plants.

U.S. EPA concluded in its re-registration document that triclopyr TEA is practically non-toxic to freshwater fish and aquatic invertebrates on an acute basis and triclopyr TEA is slightly toxic to practically non-toxic to estuarine/marine fish and invertebrates on an acute basis.

Triclopyr produces the metabolite or degradate 3,5,6-trichloro-2-pyridinol (TCP). Based on its analysis, U.S. EPA concludes that the existing uses of triclopyr are unlikely to result in acute or chronic dietary risks from TCP. Based on limited available data and modeling estimates, with less certainty, the U.S. EPA concluded that existing uses of triclopyr are unlikely to result in acute or chronic drinking water risks from TCP.

Toxicity data for triclopyr TEA were obtained from U.S. EPA's *Ecotoxicity Database* to assess the toxicity of triclopyr TEA to freshwater aquatic life. Table D-7 summarizes the toxicity data for Triclopyr TEA.

**Table D-7. Toxicity Data Summary for Triclopyr TEA Salt
(CAS#57213-69-1)**

Type of Organism	Study Length	Study Date	LC50 (mg/L)
Bluegill sunfish	96 h	1978	891
	96 h	1973	471
Fathead minnow	96 h	1978	947
	96 h	1983	546
	96 h	1983	279
Grass shrimp	96 h	1992	326
Inland Silverside fish	96 h	1989	130
Pink shrimp	96 h	1975	895
Rainbow trout	96 h	1973	240
	96 h	1978	552

Type of Organism	Study Length	Study Date	LC50 (mg/L)
Lowest LC50/10 = 13.0			

Ambient Water Quality Criteria are unavailable for triclopyr TEA. Table D-7 shows that the lowest one-tenth of LC50 to protect the most sensitive freshwater aquatic life for triclopyr TEA is 13 mg/l.

Due to its safe use in the environment and low toxicity to aquatic life as indicated in U.S. EPA's *Ecotoxicity Database*, this General Permit does not have a receiving water limitation for triclopyr TEA. However, this General Permit contains a monitoring trigger of 13.0 mg/l based on one-tenth of the lowest LC50 from U.S. EPA's *Ecotoxicity Database* and requires receiving water monitoring to collect data, which will provide information on whether triclopyr TEA has water quality impacts.

VII. RATIONALE FOR MONITORING AND REPORTING REQUIREMENTS

A. MRP Goals

Section 122.48 of 40 C.F.R. requires that all NPDES permits specify requirements for recording and reporting monitoring results. Water Code sections 13267 and 13383 authorize the State and Regional Water Boards to require technical and monitoring reports. The Monitoring and Reporting Program (MRP) in Attachment C of this General Permit establishes monitoring and reporting requirements to implement federal and state requirements.

The goals of the MRP are to:

1. Identify and characterize algaecide or aquatic herbicide application projects conducted by the Discharger;
2. Determine compliance with the receiving water limitations and other requirements specified in this General Permit;
3. Measure and improve the effectiveness of the APAP;
4. Support the development, implementation, and effectiveness of BMPs;
5. Assess the chemical, physical, and biological impacts on receiving waters resulting from algaecide or aquatic herbicide applications;
6. Assess the overall health and evaluate long-term trends in receiving water quality;
7. Demonstrate that water quality of the receiving waters following completion of resource or weed management projects are equivalent to pre-application conditions; and
8. Ensure that projects that are monitored are representative of all algaecide or aquatic herbicide and application methods used by the Discharger.

The MRP in the Attachment C of this General Permit is considered as baseline monitoring requirements. Monitoring plans proposed by Dischargers in their APAP must meet the minimum requirements prescribed in the MRP. Public entities and mutual water companies that have a Policy section 5.3 exception should comply with the MRP in this General Permit as well as monitoring plan proposed in their CEQA document where the two plans differ.

B. Effluent Monitoring

Pursuant to the requirements of 40 C.F.R. section 122.44(i), effluent monitoring is required for all constituents with effluent limitations. Effluent monitoring is necessary to assess compliance with effluent limitations, assess the effectiveness of the treatment process, and assess the impacts of the discharge on the receiving water and groundwater.

The application of pesticides for pest control is not necessarily considered a discharge of pollutants according to the *National Cotton Council of America v. U.S. EPA* decision and other applicable case law. The regulated discharge is the discharge of residual pesticides. At what point the pesticide becomes a residue is not precisely known. Therefore, in the application of pesticides, the exact effluent is unknown. Thus, the effluent monitoring requirement is not applicable for algaecide or aquatic herbicide applications.

C. Toxicity Testing Requirements

The State Water Board, pursuant to the Porter-Cologne Act and the federal CWA, customarily requires the Discharger to conduct toxicity monitoring. In fact, both Acts anticipate Discharger self monitoring. However, this General Permit does not require toxicity testing based on the 2004 toxicity study funded by the State Water Board and data collected from 2004 to 2008. The toxicity study found the following: (1) There was no toxicity with the use of 2,4-D, glyphosate, and triclopyr; (2) Toxicity testing was difficult for acrolein due to its volatility; (3) Results were inconclusive for diquat and fluridone; and (4) Peak copper concentrations did not exceed toxicity values. The monitoring data collected under Order No. 2004-0009-DWQ from 2004 to 2008 showed that all constituent concentrations from post-event application samples were below receiving water limitations except for the following: three exceedances each for acrolein and glyphosate and 82 exceedances for copper out of 288 monitoring events. For glyphosate, it is likely that the three exceedances were not the result of aquatic herbicide applications because the pre-application samples also showed exceedances and the remaining 151 samples showed no exceedance. For copper, 43 of the 82 exceedances were from public agencies or mutual water companies that were excepted from meeting priority pollutant limitations during the exception period. The Policy allows the exception. Thus, staff did not consider these exceedances as violations of the receiving water limitations. However, 39 of the exceedances were from entities that did not have a Policy exception. Although staff considered these exceedances as true violations of the receiving water limitations, staff is not aware of any long-term impacts from these exceedances. Long-term impacts from

exceedances are likely not going to occur for the following reasons: (1) water quality criteria, which are used directly as receiving water limitations in this General Permit, have built-in factors of safety; (2) as shown in the 2004 toxicity study, the actual peak concentrations after applications of copper did not exceed toxicity values; and (3) the applications are short-term in duration. All of the foregoing information indicates that widespread acute ecosystem impacts will not occur from algaecide or aquatic herbicides applied according to their label instructions and requirements of this General Permit. Therefore, toxicity monitoring requirements are not necessary.

D. Receiving Water Monitoring

Receiving water monitoring is necessary to determine the impacts of the discharge on the receiving stream.

All forms of testing have some degree of uncertainty associated with them. The more limited the amount of test data available, the larger the uncertainty. The intent of this General Permit's sampling program is to select a number that will detect most events of noncompliance without requiring needless or burdensome monitoring.

Staff also used EPA's Technical Support Document for Water Quality-Based Toxics Control (TSD) to determine the appropriate number of samples that would be needed to characterize the impacts of the residual pesticide discharge from pesticide applications. Page 53 of the TSD recommends using a coefficient of variation (CV) 0.6 when the data set contains less than 10 samples. Table 3-1 of the TSD shows that with a CV of 0.6, the multiplying factors used to determine whether a discharge causes, has the reasonable potential to cause, or contributes to an excursion above a state water quality standard begin to stabilize when the sample number is six. Thus, this General Permit requires six samples per year for each active ingredient in each environmental setting (flowing water and non-flowing water) to characterize the effects of residual pesticide discharge from pesticide applications. However, after a Discharger or Coalition has provided results from six consecutive sampling events showing concentrations that are less than the receiving water limitation/trigger for an active ingredient in a specific environmental setting, sampling shall be reduced to one application event per year for that active ingredient in that environmental setting.

Similarly, this General Permit contains a reduced monitoring frequency of once per year (instead of six) at each environmental setting for glyphosate. The reduced monitoring frequency is based on staff's review of available data from 2004 to 2008 that showed no exceedance of the permit limitation for glyphosate under Order No. 2004-0009-DWQ.

VIII. RATIONALE FOR AQUATIC PESTICIDE USE REQUIREMENTS

A. Application Schedule

The Discharger shall provide a phone number or other specific contact information for all persons who request the Discharger's application schedule.

B. Application Notification Requirements

The Policy section 5.3, Categorical Exception, requires public agencies and mutual water companies that have been granted the short-term or seasonal exception for compliance with priority pollutant limitations to notify potentially affected public and government agencies of algaecide or aquatic herbicide application.

C. APAP

This General Permit contains narrative effluent limitations, which include implementing BMPs described in the APAP, which is a requirement of this General Permit. See Section VI, Rationale for Effluent Limitations and Discharge Specifications, for more detailed explanation of the need for an APAP.

D. APAP Processing, Approval, and Modifications

Upon receipt of a new or an amended APAP, staff will post it on the State Water Board's website. Major changes to the APAP shall be submitted to the Deputy Director for approval. Examples of major changes include using a different product other than what is specified in the APAP, changing an application method that may result in different amounts of algaecide or aquatic herbicides being applied, or adding or deleting BMPs. Since the APAP shall include ALL (1) the water bodies or water body systems in which algaecide or aquatic herbicides are being planned to be applied or may be applied to control algae and aquatic weeds and (2) the application areas and the target areas in the system that are being planned to be applied or may be applied, changes in monitoring locations are not considered major changes. However, these changes need to be reported in the annual report.

In preparing for the reissuance of the General Permit, staff will evaluate review periods and comments received during the life of this permit and look for efficiencies. Based on this information, staff will propose revisions to the public comment process for APAPs.

E. Aquatic Pesticide Application Log

An application log to record all algaecide or aquatic herbicide applications is necessary. This application log will help Dischargers and the Water Boards' staff to investigate any exceedance of receiving water limitations or receiving water monitoring triggers.

IX. RATIONALE FOR PROVISIONS

A. Standard Provisions

1. Standard Provisions in Attachment B

Standard Provisions, which apply to all NPDES permits in accordance with 40 C.F.R. section 122.41, and additional conditions applicable to specified categories of permits in accordance with 40 C.F.R. section 122.42, are provided

in Attachment B. The Discharger must comply with applicable standard provisions and with those additional conditions that are applicable under 40 C.F.R. section 122.42.

Sections 122.41(a)(1) and (b) through (n) of 40 C.F.R. establish conditions that apply to all state-issued NPDES permits. These conditions must be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to the regulations must be included in the General Permit. Section 123.25(a)(12) of 40 C.F.R. allows the state to omit or modify conditions to impose more stringent requirements. In accordance with 40 C.F.R. Section 123.25, this General Permit omits federal conditions that address enforcement authority specified in 40 C.F.R. section 122.41(j)(5) and (k)(2) because the enforcement authority under the California Water Code is more stringent. In lieu of these conditions, this General Permit incorporates by reference California Water Code section 13387(e).

2. Discharge to Impaired Water Bodies

Impaired water bodies are water quality limited segments listed under CWA 303(d) listings. The water bodies on these lists do not meet water quality standards, even if the discharge itself meets water quality standards. The Basin Plans state that *“Additional treatment beyond minimum federal standards will be imposed on dischargers to Water Quality Limit Segments. Dischargers will be assigned or allocated a maximum allowable load of critical pollutants so that water quality objectives can be met in the segment.”* The allocated loads are Discharger and receiving water specific. It is infeasible to assign a uniform load in a statewide general permit. Therefore, this General Permit does not authorize the discharge of active ingredients of algaecides or aquatic herbicides, their residues, and their degradation byproducts to water bodies that are already impaired due to the same product active ingredients, their residues, and their degradation byproducts.

B. Special Provisions

1. Reopener Provisions

The reopener provisions allow future modification to this General Permit in accordance with 40 C.F.R. section 122.62.

a. Addition to Policy Exception List in Attachment G

This General Permit may be reopened to add a public entity or a mutual water company which may not otherwise meet the receiving water limitations for acrolein and copper and meets the requirements for an exception from meeting those limitations, consistent with section 5.3 of the Policy.

b. Addition of Aquatic Pesticide Active Ingredients

This General Permit may be reopened to add newly registered algaecide or aquatic herbicide active ingredients so that Dischargers can be covered by this General Permit when they apply the algaecide or aquatic herbicide products with the new active ingredients.

c. Acute and Chronic Toxicity

When the State Water Board revises the Policy's toxicity control provisions that would require the establishment of numeric chronic toxicity limitations or other actions, this General Permit may be reopened to comply with those requirements.

d. Receiving Water Limitations

If monitoring data for residual pesticides show exceedance of monitoring triggers, the Discharger or Coalition shall conduct additional investigations to determine the cause of exceedance. At a minimum, the Discharger or Coalition shall evaluate its application methods, BMPs, and the appropriateness of using alternative products. As a result of the evaluation, this General Permit may be re-opened to add numeric Receiving Water Limitations for the residual pesticides exceeding the triggers.

e. Endangered Species Act

If U.S. EPA develops biological opinions regarding pesticides included in this General Permit, this General Permit may be re-opened to add or modify Receiving Water Limitations/Monitoring Triggers for residual pesticides of concern, if necessary.

2. **Special Studies, Technical Reports, and Additional Monitoring Requirements**

a. Additional Investigation

This General Permit requires Dischargers to conduct additional investigations if the monitoring results exceed the receiving water monitoring limitations. These investigations are necessary in order to address the exceedance caused by the algacide or aquatic herbicide application and meet the General Permit's limitations and requirements including Basin Plans' narrative water quality objective of no toxics in toxic amount.

b. Qualified Biologist Certification Following Project Completion

The requirement is retained from Order No. 2004-0009-DWQ and is based on Policy section 5.3 exception.

3. **Corrective Action**

When receiving water limitations or triggers are exceeded, Dischargers are expected to assess the cause of exceedance and take appropriate actions as necessary to prevent recurrence of the problem.

X. COMPLIANCE DETERMINATION

This General Permit specifies that compliance be based on event and post-event sampling results. The event sample results will determine if exceedance occurred outside the Treatment Area* during treatment. Post-event samples will determine if exceedance occurred in the Application or Treatment Area after treatment. Since the minimum effective concentration and time needed to effectively kill or control target weeds or algae vary due

to site specific conditions, such as flow, target species, water chemistry, and type of algaecides or aquatic herbicides, this General Permit allows Dischargers to determine when treatment is completed.

XI. PUBLIC PARTICIPATION

The State Water Board is considering the issuance of WDRs that will serve as a general NPDES permit for algaecide or aquatic herbicide applications. As a step in the WDR adoption process, the State Water Board staff has developed tentative WDRs. The State Water Board encourages public participation in the WDR adoption process.

A. Notification of Interested Parties

The State Water Board has notified interested agencies, parties, and persons of its intent to prescribe general WDRs for algaecide or aquatic herbicide applications and has provided them with an opportunity to submit their written comments and recommendations. Notification was provided to interested parties through specific mailings and publication in major newspapers throughout California. The State Water Board, in a public meeting, heard and considered all comments pertaining to discharges to be regulated by this General Permit. Details of the Public Hearing are provided in the Fact Sheet of this General Permit.

B. Written Comments

Interested persons were invited to submit written comments concerning this tentative WDR. Comments were due at the State Water Board offices by 12:00 noon on **August 21, 2012**. Seven comment letters were received.

C. Public Hearing and Meeting

The State Water Board held a public hearing on the tentative WDRs during its regular Board meeting on **August 7, 2012**. The State Water Board will consider adoption of the WDRs at a public meeting on the following date, time, and location:

Date: **February 19, 2013**

Time: 9:00 a.m.

Location: State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Interested persons are invited to attend. At the public meeting, the State Water Board will hear comments, if any, limited to changes on the draft General Permit.

Please be aware that dates and venues may change. The State Water Board's website address is www.waterboards.ca.gov where you can access the current agenda for changes in dates and locations.

D. Information and Copying

The tentative effluent limitations, receiving water limitations, and special provisions, comments received, and other information are on file and may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the State Water Board by calling (916) 379-9152.

E. Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding this general WDR and NPDES permit should contact the State Water Board, reference the general WDR and NPDES permit, and provide a name, address, and phone number.

F. Additional Information

Requests for additional information or questions regarding this General Permit should be directed to NPDES_Wastewater@waterboards.ca.gov.

Attachment E – Notice of Intent

**WATER QUALITY ORDER NO. 2013-0002-DWQ
GENERAL PERMIT NO. CAG990005**

**STATEWIDE GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
(NPDES) PERMIT FOR RESIDUAL AQUATIC PESTICIDE DISCHARGES TO WATERS OF
THE UNITED STATES FROM ALGAE AND AQUATIC WEED CONTROL APPLICATIONS**

I. NOTICE OF INTENT STATUS (see Instructions)

Mark only one item	A. New Applicator	B. Change of Information: WDID# _____
	C. <input type="checkbox"/> Change of ownership or responsibility: WDID# _____	

II. DISCHARGER INFORMATION

A. Name			
B. Mailing Address			
C. City	D. County	E. State	F. Zip
G. Contact Person	H. E-mail address	I. Title	J. Phone

III. BILLING ADDRESS (Enter Information only if different from Section II above)

A. Name			
B. Mailing Address			
C. City	D. County	E. State	F. Zip
G. E-mail address	H. Title	I. Phone	

IX. CERTIFICATION

"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment. Additionally, I certify that the provisions of the General Permit, including developing and implementing a monitoring program, will be complied with."

A. Printed Name: _____

B. Signature: _____ **Date:** _____

C. Title: _____

XI. FOR STATE WATER BOARD STAFF USE ONLY

WDID:	Date NOI Received:	Date NOI Processed:
Case Handler's Initial:	Fee Amount Received: \$	Check #:
<input type="checkbox"/> Lyris List Notification of Posting of APAP	Date _____	Confirmation Sent _____

INSTRUCTIONS FOR COMPLETING NOI

WATER QUALITY ORDER NO. 2013-0002-DWQ GENERAL PERMIT NO. CAG990005

STATEWIDE GENERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT FOR RESIDUAL AQUATIC PESTICIDE DISCHARGES TO WATERS OF THE UNITED STATES FROM ALGAE AND AQUATIC WEED CONTROL APPLICATIONS

These instructions are intended to help you, the Discharger, to complete the Notice of Intent (NOI) form for the Statewide General NPDES permit. **Please type or print clearly when completing the NOI form.** For any field, if more space is needed, submit a supplemental letter with the NOI.

Send the completed and signed form along with the filing fee and supporting documentation to the Division of Water Quality, State Water Resources Control Board. Please also send a copy of the form and supporting documentation to the appropriate Regional Water Quality Control Board (Regional Water Board).

Section I – Notice of Intent Status

Indicate whether this request is for the first time coverage under this General Permit or a change of information for the discharge already covered under this General Permit. Dischargers that are covered under Order No. 2004-0009-DWQ before effective date of this General Permit should check the box for change of information. For a change of information or ownership, please supply the eleven-digit Waste Discharge Identification (WDID) number for the discharge.

Section II – Discharger Information

Enter the name of the Discharger.

Enter the street number and street name where correspondence should be sent (P.O. Box is acceptable).

Enter the city that applies to the mailing address given.

Enter the county that applies to the mailing address given.

Enter the state that applies to the mailing address given.

Enter the zip code that applies to the mailing address given.

Enter the name (first and last) of the contact person.

Enter the e-mail address of the contact person.

Enter the contact person's title.

Enter the daytime telephone number of the contact person

Section III – Billing Address

Enter the information **only** if it is different from Section II above.

A. Enter the name (first and last) of the person who will be responsible for the billing.

- B.** Enter the street number and street name where the billing should be sent (P.O. Box is acceptable).
- C.** Enter the city that applies to the billing address.
- D.** Enter the county that applies to the billing address.
- E.** Enter the state that applies to the billing address.
- F.** Enter the zip code that applies to the billing address.
- G.** Enter the e-mail address of the person responsible for billing.
- H.** Enter the title of the person responsible for billing.
- I.** Enter the daytime telephone number of the person responsible for billing.

Section IV – Receiving Water Information

Please be reminded that this General Permit does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code §2050 et. seq) or the Federal Endangered Species Act (16 U.S.C.A. §1531 et. seq). This General Permit requires compliance with effluent limitations, receiving water limitations, and other requirements to protect the beneficial uses of waters of the state. The Discharger is responsible for meeting all requirements of the applicable Endangered Species Act.

Additional information on federally-listed threatened or endangered species and federally-designated critical habitat is available from NMFS (www.nmfs.noaa.gov) for anadromous or marine species or FWS (www.fws.gov) for terrestrial or freshwater species.

- A.** Check all boxes that apply. At least one box must be checked.
 - 1. Check this box if the treatment area is a canal, ditch, or other constructed conveyance system owned and controlled by Discharger. Print the name of the conveyance system.
 - 2. Check this box if the treatment area is a canal, ditch, or other constructed conveyance system owned and controlled by an entity other than the Discharger. Print the owner's name and names of the conveyance system.
 - 3. Check this box if the treatment area is not a constructed conveyance system (including application to river, lake, creek, stream, bay, or ocean) and enter the name(s) of the water body(s).
- B.** List all Regional Water Board numbers where algaecide and aquatic herbicide application is proposed. Regional Water Board boundaries are defined in section 13200 of the California Water Code. The boundaries can also be found on our website at http://www.waterboards.ca.gov/waterboards_map.shtml

Regional Water Board Numbers	Regional Water Board Names
1	North Coast
2	San Francisco Bay
3	Central Coast

Regional Water Board Numbers	Regional Water Board Names
4	Los Angeles
5	Central Valley (Includes Sacramento, Fresno, Redding Offices)
6	Lahontan (South Lake Tahoe, Victorville offices)
7	Colorado River Basin
8	Santa Ana
9	San Diego

Section V – Algaecide and Aquatic Herbicide Application Information

- A. List the appropriate target organism(s).
- B. List the name and active ingredients of each algaecide and aquatic herbicide to be used.
- C. List the start and end date of proposed aquatic algaecide and aquatic herbicide application event.
- D. List the name(s) and type(s) of adjuvants that will be used.

The Discharger must submit a new NOI if any information stated in this section will be changed. If the Discharger plans to use an algaecide and aquatic herbicide product not currently covered under its Notice of Applicability (NOA), and the algaecide and aquatic herbicide product may be discharged to a water of the United States as a result of algaecide and aquatic herbicide application, the Discharger must receive a revised NOA from the State Water Board's Deputy Director of the Division of Water Quality before using that product.

Section VI – Aquatic Pesticide Application Plan

The Coalition or Discharger must prepare and complete an Aquatic Pesticide Application Plan (APAP). The minimum contents of APAP are specified in the permit under Section VIII.C, Limitations and Discharge Requirements, of the General Permit. The Discharger must ensure that its applicator is familiar with the APAP contents before algaecide and aquatic herbicide application.

If an APAP is not complete at the time of application, enter the date by which it will be completed.

Section VII – Notification

Indicate if you have notified potentially affected public and governmental agencies, as required under item VIII.B of the General Permit.

Section VIII – Fee

The amount of Annual fee shall be based on Category 3 discharge specified in section 2200(b)(9) of title 23, California Code of Regulations. Fee information can be found at http://www.waterboards.ca.gov/resources/fees/docs/fy1112fee_schdl_npdes_prmt.pdf.

Check the YES box if you have included payment of the annual fee. Check the NO box if you have not included this payment. **NOTE:** You will be billed annually and payment is required to continue coverage.

Section IX– Certification

- A.** Print the name of the appropriate official. The person who signs the NOI must meet the signatory and certification requirements stated in Attachment B Standard Provisions item V.B.
- B.** The person whose name is printed above must sign and date the NOI.
- C.** Enter the title of the person signing the NOI.

WATER QUALITY ORDER NO. 2013-0002-DWQ
GENERAL PERMIT NO. CAG990005

I. WDID

WDID# _____

A. Name			
B. Mailing Address			
C. City	D. County	E. State	F. Zip
G. Contact Person	H. E-mail address	I. Title	J. Phone

[illegible]

IV. CERTIFICATION

"I certify under penalty of law that 1) I am not required to be permitted under this General Permit No.CAG990005, and 2) this document and all attachments were prepared under my direction and supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment. Additionally, I understand that the submittal of this Notice of Termination does not release an algaecide or aquatic herbicide applicator from liability for any violations of the Clean Water Act."

A. Printed Name: _____

B. Signature: _____ Date: _____

C. Title: _____

V. FOR STATE WATER BOARD USE ONLY

☐ Approved for Termination

☐ Denied and Returned to the Discharger

A. Printed Name: _____

B. Signature: _____

C. Date: _____

NOT Effective Date: / /

Attachment G – Exception List

LIST OF PUBLIC AGENCIES AND MUTAL WATER COMPANIES GRANTED AN EXCEPTION PURSUANT TO STATE WATER RESOURCES CONTROL BOARD POLICY FOR IMPLEMENTATION OF TOXICS STANDARDS FOR INLAND SURFACE WATERS, ENCLOSED BAYS, AND ESTUARIES OF CALIFORNIA

The public entities and mutual water companies listed herein have prepared Initial Studies, Negative Declarations (ND), Mitigated Negative Declarations (MND), and Notices of Determination for the discharge of algaecides and aquatic herbicides in accordance with the California Environmental Quality Act (CEQA (Public Resources Code § 21000 et seq.)) to comply with the exception requirements of section 5.3 of the Policy. The boards of each public entity, as the lead agencies under CEQA, approved the Final ND/MND and determined that the discharge of algaecides and aquatic herbicides in their respective projects would not have a significant effect on the environment. These public entities and mutual water companies have determined that the water quality or related water quality impacts identified in the environmental assessments of the ND/MND are less than significant.

In addition to submitting the CEQA documentation, these public entities and mutual water companies have also complied with the other exception requirements of section 5.3 of the Policy.

As required in section 15096 of the CEQA Guidelines, the State Water Resources Control Board (State Water Board), as a Responsible Agency under CEQA, considered the ND/MND approved by the board of each public entity and finds that the projects will have less than significant water quality impact if the waste discharge requirements in this General Permit are followed. Accordingly, the public entities and mutual water companies listed herein are hereby granted an exception pursuant to section 5.3 of the Policy.

1. Byron-Bethany Irrigation District
2. City of Antioch Department of Public Works
3. Contra Costa Water District
4. Contra Costa County Flood Control and Water Conservation District
5. Department of Food and Agriculture
6. Department of Water Resources
7. Friant Water Users Authority
8. Glenn-Colusa Irrigation District
9. Maine Prairie Water District
10. Marin Municipal Water District
11. Metropolitan Water District of Southern California
12. Modesto Irrigation District
13. Nevada Irrigation District

14. North Marin Water District
15. Oakdale Irrigation District
16. Placer County Water Agency
17. Potter Valley Irrigation District
18. Princeton-Cordora-Glenn Irrigation District
19. Provident Irrigation District
20. Reclamation District 1004
21. Santa Cruz Water Department
22. Solano Irrigation District
23. South Feather Water and Power Agency
24. South Sutter Water District
25. Tehama Colusa Canal Authority
26. Turlock Irrigation District
27. Woodbridge Irrigation District
28. Yolo County Flood Control and Water Conservation District

**PESTICIDE USE
MONITORING INSPECTION REPORT**☒ COMPLETE
☐ PARTIAL
☐ FOLLOW-UP INSPECTION

104-39-17-M03Z-008

Page 2 of 2

ORIGINAL INSP. # _____

SAN JOAQUIN
INSPECTING COUNTY

REQUIREMENTS	SECTION	COMPLIANCE		
		YES	NO	N/A
22. Equipment Identified - PCB	6630			X
23. Backflow Prevention - Airgap	6610	X		
24. Containers Secured / Attended	6670	X		
25. Containers Labeled / Closures	6676	X		
26. Service Container Labeling	6678			X
27. Proper Containers	6680	X		
28. Proper Pesticide Transport	6682			X
29. Containers Properly Rinsed	6684	X		
31. Ground Water Protection	6487			X
32. Wellhead Protection	6609			X
33. Dormant Insecticides	6960			X
34. Surface Water Protection in Outdoor Non-Agricultural Settings	6970			X

COMPLIANCE ACTIONS:

Cease and Desist Order: No

Correct Noncompliance By:

Follow-up Required: No

REMARKS

General Remarks

Requirement Remarks

SIGNATURE

INSPECTOR (Print Name)

Saiki, Rod

SIGNATURE



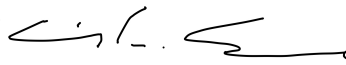
TIME AND DATE INSPECTED

08/09/2017 11:50 AM

INSPECTION ACKNOWLEDGED BY (Print Name)

Ed Somera

SIGNATURE



DATE ACKNOWLEDGED

08/09/2017

VIOLATION NOTICE ☐ YES ☒ NO

BUSINESS/INDIVIDUAL NAME	LICENSE OR PERMIT #	ROLE
None		