

UPDATES/REMINDERS FOR 2017

This document is also available on our website (with the live links to the reference documents) at <http://www.solanocounty.com/depts/agriculture/pesticides/default.asp>

PERMIT CONDITIONS AND FIELD NARRATIVES NOW ON PERMITS

In 2017, you may notice some changes to your permit. Field narratives have been added to most site locations for agricultural permits. If the field narrative on your draft is incorrect, please line out the description and write in your corrections. Also, please make sure the acreage on each site ID is correct in order to prevent use report errors. As in 2016, we will be attaching the permit conditions to the body of the permit document in 2017. There will no longer be a separate packet for permit conditions.

REMINDER: CHLORPYRIFOS IS A CALIFORNIA RESTRICTED USE MATERIAL

Chlorpyrifos (examples are Lorsban, Cobalt, Hatchet, Warhawk, Lock-On) became a California restricted material on July 1, 2015 when used in production agricultural settings. If you use chlorpyrifos, it must be added to your restricted materials permit. If you are issued a multi-year permit, please make sure to check if Chlorpyrifos is listed on your permit. You may need to be issued a restricted materials permit if you did not have one before the new regulations. Chlorpyrifos permit conditions from the Department of Pesticide Regulation will be printed on your permit.

EPA CHANGES TO THE CODE OF FEDERAL REGULATIONS (CFR 40)

The U.S. Environmental Protection Agency (U.S. EPA) revised the Worker Protection Standards. California has adopted these changes into the California Code of Regulations. These changes may impact growers. Listed below are some of the changes that take effect January 2, 2017.

- Notice of Completed Application and Application Specific Information (ASI) for handlers and fieldworkers must include the date(s) and time(s) the application started and ended and the crop or site treated. Safety Data Sheets (SDS) for the applied pesticides must be displayed along with the ASI for handlers and fieldworkers. This information must be retained for two years
- The A-8 or A-9 must be posted at all permanent decontamination facilities or those that are not permanent but service 11 or more handlers or fieldworkers working in treated fields.
- At least three gallons of water must be available per handler and at least one gallon of water per fieldworker for decontamination. Hand sanitizing gels and liquids or wet towelettes do not meet the requirements for soap and single use towels.
- Application Exclusion Zone (AEZ) for outdoor applications has been established. 100 feet in all directions from the application equipment if application is aerial, air blast, fumigant, smoke, mist, fog, or a fine spray, 25 feet in all directions from application equipment if application is from a height greater than 12 inches using a medium spray. No AEZ for other types of applications. Only the applicator can be in the AEZ during the application.
- Fieldworkers that will work in treated fields must be trained yearly.
- Any application with an REI greater than 48 hours requires posting.
- Definition of enclosed cab updated – chemical resistant barrier that completely surrounds occupant of cab and prevents dermal contact with pesticides being applied outside the cab.

UPCOMING PROPOSED REGULATIONS REGARDING PESTICIDES NEAR SCHOOLS

The Department of Pesticide Regulation intends this regulation to take effect in September 2017. The goal of the regulation is to provide additional protection to school children and to increase communication between the growers and school sites.

The proposed regulation would include:

- Limiting growers from making certain pesticide applications near schools/child day care facilities Monday through Friday between 6am and 6pm within a ¼ mile of a school/child day care.
- Some pesticide applications will be allowed Monday through Friday between 6am and 6pm within a ¼ mile of a school/ child day care facility. However, a grower will be required to notify a school/child day care facility and County Agricultural Commissioners (CACs) in advance of when the application is expected to be made.
- There would be two types of notification required: annual and application-specific.

For more information regarding the proposed regulations
and how to participate in the rulemaking process, please visit:

<http://www.cdpr.ca.gov/docs/legbills/rulepkgs/16-004/16-004.htm>

REMINDER: 2,4-D/PHENOXY HERBICIDES PERMIT DATE LIMITATION INCLUDES SOUTHWEST PORTION OF SOLANO COUNTY

In 2011, Solano County adopted additional 2,4-D conditions limiting the dates of application and adding restrictions to certain methods of application in the SE portion of Solano County. These conditions were adopted in response to extensive phenoxy herbicide damage to grapes on Ryer Island, extending to Grand Island in Sacramento County. In 2014 damage consistent with phenoxy exposure was found in grapes throughout Suisun Valley. The information on permit restrictions for use of these products will appear on your permit and the section, township and ranges affected will be listed.

REMINDERS: USE REPORTING

Non-Production Sites on Farm

Use reports for Non-Production sites such as; farm roads, fence lines, around farm buildings and ditch banks **must** be reported. Application to those sites, which are generally treated for weed control, can be placed on a Monthly Summary Pesticide Use Report by listing the site description and acres/units treated in columns "F" and "G" on the report **OR** general areas around agricultural sites can be issued a site ID to allow for reporting on the Production Agriculture Monthly Summary report.

Non-Farm, Non-Production Agricultural Sites

Pesticide use for non-production agricultural sites such as golf courses, parks, cemeteries and right-of-ways should be reported on a Monthly Summary Pesticide Use Report using the appropriate code for column "E" on the report (Code 30 – Landscape Maintenance, Code 40 – Right-of-Way). Remember that specific pesticide use records must still be kept for each application and be available for review during a records inspection.

Agricultural Production Prior to Planting or Between Crop Rotations

Report this use on your Production Agriculture Monthly Use Report using the commodity designation **"UNCULTIVATED AG"** or for field fumigations, **"PREPLANT/SOIL FUM"** for that site. Make sure that the commodities are on your permit before submitting the use report.

If the label includes “**pre-plant**” use directions for the commodity that you will subsequently be planting you can report under the commodity **OR** pre-plant, as long as the commodity is on your permit at the time of application.

Electronic Submission of Use Reports

Cal Ag Permits (www.calagpermits.org) is the statewide permit program that allows electronic submission. Please contact us for a username and password for Solano County. If you need help, we can provide individual instruction.

RECORDS

PCB and Grower Written Recommendations

Title 3 California Code of Regulations (3 CCR) section 6426(b) requires a pest control business performing an agricultural use of a restricted material requiring a use permit to have a *recommendation from either a licensed PCA or the operator of the property*.

If the recommendation is made by the operator of the property, it must be in writing and comply with all requirements for a written recommendation found in Food and Agricultural Code (FAC) section 12003 and 3CCR 6556. A sample form can be found on our website at:

http://www.solanocounty.com/depts/agriculture/forms_n_publications/forms/default.asp

Record Keeping Requirements for Pest Control Businesses

Each person engaged for hire in the business of pest control when applying a agricultural use pesticide requiring a permit shall have (a) A copy of the written recommendation provided by the operator of the property or a licensed PCA, or a work order that contains the elements of a recommendation required by FAC 12003 and 3CCR 6556, and prior to treatment (b) A copy of the restricted material use permit authorizing treatment of that site with that pesticide(s). 3CCR 6632. To get a copy of the permit ask your grower and/or with permission from the grower you can be added as a viewer, and review and print the permit from Cal-Ag.

Pest Control recommendations shall be kept by the pest control business and operator of the property for one year. (FAC 12004).

Authorized Representatives

A permit for agricultural use must be signed by the operator of the property or his/her Authorized Representative (AR). If an AR is signing on behalf of the grower he/she must be identified in writing by the grower, and provide a signed Authorized Representative form. This requirement applies to employees such as foremen or ranch managers and PCA's who sign on behalf of growers. This AR form can be found at our website:

http://www.solanocounty.com/depts/agriculture/forms_n_publications/forms/default.asp

In Solano County, the initial permit issuance is to the operator of the property. This is done to assure that the operator of the property is aware of the permit requirements and responsibilities for the safety of their employees including; field workers, farm labor contractors and their employees, and others that may work or be on the property during and after pesticide applications. After the initial permit issuance, the person identified by the grower in writing as the AR may sign for permit supplements.

Note: There is a difference between being able to sign as an AR and the certification required for possessing, applying or supervising applications of restricted materials. Although a PCA may be able to sign on your behalf, a permit cannot be issued if there is no certified applicator to supervise the applications (PCA's are not considered certified applicators). Certification can be a Private Applicator Certificate which is issued to property operators after testing at the county level (Brown paper card), Qualified Applicator Certificate issued after testing by the State Department of Pesticide Regulation, (white plastic card) or a Qualified Applicator License issued by the State after testing (white plastic card).

NOI Requirements

NOI's must be submitted by 3:00PM Friday for: Saturday, Sunday, Monday and **Tuesday (if a Holiday falls on a Monday)** applications.

NOI's must be submitted by 3:00PM the day before a holiday if the holiday is **NOT** a Monday.

A list of County Holidays may be found at: https://www.solanocounty.com/cals/county_holidays.asp

A Notice of Intent (NOI) is the portion of the permit which meets the regulatory requirement that all permits be site and time specific. 3CCR Section 6000 "**Time specific**" means a pesticide permit that specifies the date the intended application is to commence or permit with a notice of intent requirement. The pesticide use may commence within four days following such date if delays are caused by uncontrollable conditions such as adverse weather or breakdown of equipment. The commissioner shall require a notice of intent from either the grower, the grower's authorized representative, or the pest control business when necessary to make the permit time and site specific. The NOI shall be submitted at least 24 hours prior to the intended application and state all the required information per CCR section 6434 including: the date and **time** of the application. (Note NOI's for fumigants are 48 hours or longer depending on the active ingredient) Pesticide use must begin within 4 days from the date stated in the NOI (the 4 days is strictly an emergency provision for situations caused by **uncontrollable conditions** and should not be used in planning NOI submissions).

Refiling- Except for an **uncontrollable delay**, if the application does not commence as scheduled, the NOI shall be refiled stating the new date and time.

Waivers- The commissioner may allow less than 24 hour notice when a waiver is requested due to **unforeseen circumstances**. However, the waiver must be requested and approved prior to the start of the application.