

DPR REGULATION UPDATES

**SAN JOAQUIN COUNTY AGRICULTURAL
COMMISSIONER'S OFFICE**

TOPICS

-CERTIFICATION & TRAINING REGULATIONS

-CARBON MONOXIDE PEST CONTROL DEVICES

-MEDICAL SUPERVISION UPDATES, 3CCR 6728

-NEONICOTINOID REGULATIONS, 3 CCR 6990- 6990.16

-1-3, DICHLOROPROPENE FUMIGATION REQUIREMENTS



Background: Title 40, Code of Federal Regulations Part 171

- In 2017, U.S. EPA published revisions to 40 CFR § 171-California applicator certification program.
- The new standards became effective on January 1, 2024, pertaining to certification of commercial and private pesticide applicators, continuing education requirements and supervision and training of non-certified applicators.
- The revision of 40 CFR 171 impacts users of both:
 - Restricted Pesticides
 - Non-restricted Pesticides

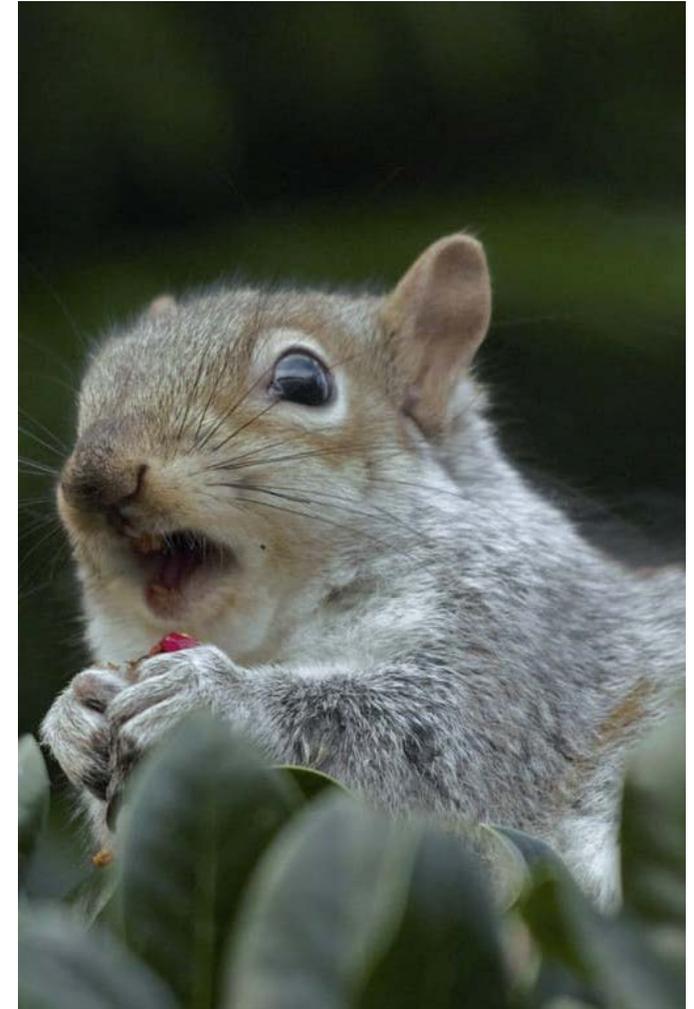
The Department of Pesticide Regulation and the County Agricultural Commissioner's office must implement these required changes.



Certification & Training Regulation Updates

PRIVATE APPLICATOR CERTIFICATE

- Beginning January 1, 2024, All growers Must take and pass
 - 'New' Private Applicator (PAC) Exam
 - This certification is required for the use of California Restricted materials (ex. Paraquat, 2,4-D, Strychnine etc.)
- Limitation of Fumigation activities conducted under PAC (ex. Aluminum Phosphide for vertebrate control)
- To use this pesticide growers must:
 - Pass the New PAC Exam as well as
 - New Burrowing Vertebrate Fumigation Certificate option



New QAL/QAC Categories



- **CATEGORY L – SOIL FUMIGATION**

- Used for Fumigating:

Fields, Forests, Golf courses, Greenhouses, Individual tree or vine hole sites.

- **CATEGORY M- NON-SOIL FUMIGATION**

- Used for Fumigating:

Commodities, Chambers, Tarped Structures, Vaults, Vehicles containing Ag Commodities

- Pest Burrows (aluminum phosphide)

- Decontamination of wine barrels



Eliminated QAL/QAC Sub-categories:



Eliminating:

- ‘N’- Sewer Line Root Control
- ‘L’ – Wood Preservation
 - ***New Soil Fume Category***
- ‘M’- Anti Fouling Tributyltin
 - ***New Non-soil Fume Category***
- ‘P’- Microbial Pest Control
- ‘O’- Field Fumigation

Fumigate sewer lines, in-service poles, or other fumigations are not covered by new category L-soil fumigation

Appropriate examination to obtain the updated category(ies) must be taken before January 1, 2024.

New Exams are currently available to take.



LIMITED 3-MONTH ENFORCEMENT DISCRETION FOR COMMERCIAL APPLICATOR SOIL AND NON-SOIL FUMIGATION LICENSING REQUIREMENTS UNTIL APRIL 1, 2024.

DPR determined that limited additional time, beyond the January 1, 2024, deadline, is needed for fumigant applicators to obtain the necessary new certifications (Category L and Category M) to maintain the use of fumigant pesticides in compliance with regulation requirements.



Julie Henderson
Director

Department of Pesticide Regulation

Govin Newsom
Governor

Yana Garcia
Secretary for
Environmental Protection

December 8, 2023

ENF 23-17

TO: County Agricultural Commissioners

SUBJECT: LIMITED 3-MONTH ENFORCEMENT DISCRETION FOR COMMERCIAL APPLICATOR SOIL AND NON-SOIL FUMIGATION LICENSING REQUIREMENTS UNTIL APRIL 1, 2024.

Under the California Department of Pesticide Regulation's (DPR) recently amended [Certification and Training regulations](#), currently licensed individuals who want to continue to perform pest control using either soil fumigant or non-soil fumigant pesticides next year must obtain the appropriate new licensing category starting January 1, 2024.

The new Soil Fumigation (Category L) is required for individuals who perform pest control using a pesticide labeled as a fumigant to control soil pests in sites including fields, forests, golf courses, greenhouses, and individual tree or vine hole sites. Individuals who previously performed this type of pest control under the Field Fumigation (Subcategory O), which is no longer a subcategory after December 31, 2023, will have to obtain the new Category L if they wish to continue performing soil fumigations.



New PAC Exam Timeline

- R-Z (Last Name)
- Last day to renew the card (old exam) with CE hours was December 31, 2023
 - January 1, 2024, must take the new PAC exam.
- Other Renewal Groups (A-H, I-Q)
 - Will need the new PAC exam to renew when their current license expires 2024 and 2025.
- **ALL** Growers wanting to use Aluminum Phosphide will need
 - First take and pass the 'New' PAC Exam
 - Take and pass Burrowing Vertebrate Fumigation Exam
- Once growers has new certification, they can go back to renewing via Continuing Education



**NEW Private Applicator Exam Study Guide:
Available for purchase from UCANR.
Also available at CAC office only for a
30 day checkout.**



NEW Study Manual for Private Applicator Certification Exam

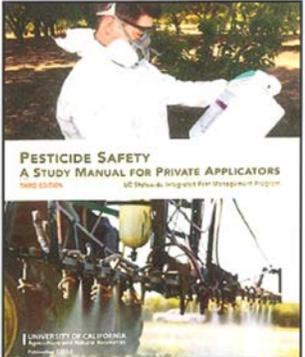
PAC Manual, English

PAC Manual, Spanish

PAC Manual, Electronic English or Spanish

- Available through UC ANR website: [English](#) or [Spanish](#)
 - Price: \$29.00
- To Purchase an **electronic copy** in [English](#) or [Spanish](#): Google Play account is needed
 - Price: \$10.00
- Private Applicator exams available at your local County Agricultural Commissioner's office

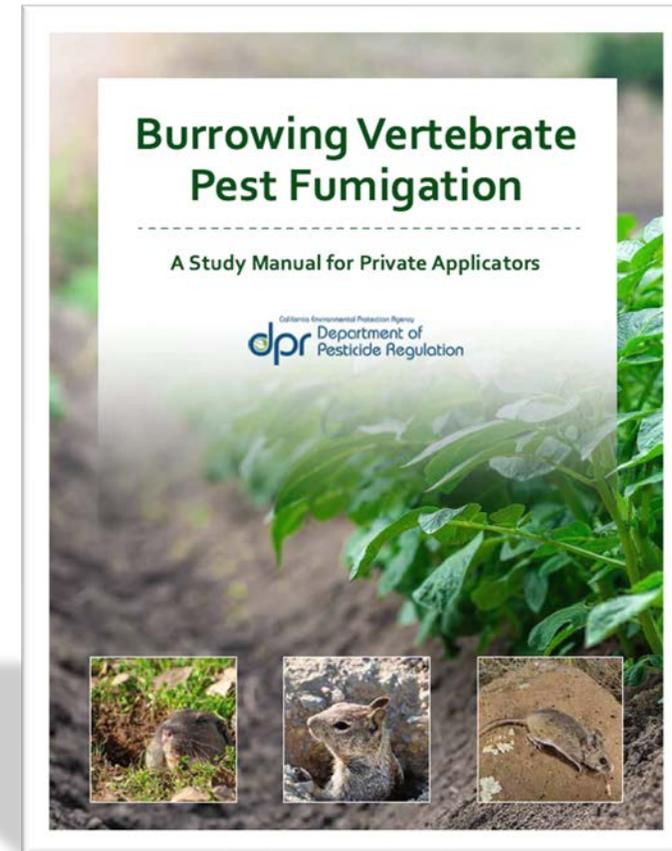
California Department of Pesticide Regulation



PESTICIDE SAFETY
A STUDY MANUAL FOR PRIVATE APPLICATORS
2018 EDITION
UC Division of Agriculture & Food Systems Program

UNIVERSITY OF CALIFORNIA
Department of Pesticide Regulation
February 2018

**NEW Burrowing Vertebrate Pest Fumigation Study Guide:
FREE**



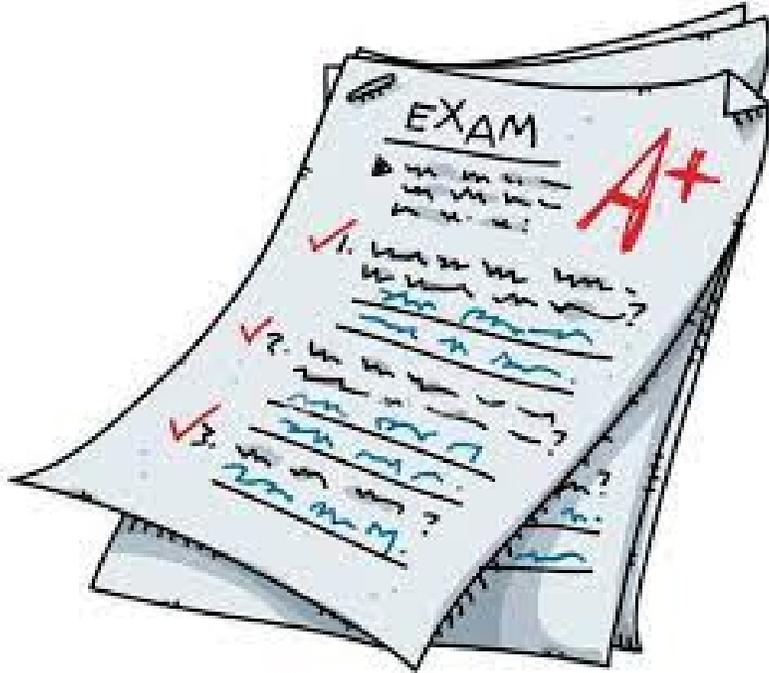
Burrowing Vertebrate Pest Fumigation

A Study Manual for Private Applicators

California Environmental Protection Agency
Department of Pesticide Regulation



Scheduling New PAC Exam:



- Available in our Stockton office ONLY:
 - Can attend one of the Review sessions and take the exam (handout provided)
 - Can be scheduled online
 - <https://www.sjgov.org/departments/agcomm>
- OR
- Call the main office:
 - (209) 953-6000



Supervision of Non- Certified Handlers:

- Increased responsibility of commercial applicators supervising noncertified applicators.
 - Practical knowledge of applicable requirements on pesticide labeling.
 - Verification and maintenance of noncertified applicator training records
 - Provide site specific instructions to noncertified applicators
- Increased handler training requirements (Including)
 - Expansion of training topics
 - Record accessibility to employee, as well as to supervising certified applicator



Additional Handler Training Topics:

- **Trainers must** be present throughout training and respond to employee questions
- Trainer should know:
 - How to identify information on product labeling applicable to safe pesticide use, such as required PPE and precautionary statements about human health hazards.
 - Revised minimum age requirement for handlers of restricted pesticides.
 - How to identify if a product is a Restricted Use Pesticide or CA Restricted Material and that only certified applicators or those under their supervision use the product.
- Additional training requirements for noncertified applicators including:
 - Having immediate and direct communication with supervising certified applicator
 - Identifying where on the label physical presence of a certified applicator is required
 - Knowing that the certified applicator is responsible for providing site-specific instructions prior to pesticide use



Carbon Monoxide Pest Control Devices

- Devices must bear the **US EPA Establishment Number** of the manufacturer
- Use the following buffer distance by structures inhabited by people or livestock
 - 50 feet for control of ground squirrels or field mice
 - 100 feet for control of gophers
 - 65 feet for control of all other burrowing rodent pests
- Each person using a carbon monoxide pest control device to perform pest control **shall not**:
 - Use it on a burrow opening known or believed to contain non-target vertebrate animals
 - Use it for purposes other than to control for burrowing rodent pests



Carbon Monoxide Pest Control Devices Records

- RECORDS MUST INCLUDE:
 - Date the device was used.
 - Name of the operator of the property treated.
 - Address of where the device was used.
 - Site at which the device was used.
 - Length of time the device was operated for every treatment.
- Retain records the use for
 - 2 years
- make those records available to the Director or Commissioner upon request.
- A template is not available for these use records.
- Submit to the Director, factual or scientific information showing any adverse effect to human health or safety, property, or the environment, from the use of the carbon monoxide pest control device.



Medical Supervision Updates Section 6728

- Each employer who has an employee that regularly handles pesticides (mixes, loads or applies) with “DANGER” or “WARNING” that contains an Organophosphate or Carbamate for commercial or research production of an agricultural commodity shall have:
 - A written agreement signed by a physician registered as a medical supervisor with the Office of Environmental Health Hazard Assessment (EHHA) pursuant to Health and Safety Code section 105206 & MUST INCLUDE:
 - Name and address of both the physician and employer
 - Statement that – the physician has agreed to provide medical supervision, must have a copy of agreement and must be aware of “MEDICAL SUPERVISION OF PESTICIDE WORKERS-GUIDELINES FOR PHYSICIANS” (Available at office of EHHA)



Medical Supervision Updates Section 6728

- The employer's responsibilities for medical supervision for employees regularly handling pesticides specified in (a) (previous slide) shall include the following:
 - All covered employees shall have baseline red cell and plasma cholinesterase determinations.
 - **Baseline must be established after a period of at least 30 days during which the employee has had no exposure to organophosphate or carbamate pesticides.**
 - 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.





Neonicotinoid use Updates (3CCR Sections 6990-6990.16)

- Limit neonicotinoid pesticide product use in the production of most food and feed crops.
- Neonicotinoids are systemic pesticides, absorbed into plants and distributed throughout plant tissues to the stems, leaves, roots, fruits, and flowers.
- Their residues can be present in the pollen and nectar consumed by bees and other pollinators.
- The new regulations protect pollinator health and reduce the amount of neonicotinoid active ingredients that can be applied through
 - application method and rate restrictions,
 - application timing restrictions, and
 - seasonal application rate caps



Neonicotinoid Pesticide Updates Cont.

- These regulations are in addition to any requirements found on neonicotinoid pesticide product labeling.
- In the event of a conflict between labeling requirements and these regulations, the strictest requirement must be followed.

Neonicotinoid Pesticides (Active Ingredients):

- **Clothianidin**
- **Dinotefuran**
- **Imidacloprid**
- **Thiamethaxam**



Use on Berries and Small Fruits Crop Groups

- **APPLICATION IS PROHIBITED DURING BLOOM.**
- If managed pollinators will be used during the growing season, application is prohibited.
- If both soil and foliar application methods are used on the same crop or multiple neonicotinoid active ingredients are applied to the same crop
- a total maximum combined application rate of **0.3lbs** active **ingredient/acre/season** may be applied provide that:
 - Soil application rate must not exceed 0.2lbs. ai/A/season and
 - Foliar application rate must not exceed 0.1lbs. ai/A/season.

Use on Grapes

- If managed pollinators will be used to pollinated grapes during the growing season
- an application of a neonicotinoid may be made under the application rate and timing restrictions listed in the following table in addition to the previous restrictions:

Application Rate and Timing Restrictions for Grapes

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



Use on Cucurbit Vegetables Crop Group

- APPLICATION IS PROHIBITED DURING BLOOM.
 - With the exception of soil applications of dinotefuran. Soil applications of dinotefuran may be applied during bloom.
- If both soil and foliar application methods are used on the same crop, or if multiple neonicotinoid active ingredients are applied to the same crop,
- a total maximum combined application rate of 0.736lbs. ai/A/season may be applied provided that:
 - Soil application rate must not exceed 0.536lbs. ai/A/season, and
 - Foliar application rate must not exceed 0.2lbs. ai/A/season
- If managed pollinators will be used within the growing season, the application rate and timing restrictions listed in the following table apply in addition to these limitations.

Active Ingredient	Soil Application		Foliar Application	
	Maximum Application Rate	Required Timing	Maximum Application Rate	Required Timing
<u>Clothianidin</u>	0.2 lbs. ai/A/season	Apply only from pre-planting until primary side shoot formation	0.2 lbs. ai/A/season	Apply only from pre-planting until bloom
<u>Dinotefuran</u>	0.536 lbs. ai/A/season	None	0.172 lbs. ai/A/season	Apply only from pre-planting until bloom
<u>Imidacloprid</u>	0.172 lbs. ai/A/season	Apply only from pre-planting until fifth true leaf on main stem unfolded	0.172 lbs. ai/A/season	Apply only from pre-planting until bloom
<u>Thiamethoxam</u>	0.172 lbs. ai/A/season	Apply only from pre-planting until fifth true leaf on main stem unfolded	0.172 lbs. ai/A/season	Apply only from pre-planting until bloom



Use on Cucurbit Vegetables Crop Group contd.

- Exceptions:
 - Cucumbers: if managed pollinators will be used during the growing season, then foliar applications of either dinotefuran, imidacloprid, or thiamethoxam are PROHIBITED.
 - For foliar applications of clothianidin and soil applications of all neonicotinoids, the rates and timing restrictions listed in the table apply.
 - Melons: if managed pollinators will be used during the growing season, soil applications of clothianidin are PROHIBITED.
 - For soil applications of dinotefuran, imidacloprid, or thiamethoxam and foliar applications of all neonicotinoids, the rates and timing restrictions listed in the table apply.



APPLICATION IS PROHIBITED DURING BLOOM.

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

If managed pollinators will be used to pollinate crops during the growing season, the application rate and timing restricted listed in the following table apply in addition to these limitations:

<u>Application Rate and Timing Restrictions for Crops in the Fruiting Vegetables Crop Group</u>				
<u>Active Ingredient</u>	<u>Soil Application</u>		<u>Foliar Application</u>	
	<u>Maximum Application Rate</u>	<u>Required Timing</u>	<u>Maximum Application Rate</u>	<u>Required Timing</u>
<u>Clothianidin, Dinotefuran, Imidacloprid, or Thiamethoxam</u>	<u>0.172 lbs. ai/A/season</u>	<u>Apply only from pre-planting until third leaf on main shoot unfolded</u>	<u>Prohibited</u>	

- Exceptions:
 - If managed pollinators will be used for peppers, goji berry, ground cherry, martynia, okra, roselle or tomatillo during the growing season, then application of a neonicotinoid is prohibited.

Use on Fruiting Vegetables Crop Groups



Use on Pome Fruits Crop Groups

- APPLICATION IS PROHIBITED DURING BLOOM.
- If both soil and foliar application methods are used on the same crop, or if multiple neonicotinoid active ingredients are applied to the same crop,
 - a total maximum combined application rate of 0.567lbs. ai/A/season may be applied provided that:
 - Soil application rate must not exceed 0.38lbs. ai/A/season, and
 - Foliar application rate must not exceed 0.187lbs. ai/A/season
- The application rate and timing restrictions listed in the following table apply in additions to these limitations:

Active Ingredient	Soil Application		Foliar Application	
	Maximum Application Rate	Required Timing	Maximum Application Rate	Required Timing
Clothianidin, Dinotefuran, Imidacloprid, or Thiamethoxam	0.38 lbs. ai/A/season	Apply only between post-bloom and harvest	0.187 lbs. ai/A/season	Apply only between post-bloom and harvest



Use on Root and Tuber Vegetable Crop Groups

- Application of a neonicotinoid to sweet or bitter cassava is NOT subject to these provisions.
- If any of the following crops will be harvested before bloom, the provisions of this article do not apply:
 - Arracha, artichokes (Chinese and Jerusalem), carrots, chicory roots, garden beets, sugar beets, turnip, turnip-rooted chervil, turnip-rooted parsley, parsnip, radish, oriental radish, rutabaga, and skirret.
 - Otherwise, if these crops are harvested after bloom or are grown for seed this section applies.
- APPLICATION IS PROHIBITED DURING BLOOM.
- If both soil and foliar application methods are used on the same crop, or if multiple neonicotinoid active ingredients are applied to the same crop, a total maximum combined application rate of 0.388lbs. ai/A/season may be applied provided that:
 - Soil application rate must not exceed 0.338lbs. ai/A/season, and
 - Foliar application rate must not exceed 0.05lbs. ai/A/season.
- If managed pollinators will be used during the growing season, the application rate and timing restrictions listed in the following table apply in addition to these limitations:

Active Ingredient	Soil Application		Foliar Application	
	Maximum Application Rate	Required Timing	Maximum Application Rate	Required Timing
<u>Clothianidin</u>	<u>0.2 lbs. ai/A/season</u>	<u>Apply only at pre-planting or planting</u>	<u>0.05 lbs. ai/A/season</u>	<u>Apply only from pre-planting until bloom</u>
<u>Dinotefuran</u>	<u>0.338 lbs. ai/A/season</u>	<u>Apply only from pre-planting until the beginning of main stem elongation or crop cover</u>	<u>0.05 lbs. ai/A/season</u>	<u>Apply only from pre-planting until bloom</u>
<u>Imidacloprid</u>	<u>0.2 lbs. ai/A/season</u>	<u>Apply only at pre-planting or planting</u>	<u>0.05 lbs. ai/A/season</u>	<u>Apply only from pre-planting until bloom</u>
<u>Thiamethoxam</u>	<u>0.2 lbs. ai/A/season</u>	<u>Apply only at pre-planting or planting</u>	<u>0.05 lbs. ai/A/season</u>	<u>Apply only from pre-planting until bloom</u>



Use on Stone Fruits Crop Groups

- APPLICATION IS PROHIBITED DURING BLOOM.
- If both soil and foliar application methods are used on the same crop, or if multiple neonicotinoid active ingredients are applied to the same crop, a total maximum combined application rate of 0.92lbs. ai/A/season may be applied provide that:
 - Soil application rate must not exceed 0.38lbs. ai/A/season, and
 - Foliar application rate must not exceed 0.54lbs. ai/A/season.
- The application rate and timing restrictions listed in the following table apply in addition to these limitations:

<u>Application Rate and Timing Restrictions for Crops in the Stone Fruits Crop Groups</u>				
<u>Active Ingredient</u>	<u>Soil Application</u>		<u>Foliar Application</u>	
	<u>Maximum Application Rate</u>	<u>Required Timing</u>	<u>Maximum Application Rate</u>	<u>Required Timing</u>
<u>Clothianidin</u>	<u>0.38 lbs. ai/A/season</u>	<u>Apply only between post-bloom and harvest</u>	<u>0.2 lbs. ai/A/season</u>	<u>Apply only between post-bloom and harvest</u>
<u>Dinotefuran</u>	<u>0.38 lbs. ai/A/season</u>	<u>Apply only between post-bloom and harvest</u>	<u>0.54 lbs. ai/A/season</u>	<u>Apply only between post-bloom and harvest</u>
<u>Imidacloprid</u>	<u>0.38 lbs. ai/A/season</u>	<u>Apply only between post-bloom and harvest</u>	<u>0.5 lbs. ai/A/season</u>	<u>Apply only between post-bloom and harvest</u>
<u>Thiamethoxam</u>	<u>0.38 lbs. ai/A/season</u>	<u>Apply only between post-bloom and harvest</u>	<u>0.172 lbs. ai/A/season</u>	<u>Apply only between post-bloom and harvest</u>



Use on Tree Nuts Crop Groups

- Application to **pistachio, beechnut, ginkgo or pecans** is not subject to the provisions of this article.
 - APPLICATION IS PROHIBITED DURING BLOOM.
 - If both soil and foliar application methods are used on the same crop, or if multiple neonicotinoid active ingredients are applied to the same crop, a total maximum combined application rate must not exceed 0.2lbs. ai/A/season.
 - If managed pollinators will be used during the growing season, the application rate and timing restrictions listed in the following table apply in addition to these limitations:
- Exceptions:
 - Almonds: the rates and timing restrictions in the table are required for any application of a neonicotinoid made to almonds, regardless of whether managed pollinators are used.

<u>Application Rate and Timing Restrictions for Crops in the Tree Nuts Crop Groups</u>				
<u>Active Ingredient</u>	<u>Soil Application</u>		<u>Foliar Application</u>	
	<u>Maximum Application Rate</u>	<u>Required Timing</u>	<u>Maximum Application Rate</u>	<u>Required Timing</u>
<u>Clothianidin, Dinotefuran, Imidacloprid, or Thiamethoxam</u>	<u>Prohibited</u>		<u>0.2 lbs. ai/A/season</u>	<u>Apply only between post-bloom and harvest</u>



1,3- Dichloropropene Field Fumigation Updates

- California has amended 3 CCR section 6448 1,3-Dichloropropene Field Fumigation – General Requirements
- Effective January 1, 2024
- The changes create a set back for any occupied structures
 - Applies to any occupied structure in the setback distance
 - Also, any indoor or outdoor site that will be occupied within 72 hours during or completion of an application
 - Minimum set back is minimum 100ft but could be larger depending on the
 1. fumigation type
 2. application rate
 3. block size



1,3- Dichloropropene Field Fumigation Updates

- New Soil Moisture requirements for field application
 - Soil moisture must be at least 50% of field capacity at 3-9 inches in depth
- New field fumigation codes are required for all field applications
 - These codes must be used on Pesticide Use reports
- Please contact the Ag commissioner's office with any more questions



Questions?

San Joaquin County Agricultural Biologist/Standards Inspector
(209) 953-6000

