



Your Information
Source on Food
Safety and Farming

Special Report

Facts, information and updates on food safety issues.

Summary of Existing Pesticide Regulations in California

California has the most comprehensive pesticide regulatory program in the country. Therefore, California farmers are the most highly regulated agricultural producers in the United States. To further detail and explain these regulations, the Alliance for Food and Farming asked former California Department of Pesticide Regulation Director James Wells to summarize the regulations which must be followed whenever a pesticide application is made in California.

There are in excess of 70 California regulations controlling the use of pesticides by licensed pest control operators and growers. Many of these regulations contain multiple requirements. Additional regulations govern the licensing or certification of commercial applicators, pesticide dealers and the pest control consultants who provide advice to growers about pest management strategies.

A special category of pesticides, called *Restricted Materials*, was created in California in the early 1950's. *Restricted Materials* are pesticides that require special handling to protect human health, the environment and surrounding, non-target crops. An additional set of rules apply to these chemicals including the requirement that they may only be used under a site-specific permit issued and monitored by the local County Agricultural Commissioner. The *Restricted Materials* system, in fact the County Agricultural Commissioner system, is unique to California and provides a level of pesticide use control unmatched anywhere else in the world.

In addition to use controls, before a pesticide may be sold or used in California, it must pass a comprehensive pesticide registration evaluation, in many ways more stringent than the federal process administered by the US Environmental Protection Agency.

The following is a quick overview of pesticide rules and regulations that govern the use of pesticides by growers.

Labeling. The federally approved pesticide product label provides the basic "law" controlling the use of any pesticide. California statutes provide that: (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."*

In addition to the labeling, which growers in all states must follow, California has a myriad of other rules designed to mitigate possible adverse effects of pesticides in specific environments.

General Application Standards.

There are numerous laws and regulations dictating the manner in which pesticides are used. In general growers and commercial operators performing pest control must assure that proper, safe and well maintained equipment is safely operated and that pest

control is performed in a safe and effective manner under appropriate climatic conditions. Further, operators must exercise reasonable precautions to avoid contamination of the environment. Specifically, regulations establish the following requirements.

- A copy of the registered labeling must be available at each use site.
- Pesticides must be weighed or measured accurately using appropriate devices
- A uniform mixture must be maintained in application equipment.
- Pest control equipment must be thoroughly cleaned to prevent illness or damage to persons, plants or animals from residues of pesticides previously used in the equipment.
- Certain activities (such as mixing and loading pesticides), that could result in contamination of a well and the underlying aquifer, are prohibited within 100 feet of a well.
- Pesticide application equipment that handles pesticides and draws water from an outside source must be equipped with backflow protection acceptable to both the water purveyor and the local health department.
- Minor children under 18 years of age are prohibited from mixing or loading a pesticide which requires air supplied respiratory protection, closed systems, or full-body, chemical-resistant protective clothing.
- Growers must obtain an operator identification number from the commissioner of each county where they will be performing pest control. Growers must also obtain site identification numbers from the commissioner for each site where they will be applying pesticides.
- Growers must maintain records of pesticide use which include the pesticides used, location of use, date of use and crop treated.
- Growers must report each use of pesticides including the crop treated location of use, amount used and other details of the application to the commissioner of the county in which the pest control was performed.

Drift Control and Prevention of Other Off-target Movement of Pesticides.

Food and Agricultural Code Section 12972 states that: *“The use of any pesticide by any person shall be in such a manner as to prevent substantial drift to non-target areas.” In general, it is illegal to make or continue an application when there is a reasonable possibility of harm or damage to people, private or public property, or non-target crops.”*

In addition there are 5 regulations, containing 51 requirements, targeting specific pesticides or pesticide use patterns to prevent off-target damage through airborne drift.

Restricted Materials.

California statutes dating back to the early 1950s provide that the Director of the Department of Pesticide Regulation establish a list of highly regulated pesticides known as *Restricted Materials*. Pesticides are added to the list periodically by regulation due to their inherent risk to workers or public health, the environment or non-target crops.

Restricted Materials may only be possessed or used under a permit issued by the County Agricultural Commissioner. Permits are site and time specific and, in addition to restrictions imposed by labeling or state regulations, may contain specific requirements established by the commissioner. Each permit application must contain 9 specific elements which provide detailed information on the proposed use. These include the chemicals to be used, crops to be treated, identification of the specific use site, use of adjacent properties, location of nearby sensitive sites such as schools and residences, etc.

Before issuing a permit for a restricted material, the commissioner must evaluate each proposed application and application site. If, based on local conditions at the site, the commissioner decides that the application as planned may result in adverse health or environmental effects, the commissioner may deny the permit, or condition the permit to mitigate possible harm. Permits are generally issued annually, however the permittee must also file a Notice of Intent (NOI) to make the application 24 hours before it commences. Again, the commissioner evaluates conditions at the site and may further condition or deny the permit if he or she determines that the application cannot be made safely. Notices of Intent must contain 11 elements.

Restricted materials applications must be made or supervised by a licensed pest control operator, or by a grower who has been issued a Certified Private Applicator certificate by the Agricultural Commissioner of the county in which the application takes place.

Permits are required for a list of Groundwater Protection pesticide designated by the Director of DPR. 5, specific regulations place requirements on the use of these pesticides to protect against leaching to groundwater.

Field fumigation applications require Restricted Materials Permits and in addition, are governed by 4 regulations containing 73, separate requirements.

4 additional regulation sections containing 7 use requirements apply to specific non-fumigant Restricted Materials.

Worker Safety.

A specific body of law and regulation has been created in California to insure the safety of workers applying pesticides or working in and around sites where pesticides are being or have been used. There are 27 sections and numerous subsections in the California Code of Regulations containing specific requirements growers must follow.

In general, it is the grower's responsibility to provide a safe workplace. In doing so, the grower must provide information and training, all necessary protective equipment and insure that employees follow safe work practices.

Specifically regulations establish the following requirements:

- Hazard Communication plans for pesticide applicators and fieldworkers
- Medical supervision for applicators and fieldworkers in prescribed circumstances
- Emergency medical care, planned for in advance, and transportation to a physician for any employee who has a pesticide related illness, or exposure that might be reasonably expected to result in an illness

- Mandatory, periodic contact for pesticide applicators working alone with certain pesticides
- A change area where applicators can store clean clothes, wash and change out of protective clothing.
- A decontamination facility for applicators in the immediate vicinity of an application site for routine washing and full body decontamination if necessary.
- At a minimum coveralls, provided and laundered by the grower for applicator.
- Coveralls and all other protective equipment required by labels or regulations must be provided and maintained by the grower.
- Adequate light at mix/load sites.
- Safe, well maintained equipment for mixing, loading and applying pesticides.
- Closed mixing and loading systems for the most toxic pesticides.
- No fieldworker can directed into or allowed to stay in a field being treated with pesticides.
- Field workers must have specific training before beginning work in a treated field.
- A decontamination site for field workers, in the immediate vicinity of treated fields.
- Field workers may not be allowed to enter a treated field before the expiration of any restricted entry interval required by labeling or regulations except for specific activities and then only with specified protective clothing.
- Specific restricted entry intervals for numerous pesticides, in addition to those designated by pesticide labeling.
- Posting of treated fields when required by labeling or regulation with specified warnings against re-entry

This information was updated March 2006.