

## Condition 1

**MERCED COUNTY  
AGRICULTURAL COMMISSIONER'S OFFICE  
RESTRICTED MATERIALS PERMIT CONDITIONS**

1. Seasonal or multi-year restricted materials permits are issued to growers or their authorized representatives who have been certified to use restricted materials. Pest control dealers and agricultural pest control businesses must have a copy of the permit in their possession prior to sale, delivery, or application of restricted materials.

2. Permits are valid only for those materials listed. A notice of intent (NOI) shall be submitted 24 hours prior to the use of listed restricted materials. NOIs are accepted by phone, fax, electronic submission through the CalAgPermits program, and at the Agricultural Commissioner's offices.

3. Merced County Agricultural Commissioner staff evaluates the issuance of every California restricted material permit, the submission of every NOI, and use of every California restricted materials to determine if substantial adverse environmental impacts may result from the application. If it is determined those impacts exists and/or a feasible alternative exist, the commissioner shall deny the permit or condition the permit to utilize feasible mitigation measures that would substantially reduce the environmental impact.

4. Except as conditioned below, a NOI shall be submitted at least 24 hours prior to the intended application. If the intended application does not take place, permittees must notify the Agricultural Commissioner within seven (7) days after the intended application date. **UNLESS** determined not feasible by the Agricultural Commissioner, the application shall commence within the following four-day period and proceed as scheduled. If applications do not commence within the four-day period, notify the Agricultural Commissioner of the new intent date.

5. NOIs for restricted materials containing the following active ingredients shall be submitted at least **48** hours prior to the intended application\*.

- a. metam sodium or metam potassium
- b. dazomet
- c. 1,3 dichloropropene
- d. chloropicrin
- e. sodium tetrathiocarbonate
- f. Chlorpyrifos

**\*Accurate maps are required for field and tree-hole fumigations, showing actual distances to property lines, residential areas, sensitive sites (including schools) or other areas determined by the Commissioner. Required buffers shall also be indicated on the map. If a structure will be vacated for the application and REI, please make sure this is indicated on the NOI, recommendation, and map submitted. Refer to these requirements in the absence of specific conditions or regulations pertaining to NOI and map requirements.**

6. Before use of fumigants containing the active ingredients metam sodium, metam potassium, or dazomet, the property operator or the property operators designated agent **must** complete a Department of Pesticide Regulation approved metam potassium/metam sodium stewardship certification training within the previous 12 months of the date of application and hold a valid certified applicators license or certificate.

7. "Other sensitive sites" referred to in Merced County permit conditions shall include, but are not limited to schools, rural residential areas, urban residential areas, sensitive aquatic sites, hospitals, endangered species habitat areas, occupied labor camps, churches, and day care centers

**8. \*\*NEW\*\* School notification requirements and use restrictions for Pesticide Use Near Schoolsites (3CCR 6690, 6691, & 6692)**

a. Effective January 1, 2018, growers and pest control businesses are prohibited from making certain pesticide applications within ¼ mile of public K-12 school sites/licensed child daycare facilities Monday through Friday between 6AM -6PM. This includes all applications by aircraft, sprinklers, air-blast sprayers, and all fumigant applications.

b. Growers with sites within ¼ mile of a public K-12 school sites/licensed child daycare facilities must provide an annual school notification, which lists all the pesticides expected to be used during the upcoming July through June period. This must be provided to the principal or licensed child daycare facility administrator, as well as Merced County Agricultural Commissioner by April 30 each year.

9. Emergency exemption (Section 18) permits will be issued on both seasonal and multi-year permits. Permission to use Section 18 pesticides expires at the same time the current Section 18 registration expires. If the Section 18 pesticide is subsequently re-registered, the permittee must appear in person to obtain a new Section 18 permit. Third party Special Local Need (SLN) registrations will be issued with either seasonal or multi-year permits. Third party SLN registrations are in effect until canceled. SLN and/or Section 18 labels must be present at the application site at time of use (*Refer to Condition 14 for Section 18 labels*).

10. Seasonal permits for fumigants on established tree and vine sites are intended for tree-hole fumigations only. Permittees must wait for approval to proceed after submitting the required NOI. NOI's will be conditioned when appropriate with buffer zones and per-day acreage limitations. Prior to approving NOI's, the permittee must have a signed permit acknowledging receipt of "Tree-Hole Fumigation Requirements" on file with the Merced County Agricultural Commissioner(Refer to Condition 11).

11. Permits are not valid unless used in accordance with established supplemental permit conditions of the Merced County Agricultural Commissioner:

<u>Condition number</u>	<u>Condition</u>
1.	Restricted Materials Permit Conditions
2.	General Drift Minimization Conditions
3.	Bee Protection Policy
4.	Tribufos (Def/Folex)
5.	Phenoxy and Other Volatile Herbicides
6.	Rice Pesticide Conditions
7.	Chloropichrin (+2%)
8.	Groundwater Protection
9.	Metam sodium, Metam potassium, and dazomet (10 separate methods)
10.	1, 3 Dichloropropene
11.	Tree-Hole Fumigations
12.	Commodity Fumigations
13.	Endangered Species Information
14.	Section 18 Materials
15.	Methyl Bromide Field Fumigation
16.	Chlorpyrifos

12. Property operators and Pest Control Businesses associated with the use of the following fumigants for field fumigations are jointly (when applicable) responsible for compliance with the above mentioned permit conditions and corresponding sections of Title 3, California Code of Regulations in the table below:

<b>Fumigant</b>	<b>Corresponding Title 3, California Code of Regulations</b>
Methyl bromide	6445, 6445.5, 6447, 6447.1, 6447.2, 6447.3, and 6776(f).
1,3-Dichloropropene (singly or jointly with Chloropicrin)	6448, 6448.1, and 6776(f)
Chloropicrin	6449, 6449.1, and 6776(f)
Metam-sodium or Metam-potassium	6450, 6450.1, and 6776(f).
Dazomet	6450, 6450.2, and 6776(f).
Sodium tetrathiocarbonate	6451, 6451.1 and 6776(f)

13. All permit conditions are to be used in conjunction with label directions and any applicable laws and regulations. Whenever requirements differ, users shall always follow the more restrictive.

**NOTICE: FAILURE TO COMPLY WITH THESE CONDITIONS AND OTHER PERTINENT LAWS AND REGULATIONS MAY RESULT IN REVOCATION OF YOUR PERMIT AND THE POSSIBILITY OF FURTHER LEGAL ACTION BY THIS DEPARTMENT.**

Condition 2

**MERCED COUNTY AGRICULTURAL  
COMMISSIONER'S OFFICE  
RESTRICTED MATERIALS DRIFT  
MINIMIZATION CODITIONS**

*No pesticide application shall be made or continued if the material is unable to be confined to the target area.*

**I. AIRCRAFT:**

A. Aircraft application equipment used to apply a pesticide spray solution shall be configured as follows:

1. Functional boom length, measured from outboard nozzle to outboard nozzle, shall not exceed 75% of the overall wing span or rotor length.
2. Boom pressure shall not exceed the manufacturer's recommended

\*Conditions 6 (Rice Pesticides), 7 (Chloropicrin), 9 (Dazomet, metam sodium, metam potassium), 12 (Commodity fumigation), and 15 (Methyl Bromide Field Fumigations) available upon request.

pressure for the nozzles being used.

3. The flow of liquid from each nozzle shall be controlled by a positive shutoff system.
4. Nozzle orifices shall be directed backward, neutral to the airstream.
5. Aircraft shall be equipped with:
  - (a) Jet nozzles having an orifice of not less than one-sixteenth of an inch in diameter. Nozzles shall not be equipped with any device or mechanism which would cause a sheet, cone, fan, or similar type dispersion of the discharged material, except helicopters operating at 60 miles per hour or less may add a number 46 (or equivalent) or larger whirl plate;
  - (b) Helicopters operating at 60 miles per hour or less may, instead of (a), be equipped with fan nozzles with a fan angle number not larger than 80 degrees and a flow rate not less than one gallon per minute at 40 pounds per square inch pressure (or equivalent); or
  - (c) After evaluation, the director may authorize other nozzles for aircraft use.

B. Aerial applications of a pesticide spray solution shall meet the following requirements:

1. Apply only when there is a positive air flow. Wind speed shall not be more than ten miles per hour at the application site, as measured by an anemometer positioned four feet above the ground.
2. Discharge shall start after entering the target site; discharge height shall not exceed ten feet above the crop or target; discharge shall be shut off whenever necessary to raise the equipment over obstacles; discharge shall be shut off before exiting the target site.

C. When using California restricted herbicides near sensitive sites, a continuous smoke column or other satisfactory device shall be employed to indicate the direction and velocity of the airflow, and indicate a temperature inversion by layering of smoke. Applications shall not be made when a temperature inversion exists.

## II. GROUND

A. Vehicle-mounted or towed ground equipment, other than handguns, used to make applications shall be equipped with:

1. Nozzles having an orifice not less than one-sixteenth of an inch in diameter (or equivalent) and operated at a boom pressure not to exceed the manufacturer's recommended pressure for the nozzles being used; or
2. Low-pressure fan nozzles with a fan angle number not larger than 80 degrees and nozzle orifice not less than 0.2 gallon per minute flow rate (or equivalent) and operated at a boom pressure not to exceed 15 pounds per square inch.

B. Applications of a pesticide spray solution made by vehicle-mounted or towed ground equipment shall meet the following requirements:

1. Apply only when wind speed is ten miles per hour or less at the application site, as measured by an anemometer positioned four feet above the ground.
2. Discharge shall start after entering the target site; discharge shall be shut off before exiting the target site.

### Condition 3

## MERCED COUNTY AGRICULTURAL COMMISSIONER'S OFFICE POLICY AND PERMIT CONDITIONS FOR BEE PROTECTION

**A. GENERAL POLICY** for pesticide applications when environmental hazards statements on the label indicate the pesticide is "toxic to bees" on the labeling, regardless of modifying words on the label that state "highly" or "moderately". These applications shall not be made when crop or weed bloom is present in the application site or adjacent borders except under the following conditions:

1. Person performing pest control notifies beekeepers, after inquiring of the Agricultural Commissioner for those beekeepers who have requested notification of such operation, within one mile of such property, unless a greater distance is specified in the permit conditions in Section B below.
2. Such notification of pesticide applications shall be by telephone call or other expedient means provided by the beekeeper and at the beekeeper's expense. The beekeeper shall specify a minimum 2-hour period between 6:00 a.m. and 8:00 p.m. daily, when he or she will be available for the notification. Notification shall include the time and date of intended pesticide application, location, crop, acreage, method, identity and amount of pesticide.
3. Notification shall be given at least 48 hours prior to application, allowing the beekeeper time to move, cover or otherwise protect the bees.
4. If the beekeeper fails to properly protect the apiary within the 48-hour period, the application may be made without delay provided the application is otherwise in compliance with the label and there is not a reasonable possibility of drift over apiaries.
5. If the product label states that the pesticide is toxic or highly

\*Conditions 6 (Rice Pesticides), 7 (Chloropicrin), 9 (Dazomet, metam sodium, metam potassium), 12 (Commodity fumigation), and 15 (Methyl Bromide Field Fumigations) available upon request.

toxic to bees exposed to “residues on blooming crops or weeds”, applications are prohibited if temperatures are forecasted to be above 55°F during daylight hours on the day following the application and bees are visiting the treatment area.

(Refer to:

<https://www.cdpr.ca.gov/docs/county/cacltrs/penfltrs/penf2009/2009008.htm>)

**B. PERMIT CONDITIONS** (General Policy provisions above are incorporated as permit conditions when the pesticide is a restricted material):

1. **Carbaryl** in Orchards – Notice of intent shall not be approved in the following circumstances:
  - a. Almonds: January 31 or two weeks prior to blossom, whichever is later.
  - b. Peaches after pink bud stage through petal fall.
  - c. Apricots after red bud stage through petal fall.
  - d. Plums and prunes after red bud stage through petal fall.
  - e. Nectarines in bloom except when application is made when bees are not in the field (after sunset and before sunrise).
2. Use of **Carbaryl** on alfalfa.
  - a. If bloom is present in the treatment area and bees are pollinating surrounding crops, notices of intent shall not be approved.

#### Condition 4

#### MERCED COUNTY AGRICULTURAL COMMISSIONER'S OFFICE PERMIT CONDITIONS FOR TRIBUFOS (DEF, Folex)

No employee shall be directed or allowed to conduct any activities that may involve human contact with foliage, within the treated area, until seven days after an application of tribufos.

Approved tribufos labeling states, “(Tribufos) may not be applied within seven days of harvest.” The Department of Pesticide Regulation considers this enforceable pre harvest interval language. Any harvesting taking place within seven days of the application is a violation of Food and Agricultural Code section 12973 (use in conflict with labeling).

#### Condition 5

#### MERCED COUNTY AGRICULTURAL COMMISSIONER'S OFFICE PERMIT CONDITIONS FOR PHENOXY AND BENZOIC HERBICIDES

1. These permit conditions pertain to all phenoxy-type herbicides (2,4-D, 2,4-DB, MCPA), Benzoic-type herbicides (dicamba), and their derivatives.
2. Applications of these herbicides shall not take place if the temperature reaches or is forecasted to reach 85°F at any time during the day of application. This restriction shall not apply to Benzoic-type herbicides (dicamba) if in compliance with condition 6 (a-h).
3. Weather forecasts shall be obtained from the National Oceanic and Atmospheric Association's National Weather Service Forecast at: <http://www.wrh.noaa.gov/sto/>
4. Applications of these herbicides shall not take place when there is a critical temperature inversion present or forecasted during the time of application
5. Application of Ester formulations of these materials is prohibited.
6. The following restrictions apply to these herbicides from the start of bud break (Bud break is defined as the stage of development when green tissue becomes visible at tip of bud; also known as bud burst), which is March 16<sup>th</sup> through the growing season to October 15<sup>th</sup>.
  - a. All aerial applications of these materials shall be prohibited.
  - b. No application shall be made on any area situated within two miles of any cultivated commercial vineyard or cotton planting belonging to any person other than the owner of the property being treated unless there is a continuous air flow away from such planting, but in no case shall any application be made within one-half mile of such plantings
  - c. No applications shall be made unless the wind conditions are between 2-7 miles per hour.
  - d. Drift reducing agents must be used for all non-orchard applications.

\*Conditions 6 (Rice Pesticides), 7 (Chloropicrin), 9 (Dazomet, metam sodium, metam potassium), 12 (Commodity fumigation), and 15 (Methyl Bromide Field Fumigations) available upon request.

- e. Applications shall be limited to 100 acres or less per day within a 2 mile radius of the perimeter of the application site when applied by the same property operator and/or their agents (pest control businesses).
- f. Applications shall not take place 48 hours prior to approaching changes in weather patterns which would cause weather disturbances such as, but not limited to, high winds, precipitation, and/or unstable or unseasonable air masses.
- g. The applicator must note on the Notice of Intent the location of any cotton, grapes, and/ or other sensitive crops (as described in, but not limited to label precautions) within a two mile radius of the perimeter of the application site.
- h. Condition 6(b) shall not apply to strip applications made to orchard floors. Strip applications to orchard floors shall not take place within one-half mile of any commercial vineyard or cotton planting belonging to any person other than the owner of the property being treated.
- 7. The following apply to applications of the herbicides from October 16<sup>th</sup> through March 15<sup>th</sup>.
  - a. No aerial applications when sensitive crops such as vegetable and truck crops, nurseries, open greenhouse plantings, organic plantings, etc. are within 1/2 mile up-wind or one mile downwind. This restriction shall also apply applications within ½ mile up-wind or one mile downwind of cultivated commercial vineyard from the start of bud break until March 16<sup>th</sup> (Bud break is defined as the stage of development when green tissue becomes visible at tip of bud; also known as bud burst).
  - b. Material to be discharged no higher than ten (10) feet above the crop and no application may continue when the wind speed exceeds 10 mph.
- 8. Each operating nozzle shall produce a droplet size, in accordance with the manufacturers' specifications, not less than 500 microns volume median diameter (Dv0.5) with ten (10) percent of the diameter by volume (Dv0.1) not less than 200 microns.
- 9. Any conflicts between labels, applicable regulations, and/or these conditions shall be resolved in favor of the stricter interpretation.

- 10. Additional site- specific conditions may be added to applications of these herbicides as deemed necessary by the Agricultural Commissioner
- 11. Application of these herbicides in any other manner than those expressed in these conditions is prohibited without written authorization from the Agricultural Commissioner.

Condition 6\*

**Merced County Agricultural Commissioner's Office  
Permit Conditions for Rice Pesticides**

*\*Conditions available as separate document*

Condition 7\*

**MERCED COUNTY  
AGRICULTURAL COMMISSIONER'S OFFICE  
PERMIT CONDITIONS FOR CHLOROPICRIN FIELD FUMIGANT**

*\*Conditions available as separate document*

\*Conditions 6 (Rice Pesticides), 7 (Chloropicrin), 9 (Dazomet, metam sodium, metam potassium), 12 (Commodity fumigation), and 15 (Methyl Bromide Field Fumigations) available upon request.

## Condition 8

**Groundwater Protection Materials, Title 3, California Code of Regulations, Section 6800(a): Products containing the following active ingredients are considered groundwater protection materials: Atrazine, Simazine, Bromacil, Diuron, Prometon, Bentazon, Norflurazon**

**Using 6800(a) materials within a Groundwater Protection Area:**

**A Notice of Intent, 24 hrs. prior to use, is required for use of 6800(a) materials within a groundwater protection area. Sites and management practices must be designated in the spaces provided below.**

**L. Leaching Groundwater Protection Areas (3CCR 6487.5): Use of pesticide registered for agricultural, outdoor industrial, and outdoor institutional use containing chemicals listed in section 6800(a) shall be prohibited in leaching groundwater protection areas unless any one of the following management practices can be met.**

\_\_\_L1 Irrigation water shall not be applied for 6 months following the application of the pesticide.

List Sites \_\_\_\_\_

\_\_\_L2 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 6 months following application of the pesticide.

List Sites \_\_\_\_\_

\_\_\_L3 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 6 months following application of the pesticide.

List Sites \_\_\_\_\_

**R. Runoff Groundwater Protection Areas (3CCR 6487.4): Use of pesticides registered for agricultural, outdoor industrial, and outdoor institutional use containing chemicals listed in section 6800 (a) shall be prohibited in runoff groundwater protection areas unless one of the following management practices can be met.**

\_\_\_R1 Soil disturbance. Within seven (7) 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% of the distance between crop rows.

List Sites \_\_\_\_\_

\_\_\_R2 Incorporation of the pesticide. Within 48 hrs. after the pesticide is

applied, the pesticide shall be incorporated on at least 90% 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 1 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% of the distance between crop rows.

List Sites \_\_\_\_\_

\_\_\_R3 Band treatment. The pesticide shall be applied as a band treatment immediately adjacent to the crop row so that not more than 33% of the distance between rows is treated.

List Sites \_\_\_\_\_

\_\_\_R4 Timing of application. The pesticide shall be applied between April 1 and July 31

List Sites \_\_\_\_\_

\_\_\_R5 Retention of runoff on field. For 6 months following the application, the field shall be designed, by berms, levees, or non-draining 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 hrs.).

List Sites \_\_\_\_\_

\_\_\_R6 Retention of runoff in a holding area off the field. For 6 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 hrs.).

List Sites \_\_\_\_\_

\_\_\_R7 Runoff onto a fallow field. For 6 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 6 months after application, with full consideration of any plant back restrictions.

List Sites \_\_\_\_\_

\_\_\_R8 Recycling of runoff. For six months following the application, runoff collected on the treated site in an excavated retention area that has a percolation rate of greater than 0.2 inches per hour shall be completely recycled, every 24 hours, onto the treated site, neighboring land under the control of the property operator, or neighboring land with the consent of the operator of the neighboring land. (Alternative approved by the Director, DPR – see ENF 2005-006)

List Sites \_\_\_\_\_

\_\_\_R9 Runoff onto adjacent land. For six months following application,

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runoff water from the tops and outer sides of canal banks and rights of way, within runoff GWPAs, shall move offsite as overland flow onto adjacent land, at least equal in area to the treated area, where it infiltrates into the soil with no chance of flow into structures such as dry wells, or ditches or excavated retention areas with percolation rates of greater than 0.2 inches per hour.

“Overland flow” is the movement of a thin film of water before the water collects into ditches, creeks, or streams. (Alternative approved by the Director, DPR – see ENF 2005-006)

List Sites \_\_\_\_\_

**A. Alternative management practice or pesticide approved by the Director:**

\_\_\_A1 Director approved use of alternative management practices that are based on scientific data demonstrating their effectiveness in reducing movement of pesticides to groundwater. DPR ENF # \_\_\_\_\_ for crop/commodity \_\_\_\_\_. Please see site specific management practices.

\_\_\_A2 Director approved interim use of 6800(a) material \_\_\_\_\_ for crop/commodity \_\_\_\_\_, within a groundwater protection area, for period not to exceed 3 yrs. Public Notice Start Date \_\_\_\_\_ Expiration Date \_\_\_\_\_. Please see site specific management practices.

**Condition 9\***

**Merced County Permit Conditions for Dazomet, Metam Sodium, and Metam Potassium consist of ten sets of permit conditions defined by the particular method of application. Due the voluminous nature of information contained in these permit conditions, they will only be provided upon request.**

*\*Conditions available as separate document*

**Condition10**

**MERCED COUNTY  
AGRICULTURAL COMMISSIONER'S OFFICE  
PERMIT CONDITIONS  
FOR USING PESTICIDES CONTAINING  
1,3-DICHLOROPROPENE**

**I. INTRODUCTION.**

These recommended permit conditions apply to use of pesticides containing the active ingredient (a.i.) 1,3-dichloropropene (1,3-D) when applied by either mechanical soil injection or drip application systems to fields used for production of agricultural crops. They should be used in addition to the provisions in the California Food and Agricultural Code (FAC) and Title 3, California Code of Regulations (3CCR), and product labeling and these permit conditions. **When requirements differ, users shall follow the most stringent requirements.** When using products which contain both 1,3-dichloropropene and chloropicrin, refer to Merced County Permit Conditions for Chloropicrin and Chloropicrin with 1,3-Dichloropropene (Permit Condition 7)

Usage of 1,3-Dichloropropene between the dates of May 1 and October 31 must comply with reduced volatile organic compound (VOC) emissions field fumigation methods designated in the California Code of Regulations (3CCR sections 6448 – 6448.1)

**1,3-D products containing chloropicrin are also subject to the recommended permit conditions in Condition 7.**

**II. PROHIBITED USES.**

- A. During the month of December to address air concentration uncertainties and potentially high seasonal exposures.
- B. All use of 1,3-D in greenhouses is prohibited.

**A. Background on use limit.**

DPR is utilizing the guidelines of the Risk Management Directive and Mitigation Guidance for Cancer Risk from 1,3-Dichloropropene (1,3-D) ([http://www.cdpr.ca.gov/docs/whs/pdf/1,3-d\\_directive\\_mitigation.pdf](http://www.cdpr.ca.gov/docs/whs/pdf/1,3-d_directive_mitigation.pdf)) DPR limits the 1,3-D used annually in a township to a fixed maximum number of adjusted total pounds (ATP).

Adjusted Total Pounds (ATP) is the total quantity of 1,3-D active ingredient applied during an application, adjusted by an Application Factor (AF). The AF is a numerical value set by DPR, of the relative

amount of 1,3-D potentially present in the air near the treated fields. The higher the AF value, the greater the proportion of the applied 1,3-D that may escape into the air. AF values are based on the geographic location, month, and application method.

**A. Annual Use Limit for Each Township**

For all townships in California, except one (Merced township 7S/11E\*), the use limit is 136,000 ATP per calendar year.

\*Only for calendar year 2017, Merced township 7S/11E has a use limit of 115,000 ATP. After 2017, the cap for township 7S/11E reverts to 136,000 ATP.

Dow AgroSciences LLC (DAS) or the DAS's contractor is responsible for tracking, reporting, and ensuring township use limits are observed. The annual township use limit is fixed and cannot be exceeded (i.e., cannot "bank" and roll over unused allotted ATP for later use).

**B. Notice of Intent (NOI)**

The notice of intent (NOI) must be submitted at least 48 hours before the fumigation begins.

The permittee shall provide to the Agricultural Commissioner a valid recommendation from registrant – authorized pest control adviser before the NOI is accepted and the application allowed.

In addition to the information required in 3CCR section 6434, the following information shall be provided on the NOI:

1. Starting ATP balance available in the township prior to the proposed application.
2. Application depth and type, including 4-digit field fumigation method (FFM) code (Table 1).
3. The total gallons (TG) of the pesticide formulation.
4. The pounds per gallon (lbs/gal) of 1,3-D formulation
5. The percent by weight of the a.i. expressed as a decimal (.XX)
6. The total pounds (TP) of 1,3-D a.i. applied.
7. The application factor (AF) appropriate for the application from Table 2.
8. The adjusted total pounds (ATP) for the proposed application.

The NOI will be denied if the proposed application ATP exceeds the available use limit balance in the township.

**E. Maximum Application Rate**

An application cannot exceed the maximum application rate of 332 pounds of 1,3-D active ingredient per acre.

**F. 1,3-D Use Reporting**

Use reports required by 3 CCR sections 6626(a) or (b) for all 1,3-D applications must include the field fumigation method (FFM) code describing methods of application pursuant to 3 CCR section 6448.1 (Table1).

**G. Buffer Zones**

The buffer zone shall be a minimum of 100 feet measured from the perimeter of the application block to the perimeter of sites with any occupied residences, occupied onsite employee housing, schools, convalescent homes, hospitals, or other similar sites identified by the Agricultural Commissioner. If a structure is within 100 feet of the application block, no person shall be present at this structure at any time during the application and during the seven-consecutive day period after the application is complete. The restriction applies even on soils that have not experienced a 1,3-D treatment in the previous two years.

The buffer zone may extend across roads, highways, or similar rights of way or sites approved by the Agricultural Commissioner. Upon approval of the Agricultural Commissioner, the buffer zone may extend across perimeters of the sites, but never onto occupied structures.

**H. Restricted Entry Interval (REI)**

Entry into the application block (including early entry that would otherwise be permitted by the Worker Protection Standard or 3 CCR section 6670) by any person, other than a government official mandated to regulate pesticide use or a properly trained and equipped handler who is performing a handling task permitted on the label, is prohibited from the start of the application until seven (7) days after the application is complete. This prohibition applies to all applications, including all tarp types and untarped applications.

**I. Tarp Perforation and Removal**

Tarps that do not meet the requirements for any percentage reduction in buffer zone distance mentioned on 1,3-D/chloropicrin labels, such as standard polyethylene tarps, may be perforated and/or removed according to the fumigant labeling directions.

Tarps that meet the requirements for any percentage reduction in buffer zone distance mentioned on 1,3-D/chloropicrin labels (<https://www.epa.gov/soil-fumigants/tarps#chloropicrin-1-3d>) must not be perforated until a minimum of nine (9) days (216 hours) have elapsed after the application is complete, and must not be removed until a maximum of one (1) day (24 hours) after perforation, unless a weather condition exists that necessitates early tarp perforation or removal as specified by the fumigant label.

**\*\*Table 1. 1,3-D Field Fumigation Method (FFM) Codes for**

\*Conditions 6 (Rice Pesticides), 7 (Chloropicrin), 9 (Dazomet, metam sodium, metam potassium), 12 (Commodity fumigation), and 15 (Methyl Bromide Field Fumigations) available upon request.



**Pesticide Use Reporting available at**  
[http://www.cdpr.ca.gov/docs/enforce/compend/vol\\_3/appendix\\_j.pdf](http://www.cdpr.ca.gov/docs/enforce/compend/vol_3/appendix_j.pdf)

**J. Table 2. Determining the Application Factor (AF)**

Location <sup>i</sup>	Tarp Type <sup>ii</sup>	Months <sup>iii</sup>	Fumigation Method <sup>iv</sup>	Application Factor
Within SJV	Non-60% Credit	Jan	Shallow	Prohibited
			Deep	1.9
			Drip	1.16
		Feb-Nov	Shallow	1.9
			Deep	1.0
			Drip	1.16
	60% Credit	Jan	Shallow	0.6
			Deep	0.6
			Strip	1.2
		Feb-Nov	Drip	1.16
			Shallow	0.3
			Deep	0.3
Outside SJV	Non-60% Credit	Jan	Shallow	2.3
			Deep	1.2
			Drip	1.16
		Feb-Nov	Shallow	1.9
			Deep	1.0
			Drip	1.16
	60% Credit	Jan	Shallow	0.6
			Deep	0.6
			Strip	1.2
		Feb-Nov	Drip	1.16
			Shallow	0.3
			Deep	0.3
			Strip	0.6
			Drip	1.16

<sup>i</sup>Within SJV – Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare Counties

<sup>i</sup>Outside SJV – All other counties in California

<sup>ii</sup>Tarp type: 60% Credit – Only DPR-approved tarp assigned a 60% buffer zone credit for products containing both chloropicrin and 1,3-D (<https://cdpr.ca.gov/docs/emon/pubs.tac.tarpaulins.html>)

Non-60% Credit – Either the tarp is not DPR-approved for a 60% buffer zone

reduction for chloropicrin and 1,3-D products or the application is untarped.

<sup>iii</sup>All applications are prohibited during December.

<sup>iv</sup>Fumigation Methods consist of:

- Shallow broadcast – shank injection less than 18 inches deep
- Deep broadcast – shank injection 18 inches or deeper
- Strip – shank injection alternating with untreated area
- Drip – all chemigation using drip irrigation system whether on soil surface or buried, regardless of depth.

Condition 11

**MERCED COUNTY AGRICULTURAL  
 COMMISSIONER'S OFFICE  
 TREE-HOLE FUMIGATION REQUIREMENTS**

*\*\*Refer to Condition 7 for more specific information on fumigation requirements\*\**

**NOTICE OF INTENT REQUIREMENTS:**

1. A notice of intent must be submitted to the Agricultural Commissioner at least 48 hours prior to starting tree-hole applications. Applications shall not begin until you are contacted and informed that the notice of intent has been approved and conditioned, if appropriate. Be sure to indicate on your notice of intent the best phone number where you can be reached.

2. The notice of intent must clearly state whether individual tree-hole (replanting up to 10% of the trees in an existing orchard) or full-field tree-hole treatments will be made. Full-field tree hole treatments of 1 contiguous acre or more will be considered field fumigations and denied unless in accordance with current field fumigation regulations (Title 3, CCR sec. 6449-6449.1), volatile organic compound emission regulations (Title 3, CCR Secs. 6452-6452.3), and all other applicable regulations. If full-field treatment of less than 1 contiguous acre is being proposed, a site map must be submitted with the notice of intent. Distances to nearby residences, schools, business, etc. must be indicated on the map. Applications to adjacent subsequent blocks of less than one acre must wait 48 hours between applications.

3. A Notice of Intent (NOI) must be submitted at least 48 hours prior to an application. The CAC may require more than or allow less than 48 hours notice if it is determined that 48 hours are not adequate or necessary to adequately evaluate the intended application and to determine necessary mitigation measures.

In addition to information required in 3 CCR 6434(b), the following information must be submitted with the NOI:

- The number of tree holes.
- Acreage of each application block.
- The time that each application is scheduled to commence.
- Specific application method.
- The method of post-application treatment to be used to suppress off-site movement, including number of post-application water treatments, **if applicable.**
- The certified applicator's 24-hour contact telephone number.
- Documentation of agreement allowing a buffer zone to extend onto adjoining agricultural property, **if applicable.**
- Documentation of agreement allowing a buffer zone to extend onto property of an occupied structure property, **if applicable.**

#### BUFFER ZONE REQUIREMENTS:

1. If appropriate, approval of the notice of intent for full-orchard tree-hole treatments of less than 1 contiguous acre will be conditioned with buffer zones and/or conditions to avoid exposure of nearby residents to excess levels of fumigant emissions during the application.

2. When label requirements, permit conditions, and/or applicable regulations differ, the stricter shall apply.

#### Condition12\*

**Condition 12 consists of the commodity fumigation conditions for methyl bromide/sulphur fluoride applications for use in non-agricultural settings. Due to the voluminous nature of these permit conditions, these will only be provided when requested.**

*\*Conditions available as separate document*

#### Condition13

#### MERCED COUNTY AGRICULTURAL COMMISSIONER'S OFFICE ENDANGERED SPECIES INFORMATION

#### 13. Endangered Species Information

#### ENDANGERED SPECIES INFORMATION

For information regarding restrictions on pesticide use on sites listed in this permit, the California Department of Pesticide Regulation has constructed the following website to assist you in determining the possible pesticide use limitations for specific active ingredients in your area. Consult the website to determine the presence of endangered species and/or use limitations.

<http://www.cdpr.ca.gov/docs/es/prescint.htm>

**Condition14**

**MERCED COUNTY AGRICULTURAL  
COMMISSIONER'S OFFICE  
RESTRICTED MATERIALS  
PERMIT CONDITIONS FOR SECTION 18**

This section is to be completed at the time of the issuance of the permit.

Pursuant to authority granted under Section 1 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and 40 CFR, Part 166, approval is granted to use the pesticide shown below to control specified emergency:

Follow all label conditions and safety precautions of Section 18  
#\_\_\_\_\_ Product Name: \_\_\_\_\_

1. Crop/Site/Commodity: \_\_\_\_\_
2. Dealer shall be: \_\_\_\_\_
3. Maximum amount of product applied \_\_\_\_\_.
4. Maximum of \_\_\_\_\_ applications per \_\_\_\_\_.
5. Maximum number of acres to be treated is: \_\_\_\_\_.
6. Sec 18 label must be in possession of the user at the time of application.  
\_\_\_\_\_(Permittee initials)
7. Complete Sec 18 label given to permittee. Date: \_\_\_\_\_  
\_\_\_\_\_(Inspector initials)
8. Expiration Date of Section 18 Product: \_\_\_\_\_  
\_\_\_\_\_(permittee initials)

**Condition15\***

**Condition 15 consists of the Methyl Bromide Field Fumigation conditions. Due to the voluminous nature of these permit conditions, these will only be provided when requested.**

*\*Conditions available as separate document*

**Condition 16**

**MERCED COUNTY AGRICULTURAL  
COMMISSIONER'S OFFICE  
RESTRICTED MATERIALS  
PERMIT CONDITIONS FOR CHLORPYRIFOS**

**I. Introduction**

These recommendations apply to products containing chlorpyrifos labeled for the **production of an agricultural commodity**. Follow the most restrictive requirement, whether it is the label, regulations, or CAC conditions.

The County Agricultural Commissioner recognizes that the Department of Pesticide Regulation has recommended permit conditions for chlorpyrifos applications on an interim basis until it completes the legally required process for evaluating the appropriate degree of permanent control measures. These interim measures are directed to protecting against exposures that could lead to human health effects from chlorpyrifos exposure. The Commissioner may condition chlorpyrifos applications on the Department's recommended interim conditions based on the Commissioner's evaluation of local conditions for the specific application and determination that such conditions can be feasibly implemented.

**II. Definitions**

**Application Block** – A field or portion of a field treated in a 24-hour period that typically is identified by visible by indicators, maps, or other tangible means. The perimeter of the application block is the border connecting the outermost edges of the total area treated.

\*Conditions 6 (Rice Pesticides), 7 (Chloropicrin), 9 (Dazomet, metam sodium, metam potassium), 12 (Commodity fumigation), and 15 (Methyl Bromide Field Fumigations) available upon request.

**Buffer Zone** – An area that surrounds a pesticide application block in which certain activities are restricted for a specified period of time to protect human health and safety from existing or potential adverse effects associated with a pesticide application.

**Sensitive Site** – As described by labels, sensitive sites are areas frequented by non-occupational bystanders (especially children). These include residential lawns, pedestrian sidewalks, outdoor recreational areas such as school grounds, athletic fields, parks, and all property associated with buildings occupied by humans for residential or commercial purposes. Sensitive sites include homes, farmworker housing, or other residential building, schools, daycare centers, nursing homes, and hospitals. Non-residential agricultural buildings, including barns, livestock facilities, sheds, and outhouses, are not included in the prohibition.

**Setback Distance** – Distance in feet that must separate sensitive sites from the application block. The distance must extend outward from the perimeter of the sensitive site to the perimeter of the application block. Setback distances must be established for chlorpyrifos applications near sensitive sites.

### III. Application method restrictions

1. Aerial applications are prohibited.
2. All applications must take place with a minimum wind speed of 3 mph and not more than 10 mph as measured at a height of 4 feet above the ground.
3. The size of an application block cannot exceed 40 acres in a 24-hour period.
4. Airblast applications:
  - a. Spray the three outside crop rows from outside in, directing the spray into the treatment area and shutting off nozzles on the side of the sprayer away from the treatment area.
  - b. Shut off top nozzles when treating smaller trees, vines, or bushes to minimize spray movement above the canopy.
  - c. Shut off spray delivery when passing gaps in the crop canopy within rows.
5. Chemigation applications:
  - a. The permittee or permittee's authorized representative, who is knowledgeable of the irrigation system, must be present at the treatment site during the application and must be trained as a pesticide handler.
6. Granular applications:

- a. Immediately incorporate or clean-up granules that are spilled during loading or are visible on the soil surface in turn areas.

### IV. Notice of Intent

- a. The notice of intent (NOI) must be submitted to the CAC at least 48 hours before the application begins and include the time application is scheduled to begin.
- b. The NOI must include a map showing the border of the site and the border of the application block(s), the 1320-foot buffer zone and 150-foot setback, and all sensitive sites within these distances.
- c. NOI must include copies of all written permissions for the buffer zone to extend into other properties, as described below.
- d. The NOI must be accompanied by the PCA recommendation that identifies the allowed type of application that will be made, as described in the next section.

### V. Allowed Applications

- a. Permits can only be issued for the following chlorpyrifos applications that use ground-based equipment.
- b. A PCA recommendation that identifies the type of application listed below is required, and the PCA recommendation must accompany the NOI.
- c. General critical use applications for any commodity:
  - i. Applications made under an emergency exemption from registration (Section 18).
  - ii. Applications made under a Special Local Need (Section 24(c)) registration.
  - iii. Applications required by the US Department of Agriculture, the California Department of Food & Ag, or CAC to control suppress, eradicate pests.
  - iv. Applications to alfalfa for:
    1. Weevils
    2. Blue alfalfa aphid
    3. Cowpea aphid
  - v. Applications to almonds for:
    1. Leaffooted bug
    2. Stink bug
  - vi. Applications to asparagus for:
    1. Garden symphylans
    2. Asparagus aphid
  - vii. Applications to citrus for ants.
  - viii. Applications to cole leafy vegetables, radish, rutabaga, or turnip for root maggots.

\*Conditions 6 (Rice Pesticides), 7 (Chloropicrin), 9 (Dazomet, metam sodium, metam potassium), 12 (Commodity fumigation), and 15 (Methyl Bromide Field Fumigations) available upon request.

- ix. Applications for cotton for:
  - 1. Cotton aphid
  - 2. Sweet potato whitefly
- x. Applications for garlic for root maggots
- xi. Applications to grapes for:
  - 1. Ants
  - 2. Vine mealy bugs
- xii. Applications to peppermint for:
  - 1. Garden symphylans
  - 2. Mint root borer
- xiii. Applications to walnuts for borer.
- d. Low drift potential applications for any commodity
  - i. Applications using a precision sprayer that meets the following criteria of the California Office of the Natural Resources Conservation Service's Environmental Quality Incentives Program, Practice Standard 595:
    - 1. The precision pest control application must provide at least 20% reduction in emissions over conventional application.
    - 2. Precision pesticide spray technologies that have peer-reviewed research documentation of the drift-reducing capabilities are allowed.
    - 3. Not all allowed are non-photo ID targeting applicators, spray nozzle modification technology, electro-static spray, open flame desiccation, or other non-target recognition technologies.
  - ii. Applications using a granular product.
  - iii. Applications using drip chemigation.

#### VI. Buffer zone requirements

- a. A buffer zone of ¼ mile (1320 feet) surrounds all allowed applications, except granular and drip applications.
- b. Only chlorpyrifos handling activities and transit are allowed in buffer zones.
- c. The buffer zone is in effect during application, plus 24 hours.
- d. The buffer zone may extend into other properties within written permission.
- e. The buffer zone may extend into roads, but not sidewalks. Sidewalks are sensitive sites.
- f. Buffer zones may overlap, but applications within ½ mile cannot exceed 40 acres.

#### VII. Setback requirements

- a. A setback is required in addition to the buffer zone, except granular and drip applications.
- b. A setback of 150 feet surrounds a sensitive site.<sup>1</sup>
- c. No chlorpyrifos applications are allowed within the setback distance.
- d. A setback is a permanent distance from applications and is required even if a sensitive site is unoccupied.
- e. The residence of the operator of the property being treated is a sensitive site.
- f. A house, school, etc. that is abandoned is no longer a sensitive site.

#### VIII. Additional Information:

- a. Buffer zones and setbacks mitigate exposure to bystanders (non-handlers), including infants, children, and adults, such as farmworkers in nearby fields.
- b. Buffer zones and setbacks mitigate exposures from spray drift and volatilization, including inhalation, dermal, and incidental oral (child hand-to-mouth) exposures.
- c. Buffer zones mitigate inhalation and direct dermal exposure from spray drift and volatilization.
- d. Setbacks mitigate potential indirect dermal and incidental oral exposure from contaminated surfaces after application.
- e. Posting of buffer zones is at the discretion of the CAC. For a 40-acre block, the perimeter of the ¼ mile buffer zone will be approximately three linear miles. Posting every few hundred feet for large application blocks may be infeasible.

The buffer zones and setbacks are part of the interim measures DPR developed and recommended to provide increased protections from potential exposure to chlorpyrifos while the proposed toxic air contaminant listing and any regulations adopting permanent control measures are pending.

<sup>1</sup>.As described by labels, sensitive sites are areas frequented by nonoccupational bystanders (especially children). These include residential lawns, pedestrian sidewalks, outdoor recreational areas such as school grounds, athletic fields, parks, and all property associated with buildings occupied by humans for residential or commercial purposes. Sensitive sites include homes, farmworker housing, or other residential buildings, schools, daycare centers, nursing homes, and hospitals. Non-residential agricultural buildings, including barns, livestock facilities, sheds, and outhouses, are not included in the prohibition.

**IX. 80 Acre Option:**

At the discretion of the CAC, and in consultation with DPR, the following alternative to the 40-acre limit may be used.

- a. The size of an application block cannot exceed 80 acres in a 24-hour period.
- b. The application rate on an 80-acre block cannot exceed one pound active ingredient per acre.
- c. All other permit conditions are unchanged, including the buffer zone of  $\frac{1}{4}$  mile and the setback of 150 feet.
- d. The longest side of the 80-acre application block can be no more than  $\frac{1}{2}$  mile (2640 feet) to enable the buffer zone and setback to provide adequate protection. For example, an 80-acre block could be  $\frac{1}{2}$  mile (2640 feet) by  $\frac{1}{4}$  mile (1320 feet). DPR must be consulted for application blocks that are longer than  $\frac{1}{2}$  mile. CAC staff should provide the following information to the Enforcement Branch Liaison (EBL).
  - Application block acreage and dimensions
  - Application rate
  - Method of application
  - Map showing the location of the application block, locations of sensitive sites, and locations of properties with workers within  $\frac{1}{4}$  mile.

The EBL will work with the Environmental Monitoring Branch to evaluate the level of protection provided by the buffer zone and setback based on the shape and orientation of the application block, application rate, locations of sensitive sites and workers, and local weather conditions. Other combinations of acreage, application rate, buffer zone distance, and setback distance may be possible. Please allow DPR five business days to evaluate a proposed application.

This alternative also applies to granular and drip applications, but they are exempted from the buffer zone and setback requirements.