


NEW PESTICIDE USE REGULATIONS: WHAT THEY MEAN FOR US

A map of the San Francisco Bay Area, showing the coastline and major roads. The map is centered on the area around Sears Point in Sonoma County. A black star icon marks the location of Sears Point. The map shows major roads like Highway 101, Highway 121, Highway 29, and Highway 12. It also shows several islands in the bay, including Little Island, Russ Island, Island No 2, Island Number 1, Knight Island, and Mare Island. The text is overlaid on the map in a blue, sans-serif font.

**Over the past year or so,
California Department of Pesticide Regulations (DPR)
has adopted or proposed several important new
rules or rule changes.**

**Some may impact herbicide use as typically done by
many Cal IPC members.**

ENFORCEMENT RESPONSE POLICY (ERP)

the “Point”



the “Raceway”



There has been a growing concern in the Legislature that actions taken by some County Agricultural Commissioners against violations of pesticide use laws and regulations lacked sufficient uniformity and rigor.

ERP is DPR’s effort to address these concerns through regulations.

ENFORCEMENT RESPONSE POLICY (ERP)

ERP specifically prescribes when violators receive a written notice of non-compliance and/or a fine.

Under ERP, fines will be proposed when they previously were not.

Special emphasis is placed on response to repeat violators and violations that pose an actual or reasonable possibility of a health or environmental hazard.

Artichoke Thistle

the “Man”



ENFORCEMENT RESPONSE POLICY (ERP)

the "Bay"

Mt. "Tam"

ERP will affect anyone using any pesticide.

At this writing, these regulations are still in the public comment phase and final wording is in flux.

However, County Ag Commissioners have already been directed by DPR to enforce the regulations as now proposed (with variable results).

ENFORCEMENT RESPONSE POLICY (ERP)

Petaluma



The 800 pound gorilla.

More details as time allows.

WELLHEAD PROTECTION

Some preemergent herbicides have been found to be both mobile and persistent in groundwater.

Wells

Use of these is prohibited within 100 feet of any wellhead unless it is protected by a soil berm – or natural features – from contact with surface runoff water.

The herbicides are listed in DPR's "6800 (a) & (b) Lists" and include some used by Cal IPC members (e.g. Telar) but not others (e.g. Transline).

WELLHEAD PROTECTION

Also: mixing, loading, or storage of any pesticide within 100 feet of the wellhead is forbidden without protection.

This regulation is now in effect.



CLOPYRALID USE

Purple Star Thistle



In 2002, Clopyralid (e.g. Transline) on lawn clippings, etc. used in mulch was shown to be the cause of crop losses.

As a result, only “licensed or certified operators” may now purchase a Clopyralid product that includes lawn and turf uses on the label.

CLOPYRALID USE

Further, the buyer must sign a form provided by the pesticide dealer stating they won't apply Clopyralid to sites where clippings could leave the property.

This regulation is now in effect.

Cautionary Tale?

RESPIRATORY PROTECTION PROGRAM

In the Past, part of respirator use training for employees included a medical exam or a standardized form signed by them.



The form stated they did not have certain listed medical conditions that could be aggravated by respirator use.

Now employees will need to submit a multi-page confidential medical history questionnaire for independent review.

Respiratory Protection Program

This regulation will not apply if:

1. a respirator is not required by the pesticide label or employer policy.
2. the employee supplies and uses their own respirator anyway.

This regulation is expected to go into effect in the near future.



Heat Stress (CalOSHA, but not DPR rules)

All employers must provide:

1. Training on heat illness.

2. Written procedures to get help.

Heat Stress



3. Water.

4. Access to shade.

California Code of Regulations, Title 8, Section 3395 Heat Illness Prevention



ERP!

New Enforcement Response Policy

Enforcement Responses

- No threat to health, property or the environment
- Class C / Minor Fines
- Violations not included in Class A or B
- **Fine Range:**

\$50-\$400

New Enforcement Response Policy

Enforcement Responses

- Reasonable possibility of creating a health or environmental effect
- Class B / Moderate Fines
- Repeat Violations of Class C violations
- **Fine Range:**

\$250-\$1000

New Enforcement Response Policy

Enforcement Responses

- Actual health or environmental hazard
- Class A / **Serious** fines
- Violations of a lawful order of the CAC
- Repeat violations of Class B violations
- **Fine Range:**

\$700-\$5,000

County Agricultural Commissioner Implementation Options

- **Health Hazard and Environmental Effects violations such as:**
 - **Personal protective equipment**
 - **Early re-entry into treated areas**
 - **Back flow prevention**
 - **Conflict with label or permit conditions**
 - **Non-target or off site contamination**
 - **Unregistered use**
 - **Unlicensed**
 - **Similar violations**

A close-up photograph of a dark-furred animal, possibly a bear or a large dog, lying down. The animal's face is the central focus, showing its eyes, ears, and snout. The fur is thick and dark brown to black. A small, bright pink object is visible near the animal's mouth, partially obscured by its fur. The background is out of focus, showing a light-colored, textured surface.

Thank You!