San Pablo Bay

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.

Bruce McArthur  Deputy Agricultural Commissioner  Sonoma County
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.
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.
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)

The 800 pound gorilla.

More details as time allows.
Some preemergent herbicides have been found to be both mobile and persistent in groundwater.

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

This regulation is now in effect.
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.
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?
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.


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
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
Thank You!