

# Interpreting Pesticide Regulations and Labels

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# Enforcement

United States Environmental Protection Agency

[www.epa.gov](http://www.epa.gov)

California Dept of Pesticide Regulation

Pesticide Use Enforcement

[www.cdpr.ca.gov/docs/enforce/pest\\_enf.htm](http://www.cdpr.ca.gov/docs/enforce/pest_enf.htm)

County Agricultural Commissioners

[cacasa.org/site](http://cacasa.org/site)

[www.cdfa.ca.gov/exec/county/countymap](http://www.cdfa.ca.gov/exec/county/countymap)

**Food and**

Department of Pesticide Regulation

**Enforcement Manual**



Laws  
Regulations  
Restricted Material Chart  
CIVIL Penalties  
DPR Org Chart  
DPR Telephone Numbers  
Division Functional Guide  
Map of Regional Offices

County  
Agricultural  
Commissioners



# Agriculture Code

[leginfo.legislature.ca.gov/faces/codes.xhtml](http://leginfo.legislature.ca.gov/faces/codes.xhtml)

[leginfo.legislature.ca.gov/faces/codes.xhtml](http://leginfo.legislature.ca.gov/faces/codes.xhtml)

California Code of Regulations

[www.calregs.com](http://www.calregs.com)

# Code of Regulations

Code of Federal Regulations

Title 40 Protection of the Environment

Chapter 1 EPA continued

Subchapter E Pesticide Programs

[www.gpo.gov/fdsys/pkg/CFR-2003-title40-vol1/content-detail.html](http://www.gpo.gov/fdsys/pkg/CFR-2003-title40-vol1/content-detail.html)

# Federal Regulations

[www.gpo.gov/fdsys/pkg/CFR-2003-title40-vol1/content-detail.html](http://www.gpo.gov/fdsys/pkg/CFR-2003-title40-vol1/content-detail.html)

# Inspection

- What is the Agricultural Commissioner looking for?
  - Commissioner Resources
  - Inspection forms
- Pesticide Use Inspection

[www.cdpr.ca.gov/docs/enforce/prenffrm/prenfio4.pdf](http://www.cdpr.ca.gov/docs/enforce/prenffrm/prenfio4.pdf)

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## Directions for Use

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It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Read all Directions for Use carefully before applying.

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

**Not For Sale, Distribution, or Use in New York State.**

**Entry Restrictions:** For applications on non-cropland areas, do not enter or allow others to enter the treated area until sprays have dried.

# Tools

- Laws & Regs
- Policy
- Enforceable
- Most restrictive
- Safest
- Mandatory
- Inclusive
- Experience
- Reasonable Person
- Common Sense
- Supersedes
- Intent
- Advisory
- Exclusive

# Mandatory vs. Advisory

- Mandatory statements address how the product must be used or handled.
- Advisory statements provide facts or information about the product
- Labeling statements preceded by terms such as, “it is recommended,” “users should” or “for best results” are also considered advisory statements.

# Conflict with label

- 40 Code of Federal Regulations Ch.1 § 170.9 Violations...  
(a) Under FIFRA... it is unlawful for any person “to use any registered pesticide in a manner inconsistent with its labeling. ”...
- Food and Agriculture Code § 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.
- California Code of Regulations § 6000 “Conflict with labeling” means any deviation from instructions, requirements or prohibitions of pesticide product labeling concerning storage, handling or use except: . . .



“Conflict with labeling” means any deviation from instructions, requirements or prohibitions of pesticide product labeling concerning storage, handling or use except:

- (a) A decrease in dosage rate per unit treated;
- (b) A decrease in the concentration of the mixture applied;
- (c) Application at a frequency less than specified;
- (d) Use to control a target pest not listed, provided the application is to a commodity/site that is listed and the use of the product against an unnamed pest is not expressly prohibited;
- (e) Employing a method of application not expressly prohibited, provided other directions are followed;
- (f) Mixing with another pesticide or with a fertilizer, unless such mixture is expressly prohibited;
- (g) An increase in the concentration of the mixture applied, provided it corresponds with the current published UC Pest Management Guidelines of the University of California, which are available from their Statewide Integrated Pest Management Project, One Shields Avenue, Davis, California 95616, or on-line at <http://www.ipm.ucdavis.edu>; or
- (h) The use of personal protective equipment consistent with the exceptions and substitutions in section 6738.

For control of herbaceous broadleaf weeds and woody plants in rangeland, permanent grass pastures, Conservation Reserve Program (CRP), forests, and on non-cropland areas including industrial sites, rights-of-way (such as roadsides, electric utility and communication transmission and distribution lines, pipelines, and railroads), fencerows, non-irrigation ditch banks, natural areas (such as wildlife management areas, wildlife openings, wildlife habitats, recreation areas, campgrounds, trailheads and trails), and grazed areas in and around these sites.

Use within sites listed above may include applications to seasonably dry wetlands (including flood plains, marshes, swamps, or bogs) and around standing water on sites such as deltas and riparian areas.

- Rights of way (such as roadsides, electric utility, etc. )
- Natural areas (such as wildlife mgmt areas, recreation areas, and trails, etc.)
- Seasonably dry wetlands (including flood plains, marshes, swamps, or bogs) and around standing water on sites such as deltas and riparian areas.
- Do not apply directly to water, or below high water mark in intertidal areas.

### **Environmental Hazards**

Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwater or rinsate.

# Inclusive vs. Exclusive

- Generally, it is unlawful to use a pesticide on a site not listed on the label.
- A specific list is an exclusive list and use is restricted to the listed sites.
  - Citrus [oranges, grapefruit, lemons]
- A list modified by words that suggest the list is an example are inclusive and use is allowed on a site not named as long as it fits the general site
  - Citrus [such as oranges, grapefruit, lemon]

### AQUATIC SPECIES CONTROLLED (continued)

COMMON NAME	SCIENTIFIC NAME	USE RATES AND APPLICATION DIRECTIONS
<b>*Terrestrial/Marginal (continued)</b>		
Cattail	<i>Typha</i> spp.	2-4 pints (1% solution) applied to actively growing, green foliage after full leaf elongation. Lower rates will control cattail in the north; higher rates are needed in the south.
Chinese Tallow Tree	<i>Sapium sebiferum</i>	16-24 fluid ounces applied to foliage
Cogon Grass	<i>Imperata cylindrica</i>	Burn foliage, till area, that fall spray 2 quarts/acre this product + MSO applied to new growth.
Cordgrass, prairie	<i>Spartina</i> spp.	4-6 pints applied to actively growing foliage
*Cutgrass	<i>Zizaniopsis miliacea</i>	4-6 pints applied to actively growing foliage
*Elephant Grass;	<i>Pennisetum purpureum</i>	3 pints/acre applied to actively growing foliage
Napier Grass		
*Flowering rush	<i>Butor</i> spp.	2-3 pints applied to actively growing foliage

		1.25% MSO in water applied as
*Nutgrass; Kili'p'opu	<i>Cyperus rotundus</i>	2 pints this product + 1 quart/acre MSO applied early postemergence
*Nutsedge	<i>Cyperus</i> spp.	2-3 pints postemergence to foliage or pre-emergence incorporated, non-incorporated preemergence applications will not control.
Phragmites;	<i>Phragmites australis</i>	4-6 pints/acre applied to actively growing, green foliage after full leaf elongation. ensure 100% coverage
Common Reed		

Melaleuca, Paperbark Tree	<i>Melaleuca quinquenervia</i>	For established stands, apply 6 pints/acre this product + 6 pints/acre glyphosate + spray adjuvant. For best results use 4 quarts/A methylated seed oil as an adjuvant. For ground foliar application, uniformly apply to ensure 100% coverage. For broadcast foliar control, apply aerially in a minimum of two passes at 10 gallons/acre applied cross treatment. For spot treatment use a 25% this product + 25% solution of + glyphosate + 1.25% MSO in water applied as a frill or stump treatment.
*Nutgrass; Kili'p'opu	<i>Cyperus rotundus</i>	2 pints this product + 1 quart/acre MSO applied early postemergence
*Nutsedge	<i>Cyperus</i> spp.	2-3 pints postemergence to foliage or pre-emergence incorporated, non-incorporated preemergence applications will not control.
Phragmites;	<i>Phragmites australis</i>	4-6 pints/acre applied to actively growing, green foliage after full leaf elongation, ensure 100% coverage. If stand has a substantial amount of old stem tissue, mow or burn, allow to regrow to approximately 5' tall before treatment. Lower rates will control phragmites in the north; higher rates are needed in the south.
Common Reed		

\*Use not permitted in California unless otherwise directed by supplemental labeling.

Purple Loosestrife	<i>Lythrum salicaria</i>	1 pint/acre applied to actively growing foliage
Reed canarygrass	<i>Phalaris arundinacea</i>	3-4 pints/acre applied to actively growing foliage
Rose, swamp	<i>Rosa palustris</i>	2-3 pints/acre applied to actively growing foliage
Russian-Olive	<i>Elaeagnus angustifolia</i>	2-4 pints/acre or a 1% solution, applied to foliage
Saltcedar; Tamarisk	<i>Tamarix species</i>	Aerial apply 2 quarts this product + 0.25%v/v NIS applied to actively growing foliage during flowering. For spot spraying use 1% solution of this product + 0.25%v/v NIS and spray to wet foliage. After application wait at least two years before disturbing treated saltcedar. Earlier disturbance can reduce overall control.
Smartweed	<i>Polygonum</i> spp.	2 pints/acre applied early postemergence

\*Use not permitted in California unless otherwise directed by supplemental labeling.

(continued)

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- (a) A decrease in dosage rate per unit treated;
- (b) A decrease in the concentration of the mixture applied;
- (c) Application at a frequency less than specified;
- (d) Use to control a target pest not listed, provided the application is to a commodity/site that is listed and the use of the product against an unlisted commodity is not expressly prohibited;
- (e) Employing the use of the product against a pest not listed, provided other directions are followed;
- (f) Mixing with another pesticide or with a fertilizer, unless such mixture is expressly prohibited;
- (g) An increase in the concentration of the mixture applied, provided it corresponds with the current published UC Pest Management Guidelines of the University of California, which are available from their Statewide Integrated Pest Management Project, One Shields Avenue, Davis, California 95616, or on-line at <http://www.ipm.ucdavis.edu>; or
- (h) The use of personal protective equipment consistent with the exceptions and substitutions in section 6738.



## Agricultural Use Requirements

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 48 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

- Coveralls
- Shoes plus socks
- Protective eyewear
- Chemical-resistant gloves ( $\geq$  14 mils) such as butyl rubber, natural rubber, neoprene rubber or nitrile rubber

## Non-Agricultural Use Requirements

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for Agricultural Pesticides (40 CFR Part 170). The WPS does not pertain to non-agricultural use on sites, such as, rangeland, permanent grass pastures, or non-cropland. See the Agricultural Use Requirements section for information where the WPS applies.

**Entry Restrictions for Non-WPS Uses:** For applications on rangeland and permanent grass pastures (not harvested for hay) and non-cropland areas, do not allow entry into areas until sprays have dried, unless applicator and other handler PPE is worn.

# Who and Where

- Private applicator
- Public agency
- Employer
- Licensed
- Production agriculture
- Home use
- Industrial
- Grower
- Contractor
- Employee
- Certified
- Non-production agriculture
- Non-crop
- Institutional
- Veterinary

## ATTENTION

AVOID CONTACT OF HERBICIDE WITH FOLIAGE, GREEN STEMS, EXPOSED NON-WOODY ROOTS OR FRUIT OF CROPS, DESIRABLE PLANTS AND TREES, BECAUSE SEVERE INJURY OR DESTRUCTION MAY RESULT.

AVOID DRIFT. EXTREME CARE MUST BE USED WHEN APPLYING THIS PRODUCT TO PREVENT INJURY TO DESIRABLE PLANTS AND CROPS.

Do not allow the herbicide solution to mist, drip, drift or splash onto desirable vegetation since minute quantities of this product can cause severe damage or destruction to the crop, plants or other areas on which treatment was not intended. The likelihood of injury occurring from the use of this product increases when winds are gusty, as wind velocity increases, when wind direction is constantly changing or when there are other meteorological conditions that favor spray drift. When spraying, avoid combinations of pressure and nozzle type that will result in splatter or fine particles (mist) that are likely to drift. AVOID APPLYING AT EXCESSIVE SPEED OR PRESSURE.

**NOTE:** Use of this product in any manner not consistent with this label may result in injury to persons, animals or crops, or other unintended consequences.



# Prevent Drift

- Applicators are required apply in a manner to prevent substantial drift
- “Substantial drift” is the quantity of pesticide outside the area treated is greater than that which would have resulted had the applicator used due care.
- Applicators must evaluate weather, application method, and surroundings ...
- ...and stop applying when there is a reasonable possibility of contamination or damage of non-target property.

# Drift enforcement

- The existence of damage or contamination establishes the fact that the damage or contamination could have reasonably been expected to occur

# Resources

- DPR Pesticide Use Enforcement  
[www.cdpr.ca.gov/docs/enforce/pest\\_enf.htm](http://www.cdpr.ca.gov/docs/enforce/pest_enf.htm)
- DPR County Implementation and Oversight  
[www.cdpr.ca.gov/docs/enforce/imp\\_over.htm](http://www.cdpr.ca.gov/docs/enforce/imp_over.htm)
- County Agricultural Commissioner Resources  
[www.cdpr.ca.gov/docs/county/comenu.htm](http://www.cdpr.ca.gov/docs/county/comenu.htm)
- PUE Program Standards Compendium  
[www.cdpr.ca.gov/docs/enforce/compend.htm](http://www.cdpr.ca.gov/docs/enforce/compend.htm)