

TEXT OF MODIFIED REGULATIONS

Current wording is indicated by regular type.

Proposed deletions are indicated by ~~strikeout~~.

Proposed additions are indicated by underline.

New proposed deletions are indicated by ~~italics and strikeout~~.

New proposed additions are indicated by **bold double underline**.

DIVISION 6. PESTICIDES AND PEST CONTROL OPERATIONS CHAPTER 1. PESTICIDE REGULATORY PROGRAM SUBCHAPTER 1. DEFINITION OF TERMS ARTICLE 1. DEFINITIONS FOR DIVISION 6

Amend section 6000, adding in alphabetical order, the following definitions:

6000. Definitions.

...

"Aquatic habitat" means bodies of water, such as lakes, reservoirs, rivers, perennial and intermittent streams, wetlands, or ponds, sloughs, and estuaries.

"Crack and crevice treatment" means the application of small amounts of insecticide directly into cracks and crevices in which insects hide or through which they may enter the building. Examples are openings occurring at expansion joints, between different elements of construction, and between equipment and floors. ~~Suitable equipment capable of applying insecticide directly into cracks and crevices must be used.~~ Only minimal amounts of pesticide should remain on the surface.

"Impervious surfaces" means hard surfaces, such as concrete or asphalt streets, sidewalks and driveways.

"Precipitation" means the condensation of atmospheric water vapor that falls under gravity. Precipitation does not include mist or fog.

"Spot treatment" means an application to limited areas that will not exceed two square feet on which pests are likely to occur or have been located during the process of monitoring or inspection.

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NOTE: Authority cited: Sections 11456, 11502, 12111, 12781, 12976, 12981, 13145, 14001, and 14005, Food and Agricultural Code. Reference: Sections 11401.2, 11408, 11410, 11501, 11701, 11702(b), 11704, 11708(a), 12042(f), 12103, 12971, 12972, 12973, 12980, 12981, 13145, 13146, and 14006, Food and Agricultural Code.

CHAPTER 4. ENVIRONMENTAL PROTECTION
SUBCHAPTER 5. SURFACE WATER
ARTICLE 1. PESTICIDE CONTAMINATION PREVENTION

Adopt section 6970 to read:

Section 6970. Surface Water Protection in Outdoor Nonagricultural Settings.

The provisions of this section apply to any person performing pest control for hire, including landscape maintenance gardeners, when any of the following pesticides is applied outdoors to structural, residential, industrial and institutional sites:

bifenthrin
bioallethrin
S-bioallethrin
cyfluthrin
beta-cyfluthrin
gamma-cyhalothrin
lambda-cyhalothrin
cypermethrin
deltamethrin
esfenvalerate
fenpropathrin
tau-fluvalinate
permethrin
phenothrin
prallethrin
resmethrin
tetramethrin

(a) **Except when prohibited in (e),** Applications to the soil surface, mulch, gravel, lawn, turf, or groundcover must be made using only the methods described below:

- (1) Spot treatment
- (2) Pin stream treatment of one-inch wide or less
- (3) Perimeter band treatment of three feet wide or less from the base of a building outward
- (4) Broadcast treatment but not within two feet from any horizontal impervious surface. Pin stream treatment of one-inch wide or less may be made within the two-foot area.
- (5) For broadcast treatment of termiticides to preconstruction sites, prior to precipitation, the treatment site must be covered with a waterproof covering, such as a polyethylene sheet, or a concrete slab must be poured over the treated soil.

(b) **Except when prohibited in (e),** Applications to horizontal impervious surfaces must be made using only the methods described below:

- (1) Spot treatment
- (2) Crack and crevice treatment
- (3) Pin stream treatment of one-inch wide or less

(c) **Except when prohibited in (e),** Applications to vertical structural surfaces, such as walls, foundations, windows, doors, and fencing, must be made using only the methods described below:

- (1) Spot treatment
- (2) Crack and crevice treatment

- (3) Pin stream treatment of one-inch wide or less
- (4) Perimeter band treatment up to a maximum height of two feet above the grade level.
- (d) Except when prohibited in (e), for applications using granules formulations to the soil surface, mulch, gravel, lawn, turf, or groundcover, the applicator shall sweep any granules that land on horizontal impervious surfaces onto the treatment site.
- (e) Notwithstanding subsections (a), (b), and (c), the following applications are prohibited:
 - (1) To any site during precipitation, except for applications made to areas protected by a structure from precipitation the underside of eaves;
 - (2) To the soil surface, mulch, gravel, lawn, turf, groundcover, or horizontal impervious surfaces with standing water, including puddles;
 - (3) To a sewer or storm drain, or curbside gutter;
 - (4) To the following components of a constructed drainage system that drains to a sewer or storm drain, curbside gutter, or aquatic habitat:
 - (A) Visible drainage grate connected to a drain pipe; or
 - (B) Visible french drain, or a landscaped dry river bed, swale or trench filled with gravel or rock;
 - (5) To the soil surface, including preconstruction termiticide sites, mulch, gravel, lawn, turf, groundcover, or horizontal impervious surfaces within 25 feet of aquatic habitat located downgradient from the application. The applicator shall measure the distance from the high water mark or intermittent streams that are dry from the top of the near bank; or
 - (6) To the preconstruction termiticide site within 10 feet of a storm drain located downgradient from the application.
- (f) Application to plants, shrubs, or trees where there is standing water in the dripline or perimeter of the plants, shrubs, or trees is prohibited.

NOTE: Authority cited: Section 11456, Food and Agricultural Code. Reference: Sections 11456 and 11501, Food and Agricultural Code.

Adopt section 6972 to read:

Section 6972. Exemptions from Surface Water Protection in Outdoor Nonagricultural Settings.

- The following applications are exempt from the provisions of section 6970:
- (a) Injection into soil or structural materials, such as bricks, concrete, or wood.
 - (b) Post-construction rod or trench termiticide application methods.
 - (c) Applications to below-ground insect nests or nests made of mud or paper combs.
 - (d) Applications of baits in weather-proof stations or gel baits.
 - (e) Pesticide applications to receiving waters that are regulated by for which a permit has been issued under the Statewide General National Pollutant Discharge Elimination System (NPDES) permits for Pesticide Discharges to Waters of the U.S. from Spray Applications, and Vector Control Applications.
 - (f) Applications to the underside of the eaves.
 - (g) Foggers or mist aerosol applications.

NOTE: Authority cited: Section 11456, Food and Agricultural Code. Reference: Sections 11456 and 11501, Food and Agricultural Code.