

## Imperial County Agricultural Commissioner Pest Control Business (PCB) Registration

### **Notices of Intent (NOI)** [[3 CCR 6434](#), Permit Conditions]

A completed NOI is required to be submitted to this office 24 hours before applying a restricted material. The proposed date and time of the application must be clearly filled out and the application may not begin prior to the proposed date and time. Please avoid phrases such as “nighttime,” as that is frequently too ambiguous to verify requirements. It is best if the *approximate* start time is listed using 4-digit military time or including the designation a.m. or p.m. If the NOI is denied for any reason, a new one with revised information must be submitted to proceed. The NOI is valid for the proposed date of the application, but the application can be made within four days following the proposed date. After that, the NOI must be resubmitted with a new proposed date. If the resubmittal is in this office by the fourth day, the applicator does not have to wait 24 hours. Repeated resubmissions are discouraged.

Example:

Mon., 1/1	Tues., 1/2	Wed., 1/3	Thurs., 1/4	Fri., 1/5	Sat., 1/6	Sun., 1/7
NOI submitted with 24 hours' advance notice.	Proposed Application Date	Day 1	Day 2	Day 3	Day 4 - Last day to apply or resubmit without 24 hours' notice.	NOI expired. If not already resubmitted, must wait 24 hours.

### **Waivers** [[3 CCR 6434](#)]

Waiver requests are limited to critical situations where immediate control measures are needed to prevent substantial economic loss. Requests will be approved or denied at the Commissioner’s discretion. Waivers that are routinely requested and those where non-restricted pesticides could be used, are not indicative of a critical pest problem. Herbicide applications are not considered to qualify as requiring immediate control measures.

Waiver requests must be in writing, identify the pest problem, and include information that substantiates the critical need for using a restricted pesticide to avoid severe economic damage. It must also indicate the status of bloom, approval of beekeepers with registered apiaries within one mile, crops under irrigation, and any other factors that might create an adverse effect by not allowing 24-hour notification.

Procedure for requesting waivers:

- Weekdays - submit by 2:00 p.m. by fax (442-265-5707) or email ([agcom@co.imperial.ca.us](mailto:agcom@co.imperial.ca.us)). The request will be evaluated, and this office's formal approval or denial will be sent to the requesting party before 4:00 p.m. The approval must then be provided to the pest control operator.
- Saturdays & Holidays - Waiver requests will not be considered outside of regular business hours.
- Seedling waivers – seedling waivers do not require formal written approval by this office. A seedling must have six or fewer true leaves to qualify. This office's policy is to approve waivers for seedling crops where the NOI clearly establishes a critical pest problem on a highly susceptible crop when all other requirements are met. These NOIs may be denied for reasons other than the 24-hour requirement.

### **Site ID Numbers**

To facilitate pesticide use reporting, sites that are treated with any pesticides, including non-restricted materials, must be issued a Site ID number. To be assigned, they must be included on a restricted materials permit or Operator ID. To add a site not already included on a permit, please submit a supplement.

## Supplements

Supplements and job permit forms should be filled out by giving a complete location on the first line (do not put block designation in the space for acreage), leave a blank line after each location so we can assign a site ID in that space. Do not assign your own site ID.

Supplements may be submitted electronically by fax (442-265-5707) or email ([agcom@co.imperial.ca.us](mailto:agcom@co.imperial.ca.us)). Please remember to sign the form before sending it. The supplement and corresponding maps, as needed, must be legible. The signed form will be returned in the manner that it was received to indicate approval. Job permits for fumigant use may only be submitted electronically if the fumigant conditions were already signed in person.

## Conditions for Using Canal Water for Pesticide Applications [[3CCR 6610](#), [3CCR 6670](#), [FAC 11737](#)]

When using canal water for pesticide applications, the following must be followed to prevent adverse effects to persons, property, or the environment:

- All equipment that handles pesticides and draws water from an outside source must be equipped to avoid backflow of pesticides into the water source.
- If other devices are used to draw water (buckets, cans, etc.), they may not have contained pesticides or have been pesticide contaminated.
- Full or empty pesticide containers may not be placed on any canal banks or left unattended.
- Pesticides may not be placed in the mixing tank until the water has been loaded, and the rig moved away from the allowed water source.

The following is a list of canals where water shall not be taken for use with any equipment used for mixing or applying pesticides. Prohibited canals provide residential or municipal service.

Acacia - up to gate 61	Date	Newside - up to gate 17
Alder - up to gate 92	Dogwood and laterals	Osage - up to gate 23A
All American	East Highline	Pear and all laterals
Ash	Elder - up to gate 104B	Rose - South of Keystone Rd
B canal	Evergreen	South Alamo
Best lateral	Eucalyptus - up to gate 114	Township - up to gate 21A
Bryant	Fern - up to gate 16A	Trifolium - lateral 5 up to gate 89
Central Main	Mansfield	West Side Main
C West	Mulberry - up to gate 11A	Yuma Main
Dahlia	N canal - up to gate 35	

## Maps

Two clean, legible maps should be submitted with new permits or supplements. Maps that are too light, smeared from copying, or have a lot of toner marks from the copier are unacceptable. Frequently these maps are faxed to other parties, so they should be of good quality.

### Map Criteria

- Orient North to the top of the page.
- Depict the field(s) and all sensitive sites or potentially impacted areas within one mile.
- Sensitive sites include, but are not limited to: houses, schools, churches, businesses, the international border, residential areas or cities, and bodies of water.
- Fields should be drawn on a scale that allows the field's size and shape and the impacted areas (including distance) to fit clearly on the page. Multiple fields are permitted on one map to the extent that they and the impacted areas remain clear and legible. Leave a one-inch border around the top and sides of the page and a 3-inch edge on the bottom.

- Crossroads must be identified by name.
- Distances from the field to the impacted areas must be indicated.
- Distances from sensitive sites within proximity to the field should be sufficiently accurate to allow applicators to know how much of a buffer should be implemented.
- Schools within one mile of a field must be clearly indicated on the map.
- The higher the potential for an adverse impact, the more detailed the map should be. If there are fields nearby that will have differing mitigation measures, it is better to separate them for the sake of clarifying what conditions will apply to each field.
- Maps may only include aerial imagery if sufficient care were taken to allow legible transmission (fax or otherwise) and non-color copying.
- Include a non-repeating map number on the lower right-hand corner and the permit name on the top.

### **Mitigation Measures** [[FAC 12973](#)]

Site-specific mitigation measures should be added in one grouping below each map. They must include the potentially impacted areas indicated on the map. If mitigation measures have been added to a map by our office in the previous year, do not remove them.

Standard Mitigation Measures:

1. Areas adjacent to highly populated areas such as cities, towns, industrial areas or "residential areas" (three or more contiguous dwellings) on more than one side of the field:
  - **Ground Application Only**
2. Field within 1/8 mile of residential area, school, occupied industrial areas, or international border:
  - **No Restricted Dusts, Def, Folex, or Paraquat as a cotton harvest aid**
3. Field within 1/4 mile of residential area, school, occupied industrial areas, or international border:
  - **No Restricted Dusts, Def, or Folex**
4. Field within 1/2 mile of residential area, school, occupied industrial areas, or international border:
  - **No Def/Folex**
5. Schools (use one or more of these conditions depending on distance to school/daycare):
  - **No aerial applications within 1/4 mile of school/daycare grounds within twelve hours prior to when school/daycare will be in session.**
  - **No ground applications within 1/2 mile of school/daycare grounds when school/daycare is in session or school/daycare grounds are occupied.**
  - **No aerial applications within 1 mile of school/daycare grounds when school/daycare is in session or school/daycare grounds are occupied.**

**Note:** Additional regulations for pesticide use near schools include non-restricted applications and place restrictions on applications from 6:00 am to 6:00 pm Monday through Friday. [[3 CCR 6691](#)]
6. Field adjacent to the international border with residential areas in Mexico:
  - **Ground only**
  - **No restricted dusts, Def, Folex, or Paraquat as a cotton harvest aid**
  - **No drift toward international border or All American canal**
7. Field adjacent to the international border with NO residential areas in Mexico:
  - **Fly east/west only; Do not fly over All American canal or international border**
  - **No restricted dusts, Def, Folex, or Paraquat as a cotton harvest aid**
  - **No drift toward international border or All American canal**

### **Handler Training** [[3CCR 6724](#)]

All pesticide handlers must be trained every 12 months. This also includes those assisting with applications and maintaining equipment that may contain residues. A sample pesticide training program is available on our website. [https://agcom.imperialcounty.org/wp-content/uploads/2020/03/Handler\\_Training\\_Program.pdf](https://agcom.imperialcounty.org/wp-content/uploads/2020/03/Handler_Training_Program.pdf)

### **Protection of Bees** [[3CCR 6650](#) (renumbering to [6980](#)) and [6654](#) (renumbering to [6983](#))]

Note: The regulations referenced in this section have recently undergone the public rulemaking process to make modifications that have not yet taken effect. It is expected that these changes will be effective prior to 2022. This information includes the updated information.

Persons intending to apply pesticides labeled toxic to bees to a blossoming plant must perform a bee check in the BeeWhere system (<https://beewhere.calagpermits.org/>). If there are any apiaries requesting notification within 1 mile, the person performing pest control must provide notification 48 hours in advance of the details of the application (time, place, acres, method, a.i., rate, contact information).



### **Notice of Intent Requirements**

A written notice of intent (NOI) shall be in the possession of the Agricultural Commissioner's Office (CAC) at least 24 hours prior to commencing the use of restricted materials unless the CAC grants a specific waiver or if fumigants are being applied (see "Fumigants").

The date and hour of the intended start time shall be on the NOI, must reflect at least 24 hours from when this office receives the NOI, and the application shall not begin before the intended start time. The NOI will be valid until 11:59 p.m. on the fourth calendar day following the proposed date of application.

The NOI shall indicate that warning signs are required to be posted around the intended treatment area whenever required by the recommended pesticide product labeling or whenever the recommended application will result in a Restricted Entry Interval greater than 48 hours.

### **Alternatives and Mitigation Measures**

Title 3, CCR section 6426, requires the permit applicant (grower) and his/her pest control advisor to consider alternatives to the use of a restricted material before applying for a permit. If alternatives are not considered, our office will refuse the permit and direct the permit applicant to comply with section 6426.

### **Protection of Waterways**

No pesticides included on the permit shall be applied to any field during irrigation where run-off is likely to occur.

### **Maps and Mitigation Measures**

Each application site shall be identified on a clear and legible map. Sensitive sites (3CCR§6428) and all areas where a pesticide application may adversely impact health, environment, or property shall be clearly identified on the map, including the distances from the treatment site to the impacted areas.

Site-specific map conditions shall be indicated on the map. Permittee and applicator are responsible for complying with all conditions. The written recommendation must not conflict with any conditions.

Aerial applications to fields adjacent to inhabited properties or sensitive environmental areas shall utilize a buffer of at least 100 feet to prevent adverse impact to these areas. The written recommendation shall include a statement or map identifying areas where the 100-foot buffer extends into any portion of the area to be treated.

When pesticide product labeling requires warning signs to be posted for worker notification, the operator of the property shall post signs around the intended treatment area prior to the start of the application pursuant to 3CCR 6776. If a pest control business is performing the application, the application shall not begin until warning signs have been posted around the intended treatment area.

**Residential Area:** Three or more contiguous and inhabited properties



### Applications Near Schools or Daycares

- **No aerial applications within 1 mile** of school or daycare grounds when the school or daycare is in session or when school or daycare grounds are occupied.
- **No ground applications within 1/2 mile** of school or daycare grounds when the school or daycare is in session or when school or daycare grounds are occupied.
- **No aerial applications within 1/4 mile** of school or daycare grounds within 12 hours prior to when the school or daycare will be in session.

### Protection of Bees

Pesticides whose labeling includes the words “toxic to bees” shall not be applied to fields that have bloom, including weed bloom, at any time when bees are visiting the treatment area. Applications of pesticides toxic to bees may be approved based on one of the following conditions:

- The NOI states that there is no bloom at the treatment site; *or*,
- The NOI states that the application shall start no earlier than 1 hour after sunset and finish no later than 2 hours before sunrise; *or*,
- The licensed Pest Control Advisor establishes on the NOI that “Bees are not visiting the treatment area at the time of the application” (this statement is not required on applications to cornfields which will be completed no later than 2 hours after sunrise); *or*,
- The NOI establishes that there are no registered beekeepers requesting notification within 2 miles of the application site.

In all cases, the operator must comply with the more restrictive conditions and/or specific label requirements for bloom and bee protection.

### Phenoxy Herbicide Use Restrictions

Phenoxy herbicides, including 2,4-D; 2,4-DB; DMA salt of Dicamba (Banvel); and DGA salt of Dicamba (Clarity), shall not be applied except under the following conditions or by special job permit granted by the CAC:

- A statement establishing the following shall be included on the NOI:
  - No applications of **2,4-D** shall be performed when there are peppers, tomatoes, or cotton within 1 mile or cucurbits within 1/2 mile of the application site.
  - No applications of **2,4-DB** or **DMA salt of Dicamba** (Banvel) shall be performed when there are peppers, tomatoes, cotton, or cucurbits within 1/2 mile of the application site.
  - No applications of **DGA salt of Dicamba** (Clarity) shall be performed when there are peppers, tomatoes, cotton, or cucurbits within 1/4 mile of the application site.
- The locations of all crops that are susceptible to the phenoxy herbicide being applied within 500 feet of the treatment area shall be clearly identified by common name on the NOI.
- No aerial applications of phenoxy herbicides shall be performed between March 15 and September 30.



### **Fumigants**

Most fumigants require a complete, site-specific Fumigant Management Plan (FMP) as specified by the product labeling be submitted to and approved by the Commissioner each permit year for each application site. The FMP shall include a map detailing the application site, all applicable buffer zones, any sensitive areas, etc.

The first fumigant application at each site, each permit year, requires the NOI be submitted to the Commissioner at least one week prior to the intended application time. Subsequent NOIs for the same fumigant at the same site shall be submitted at least 72 hours prior to the intended application time.

### **Paraquat Use Restrictions**

- All persons handling paraquat must be certified applicators. Non-certified persons working under the supervision of a certified applicator are prohibited from handling paraquat. Prohibited activities for non-certified persons include mixing, loading, transferring, applying, assisting with the application, cleaning, or servicing equipment that may contain residue and other related activities that may result in an exposure.
- All persons handling paraquat must complete the U.S. EPA training before handling paraquat. The training can be found at <https://www.epa.gov/pesticide-worker-safety/paraquat-dichloride-training-certified-applicators>.
- All handling of paraquat must make use of the Tier 1 closed system as defined in 3CCR 6746(b) and 6746(f).

**I have received a copy of these requirements and understand that the California Food and Agricultural Code establishes that violations of pesticide use and worker safety requirements are subject to civil penalties of up to \$5,000 per violation.**

\_\_\_\_\_ Initial to acknowledge that you have read and understood the information in this document.