



Julie Henderson
Director

MEMORANDUM

Yana Garcia
Secretary for
Environmental Protection

TO: Wade Crowfoot, Secretary
California Natural Resources Agency
715 P Street, 20th Floor
Sacramento, CA 95814

FROM: Julie Henderson *JH*
Director
916-445-4000

DATE: November 7, 2023

SUBJECT: NOTICES OF DECISION CONCERNING REGULATIONS

The Department of Pesticide Regulation is filing with the Resources Agency for posting the attached Office of Administrative Law's notices of decision. These decisions concern the following regulations affecting the State's pesticide regulatory program:

Designating Carbaryl as a Restricted Material

This regulation makes all carbaryl products restricted materials, with the exception of baits labeled only for agricultural use.

Registration Fees

These regulations increase the annual registration renewal fee and make several changes without regulatory effect.

Citrus/Bee Protection Areas

These regulations update notification procedures for apiary operators who wish to receive advance notification of pesticide applications and for pesticide applicators who intend to apply pesticides labeled toxic to bees. They also make the notification service and fees in the counties of Butte, Glenn, and Tehama inoperative, and update requirements during the citrus bloom period within a citrus/bee protection area.

Carbon Monoxide Pest Control Devices

These regulations ensure that each person using a carbon monoxide pest control device to perform pest control uses a device bearing the U.S. Environmental Protection Agency establishment number; does not use the device inside any structure; uses the device at specified distances away from structures; does not use the device on a burrow known or believed to contain non-target vertebrate animals; and does not use the device for purposes other than to control for burrowing rodent pests. They also require employers of employees performing pest control for hire or for a local government to ensure protective eyewear is worn by employees, keep records of use, and report any adverse effect that occurs from use of the device.

Medical Supervision Program

These regulations clarify that the physician contracted with an employer to act as a medical supervisor must be registered with the Office of Environmental Health Hazard Assessment. Additionally, these regulations require baseline red cell and plasma cholinesterase determinations be established after a period of at least 30 days during which the employee has had no exposure to an organophosphate or carbamate pesticide.

Neonicotinoid Pesticide Exposure Protection

These regulations establish requirements for certain production agricultural applications of pesticide products containing the nitroguanidine-substituted neonicotinoid active ingredients, clothianidin, dinotefuran, imidacloprid, and thiamethoxam. The control measures consist of application method and rate restrictions, application timing restrictions, and seasonal application rate caps for the four-neonicotinoid active ingredients and are specific based on crop group.

Certification and Training

These regulations update requirements pertaining to the certification of commercial and private pesticide applicators ("certified applicators"), development and submittal of continuing education (CE) courses required for pesticide applicator license or certificate renewal, and supervision of non-certified applicators, aligning California's regulations with the revised federal regulations in Title 40, Code of Federal Regulations Part 171 "Certification of Pesticide Applicators" that were noticed in the Federal Register Vol. 82, No. 2 on January 4, 2017. These regulations improve competency standards for certified applicators using California restricted materials, improve certification standards for certified applicators, created additional certification categories for certified applicators, increase protection for noncertified applicators using restricted materials under the direct supervision of a certified applicator through enhanced pesticide safety training and standards for supervision of noncertified applicators, establishes a minimum age requirement for certified and noncertified applicators using restricted materials under the direct supervision of a certified applicator, and improves standards for CE courses.

Spray Adjuvant Ingredient Statement Requirements

These regulations establish and standardize ingredient statement requirements, including principal functioning agent identification and nomenclature requirements, on spray adjuvant product labels.

This filing is required by section 6116, Title 3, California Code of Regulations. Under section 6116, the notices are to remain posted at the Resources Agency for 30 days.

Attachments

**State of California
Office of Administrative Law**

In re:
Department of Pesticide Regulation

Regulatory Action:

Title 03, California Code of Regulations

Adopt sections:

Amend sections: 6400

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

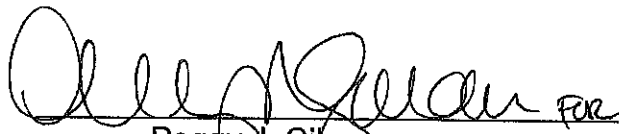
OAL Matter Number: 2020-0227-05

OAL Matter Type: Regular (S)

The Department of Pesticide Regulation in this action is restricting all carbaryl products from California, except for baits labeled for agricultural use.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 8/1/2020.

Date: April 6, 2020


Peggy J. Gibson
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Val Dolcini, Director
Copy: Lauren Otani

**State of California
Office of Administrative Law**

In re:
Department of Pesticide Regulation

Regulatory Action:

Title 03, California Code of Regulations

Adopt sections:
Amend sections: 6170, 6170.5, 6216
Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2021-0915-02

OAL Matter Type: Emergency (E)

This emergency action increases the annual renewal fee for the registration of a pesticide product with the Department of Pesticide Regulation from \$1,150 to \$1,525 and makes several changes without regulatory effect to the applicable regulations and a related form.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 10/1/2021, pursuant to Government Code section 11346.1(d), and, pursuant to Food and Agriculture Code section 12812(e), it will remain in effect until amended by the Director. No Certificate of Compliance for this action is due.

Date: September 27, 2021


Dale Mentink
Assistant Chief Counsel

For: Kenneth J. Pogue
Director

Original: Van Dolcini, Director
Copy: Lauren Otani

**State of California
Office of Administrative Law**

In re:
Department of Pesticide Regulation

Regulatory Action:

Title 03, California Code of Regulations

Adopt sections:

Amend sections: 6650 [renumbered as
6980], 6651 [renumbered
as 6981], 6652
[renumbered as 6982],
6654 [renumbered as
6983], and 6656
[renumbered as 6984]

Repeal sections: 6655

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2021-1116-01

OAL Matter Type: Regular (S)

In this regular rulemaking action, the Department amends its regulations related to the protection of bees to update notification procedures for apiary operators who wish to receive advance notification of pesticide applications and for pesticide applicators who intend to apply pesticides labeled toxic to bees. The amendments also make the existing notification service and fees in the counties of Butte, Glenn, and Tehama inoperative. And the amendments update requirements during the citrus bloom period within a citrus/bee protection area. These amended regulations are relocated to a chapter addressing environmental protection.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2022.

Date: December 30, 2021



Thanh Huynh
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Julie Henderson, Acting
Director

Copy: Lauren Otani

**State of California
Office of Administrative Law**

In re:
Department of Pesticide Regulation

Regulatory Action:

Title 03, California Code of Regulations

Adopt sections: 6695

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

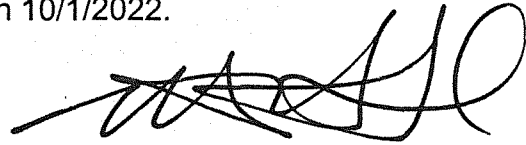
OAL Matter Number: 2022-0705-01

OAL Matter Type: Regular (S)

In this rulemaking action, the Department adopts a regulation to set limitations on the use of carbon monoxide pest control devices. It also establishes requirements for employers who hire persons to operate carbon monoxide pest control devices.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 10/1/2022.

Date: August 15, 2022



**Thanh Huynh
Senior Attorney**

**For: Kenneth J. Pogue
Director**

**Original: Julie Henderson, Director
Copy: Lauren Otani**

**State of California
Office of Administrative Law**

In re:
Department of Pesticide Regulation

Regulatory Action:

Title 03, California Code of Regulations

Adopt sections:
Amend sections: 6728
Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3


OAL Matter Number: 2022-0809-02

OAL Matter Type: Regular (S)

The Department of Pesticide Regulation in this action is requiring that a physician contracted as a medical supervisor for purposes of protecting employees who regularly mix, load, or apply OP/CB pesticides with the signal word "DANGER" or "WARNING" must be registered with OEHHA. Additionally, this action requires that employees undergoing baseline red cell and plasma cholinesterase determinations do so after a period of at least 30 days during which the employee has had no exposure to OP/CB pesticides.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2023.

Date: August 30, 2022



Peggy J. Gibson
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Van Dolcini, Director
Copy: Lauren Otani

**State of California
Office of Administrative Law**

In re:
Department of Pesticide Regulation

Regulatory Action:

Title 03, California Code of Regulations

Adopt sections: 6990, 6990.1, 6990.2,
6990.3, 6990.4, 6990.5,
6990.6, 6990.7, 6990.8,
6990.9, 6990.10, 6990.11,
6990.12, 6990.13, 6990.14,
6990.15, 6990.16

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2023-0224-01

OAL Matter Type: Regular (S)

This action adds new control measures for neonicotinoids, including restrictions on application rates, application timing, and seasonal application rate caps, to protect pollinator health.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2024 pursuant to Government Code section 11343.4(b)(2).

Date: April 10, 2023


Eric Partington
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Julie Henderson, Acting Director
Copy: Lauren Otani

**State of California
Office of Administrative Law**

In re:
Department of Pesticide Regulation

Regulatory Action:

Title 03, California Code of Regulations

Adopt sections: 6404, 6509, 6512.1, 6512.2,
6512.3, 6512.4, 6580.1,
6580.2, 6624.5, and 6731

Amend sections: 6000, 6302, 6406, 6414,
6428, 6430, 6500, 6502,
6504, 6508, 6510, 6511,
6512, 6513, 6522, 6530,
6531, 6540, 6562, 6564,
6568, 6580, 6582, 6584,
6612, 6622, 6624, 6724,
and 6742

Repeal sections: 6445.5, 6534, 6536, and
6560

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

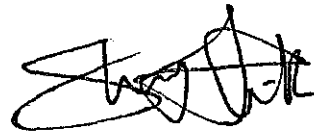
OAL Matter Number: 2023-0518-01

OAL Matter Type: Regular (S)

In this regular rulemaking, the Department of Pesticide Regulation is adopting, amending, and repealing regulations pertaining to the (1) certification of commercial and private pesticide applicators, (2) development and submittal of continuing education courses required for pesticide applicator license or certificate renewal, and (3) supervision of non-certified applicators.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2024.

Date: June 30, 2023



Steven J. Escobar
Senior Attorney

Original: Julie Henderson, Director
Copy: Lauren Otani

For: Kenneth J. Pogue
Director

**State of California
Office of Administrative Law**

In re:
Department of Pesticide Regulation

Regulatory Action:

Title 03, California Code of Regulations

Adopt sections: 6247

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2023-0901-02

OAL Matter Type: Regular (S)

In this rulemaking action, the Department of Pesticide Regulation is adopting regulations regarding labeling the ingredients used in spray adjuvants.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2024.

Date: October 12, 2023



Sam Micon
Attorney

For: Kenneth J. Pogue
Director

Original: Julie Henderson , Director
Copy: Lauren Otani