



Julie Henderson
Director

Yana Garcia
Secretary for
Environmental Protection

MEMORANDUM

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

FROM: Lauren Otani
Senior Environmental Scientist (Specialist)
916-445-5781

DATE: January 5, 2024

SUBJECT: NOTICE OF DECISION CONCERNING REGULATIONS

The Department of Pesticide Regulation is filing with the Resources Agency for posting the attached Office of Administrative Law’s notice of decision. This decision concerns regulations affecting the State’s pesticide regulatory program.

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

Attachment

**State of California
Office of Administrative Law**

In re:
Department of Pesticide Regulation

Regulatory Action:

Title 03, California Code of Regulations

APPROVED:

Adopt sections: 6448.1, 6448.3, 6448.4
Amend sections: 6448, 6448.1 (Renumbered
6448.2), 6449.1, 6452,
6452.2, 6624, 6626, 6881

Repeal sections:

WITHDRAWN:

Adopt sections: 6448.1(c)(4)
Amend sections:
Repeal sections:

**NOTICE OF APPROVAL IN PART AND
WITHDRAWAL IN PART OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2023-1107-02

OAL Matter Type: Regular (S)

This action restricts the use of 1,3-dichloropropene (1,3-D) to mitigate the potential 72-hour acute risk and 70-year lifetime cancer risk to non-occupational bystanders. The proposed mitigation measures will also further reduce the emissions of 1,3-D as a volatile organic compound (VOC). The proposed action (1) allows the use of 1,3-D only for the production of agricultural commodities, effectively prohibiting other uses that are not currently registered; (2) establishes mandatory setbacks (distances from occupied structures where 1,3-D cannot be applied); (3) sets limits on the application rate and acres treated for individual field soil fumigations; (4) places restrictions on multiple field soil fumigations that do not meet distance or time separation criteria; (5) limits the allowed methods to apply 1,3-D, including establishing criteria for acceptable types of tarpaulins that can be used; (6) requires an annual report from DPR that includes evaluations of 1,3-D use and air monitoring results; and (7) requires the inclusion of certain information in existing pesticide use records and pesticide use reports.

OAL approves the sections listed as APPROVED above pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2024.

The rulemaking agency withdrew from OAL review the section listed as WITHDRAWN above pursuant to Government Code section 11349.3(c).



Digitally signed by
Mark Storm
Date: 2023.12.22
12:29:54 -08'00'

Date: December 22, 2023

Mark Storm
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Julie Henderson, Director
Copy: Lauren Otani