



# County of Yolo

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AGRICULTURAL COMMISSIONER  
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January 1, 2019

TO: Growers, Pest Control Operators, Pest Control Advisors and Pest Control Dealers  
SUBJECT: **CONDITIONS COVERING THE USE OF RESTRICTED MATERIALS**

These Use Conditions are to be followed during the calendar year 2019. The purpose of each condition is to minimize undue hazards and risks associated with the application and handling of the designated restricted materials.

The following is a list of the attached conditions:

1. CONDITIONS COVERING THE USE OF RESTRICTED MATERIALS IN THE PROXIMITY OF ENVIRONMENTALLY SENSITIVE AREAS.
2. CONDITIONS COVERING THE AERIAL APPLICATION OF RESTRICTED PESTICIDES.
- 2A. CONDITIONS COVERING AERIAL APPLICATIONS OF RESTRICTED MATERIALS NEAR FARM WORKER HOUSING FACILITIES.
3. CONDITIONS COVERING THE AERIAL APPLICATION OF RESTRICTED MATERIALS IN THE PROXIMITY OF OCCUPIED RURAL DWELLINGS.
4. CONDITIONS REQUIRING THE POSTING OF SUNFLOWER SEED FIELDS.
5. CONDITIONS COVERING THE USE OF PARAQUAT.
6. CONDITIONS COVERING THE USE OF PHENOXY HERBICIDES AND DICAMBA.
7. CONDITIONS COVERING THE USE OF MATERIALS HARMFUL TO HONEYBEES.
8. CONDITIONS COVERING DORMANT AND DELAYED DORMANT APPLICATIONS OF INSECTICIDES IN ORCHARDS.
9. CONDITIONS COVERING NOTICE OF INTENT AND USE REPORTS.
10. CONDITIONS COVERING STORAGE AND DISPOSAL OF PESTICIDES AND PESTICIDE CONTAINERS.

**Thank you for your cooperation. Should you have questions,  
please do not hesitate to contact this office.**

**YOLO COUNTY CONDITION #1**

**CONDITIONS COVERING THE USE OF RESTRICTED MATERIALS IN THE PROXIMITY OF ENVIRONMENTALLY SENSITIVE AREAS**

1. Only registered materials that are least toxic to humans, fish and wildlife, effective for the control of a given pest, may be allowed in close proximity to environmentally sensitive areas such as: residential areas (cities, towns, rural neighborhoods), schools <sup>(1)</sup>, playgrounds, bus stops (when in use), parks, hospitals, shopping centers, occupied labor camps, organic crops <sup>(2)</sup>, estuaries, reservoirs, lakes, waterways, livestock, state wildlife management areas, and critical habitats of rare, endangered or threatened species.

2. Schools/Licensed Day Care facilities-Applications adjacent to schools are restricted as follows:

**Ground Applications-** No applications shall be made within one quarter mile (1/4 mile) of any school while that school is in session.

**Aerial Applications** – No applications shall be made within one quarter mile (1/4 mile) of any school at any time, regardless if the school is in session or not.

3. Aerial applications of restricted materials within one (1) mile of residential areas **shall not** be made unless the air movement is 90 degrees to 180 degrees away from such areas.

4. Restricted pesticides shall not be applied in close proximity to environmentally sensitive areas unless the minimum distance between the closest operating nozzle and the sensitive area is maintained as designated in the table below. **These conditions may be changed in certain situations by other mitigating measures; however, under no circumstances shall the conditions be changed near residential areas or other sensitive areas, as described above, when occupied by humans.**

<u>TYPE OF PESTICIDE APPLICATION EQUIPMENT</u>	<u>MINIMUM DISTANCE BETWEEN CLOSEST OPERATING NOZZLE AND THE NON-TARGET AREA</u>	
	<u>DANGER</u>	<u>WARNING/CAUTION</u>
AIRCRAFT .....	500 FEET .....	300 FEET
AIR BLAST ORCHARD SPRAYER .....	300 FEET .....	..50 FEET
GROUND RIGS (except when applying baits) <sup>(3)</sup> .....	100 FEET .....	..50 FEET

5. **Air movement shall be away from the sensitive areas noted above at all times during an application regardless of the size of the required buffer.**

6. A maximum wind speed of 10 mph is allowed during any application (**air or ground**) of a restricted material. (This does not include materials that are shanked/injected into the soil or baits and granular pesticides applied by ground.)

(1) See separate school and daycare conditions packet.

(2) May get written permission to apply within the buffer.

(3) Does not apply to Methyl Bromide or Telone II.

## YOLO COUNTY CONDITION #2

### CONDITIONS COVERING THE AERIAL APPLICATION OF RESTRICTED PESTICIDES

1. Title 3 of the California Code of Regulations, Section 6614 - Protection of Persons, Animals and Property, Section (a) states: An applicator prior to and while applying a pesticide shall evaluate the equipment used, meteorological conditions, the property treated, and surrounding properties to determine the likelihood of harm or damage.
2. No pesticide shall be discharged within 500 feet of any fieldworkers or **within the same field as any worker**. Air movement shall be away from fieldworkers during the application.
3. Restricted use pesticides shall not be discharged more than ten (10) feet above the crop or target. Discharge shall be shut off whenever it is necessary to rise above obstacles such as trees or poles.

## YOLO COUNTY CONDITION #2A

### CONDITIONS COVERING AERIAL APPLICATIONS OF RESTRICTED MATERIALS NEAR FARM WORKER HOUSING FACILITIES

1. Prior to the aerial application of any restricted material within 500 feet of farm worker housing facilities, the **permittee** shall notify the facility operator at least 24 hours prior to the application. The Notice shall include the name of the materials and the precautions to be taken to prevent exposure.

**NOTE:** State Pesticide Regulations specifically place this responsibility on the **permittee**.

### YOLO COUNTY CONDITION #3

#### CONDITIONS COVERING THE AERIAL APPLICATION OF RESTRICTED MATERIALS IN THE PROXIMITY OF OCCUPIED RURAL DWELLINGS

1. The following minimum distances shall apply when restricted use pesticides are applied by air near occupied rural dwellings **without** written permission from the occupant:

<b>DANGER</b>	<b>500 FEET</b>
<b>WARNING/CAUTION</b>	<b>300 FEET</b>

2. In order to apply pesticides closer than the minimum distances stated in item 1 of this condition, the **PERMITTEE** shall obtain or arrange to obtain from the **OCCUPANT** of the dwelling, written consent to apply the pesticide. The person obtaining permission shall explain the following:
  - a. The name and nature of the pesticide, including the relative toxicity of the pesticide.
  - b. Precautions to be observed during and following the application to allow for protection of persons, animals and property.
3. One copy of the written permission shall be provided to the aerial operator, prior to the start of the application. **UNDER NO CIRCUMSTANCES SHALL AN APPLICATION COMMENCE WITHIN THE AREAS SPECIFIED WITHOUT WRITTEN PERMISSION IN THE POSSESSION OF THE APPLICATOR.** One copy shall be left with the person who gave permission. A copy of the required written permission shall be made available for review by the Agricultural Commissioner upon request.
4. Written permission does not relieve the permittee and/or the applicator from compliance with all applicable Federal and State pesticide use laws and regulations.
5. **AIR MOVEMENT SHALL BE AWAY FROM ALL DWELLINGS DURING THE APPLICATIONS REGARDLESS OF CONSENT.**

## YOLO COUNTY CONDITION #4

### CONDITIONS REQUIRING THE POSTING OF SUNFLOWER SEED FIELDS

1. In addition to the notification and warnings required by Sections 6618 and 6776, posting of warning signs shall be required for the application of any pesticide which has a restricted entry interval greater than 24 hours when used in sunflower fields grown for seed.
2. The signs shall be posted before the application begins but shall not be posted unless a pesticide application is scheduled within the next 24 hours.
3. Signs shall be legible and of such size so that the words "DANGER"/"PELIGRO", "PESTICIDES"/"PESTICIDAS" and "KEEP OUT"/"NO ENTRE" are readable and the skull and crossbones symbol is clearly visible at a distance of 25 feet.
4. The farm operator or his agent shall post warning signs at all usual points of entry. When treated fields requiring posting are adjacent to an unfenced public right-of-way additional warning signs shall be posted at each end and at intervals not exceeding 600 feet along the border of the right-of-way.
5. The signs shall remain posted throughout the application and the restricted entry interval.
6. **Warning signs shall be removed by the farm operator or his agent within three (3) days after the end of the restricted entry interval. Signs shall be removed before any employees are allowed to enter the treated field.**
7. Between 3 and 7 days following application, persons entering the field, to engage in an activity requiring substantial contact with treated plants, shall wear clothing that has long sleeves and long pants. Employees shall wash thoroughly before eating and at the end of each day. Clothes should be changed and washed daily.

## YOLO COUNTY CONDITION #5

### CONDITIONS COVERING THE USE OF PARAQUAT (GRAMOXONE / PARAZONE)

#### AERIAL APPLICATIONS

1. Jet nozzle orifices shall not be less than 1/16th inch in diameter (D6) and shall be directed backward parallel to the horizontal axis of the aircraft. Nozzles shall not be equipped with any device or mechanism, which would cause a sheet, cone, or fan or similar type dispersion of the discharged material.

**NOTE: Whirlplates are not to be used during the aerial application of paraquat in Yolo County.**

2. No oil based spreaders or additives are to be used.
3. The following buffer distances shall be maintained between the application and the noted sensitive areas:
  - a. Minimum distance between cities or towns and the application is one mile for fixed wing aircraft and 1/2 mile by helicopter.
  - b. Minimum distance between the application and truck farms, certified organic crops and commercial vegetable crops of which the above-ground vegetation is desirable is 1/2 mile by either fixed wing aircraft or helicopter.

**NOTE: If there is not a distinct air movement away from the sensitive area at the time of the application, an **ADDITIONAL 2 MILES SHALL BE ADDED TO THE ABOVE BUFFER DISTANCES.****

4. Prevailing wind direction during the application within the maximum buffer distances to the sensitive area must be 90 degrees to 180 degrees away from it. The wind speed shall not be less than 2 mph nor greater than 7 mph.

**NOTE: No applications may be made during inversion conditions or when wind speed is less than 2 mph or gusting. Applications can only be made during the equivalent of a burn day.**

5. **Total acreage treated per day shall be limited to 150 acres per applicator within a three (3) mile radius. Exceptions must be approved by the Agricultural Commissioner.**
6. No less than 10 gallons of water per acre may be applied to treated areas.
7. Spray material shall not be discharged at a height of more than ten (10) feet above the crop or target.
8. Application boom length must be of the optimum to reduce vortices and droplet lift during application. Also, boom pressure shall not exceed 40 psi.

9. Airspeed must be regulated to reduce vortices and droplet lift at all times. (Airspeed should not exceed 120 miles per hour).
10. The flow of liquid to aircraft nozzles shall be controlled by a positive shut-off system as per CCR Section 6460(c)(1)(A) or (B). (A) Each individual nozzle shall be equipped with a check valve and the flow controlled by a suck back device or a boom pressure release device; or (B) Each individual nozzle shall be equipped with a positive action valve.

### **GROUND APPLICATIONS**

11. Applications may take place no closer than 100 feet from the sensitive areas noted in item 3 of this condition.
12. Prevailing wind direction during application must be away from the sensitive areas noted in item 3 of this condition.
13. No applications may be made during an inversion or when wind speed is less than 2 mph or greater than 7 mph.

**YOLO COUNTY CONDITION #6**

**CONDITIONS COVERING THE USE OF PHENOXY HERBICIDES AND DICAMBA  
(2,4-D, 2,4-DB, MCPA, BANVEL, ETC.)**

This condition is in addition to the regulations set forth in Section 6460 and 6464 of the California Code of Regulations.

1. **A forty-eight (48) hour Notice of Intent is required from March 1 through November 15.**
2. No application, ground or air, shall be made within two (2) miles of any commercial cotton, grape or pistachio planting from March 1 through November 15 or at a time **TO BE DETERMINED** by the Agricultural Commissioner, except as allowed in item 11.
3. No aerial (fixed-wing or helicopter) applications shall be made in Yolo County during the period beginning April 1 through November 15.
4. No application shall be made or continued when the temperature exceeds 80 degrees Fahrenheit.
5. All applications shall employ the use of a viscoelastic thickening agent or other drift control agent, approved as effective for such purposes by the California Department of Pesticide Regulation, to reduce the possibility of drift.
6. No applications shall be made when the wind velocity is **less than 2 miles** per hour or **greater than 7 miles** per hour.
7. No application shall be made when a temperature inversion exists at an altitude less than 200 feet above ground level.
8. **Aerial** applications shall employ a smoke column or other suitable method to indicate temperature inversions and the direction and velocity of the airflow.
9. During the period beginning November 16 through February 28 the following minimum distances shall be maintained to commercial grape plantings and pistachio orchards:

**Air ..... 500 feet**  
**Ground ..... 100 feet**

Air movement shall be away from dormant commercial grape plantings and pistachio orchards during all applications.

10. The following minimum distances shall be maintained year round to susceptible crops not mentioned in CCR Section 6464 (e.g. tomatoes, beans, alfalfa, etc.):

**Air ..... 500 feet**  
**Ground ..... 100 feet**



11. Permittees wishing to spray within the stated buffers shall first obtain written permission from the grower of the susceptible crop. A copy of the written permission shall be submitted to the Agricultural Commissioner's office and the applicator prior to the application. Notices of Intent will be denied if a copy of the written permission is not on file with the Commissioner's office.  
**WRITTEN PERMISSION DOES NOT RELIEVE THE PERMITTEE AND/OR THE APPLICATOR FROM COMPLIANCE WITH ALL APPLICABLE FEDERAL AND STATE PESTICIDE USE LAWS AND REGULATIONS OR FROM ANY LIABILITY DUE TO CROP LOSS OR DAMAGE.**
  
12. No herbicide in an ester form shall be applied, unless expressly authorized by a permit issued by the commissioner.

## YOLO COUNTY CONDITION #7

### CONDITIONS COVERING THE USE OF MATERIALS HARMFUL TO HONEYBEES

1. Prior to applying pesticides which are toxic to honeybees (as specified by Section 6650 (a)) to a blossoming plant, the person performing the pest control shall inquire of the Agricultural Commissioner whether there are any beekeepers with apiaries within one mile of the application site that have requested notice of such application.

#### **6650. Pesticides Toxic to Bees.**

(a) Pesticides toxic to bees are those that include the words "toxic to bees" on the labeling of the pesticide, regardless of modifying words on the label that state "highly" or "moderately."

(b) Bees are considered to be inactive from one hour after sunset to two hours before sunrise or when the temperature is below 55 degrees Fahrenheit. The sunset and sunrise times will be those indicated in the local newspaper.

2. Blossoming plants include the following:
  - a. Crops which bees are known to forage.
  - b. Cover crops which bees are known to forage.
  - c. Weeds which bees are known to forage, including morning glory, mustard, yellow star thistle and others which are growing in crops such as alfalfa, tomatoes, beans, sugar beets, etc.
3. The person performing the pest control shall notify beekeepers requesting notification **at least 48 hours prior** to the intended application.
4. If the beekeeper does not choose to cover or move the hives or if he/she has not requested notification of pesticide applications, the application may be made without delay provided that such application is not made directly over the apiary or in such a way to cause drift onto the apiary.
5. Applications shall be made only during the hours and under the conditions provided in the regulations, the label and permit, if any, of the Commissioner or Director.

**NOTE:** EXAMPLES of pesticides toxic to honeybees:  
(This list is not all-inclusive)

Admire	Dibrom	Lannate/Nudrin	Pounce/Ambush
Asana	Dimethoate/Cygon	Lorsban	Sevin
Baythroid	Imidan	Malathion	Supracide
Capture	Guthion	Orthene	Warrior
Diazinon			

## YOLO COUNTY CONDITION #8

### CONDITIONS COVERING DORMANT AND DELAYED DORMANT APPLICATIONS OF INSECTICIDES IN ORCHARDS

1. Dormant or delayed dormant applications of insecticides which are toxic to honeybees **shall not be made after January 31 until almond orchards within one (1) mile of application site are at least 10 percent in bloom.** Exceptions must be authorized by the Agricultural Commissioner.
2. No application of an insecticide which is toxic to honeybees shall take place if there are any blooming plants (crop, weeds, cover crop) in the orchard or in close proximity to the application site. \*
3. All label restrictions concerning timing of applications and protection of honeybees shall be complied with.

\* Exceptions may be made at the discretion of the Agricultural Commissioner.

#### **6960. Dormant Insecticide Contamination Prevention.**

- (a) The operator of the property shall meet at least one of the following requirements when making dormant applications:
  - (1) only apply a dormant oil, or a biocontrol agent such as but not limited to spinosad or *Bacillus* sp.; or
  - (2) only apply to a **hydrologically isolated site**; or
  - (3) divert any runoff with an on-farm recirculating system and/or contain and hold any runoff for 72 hours before releasing into a **sensitive aquatic site**.
- (b) If none of the requirements in subsection (a) can be met, the following dormant insecticide application restrictions shall apply:
  - (1) the operator of the property to be treated shall obtain a written recommendation from a licensed pest control adviser prior to the application; and
  - (2) the application shall not be made within 100 feet of any sensitive aquatic site; and
  - (3) wind speed shall be 3-10 miles per hour (mph) at the perimeter of the application site as measured by an anemometer on the upwind side.
- (c) Aerial application of dormant insecticides shall only be allowed if:
  - (1) soil conditions do not allow field entry, or approaching bloom conditions necessitate aerial application; and
  - (2) all the requirements in subsection (b) are met.
- (d) No dormant insecticide application shall occur if:
  - (1) soil moisture is at field capacity and a storm event, forecasted by the National Oceanic and Atmospheric Administration (NOAA) or National Weather Service (NWS), is to occur within 48 hours following application; or
  - (2) a storm event likely to produce runoff from the treated area is forecasted by NOAA/NWS to occur within 48 hours following the application.

NOTE: Authority cited: Food and Agricultural Code section 11456.  
Reference: Food and Agricultural Code sections 11456 and 11501.

**“Hydrologically Isolated”** means any treated area that does not produce runoff capable of entering any irrigation or drainage ditch, canal, or other body of water.

**“Sensitive aquatic site”**: all surface water bodies are sensitive aquatic sites, unless the water resides exclusively on private property.

## YOLO COUNTY CONDITION #9

### CONDITIONS COVERING NOTICE OF INTENT AND USE REPORTS

1. Regulations require that a Notice of Intent to apply Restricted Materials be filed with the Agricultural Commissioner at least 24 hours prior to the intended application. **Note: Except during the period of March 1 through November 15, when all Phenoxy applications require a forty-eight (48) hour Notice of Intent, as stated in Condition 6 of this document.** The Agricultural Commissioner may allow less than a 24-hour notice under certain conditions. Such a waiver may be obtained in the following manner:
  - a. Waiver requests shall be made by the permittee or the permittee's authorized representative, who has written authority to start, stop and otherwise control the use of pesticides that require a permit. **WAIVER REQUESTS WILL NOT BE ACCEPTED FROM PEST CONTROL OPERATORS.**
  - b. A waiver request may be made in person or by telephone (666-8140). Waiver requests will not be accepted via the Notice of Intent answering machine.
2. When a Notice of Intent is filed for the use of a restricted material and the application is not performed, a Negative Use Report or cancellation notice shall be submitted by the permittee and/or applicator no later than ten (10) days after the end of the month.
3. When an application is performed by a **GROWER** to any site which **will not produce** an agricultural commodity, i.e. fencelines, rights-of-way, waste areas, equipment yards or post harvest commodity fumigation, the **GROWER** shall submit a **Monthly Summary Use Report** by the 10th day of the month following the month of application.
4. When an application is performed by a **GROWER** on a site where a crop is, or will be produced, the **GROWER** shall submit a **Production Agriculture Monthly Pesticide Use Report** by the 10th day of the month following the month in which the application took place.
5. When a pesticide application for production agriculture is performed by a **LICENSED PEST CONTROL OPERATOR**, the Use Report shall be submitted within seven (7) days of the application.

## YOLO COUNTY CONDITION #10

### CONDITIONS COVERING STORAGE AND DISPOSAL OF PESTICIDES AND PESTICIDE CONTAINERS

1. All pesticide containers that hold or have held insecticides, herbicides, soil/commodity fumigants, plant defoliant, fungicides, rodenticides, growth or any other economic poison must be either:
  - a. Stored in an approved locked enclosure, or
  - b. Attended by a responsible adult to prevent access by unauthorized persons.
2. Storage areas containing pesticides labeled with the signal words "Danger" or "Warning" shall be posted with a warning sign.
3. Emptied containers (including plastic containers), which have held liquid pesticides shall be rinsed and disposed of properly. Pesticide containers **SHALL NOT BE REUSED FOR OTHER PURPOSES**. "Properly rinsed" means triple rinsed (or equivalent) **AT THE TIME OF USE** with the rinsate emptied into the spray equipment.
4. Pesticide users are advised of the following:
  - a. Unrinsed and inadequately rinsed pesticide containers, regardless of the toxicity category, are considered to be hazardous waste under the Health and Safety Code, Division 20, and can only be disposed of in a Class I Disposal Facility.
  - b. Empty containers are required to be inspected by the Yolo County Agriculture Department prior to transporting them to the Yolo County landfill, a Class II disposal facility. In the event that any container from a load has not been rinsed in accordance with Section 6684 of the California Code of Regulations, Title 3, appropriate enforcement action will be taken.
  - c. Attended container means a responsible person present in the vicinity to maintain authority over the material.
  - d. Approved enclosures include: a locked, fenced area, a lockable storage compartment or locked truck or trailer with side racks not less than six feet above the ground. In the case of liquid pesticides stored in containers larger than 55 gallons, the container shall have a lockable closure.