



OFFICE OF THE
AGRICULTURAL COMMISSIONER
SEALER OF WEIGHTS & MEASURES

LISA D. HERBERT
Agricultural Commissioner
Sealer of Weights & Measures

AGRICULTURAL PILOT'S REGISTRATION HANDOUT

Due to the heightened awareness of the Healthy Schools Act, we are requesting pilots not fly near schools while they are in session.

The proper use of agricultural pesticides applied by air depends to a great extent on the individual pilot. Many decisions on the proper application of pesticides can only be made at the application site by pilot.

As a law enforcement agency, the Sutter County Department of Agriculture must take action against violations of laws and regulations we are charged with enforcing. It will be the policy of this office to take actions against the agricultural pilot if a violation is a direct result of pilot judgement or action. For example, discharging a pesticide over field workers is a violation only a pilot has the ability to prevent.

In the case of violations, the type of enforcement action taken will depend of the severity and type of violation involved. An agricultural pilot's registration, may be refused, suspended or revoked after hearing, upon finding that the pilot is not qualified to conduct the pest control operations specified in the certificate or that he has violated any provision of Division 6 or Division 7 of the Food and Agricultural Code, or the pilot has violated any regulation pursuant to those divisions, or any regulation of an Agricultural Commissioner, or any industrial safety order of the Department of Industrial Regulations or has not complied with any lawful order of the Director or Commissioner as authorized by Section 11737 of the Food and Agricultural Code.

Our office will investigate and will take enforcement action on confirmed violations concerning herbicide injury to trees, willows, etc. located adjacent to rice fields in the Sutter Bypass and other highway trees.

The following are excerpts from the California Food and Agricultural Code and Title 3 California Code of Regulations which are most applicable to a pilots actions in the field.

CALIFORNIA FOOD AND AGRICUTURAL CODE

Section 11737. The Commissioner or Director may order any person or the agency or employee of any licensee or registrant or person, to cease operation of any equipment or facility which he finds unsuitable, or which he finds being operated in any of the following ways:

- a. By an incompetent or unqualified person.
- b. In violation of this Division or Division 7 (commencing with Section 12501) relating to pesticides or any regulation issued thereunder or any regulation of the Commissioner.
- c. In a manner or under conditions which may interfere with proper control of the

- pest for which treatment is applied.
- d. In a manner or under conditions which may cause injury, illness, or adverse effects to persons or animals, or cause damage to crops or property being treated, or to crops or property of others.

Section 6600. General Standards of Care. Each person performing pest control shall:

- a. Use only pest control equipment which is in good repair and safe to operate.
- b. Perform all pest control in a careful and effective manner.
- c. Use only methods and equipment suitable to ensure proper application of pesticides.
- d. Perform all pest control under climatic conditions suitable to ensure proper application of pesticides.
- e. Exercise reasonable precautions to avoid contamination of the environment.

Section 6614. Protection of Persons, Animals, and Property.

- a. An applicator, prior to and while applying a pesticide, shall evaluate the equipment to be used, meteorological conditions, the property to be treated, and surrounding properties to determine the likelihood of harm or damage.
- b. Notwithstanding that substantial drift will be prevented, no pesticide application shall be made or continued when:
 1. There is a reasonable possibility of contamination of the bodies or clothing of persons not involved in the application process;
 2. There is a reasonable possibility of damage to nontarget crops, animals, or other public or private property; or
 3. There is a reasonable possibility of damage to nontarget public or private property, including the creation of a health hazard, preventing normal use of such property. In determining a health hazard, the amount and toxicity of the pesticide, the type and uses of the property and related factors shall be considered.

HERBICIDE RESTRICTIONS

The following permit conditions will be in effect for phenoxy herbicides, 2,4-D; 2,4-DB; MCPA; Dicamba; Picloram; and Propanil:

- a. Aerial applications of phenoxy herbicides shall only be made in accordance with California Code of Regulations Section 6460 and the following additional conditions:
 1. Phenoxy herbicides shall be applied by aircraft when the temperature five (5) feet above the ground does not exceed 85 degrees Fahrenheit.
 2. No aerial applications of phenoxy herbicides are permitted in Sutter County from April 1 through October 15.

DRIFT CONTROL

Unless expressly authorized by permit issued pursuant to Section 6412, no liquid herbicide, Dicamba 2,4-dichlorophenoxy propionic acid, 2-methyl-4 chlorophenoxyacetic acid, or Propanil Herbicide shall be:

- a. Discharged no more than 10 feet above the crop or target. Discharge shall be shut off whenever it is necessary to raise the equipment over obstacles such as trees or poles.
- b. Applied when wind velocity is no more than 10 miles per hour.
- c. Applied by aircraft except as follows:
 1. The flow of liquid to aircraft nozzles shall be controlled by a positive shutoff system as follows:
 - A. Each individual nozzle shall be equipped with a check valve and the flow controlled by a suckback device or a boom pressure release device; or
 - B. Each individual nozzle shall be equipped with a positive action valve.
 2. Aircraft nozzles shall be equipped with any device or mechanism which could cause a sheet, cone, fan or similar type dispersion of the discharged material except as otherwise provided.
 3. Aircraft boom pressure shall not exceed 40 pounds per square inch.
 4. Aircraft nozzles shall be equipped with orifices directed backward parallel to the horizontal axis of the aircraft in flight.
 5. Fixed wing aircraft and helicopters operating in excess of 60 miles per hour shall be equipped with jet nozzles having an orifice of not less than 1/16 inch in diameter.
 6. Helicopters operating at 60 miles per hour or less shall be equipped with:
 - A. Nozzles having an orifice not less than 1/16 inch in diameter. A number 46 (or equivalent) or larger whirlplate may be used;
 1. Fan nozzles with a fan angle number not larger than 80° and a flow rate not less than one (1) gallon per minute at 40 pounds per square inch pressure (or equivalent); or
 - B. The Microfoil® boom (a coordinated spray system including airfoil-shaped nozzles with each orifice not less than 0.013 inches in diameter) or equivalent type approved by the Director. Orifices shall be direct backward parallel to the horizontal axis of the aircraft in flight.

Section 6616. Consent to Apply. No person shall directly discharge a pesticide onto a property without the consent of the owner or operator of the property.

Section 6632. Recommendation and Use Permit. Each person engaged for hire in the business of pest control shall have available a copy of both the written recommendation, the pesticide use permit and permit conditions covering each agricultural use application of a pesticide that requires a permit.

Section 6634. Accident Reports. Each person engaged for hire in the business of pest control shall report to the Commissioner as soon as practical, by the most expedient method, any forced landing, or emergency or accidental release of pesticides. Such report shall include the location, the pesticide and estimated amount.

Section 6654. Notification to Beekeepers.

- a. Each person intending to apply any pesticide moderately or highly toxic to bees to a blossoming plant shall, prior to the application, inquire of the Commissioner, or of a notification service designated by the Commissioner, whether any beekeeper with apiaries within one (1) mile of the application site has requested notice of such application.
- b. If the person performing pest control is advised of a request for notification, he or she shall notify the beekeeper, at least 48 hours in advance of the application, of the time and place the application is to be made, the crop and acreage to be treated, the method of application, the identity and dosage rate of the pesticide to be applied and how the person performing pest control may be contacted by the beekeeper. This time may be increased or decreased by the Commissioner, or by agreement of both the beekeeper and person performing the pest control work.
- c. This section shall apply statewide. However, from March 15 through May 15 in a citrus/bee protection area, if there are conflicts between the provisions of this Section and those of Section 6656, Section 6656 shall prevail.

Section 6734 (c). One (1) pint of water for emergency eye flushing shall be immediately available (carried by the handler or on the vehicle or aircraft the handler is using) to each employee handling pesticides for the commercial or research production of an agricultural plant commodity if the pesticide product labeling require protective eye wear.

Section 6738 (1) 9. Pest control pilots are not required to wear gloves during operation but gloves shall be worn by any person entering or exiting an aircraft contaminated with pesticide residues. While in the cockpit, gloves shall be carried in a chemical resistant container, such as a plastic bag.

PESTICIDE NOTICE OF APPLICATION

Notice to be given to persons who are in the field or likely to enter field prior to application:

- Date and time of proposed application.
- Identification of pesticide by common name.
- EPA Number and active ingredient.
- Precautions printed on label.
- Location of application.
- Restricted entry interval.

Notice not required when a field is posted unless labeling calls for both oral notification and posting.

Notice shall be given in a manner that a person can understand.

- a. In addition to the notice required pursuant to Section 6618, an agricultural pest control business applying pesticides for the production of an agricultural commodity shall give notice to the operator of the property treated (or the operator's designated employee), within 24 hours of completion of the pesticide application.

WORKER SAFETY

Section 6602. Availability of Labeling. A copy of the registered labeling that allows the

manner in which the pesticide is being used shall be available at each use site.

Section 6608. Equipment Cleaning. Pest control equipment shall be thoroughly cleaned when necessary to prevent illness or damage to persons, plants or animals from residues of pesticides previously used in the equipment.

Section 6610. Backflow Prevention. Each service rig and piece of application equipment that handles pesticides and draws water from an outside source shall be equipped with an air-gap separation, reduced pressure principle backflow prevention device or double check valve assembly. Backflow protection must be acceptable to both the water purveyor and local health department.

It is the goal of this office to have compliance with pesticide laws and regulations on a voluntary basis. We feel this can best be achieved through communication. We encourage anyone with a question on regulations governing pesticide use to contact our office and have the question resolved.

Sutter County Agricultural Commissioner's Office
142 Garden Highway
Yuba City, CA 95991

Telephone: (530) 822-7503 Notice of Intent: (530) 822-7507 Fax (530) 822-7510

8:00 a.m.-12:00 1:00 p.m.- 5:00 p.m

After Hours: (530) 822-7307 (Sutter County Sheriff's Office)