



OFFICE OF THE  
**AGRICULTURAL COMMISSIONER**  
**SEALER OF WEIGHTS & MEASURES**

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**AGRICULTURAL PEST CONTROL OPERATOR HANDOUT**

Due to an increasing concern by the public over herbicide injured trees in the Sutter Bypass and along highways, and upon receiving a complaint of such, our office will investigate and take enforcement action on confirmed violations.

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

1. All restricted materials or injurious herbicides shall be applied only under a grower's permit. When reporting the use of restricted materials, use only the grower's permit number and Site ID # listed on the permit. Verify that the EPA # from the product used is the same EPA # in your computer that is used to print the use reports.
2. Always review the grower's permit and strictly adhere to any condition placed on the grower's permit.
3. All aerial applications of injurious herbicides have the following restrictions; (Phenoxy herbicides have separate restrictions) between October 15<sup>th</sup> and April 1<sup>st</sup> of each year.
  - a. Continuous smoke column shall be employed to indicate to the operator the direction and velocity of the air flow at the time and place of treatment.
  - b. No injurious herbicide shall be discharged more than 10 feet above the crop.
  - c. No injurious herbicide shall be applied when the air temperature exceeds the maximum allowed by the product label or 85° F whichever is less.
  - d. Each operating nozzle shall produce a droplet size, in accordance with the manufacturer's specifications, not less than 500 microns volume median diameter (DV .5) with 10% of the diameter by volume (DV0.1) not less than 200 microns.
  - e. No injurious herbicides shall be applied when wind velocity is more than 10 miles per hour.
4. Applications of any pesticide which is highly toxic to bees cannot be made on a blooming crop, including cover crop, without contacting the Agricultural Commissioner's office to determine bee locations which are within one (1) mile of the proposed treatment area.  
After January 31<sup>st</sup> the application of any material toxic to honeybees when crop or weed bloom is present in an orchard is prohibited, unless authorized by the Agricultural Commissioner.
5. PROTECTION OF PERSONS, ANIMALS, AND PROPERTY

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. Notwithstanding that substantial drift will be prevented, no pesticide application shall be made or continued when:

- a. There is a reasonable hazard of contamination of the bodies or clothing of persons not involved in the application process;
- b. There is reasonable possibility of damage to nontarget crops, animals or other public or private property; or
- c. There is a reasonable possibility of contamination of 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 of toxicity of the pesticide, the type and uses of the property and related factors shall be considered.

## 6. DRIFT CONTROL

Air applications of phenoxy herbicides are permitted only from October 15<sup>th</sup> until April 1<sup>st</sup>.

Unless expressly authorized by permit issued pursuant to Section 6412, no liquid herbicide dicamba, 2,4-dichlorophenoxyacetic acid, 2,4-dichlorophenoxybutric acid, 2,4-dichlorophenoxypropionic acid, 2-methyl-4-chlorophenoxy acetic acid, or propanil herbicide shall be:

- a. Discharged 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 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 not be equipped with any device or mechanism which could cause a sheet cone, fan or similar type of 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 of not less than 1/16 inch in diameter. A number 46 (or equivalent) or larger whirlplate may be used:

Fan nozzles with a fan angle number not larger than 80° and a flow rate not less than one 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.

d. Applied by ground equipment except as follows:

1. Ground equipment other than handguns shall be equipped with:

- A. Nozzles having an orifice not less than 1/16 inch in diameter or equivalent, and operated at a boom pressure not to exceed 30 pounds per square inch; or
- B. Low pressure fan nozzles with a fan angle number not larger than 80° and a fan nozzle orifice not smaller than 0.2 gallons per minute flow rate or equivalent, and operated at a boom pressure not to exceed 15 pounds per square inch.

## 7. PESTICIDE NOTICE OF APPLICATION

Notice is to be given to persons who are in the field or likely to enter the field prior to application. The notice shall include the following information:

Date and time of proposed application, identification of pesticide by common name, EPA #, 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 of Completion" to the operator of the property treated (or the operator's designated employee), within 24-hours of completion of the pesticide application.

## 8. PESTICIDE APPLICATION COMPLETION NOTICE

This notice shall include the following information:

1. The location of the property, including the site identification number, and acreage treated;
2. The pesticide(s) applied;
3. The date and hour the application was completed;
4. The applicable reentry and pre-harvest intervals, or a copy of a

written recommendation that was given to the operator of the property treated.

- a. If the operator of the property (or the operator's designated employee) will not be available to receive the notice within the 24-hour period, the operator shall identify in writing, the method by which the agricultural pest control business may provide notification. The method may be, but is not limited to, any of the following:
  1. Post the notice at a designated location on the operator's property;
  2. Record the notification on a phone recorder; or
    - A. Send the notice over a fax machine.
  3. The operator of the property treated shall maintain a record of the application completion notice(s) he or she receives by site, and a copy of the written notification method provided to each agricultural pest control business, if one is required.
  4. The agricultural pest control business shall retain a copy of the written notification method received from the operator of the property, if the business received one. The business shall also maintain a written record which documents the following:
    - A. The name of the operator of the property treated;
    - B. The location of the property, including the site identification number;
    - C. The date and time the notice was given; and
    - D. The method of notification, including the name of the person notified, if a person was notified.
    - E. The records and written notification method required pursuant to this section shall be retained for two years and made promptly available to the director or commissioner upon request.

9. CONTAINER DISPOSAL:

- a. All containers of liquid material must be thoroughly rinsed at the time the container is emptied and the rinse water put into the spray mix.
  - b. Paper containers shall be thoroughly emptied and should be burned in an enclosure to contain pesticide residue and prevent wild fires.
  - c. Empty containers must be stored in a locked enclosure. Rinsed containers may be disposed of at the Yuba-Sutter Disposal area, or they may be recycled by a state-approved facility.
10. The Sutter County Board of Supervisors has approved use of selected county roads by aircraft with certain conditions. A permit must be obtained from the Sutter County Agricultural Commissioner's Office which outlines the procedures, one of which requires proof of insurance which relieves the county of any liability associated with that use. A fee of \$100 is required for the permit.

