



# GROWING TIMES



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Santa Clara County Division of Agriculture

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## Pesticide Use Near Salmon-Supporting Waters



The following excerpt was taken from EPA's website:  
<http://www.epa.gov/espp/wtc/maps.htm>

A citizen suit was filed under the Endangered Species Act against EPA by a group of environmental organizations (Washington Toxics Coalition, et al. v. EPA). In response, the United States District Court for the Western District of Washington issued on January 22, 2004, an order that establishes pesticide buffer zones. Buffer zones are areas adjacent to certain streams, rivers, lakes estuaries and other water bodies, in which the court is ordering certain pesticides not be used. Generally, the buffers established by the Court are 20 yards for ground application and 100 yards for aerial application, adjacent to certain "salmon-supporting waters" in Washington, Oregon, and California. The

order applies to pesticide use in these three states, for any pesticide product containing one or more of the chemicals listed below:

- |                     |                  |
|---------------------|------------------|
| 1,3-dichloropropene | fenamiphos       |
| 2,4-D               | fenbutatin oxide |
| azinphos-methyl     | lindane          |
| bensulide           | malathion        |
| bromoxynil          | methidathion     |
| captan              | methomyl         |
| carbaryl            | methyl parathion |
| carbofuran          | metolachlor      |
| chlorothalonil      | metribuzin       |
| chlorpyrifos        | naled            |
| coumaphos           | oxyflourfen      |
| diazinon            | pendimethalin    |
| diflubenzuron       | phorate          |
| dimethoate          | prometryn        |
| disulfoton          | propargite       |
| diuron - crop       | tebuthiuron      |
| diuron - non-crop   | triclopyr BEE    |
| ethoprop            | trifluralin      |

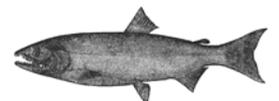
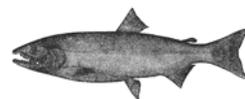
If you plan on using any of these chemicals near any stream, creek, or waterway, visit EPA's website and read about the court ordered buffer zones. EPA's website:

<http://www.epa.gov/espp/wtc/maps.htm>

If you would like to look up the buffer zone for a particular pesticide, you can go to this webpage: <http://www.epa.gov/espp/wtc/uselimitation.htm> Select "California" and the specific pesticide active ingredient you intend to use and then click the "submit" button.

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# Restricted Pesticides & CEQA

*Excerpts taken from DPR's "The Pesticide Regulatory Program's Environmental Impact Report Functional Equivalency"*

The California Environmental Quality Act (CEQA) was adopted in 1970 and is the State's principle environmental law. CEQA requires an Environmental Impact Report (EIR) for any land-use development or management decision that may have a significant effect on the environment. The purpose of the EIR is to provide public agencies with a standardized report so the agency can make an informed decision of whether or not to approve a regulated activity.

In 1976, the Attorney General ruled that permits issued for the use of restricted pesticides are subject to the requirements of CEQA and therefore require an EIR. The Legislature immediately adopted a moratorium on the ruling and assembled an Environmental Assessment Team to determine how restricted material permittees across the State could comply with the EIR requirement. After a year of study, the team concluded that requiring an EIR for restricted pesticide use was infeasible and an alternative would have to be created.

## What is an EIR?

An EIR is a detailed document made up of several reports. An example of some of the things an EIR document must contain are reports on the environmental impact of the proposed project, significant effects that cannot be avoided, significant effects that would be irreversible, mitigation measures proposed to minimize the effects, alternatives to the proposed project, the growth-inducing impact of the project, etc.

EIR documents are usually quite lengthy due to the number of topics that must be addressed. You can imagine the impracticality of preparing a large document every time you would want to apply a restricted pesticide!

## EIR Equivalency: Restricted Pesticide Permit Program

The State's pesticide regulators created a functional equivalent to an EIR, so users of restricted pesticides could comply with State environmental laws. Title 3, California Code of Regulations Sections 6420 - 6444 were adopted to satisfy the EIR equivalency.

To comply with these regulations, a number of requirements must be addressed. The first step in the restricted materials permit process is each permittee must fill out a permit application and assign a certified private applicator or State licensee to be responsible for the use of the restricted materials. In addition to the application, permittees must also submit a map detailing each agricultural site and all known areas that could be adversely impacted. (We have aerial photos for most of the County, which you can review for accuracy and to identify any sensitive areas not captured in the picture.)

Pesticide regulations require permits to also contain application specific information such as the site, time, pest, pesticide dilution, etc. Because it is difficult to forecast what material a grower will use at what time, this information is captured in a 24-hour notice of intent.

## Written Documentation

An Agricultural Biologist will review each permit application and will discuss possible alternatives and mitigation measures that must be implemented. You may have noticed that our permit application has a new column this year. We provided space for you to document the alternatives you considered for each restricted material listed on your permit application. Due to space restrictions in the permit application, if you need more room; feel free to use a separate piece of paper.

When you come in to sign for your permit, we will also document the mitigation measures you have implemented. Making a list of alternatives and mitigation measures ahead of time can help us streamline the permit issuance process.

## Permits

It is very important for you to continually assess your need for a restricted material, be aware of any changes in the area surrounding an application site, and apply these materials with care. Additional restrictions or regulations can be imposed if these materials are improperly used.

# Enforcement Response Policy

Effective December 1, 2006, the enforcement response policy was adopted into regulation!

In situations where a Class B or Class C violation has occurred and the commissioner believes compliance can be achieved without the necessity of imposing a fine, he/she can request to limit the response to a compliance action. (A compliance action can be things such as a violation notice or a formal compliance hearing.) In these situations, the commissioner must submit a Decision Report to the DPR Director for concurrence within 30 days of the date of the compliance action. If the director does not concur with the commissioner's decision, an enforcement action must be taken. If you have received a noncompliance on an inspection form or received a notice of violation, please be aware that one more violation in the next two years could likely result in a fine!

## Fake Pesticides Threaten Food Safety

*Society of Chemical Industry, November 5, 2006*

*The following article was taken from a European publication and it talks about the problems European farmers are having with illegal pesticides. This article serves as a reminder to all pesticide users to buy your products from a reputable pesticide dealer!*

More than one in 20 pesticides sold in the European Union (EU) could be fake, potentially endangering food safety and human health, writes Cath O'Driscoll in Chemistry & Industry, the magazine of the SCI.

These counterfeits range from sophisticated copies of patented products to low-quality fakes with little or no resemblance to the original. And it is a problem that is getting worse every year, according to the European Crop Protection Association (ECPA) "Clearly there are risks when products that have not been properly studied or evaluated are being brought onto the market," said Roger Doig, President of the ECPA.

Several recent incidences highlight the extent of the problem. In February this year, a counterfeit herbicide used in Italy was found to contain quantities of a potentially dangerous insecticide. In 2004, hundreds of

hectares of wheat were wiped out in France, Italy and Spain because of a fake herbicide. And a 2002 study of supermarket produce in the United Kingdom (UK) found traces of eight illegal and potentially dangerous compounds.

"Generally, speaking, it would be wrong to blame farmers [for buying the products] as in many cases they firmly believe they are buying legitimate products. We've had cases where only after farmers have come to us with a complaint have we identified the product as counterfeit," says Doig.

The Department for Environment, Food, and Rural Affairs (DEFRA) is currently investigating two companies suspected of acting illegally. Jean Train, spokesperson for the Pesticides Safety Directorate (PSD), told C&I "We are in the process of gathering evidence with intention to prosecute." This will add to the list of successful action PSD have already taken against companies dealing in illegal pesticides. Twenty-four companies were issued with warnings in October at the British Crop Protection Conference in Glasgow for illegally promoting products.

But Peter Sanguinetti, CEO of the UK Crop Protection Association (CPA) is quick to point out that the UK is ahead of the game. Counterfeit products account for 3% of the UK market, compared to 5-7% in the EU. "The CPA actively encourages enforcements to prevent illegal imports. We recommend that farmers buy pesticides from a reliable source. CPA members sign a code of practice," he says.

The EU crop protection market is worth €7.5bn. Counterfeits cost the EU between €21m and €30m in lost taxes. The ECPA recently launched a pan-European Anti-Counterfeit Programme, in an effort to get governments and regulators to use their powers to enforce regulatory policies.

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\* This newsletter is available on-line on our website: <http://www.sccagriculture.org>

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