
THE PESTICIDE REVIEW

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Restricted Pesticides and 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. One of the things CEQA requires is 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 the contents of an EIR document 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

The State's pesticide regulators created a functional equivalent to an EIR, so users of restricted pesticides could comply with State environmental laws. In order for a pest control company to apply a restricted pesticide to a nonagricultural site, they must fill out a permit application, designate a responsible person with a current QAL or QAC, identify which restricted materials they want to use, the pest(s) to be controlled, method of application, and the criteria for determining the need for the pesticide.

Regulations currently allow Commissioners to waive the 24-hour notice of intent for restricted material applications occurring on nonagricultural sites. In Santa Clara County, this waiver is contingent upon a pest control company's compliance history and a restricted material application inspection.

Every restricted pesticide permittee must keep in mind that these materials are closely watched. Mistakes by a few individuals can have implications statewide. In order to maintain your ability to use these materials, it is very important for you to continually assess your need for a restricted material and continue to apply these materials with care. Additional restrictions or regulations can be enacted if these materials are abused.

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Pest Control Pop Quiz

Test your pesticide knowledge...



- 1) While at the office, a pest control technician fills up a backpack sprayer with a category III Roundup formulation. Before he leaves to go out to his first stop, he notices that the backpack's service tag is missing. With the tag nowhere to be found, the technician creates a new tag. Which tag would be correct?
 - A. He uses a company business card with his company's name and address. On the back he writes "Roundup" "EPA Reg. No: 524-343 ZC "
 - B. He uses a 3 x 5 card and writes his company name, the word Roundup, and the date.
 - C. He uses a company business card with the company's name and address, the word "Roundup" and the word "Caution"
 - D. He uses a company business card with the company's name and address, the word "Roundup" and the word Glyphosate.

Question #2 is for Agricultural Pest Control Companies:

- 2) Agricultural PCO's: Can a 17-year-old employee that has gone through pesticide training apply a category I pesticide?
 - A. Yes, as long as labeling or regulation does not require an SCBA, closed system, or full-body chemical resistant protective clothing.
 - B. No. According to Section 6612, they are too young to apply a category I pesticide.

Question #3 is for Structural Pest Control Companies:

- 3) Structural PCO's: Can a 17-year-old employee that has gone through pesticide training apply pesticides for a structural pest control company?
 - A. Yes
 - B. No

The Definition of a Pesticide Handler

California Code of Regulations Section 6000

Before any employee "handles" a pesticide, they must go through pesticide training pursuant to 3CCR Section 6724.

A person is considered a handler if they mix, load, transfer, apply, or assist with a pesticide application. It also includes employees that maintain, service, repair, handle, or clean pesticide equipment that has residues. Working with opened (including emptied but not rinsed) containers of pesticides, or adjusting, repairing, or removing treatment site coverings also require an employee to be trained.

Fumigation companies should take note of the "removing treatment site coverings" part of the above definition. Employees that remove tarps during the aeration portion of a fumigation must have documented training!

Suggested Study Material for Agricultural Licensee Applicants

Updated study material

If you have old license application packets for PCA, QAL, or QAC licenses, check to make sure your suggested study list has the date December 2004 in the top left hand corner.

A few of the suggested reading publications have increased in price and there were three publications that have been replaced. Sales tax for the publications also increased from 8.25% to 8.75%.

To obtain the most current application and study list, you can visit your local Agricultural Commissioner's office or you can click on this web link to DPR's website:

http://www.cdpr.ca.gov/docs/license/study_mat_qac.pdf

Answers are on the bottom of page 3

Germ Warfare: Anti-Microbial Towel Newest Weapon in Household Bacteria Battle

August 12, 2005

Source: *The New York Times*

In September, WestPoint Stevens will, according to this story, introduce a Martex towel that is able to fend off mold, mildew and odor-causing bacteria.

The story explains that microbe slayers are moving from soap and sponges to countertops, faucets and flooring—to curtains, keyboards, paint and wallpaper, even dog bowls. The Environmental Protection Agency (EPA), which helps regulate anti-microbial products, says they are a \$1-billion-a-year industry.

In recent months, it has also become controversial. Scientists contend that the widespread use of germ killers may be bad for the environment and human health, and the EPA is reviewing the potential impact of one of the most commonly used ingredients, triclosan, which is used in the new towels.

Towels are just the beginning of the anti-microbial assault on linen closets. Robert B. Dale, the president of WestPoint Stevens' bed and bath division, was quoted as saying; "We're testing it for sheets."

Billy Henry, the president of Microban International, a company that has licensed its product for use in the new towels and other home products, was quoted as saying; "Consumers are really demanding it, adding that in surveys, 63% of respondents "think it's important to prevent a damp mildew odor on their towels."

The story says that in the wake of a legal dispute with the EPA, manufacturers avoid making health-related claims about killing germs. But the word microbes is allowed. Advertisements emphasize the aesthetics of a clean household where stains do not stick, mildew cannot take root and no smell—whether from microbe-infested armpits, fruit pits or pit bulls—can linger.

Dr. Roberto Kolter, a professor of microbiology and molecular genetics at Harvard Medical School, was cited as saying in an e-mail message that killing every microbe in the household is "tantamount to a scorched-earth policy," adding, "It makes little ecological sense to obliterate microbial populations when the overwhelmingly vast majority of organisms that are being killed are not only nonpathogenic but more likely beneficial."

Fumigation Disclosure Form

New changes to the Occupants Notice

The Structural Pest Control Board has made a few small changes to the Occupants Fumigation Notice and Pesticide Disclosure form. There has been an address change and an additional phrase added to the form.

The address for the Structural Pest Control Board has been changed. We've crossed out the old information and underlined the new changes:

...Structural Pest Control Board, 800/737-8188, ~~4422~~ 1418 Howe Avenue, Ste. 18, Sacramento, CA 95825.

There has also been a short phrase added to the form. Directly above the owner / agent and occupant signatures, there are two additional sentences. The new phrase reads as follows:

"We suggest that you notify nearby neighbors of the date of fumigation and to keep pets away during the fumigation. Close off any open access to the subarea to prevent pets from entering."

If you haven't been sent these new changes and would like to see a copy, send us an e-mail and we'll send you a PDF attachment of the form.

Question Corner

If you have any questions, comments, or would like to suggest a subject for an article, please drop us a note at:

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San Jose, CA 95112
Or e-mail us: sccagriculture@era.co.scl.ca.us

Answers for the Pop Quiz:

- 1) C {§6678}
- 2) A {§6612}
- 3) B To obtain an applicator's license, you must be 18 years old. {§8564.5}

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Inside this issue:

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