



Re: Comments on Proposed Modifications to Title 3, California Code of Regulations Sections 6000, 6424, 6428, 6432, and 6434 Pertaining to Statewide Notification of Agricultural Use of Restricted Materials

Dear Ms. Otani

We are writing to provide comments on the proposed modifications to the regulation language for Title 3, California Code of Regulations Sections 6000, 6424, 6428, 6432, and 6434, concerning the statewide notification of agricultural use of restricted materials. While we recognize the primary impact of these regulations on agricultural production, we wish to highlight the significant effects on ancillary industries that provide services to agricultural producers, including shippers, importers/exporters, and fumigators of agricultural commodities.

It is important to note that non-soil fumigations require the same permits and Notices of Intent to Apply (NOIs) as in-field pesticide applications referenced in the proposed regulations. Currently, County Agricultural Commissioners mandate NOIs for non-soil fumigations at least 24 hours in advance, and in some counties, 48 hours in advance. These fumigations are essential for pest control during the processing, importation, and exportation of agricultural products.

The proposed regulations in §6434(c)(2) would create a duplication of existing regulations, resulting in unnecessary costs and potential confusion. We believe these regulations would not only be redundant but could also lead to unintended consequences. For example, §6434(c)(2) includes all pesticides requiring a permit, and with the recent classification of Diphacinone as a Restricted Use Product (RUP), including all non-agricultural uses such as right of way applications, there is a risk of overloading counties with NOIs for this active ingredient.

Furthermore, our understanding is that structural fumigation performed under a Branch 1 License from the Structural Pest Control Board using Sulfuryl Fluoride (trade name Vikane) would not be subject to these regulations. However, counties already require NOIs for these applications, independent of the proposed regulations, and have done so for years.

In summary, we believe that the proposed regulations are duplicative and do not effectively achieve their intended purpose. Therefore, we urge that the proposed language be reconsidered and not implemented as currently written.

Thank you for considering our comments. We are available for any further discussion or clarification needed.

Sincerely,

David Watkins, CAPMA President

A handwritten signature in black ink, appearing to read "David Watkins", is written below the typed name.