



## **2024 County of Monterey 1,3-Dichloropropene Permit Conditions (Only for 1,3-D products that do not contain chloropicrin)**

### **General Conditions**

1,3-D is prohibited for use in a greenhouse.

All 1,3-D applications are prohibited during the month of December.

Only a California licensed Pest Control Business (PCB) registered in Monterey County to work in Field Fumigation Pest Control (Category L) can apply the fumigant.

Throughout this document, whenever the pronoun “you” or “your” is used, it refers to the operator of the property to be fumigated who is the fumigant use permit holder.

You, the PCB and the Pest Control Adviser (PCA) are responsible to comply with all conditions of this permit. Failure to comply with permit conditions or fumigation regulations may result in an administrative civil penalty consisting of a fine to you and/or the PCB and/or the PCA, depending on the circumstances of the violation.

When a school property is within 1/4 mile (1320 feet) of a fumigation block, the injection must be completed 36 hours prior to the start of a school session. School sessions are those times when students are attending scheduled classes.

The map submitted with the permit application must show the location of all wells used for potable water within 100 feet of the intended application block(s).

### **Township Limit**

For all townships in California, the 1,3-D use limit is 136,000 Adjusted Total Pounds (ATP) per calendar year. Dow AgroSciences, LLC (DAS) or the DAS’s contractor is responsible for tracking, reporting, and ensuring township use limits are observed. The annual township use limit is fixed and cannot be exceeded.

### **Maximum Application Rate**

An application cannot exceed the maximum application rate of 332 pounds of 1,3-D active ingredient per broadcast-equivalent acre.

### **Application Block Size**

The application block size is limited to 80 acres at one location within a 24-hour period.

### **Soil Moisture**

Except for drip chemigation field soil fumigations, 3 CCR section 6448.2(b) requires the application block to have a minimum soil moisture of 50% of field capacity at a depth of three to nine inches below the surface when the fumigation occurs. One of the following options detailed in the DPR’s [1,3-Dichloropropene Field Fumigation Requirements manual Established January 1, 2024](https://tinyurl.com/13D-Manual) shall be used to comply with the soil moisture requirement:

- Option 1: Irrigation
- Option 2: Feel and Appearance
- Option 3: Soil Moisture Sensor

## Tarps

For field fumigation methods (FFM) using TIF tarps, you must use tarps listed in [DPR's Approved Tarp List for Products Containing 1,3-Dichloropropene](https://tinyurl.com/13D-TIF-Tarps). < <https://tinyurl.com/13D-TIF-Tarps> >

## Proposed Soil Fumigation Plan

You must submit a complete proposed Soil Fumigation Plan which must be evaluated and approved before our office will add the fumigant to your Monterey County Restricted Materials Permit.

**Submission of incomplete or problematic** (e.g., difficult to understand, missing information, incorrect calculations, etc.) **proposed fumigation plans may delay approval, which may require fumigations to be rescheduled.** If the proposed fumigation plan is incomplete or there are changes that need to be made, an inspector will contact you for amendments/corrections. You are responsible for notifying the PCB of any changes, amendments or corrections to the fumigation plan. \*For applications within 1/4 mile (1320 feet) of any school site in Monterey County, the fumigation plan should be submitted at minimum 30 days before the intended application.

The fumigation plan, (including all required calculations, permissions, and notifications), must be submitted on the County of Monterey 1,3-Dichloropropene Soil Fumigation Plan.

It is critical that the number of acres to be fumigated per block is accurate on the worksite plan to ensure setback distances to occupied structures are calculated correctly. To avoid possible violations, if you are estimating the actual acreage, you should overestimate rather than underestimate.

## Occupied Structures

Application of a product containing 1,3-D is prohibited within the setback distance from occupied structures, including residences, onsite employee housing, schools, convalescent homes, hospitals, businesses, or other similar sites identified by the County Agricultural Commissioner (CAC). Non-residential agricultural buildings, including barns, livestock facilities, sheds, and outhouses, are not by default considered to be an occupied structure. Additionally, the setback is measured from the wall of the structure, not lawns or other outdoor areas associated with a structure. However, a setback is also required for any other indoor or outdoor site that will be occupied for at least 72 consecutive hours during and following a 1,3-Dichloropropene application. The CAC has the discretion to apply the setback to other sites if someone may be at an indoor or outdoor area for more than 24 consecutive hours during and following the application.

## Setbacks

The minimum setback distance from an occupied structure to the perimeter of a 1,3-D fumigation is 100 feet. However, the setback tables in DPR's [1,3-Dichloropropene Field Fumigation Requirements manual Established January 1, 2024](https://tinyurl.com/13D-Manual) on DPR's website at <<https://tinyurl.com/13D-Manual>> or the [setback calculator](https://tinyurl.com/13D-Setback-calculator) found on DPR's website at <<https://tinyurl.com/13D-Setback-calculator>> must be used to calculate the setback distance for each application. All applications in Monterey County must use the Coastal Counties setback tables.

## Setbacks for Adjacent Applications

Adjacent applications that occur within 36 hours from the end of an application to the start of another application must recalculate the setback distance for all applications using the combined acreage, highest application rate, and most restrictive fumigation method of those applications when the distance between the applications is equal to or less than the combined setback distances of each application.

If an NOI for a 1,3-D application scheduled for a future date, overlaps within 36 hours of a previous application's setback, the NOI must be denied if the combined acreage exceeds that specified by the setback table or the earlier application cannot accommodate the changes caused by the later application (i.e., the combined acreage cannot comply with the setback distance and maximum acreage specified by the setback table).

## Vacating Agreements

If an occupant of a structure agrees to vacate during the fumigation and throughout the seven-consecutive day period after the application is complete, they must complete and sign a Monterey County Vacating Agreement for 1,3-D.

When an occupant of a structure has agreed to vacate, and has provided you with the signed Vacating Agreement, you must then give that occupant written notification at least 48 hours before the fumigation, of the specific date and time of the start of the fumigation and the anticipated expiration of the buffer zone. (See Monterey County Notice to Vacate Per Vacating Agreement Form)

## Fumigation Plan Maps

A complete, legible aerial map showing an outline of the proposed application block with acreage and at least a ¼ mile distance of surrounding areas must be submitted as part of the fumigation plan. The map must identify adjacent property operators, the location and distance to all structures that are near the application site, including residences, onsite employee housing, schools, convalescent homes, hospitals, businesses, or other similar sites identified by the CAC. Measurements to all adjacent structures must be made from the structure to the edge of the application block. The map must also identify residences or structures that will be vacated for the application and the location and distance of all potable water wells within 100 feet of the block(s) to be fumigated. The maps must also include locations of difficult-to-evacuate sites within ¼ mile of the application block; and distances to bus stops; roadways; rights-of-way; walking paths; sidewalks; lakes; waterways; and wells. If the application is a chemigation, the injection point(s) must be indicated on the map. The map legends included with the County of Monterey 1,3-Dichloropropene Soil Fumigation Plan must be used to identify sensitive areas.

Failure to submit complete maps may delay the issuance of your permit.

## Notices of Intent (NOI)

NOIs and re-intents must be submitted electronically through TELUS Agronomy (formerly Agrian) and PCAs must ensure TELUS communicates with [www.CalAgPermits.org](http://www.CalAgPermits.org) to forward the NOIs for review by an inspector. NOIs or re-intents, recommendations, and maps **must also** be submitted by e-mail or in person. If submitting an NOI or re-intent by e-mail, the NOI or re-intent, recommendation, and map must be sent in one email. Failure to include everything in one e-mail may cause a delay to the fumigation.

A separate and unique NOI must be submitted for each application block to be treated. **NOIs with multiple application dates and/or multiple application blocks are no longer allowed.**

When e-mailing an NOI or re-intent, recommendation, and map, the subject line of the e-mail **must** contain:

**Grower Name, Ranch Name and Recommendation Number**

There are three offices and e-mails where growers, PCB's and/or PCA's may e-mail or drop off NOIs or re-intents, recommendations, and maps depending on the location of the fumigation:

Coastal District Office:

For fumigations west of Highway 1, north of State Route 156 from Castroville to Prunedale, and west of Highway 101 north of Prunedale.

Email: [281-Pajaro-PUE@co.monterey.ca.us](mailto:281-Pajaro-PUE@co.monterey.ca.us)

South County District Office:

For fumigations south of Soledad, NOIs and maps should be sent to:

Email: [281-KingCity-PUE@co.monterey.ca.us](mailto:281-KingCity-PUE@co.monterey.ca.us)

Salinas Office:

All other fumigations south of the Coastal District boundary described above should be sent to the Salinas office.

Email: [281-Salinas-PUE@co.monterey.ca.us](mailto:281-Salinas-PUE@co.monterey.ca.us)

NOIs must be submitted at least **48 hours** before the start of the fumigation. No waivers of the 48-hour NOI requirement will be granted.

For any applications within 1/4 mile (1320 feet) of a Pajaro Valley Unified School District school or North Monterey County School District school, the NOI must be submitted **120 hours** before the start of the intended application.

You must provide the CAC with a DAS- or DAS contractor-approved recommendation before the NOI is accepted and the application is allowed.

In addition to the information required in 3 CCR section 6434, the following information shall be included on or provided with the NOI:

- Starting ATP balance available in the township prior to the proposed application
- Application depth and type, including four-digit field fumigation method (FFM) code from Table 1
- The total gallons (TG) of the pesticide formulation
- The pounds per gallon (lbs./gal) of 1,3-D formulation
- The percent by weight of a.i., expressed as a decimal (.XX)
- The total pounds (TP) of 1,3-D a.i. applied
- The application factor (AF) appropriate for the proposed application from Table 2
- The adjusted total pounds (ATP) for the proposed application
- The hour the fumigation will start
- If tarps are used for the fumigation, the type of tarp used (ex.: standard, VIF, TIF).
- For broadcast or bedded applications: The percent soil moisture observed at the site to be treated, the approved method used to determine the soil moisture, and the date the approved method was completed. The soil observation must be taken no sooner than 72 hours before

the application is scheduled. For NOIs that are required to be submitted 120 hours prior to fumigating, the above soil moisture information must be emailed to our office at least 48 hours before the scheduled application and possess an e-mail subject line that matches the corresponding NOI.

- A clear, complete and accurate aerial map of the fumigation site showing:
  - Area to be fumigated with acreage
  - The location and distance to all structures that are near the application site, including but not limited to residences, onsite employee housing, schools, hospitals, offices, stores, or other similar sites. The map must show where the measurements were taken.
  - Residences or structures that will be vacated for the application.
  - The location and distance of all potable water wells within 100 feet of the block(s) to be fumigated.
- A copy of all completed and signed vacating agreements, and notices to vacate.

The NOI will be denied if the proposed application ATP exceeds the available use limit balance in a township.

For Sunday and Monday applications, or Tuesday fumigations when Monday is a County-observed holiday, an NOI must be submitted no later than noon on the Thursday before.

The fumigation must not commence sooner than the intended starting time or later than 12 hours after the starting time specified on the NOI.

If fumigation of an application block does not commence within 12 hours of the time specified in the NOI, the NOI must be re-submitted with the new dates and/or times.

Changes to the NOI must be made in writing, either in person or by e-mail. Inspectors will not alter or change the information on the NOI.

When an NOI is re-submitted because of a change, rescheduling, or to finish a job, the 48-hour waiting period may be waived provided there are no vacating agreements associated with the application, and the applicator re-submits the NOI prior to commencing the fumigation. The re-submitted NOI must clearly indicate that it is a re-intent and comply with all NOI requirements of these conditions.

If there are vacating agreements associated with the fumigation, the 48-hour waiting period will not be waived unless all notifications to affected persons have been updated and a copy has been provided to the CAC.

An NOI re-submitted to finish a job must specify the area to be completed.

### **Chemigation System (Telone EC)**

You, or your representative, who is knowledgeable of the irrigation system, must be present at the treatment site from the start of the application until the application is complete (drip lines are purged). Your representative must be trained and equipped as a pesticide handler.

If a drip application is proposed, the chemigation equipment (check valve, low pressure drain, and vacuum relief) that is required at the well head must be installed before the NOI is submitted.

If there is more than one injection site for the fumigant during a drip application, each injection site must be continuously monitored by an applicator for the PCB.

All row end drip tape connections must be covered by the same type of tarp that is covering the beds, or by two inches of soil.

During application, do not allow treatment solution to accumulate on the soil surface. If puddling or run-off occurs, discontinue the application immediately, and cover with enough soil to absorb the puddling.

### **Entry into Application Block**

Entry into the application block (including early entry that would otherwise be permitted by the Worker Protection Standard or 3 CCR section 6770) by any person, other than a government official mandated to regulate pesticide use or a properly trained and equipped handler who is performing a handling task permitted by the product labeling, is prohibited from the start of the application until 7 days (168 hours) after the application is complete. This prohibition applies to all applications, including all tarp types and untarped applications.

### **Tarp Perforation and Removal**

Tarps that do not meet the requirements for any percentage reduction in buffer zone distance mentioned on 1,3-D/chloropicrin labels, such as standard polyethylene tarps, may be perforated and/or removed according to fumigant labeling directions.

Totally impermeable film (TIF) tarps approved by DPR for 1,3-D according to 3 CCR section 6448.2 must not be perforated until a minimum of ten (10) days (240 hours) have elapsed after the application is complete and must not be removed until a minimum of one (1) day (24 hours) after perforation, unless a weather condition exists that necessitates early tarp perforation or removal as specified by the fumigant label. Any situation where early tarp perforation or removal may be necessary must be brought to the attention of an Agricultural Commissioner's Office Pesticide Use Enforcement Deputy for evaluation with regulatory requirements before the early tarp perforation or removal can take place.

### **Use Reporting**

All PUR data must be reported through TELUS per 3 CCR section 6626(g)(1). A separate use report must be submitted for each application block treated in a 24-hour period. Use reports required by 3 CCR section 6626(b) for all 1,3-D applications must include the FFM code describing methods of application pursuant to 3 CCR section 6448.2 found in Table 1 of DPR's [1,3-Dichloropropene Field Fumigation Requirements manual, Established January 1, 2024](https://tinyurl.com/13D-Manual) <<https://tinyurl.com/13D-Manual>>

## Tables

Table 1. 1,3-D Field Fumigation Method (FFM) Codes for Calculating Setback and Pesticide Use Reporting

Method Name	Field Fumigation Method (FFM) Code (3 CCR 6448.2(d))	Regulation Subsection (3 CCR 6448.2)	Setback Table in Section 3
Nontarpaulin/shallow/broadcast or bed	1201	(d)(1)	2
Tarpaulin/shallow/broadcast	1202	(d)(2)	2
Tarpaulin/shallow/bed	1203	(d)(2)	2
Nontarpaulin/shallow/broadcast or bed/ 3 water treatments	1204	(d)(3)	2
Tarpaulin/shallow/bed/3 water treatments	1205	(d)(4)	2
Nontarpaulin/18 inches deep/broadcast	1206	(d)(5)	3
Tarpaulin/18 inches deep/broadcast	1207	(d)(6)	3
Tarpaulin/18 inches deep/bed	1208	(d)(6)	3
Chemigation (drip system)/tarpaulin	1209	(d)(7)	4
Nontarpaulin/18 inches deep/strip	1210	(d)(5)	3
Nontarpaulin/18 inches deep/GPS targeted	1211	(d)(5)	3
Nontarpaulin/24 inches deep/broadcast	1224	(d)(5)	5
Tarpaulin/24 inches deep/broadcast	1225	(d)(5)	5
Nontarpaulin/24 inches deep/strip	1226	(d)(5)	5
Nontarpaulin/24 inches deep/GPS targeted	1227	(d)(5)	5
Totally Impermeable Film (TIF) tarpaulin/shallow/broadcast	1242	(d)(2)	6
TIF tarpaulin/shallow/bed	1243	(d)(2)	7
TIF tarpaulin/shallow/bed/3 water treatments	1245	(d)(4)	7
TIF tarpaulin/deep/broadcast	1247	(d)(6)	6
TIF tarpaulin/deep/bed	1248	(d)(6)	7
TIF tarpaulin/deep/strip	1249	(d)(6)	6
40% TIF tarpaulin/18 inches deep/broadcast	1250	(d)(5)	8
Chemigation (drip)/TIF tarpaulin	1259	(d)(7)	7
40% TIF tarpaulin/24 inches deep/broadcast	1264	(d)(5)	9
Other label method	1290	---	Prohibited

## Tables, Continued

Table 2. Determining the Application Factor (AF) for Coastal Counties

<b>Field Fumigation Method (FFM)</b>	<b>FFM Code</b>	<b>Nov/Jan/Feb</b>	<b>Mar-Oct</b>
Nontarp/shallow/broadcast or bed	1201	2.42	1.78
Tarp/shallow/broadcast	1202	2.42	1.78
Tarp/shallow/bed	1203	2.42	1.78
Nontarp/shallow/broadcast or bed/3 water treatments	1204	2.42	1.78
Tarp/shallow/bed/3 water treatments	1205	2.42	1.78
Nontarp/18 inches deep/broadcast	1206	1.42	1.04
Tarp/18 inches deep/broadcast	1207	1.42	1.04
Tarp/18 inches deep/bed	1208	1.42	1.04
Chemigation (drip system)/tarp	1209	1.74	1.21
Nontarp/18 inches deep/strip	1210	1.42	1.04
Nontarp/18 inches deep/GPS targeted	1211	1.42	1.04
Nontarp/24 inches deep/broadcast	1224	0.82	0.61
Tarp/24 inches deep/broadcast	1225	0.82	0.61
Nontarp/24 inches deep/strip	1226	0.82	0.61
Nontarp/24 inches deep/GPS targeted	1227	0.82	0.61
Totally Impermeable Film (TIF) tarp/shallow/broadcast	1242	0.37	0.24
TIF tarp/shallow/bed	1243	0.62	0.45
TIF tarp/shallow/bed/3 water treatments	1245	0.62	0.45
TIF tarp/deep/broadcast	1247	0.37	0.24
TIF tarp/deep/bed	1248	0.62	0.45
TIF tarp/deep/strip	1249	0.37	0.24
40% TIF tarp/18 inches deep/broadcast	1250	0.95	0.70
Chemigation (drip)/TIF tarp	1259	0.62	0.45
40% TIF tarp/24 inches deep/broadcast	1264	0.58	0.43
Other label method	1290	Prohibited	