

J. 1,3-DICHLOROPROPENE PERMIT CONDITIONS

These permit conditions apply to the use of pesticides containing the active ingredient (a.i.) *1,3-Dichloropropene* (1,3-D) when applied by either mechanical soil injection or drip application systems. They should be used in addition to the provisions in the *California Food and Agricultural Code* (FAC), *Title 3, California Code of Regulations* (3 CCR), and product labeling. When requirements differ, the most stringent requirements should be followed.

USE LIMITATIONS

Each request to use 1,3-D will be approved using the following process:

1. A registrant-authorized pest control adviser electronically submits a recommendation for 1,3-D use to the registrant's agent for approval.
2. The registrant's agent electronically checks the recommendation for accuracy against the product labeling and permit conditions.
3. The registrant's agent validates the calculation of adjusted pounds of 1,3-D requested, taking into consideration all application factors described by the permit.
4. The registrant's agent checks the request against the available pounds within the township allotment. If the amount requested is available, the recommendation is accepted and a Notice of Intent (NOI) can be filed with the county agricultural commissioner (CAC). If there is not enough 1,3-D available, a note is displayed, identifying available ATP of 1,3-D and allowing a modified request for available material.
5. When use in any township exceeds the authorized cap for that township, both DPR and the CAC will receive an informal notification from the registrant or registrant's agent.
6. For any township that reaches 135,375 ATP, the registrant will compare the registrant's agent's records to county records as a quality assurance check.

Township caps

An annual township (36 square-mile area) cap is necessary to minimize the levels of the amount of 1,3-D in the atmosphere and mitigate the potential for chronic exposure. This township cap is based on the adjusted total pounds (ATP) of 1, 3-D used, which is calculated using the percentage of a.i. in different 1,3-D products. **For most townships, the current cap is 90,250 ATP per calendar year.**

When county or state borders divide the township, the ATP of 1,3-D allowed per calendar year shall be approximately proportional to the area in each political subdivision. Prior to each application, the permittee shall consult with the registrant or the registrant's agent to ensure the proposed use does not exceed the ATP of 1,3-D applied in that township within the month or calendar year. Currently, California Data Management Systems, Inc. (CDMS) is the only approved registrant's agent for monitoring 1,3-D use in California.

Exceeding the township cap

If the need for 1,3-D in a township exceeds the cap, the Director, upon request, may authorize supplemental allowances over the cap provided no significant increase in risk is created by the additional use. Up to 180,500 ATP per calendar year is authorized, but only to the extent that use since 1995 in that township was under the annual cap. The unused allotment since 1995 will be, in effect, a "bank" that can be drawn upon. Once the bank of unused allotment has been expended, use in a township must return to the authorized annual cap, unless the Director allows for exceptions.

Greenhouses and other enclosed areas

CONDITIONS FOR ALL APPLICATION METHODS

Notice of Intent (NOI)

- The permittee shall provide a valid recommendation to the CAC from a registrant-authorized pest control adviser before the NOI is accepted and the application allowed.
- In addition to the information required in 3 CCR section 6434, the following information shall be provided on the NOI:

1. Application depth and type
2. The total gallons (TG) of the pesticide formulation
3. The pounds per gallon (lbs./gal) of 1,3-D formulation
4. The percent by weight of a.i., expressed as a decimal (.XX)
5. The total pounds (TP)
6. The application factor (AF) appropriate for the proposed application
7. The adjusted total pounds (ATP) for the proposed application

Buffer zones

- The buffer zone shall be a minimum of 100 feet measured from the perimeter of the application block to any occupied residences, occupied onsite employee housing, schools, convalescent homes, hospitals, or other similar sites identified by the CAC.
- The buffer zone may extend across roads, highways or similar rights-of-way, or sites approved by the CAC.
- All labeling requirements shall be followed. When the requirements of the product label and these permit conditions differ, the most restrictive shall apply.

Restricted Entry Interval (REI)

Entry by any person (including early entry that would otherwise be permitted by the Worker Protection Standard), other than a properly trained and equipped handler who is performing a handling task permitted on the label, is prohibited from the start of the application until seven (7) days after the application.

MECHANICAL SOIL INJECTION

Users shall comply with the following conditions/requirements when applying 1,3-D by mechanical soil injection.

A. Determining the Application Factor (AF) when Applying by Mechanical Soil Injection.

The AF is a predetermined numerical value based on the month, depth of injection, and geographic location of the specific application. The AF values are used in the formula to determine the ATP used during the application.

Use the following table to determine the AF for application in Stanislaus County:

IF applying the fumigant during the month(s) of ...	AND injecting at depths of ...	THEN, use the AF of ...
January or December	Less than 18 inches	Application Prohibited
January or December	18 inches or deeper	1.9
February through November	Less than 18 inches	1.9
February through November	18 inches or deeper	1.0

B. Application Rates - Maximum Gallons Per Acre (M gal/A) when Applied by Mechanical Soil Injection, With or Without a Tarpaulin.

The maximum application rate of 1,3-D is 332 lbs (a.i.)/acre.

On the product label, determine weight per gallon for the formulation being used and the percentage a.i. (1,3-D). Multiply weight per gallon by percentage a.i. (1,3-D) to determine lbs a.i. (1,3-D) per gallon. Divide lbs a.i. (1,3-D) per gallon into 332 to determine M gal/A.

Use the following table to determine the maximum application rate with or without a tarpaulin. The pesticide product label states that Pic-Chlor 60, Telone™ II, Telone™ C-17, Telone™ C-35, and Tri-Form 35 shall be applied by mechanical soil injection only.

	Pic-Chlor 60	Telone™ II	Telone™ C17	Telone™ C35	Tri-Form 35
Weight/gallon	12.1 lbs.	10.1 lbs.	10.6 lbs.	11.2 lbs.	11.2 lbs.
% 1,3-D a.i.	39%	97.5%	78.3%	61.1%	63.4%
Lbs. a.i. (1,3-D)/gallon	4.72 lbs.	9.85 lbs.	8.29 lbs.	6.84 lbs.	7.1 lbs.
Maximum a.i./acre	332 lbs	332 lbs	332 lbs	332 lbs	332 lbs
Maximum gallons/acre	70.34 gal/A	33.70 gal/A	40.05 gal/A	48.54 gal/A	46.76 gal/A

Note: See the Telone™ C-35 product's label for the active ingredient percentages. There are presently two variations of Telone™ C-35 in the channels of trade – 61.1% a.i. and 63.4% a.i. Do not exceed the maximum rate described by permit conditions.

C. Calculating the ATP of 1,3-D When Applying by Mechanical Soil Injection.

The adjusted total pounds (ATP) for each application shall be calculated based on the following:

1. The total gallons (TG) of the pesticide formulation;
2. The pounds per gallon (lbs/ga) for the pesticide formulation;
3. The percent by weight (XX%) of 1,3-D in the pesticide formulation expressed as a decimal (.XX);
4. The total pounds (TP) of 1,3-D; and
5. The application factor (AF) as determined above.

The ATP for each application shall be calculated using the following formula:

$$(TG) \times (lbs/ga) \times (.XX) \times (AF) = ATP$$

DRIP APPLICATION SYSTEMS

Users shall comply with the following conditions/requirements when applying 1,3-D through drip application systems. This section applies to InLine™ and Telone™ EC.

A. Application Timing and Corresponding Application Factor (AF).

Drip irrigation applications on soil surface or buried drip application shall use an AF of 1.16 regardless of depth. Applications shall not occur in the San Joaquin Air Basin (including all of Stanislaus County) during January and December.

B. Calculating the ATP of 1,3-D When Applying by Drip Application Systems

The ATP for each application shall be calculated based on the following:

1. The total gallons (TG) of the pesticide formulation;
2. The pounds per gallon (lbs/ga) for the pesticide formulation;
3. The percent by weight (XX%) of 1,3-D in the pesticide formulation expressed as a decimal (.XX);
4. The total pounds (TP) of 1,3-D; and
5. The application factor (1.16 AF).

The ATP for each application shall be calculated using the following formula:

$$(TG) \times (lbs/ga) \times (.XX) \times (1.16) = ATP$$