

Article 1. Definitions for Division 6
Section 6000

6000. Definitions.

“Agricultural commodity” means an unprocessed product of farms, ranches, nurseries, and forests (except livestock, poultry, and fish). Agricultural commodities include fruits and vegetables; grains, such as wheat, barley, oats, rye, triticale, rice, corn, and sorghum; legumes, such as field beans and peas; animal feed and forage crops; rangeland and pasture; seed crops; fiber crops such as cotton; oil crops, such as safflower, sunflower, corn, and cottonseed; trees grown for lumber and wood products; nursery stock grown commercially; Christmas trees; ornamentals and cut flowers; and turf grown commercially for sod.

“Air-purifying respirator” means a respirator with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element.

“Application block” means a field or portion of a field treated in a 24-hour period that typically is identified by visible indicators, maps, or other tangible means.

“Application Exclusion Zone” as used in section 6762 means the area surrounding the application equipment that must be free of all persons other than appropriately trained and equipped handlers during pesticide applications.

“Applied to the soil” or **“applied to the ground”** means the labeling of a pesticide product includes terminology such as:

- (a) Soil fumigant;
- (b) Soil applied;
- (c) Soil treatment product;
- (d) Can be used as a soil drench;
- (e) Application to soil;
- (f) Inject into the soil;
- (g) Incorporate in top (x) inches of soil; pre-plant incorporation;
- (h) Use on soil for control of soil-borne diseases;
- (i) Surface application; band treatment, surface blend;
- (j) Side dressing both/one side of row and cultivate into soil;
- (k) Should be mixed uniformly into top (x) inches of soil;
- (l) Pre-emergent to the weed;
- (m) Broadcast to the soil; and
- (n) Apply in seed furrow.

“Aquatic habitat” means bodies of water, such as lakes, reservoirs, rivers, perennial and intermittent streams, wetlands, or ponds, sloughs, and estuaries.

“Artificial recharge basin” means a surface facility, such as an infiltration pond or basin, or spreading ground specifically designed and managed to increase the infiltration of introduced surface water supplies into a ground water basin. "Artificial recharge basin" does not include

ditches, canals, or reservoirs designed primarily to transport and store water, or stream channels, lakes, and other naturally occurring water bodies that are not principally managed to recharge ground water.

“Atmosphere-supplying respirator” means a respirator that supplies the respirator user with breathing air from a source independent of the ambient atmosphere, and includes supplied-air respirators (SAR) and self-contained breathing apparatus (SCBA) units.

“Branch location” means any location, other than the principal place of business, operated by a pest control dealer or agricultural pest control business to carry out licensed activities in California.

“Buffer zone” as used in sections 6447, 6447.1, 6447.2, and 6447.3 means an area that surrounds a pesticide application block in which certain activities are restricted for a specified period of time to protect human health and safety from existing or potential adverse effects associated with a pesticide application.

“Carbamates” means esters of N-methyl carbamic acid which inhibit cholinesterase.

“Certified commercial applicator” means

- (a) A person holding a valid qualified license issued by the director;
- (a) A pilot holding a valid journeyman pest control aircraft pilot's certificate issued by the director;
- (c) A person holding a certified technician certificate issued by the Vector Biology and Control Section of the Department of Health Services;
- (d) A person holding a valid structural pest control operator or field representative license issued by the Structural Pest Control Board of the Department of Consumer Affairs; and
- (e) A person holding a valid qualified applicator certificate by the director.

“Certified private applicator (PAC)” means a private applicator holding a valid private applicator certificate issued by the commissioner (or the director in any county where there is no commissioner).

“Chemical-resistant” means a material that allows no measurable movement of the pesticide through it during use.

“Chemigation” means the application of pesticides through irrigation systems.

“Commercial applicator” means a person who uses or supervises the use of a pesticide for any purpose or on any property other than as provided by the definition of private applicator.

“Confidential reader” is a person chosen by an employee required to wear a respirator to read to him/her the Medical Evaluation Questionnaire required under section 6739 in a language primarily understood by the employee. This includes, but is not limited to, a coworker, family member, friend, or an independent translator provided by the employer. The employer or the employer’s direct agent, such as a supervisor, manager, foreman, or secretary, are not included and are prohibited from being confidential readers.

“Conflict with labeling” means any deviation from instructions, requirements or prohibitions of pesticide product labeling concerning storage, handling or use except:

- (a) A decrease in dosage rate per unit treated;
- (b) A decrease in the concentration of the mixture applied;
- (c) Application at a frequency less than specified;
- (d) Use to control a target pest not listed, provided the application is to a commodity/site that is listed and the use of the product against the unnamed target pest is not expressly prohibited;
- (e) Employing a method of application not expressly prohibited, provided other directions are followed;
- (f) Mixing with another pesticide or with a fertilizer, unless such mixture is expressly prohibited;
- (g) An increase in the concentration of the mixture applied, provided it corresponds with the current published UC Pest Management Guidelines of the University of California, which are available from their Statewide Integrated Pest Management Program, 2801 Second Street, Davis, California 95681-7774, or on-line at <http://www.ipm.ucdavis.edu>; or
- (h) The use of personal protective equipment consistent with the exceptions and substitutions in section 6738.4.

“Continuous monitoring” means the measurement of the air concentration of a specific pesticide on an uninterrupted, real-time basis by instrumental methods.

“Course” means any course, class, or program offered by a provider of continuing education approved pursuant to section 6512.

“Coverall” means a one- or two-piece garment of closely woven fabric or equivalent that covers the entire body, except the head, hands, and feet, and must be provided by the employer as personal protective equipment. Coverall differs from, and should not be confused with, work clothing that can be required to be provided by the employee.

“Crack and crevice treatment” means the application of small amounts of insecticide directly into cracks and crevices in which insects hide or through which they may enter the building. Examples are openings occurring at expansion joints, between different elements of construction, and between equipment and floors. Only minimal amounts of pesticide should remain on the surface.

“Display” means to make information available to the employee so that he or she may readily see and read the document, during normal business hours, without having to make a specific request of any person. An employee shall not be hindered or impeded from examining documents required to be displayed. This definition does not preclude using a binder or filing cabinet, that otherwise meets these criteria, to contain documents for display.

“Dormant insecticide” means petroleum distillates, petroleum hydrocarbons, unclassified petroleum oils with the addition of other insecticides - or other insecticides used alone – that are used for pest control and applied to deciduous plants.

“Dormant oil” means petroleum distillates, petroleum hydrocarbons, unclassified petroleum oils, and mineral oils that are used for pest control and applied to deciduous plants.

“Early entry” means entry into a treated field or other area after the pesticide application is complete, but before the restricted entry interval or other restrictions on entry for that pesticide have expired.

“Employee” means any person who, for any kind of compensation, performs work, services, or activities covered by this division.

“Employer” means any person who exercises primary direction and control over the work, services, or activities of an employee. A foreman, crew leader, supervisor, or similarly situated person represents the employer when hiring an employee or when exercising, or having responsibility for exercising, the primary direction and control, but is not considered the employer himself or herself.

“Enclosed cab” means a chemical resistant barrier that completely surrounds the occupant(s) of the cab and prevents dermal contact with pesticides being applied outside of the cab.

“Enclosed Space” means a space enclosed, entirely or in part, with a nonporous covering of sufficient size to permit entry, and is used in the commercial or research production of an agricultural plant commodity. This includes greenhouses, polyhouses, mushroom houses, hoop houses, and similar structures.

“Engineered rights-of-way” means areas within a ground water protection area that are constructed in a way that results in increased runoff and collection of storm water, such as railroad ballasts and berms, public roadsides, and highway median strips or similar areas, but not canal or ditch banks or utility lines.

“Evapotranspiration” is the combination of water transpired from vegetation and evaporated from the soil and plant surfaces. Evapotranspiration data can be obtained from the California Irrigation Management Information System (CIMIS) or other local sources.

“Examination” means written examination.

“Feasible” means capable of being accomplished in a successful manner, within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

“Feasible alternatives” means other chemical or non-chemical procedures which can reasonably accomplish the same pest control function with comparable effectiveness and reliability, taking into account economic, environmental, social, and technological factors and timeliness of control.

“Feasible mitigation measure” means a condition attached to the approval of an activity which, if implemented, would substantially reduce any adverse impact, taking into account economic, environmental, social, and technological factors and timeliness of control.

“Field” means any area (including enclosed space) upon which one or more agricultural plant commodities (including forest and nursery products) are grown for commercial or research production. Field does not include range or pasture harvested by grazing animals.

“Field capacity” is the amount of water remaining in soil when the downward water flow due to gravity becomes negligible.

“Fieldworker” means any person who, for any kind of compensation, performs cultural activities in a field. Fieldworker does not include persons performing tasks as a crop advisor, including field checking or scouting, making observations of the well being of the plants, or taking samples, nor does it include local, state, or federal officials performing inspection, sampling, or other similar official duties.

“Filter or air purifying element” means a component used in respirators to remove solid or liquid aerosols from the inspired air.

“Filtering facepiece (dust mask)” means a negative pressure particulate respirator with a filter as an integral part of the facepiece or with the entire facepiece composed of the filtering medium.

“Fumiscope”® is a monitoring instrument that measures the concentration of methyl bromide inside a structure in ounces per 1,000 cubic feet. (The analytical detection limit of a Fumiscope® is 250 parts per million [ppm]).

“Ground-based application equipment” means equipment such as:

- (a) Hand sprayers;
- (b) Backpack sprayers;
- (c) Air-blast sprayers;
- (d) Field soil injection equipment;
- (e) Dusters;
- (f) Drills;
- (g) Granular applicators; or
- (h) Ground-rig sprayers.

“Ground water protection area” means an area of land that has been determined by the Director to be vulnerable to the movement of pesticides to ground water, as identified in the Department of Pesticide Regulation document EH03-05 (Est. 08/03), hereby incorporated by reference, entitled "Ground Water Protection Areas," in Appendix I. The determination of a ground water protection area is based on factors, such as soil type, climate, and depth to the ground water, that are characteristic of areas where legally applied pesticides or their breakdown products have been detected and verified in ground water.

“Hand labor” means any cultural activity, performed by hand or with hand tools, that causes substantial contact with surfaces (such as plants or soil) that may have pesticide residues. These activities include: hand harvesting, detasseling, thinning, hand weeding, topping, planting, sucker removal, pruning, disbudding, roguing, and packing produce into containers in the field. Hand labor does not include: operating, moving, or repairing irrigation equipment or performing the duties of a crop advisor, field checker, or scout, making observations of the well being of the plants, or taking samples.

“Handle” means mixing, loading, transferring, applying (including chemigation), or assisting with the application (including flagging) of pesticides, maintaining, servicing, repairing, cleaning, or handling equipment used in these activities that may contain residues, working with opened (including emptied but not rinsed) containers of pesticides, adjusting, repairing, or removing treatment site coverings, incorporating (mechanical or watered-in) pesticides into the soil, entering a treated area during any application or before the inhalation exposure level listed on pesticide product labeling has been reached or greenhouse ventilation criteria have been met, or performing the duties of a crop advisor, including field checking or scouting, making observations of the well-being of the plants, or taking samples during an application or any restricted entry interval or entry restricted period listed on pesticide product labeling or other handling activities specified by the label. Handle does not include inspection, sampling, or other similar official duties performed by local, state, or federal officials.

“Veterinarian” means a person licensed to practice veterinary medicine in California.

“Volatile organic compound (VOC)” means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, that participates in atmospheric photochemical reactions. This includes any organic compound other than those exempted by the U.S. Environmental Protection Agency pursuant to Title 40 of the Code of Federal Regulations section 51.100.

“Weed oil” means a pesticide, the label of which states that the product may be used, by itself, to control weeds, and which contains 70% or more of the following active ingredients: petroleum hydrocarbons, mineral oil, petroleum oil, petroleum distillates, and/or aromatic petroleum distillates.

“Work clothing” means garments such as: long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, and socks. Work clothing is not considered personal protective equipment although pesticide product labeling or regulations may require specific work clothing during some activities. Work clothing differs from and should not be confused with a coverall. While coveralls shall be provided by the employer, work clothing can be required to be provided by the employee. Short sleeved shirts and short pants are considered acceptable work clothing only under conditions expressly permitted by pesticide product labeling.

“Worker housing area” means any place or area of land on or near an agricultural establishment where housing or space for housing is provided for workers or handlers by an agricultural employer, owner, labor contractor, or any other person responsible for the recruitment or employment of agricultural workers.

NOTE: Authority cited: Sections 11456, 11502, 12111, 12781, 12976, 12981, 13145, 14001 and 14005, Food and Agricultural Code.
Reference: Sections 11401.2, 11408, 11410, 11501, 11701, 11702(b), 11704, 11708(a), 12042(f), 12103, 12971, 12972, 12973, 12980, 12981, 13145, 13146 and 14006, Food and Agricultural Code.

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