

## KERN COUNTY HERBICIDE APPLICATION DRIFT PREVENTION CONDITIONS

Under authority granted to the Commissioner by Food and Agriculture Code Section 14006.6 (a), the Commissioner may require a permit for the agricultural use of non-restricted materials if use of these materials presents an undue hazard when used under local conditions. The following conditions are permit requirements and have been developed by the agricultural industry and the Commissioner to reduce the number of reports of loss submitted by growers to the Agricultural Commissioner's Office due to herbicide damage.

### **Location and Time Period of Conditions:**

The following conditions apply between January 1 and **May 31** within the area of Kern County lying west of State Highway 99 and south of State Highway 119 (Taft Highway).

### **Herbicides Conditioned:**

These conditions apply to all of the following herbicide applications (ground or air) except those exempted below (See Note):

2, 4-D\* (Weedar®, Envy®, Dri-Clean®)\*  
2, 4-DB\* (Butyrac®)\*  
2, 4-DP\*  
Bromoxynil (Buctril®)  
Carfentrazone (Shark®)  
Dicamba\* (Banvel®, Clarity®)\*  
Flumioxazin (Chateau®)  
Glyphosate (Roundup®, Glyfos®, Touchdown®)  
MCPA\*  
Oxyfluorfen (Goal®)  
Paraquat\* (Gramoxone®, Firestorm®, Parazone®)\*  
Propanil\*  
Pyraflufen (ET®, Venue®)

\* The herbicides designated above with an asterisk (\*) are California Restricted Materials (3CCR 6400) and require a California Restricted Materials Permit for possession and use in all areas of the county throughout the entire year. Other Permit Conditions for these California Restricted Materials still apply.

**Note:** Applications made with the use of hand held equipment (i.e. backpack sprayer, hand wand equipment, etc.), applications using shielded boom sprayers, electrostatic sprayers, applications made through chemigation and applications to right of ways (roadsides, ditch banks, fence lines, etc.) are exempt from these Kern County Herbicide Drift Prevention Conditions; however, all other existing laws, regulations, label

statements and permit conditions (for use of California Restricted Materials) shall remain in effect.

**Conditions for All Applications (ground or air):**

1. The herbicides listed above must be included on the grower's Restricted Materials Permit prior to their purchase and use.
2. A notice of intent (NOI) shall be submitted at least 48 hours prior to the proposed application of any of the herbicides listed above in accordance with the California Code of Regulations Section 6434.
3. A written recommendation made by a pest control advisor or grower who has attended a training approved by the Commissioner on drift prevention or who has gone over drift prevention information in person at the time of permit issuance or county registration shall be submitted with the NOI. The recommendation (or map attached to the recommendation) shall identify all susceptible crops located within **one half (1/2) mile** of the proposed treatment site.
4. All applications must be supervised by a certified applicator who attended a training approved by the Commissioner on drift prevention or who has gone over drift prevention information in person at the time of permit issuance or county registration.
5. No application may begin prior to one (1) hour after sunrise and must be completed one (1) hour before sunset.
6. No application may take place within an inversion.
7. All applications must take place with a minimum wind speed of 3 mph and not more than 10 mph as measured from a height of 4 feet above the ground. The applicator shall record wind speed and direction prior to and at least every hour during the application. These wind speed and direction records shall be retained by the applicator with the pesticide use records (CCR 6624) and made available to the Commissioner upon request.
8. Ground applications within ¼ mile of a susceptible crop belonging to any person other than the owner of the property being treated and all aerial applications shall employ a smoke column. The smoke column, vertically oriented, or other method or device satisfactory to the commissioner at the time and place of application shall indicate to the applicator any temperature inversions and the direction and velocity of air flow. Any use of smoke must be in accordance with any applicable local air pollution rules.
9. No pesticide application shall be made or continued if the material is unable to be confined to the target area.

### **Additional Aircraft Application Conditions:**

- 1. No aerial applications of these herbicides shall be made by air between January 1 and *May 31* unless expressly granted by the Agricultural Commissioner. *Waivers may be granted on a case by case basis according to the needs and justifications given by the applicant.***
2. Each pilot and aerial pest control business who applies these materials must attend a training approved by the Commissioner on drift prevention.
3. For the duration of any application of these herbicides, the aerial applicator must have an individual on the ground at the site of the application that monitors conditions and has the ability to waive off the application in the event that conditions are unfavorable for proper application.
4. For fixed-wing aircraft, application nozzles shall span no more than 67% of the wing span.
5. For rotary-winged aircraft, application nozzles shall span no more than 75% of the rotor length.
6. Aircraft nozzles shall be equipped with orifices directed backward parallel to the horizontal axis of the aircraft in flight.
7. Each individual nozzle shall be equipped with a check valve and the flow controlled by a suck-back device or a boom pressure release device; or each individual nozzle shall be controlled by a positive shutoff system.
8. Spray material shall not be discharged at a height of more than ten (10) feet above the crop or target.