

**RESPONSIBILITIES OF AGRICULTURAL PEST CONTROL PILOTS 2012**  
Tulare County Agricultural Commissioner/Sealer

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Food and Agricultural Code: Aircraft Operation Regulation

11901. It is unlawful for any person to operate any aircraft in pest control unless the pilot operating the aircraft holds a valid pest control aircraft pilot's certificate issued by the director and an appropriate and valid commercial pilot's certificate and a current appropriate medical certificate issued by the Federal Aviation Administration.

11909. It is unlawful for the holder of an apprentice certificate to conduct pest control activities unless such activities are conducted under the direct and personal supervision of a person that holds a journeyman's certificate.

Food and Agricultural Code: Recommendations and Usage

12972. The use of any pesticide by any person shall be in such a manner as to prevent substantial drift to nontarget areas.

12973. The use of any pesticide shall not conflict with labeling ... which is delivered with the pesticide or with any additional limitations applicable to the conditions of any permit issued by the director or commissioner.

California Code of Regulations:

**6000. Definitions.**

"Substantial Drift" means the quantity of pesticide outside of the area treated is greater than that which would have resulted had the applicator used due care. This definition is applicable to section 12972 of the Food and Agricultural Code and section 6614 of title 3, California Code of Regulations.

**6460. Drift Control.**

Unless expressly authorized by permit ... no liquid Dicamba, 2,4-D, 2,4-DB, 24DP, MCPA, or Propanil herbicide shall be:

- (a) Discharged more than ten feet above the crop or target. Discharge shall be shut off whenever it is necessary to raise the equipment over obstacles such as trees or poles.
- (b) Applied when the wind velocity is more than ten miles per hour.
- (c) *Applied by aircraft except as follows:*
  - (1) The flow of liquid to aircraft nozzles shall be controlled by a positive shutoff system as follows:
    - (A) Each individual nozzle shall be equipped with a check valve and the flow controlled by a suckback device or a boom pressure release device; or
    - (B) Each individual nozzle shall be equipped with a positive action valve.
  - (2) Aircraft nozzles shall not be equipped with any device or mechanism which would cause a sheet, cone, fan, or similar type dispersion of the discharged material

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except as otherwise provided.

- (3) Aircraft boom pressure shall not exceed 40 pounds per square inch.
- (4) Aircraft nozzles shall be equipped with orifices directed backward parallel to the horizontal axis of the aircraft in flight.
- (5) Fixed wing aircraft and helicopters operating in excess of 60 miles per hour shall be equipped with jet nozzle having an orifice of not less than 1/16 inch in diameter.
- (6) Helicopters operating at 60 miles per hour or less shall be equipped with:
  - (A) Nozzles having an orifice not less than 1/16 inch in diameter. A number 46 (or equivalent) or larger whirlplate may be used; or
  - (B) The Microfoil (R) boom (a coordinated spray system including airfoil-shaped nozzles with each orifice not less than 0.013 inches in diameter) or equivalent type approved by the director. Orifices shall be directed backward parallel to the horizontal axis of the aircraft in flight.

### 6464(c)(5-10). PHENOXY & OTHER HERBICIDES - Regulations Explained

*Effected Herbicides:* 2,4-D, 2,4-DB, 2,4-DP, MCPA, Dicamba, and Propanil.

*Effected Period:* March 16 and continuing through October 15 of each calendar year.

*Effected Area:* All of Tulare County lying west of a line drawn southeasterly from the northwest corner of Township 15 south, Range 25 east on the Fresno-Tulare County line to the southeast corner of Township 17 south, Range 27 east; thence due south along said east boundary of Range 27 east to the Kern County boundary line.

#### **Restrictions:**

1. The commissioner may require that any application be made only under his direct supervision.
2. No application shall be made on any area situated within 2 miles of any cultivated commercial vineyard or cotton planting belonging to any person other than the owner of the property being treated -- unless there is a continuous air flow away from such planting -- but in no case shall any application be made within 1/2 mile of such plantings. (*This restriction does not apply to dicamba and propanil*).
3. When used below 1,000 feet elevation a *smoke column or other device* satisfactory to the commissioner shall be employed at the time and place of *air applications* to indicate to the pilot of the aircraft temperature inversions and the direction and velocity of the air flow. Unless expressly authorized by permit *no herbicide in an ester form shall be applied*.

#### **Other Phenoxy Herbicide Restrictions:**

Between March 16 and March 31 no application shall be made by aircraft, nor shall any aircraft be loaded- (*commissioner may set earlier date per FAC section 14006.6(a)*). (*This restriction does not apply to dicamba and propanil*)

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### 6466. **Paraquat**

The aerial application of paraquat for preplant or preemergence weed control shall be made only in accordance with the following restrictions:

(a) Jet nozzles having an orifice of not less than 1/16 inch in diameter shall be used with such orifices directed backward parallel to the horizontal axis of the aircraft in flight. A number 46 (or equivalent) or larger whirlplate may be used.

(b) Boom pressure shall not exceed 40 pounds per square inch.

(c) Spray material shall not be discharged at a height of more than ten (10) feet above the crop or target.

(d) Wind velocity shall not exceed 10 miles per hour.

### 6470. **Cotton Harvest Aids.** (In Part)

DEF, Folex, or paraquat when used as cotton harvest aids, singly or in combination, shall be used only in accordance with the following restrictions:

(a) (1) Closed systems .. shall be used for all mixing and transfers conducted by an employee.

(b) (1) Jet nozzles having an orifice of not less than 1/16 inch in diameter shall be used on aircraft with such orifices directed backward parallel to the horizontal axis of the aircraft in flight. A number 46 (or equivalent) or larger whirlplate may be used.

(2) Aircraft nozzles shall not be equipped with any device or mechanism which would cause a sheet, fan, cone, or similar type dispersion of the discharged material.

(3) Aircraft boom pressure shall not exceed 40 pounds per square inch.

(4) These cotton harvest aids shall be applied by aircraft only in combination with a viscoelastic thickening agent or other drift control agent approved and effective for such purposes by the Director of the Department of Food and Agriculture.

(5) Except for the requirements of paragraph (4), this subsection does not apply to helicopters equipped with a Microfoil (R) boom operated at air speeds below 60 miles per hour.

### 6614. **Protection of Persons, Animals, and Property.**

(a) An applicator prior to and while applying a pesticide shall evaluate the equipment to be used, meteorological conditions, the property to be treated and surrounding properties to determine the likelihood of harm or damage.

(b) Notwithstanding that substantial drift will be prevented, no pesticide application shall be made or continued when:

(1) There is a reasonable hazard of contamination of the bodies or clothing of persons not involved in the application process;

(2) There is a reasonable possibility of damage to nontarget crops, animals or other public or private property; or

(3) There is a reasonable possibility of contamination of nontarget public or private property, including the creation of a health hazard, preventing normal use of such property. In determining

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a health hazard, the amount and toxicity of the pesticide, the type and uses of the property and related factors shall be considered.

**6540. Apprentice Pilot Supervision.**

The journeyman pilot responsible for supervision of an apprentice pilot shall be aware of the conditions at the application site and be available to direct and control the manner in which applications are made by the apprentice. The availability of the journeyman shall be directly related to the actual or potential hazard of the situation.

**6542. Registration.**

(a) Each pest control aircraft pilot who registers as an apprentice pilot in any county shall include on the registration form the name of the journeyman pilot responsible for providing supervision of the pest control activities of such apprentice. The journeyman pilot named on the apprentice's registration must be currently registered with that county.

(b) The apprentice pilot shall immediately notify the commissioner and amend the registration in the event the journeyman pilot named on the apprentice's registration is no longer able to provide such apprentice with supervision.

**6544. Pesticide Handling by Pilots**

Pilots who operate pest control aircraft shall not transfer, mix or load liquid category one or two pesticides containing organophosphates or carbamates unless a closed system is used.

**6636. Accident Reports.**

Each person engaged for hire in the business of pest control shall report to the commissioner as soon as practicable, by the most expedient methods, any forced landing, or emergency or accidental release of pesticides. Such report shall include the location, the pesticide and estimated amount.