



DATE: November 19, 2020

TO: San Joaquin County Restricted Materials Permit Applicants

FROM: Tim Pelican, Agricultural Commissioner/Sealer

SUBJECT: **ALTERNATIVES CONSIDERED FOR RESTRICTED MATERIALS PERMITS**

Dear San Joaquin County Growers and PCA's,

Statewide, county agricultural commissioners have received clarification from the California Department of Pesticide Regulation on the requirements of the California Environmental Quality Act (CEQA) as it relates to the restricted materials permitting process. As we enter into the 2021 pesticide permit season, I would like to update you on the existing requirements for obtaining your new or renewed restricted materials permit.

The consideration of other alternatives to restricted materials has always been a requirement of the CEQA process and, as a result, the permitting process. The California Code of Regulations (Title 3 CCR, section 6426), requires all permit applicants (growers) and pest control advisers to consider and use feasible alternatives before applying for any restricted material, and a restricted material permit, with the county agricultural commissioner.

What's a feasible alternative?: A feasible alternative is defined as, "Other chemical or non-chemical procedure 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." (Title 3 CCR, section 6000).

What does this mean to you?: To comply with both CEQA and the California Code of Regulations (Title 3 CCR, section 6426) requirements, documentation of the feasible alternatives considered by a grower and/or pest control adviser is required for each restricted material listed on a restricted material permit. Starting immediately with all 2021 pesticide permit applications, you must provide our office documentation that you have considered feasible alternatives for each restricted material (pesticide) that you request be placed on your permit.

How do I do that?: An "Alternatives Worksheet" is available to document the feasible alternatives you considered for each restricted material you request on your permit. To help provide you guidance in completing the form, please refer to the "Alternatives Worksheet Applicant Information and Instructions" document. Our office will consider the information you provided on feasible alternatives and mitigation measures in its independent review of your permit application, per Title 3, CCR section 6432.

We understand this new requirement may create an added workload for you; therefore, we pledge to work with you to ensure you can continue to protect your crops while maintaining full compliance with California's pesticide laws and regulations. Please contact our office at (209) 953-6000 with questions.



Alternatives Worksheet Applicant Information & Instructions

Title 3 of the California Code of Regulations (CCR), section 6426 requires a permit applicant (grower) and their pest control adviser to consider feasible alternatives to the use of restricted materials before applying for a restricted material permit with the county agricultural commissioner (CAC). This section provides:

6426 (a) *Each licensed agricultural pest control adviser and grower, when determining if and when to use a pesticide that requires a permit, shall consider, and if feasible, adopt any reasonable, effective and practical mitigation measure or use any feasible alternative which would substantially lessen any significant adverse impact on the environment.*

The consideration of alternatives to restricted materials during the permit process fulfills one of the requirements of the California Environmental Quality Act (CEQA) (Pub. Resources Code, §§ 21000 et seq.; 21080.5.) To document compliance, we are asking you, the permit applicant, to identify the alternative pest management practices (feasible alternatives) that you considered before submitting your restricted material permit application.

A feasible alternative is defined in Title 3, CCR section 6000 as:

6000 *Other chemical or non-chemical procedure 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.*

Therefore, when determining the feasibility of alternatives you should consider the following:

- a. Effectiveness (consider: broad control vs. selectivity, allowable applications per season, delivery mechanism, etc.)
- b. Reliability (consider: weather effects, resistance development, effects of other species such as argentine ants when attempting to control mealybugs, etc.)

And you should take into account the following:

- a. Economic Factors (consider: cost-benefit of application, quality metrics, harvest timing, trade restrictions, etc.)
- b. Environmental Factors (consider: how alternative could avoid or substantially lessen any significant environmental effect)
- c. Social Factors (consider: nearby buildings or institutions, availability of labor and PPE, likeliness of drift, etc.)

- d. Technological Factors (consider: delivery mechanism, type of sprayer available, acreage and topography, automation, etc.)

The CAC will consider the information you provided above in its independent review of your permit application and in the CAC's consideration of feasible alternatives and mitigation measures, per Title 3, CCR section 6432. That section provides:

6432 (a) *Each commissioner, prior to issuing any permit to use a pesticide and when evaluating a notice of intent, shall determine if a substantial adverse environmental impact may result from the use of such pesticide. If the commissioner determines that a substantial adverse environmental impact will likely occur from the use of the pesticide, the commissioner shall determine if there is a feasible alternative, including the alternative of no pesticide application, or feasible mitigation measure that would substantially reduce the adverse impact. If the commissioner determines that there is a feasible alternative or feasible mitigation measure which significantly reduces the environmental impact, the permit or intended pesticide application shall be denied or conditioned on the utilization of the mitigation measure.*

As noted above, the CAC must consider alternatives to the pesticide application, including a no project alternative of denying or postponing the requested application. The CAC may select this alternative if the CAC determines that there are no feasible mitigation measures that are capable of avoiding or minimizing any potentially substantial adverse impact of the pesticide application. The CAC may also condition permit approval on the inclusion of additional specific and binding permit conditions in order to lessen or avoid any potentially substantial adverse impacts of the pesticide application.

Where can I get further assistance in filling out the Alternatives Worksheet and describing the alternatives that I considered? As noted above, your pest control advisor is required to certify that all feasible alternatives have been considered, and so may have a list of alternatives that he or she considered for your review and assistance in completing in the Alternatives Worksheet. The University of California also maintains a list of Integrated Pest Management (IPM) practices at <http://ipm.ucanr.edu/>, which describes alternatives to using restricted use materials in the management of pests in multiple settings (including home, garden, turf, landscape, agricultural and natural environment).

(November 2020)



Alternatives Considered - Restricted Materials Permit

Permit Number: _____
Permittee Name: _____
Agent Name & Title: _____
Telephone Number: _____

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Please complete the following, and include this information with your restricted material permit application. This information is necessary in order for your application to be deemed complete. The CAC’s office will not process incomplete permit applications. For each restricted material requested, please list the feasible alternatives that you considered before applying for a restricted material permit, including:

1. Non-chemical pest management practice alternatives such as, but not limited to, hand weeding or mowing; orchard floor sanitation to remove mummy nuts or berries; timing pruning to minimize chance of fungal infection; or trapping, habitat modification, and use of predators for rodent control. **[Attach additional pages if necessary].**
 More than one restricted material -see attached multi-material review form(s).

2. Reduced risk chemical alternatives such as, but not limited to, non- restricted pesticide products, certified organic or FIFRA section 25(b) exempt/minimum risk pesticide products. **[Attach additional pages if necessary].**
 More than one restricted material -see attached multi-material review form(s).

Alternatives Considered - Restricted Materials Permit
(Continued)

MULTI-MATERIAL REVIEW FORM

Page _____ of _____

Permit Number: _____

Permittee Name: _____

Restricted Material	Code on Permit	Non-chemical pest management practice alternatives considered.	Reduced risk chemical alternatives considered.