



December 27, 2023

Notice of New Restrictions on the Sale and Use of Pesticide Products Containing Diphacinone

Effective January 1, 2024, under amended California Food and Agricultural Code (FAC) section 12978.7, most uses of rodenticides containing the the active ingredient diphacinone are prohibited and most diphacinone products are required to be sold to end users by Department of Pesticide Regulation (DPR) licensed pest control dealers.

Requirements for Product Sales:

The following will apply to the sale of most pesticide products containing diphacinone:

- Diphacinone is considered a restricted material for all prohibited uses under amended FAC section 12978.7. This means diphacinone products labeled for one or more prohibited use can only be sold to an end user by a DPR-licensed pest control dealer.
- Retailers, including online retailers, who are not a DPR-licensed pest control dealer, are prohibited from selling diphacinone products labeled for one or more prohibited uses. Retailers with existing stocks of diphacinone products labeled for one or more prohibited use, who are not a DPR-licensed pest control dealer, must remove the diphacinone products from being offered for sale. Contact your distributor or registrant to find out if they will take back the products.

To determine if a licensed pest control dealer can sell a diphacinone product to an end user, the licensed dealer must determine if the applicable regulatory requirements can be met prior to selling or delivering the product. This is especially important for diphacinone product labels that contain both prohibited and allowed uses. Dealers must determine whether a prospective purchaser's stated intent for the use is allowed under the amended FAC section 12978.7 and the stated intended use site is on the product labeling to ensure sale can be made without a restricted materials permit.

Prohibited Uses:

Under amended FAC section 12978.7, most uses of diphacinone are prohibited. For example, residential or home uses and most industrial and institutional uses are prohibited. This includes use in and around restaurants that do not have a winery or brewery attached, grocery stores, airports, offices, construction sites, ports and terminal buildings, shipyards, timber yards, schools, shopping malls, sewers, and sewage treatment plants. In addition, many non-production agricultural uses, such as cemeteries, golf courses, parks, highways, and railroads, are also prohibited. As stated above, any diphacinone product labeled for a prohibited use may only be sold to an end user by a DPR-licensed pest control dealer.

Allowed Uses:

Amended FAC section 12978.7 allows continued use of diphacinone for specified users and uses.

Allowed users include:

- Vector Control Technician employed by a vector control district or other government agency.
- Government agency employees protecting water supply infrastructure and facilities, such as wells, surface-water intakes, dams, reservoirs, storage tanks, drinking-water facilities, pipes, and aqueducts.

Allowed uses include:

- Use by mosquito or vector control districts.
- Eradication of non-native invasive species on offshore islands.
- If the Department of Fish and Wildlife determines the use is required to control or eradicate an invasive rodent population for the protection of threatened or endangered species or their habitats.
- To control actual or potential infestations associated with an urgent, non-routine public health need declared by the State Public Health Officer or a local public health officer.
- For research authorized by DPR to provide information for DPR's SGAR or diphacinone reevaluations.
- At medical waste generators as defined in the Health and Safety Code section 117705, such as the following examples:
 - Medical, dental, and veterinary offices, clinics, hospitals, surgery centers, etc.
 - Pet shops; and
 - Trauma scene waste management practitioners.
- At Federal Drug Administration (FDA) registered and inspected facilities involved in commercial manufacture, preparation, compounding, etc., of drugs.
- On agricultural sites producing any horticultural, viticultural, aquacultural, forestry, dairy, livestock, poultry, bee, or farm product.
- At other noted sites, specifically:
 - A warehouse used to store food for human or animal consumption;
 - A food manufacturing or processing plant, such as a slaughterhouse or cannery;
 - A factory, brewery, or winery;
- On-farm water storage and conveyance facilities to protect on-farm water supply systems, facilities, and related infrastructure. This includes on-farm areas such as waterways, irrigation canals, levies, dams, ponds, reservoirs, wells, water tanks, irrigation pumps and pump houses, and drip tape or other irrigation lines outside of farm fields.
- On-farm storage housing rights-of-way and other transportation infrastructure materials to protect on-farm transportation infrastructure. This includes on-farm areas such as driveways (including driveways to barns and houses), farm or ranch roads (such as along farm fields), and bridge or culvert embankments.

If you have any questions regarding diphacinone restrictions, please contact the Department of Pesticide Regulation's Enforcement Branch at 916-324-4100 or Ashley Fitzwater at Ashley.Fitzwater@cdpr.ca.gov