



Top Ten Pesticide Violations of 2022

2022 Violations

- ▶ The Department of Pesticide Regulation (DPR) suggests reviewing this presentation of common violations and the current pesticide laws and regulations to help ensure you are in compliance:
 - Laws are found in Divisions 6 and 7 of the Food and Agricultural Code (FAC)
 - Regulations are found in Title 3 of the California Code of Regulations (3 CCR)
- ▶ This list is in order from the least common (#10) to the most common (#1) violations

Important Terms



"GROWER" is short hand for "operator of the property applying pesticides for the research or commercial production of an agricultural plant commodity".



"DISPLAY" is to make required information available to an employee so the employee may readily see and read the document during normal business hours, without having to make request of any person and without being hindered or impeded.



"TREATED FIELD" is a field (or enclosed space, such as a greenhouse) that either has been treated with a pesticide or had a restricted entry interval or entry restricted period in effect within the last 30 days.

#10

**3CCR §6602:
Availability of
Labeling**





3CCR §6602

- Each pesticide application must have at the use site a copy of the registered labeling covering the use.
- When the pesticide is being used according to supplemental instructions, this includes:
 - Labeling booklets
 - Supplemental labeling
 - Special Local Need (SLN) Section 24(c) labeling

#9
3 CCR §6734:
Handler
Decontamination
Facilities






3 CCR §6734

- When employees apply pesticides for the production of an agricultural commodity, the employer must provide:
 - Soap*
 - Three (3) gallons of clean water per handler at the start of the work day
 - Single use towels*
 - Extra clean coveralls

* Hand sanitizing gels or liquids and wet towelettes do not meet this requirement



3 CCR §6734 Continued. . .

- For these handlers, the decontamination site must
 - Be located at the mixing and loading site, AND not more than $\frac{1}{4}$ mile away from other handlers. Multiple decontamination sites may be necessary, or applicators may need to carry decontamination supplies.
 - Not be in an area being treated or under a restricted entry interval (REI) unless certain precautions are taken.
 - Employees must be notified of the location(s) of the decontamination facilities prior to handling pesticides
- 

3 CCR §6734 Continued. . .



- For these employees, employers must provide emergency eye flush if protective eyewear is required by labeling, including:
 - 1 pint of water for emergency eye flush must be immediately available to each applicator (carried by the applicator or on the application vehicle)
 - At the mix and load site*, there must be an emergency eye flush station able to gently rinse the eye for 15 minutes.

*Eye flush must also be at the mixing/loading site if a closed mixing system is used.

#8

3 CCR §6626 and §6627

Pesticide Use Reports for Production
Agriculture and Monthly Summary
Pesticide Use Reports



3 CCR §§ 6626 & 6627: Pesticide Use Reporting

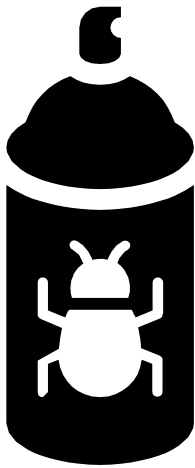
- When pesticides are applied to produce crops (including fruit, nuts, grains, vegetables, nursery stock, cut flowers, and sod), the applicator must report detailed information on their pesticide use to the CAC.
 - Growers must report pesticide use by the 10th of the following month.
 - PCBs must report pesticide use within 7 days of application and send a copy to the grower within 30 days of completion.
- For all other uses (e.g., rights-of-way, ditch banks, golf courses, parks, commodity fumigations) the applicator must report a summary of pesticide use to the CAC by the 10th of the following month.
- If the report is mailed, the postmark shall be the date of delivery.



#7

3 CCR §6724 (b-e)
Handler Training

“Handling a pesticide” means:



- Mixing, loading, transferring, applying (including chemigation) or assisting with the application (including flagging) of pesticides.
- Maintaining, servicing, repairing, cleaning, or handling equipment that may contain pesticide residues.
- Working with opened (including emptied but not rinsed) containers of pesticides.
- Adjusting, repairing, or removing treatment site coverings.
- Incorporating (by mechanical or watered-in means) pesticides into the soil

“Handling a pesticide” definition continued. . .

- 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.
- Performing the duties of a crop advisor, including field checking or scouting, making observations of the well-being of plants, or taking samples during an application or any restricted entry interval or entry restricted period listed on pesticide product labeling.
- Other handling activities specified by the label.





3 CCR §6724 (b-e)

- Training must cover all required topics and pesticides handled.
- Training must be in a manner the employee can understand.
- Training must be at a locations reasonably free from distraction and the trainer(s) must be present throughout the presentation.
- Training must be updated to cover any new pesticides handled.
- Trainings must be recorded and be verified by employee's signature.
- Employers must keep records for 2 years and provide them to employees upon request.

#6

3 CCR §6761

Hazard Communication for
Field Workers



3 CCR §6761



Pesticide Safety Rules For Farmworkers

The pesticide label, your training, and this leaflet, tell you about pesticide dangers at work. Your employer must know and help you learn about the pesticides used where you work, and how to protect yourself. Pesticides are chemicals that are used to control unwanted insects, weeds, and plant diseases.

EMPLOYERS: This is the hazard communication leaflet for fieldworkers. Fill in the blank lines in this leaflet and display this handout where employees work in treated fields.

FERTILIZERS ARE NOT PESTICIDES.

What training do I need?

You must be trained before working in fields where pesticides have been used recently. You must be trained every five years after that.

What does my training cover?

You must be told about:

1. Health effects
 - How pesticides can injure you or make you sick.
 - How you may feel or look if you get pesticides in or on you.
 - Ways pesticides can enter your body.
2. Pesticide safety
 - The places at your work where you might get pesticides in or on you.
 - First aid information and where to get emergency medical care.
 - Job safety information.



- The employer (grower or Farm Labor Contractor) is required to display a completed copy of the current Pesticide Safety Information Series (PSIS) A-9 leaflet:
 - At the worksite or a central location where employees start their day
 - At all permanent decontamination facilities
 - Decontamination facilities servicing 11 or more fieldworkers
- Any changes to the medical information must be updated within 24 hours of the change.
- Upon request the employer must read the PSIS A-9 in a language the employee can understand.

3 CCR §6761 continued. . .

- The grower must maintain pesticide use records and SDSs for pesticides that have been applied to the field within the last 2 years for each pesticide at a central location accessible to the grower or FLC employees.
- The grower must inform employees (or the FLC who then must inform their employees) of the location of the records before the employees enter a treated field.
- If the record location changes, the employer (grower or FLC) must promptly notify employees of the change.
- Employees, their physicians and their authorized representatives have the right to access any record, document, or information the grower or FLC is required to maintain under California's pesticide regulations.
- Employees are protected from discharge or discrimination for exercising their rights.

#5

3 CCR §6761.1

Application-Specific
Information for Fieldworkers



3 CCR §6761.1

- The grower must display application-specific information (ASI) at a central location detailing:
 - The crop or site treated and identification of the treated field;
 - The date(s) and time(s) the application started and ended;
 - Restricted entry interval (REI);
 - Product name(s), U.S. EPA registration number(s), and active ingredient(s);
 - A copy of the Safety Data Sheet(s) for the applied pesticide(s); and
 - Spray adjuvant product name(s) and California registration number(s) if applicable.



APPLICATION-SPECIFIC INFORMATION

(Pesticide Application Information)

LOCATION (SITE / LOT)	CROP	DATE	APPLICATION TIME		PESTICIDES	U.S. EPA Reg. No.	REI	ACTIVE INGREDIENTS
			START	END				
02 1-32	STRAWBERRIES	7-15-17	10:00 A.M.	3:00 P.M.	Switch 63.5 WG	100 953	12 HRS	CYPRODINIL / FLUDIOXANIL
					CORAGEN	352 729	4 HRS	CHLORANTRANILIPROLE
					MAXI-CAL	EX EMPT		
					WIPERS PRO MAX	734704-50061		ORGANIC SILICONE

3 CCR §6761.1 continued. . .

- The grower must display the ASI when they receive notice of a completed application and before any fieldworkers are allowed to enter the treated field.
- A specific description of the location of the application-specific information must be included on or attached to the PSIS A-9 leaflet (must also be displayed).
- The ASI must stay displayed until the field no longer meets the definition of a treated field or workers will no longer be on the employer's property.



3 CCR

§6761.1

Continued. . .

- The information required by this section must be retained for two years.
- The original or copies of documents otherwise required to be maintained by this chapter may be used to meet the requirements of this section, provided they contain the information required by this section.

#4
FAC §11732
Registration in
County





FAC §11732


- ▶ Anyone who intends to advertise, solicit, or operate as a pest control business in California must be registered annually with the County Agricultural Commissioner (CAC) in each county they do business in.
- ▶ For a list of CACs and their contact information, please visit www.cdfa.ca.gov/exec/county/county_map

FAC §11732

Continued. . .

- Registration shall be in the form prescribed by the commissioner and shall show the following information:
 - Name and address of pest control business
 - Number and kind of units to be operated in the county
 - Type of pests that are intended to be controlled
 - Any other information the commissioner may require.

Pest Control Business County Registration Form		State of California Department of Pesticide Regulation Pest Management And Licensing Branch
For Registration in the County of:		Registration Expiration Date: December 31,
Business Name:		Business License Number:
		Email:
Business Address:		Business Location: Main _____ Branch _____
City:	Zip Code:	Telephone Number:
Qualified Applicator's Name:		
Address:		
City:	Zip Code:	Telephone Number:
Restricted Material(s) Possession Permit Number: _____ <small>No restricted material(s) may be possessed except in accordance with any attached conditions. This is not a permit to apply.</small>		
Condition(s) Attached: Yes _____ No _____		Qualified Applicator's Signature: Date:
Registration Card:		Additional Information/Comments:
Holding County's Address:		Registration Fee Received: \$
		Cash _____ Check # _____
		Agriculture Commissioner's Signature:
		Date:



#3
3 CCR §6726
Emergency Medical
Care



3 CCR §6726

- Emergency medical care for employees handling pesticides must be planned in advance.
- The name, address, and phone number of the medical facility must be posted at the work site or work vehicle when the employee handles pesticides.

3 CCR §6726 Continued. . .


- If the employer suspects that an employee could have a pesticide related illness or exposure, the employee must be taken to medical care immediately.
- Be prepared to provide:
 - The SDS(s)
 - Product name(s), U.S. EPA registration number(s), and active ingredient(s).
 - Circumstances of application or use that may have resulted in exposure.



#2

3 CCR §6738

Personal Protective
Equipment

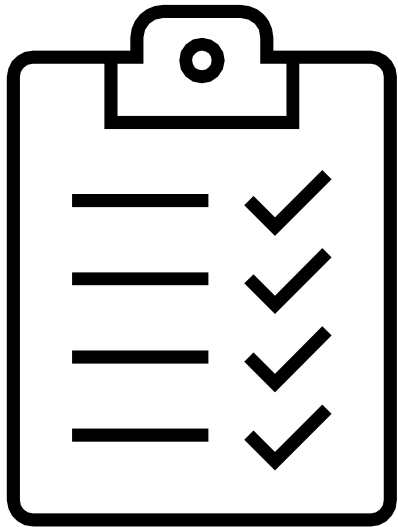


3 CCR §6738

- The employer is required to:
 - Provide all personal protective equipment (PPE) that is required on the pesticide labeling, regulation, and restricted material permit condition.
 - Provide for its daily inspection and cleaning*, and repair or replace any worn, damage, or heavily contaminated PPE.
 - Assure that all PPE not in use is kept separate from personal clothing and, in a clean pesticide-free designated area.

*Leather gloves used to apply aluminum phosphide or magnesium phosphide pesticides which have been aerated for 12 hours or more are considered clean.

3 CCR §6738 Continued. . .



- Assure that PPE is used correctly and for its intended purpose.
- Keep and wash contaminated PPE separately from personal clothing or laundry.
- Assure that all clean PPE is either dried thoroughly before being stored or is put in a well-ventilated place to dry.
- Assure that PPE does not leave the employer's property* and that employees do not take any uncleaned PPE into their homes.
- Assure that anyone who cleans, or repairs PPE is protected and informed.

- ▶ *Employee whose workday does not involve return to the employer's headquarters shall remove and store potentially contaminated PPE in a sealable container outside their own living quarters for later return to the employer.



*#1 most
common
violation
of 2022*

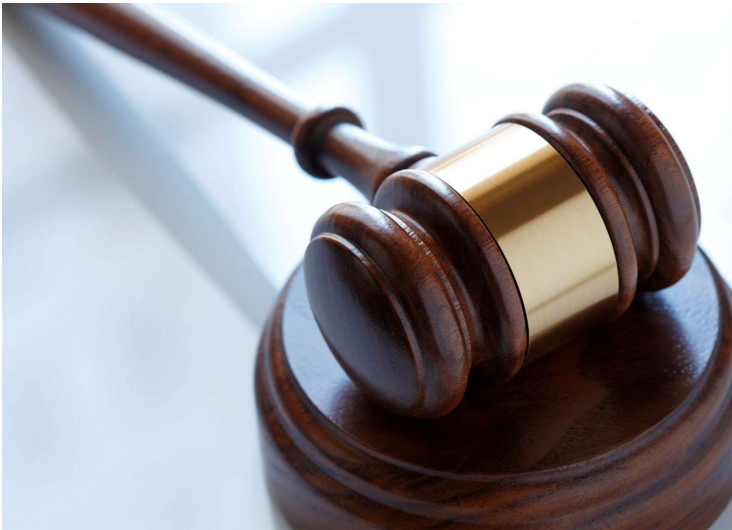
#1

FAC §12973

Labeling/Permit Conditions



FAC §12973



- The use of a pesticide shall not conflict with:
 - The registered labeling delivered with the pesticide, or
 - Any conditions of a restricted material permit issued by the commissioner.
- All pesticides registered with the U.S. EPA have the phrase, “It is a violation of Federal law to use this product in a manner inconsistent with its labeling”.

In other words, the label is the law.



Violations of FAC §12973

- Example 1: Not following the application requirements listed on the pesticide product label.
- Example 2: Applying a pesticide to a site or crop not listed on the pesticide product label.



Regulatory updates:

PAC Examinations and DPR Certifications

San Luis Obispo County Agricultural Commissioner


Presented by Laura Ramage
September 19, 2023

DPR Guided Changes

Overview of Key Changes

- Private Applicator Exam- NEW
 - PAC's Burrowing Vertebrate Pest Certificate Option
- Aligning Commercial Applicator Categories with Federal Categories
 - Creates New Fumigation Categories and Eliminates Some Existing Categories.

Private Applicator's Certificate

 California Department of
Pesticide Regulation
Pesticide Enforcement Branch

STATE OF CALIFORNIA

PRIVATE APPLICATOR CERTIFICATE

CERTIFICATE NUMBER	VALID THROUGH
PA - 40 - 901234	DEC. 31, 2024

NAME: Doe, John

ADDRESS: 123 Mulberry Hill
Center, CA 91234

Private Applicator Certificate Examination (initial)

- The revised 40 CFR Part 171 has expanded the competency standards for the private applicator certificate (PAC) examination (initial)
 - PAC (initial) examinations previously administered for certification do not meet the revised competency standards detailed in 40 CFR Part 171
- All PAC holders must meet the competency standards detailed in 40 CFR Part 171
- As a result, all existing PAC holders must take and pass a revised PAC (initial) examination, which includes the revised competencies, prior to the expiration of their certificate
 - Phased-in approach



Timeline – Compliance

January 1, 2024 – All Commercial Applicators in Compliance and 'R-Z' Private Applicators

January 1, 2025 – 'A-H' Private Applicators in Compliance

January 1, 2026 – 'I-Q' Private Applicators in Compliance

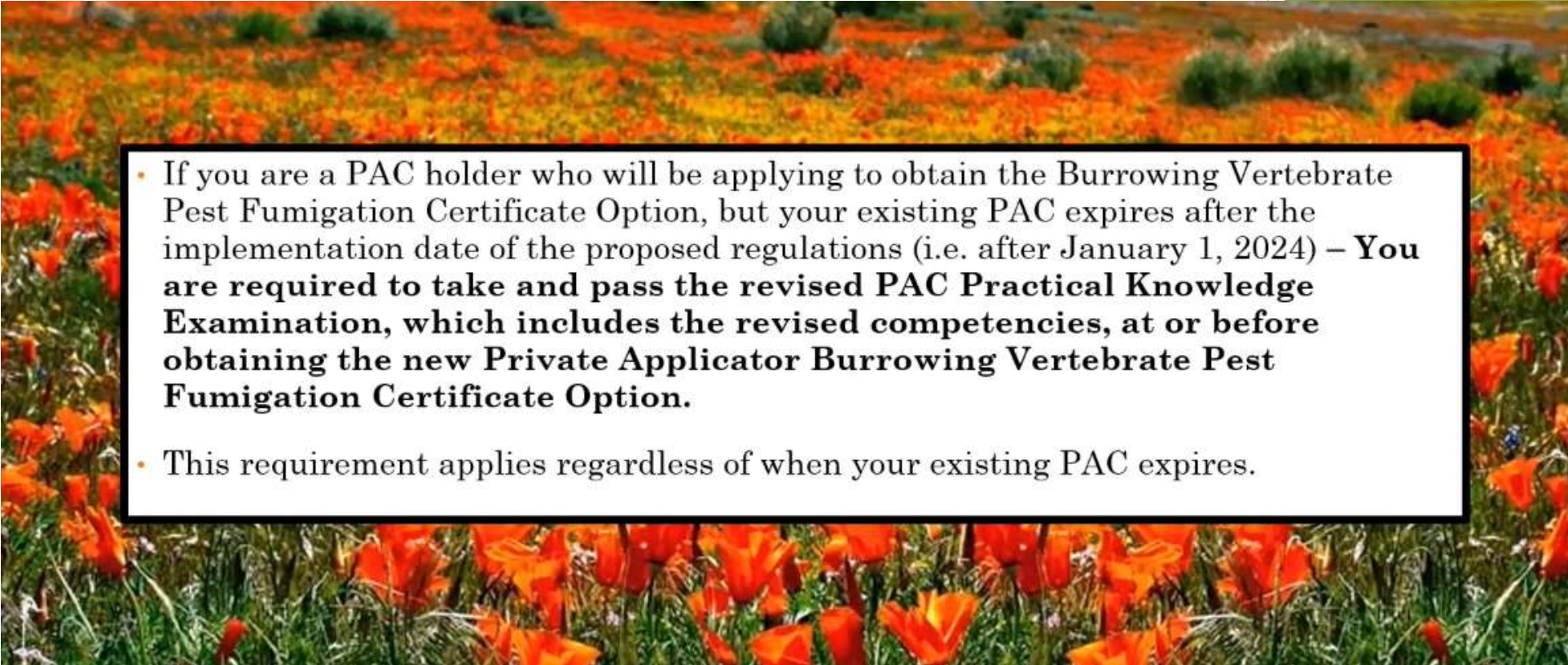
New Private Applicator Burrowing Vertebrate Pest Certificate Option



New Private Applicator Burrowing Vertebrate Pest Fumigation Certificate Option continued



- This certificate option allows PAC holders to use fumigants labeled for the control of burrowing vertebrate pests
- All other fumigant activities will require a private applicator to obtain a commercial applicator certification in the appropriate category(ies) (i.e. non-soil or soil fumigation)
- This ensures that individuals using fumigant products are knowledgeable in the safe and effective use of these hazardous products

- 
- If you are a PAC holder who will be applying to obtain the Burrowing Vertebrate Pest Fumigation Certificate Option, but your existing PAC expires after the implementation date of the proposed regulations (i.e. after January 1, 2024) – **You are required to take and pass the revised PAC Practical Knowledge Examination, which includes the revised competencies, at or before obtaining the new Private Applicator Burrowing Vertebrate Pest Fumigation Certificate Option.**
 - This requirement applies regardless of when your existing PAC expires.

Federal Categories for Commercial Applicators

- Agricultural Pest Control (Crop/Livestock)
- Forest Pest Control
- Ornamental and Turf Pest Control
- Seed Treatment
- Aquatic Pest Control
- Right-of-Way Pest Control
- Industrial, Institutional, and Structural Pest Control
- Public Health Pest Control
- Regulatory Pest Control
- Demonstration and Research
- Soil Fumigation
- Non-Soil Fumigation
- Aerial Pest Control



New Commercial Applicator Fumigant Categories





Elimination of Subcategories continued

Elimination of:

- Sewer Line Root Control (Subcategory N)
- Wood Preservation (Subcategory L)
- Anti-fouling Tributyltin (Subcategory M)
- Microbial Pest Control (Subcategory P)
- Field Fumigation (Subcategory O)

If you hold one or more of these subcategories, you will need to obtain the appropriate commercial applicator fumigant category and/or appropriate categories consistent with the revised regulations

The appropriate examinations to obtain the correct category(ies) must be taken by January 1, 2024 in order to remain in compliance upon the effective date of the regulations.



New Soil Fumigation Category

Category Description

New – Soil Fumigation (Category L)

- Perform pest control using a pesticide labeled as a fumigant to:
 - Control soil pests in sites including: fields, forests, golf courses, greenhouses, and individual tree or vine hole sites
 - Does not include the use of non-soil fumigant products





New Non-Soil Fumigation Category

Category Description

New – Non-Soil Fumigation (Category M)

- Perform pest control using a pesticide labeled as a fumigant to:
 - Fumigate enclosed areas including: tarpaulin-covered structures and commodities, vaults, chambers, greenhouses, vans, boxcars, ships, planes, and vehicles, containing:
 - Agricultural commodities for post-harvest fumigation; or
 - Nonfood/nonfeed materials including but not limited to: pallets; dunnage; furniture; burlap bags; planting medium, including potting soil and potting mix; and wine barrels and corks.
 - Fumigate pest burrows in sites including, but not limited to: fields, rights-of-way, ditches, landscaping, and equipment yards.
 - Fumigate sewer lines, in-service utility poles, or other fumigations not covered by the new Category L – Soil Fumigation.
- This category does not include structural pest control required to be licensed under Chapter 14 (commencing with Section 8500) of Division 3 of the Business and Professions Code.



Elimination of Subcategories Example continued

You are a commercial applicator who uses the fumigant sulfur dioxide to treat wine barrels and corks used in wine production. You also occasionally apply pesticides to shrubs and flowers in order to control ants in the landscape. You hold a Qualified Applicator Certificate (QAC) in Subcategory P – Microbial Pest Control and Category B – Landscape Maintenance.

What do you need to do to remain in compliance?

In order to remain in compliance with the revised regulatory requirements and continue conducting these pest control activities, you will need to:

- Take and pass the new commercial applicator Non-Soil Fumigation examination at or before January 1, 2024
 - This will allow you to continue treating wine barrels and corks using a fumigant product
 - Maintain through continuing education hours for your Category B (and new Category M) QAC certificate
-



Timeline – Big Picture



Clarifications?

Contact Alicia Scott at:

- Alicia.Scott@cdpr.ca.gov



For More Information

Call the County Agricultural Commissioner's Office Nearest You

- ▶ Templeton (805) 434-5950
- ▶ San Luis Obispo (805) 781-5910
- ▶ Arroyo Grande (805) 473-7090
- ▶ www.slocounty.ca.gov/agcomm

- ▶ Santa Maria (805) 934-6200
- ▶ Santa Barbara (805) 681-5600
- ▶ www.countyofsb.org/agcomm

- ▶ King City (831) 385-5266
- ▶ Marina (831) 883-7526
- ▶ Salinas (831) 759-7325
- ▶ Watsonville (831) 724-5025
- ▶ www.co.monterey.ca.us