

### **3. Labeling Available at Use Site 3CCR § 6602**

Scope: All registered pesticide uses.

Registered labeling covering the specific use must be available at the use site. Registered labeling includes relevant supplemental, Special Local Need [24(c)] labeling and Section 18 directions. Review the pesticide labeling to see what additional documents are required to be at the use sites. These documents may include the Chlorine Technical Manual, Technical Information Bulletin, or a handbook on the use of aluminum phosphide. Commercial advertising does not comply with the requirements of this regulation, even if it includes use directions.

Labeling at the use site must not differ in any material manner with the labeling registered by DPR. Differences in the directions, restrictions or precautions are not acceptable. Differences in format (i.e. specimen labeling, photocopies, CDs, or photographs) are not normally considered material unless the difference(s) could cause the pesticide to be used in a manner conflicting with the registered labeling or they create a false or misleading perception. If you suspect the labeling is inaccurate, refer the case to your DPR EBL for product compliance investigation.

Exemptions:

- If the mixing and loading site of ground applications is in close proximity to the application site, and personal, radio or phone contact is maintained, then it is permissible for labeling to be available only at the mixing and loading site. (guidance)
- For aerial applications it is permissible for labeling to be available only at the mixing and loading site when radio contact is maintained between the pilot, flaggers, and the mix/load site. (guidance)

### **4. Notice of Intent (NOI) Submitted 3CCR § 6434**

Scope: All agricultural use applications of a California restricted material that requires a permit.

NOIs are used primarily to fulfill the site and time specificity requirements of agricultural permits. They are a useful tool for prioritizing and locating applications to inspect.

The NOI may be submitted by the operator of the property, his authorized representative or licensed agricultural pest control adviser, or by a pest control business. Regardless of who submits the NOI for agricultural use, the operator of the property is ultimately responsible for submission.

Has an NOI been properly completed and submitted? Are any environmental changes noted? You will need to check this requirement at the office either before or after the inspection.

Exemptions: When all the information normally submitted on an NOI is already on the permit and a NOI is not required by the CAC, a NOI is not required.

## **5. Certified Applicator Supervision - Restricted Materials 3CCR § 6406**

Scope: California or federally restricted material(s) being handled by a non-certified applicator.

A certified applicator must be available to direct and control an application by a non-certified applicator. The availability of the certified applicator shall be directly related to the hazards of the handling activity. Is the certified applicator aware of conditions at the application site? Can the certified applicator stop the application when conditions (ex: weather, odor) warrant? Does the non-certified applicator have a way to contact the certified applicator if there is a problem?

Some labeling requires physical/visual presence of a certified applicator. Whenever activities requiring physical/visual presence are being conducted, the certified applicator must be physically located on the premises or contiguous parcel. Whenever a certified applicator is supervising one non-certified handler, the certified applicator must maintain an “in line of sight” visual standard. In situations where there are two or more non-certified handlers, the certified applicator and the non-certified handlers being supervised must be able to contact each other directly, at all times, during the handling activities that require physically present supervision. The ability to have immediate voice communication via radio, cell phone or other device is required. This does not include text messaging, computer generated voice paging, voicemail or any other device that does not provide immediate and direct human-to-human communication.

If all persons handling the restricted material are certified applicators, check this requirement as “N/A”. If the pesticide(s) being handled are not federal or California restricted materials, check this requirement as “N/A”.

Exemptions: None.

## **6. Complies with Permit Conditions FAC § 12973**

Scope: All applications of restricted materials with permit conditions.

Is the handler using the pesticide in compliance with any permit conditions issued by the commissioner? Review the restricted materials permit to see that its conditions are met. This may include any conditions required by a Section 18 or by certain 24(c) labeling. Observe and record details of the application so that they can be compared to the permit conditions on record.

Are applications of groundwater protection pesticides in compliance with permit conditions? See Requirement 31 and Appendix 4 for information on groundwater protection pesticides.

Exemptions: None.