Top 10 Agricultural Pesticide Use Violations of 2017
2017 Violations

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

- **Grower** is shorthand 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 a request of any person and without being hindered or impeded.

- **Treated Field** is a field (or enclosed space, such as a greenhouse) either treated with a pesticide or had a restricted entry interval or entry restricted period in effect within the last 30 days.
#10

3CCR Section 6724(b-e): Handler Training
Employees who handle pesticides must be trained prior to handling pesticides and retrained annually.

Training must cover all required topics and pesticides handled.

Training must be in a manner the employee can understand.

Training must be at a location 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 two years and provide them to employees upon request.
VIOLATIONS OF 3CCR §6724

Example 1:
Not updating employee training on a new pesticide handled.

Example 2:
Not training employees prior to them mixing, loading, or applying pesticides.
3CCR Section 6602: Availability of Labeling
Each pesticide use site must have 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, and
- Special Local Need (SLN) Section 24(c) labeling.
Violations of 3CCR §6602

Example 1:
Not having relevant Special Local Needs (SLN) labeling at the site when mixing, loading, or applying.

Example 2:
Not having the labeling booklet on-site when mixing, loading, or applying.
#8

3CCR Section 6734: Handler Decontamination Facilities
Required decontamination supplies for handlers include:

- Soap,*
- Three (3) gallons of clean water per handler at the start of the work day,
- Single use towels,* and
- Extra coveralls.

* Hand sanitizing gels or liquids and wet towelettes do not meet this requirement.
The decontamination site must:

- Be located at the mixing and loading site, AND not more than 1/4 mile away from other handlers. Multiple decontamination sites may be necessary, or applicators may need to carry decontamination supplies.

- Not be in the area being treated or under a Restricted Entry Interval (REI) unless certain precautions are taken.

Employees must be notified of the location(s) prior to handling pesticides.
Emergency eye flushing requirements when employees handle pesticides for the production of an agricultural commodity:

- If the labeling requires protective eyewear **during application**, 1 pint of water for emergency eye flush must be immediately available during (carried by the applicator or on the application vehicle);

- If the labeling requires protective eyewear or a closed mixing system is used, at the mix and load site, an emergency eye flush station able to gently rinse the eye for 15 minutes.
Violations of 3CCR §6734

Example 1:
A handler using a backpack sprayer and not carrying a pint of eyewash when the label requires eye protection.

Example 2:
Handlers using hand sanitizer instead of soap and water.
3CCR Section 6678: Service Container Labeling
3CCR §6678

All service containers are required to contain a label with the following:

1) Name and address of the person or company responsible for the container;
2) The identity of the pesticide in the container; and
3) The signal word “Danger,” “Warning,” or “Caution,” that corresponds with the precautionary statement on the original container.

Farmers on their own property are exempt from this requirement, unless they travel on public rights-of-way.
Violations of 3CCR §6678

Example 1:
Not including the signal word on a service container label.

Example 2:
Only putting the name of the pesticide on the service container.
#6

3CCR Section 6761: Hazard Communication for Fieldworkers
The employer (grower or Farm Labor Contractor [FLC]) is required to display a completed copy of the current Pesticide Safety Information Series (PSIS) A-9 leaflet:

- At the worksite,
- At all permanent decontamination facilities, and
- 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.
The grower must maintain pesticide use records and safety data sheets for each pesticide at a central location accessible to grower or FLC employees.

- The grower must inform his/her employees or the FLC (who then must inform his/her 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 immediately inform employees of the change.
3CCR §6761 (CONTINUED)

- 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.
VIOLATIONS OF 3CCR §6761

Example 1:
Not completing the required fields on the displayed PSIS A-9 leaflet.

Example 2:
No safety data sheets for the pesticides listed on the pesticide use records.
FAC SECTION 11732: REGISTRATION
Anyone who intends to advertise, solicit, or operate as a pest control business in California must be register 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: https://www.cdfa.ca.gov/exec/county/countymap/
Example:
Not registering with the county you intend to work prior to performing pest control activities.
#4

3CCR Section 6761.1: Application-Specific Information for Fieldworkers
The grower must display application-specific information (ASI) at a central location detailing:

- Crop/site treated and identification of the treated field;
- Start and end date(s) and time(s) of the application;
- Restricted entry interval (REI);
- Product name(s), U.S. EPA or California registration number(s), and active ingredient(s); and
- Safety Data Sheets for the applied pesticide(s) or spray adjuvant(s).
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.

The ASI must stay displayed until the field no longer meets the definition of a treated field.

The ASI (including SDSs) must be retained for two years.
VIOLATIONS OF 3CCR §6761.1

Example 1:
Not including the start and stop times, REI, or active ingredient in the displayed information.

Example 2:
Not displaying the ASI before fieldworkers work in a treated field.
#3

3CCR Section 6726: Emergency Medical Care
3CCR §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.
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 Safety Data Sheet(s),
- Product name(s), U.S. EPA registration number(s), and active ingredient(s), and
- Circumstances of application or use that may have resulted in exposure.
Example 1:
Not taking employees suspected of a pesticide illness to the doctor IMMEDIATELY.

Example 2:
Not posting the name, address, and phone number of the medical facility at the worksite or in the work vehicle before employees begin handling pesticides.
3CCR Section 6738: Personal Protective Equipment (PPE)
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, damaged, 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.
Assure that PPE is used correctly and for its intended purpose.

Keep and wash contaminated PPE separately from personal clothing or laundry.

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.
VIOLATIONS OF 3CCR §6738

Example 1:
Storing PPE in the same place pesticides are stored.

Example 2:
Not cleaning PPE and checking for wear after each use.
#1

FAC Section 12973: Comply With Labeling and Permit Conditions
The use of a pesticide shall not conflict with:

- Labeling registered with DPR delivered with the pesticide; or
- Any conditions of a restricted material permit issued by the commissioner.

All pesticides registered with 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 label-required buffer zone, setback distance, or vegetative buffer strip requirements.

Example 2:
Applying a pesticide to a site or crop not listed on the labeling.
For more information about California Laws and Regulations, please refer to DPR’s website at:

http://www.cdpr.ca.gov/docs/legbills/laws_regulations.htm

or contact your local County Agricultural Commissioner’s office.