TOP 10 PESTICIDE USE VIOLATIONS OF 2018
2018 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.
“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) 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
3 CCR §6724: 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 the 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

- Employer must have a written training program that describes the materials and information that will be provided and used to train employees, and identify the person or firm that will provide the 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 2 years and provide them to employees upon request.
Handler training must be provided by one of the following qualified individuals:

- A California certified commercial applicator
- A California certified private applicator
- A person holding a valid County Biologist License in Pesticide Regulation or Investigation and Environmental Monitoring issued by the Department of Food and Agriculture
- A University of California Extension Advisor
- A person who has completed an "instructor training" program presented by one of the following:
  - the University of California, Integrated Pest Management Program, or
  - other instructor training program approved by the Director
- A California licensed Agricultural Pest Control Adviser
- A California Registered Professional Forester, or
- Other trainer qualification approved by the Director
VIOLATIONS OF 3 CCR §6724

Example 1:
Not updating employee training before a new pesticide is handled

Example 2:
Not providing employees handler training before they work on or repair equipment previously used to apply pesticides
#9

3 CCR §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)
- Safety Data Sheets (SDSs) 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 (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.

The ASI (including SDSs) must be retained for 2 years.
VIOLATIONS OF 3 CCR §6761.1

Example 1:
Not including a specific description of the location of the application-specific information on the PSIS A-9 leaflet so that workers have unimpeded access

Example 2:
Not displaying the ASI before fieldworkers work in a treated field
#8

3 CCR §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 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 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.
Example 1:
Not retaining SDSs for the pesticides listed on the pesticide use records within the past 2 years

Example 2:
Not informing employees or the FLC of the location of the pesticide use records before the employees enter a treated field
#7
3 CCR §6734: Handler Decontamination Facilities
The employer must provide the following required decontamination supplies for handlers:

- 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
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 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...

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
VIOLATIONS OF 3 CCR §6734

Example 1:
Not having an emergency eye flush station able to gently rinse the eye for 15 minutes at the mix and load site, when protective eyewear is required by the pesticide labeling

Example 2:
Handlers using hand sanitizer for decontamination instead of soap and water
#6
3 CCR §6602: Availability of Labeling
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
VIOLATIONS OF 3 CCR §6602

Example 1:
Not having relevant SLN labeling at the site when mixing, loading, or applying

Example 2:
Not having the labeling booklets on-site when mixing, loading, or applying
#5
3 CCR §6678: Service Container Labeling
All service containers are required to contain a label with the following:

- Name and address of the person or company responsible for the container
- The identity of the pesticide in the container
- 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 3 CCR §6678

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

Example 2:
Not including the address of the company or person responsible for the container on the label
#4

FAC §11732: Registration
 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:

https://www.cdfa.ca.gov/exec/county/countymap/
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 as the commissioner may require
Example 1:
Performing pest control activities in a county before registering with the County Agricultural Commissioner (CAC)
#3
3 CCR §6726: Emergency Medical Care
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 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
VIOLATIONS OF 3 CCR §6726

Example 1:
Not taking employees suspected of a pesticide illness to the doctor IMMEDIATELY

Example 2:
Failure to post the handler emergency medical care information.
#2

3 CCR §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

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

*Employees whose work day does not involve return to the employer’s headquarters shall remove and store potentially contaminated overalls in a sealable container outside their own living quarters for later return to the employer
VIOLATIONS OF 3 CCR §6738

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

Example 2:
Employer not providing the proper PPE required by the labeling
#1
FAC §12973: Comply With Labeling and Permit Conditions
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 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 pesticide storage requirements listed on the labeling

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