TOP 10 PESTICIDE VIOLATIONS OF 2019
2019 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 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 §6602
Labeling Available at Use Site
3 CCR §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
Violations of 3 CCR §6602

**Example 1:** Not having a copy of the registered pesticide labeling covering the use at the use site of each pesticide application

**Example 2:** Not having the special local need (SLN) section 24(c) labeling when using the pesticide according to supplemental instructions
#9
3 CCR §6734
Handler Decontamination Facilities
The employer must provide the following 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
3 CCR §6734 continued...

- 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: Handlers using wet towelettes in place of soap and single use towels

Example 2: Not having a decontamination site at the mixing and loading site and within ¼ mile from other handlers
#8
3 CCR §6761
Hazard Communication for Fieldworkers
3 CCR §6761

- 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
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.
Violations of 3 CCR §6761

**Example 1:** Not updating medical information within 24 hours of the change

**Example 2:** Grower not informing employees of the location of the pesticide use records before they enter the treated fields
#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 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 (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 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
Violations of 3 CCR §6724 (b-e)

**Example 1:** Employer not including all pesticides to be handled in the training

**Example 2:** Employer not having records of trainings that occurred within the last 2 years
#6
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:
  - 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)
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- 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 retaining the ASI for the last 2 years

**Example 2:** Removing the ASI before the field no longer meets the definition of a treated field
#5

3 CCR §6678

Service Container Labeling
3 CCR §6678

- 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 the service container label

Example 2: Not including the name of the company or person responsible for the container on the label
Emergency Medical Care

3 CCR §6726

#4
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
Violations of 3 CCR §6726

**Example 1:** Not taking employees suspected of a pesticide illness to a medical care facility IMMEDIATELY

**Example 2:** Not having the SDS of a product readily available to provide to medical personnel
#3
FAC §11732
Registered 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: https://www.cdfa.ca.gov/exec/county/countymap
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
Violations of FAC §11732

**Example:** Performing pest control activities in a county before registering with the County Agricultural Commissioner
#2
3 CCR §6738
Personal Protective Equipment
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.
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

*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:** Not using PPE correctly and for its intended purpose

**Example 2:** Using damaged or contaminated PPE
#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 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
For more information about California Laws and Regulations, please refer to DPR's website or contact your local County Agricultural Commissioner's Office.