

Chapter 8: Structural Use Monitoring Inspection Report (PR-ENF-108)

Purpose

A Structural Use Monitoring Inspection is used to inspect Branch 2 and 3 structural pest control businesses during application, mixing and loading activities relating to the control of general household and wood destroying pests (other than fumigations). Your inspection should document whether or not the handler and employer are complying with pesticide labeling requirements, laws and regulations, training, worker safety and other regulatory requirements. You also determine whether the operator is mitigating any possible hazard to persons, non-target animals, crops, and property.

Mix/load inspections

Mix/load activities present increased potential for harm since that is when the concentrate is handled. Conduct a mixing and loading inspection in conjunction with your application inspection whenever possible. Identify the pesticide, determine specific labeling requirements, and to assess equipment in use to determine if it is safe for handlers and the environment.

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Structural Use Monitoring Inspection Report Requirements

1. Registered in County

FAC section 15204

Scope: All structural pest control companies registered with the Structural Pest Control Board (SPCB) and performing structural pest control in the county. This regulation applies to the use of all pesticides as well as non-pesticide methods of pest control.

Determine if the structural pest control company has registered with the agricultural commissioner prior to performing structural pest control for hire in your county. Review the company's records on file. Registration would cover the calendar year unless the structural pest control company's licensee specifies a shorter time. Any branch offices working in your county are listed on the registration.

Exemptions: None

2. Written Notice to Occupant

BPC section 8538

Scope: All applications of any pesticide by a registered structural pest control company.

The written notice must be provided to the owner, owner's agent, and tenant prior to the application.

- Posted in heavily frequented, highly visible areas such as mailboxes, the manager's apartment, all laundry rooms, or community rooms.
- In complexes with fewer than five units, each unit must be notified.
- First-class or electronic mail.
- In person.
- Commercial or industrial buildings, the notice shall be posted in a conspicuous place, unless the owner/owners agent objects.
- Pest control to be done within a tenant's unit requires that the tenant be notified directly. See 16CCR section 1970.42.
- If possible, interview the owner or occupant of the structure (house, apartment complex, etc.) and ask to review the written notice.
- Interview the licensee to determine if the notice has been provided.
- Contracts for periodic service, the notice may be given prior to the initial treatment unless there is a change in the pesticides.
- New tenants must be notified.
- Refer to BPC section 8538 for information required in the notice.

Exemptions: None.

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Structural Use Monitoring Inspection Report Requirements, Continued

3. Pesticide Post-Application Notice Requirements (Pesticide Disclosure Available)	Scope: Pesticide(s) applied by a licensed employee of a registered Branch 2 or 3 structural pest control company.
16CCR section 1970.42	When a licensed employee of a registered Branch 2 or 3 structural pest control company applies a pesticide, in addition to section 8538, they must provide a post-application notification immediately after the service when: • Applied around or to the exterior of a structure, • Applied within a unit of a multi-unit residential structure or, • Applied to the interior of a commercial, industrial, or single-unit residential structure, and must be provided in writing or when authorized may be provided electronically to the owner or owner's agent.

The post application notice may be a door hanger, invoice, billing statement, or other similar written document and must include:

- Brand or product name, or the active ingredient for each pesticide applied;
- Date of service; and
- Registered company's name, address, and telephone number.

With the exception for a multi-unit residential structure, when authorized the post-application notice may be provided to the owner or owner's agent electronically.

Mark "Yes" when:

- The post-application notice is posted immediately after the service.

Mark "No" when:

- The post-application notice is not posted immediately after the service.

Exemptions: None.

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Structural Use Monitoring Inspection Report Requirements, Continued

**4. Labeling
Available at
Use Site**

**3CCR section
6602**

Scope: Registered pesticide uses.

Registered labeling covering the specific use must be available at the use site. Registered labeling includes supplemental, Special Local Need 24(c), and Section 18 directions. Review labeling for additional documents required to be at the use site. Examples of additional required documents include technical manuals or technical information bulletins. 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, electronic, or photographs) are normally considered material accepted 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: None.

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Structural Use Monitoring Inspection Report Requirements, Continued

**5. Labeling –
Site / Rate /
Concentration /
Other**

**FAC section
12973**

Scope: All registered pesticide uses.

Is the pesticide being handled in compliance with the registered labeling requirements? A review of the labeling at the site is necessary to ensure the material is being used according to the labeling directions. For example, is the applicator following directions for a crack and crevice or a spot application using the appropriate equipment and not broadcasting the material over a larger area?

Crack and crevice applications:

If emulsifiable or oil-base sprays (including non-pressurized ready-to-use products) are used, equipment must be capable of delivering a pin stream of insecticide. If a pressurized spray is used, an injection or insertion tube must be used. If a dust is used, a bulbous duster or other suitable equipment capable of applying insecticide directly into cracks and crevices must be used.

Rate/Dose:

Double dosing two products with the same active ingredient (AI) may be prohibited by product labeling and would be a violation of FAC section 12973. The combination cannot result in an AI rate that exceeds the maximum rate allowed by the labeling of either product ([Compendium Volume 8, Chapter 2](#), illegal mixing of two pesticides with the same active ingredient). Similarly, sequential application of multiple products containing the same AI that exceeds the amount allowed in a specified time interval by the registered labeling is a use in conflict with the labeling ([Compendium Volume 8, Chapter 4](#), growing season).

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Structural Use Monitoring Inspection Report Requirements, Continued

5. Labeling – Site / Rate / Concentration / Other (continued)

NOTE: A decrease in dosage rate per unit treated is an exception from conflict with labeling. However, BPC section 1991(b) prohibits preconstruction application for subterranean termites at a rate less than that specified by the labeling.

FAC section 12973

“For Exterior Use Only” means to treat or apply only to exterior surfaces of structures such as window frames, doors, steps, or foundation sills. Although these structures may have both interior and exterior surfaces, the product can only be applied to the exterior surfaces. All surfaces within crawl spaces or attics are considered interior surfaces.

Exemptions: See 3CCR section 6000 definition of conflict with labeling for exceptions.

6. Labeling – Personal Protective Equipment (PPE)

FAC section 12973

Scope: All persons handling registered pesticides.

Labeling PPE requirements apply to both employees and employers. Review labeling at the site to determine PPE is required. Observe handlers to see if they are properly utilizing the labeling required PPE. If employees are not wearing required PPE, was PPE provided by the employer and is it available on site? Is the PPE in good condition and well fitted? Address violations for each piece of PPE separately in the “Remarks” section.

Labeling required PPE used by non-employees (owners, property operators and others) must meet the maintenance and storage standards listed in 3CCR section 6738. Although 3CCR section 6700 – 6795 apply only to employees, these standards are applicable to interpreting labeling requirements for non-employees as required in 3CCR section 6601, General Application of Standards. See page 6.

Exemptions: All substitutions and exemptions listed in 3CCR section 6738 et seq. including substitutions listed for closed systems and/or enclosed cabs in 3CCR section 6738.4. See [Compendium Volume 4 Appendix 1 Personal Protective Equipment](#).

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Structural Use Monitoring Inspection Report Requirements,

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7. Regulations Personal Protective Equipment (PPE)

3CCR section
6738

Scope: Employees handling any pesticide when:

- Required by labeling, regulation, or any permit conditions of any permit issued by the director or commissioner.
- Mixing or loading.
- Cleaning, adjusting, or repairing equipment.
- Applying using hand-held, vehicle-mounted, or towed equipment.

Check “NO” for this requirement if any employee is not wearing all of the PPE required by the regulations and the registered pesticide labeling. Document the exact nature and circumstances of the violation. When required, PPE must be worn throughout the handling process.

Respiratory PPE requirements are found in 3CCR section 6739 and covered by Requirement 10. If employee handlers are not wearing required PPE, determine and document if it was provided by the employer and is available on site. All PPE must be cleaned and inspected daily. Worn, damaged or heavily contaminated PPE must be replaced immediately. Check the condition of PPE and ask handlers what procedures they follow for cleaning and replacement.

See [Compendium Volume 4 Appendix 1 Personal Protective Equipment Requirements](#) for specific requirements and exemptions.

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Structural Use Monitoring Inspection Report Requirements, Continued

8. Respiratory Protection

3CCR section 6739

Scope:

- Employees when required by labeling, permit or regulation, or employer policy.
- When employees wear respiratory equipment.

Verify that employees have been provided and are using the appropriate type of respirator as identified on the labeling, permit or regulation. Verify that the equipment is being used properly and has been properly maintained. See information on respiratory protection in [Compendium Volume 4 Appendix 1 Personal Protective Equipment Requirements](#).

Labeling statements such as “Avoid breathing spray mist,” does not necessarily require use of a respirator. See [Compendium Volume 8 Chapter 3 Section 3.1 Avoidance Statements-General](#). for guidance.

Exemptions:

- When respirator use is allowed by the employer even though not required by labeling, permit or regulation, only certain parts of 3CCR section 6739 apply. (See voluntary respirator provisions in Appendix 1).
- Antimicrobial agents used as sanitizers, disinfectants or medical sterilants are exempt under the conditions of 3CCR section 6720.
- Consumer products see 3CCR section 6720(e).

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Structural Use Monitoring Inspection Report Requirements,

Continued

9. Handlers Trained

3CCR section 6724

Scope: Employees who handle pesticides.

Employees who are licensed by the SPCB as Operators or Field Representatives are considered trained for the purposes of this requirement.

Employees licensed by the SPCB as structural applicators (RA licenses) are not considered certified commercial applicators per 3CCR section 6000. These individuals must receive pesticide handler training from their employer.

Employers must train employees before they handle pesticides, update the training to cover new pesticides, and repeat training at least annually (12-month period) thereafter. Initial training may be waived if an employee submits a record showing the training has met the requirements of 3CCR section 6724, was received in the last year, and covers the pesticides and use situations applicable to the new employment situation. Handler training performed in other states does not meet all the 6724 requirements, due to the many unique aspects of California's pesticide safety program.

Observing the application can provide you with information about the employee's training. The following are some potential work practices to observe:

- Observe the employee is performing their handling task?
- Does the employee appear to have received adequate training? This includes being trained in the safe operation of pesticide equipment used for mixing, loading, transferring, or applying pesticides before using the equipment, and at least annually thereafter. Reference 3CCR section 6742(a).
- Does the employee follow the pesticide labeling directions?
- Does the employee utilize and correctly use the required PPE?
- Were all precautions taken before the commencement of the application?
- During the application, does the employee monitor for the presence of bystanders, changing environmental conditions, and application equipment malfunctions?

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Structural Use Monitoring Inspection Report Requirements, Continued

9. Handlers Trained (continued)

3CCR section 6724

- Interview the employee to determine who trained them.
 - Where was the training conducted?
 - When was the training provided?
 - What topics were covered?
 - Does the handler recall signing training records?
- If the employee is a noncertified applicator handling a restricted material, confirm the noncertified applicator knows how to identify a restricted material, what pesticide- and site-specific instructions the certified applicator provided for this application, and how the noncertified applicator can communicate with the certified applicator.

If the responses you receive or the behavior observed causes concern, perform a Headquarter and Employee Safety Inspection to verify if the employee received training, when, and what topics were covered. Consider issuing a cease and desist order for the use activity if unsafe conditions are observed.

See [Compendium Volume 4 Chapter 1 General Inspection Procedures Conducting the Inspection](#) “Talking to Employers and Employees”.

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Structural Use Monitoring Inspection Report Requirements, Continued

9. Handlers Trained (continued)

3CCR section 6724

Mark “YES” when:

- Employees handling pesticides are Operators or Field Representatives; or
- Interviewed employees stated they have received pesticide handler training and all employee(s) appear trained after observing their work practice; or.
- Training confirmed by a headquarters records inspection report.

Mark “No” when:

- Employee(s) state they have not received initial or annual pesticide handler training, or your observations suggest employee(s) have not received training. Perform a headquarter records inspection as soon after the inspection as possible to confirm the employee’s statement or your observation.

Mark “N/A” when:

- The handler(s) is not an employee (e.g., owner, owner family member, or another non-employee).

Exemptions:

- Antimicrobial agents used as sanitizers, disinfectants or medical sterilants are exempt provided the employer follows the conditions of 3CCRsection 6720.
- Consumer products see 3CCR section 6720(e).

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Structural Use Monitoring Inspection Report Requirements, Continued

10. Emergency Medical Care, Posting

3CCR section 6726

Scope: All employees handling any pesticide.

Employers are required to post in a prominent place at the work site or on the work vehicle, the name, address, and telephone number of a facility able to provide emergency medical care whenever employees will be handling pesticides. Including procedures to be followed to obtain emergency medical care in the case the identified medical facility is not reasonably accessible from that work location. The local poison control center's number or a supervisor's name with no additional information is inadequate as is the displaying of "9-1-1". Medical care information in an employee's wallet or in the glove compartment of the work vehicle does not meet the requirements of this regulation.

Exemptions:

- Antimicrobial agents used as sanitizers, disinfectants, or medical sterilants are exempt, see 3CCR section 6720
- Consumer products, see 3CCR section 6720(e)

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Structural Use Monitoring Inspection Report Requirements, Continued

11. Decontamination Facility “Danger / Warning” Scope: For all pesticides.
For non-agricultural and structural settings - employees handling pesticides with the signal word “DANGER” or “WARNING”.

3CCR section 6734

Contents:

- Sufficient water
- Sufficient soap
- Sufficient single use towels
- One clean change of coveralls

Decontamination facilities are not required on site if there was no mixing or loading of the pesticide at the site.

Location:

Non-production agriculture and non-agricultural settings:

- Within 100 feet of the mixing and loading site.

The water must be of a quality and temperature that will not cause illness or injury and be suitable for eye flushing. Water that contains debris or algae is not acceptable. The regulation states there must be sufficient water available at the site. U.S. EPA recommends at least 3 gallons of water be provided for each handler. The employer should check decontamination supplies periodically and replenish as necessary. Decontamination facilities must be separate from drinking water.

Waterless hand cleaners may be substituted for soap, but water must still be provided and used for decontamination. Hand sanitizer products are not acceptable.

Exemptions:

- Antimicrobial agents used as sanitizers, disinfectants or medical sterilants are exempt under the conditions of 3CCR section 6720.
- Consumer products see 3CCR section 6720(e).

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Structural Use Monitoring Inspection Report Requirements, Continued

12. Safe Equipment

Scope: Equipment used by employees to apply, mix, load, or transfer any pesticide.

3CCR section 6742

The employer must instruct employee(s) in the safe operation of pesticide equipment before using the equipment and at least annually. Ask the employee what training they have received from their employer on the equipment used to apply, mix, load, and or transfer pesticides.

The employer must ensure equipment used for mixing, loading, transferring, or applying pesticides is inspected daily before it is used, is in the operating condition intended by the manufacturer, and can be used without risk of effects to the employee, other persons, or the environment. Equipment with safety defects must be repaired or replaced before use.

Check if the spray tank valves, couplings and transfer hoses are in good condition and are not leaking.

An owner or operator (non-employee) mixing, loading, transferring, or applying pesticides is required to use pest control equipment that is in good repair and safe to operate. If they are using equipment that is not in good repair or safe to operate, the owner or operator would instead be cited for a violation of 3CCR section 6600(a). Add the section to the inspection form and describe in the “Requirement Details” or “Remarks” section of the report specifics of the violation. Explain how the pesticide equipment was not in good repair or safe to operate.

Proper Tank Cover 3CCR section 6742(c)(1)

When employees are using equipment to apply, mix, transfer, or load pesticides; all openings on tanks (including application equipment) must be equipped with covers to prevent splashes and spills.

Determine that all openings on tanks used for mixing, loading, or applying pesticides are equipped with covers that prevent spills.

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Structural Use Monitoring Inspection Report Requirements, Continued

12. Safe Equipment (continued)

3CCR section 6742

Liquid Pesticide Hose Shut-Off Valve 3CCR section 6742(c)(3)

Shut-off devices must be installed on the exit end of all hoses carrying liquid category one or two pesticides (pesticides with the signal word “DANGER” or “WARNING”) from mixing tanks that adequately prevent splashes onto the employee doing the loading when filling operations are stopped, and the hose is removed from the inlet to the tank of the application vehicle. An alternative to a shut-off device is a reverse action pump or similar that will empty the hose and will eliminate dripping of liquid from the end of the hose before uncoupling hose connections.

Sight Gauge on Tanks Greater Than 49 Gallons 3CCR section 6742(c)(4)

Tanks (including tanks on application equipment) with a capacity of more than 49 gallons used by employees to mix, load, or apply a liquid mixture derived from a pesticide with the toxicity category one or two (with the signal words “DANGER” or “WARNING”) must have:

- A properly functioning method to indicate externally the internal liquid level in the tank, such as a sight gauge; or
- The tank or the filler hose nozzle with a device that will automatically stop the filling operation before the pesticide liquid mixture spills over the top.

Protection of External Sight Gauges 3CCR section 6742(c)(5)

Some tanks on mixing or application equipment have sight gauge tubes which are external to the tank. External sight gauges must be protected from breakage and have valves so pipes or tubes connected to the sight gauge can be shut off.

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Structural Use Monitoring Inspection Report Requirements, Continued

12. Safe Equipment (continued)

3CCR section 6742

Mark “Yes” when equipment used by employees:

- Is in the operating condition intended by the manufacturer without risk of reasonably foreseeable adverse effects to the employee, other persons, or the environment, and the standards of 3CCR section 6742 have been met.

Mark “No” when equipment used by employees:

- Is not in good operating condition; there are leaks or spills which may create an adverse effect on the employee, other persons, or the environment; or
- Does not have tank covers, or
- External sight gauges are not equipped with valves so the pipe or tube connected to the sight gauge can be shut off; or
- When handling a pesticide with a with the toxicity categories one or two (with the signal words “DANGER” or “WARNING”) and:
 - There are flexible hoses under pressure passing unshielded through an aircraft cockpit.
 - Equipment does not have shut-off devices installed on the exit end of all hoses carrying liquid pesticides; a reverse action pump can be used as an alternative.
 - Tanks greater than 49 gallons do not have either a means to externally indicate the internal liquid level or a device to automatically stop the filling operation before the pesticide mixture spills over the top.

Mark “N/A” when:

- There are no employees involved in the use of any equipment used for mixing, loading, transferring, or applying a pesticide. If equipment is not in good repair and safe to operate, cite the owner or operator for a violation of 3CCR section 6600.

Exemptions:

- Consumer products see 3CCR section 6720(e).
- The handler is not an employee.

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Structural Use Monitoring Inspection Report Requirements, Continued

13. Coveralls “Warning / Danger”

3CCR section 6738.1(e)

Scope: Employees handling any “DANGER” or “WARNING” pesticides.

Employers must provide clean coveralls each day for employee handlers of pesticides with the signal word “DANGER” or “WARNING”. Ask the employee how often they are provided with clean coveralls. Coveralls are defined in 3CCR section 6000 as a one or two-piece garment of closely woven fabric or equivalent that covers the entire body except head, hands and feet. Most branch 2 and 3 businesses comply with this regulation by supplying their employees with two-piece uniforms (long sleeved shirt and long pants). Note that this differs from “work clothing” which does not have to be provided by the employer.

Ask the employee how often he or she is provided with clean coveralls/uniforms. The employer also must assure that employees do not take contaminated coveralls/uniforms home unless they are removed and stored in a sealable container outside the home.

If employees do not go to their employer’s headquarters at the end of their workday, the employee must:

- Take off the coveralls at work and put them in a sealable container.
- Store the sealable container outside of their living quarters.
- Return the coveralls to the employer for cleaning.

An employer may contract with an employee to launder coveralls or other PPE, but the employee must have separate equipment and facilities to launder these items and must not take contaminated PPE into their homes. See 3CCR section 6738(a) (6) and 3CCR section 6744.

Mark “N/A” if no pesticides with the signal word “DANGER” or “WARNING” are handled, or for a non-employee handler.

Exemptions:

- Vertebrate pest control baits, solid fumigants, insect monitoring traps or non-insecticidal lures. (3CCR section 6720)
- Antimicrobial agents used as sanitizers, disinfectants or medical sterilants are exempt under the conditions of 3CCR section 6720.
- Consumer products see 3CCR section 6720(e).

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Structural Use Monitoring Inspection Report Requirements, Continued

14. Certified Applicator Supervision - Restricted Materials

3CCR section 6406

Scope: Supervision of a noncertified applicator using a restricted material(s) specified in 3CCR section 6400, which includes California Restricted Materials or Restricted Use Pesticides.

A certified applicator can only provide direct supervision for the category, branch, or type of certification they possess, for example, certification as a structural Field Representative in Branch 3 or a qualified applicator certificate holder with a category for industrial use does not allow the individual to supervise an application of structural Branch 1 fumigation. When the certified applicator does not have the correct category, branch, or type for the use, also address your findings in Requirement 28 Certified Applicator Use Limitations 3CCR section 6404.

Noncertified applicator includes:

1. An employee trained to handle pesticides who is not a certified applicator,
2. A certified private or commercial applicator whose category(ies) or scope of certification are not applicable to the intended pesticide use, and
3. An individual certified by another state or jurisdiction who is not certified as a private or commercial applicator in California.

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Structural Use Monitoring Inspection Report Requirements, Continued

14. Certified Applicator Supervision - Restricted Materials (continued)

**3CCR section
6406**

The certified commercial applicator responsible for the supervision of the noncertified applicator using a restricted material must:

- Have practical knowledge of the pesticide labeling and of pesticide laws and regulations regarding the use of restricted materials by a noncertified applicator(s).
- Verify training records document training covered the restricted material(s) used and the use situation.
- Provide instruction to the noncertified applicator(s) for the specific application site and pesticide(s) used by the noncertified applicator in a manner the noncertified applicator can understand. These instructions must include at a minimum:
 - Pesticide product labeling directions, precautions, and requirements applicable to the specific use and use site; and
- How the characteristics of the use site and surrounding areas (e.g., surface and ground water, endangered species, local population) and the conditions of application (e.g., equipment, method of application, formulation) might increase or decrease the risk of adverse effects. Be physically present at the site when required by pesticide labeling or regulations.
- Be aware of conditions at the application site and be available to direct and control the manner in which the application is made by the noncertified applicator(s). For example, can the certified applicator stop the application when conditions (ex: weather, odor) warrant? Does the noncertified applicator have a way to directly contact the certified applicator when necessary?

Some labeling, laws, or regulations may require physical or visual presence of a certified applicator. When activities require physical or visual presence, the certified applicator must be physically located on the premises or contiguous parcel and be able to:

- Ensure the non-certified applicator is following the labeling directions,
- Provide guidance when the labeling is not clear, and
- Make changes in the procedures when the procedures are not being followed or there is an unusual situation.

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Structural Use Monitoring Inspection Report Requirements, Continued

14. Certified Applicator Supervision - Restricted Materials (continued)

3CCR section 6406

When the certified applicator must be physically present, a certified applicator supervising one noncertified applicator must maintain an “in line of sight” visual standard. If the certified applicator is supervising two or more noncertified applicators, the certified applicator and the noncertified applicators being supervised must be able to contact each other directly at all times.

Mark “Yes” when:

- A certified applicator is supervising the use of a restricted material by a noncertified applicator and the supervision standards of 3CCR section 6406 have been met.

Mark “No” when:

- There is no supervision of a noncertified applicator using a restricted material, or
- Other supervision standards of 3CCR section 6406 have not been met.

Mark “N/A when:

- No restricted materials are being used, or
- No restricted materials are handled by a noncertified applicator, as defined.

Exemptions: 3CCR section 6406(d):

1. Individuals supervising restricted material applications only on Tribal or Federal land certified by the Tribe or Federal agency responsible for that land under a U.S. EPA-approved certification plan.
2. Laboratory research involving restricted materials.
3. Doctors of Medicine or Veterinary Medicine.

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Structural Use Monitoring Inspection Report Requirements, Continued

15. Accurate Measurement

3CCR section 6604

Scope: Weighing or measuring any concentrate pesticides.

- Are pesticides being accurately weighed or measured?
- Are measuring devices calibrated to the smallest unit of the concentrate being used?
- Examples of inaccurate measurement would include estimating half a bag or part of a container.

Exemptions: Pesticides packaged and labeled as ready-to-use.

16. Protection of Persons / Animals / Property

3CCR section 6614

Scope: Application of any pesticide.

The applicator shall evaluate prior to and while making the application, the equipment, weather conditions, and both target and surrounding areas to determine the likelihood of damage or contamination.

- Does the applicator keep an eye out for individuals who are passing by?
- Look for animals, animal food trays, fishponds, or stored food at the treatment site.
- Is there a reasonable possibility of the contamination of persons not involved in the application?
- Is there a reasonable possibility of damage or contamination to non-target crops, animals (including bees), or property.

Exemptions: Public agencies or their contractors operating under a cooperative agreement with the Department of Public Health pursuant to section 116180 of the Health and Safety Code are exempt from the provisions of 3CCR section 6614(b)(1) if used in accordance with the registered labeling. (3CCR section 6620)

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Structural Use Monitoring Inspection Report Requirements, Continued

17. Backflow Prevention / Air gap

3CCR section 6610

Scope: All equipment; service rig (mix/load) and application equipment, that handles any pesticide and which draws water from an outside source.

All equipment must be equipped with a backflow prevention device when handling pesticides and drawing water directly from any outside source. (Overhead fill systems that maintain an air-gap are acceptable). An outside source is anything other than a separate nurse tank. Outside sources include wells, streams, ditches, lakes, ponds, and pipelines. The CAC should consult with the local water purveyor and county health department for additional approval criteria. If water drawn from an outside source was not observed, mark N/A.

The following are examples of devices that prevent backflow or reverse siphoning:

- Air-Gap Separation - A physical break between the supply line and the receiving vessel. (This is the only method that is accepted by all water and health agencies)
- Double Check Valve Assembly.
- Reduce Pressure Principle Backflow Prevention Device.
- Single check valve, vacuum relief valve and low pressure drain assembly.

See [Compendium Volume 4 Appendix 3 Backflow Prevention and Chemigation: Regulatory Requirements and Guidance](#) for information.

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Structural Use Monitoring Inspection Report Requirements, Continued

17. Backflow Prevention / Air gap (continued)

**3CCR section
6610**

Ask handlers to explain backflow systems that are unfamiliar or that appear inadequate. If during an application inspection you see equipment that appears to be in violation of this requirement (i.e., a ground rig with no air gap device), investigate further or perform a mix/load inspection to determine how the operation complies with this regulation. Violations can be documented in the mix/load column of this form.

Exception:

Generally application equipment of five gallon capacity or less, such as hand carried or backpack sprayers, need not be equipped with a mechanical backflow device due to the impracticality of attaching a backflow device to this type of equipment. An air-gap must be manually maintained when filling in order to prevent backflow into the outside source. The CAC may require a backflow device if there is concern that a manual air-gap is not being maintained when the equipment is filled from an outside source. (Guidance)

Exemptions: Nurse rigs when they only carry water to equipment.

18. Equipment Identified

**3CCR section
6630**

Scope: Vehicles or equipment (ground rig, service rig, and similar equipment used for mixing or applying pesticides) by an agricultural or structural pest control business.

All pest control businesses must identify equipment with markings readable at a distance of 25 feet. The identification must include either:

- Business name, or
- Pest control business license number and a statement such as “Licensed Pest Control Operator”, “Fumigation Division” or similar wording.

Exemptions: None.

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Structural Use Monitoring Inspection Report Requirements,

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19. Container Requirements

Scope: Storage and transportation of any container that holds or has held a registered pesticide.

3CCR section 6676

Verify pesticide containers carry the registrant's labeling and lids or closures are tightened.

Exemptions:

- Sanitizers, disinfectants, or medical sterilants. (3CCR section 6686)
- Measuring devices that are not used to store or transport a pesticide. (guidance)
- Service containers that are properly labeled do not need the registrants labeling. (3CCR section 6678)
- Containers that have been triple rinsed do not need to have lids.

20. Service Container Labeling

Scope: All containers, other than the manufacturer's labeled container, used to store or transport dilute or concentrated mixtures of registered pesticide.

3CCR section 6678

Determine whether the service container labeling is complete. If pesticides are loaded into application equipment on site and all of the pesticide mix is used during the application and the equipment is rinsed before the applicator leaves or transports the equipment, no service container labeling is required.

Service container labeling requires:

- Name and address of the person or firm responsible for the container.
- Identity of the pesticide in the service container.
- The signal word identified on the label.

The definition for service container may be found in FAC section 12757.5.

Examples of violations include containers with no labeling, incomplete labeling, or multiple label tags that do not accurately reflect the contents of the container.

Exemptions:

- Antimicrobial agents used as sanitizers, disinfectants or medical sterilants. (3CCR section 6686)

Continued on next page

Structural Use Monitoring Inspection Report Requirements, Continued

21. Proper Containers

3CCR section 6680

Scope: Pesticides being used, transported, or in storage.

If service containers or measuring devices are observed, examine them to assure that pesticides are not being placed in prohibited containers commonly used for food, drink or household products. Examples of improper storage containers include empty coffee cans, soda bottles or cans or cooking vessels.

Application of this regulation must recognize that both food products and pesticides are distributed in a wide variety of containers and some overlap is inevitable. This regulation does not prohibit end users from using generic plastic or glass bottles, plastic bags or similar containers (that have no identifiable food or beverage use labeling, ENF 2006-029) as service containers.

A common circumstance you may observe when performing this type of inspection is the storage and use of non-pesticide bait products such as peanut butter that are used for pest control. These products may be stored in the original or other generic containers if all food labeling has been removed and labeling such as “Bait” or similar labeling has been attached to the container. (See Requirement 24, Pesticide Handling / Use / Storage, also). If no containers are observed at the application and/or the mix/load site, check the “N/A” box.

Exemptions: None

Continued on next page

Structural Use Monitoring Inspection Report Requirements, Continued

22. Proper Pesticide Transport

3CCR section 6682

Scope: All pesticides transported in vehicles.

Persons should not be riding in the back of a truck used to transport pesticides. Violations of this regulation are often found in the storage box of the vehicle. Violations include pesticide containers not secured during transport, spillage of concentrates found in vehicles and storage of pesticides in the same compartment with food, feed or persons. Storage of PPE in the same box with pesticides is a violation of 3CCR section 6738(a). Posting of pesticide storage in vehicle utility boxes is not required unless they are used as a fixed storage site.

Verify that no pesticides are being transported in the cab. If you see pesticides stored in an unoccupied cab, question the handler or operator to determine if they are being transported in violation. Ask, “When did you put the pesticides in the cab?” Why did you put the pesticides in the cab?” Base your compliance determination on the responses you receive. (In some cases, primarily in structural settings, pesticides may be stored in the cab in order to keep them locked up while the handler is performing an application).

Exemptions:

- Sanitizers, disinfectants and medical sterilants. (3CCR section 6686)
- Outer containers that are not contaminated. (Guidance – based on 3CCR section 6686(c))

Continued on next page

Structural Use Monitoring Inspection Report Requirements, Continued

23. Containers Properly Rinsed

3CCR section 6684

Scope: Pesticide containers that have held less than 28 gallons of liquid pesticide concentrate that is diluted for use. (ENF 96-006)

Handlers must triple rinse and drain containers at the time of use. Handlers must add the rinsate to the mix tank and use rinsate in the application. Time of use means prior to the end of the mix/load operation. The definition of Use can be found in 3CCR section 6000. To be effective, the rinsing must be completed before the liquid pesticide has time to dry. If the mixer is putting many containers aside for rinsing at the end of the mix/load operation and you are unable to determine if these containers are being properly rinsed during your inspection, document the circumstances and check on the containers during the next Record/Storage inspection of the company. Suspect businesses should be reported to the local Environmental Health agency and/or the California Department of Toxic Substances Control. Failure to rinse is a violation under our jurisdiction. Collecting and/or holding unrinsed containers may be a violation under the jurisdiction of the local Environmental Health agency and/or the California Department of Toxic Substances Control.

Check empty containers for proper rinsing procedures. Puncturing the containers is recommended in order to allow for drainage and aeration. Unrinsed or improperly rinsed containers are considered hazardous waste and must be disposed as per Titles 22 and 23, California Code of Regulations. Contact the local Health Department or Regional Water Quality Control Board for more information.

Some concentrate pesticides have labeling that allows for undiluted use. These containers are not exempt from triple rinse requirements. If there are no containers on site or containers have not yet been rinsed, mark N/A.

Continued on next page

Structural Use Monitoring Inspection Report Requirements, Continued

23. Containers Properly Rinsed (continued)

**3CCR section
6684**

Exemptions:

- Sanitizers, disinfectants, and medical sterilants. (3CCR section 6686)
- Outer containers that are not contaminated. (3CCR section 6686)
- Returning containers to the registrant.
- Ready-to-use diluted pesticide containers.
- Containers labeled and used for home use when in the possession of a householder on his property. (3CCR section 6686)
- Aerosol containers are exempt from regulation as hazardous waste under the following conditions:
 - Aerosol containers emptied to the extent possible under normal use.
 - The aerosol containers are disposed after use in accordance with labeling instructions. (DHS guidance)

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Structural Use Monitoring Inspection Report Requirements, Continued

24. Pesticide Handling / Use / Storage

16CCR section 1983

Scope: Containers carrying or storing any pesticide.

This requirement should be checked “N/A” only if no containers are present at the inspection site.

Determine whether the applicator has control over pesticide containers and that they store and use them properly.

Verify that:

- Pesticide containers are labeled, stored, carried, or transported properly
- Handle service kits with extreme caution and prevent access to children and unauthorized persons. This includes non-pesticide bait products that are used with pesticides such as peanut butter. These products should be handled and stored as pesticides. (See Requirement 21, Proper Containers).
- Lock or attend pesticides stored on trucks.
- Remove or appropriately cover food, all utensils and equipment used in the preparation of food, and drugs to prevent pesticide contamination.
- Assure that areas where rodenticides and avicides are used are inaccessible to children and pets. Upon termination of a service, all rodenticides and avicides are removed.
- Do not use any oil-based insecticide near an open flame or active heater.
- Use tracking powders only at floor level or in such places as warrant their safe use.
- Label bait stations with the signal word from the labeling, the name of the pesticide and the name, address, and phone number of the structural pest control company. (An empty, locked, posted building that is in control of the registered company is considered a bait station.)
- When termite baiting contract is terminated, remove any toxicant used, excluding liquid termiticide.

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Structural Use Monitoring Inspection Report Requirements, Continued

24. Pesticide Handling / Use / Storage (continued)

16CCR section 1983

Equipment or containers that hold or held pesticides are attended or in a locked enclosure if they present a hazard to persons or property. The CAC has authority to take possession of unattended pesticide or containers that create a hazard (3CCR section 6670). If pesticides, containers, or equipment are not in a locked enclosure determine if responsible persons on site are adequately attending them. Factors include:

- The proximity of the containers to public access.
- The proximity of the attending person to the containers.
- The level of attention the attending person can provide.
- Are the containers near a road or trail?
- Are containers in plain view of the applicator?
- Could someone access the containers without the applicator's knowledge?

All containers larger than 55 gallons that contain liquid pesticide may be secured with a locked closure in lieu of storage in a locked enclosure.

A tank of dilute pesticides on a service vehicle must be locked while the applicator is away from the vehicle. Handheld sprayers containing dilute pesticide must be locked to the vehicle or similar immovable object or stored in a "lock box" if left unattended on a vehicle. This must be done in a way that does not present a hazard.

"Attended" means a responsible person in the vicinity at all times to maintain control over the pesticide to prevent contact by unauthorized persons. Adjacent to roadways or populated areas, the person must have pesticides in sight. See [Compendium Volume 8 Chapter 1 Section 1.14 Pesticide Storage](#).

"Enclosure" means a structure, a lockable storage compartment, a locked and fenced area, or a truck or trailer with side racks. The enclosure must prevent entry from all sides. If the enclosure does not have a roof, the sides must be a minimum height of six feet above the ground. See [Compendium Volume 8 Chapter 1 Section 1.14 Pesticide Storage](#).

If non-pesticide baits (for example peanut butter) are not locked or attended, address via 16CCR section 1983(c). See Requirement 22.

Exemptions: None.

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Structural Use Monitoring Inspection Report Requirements, Continued

25. Wellhead Protection

3CCR section 6609

Scope: Any person mixing or loading any pesticides within 100 feet of a well.

When applying, the following activities shall be prohibited within 100 feet of a well (including domestic, municipal, agricultural, dry or drainage, monitoring, or abandoned wells):

- Mixing, loading, and storage of pesticides.
- Rinsing of spray equipment or pesticide containers
- Maintenance of spray equipment that could result in spillage of pesticide residues on the soil.

Are wellheads protected from irrigation and rainfall runoff contacting any part of the wellhead by berms or other means?

Exemptions:

- Wells sited so that irrigation or rainfall runoff water does not move from the perimeter of the wellhead toward the wellhead and contact or collect around any part of the wellhead.
- Wells protected by berms that prevent movement of surface runoff water from the perimeter of the wellhead toward the wellhead.

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Structural Use Monitoring Inspection Report Requirements, Continued

**26. Suitable
Manner /
Climate**

**3CCR section
6600**

Scope: Use of any pesticide(s).

Pest control shall:

- Use equipment in good repair and safe to operate.
- Be performed in a careful and effective manner.
- Use equipment and methods to ensure proper application.
- Be performed under proper climatic conditions.
- Use precautions to avoid contamination of the environment.

When observing the application:

- Is the application safe?
- Are methods and equipment suitable (type of spray equipment, nozzle size and type, etc.)
- What is the wind speed and direction?
- Is the equipment in good repair and safe?
- Is the operator being careful and effective?
- Watch for labeling statements such as, “Do not treat soil that is water saturated or frozen.”, “Do not treat structures that contain cisterns or wells.”

Check “NO” for this requirement when the handler is using pesticides in a negligent or careless manner or creating a hazard that is not more specifically addressed by another law or regulation. Document the nature and circumstances of this violation fully and with sufficient detail in the “Remarks” section.

Exemptions: None.

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Structural Use Monitoring Inspection Report Requirements, Continued

27. Surface Water Protection in Outdoor Nonagricultural Settings

3CCR section 6970

Scope: Pest control business applications of pyrethroids listed in 3CCR section 6970 to outdoor nonagricultural sites.

Most applications of the listed pyrethroids may only be made to outdoor nonagricultural sites using the following methods in order to reduce surface water contamination: spot treatments, pin stream, or crack and crevice.

Broadcast applications may be made to permeable horizontal surfaces but not within two feet of impervious horizontal surfaces.

Perimeter band treatments to vertical surfaces such as walls, foundations and fencing are allowed up to two feet above grade level. Perimeter band treatments around buildings must not extend more than 3 feet from the base of the building.

No applications (except to the underside of eaves) may be made during precipitation, to standing water, within 25 feet of a down gradient aquatic habitat, or to any drainage system component.

Broadcast treatment of termiticides to preconstruction sites allowed when covering the treated soil with a waterproof cover or concrete prior to precipitation. Do not make these applications within 10 feet of a storm drain located down gradient from the application.

Exemptions:

- Injection into soil or structural materials, such as bricks, concrete, or wood. (3CCR section 6972(a))
- Post construction rod or trench termiticide application methods. (3CCR section 6972(b))
- Applications to below ground insect nests or nests made of mud or paper combs. (3CCR section 6972(c))
- Application of baits in weatherproof stations or gel baits. (3CCR section 6972(d))
- Applications to water in compliance with a NPDES permit. (3CCR section 6972(e))
- Application to the underside of eaves. (3CCR section 6972(f))
- Fogger or aerosol applications. (3CCR section 6972(g))

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Structural Use Monitoring Inspection Report Requirements, Continued

28. Certified Applicator Use Limitations

Scope: Certified applicators using a restricted material specified in 3CCR section 6400, which include California Restricted Materials and Restricted Use Pesticides.

3CCR section 6404

Certified applicators without the appropriate category or certification for the pesticide use are considered a noncertified applicator and must be supervised by a certified applicator (refer to 3CCR section 6404(b)) when using a Restricted Use Pesticide or a California restricted material.

Restricted materials must only be used by, or under, the direct supervision of a certified commercial applicator operating within the scope of the individual's certification. For example, certification as a structural Field Representative in Branch 3 does not permit the individual to supervise an application of structural Branch 1 fumigation.

A certified applicator's category, branch, or type must match the intended use, or the individual must operate under the direct supervision of someone whose categories and scope of certification match the intended use.

Mark "Yes" when:

- A certified applicator is using or supervising the use of a restricted material within the scope of their certification and their category, branch, or type is appropriate to the use.

Mark "No" when:

- The certified applicator does not have the correct certification or category, branch, or type.

Mark "N/A" when:

- No restricted materials are being used.
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