

Chapter 9: Pest Control Headquarters Records Inspection Report (PR-ENF-109)

Multi- inspection Report form

This records inspection report form contains four different types of inspections covering persons or firms that apply, sell, or recommend pesticides.

A./B. Headquarters and Employee Safety Inspection

Purpose

This inspection is to determine whether employers who have employees handling pesticides comply with applicable worker safety requirements and to determine compliance of growers (production plant agriculture) and pesticide users in “other” categories, (such as golf courses, schools, parks departments, etc.) Thorough record inspections can be effective in identifying and addressing weaknesses in an employer’s pesticide safety program.

Preparation

When you plan for a Headquarter and Employee Safety Inspection, you should review the operator’s permit and use monitoring and field worker safety inspections performed on the business since the last headquarter inspection. Note any documented violations or take copies of the inspections for reference when you conduct the headquarter inspection. Address past violations as part of your inspection.

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A./B. Headquarters and Employee Safety Inspection, Continued

Criteria for inspection

Prioritize Headquarters and Employee Safety Inspections on employers that have employees that handle pesticides or work in treated fields. You should conduct a Headquarter and Employee Safety Inspection of a grower or pesticide user in “other” categories at a frequency identified in your county enforcement work plan.

In addition to record reviews, observations, and employer interviews, you should interview handler and fieldworker employee. See Appendix 2 and “Talking to Employers and Employees”, for more information and instructions.

Use for follow-up inspections

Headquarter and Employee Safety Inspections are often conducted as a follow-up to use monitoring inspections document worker safety violations. More frequent record inspections of growers and “other” pesticide users are justified when these businesses have a history of violations, complaints or illness/injury exposures.

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Headquarters and Employee Safety Inspection Requirements

1. Valid Restricted Materials Permit

3CCR section 6412

Scope: Anyone possessing or using restricted materials.

Review pesticide use records and storage of restricted materials and determine if the employer has a valid permit for the restricted material pesticides possessed and used.

Exemptions:

- Pesticide registrants, dealers operating under their licenses, or commercial carriers transporting restricted materials. (3CCR section 6414(a))
- Structural pest control licensees. (FAC section 14006.6(d))
- Certified private or commercial applicators when possessing or using only federally restricted use materials. (3CCR section 6414(b))
- Pesticides listed only in 3CCR section 6400(d) ground water materials when used outside ground water protection areas.
- Pesticides listed only in 3CCR section 6400(d) ground water materials when used in a pest eradication program approved by the CA Department of Food and Agriculture. (3CCR section 6416(b))
- Antifouling paints or paints containing tributyltin. (3CCR section 6414(c))
- Materials used only for experimental purposes by research personnel according to established policy of a college or university or according to a valid research authorization. (3CCR sections 6414(e), 6414(f), and 6416(c))

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Headquarters and Employee Safety Inspection Requirements, Continued

2. Notice Prior to Pesticide Application

3CCR section 6618

Scope: For all pesticides.

Any person performing pest control must assure that the operator of the property receives notice of the scheduled application. The notice must be made prior to the use of a pesticide and in ample time for all subsequent notices to be made and for the persons notified to take appropriate action. A notice of completion is also required for applications made for the production of an agricultural commodity. (3CCR section 6619)

The operator of the property and any PCB, farm labor contractor, or other contractor hired by the operator of the property that have employees who are likely to enter a field during an application or while the REI is in effect must notify those employees. Handler and fieldworker employees who may walk within ¼ mile of a field that will receive an application or during a REI are deemed in regulation as likely to enter. (3CCR sections 6618(a)(3) and 6618(a)(4))

The operator of the property must provide notice to any person for which they have prior knowledge may enter a treated area during an application or while the REI is in effect. (3CCR section 6618(a)(6))

Property operators also need to be informed of:

- Date(s), start time(s), and estimated end time(s) of the scheduled application.
- Location and description of the field to be treated.
- The pesticide product name(s), U.S. EPA registration number(s), and active ingredient(s).
- Spray adjuvant product name(s) and California registration number(s), if applicable.
- The applicable restricted entry interval.
- If pesticide labeling requires posting, oral notification, or both.
- Precautions printed on the pesticide product labeling, or applicable laws and regulations, related to the protection of employees or other persons during or after application.

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Headquarters and Employee Safety Inspection Requirements, Continued

2. Notice Prior to Pesticide Application (continued)

Verify that the required information is provided in notices. Ask the manager inspected what procedures are used to notify employees, contractors and others of planned applications. Ask fieldworkers and/or handler employees what notifications they have received and how they receive them.

3CCR section 6618

Public agencies in compliance with FAC section 12978 meet the notice requirements. (3CCR section 6618 (b)(4)) Check “YES” if in compliance.

Persons utilizing legal easements are exempt from needing consent from the property owner but are not exempt from notification requirements.

Exemptions:

- Persons who applied or supervised the application. (3CCR section 6618(a)(3))
- The oral notice is not required when a field is posted as specified in 3CCR section 6776 (b-f) unless the pesticide product labeling requires dual notification. **(This applies only to employee notification, not to the notice from the applicator to the operator of the property.)**
- 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. (3CCR section 6620)

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Headquarters and Employee Safety Inspection Requirements, Continued

3. Notice of Completed Application Records / 2 Years

3CCR section 6619

Scope:

- Any person applying pesticides for the production of an agricultural commodity shall assure that the operator of the property treated receives notice of completion of the scheduled application. The notice is not required to be in writing, the property operator can be notified verbally, a notice at an agreed location, phone recorder, fax, or electronically.
- The operator of the property and any employer, PCB, farm labor contractor, or other contractor hired by the operator of the property that have employees who are likely to enter a field while the REI is in effect must notify those employees. Handler and fieldworker employees who may walk within ¼ mile of a field during a REI are deemed in regulation as likely to enter.
- The operator of the property must provide notice to any person for which they have prior knowledge may enter a treated area while the REI is in effect.

Review the property operator's records of each notice received from PCBs by site; this record could be a work order, a written recommendation, an application log, or a copy of a use report provided the record(s) contain the required information. Are the records maintained by site? Records of completed applications made by the property operator (or employees of the property operator) are not required to be kept on site, but must be maintained for two years and be made available upon request.

How is the property operator providing notices of completed applications to fieldworker employees, contracted employers of fieldworker employees and other persons likely to enter? Ask employees how they receive these notices. How does the property operator assure contracted employers provide notice to their fieldworker employees?

Exemptions: None.

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Headquarters and Employee Safety Inspection Requirements, Continued

4. Operator Identification Number (OIN) Obtained Scope:
Persons using registered pesticides for an agricultural use, and industrial post-harvest commodity treatment, or any pesticide listed in 3CCR section 6800(b) for any outdoor institutional or outdoor industrial use.

3CCR section 6622 Each property operator shall provide the commissioner with a list of the counties in which pest control will be performed and all valid operator identification number(s) issued by other commissioners.

When the person being inspected has a restricted material permit, the permit number is the operator ID number. Check “YES” on the inspection form.

Exemptions:

- Pest control businesses.
 - Property operators of non-production agricultural sites when pesticides are purchased and applied by PCBs.
 - Persons using pesticides only on livestock, poultry, or fish.
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5. Site Identification / Permit Kept / 2 Years

Scope: Prior to the use of any registered pesticide on property used for the production of an agricultural commodity.

3CCR section 6623

Property operators intending to use pesticides for the production of an agricultural commodity must obtain a site identification number for each site where pest control will be performed.

Each site must be identified on either a restricted materials permit or an operator identification form. Review the permit or form, and determine whether the information is accurate. Check to see that a copy of the permit or form has been retained for two years.

Exemptions:

- Pest control businesses. (3CCR section 6622)
 - Property operators of non-production agricultural sites when pesticides are purchased and applied by PCBs. (3CCR section 6622)
 - Persons using pesticides only on livestock, poultry or fish. (3CCR section 6622(c)(1))
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Headquarters and Employee Safety Inspection Requirements, Continued

6. Pesticide Use Records (PUR) Available / 2 Years

3CCR sections 6624 and 6624.5

Employee Production Agriculture (3CCR section 6624)

Scope: Pesticide use records must be maintained by any person who uses pesticides:

- For an agricultural use.
- Listed in 3 CCR section 6400 (Restricted Materials).
- When engaged in the business of pest control.
- For industrial post-harvest commodity treatment.
- Listed in 3CCR section 6800(b) (Groundwater Protection List) for any outdoor institutional or outdoor industrial use.

A complete record (including electronic) of each pesticide application must be kept for two years. Do the records contain all the information required by 3CCR section 6624(b) and (c)? Property operators, who produce an agricultural plant commodity, shall maintain records of pesticides applied by PCBs by site.

Mark “Yes” when:

- Pesticide use records are complete, available for two years; and
- Property operators producing an agricultural commodity have use records of pesticides applied by a pest control business maintained by site; and
- Field fumigations using methyl bromide, chloropicrin, metam sodium, metam potassium, dazomet, or sodium tetrathiocarbonate in ozone nonattainment areas include the field fumigation method code; and
- All applications of 1,3-Dichloropropene include the field fumigation method code.

Mark “No” when the operator of the property:

- Has not retained pesticide use records for two years, or
- Producing an agricultural commodity has not retained a copy of pesticide use records submitted by the PCB by site, or
- Use records for field soil fumigations do not include the method code when required.

Mark “N/A” when:

- Exemptions apply.

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Headquarters and Employee Safety Inspection Requirements, Continued

6. Pesticide Use Records (PUR) Available / 2 Years (continued)

Exemptions:

- Persons not using pesticides in situations covered by 3CCR section 6624(a).
- Pesticide use in the sales area of retail nurseries or applying pool chemicals by pool service companies are not defined as production agriculture in FAC section 11408.

3CCR section 6624 and 6624.5

Commercial Applicator Restricted Material Use Records (3CCR section 6624.5)

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

A certified commercial applicator is an individual holding a valid Qualified Applicator License, Qualified Applicator Certificate (except those solely with Subcategory Q), a valid Vector Control Technician certificate, or a valid manned or unmanned Journeyman Pest Control Aircraft Pilot Certificate. While Operators and Field Representatives licensed by the Structural Pest Control Board are also certified commercial applicators, the recordkeeping requirement for structural pesticide use records is covered by 16 CCR section 1970.

In addition to the requirements of 3CCR section 6624, when a commercial applicator is supervising the use of, or is using a restricted material, the following must be on or attached to the pesticide use record:

- Address of the person where the restricted material was used, unless the operator of the property's permit or operator identification number is already on the pesticide use record; and
- Commercial applicator's name and license or certificate number; and
- Name of any noncertified applicator(s) using the restricted material under the certified applicator's direct supervision; and
- Physical address where handler training records are kept for each noncertified applicator.

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Headquarters and Employee Safety Inspection Requirements, Continued

**6. Pesticide Use
Records (PUR)
Available / 2
Years
(continued)**

Mark “Yes” when:

- A restricted material is used or supervised by a certified commercial applicator and the information required is in or attached to the pesticide use record.

Mark “No” when:

- A restricted material is used by or supervised by a certified commercial applicator and the required information is not on or attached to the pesticide use record.

Mark “N/A” when:

- No restricted material is used, or
- A private applicator certificate holder is using or supervising the use of a restricted material, or
- 16CCR section 1970 applies for all pesticides applied.

Exemptions:

- Use of a non-restricted material.
- Structural pesticide uses records containing information required in 16CCR section 1970.

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Headquarters and Employee Safety Inspection Requirements, Continued

7. Pesticide Use Reports (PURs) Submitted Scope for 3CCR section 6626:
Property operators applying registered pesticides to produce an agricultural commodity.

3CCR sections 6626 and 6627 Scope for 3CCR section 6627:
Any person applying registered pesticides:

- For an agricultural use, or
- Classified as a restricted material, or
- For an industrial post-harvest commodity treatment, or
- Listed in 3CCR section 6800(b) for any outdoor institutional or outdoor industrial use. The reporting requirements for persons producing an agricultural commodity are different from non-production use requirements. Refer to 3CCR section 6626 and 6627.

Review the grower's or qualified applicator's permit file for reporting violations. Compare the records maintained by the property operator with the pesticide use reports you have received. Document any inconsistencies. The operator of the property is not required to report the use if the use is performed and reported by a pest control business (3CCR section 6626). The operator of the property shall maintain the records for two years.

Use reports for field soil fumigations using 1,3-Dichloropropene must also:

- Include the field fumigation method code.
- Be submitted electronically in a manner specified by the commissioner.

Use reports for field soil fumigations **other than** 1,3-Dichloropropene must include:

- The field fumigation method code for use report(s) submitted for an application(s) in an ozone nonattainment area (3 CCR section 6426(d)).

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Headquarters and Employee Safety Inspection Requirements, Continued

7. Pesticide Use Reports (PURs) Submitted (continued)

3CCR section 6626 and 6627

Exemptions:

- Pesticide uses on livestock. (3CCR section 6624)
- Pesticide use in the sales area of retail nurseries or applying pool chemicals by pool service companies (which are not defined as production agriculture in FAC section 11408.).
- Public agencies (e.g., Vector Control) that have entered into a cooperative agreement with the California Department of Health Services. (FAC section 11408)

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Headquarters and Employee Safety Inspection Requirements, Continued

8. Emergency Medical Care Planned

3CCR section 6726 and 6766

Scope 3CCR section 6726: All employers of handlers using any pesticide.

For handlers, emergency medical care shall be planned for in advance. The employer shall locate and inform handler of the name and location of the facility. The name, address, and phone number shall be posted at the work site or work vehicle if there is no designated work site. If the facility is not reasonably accessible from that work site, the employer has procedures to be followed to obtain emergency medical care. The local poison control center's number, supervisor's name with no additional information, or displaying "Call 9-1-1 in the case of Emergency", is not acceptable.

Additional WPS requirements for handlers to 3CCR section 6726, for commercial or research production of an agricultural commodity, the employer shall provide to medical personnel treating the employee with the following:

- Copies the Safety Data Sheet(s), the product name(s), U.S. Environmental Protection Agency registration number(s), and active ingredient(s) for each pesticide product.
- Circumstances of application or use of the pesticide.
- Circumstances that could have resulted in exposure to the pesticide.

Employers must ensure that a handler employee is taken to a physician when there are reasonable grounds to suspect that the employee has a pesticide illness/injury or when an exposure that would likely cause an illness/injury has occurred.

- Ask the employer if there have been any exposure incidents in the recent past and how it was handled.
- How would the employer respond if an incident did occur?

Exemptions:

- Antimicrobial agents used as sanitizers, disinfectants or medical sterilants are exempt under the conditions of 3CCR section 6720.
- PCAs or professional foresters and their employees performing crop adviser tasks. (3CCR section 6720)
- Consumer products see 3CCR section 6720(e).

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Headquarters and Employee Safety Inspection Requirements, Continued

8. Emergency Medical Care Planned (continued)

3CCR section 6726 and 6766

Scope for 6766: Employees who enter treated fields.

For employees entering treated fields, emergency medical care shall be planned for in advance. The employer shall locate a facility where emergency medical care is available for employees. The employee or supervisor shall be informed of the name, and location the available physician or medical care facility. If the facility is not reasonably accessible from that work site, the employer has procedures to be followed to obtain emergency medical care. When it's suspected an employee has a pesticide illness, or exposure to a pesticide has occurred and may have to lead to an employee's illness, the employer shall ensure that the employee is taken to a physician immediately.

Additional WPS requirements for handlers to 3CCR section 6766, the employer shall provide to medical personnel treating the employee for a suspected pesticide exposure in the production of an agricultural commodity with the following:

- Copies the Safety Data Sheet(s), the product name(s), U.S. Environmental Protection Agency registration number(s), and active ingredient(s) for each pesticide product.
- Circumstances of application or use of the pesticide.
- Circumstances that could have resulted in exposure to the pesticide.

Question the employer about the procedure used to transport exposed or injured employees to the facility. Have they had any exposure incidents?

Exemptions:

- Granular baits, attractants, or repellants in traps applied in a field. (3CCR section 6760)
- Algaecides used to treat the irrigation system. (3CCR section 6760)
- Pesticides injected into plants. (3CCR section 6760)
- Applications by vector control agencies. (3CCR section 6760)
- PCAs or professional foresters' performing crop adviser tasks. (3CCR section 6720)
- Consumer products see 3CCR section 6720(e).

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Headquarters and Employee Safety Inspection Requirements, Continued

9. Change Area Scope: For all pesticides.

**3CCR section
6732**

- Employers of persons who regularly handle any pesticides in commercial or research production of an agricultural plant commodity.
- Employers of any persons who regularly handle pesticides with “DANGER” or “WARNING” on the labeling in any setting.

Inspect the place where employees end their pesticide exposure and remove personal protective equipment, and the area where they can change clothes and wash themselves. The employer must make available clean towels, soap and sufficient water for thorough washing. The employer must provide a clean storage area for personal clothes. Employees handling pesticides for the commercial or research production of an agricultural plant commodity, the change area must also meet 6734(a), (b)(1), and (b)(2).

- Sufficient water, soap and single use towels for routine washing and for emergency eye flushing and washing of the entire body.
- Not meeting the requirements are hand sanitizing gels and liquids or wet towelettes.

Exemptions:

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

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Headquarters and Employee Safety Inspection Requirements, Continued

10. Proper Storage of Personal Protective Equipment (PPE)

3CCR section 6738(a)

Scope: Employers of persons who handle any pesticide.

Inspect the employer's PPE storage. Is PPE kept in a clean, specially designated place when not in use? Examples of proper storage are lockers or assigned tote bags. Equipment left on the floor or stuffed under the seat of a mix or load vehicle is not considered proper storage. In addition, a pesticide storage area is not a proper place for storage of safety equipment. PPE must be kept separate from personal clothing.

- Does the employer provide for the daily inspection and cleaning of all required PPE, and repair or replace any worn, damaged, or heavily contaminated PPE?
- Does the employer wash contaminated PPE separate from other clothing or laundry?
- Does the employer assure that any person or firm assigned or hired to clean or repair potentially contaminated PPE is protected and informed?
- PPE remains the property of the employer and that pesticide handlers are not to take contaminated PPE into their homes.
- Employees who do not report to the employer's headquarters shall remove and store potentially contaminated coveralls in a sealable container outside of their living quarters.

3CCR section 6738(a) standards also apply to owners or operators when required by pesticide labeling to use PPE. (See 3CCR section 6601 and Application of Standards on page 6).

Respirators must be stored in a place that also protects them from dust, heat and direct sunlight. See 3CCR section 6739(h)(4).

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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Headquarters and Employee Safety Inspection Requirements, Continued

11. MB-Recordkeeping

3CCR section 6784(b)

Scope: Methyl bromide field fumigations involving employees.

Review the employer's records for all employees involved in application, tarpaulin cutting, tarpaulin repair and tarpaulin removal activities. Do the records identify the person, work activities, date(s), duration of handling, EPA Registration Number and the brand name of the methyl bromide product handled? Compare the dates and hours worked by each employee to the limits allowed.

Exemptions:

- Tree site fumigations. (3CCR section 6447)
- Golf course fumigations. (3CCR section 6447)
- Raised tarp fumigations of less than one acre at nurseries. (3CCR section 6447)

Recommendation Requirements in Ozone Nonattainment Area 3CCR section 6883 (add this requirement to the inspection form when applicable)

The operator of the property shall retain the written recommendation for at least two years after the application of a high-volatile organic compound nonfumigant product specified in section 6881 during May 1 through October 31 in the San Joaquin Valley ozone nonattainment area, to one of the following crops: alfalfa, almond, citrus, cotton, grape, pistachio, and walnut.

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Hazard Communication/Pesticide Training Program

12. Hazard Communication for Pesticide Handlers

3CCR section 6723

Scope: Employers of employees who handle pesticides.

Examine the employer's display of a completed Pesticide Safety Information Series (PSIS) leaflet A-8 or N-8 at the central location of the workplace. Is it complete? Do employees have unimpeded access to the document? Verify that the employer is also maintaining, at a central location, the following documents:

- Pesticide use records for pesticides handled by employees.
- Copies of PSIS leaflets applicable to the pesticides and handling activities listed in the pesticide use records.
- The A-8 posted at all permanent decontamination facilities and decontamination facilities servicing 11 or more handlers.
- Changes in name, address, or telephone number of the facility providing emergency medical on the A-8 must be updated within 24 hours.
- Safety Data Sheet (SDS) for each pesticide handled by employees.

Interview the employer and employees to verify the availability and access to the required records. The employer must inform employees where the records are kept, and they must grant employees access to the records no longer than 48 hours from the date of request by an employee, employee's physician, or employee representative. An employee representative's request must be in writing with the information required in 3CCR section 6723 (d)(1-4)

Identify the pesticides handled by reviewing employee training records, pesticide use records and pesticide use reports. Then determine whether the employer is maintaining the appropriate PSIS leaflets and SDS.

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).
- If the employer is unable to obtain an SDS, the employer must comply with the requirements of 3CCR section 6723(b)(3).

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Hazard Communication/Pesticide Training Program Requirements, Continued

13. Application Specific Information Display for Handlers

3CCR section 6723.1

Scope: The operator of property used for the commercial or research production of an agricultural commodity with handler employees working within ¼ mile of any treated field.

Examine the application specific information (ASI) display at the central location. Information must be displayed within 24 hours of completion of an application and include all applications made to any treated field within ¼ mile of where handler employees will be working. Information shall remain up for the length of the restricted entry interval, plus 30 days if employees are on the establishment. The employer must display the following at a central location:

- Crop or site treated and identification of the treated area.
- Date(s) and time(s) the application started and ended.
- Restricted entry interval.
- Product name, U.S. EPA registration number and active ingredients.
- Safety Data Sheet of the pesticide(s) applied.
- The ASI must be retained for two years.

Review PURs, NOIs, interview the employer and employees, and use your knowledge from use monitoring or fieldworker safety inspections performed to determine which pesticides have been used in which fields. Compare this information to the information displayed. Is the display complete and accurate?

“Display” means to make information available to the employee so that he or she may readily see and read the document, during normal business hours, without having to make a specific request of any person. An employee must not be hindered or impeded from examining the required display. This definition does not preclude using a binder or filing cabinet, that otherwise meets the requirement, to contain documents for display. Interview handler employees. Do they know where the display is located? Do they have access?

When a violation is found, use documents and employer/employee statements to determine if handlers have worked within ¼ mile of the subject field(s).

Exemption: Consumer products see 3CCR section 6720(e).

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Hazard Communication/Pesticide Training Program Requirements, Continued

14. Trainer Qualified

Scope: Employers of persons that handle any pesticides for the commercial or research production of an agricultural commodity.

3CCR section 6724(f)

The individual conducting training for employees handling pesticides for the commercial or research production of an agricultural plant commodity or handling a California restricted material must be qualified as one of the following:

- A California certified private or commercial applicator,
- A California licensed PCA
- A County Biologist License in Pesticide Regulation or Investigation and Environmental Monitoring,
- A University of California Extension Advisor,
- Having completed an “instructor training” program presented by:
 - The University of California, Integrated Pest Management Program, or
 - Other instructor training program approved by the Director,
- A California Registered Professional Forester, or
- Other trainer qualification approved by the Director.

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Hazard Communication/Pesticide Training Program Requirements, Continued

15. Written Training Program

3CCR section 6724(a)

Scope: Employers of pesticide handlers.

Employees who are a licensed PCA, a registered professional forester (3CCR section 6720(d)(1)), a certified private or commercial applicator (3CCR section 6000 Definitions), or a certified apprentice pilot (manned and unmanned) (3CCR section 6724(d)) are considered trained.

If employees handle pesticides, ask the employer how handlers are trained. The employer must have a written training program. Evaluate the employer's training program, the materials used, the information provided and used to train employees. Does it:

- Describe the training materials used (such as: study guides, pamphlets, labeling, PSIS leaflets, SDSs, and videos) and information provided?
- Identify the individual or firm that provided the training?
- Address each required topic listed in 3CCR section 6724(b)?

Ensure the written training program addresses each of the requirements by asking the inspected party about the training program. Compare the date of the training to when the employee handled pesticides. An individual's training record is not a written training program.

Employers are not required to use handler training program templates developed by the Department or County Agricultural Commissioner's office when the training program meets each applicable requirement topics for each pesticide or chemically similar group (3CCR section 6724(b)). When not using the Department or County Agricultural Commissioner template, verify the topics are covered by asking the inspected party to explain where each of the topics in 3CCR section 6724(b) are addressed.

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Hazard Communication/Pesticide Training Program Requirements, Continued

**15. Written
Training
Program
(continued)**

**3CCR section
6724(a)**

Mark “Yes” when:

- The written handler training is complete, available, and maintained for two at least years; and
- Handler training covers each of the required training topics, pesticide, for chemically similar groups or for each pesticide.

Mark “No” when:

- Training is missing information, not available, or not maintained for two years; or
- Training does not address each of the required training topics, or does not cover each pesticide or chemically similar group of pesticide.

Mark “N/A” when:

- Handlers are not employees; or
- Handlers are certified commercial applicators (3CCR section 6000), or certified apprentice pilots (manned and unmanned); or
- Pesticide(s) handled are consumer products when the use is not significantly greater than typical consumer use of the product (3CCR section 6720 (e)); or
- Pesticides handled are antimicrobial agents used as sanitizers, disinfectants or medical sterilants, and the employer follows the conditions of 3CCR section 6720(c).

Exemptions:

- Handlers are not employees.
- Consumer products, (3CCR section 6720(e))
- Antimicrobial agents used as sanitizers, disinfectants or medical sterilants when the employer follows the conditions of 3CCR section 6720(c).

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Hazard Communication/Pesticide Training Program Requirements, Continued

16. Handler Training

3CCR section 6724(b-e)

Employee training for each pesticide or chemically similar group of pesticides 3CCR section 6724(b)

Scope: Employees who handle pesticides.

Employers must train employees before they handle pesticides, including pesticides exempt from registration under FIFRA section 25(b) and 3CCR section 6147.

Pesticide handler safety training must be conducted by a person who meets the qualifications included in 3CCR section 6724(f) for employees handling pesticides:

- For the commercial or research production of an agricultural plant commodity, or
- In any setting where the pesticide is a restricted material(s) specified in 3CCR section 6400, which include California Restricted Materials and Restricted Use Pesticides.

Employees who are a licensed PCA, a registered professional forester (3CCR section 6720(d)(1)), a certified private or commercial applicator (3CCR section 6000 Definitions), or a certified apprentice pilot (manned and unmanned) (3 CCR section 6724(d)) are considered trained.

The employer-provided training must cover each pesticide or chemically similar group of pesticides used. **Chemically similar group of pesticides does not mean grouping insecticides, herbicides, and fungicides together.** Pesticides with the same active ingredient may have for example, different precautions, personnel protective equipment, or directions of use and may need to be addressed individually.

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Hazard Communication/Pesticide Training Program Requirements, Continued

16. Handler Training (continued)

3CCR section 6724(b-e)

3CCR section 6724(b) requires the training to cover other applicable requirements in 3CCR Division 6 Chapters 3 and 4 relating to pesticide safety. This includes, but is not limited to:

- Availability of labeling – 3CCR section 6602
- Accurate measurement – 3CCR section 6604
- Equipment cleaning and maintenance– 3CCR sections 6608 and 6744
- Wellhead protection, backflow prevention – 3CCR sections 6609 and 6610
- Protection of persons, animals, and property – 3CCR section 6614
- Pesticide storage and transportation, pesticide container, and service container requirements – 3CCR sections 6670 and 6686
- Change areas – 3CCR section 6732
- Decontamination facilities – 3CCR section 6734
- Instruction on the safe operation of equipment used to mix, load, transfer, or apply pesticides – 3CCR sections 6742(a) and 6746(d)
- Identifying CA restricted materials or Restricted Use Pesticides
- Application exclusion zone requirements – 3CCR section 6762(c)
- Requirements for early entry employees – 3CCR sections 6670 and 6771
- Minimal exposure pesticides – 3CCR sections 6790 through 6793

When a Restricted Use Pesticide or California restricted material is used by a noncertified applicator, the training must cover:

- Identifying on the labeling if the product requires a certified applicator to be physically present during the use of the pesticide;
- The certified applicator’s responsibility to provide instruction including labeling directions, precautions, and requirements for the specific use and site;
- How the characteristics of the use site (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; and
- How each employee can immediately communicate directly with the supervising certified applicator.

Continued on next page

Hazard Communication/Pesticide Training Program Requirements, Continued

16. Handler Training (continued)

3CCR section 6724(b-e)

Prior to the inspection, consider reviewing the pest control operation's submitted pesticide use reports. For example, does the operation apply:

- Pesticides requiring medical supervision?
- Pesticides requiring a respirator?
- Minimal exposure pesticides?
- Surface water protection pesticides?
- Restricted materials or federal Restricted Use Pesticides?

Having basic information about the operation's pesticide use may assist your review of the employer's training program and training records, however, always be prepared for situations not addressed in the pesticide use reports.

Note, documentation of training does not necessarily mean an employer has properly trained their employees. Was the training adequate? Is the training provided in a language and manner the employees understand?

When a noncompliance is found, document your findings and how the employer did not meet the requirement(s) of 3CCR section 6724 in the "Requirement Details" or the "Remarks" section of the inspection report.

Training must be given to the employee in a manner they can understand. For example, if the employer's training was offered in Spanish but the employees do not speak or understand Spanish, this would not meet the requirement.

The training must be at a location reasonably free of distraction, and the training provided must follow the employer's written training program. Trainer(s) must be present during the entire presentation and respond to employee questions.

Training can be conducted via live video or web streaming (e.g., Zoom or Teams) as long as the trainer can conduct the training, see all attendees, and answer questions from attendees during the training. Audio-only (e.g. telephone) training does not meet the standard for the presenter to be "present" to monitor the audience, facilitate discussion, and promote interaction among attendees.

Continued on next page

Hazard Communication/Pesticide Training Program Requirements, Continued

16. Handler Training (continued)

3CCR section 6724(b-e)

Ask the employee(s) handling pesticides about the training they received, where the training was held, if the trainer was present during the training, and to describe the training for example, what materials were used, did the trainer use videos and were they present during the video to answer questions. Ask for the location where the training was held, for example in a shop where equipment is being worked on or in a room away from any distractions.

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

Training provided before employees handle pesticides and maintenance of records for two years 3CCR section 6724 (d)

Employers must provide employees training before they are allowed to handle pesticides and update the training when new pesticides will be handled. The training must be repeated at least annually (every 12-months) and the employer must maintain training records for two years.

Initial training may be waived if the employee submits a record showing the training they received within the last year covers the pesticides and use situations applicable to the new employment situation.

Review documents which provide information on the employees who handle pesticides and compare it with the date(s) of the training for each pesticide(s) to confirm training was provided before the employee handled the pesticide(s).

When a certified applicator who is considered a noncertified applicator under 3CCR section 6406(a)(2)-(4) uses a California restricted material under supervision of a certified applicator, the employer must maintain for at least two years the following information:

- A copy of the employee’s license or certificate; or
- A record with the following:
 - Employee name,
 - License or certificate type, number, and category(ies),
 - Expiration date, and
 - Name of the issuing certifying authority.

Continued on next page

Hazard Communication/Pesticide Training Program Requirements, Continued

16. Handler Training (continued)

3CCR section 6724(b-e)

Employee training record information and record retention 3CCR section 6724 (e)

Employee training records must be maintained for two years at the central location, be accessible to the employee(s), and be provided to the employee, Director, or commissioner upon request. The employer must also make this training record accessible to a certified private or commercial applicator supervising an employee using a pesticide listed in 3CCR section 6400.

Training records must have the following information:

- The date and extent of initial and annual training,
- Job assignment (e.g., mixer/loader, applicator, service/repair),
- Employee's printed name and signature,
- The title(s) and source(s) of training materials used, and
- The employer's name and trainer's name.

In addition to the above, if the employee handles pesticides for the commercial or research production of an agricultural commodity or handles a California restricted material (including federal Restricted Use Pesticides), the record must also include the trainer's qualifications specified in 3CCR section 6724(f).

Verify the employee's training record has the required information and the employer maintains it at the central location for two years. If employees handle restricted materials, ask the employer how the training records are made available to the certified applicator supervising an employee using a restricted material. Compare the date of the training to the employee's work documents or employer's pesticide use reports to verify the employee was trained on the pesticide or chemically similar class prior to handling the pesticide.

Continued on next page

Hazard Communication/Pesticide Training Program Requirements, Continued

**16. Handler Training
(continued)**

**3CCR section
6724(b-e)**

Mark “Yes” when:

- The written handler training is complete, available, and maintained for two at least years; and
- Handler training covers each of the required training topics, pesticide, for chemically similar groups or for each pesticide; and
- The training was presented in a manner employees can understand; and
- There were no distractions during the training, the trainer was present during the entire training, and was available to answer any questions; and
- Training was provided before employees handled pesticides, conducted at least every 12 months; and,
- Training records are complete, maintained for two years; and
- Employees who handle restricted materials are trained by a qualified trainer and the addition requirements were covered.

Mark “No” when:

- Training is missing information, not available, or not maintained for two years; or
- Training does not address each of the required training topics, or does not cover each pesticide or chemically similar group of pesticide; or
- Training was provided after employees handled pesticides; or
- The training was not provided in a manner the employee can understand; or
- The trainer was not available to answer questions, the training was held at a location where there were distractions; or
- Training has not been provided annually (every 12-months), or
- Information for the certified applicator who is considered a noncertified applicator under 3CCR 6406(a) who handles a California restricted material is not available for two years; or
- The training record is missing the information in 3CCR section 6724(e), not available for two years; or
- The trainer who provided training for employees handling restricted materials is not qualified to provide training.

Continued on next page

Hazard Communication/Pesticide Training Program Requirements, Continued

**16. Handler
Training
(continued)**

**3CCR section
6724(b-e)**

Mark “N/A” when:

- Handlers are not employees; or
- Handlers are certified commercial applicators (see 3CCR section 6000), or certified apprentice pilots (manned and unmanned); or
- Pesticide(s) handled are consumer products when the use is not significantly greater than typical consumer use of the product, see 3CCR section 6720 (e); or
- Pesticides handled are antimicrobial agents used as sanitizers, disinfectants or medical sterilants, and the employer follows the conditions of 3CCR section 6720(c).

Exemptions:

- Handlers are not employees.
- Consumer products, see 3CCR section 6720(e).
- Antimicrobial agents used as sanitizers, disinfectants or medical sterilants when the employer follows the conditions of 3CCR section 6720(c).

Continued on next page

Hazard Communication/Pesticide Training Program Requirements, Continued

17. Hazard Communication for Fieldworkers

3CCR section 6761

Scope: Employers of fieldworkers working in a treated field.

The employer shall have a completed PSIS A-9 displayed at the following locations:

- At the worksite (If employees begin their workday at a central location the PSIS A-9 may be displayed at the central location instead of at the work site).
- All permanent decontamination facilities.
- Decontamination facilities servicing 11 or more fieldworkers.

Any changes to the name, address, or phone number to the medical facility providing care must be updated on the A-9 within 24 hours. Is the PSIS A-9 displayed in a language the workers understand?

Verify the property operator maintains in a central location at the workplace, accessible to employees (including employees of farm labor contractors) who enter a treated field, the following:

- Pesticide use records for pesticides applied to fields within the last two years.
- SDS for each pesticide listed in the pesticide use records.

Verify that employers inform employees where the above records are kept, and that they grant employees access to the records in a timely manner, not longer than 48 hours from the date of request by an employee or their representative. The request from an employee must be in writing and have the information required in 3CCR section 6761(d)(1-4). Determine how the operator of the property informs farm labor contractors where the application specific information display is located in order that the FLC can complete the PSIS A-9.

Exemption: Consumer products see 3CCR section 6720(e).

Continued on next page

Hazard Communication/Pesticide Training Program Requirements, Continued

18. Application Specific Information for Fieldworkers

3CCR section 6761.1

Scope: For all pesticides.

- The operator of the property used for the commercial or research production of an agricultural commodity when fieldworkers will be working within ¼ mile of any treated field must provide an application specific information display (ASID). The ASID must remain displayed while there are treated fields and fieldworkers on the property.
- The employer of fieldworkers in a treated field must provide a description of the location of the ASID at the worksite (in conjunction with the PSIS A-9) or at a central location where all field workers gather before entering a field.

Verify that the application specific information is displayed appropriately. Ask fieldworkers if they know where the display is located. Do they have access?

Determine if the fieldworkers gather at a central location before entering any treated field. Is the description adequate for fieldworkers to find the ASID without any other direction or assistance? When evaluating the application specific information display, determine if the information is:

Displayed – The information should be available to fieldworkers to review with unimpeded access. It can be posted, in a binder, in a file cabinet or available in another manner. The information is not displayed if workers must ask someone to see it. See 3CCR section 6000.

Complete – The display must contain:

- Crop or site treated and identification of the treated field.
- Date(s) and time(s) the application started and ended.
- Restricted entry interval.
- Product name(s), U.S. EPA registration number, and active ingredient. Copy of the SDS(s) for the pesticide(s) applied.
- Spray adjuvant product name(s) and the CA registration number(s) if applicable.
- The required information must be retained for two years.

Timely – The information must be displayed at a central location while fieldworkers are employed to work in treated fields on the operator's property until the area is no longer a treated field or no fieldworkers will be working on the operator's property.

Continued on next page

Hazard Communication/Pesticide Training Program Requirements, Continued

18. Application Specific Information for Fieldworkers (continued) Review PURs and NOIs, interview the employer and employees, and use your knowledge from use monitoring or fieldworker safety inspections performed to determine which pesticides have been used in which fields. Compare this information to the information displayed. Is the display complete and accurate?

3CCR section 6761.1 When a violation is found, use documents and employer/employee statements to establish that fieldworkers have worked within ¼ mile of the subject field(s).

Exemption: Consumer products see 3CCR section 6720(e).

19. Fieldworker Training Scope: Employers of fieldworkers working in fields treated with any pesticide.

3CCR section 6764 Certified private or commercial applicators are considered trained. Employees with current documented pesticide handler training, or employees with other valid certificates of pesticide training approved by the Director, such as, UC IPM Instructor Training Workshops, are considered trained. Check “YES” for this requirement if all fieldworkers meet these requirements.

Have fieldworkers entering a treated field been trained within the last 12 months. Ask fieldworkers when and where they were trained. Do they recall the content of the training or who provided the training? Verify the trainer meets one of the seven qualifications listed in regulation. Determine that the training includes all the topics listed in regulation.

Exemptions:

- Granular baits, attractants, or repellants in traps applied in a field. (3CCR section 6760)
 - Algaecides used to treat the irrigation system. (3CCR section 6760)
 - Pesticides injected into plants. (3CCR section 6760)
 - Applications by vector control agencies. (3CCR section 6760)
 - Consumer products. (3CCR section 6720(e))
-

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Respiratory Protection Program Requirements

20. Written Program

3CCR section 6739 (a)

Scope: Employers of employees wearing respirators when required by any pesticide labeling, restricted material permit condition, regulation, the employer, or when employees voluntarily use respirators supplied by the employer.

Identify the respirator program administrator. Is the administrator qualified? Can the administrator answer your questions about the program? (See 3CCR section 6000, definition of respirator program administrator).

Review the employer's written respiratory protection program with work site-specific procedures. Does it contain written operating procedures for selecting, fitting, cleaning, sanitizing, inspecting and maintaining respiratory protective equipment? Each person required to wear a respirator must be trained in the need, use, care and limitations of the equipment. Verify that the respirators and cartridges used are the types required by labeling, permit or regulation.

The employer shall evaluate the workplace to ensure the written program is being implemented and is effective. The employer shall consult with each employee annually to assess the program and determine if the employee has had any problems related to the use of a respirator. Consultations shall be documented. Any problems found during the assessment shall be corrected.

Ask the employer when they consulted with the employees, if the consultation uncovered any problems and, if so, what revisions were made to the written procedures. The employer must maintain the current version of the written respiratory protection program. All previous versions of the document must be retained for three years subsequent to it being amended.

Ask the employees how they were fit tested and if they have had any problems with the use of respirators. Ask the employer how the evaluations are conducted to ensure compliance with the respirator program. Verify that the type of respirator and cartridge are appropriate for the pesticides handled.

Continued on next page

Respiratory Protection Program Requirements, Continued

20. Written Program (continued)

3CCR section 6739 (a)

Exemptions:

- Employees who voluntarily use dust filtering respirators (dust masks) provided by the employer.
 - Employees who voluntarily use any respirator not provided by the employer.
 - PCAs or professional foresters and their employees performing crop adviser tasks. (3CCR section 6720)
 - Consumer products see 3CCR section 6720(e)
-

21. Medical Evaluation

3CCR section 6739(q) and (s)

Scope: Employers of employees wearing respirators when required by registered pesticide labeling, restricted material permit condition, regulations, the employer, or employees that voluntarily use respirators supplied by the employer.

Verify that there is a medical recommendation form, for each employee assigned to performing work that requires wearing a respirator. Does it allow the employee to wear a respirator? Records generated from online evaluations are acceptable but must identify the physician or licensed health care professional and the evaluated employee.

It is not necessary to inspect the questionnaires as it is considered confidential under the Health Insurance Portability and Accountability Act (HIPAA) and may not be available.

Exemptions:

- Employees who voluntarily use dust filtering respirators (dust masks) provided by the employer.
 - Employees who voluntarily use any respirator not provided by the employer.
 - PCAs or professional foresters and their employees performing crop adviser tasks. (3CCR section 6720)
 - Consumer products see 3CCR section 6720(e)
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Respiratory Protection Program Requirements, Continued

22. Fit Test Records

3CCR sections 6739(p)(2) and (3)

Scope: Employers of employees wearing respirators when required by any pesticide labeling, restricted material permit condition, regulations, or the employer.

Ask for the current respirator program, previous programs shall be retained for three years. How does the employer fit test the employee? Ask what procedure is used to assure that respirators are cleaned and sanitized and where the equipment is stored.

Review the fit test records and verify that they contain the required information:

- Name or identification of employee tested
- Date and type of test
- Specific make, model, style, and size of respirator tested
- Test results

Exemptions:

- Employees who voluntarily use dust filtering respirators (dust masks) provided by the employer.
- Employees who voluntarily use any respirator not provided by the employer.
- PCAs or professional foresters and their employees performing crop adviser tasks. (3CCR section 6720)
- Consumer products see 3CCR section 6720(e).

Continued on next page

Respiratory Protection Program Requirements, Continued

23. Respirators Inspected

3CCR section 6739(j)(1)

Scope: Employers shall assure:

- Routine-use respirators are maintained when required by any pesticide labeling, restricted material permit condition, regulation or the employer.
- Emergency-use or second respirators are maintained to ensure air cylinders are at 100% of manufactures recommended capacity.
- Emergency-use respirators are inspected monthly according to routine-use criteria and manufactures recommendations.
- Escape only respirators are inspected according to routine-use inspection criteria.

Verify that routine-use respirators are inspected before each use and during cleaning. Verify that, when SCBA are used, at least one routine-use SCBA cylinder at the use site starts the day at 80% of capacity or greater. Emergency-use SCBA must be maintained at 100% of capacity.

Verify that respirators maintained for stand-by or emergency-use are inspected at least monthly. A record of the most recent inspection shall be maintained on the respirator or its storage container.

Verify that emergency respirators are stored in clearly marked containers accessible to the work area in a manner that they can be safely utilized in an emergency. (3CCR section 6739(i))

Exemptions:

- Employees who voluntarily use dust filtering respirators (dust masks) provided by the employer.
- Employees who voluntarily use any respirator not provided by the employer.
- PCAs or professional foresters and their employees performing crop adviser tasks. (3CCR section 6720)
- Consumer products see 3CCR section 6720(e).

Continued on next page

Respiratory Protection Program Requirements, Continued

24. Respirator Storage

3CCR section 6739(h)(4)

Scope: Employers storing respirators when respirator use is required by registered pesticide labeling, restricted material permit condition, regulations, or the employer provides respirators to employees.

Verify that respirators are stored in a manner that protects them from damage, contamination, dust, sunlight, extreme temperatures, excessive moisture, and damaging chemicals. Respirators must also be stored in a manner that prevents the face-piece and exhalation valve from deformation.

Exemptions:

- PCAs or professional foresters and their employees performing crop adviser tasks. (3CCR section 6720)
 - Consumer products see 3CCR section 6720(e).
-

25. Voluntary Use Display

3CCR section 6739(b)(2)

Scope: Employers that permit employees to use respirators when not required by registered pesticide labeling, restricted material permit condition, regulations or the employer.

Verify that the information listed in 3CCR section 6739(r) is displayed alongside the PSIS A-8 or N-8 as appropriate.

If employees are wearing respirators (other than a filtering face- piece/dust mask) on a voluntary basis and that the respirator(s) are provided by the employer. The employer shall establish and implement the provisions of a written respiratory protection program to ensure the employee is medically able use that respirator, and the respirator is cleaned, stored, and maintained so that there is no health hazard to the user.

Exemptions:

- Employees who voluntarily use dust filtering respirators (dust masks) provided by the employer.
 - Employees who voluntarily use any respirator not provided by the employer.
 - PCAs or professional foresters and their employees performing crop adviser tasks. (3CCR section 6720)
 - Consumer products see 3CCR section 6720(e).
-

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Medical Supervision Program Requirements

26. Use Records Retained / 3 Years

Scope: Employers of employees who handle organophosphate or carbamate pesticides with the signal word “DANGER” or “WARNING” for the commercial or research production of an agricultural plant commodity.

3CCR section 6728(a)

Based on your knowledge of the subject employer's operation, your review of PURs and inspection of pesticides stored on the establishment, determine if there are employees handling organophosphate and carbamate pesticides with the signal word “DANGER” or “WARNING” for production plant agriculture. If so, review the exposure records for each employee and determine if they require medical supervision. The employer shall maintain use records that:

- Identify the name of the employee.
- Name of the pesticide.
- Date of use.

The employer may use other required documentation to fulfill this requirement, but it must be sufficient to allow determination of those employees that regularly handle organophosphate or carbamate pesticides with the signal word “DANGER” or “WARNING”.

This information may also be useful if it becomes necessary to review records while performing an illness investigation. These records must be maintained for a period of three years. Note: The active ingredient Ethephon is an organophosphonate, and not an organophosphate. Pesticides registered for agricultural use in California that contain Ethephon. (e.g. Ethrel, Proxy, CottonQuick) are not covered by 3CCR section 6728.

Exemptions: Consumer products see 3CCR section 6720(e).

Continued on next page

Medical Supervision Program Requirements, Continued

**27. Doctor's
Agreement
Available / 3
Years**

Scope: Employees who regularly handle organophosphate or carbamate pesticides with the signal word "DANGER" or "WARNING" for the commercial or research production of an agricultural plant commodity.

**3CCR section
6728(b)**

When employee(s) regularly handles a pesticide with the signal word "DANGER" or "WARNING," verify the employer has a written agreement stating the physician has agreed to provide medical supervision. The signed agreement must include:

- The names and addresses of both the employer and physician, stating the physician has agreed to provide medical supervision and has a copy, and is aware, of the contents of the Medical Supervision of Pesticides Workers – Guideline for Physicians.
- A copy of the agreement must be provided to the commissioner when an employee begins to regularly handle pesticides.

An employee is regularly handling pesticides if the employee handles pesticides for more than six calendar days in 30 consecutive days. Any amount of time in a 24-hour period is considered a day. The 30-day period is any 30 consecutive days beginning with each use. It cannot be divided by months or any other arbitrary demarcation.

Physicians choosing to be medical supervisors are required to register with Office of Environmental Health Hazard Assessment (OEHHA). To confirm a physician has registered, a list can be found at, [California Office of Environmental Health Hazard Assessment List of Registered Medical Supervisors](#).

Continued on next page

Medical Supervision Program Requirements, Continued

**27. Doctor's
Agreement
Available / 3
Years
(continued)**

**3CCR section
6728(b)**

Mark "Yes" when:

- The employer has a copy of the signed medical supervision agreement and recommendations from a physician, and
- The physician is registered with OEHHA, and
- The commissioner was provided with a copy of the medical agreement.

Mark "No" when:

- The employer does not have a copy of the medical agreement, or recommendations; or
- The employer did not provide the commissioner with a copy of the medical supervision agreement; or
- The physician is not registered with OEHHA.

Mark "N/A" when:

- "DANGER" or "WARNING" organophosphate or carbamate pesticides are not used; or
- Employees do not regularly handle "DANGER" or "WARNING" organophosphate or carbamate pesticides; or
- The use is other than research or production of an agricultural commodity; or
- Mixing or loading "DANGER" or "WARNING" organophosphate or carbamate pesticides while only using a closed system or mixing using water-soluble packets.

Exemptions:

- Consumer products see 3CCR section 6720(e).
- If an employee has a baseline blood cholinesterase level established pursuant to 3 CCR section 6728(c)(1), the time spent exclusively using a closed system or water-soluble packets is not included in the 6-day, regularly handle calculation.

Continued on next page

Medical Supervision Program Requirements, Continued

28. Records/3 years

Scope: Employers of persons who regularly handle organophosphate or carbamate pesticides with the signal word “DANGER” or “WARNING” for the commercial or research production of an agricultural plant commodity

3CCR section 6728(c)

3CCR section 6728(c)(1): The employer shall ensure for employees who regularly handle that:

- A baseline red cell and plasma cholinesterase was established.
- The baseline was established after a period of at least 30 days where the employee had no exposure to organophosphate or carbamate pesticides.
- Baseline values were verified every two years.
- For new employees, previously established baseline values may be excepted if they were obtained following these regulations by the same laboratory methodology and are acceptable to the laboratory analyzing the new employee's blood samples.

Employee(s), who have not been under medical supervision must have red cell and plasma cholinesterase determinations within three working days at the end of each 30-day period when regularly handling. After three tests at 30-day intervals, additional monitoring shall be at intervals specified in writing by the medical supervisor (excluding baseline verification). When there is no written recommendation made by the medical supervisor for continued periodic monitoring, the testing interval shall be every 60 days.

The employer shall maintain records of:

- The medical supervision agreement to provide medical supervision, and
- Use records (records of when employee(s) regularly handle), and
- All medical supervisor recommendations, and
- All results of cholinesterase tests required to be made on the employee(s).

Records shall be maintained for three years and shall be available for inspection by the employee, the director, commissioner, county health official, or state health official.

Continued on next page

Medical Supervision Program Requirements, Continued

**28. Records/3
years
(continued)**

**3CCR section
6728(c)**

DPR guidance on the effect of medical record confidentiality rules on compliance with medical supervision record keeping requirements: It is DPR's interpretation that the employer must retain medical supervision records at a business location within the state, with the exception of ChE results. Due to medical confidentiality rules, blood test results do not need to be kept by the employer. In order to comply with this regulation, the employer must maintain a record identifying the employee and the dates of tests when the test results are retained by the medical supervisor.

Mark "Yes" when:

- The employer maintains a copy of, the medical agreement, use records, medical supervisor's recommendations, and the name of the employee with the date(s) of the test results.

Mark "No" when:

- The employer does not maintain copies of each of the required documents for three years.

Mark "N/A" when:

- "DANGER" or "WARNING" organophosphate or carbamate pesticides are not used, or
- Employees do not regularly handle "DANGER" or "WARNING" organophosphate or carbamate pesticides, or
- "DANGER" or "WARNING" organophosphate or carbamate pesticides are not used for the production of an agricultural commodity, or
- "DANGER" or "WARNING" organophosphate or carbamate pesticides are not used, or
- Mixing or loading "DANGER" or "WARNING" organophosphate or carbamate pesticides while only using a closed system or mixing using water-soluble packets.

Exemptions:

- If an employee has a baseline blood cholinesterase level established pursuant to 3CCR section 6728(c)(1), the time spent exclusively using a closed system or water-soluble packets is not included in the 6-day, regularly handle calculation.
- Consumer products see 3CCR section 6720(e).

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Medical Supervision Program Requirements, Continued

29. Medical Supervision Posting

Scope: Employers of employees who regularly handle organophosphate or carbamate pesticides with the signal word “DANGER” or “WARNING” for the commercial or research production of an agricultural plant commodity.

3CCR section 6728(c)(5)

Confirm that the name, address and phone number of the medical supervisor is posted in a prominent place at the headquarters or other location where employees start the workday. If the employee starts the workday in the field, the information must be posted at each worksite or in the work vehicle. This posting requirement is in addition to the emergency medical care posting requirement (3CCR section 6726).

Exemptions:

- Consumer products see 3CCR section 6720(e).
- If an employee has a baseline blood cholinesterase level established pursuant to 3CCR section 6728(c)(1), the time spent exclusively using a closed system or water-soluble packets is not included in the 6-day, regularly handle calculation.

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Pesticide Storage Requirements

**30. Possession
Permit for
Stored
Restricted
Material**

**3CCR section
6412**

Scope: Any person storing a restricted material requiring a permit.

Inspect all storage areas and note any restricted materials found. Compare materials stored with current permit held. If you find restricted materials not listed on the current or past permits issued to the person inspected, investigate how the materials came to be stored at this location.

Exemptions:

- Pesticide registrants, dealers operating under their licenses, or commercial carriers transporting restricted materials. (3CCR section 6414)
- Structural pest control licensees. (FAC section 14006.6(d))
- Certified private or commercial applicators when possessing or using only federally restricted use materials. (3CCR section 6414)
- Pesticides listed only in 3CCR section 6400(d) (groundwater materials) when used outside groundwater protection areas.
- Pesticides listed only in 3CCR section 6400(d) (groundwater materials) when used in a pest eradication program approved by the CA Department of Food and Agriculture. (3CCR section 6416)
- Antifouling paints or paints containing tributyltin. (3CCR section 6414)
- Materials used only for experimental purposes by research personnel according to established policy of a college or university or according to a valid research authorization. (3CCR sections 6414 and 6416)
- The permittee of a valid permit is authorized to retain possession of materials listed after the permit expires.

Continued on next page

Pesticide Storage Requirements, Continued

31. Containers Secured

3CCR section 6672(b)

Scope: Any person who controls the use of a property and stores any pesticide. Any person, delivering empty, or full containers of any pesticide to a property.

Ask the business operator where pesticides are stored. If the company has more than one storage area at different locations, each site should be inspected. Are pesticides and empty containers stored in a locked enclosure? Personal control of containers is allowed if someone maintains control over them at all times.

If pesticides, containers or equipment are not in a locked enclosure you must 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 and the level of attention the attending person can provide. Are the containers near a road or trail? Are they in plain view of a responsible person? Could someone access the containers without the responsible person seeing them?

Pesticides and containers must not be stored in a manner that creates a hazard to persons, animals, food, feed or property (3CCR section 6670). 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.

“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.

“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.

Continued on next page

Pesticide Storage Requirements, Continued

31. Containers Secured (continued)

3CCR section 6672(b)

Exemptions:

- Containers that hold or have held pesticides packaged, labeled, and used for home use when in the possession of a householder on their property. (3CCR section 6686)
 - Sanitizers, disinfectants, and medical sterilants. (3CCR section 6686)
 - Pesticides listed in 3CCR section 6402 "exempt materials," must be delivered to a responsible person, but need not be attended or kept in a locked enclosure on a property. (3CCR section 6686)
-

32. Pesticide Storage Posted "Warning / Danger"

3CCR section 6674

Scope: Storage areas where containers that hold, or have held, any pesticides with the signal words "DANGER" or "WARNING" are stored.

Pesticide storage signs must be visible from any direction of probable approach and shall be posted around all storage areas where containers that hold, or have held, pesticides. Each sign shall be of such size that it is readable at a distance of 25 feet. Determine if the notice should be repeated in a language other than English. Are signs posted in each direction of probable approach and readable at a distance of 25 feet?

Posting of vehicle utility boxes is not required unless the boxes are used as a fixed storage site.

Exemptions:

- Containers labeled and used for home use when in the possession of a householder on his property. (3CCR section 6686)
 - Pesticides listed in 3CCR section 6147 "Exempted Pesticide Products". (guidance)
 - Sanitizers, disinfectants, or medical sterilants. (3CCR section 6686)
-

Continued on next page

Pesticide Storage Requirements, Continued

33. Containers Labeled / Closures

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

3CCR section 6676

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

Exemptions:

- Sanitizers, disinfectants, or medical sterilants. (3CCR section 6686)
 - Measuring devices that are not used to store or transport a pesticide. (3CCR section 6676)
 - 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. (3CCR section 6684)
-

34. Service Container Labeling

Scope: All containers, other than the original manufacturer's labeled container, used to store or hold pesticides, transport dilute or concentrated mixtures of any pesticide down a public road to another site.

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 before the applicator leaves or transports the equipment, no service container labeling is required as long as equipment has been rinsed. The definition for service container is in FAC section 12757.5.

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

Exemptions:

- Sanitizers, disinfectants, or medical sterilants. (3CCR section 6686)
 - Containers used by a person engaged in the business of farming while on that person's property and that do not travel on a public road to get to the property.
-

Continued on next page

Pesticide Storage Requirements, Continued

35. Prohibited Containers for Pesticides

3CCR section 6680

Scope: All 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) as service containers.

If all pesticides are in proper containers, check the “YES” box. 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

Pesticide Storage Requirements, Continued

36. Containers Properly Rinsed

Scope: All pesticide containers that have held less than 28 gallons of liquid pesticide concentrate that is diluted for use.

3CCR section 6684

Handlers must triple rinse and drain containers at the time of use. Handlers must add the rinsate to the mix tank and use the 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. Verify that there are no unrinsed empty containers being stored. 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. Some retail pesticide product labeling includes statements advising users to wrap partially full containers in newspaper and dispose of in regular waste containers. This is not allowed in California.

Check empty containers for proper rinsing. 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 in compliance with Titles 22 and 23, California Code of Regulations. Contact the local Health Department or Regional Water Quality Control Board for more information.

Except for containers to be returned to the registrant, each emptied container that has held less than 28 gallons of a liquid pesticide that is diluted for use shall be rinsed. Exempt containers may require special rinse procedures, be refilled offsite, returned to the registrant or be disposed as hazardous waste in compliance with local Environmental Health agency and/or the California Department of Toxic Substances Control regulations.

The burning of plastic containers (jugs, buckets, etc.) may be in violation of local Air Pollution Control District regulations (APCD). Document any observations of burning plastic containers and refer to the APCD.

Continued on next page

Pesticide Storage Requirements, Continued

**36. Containers
Properly
Rinsed
(continued)**

**3CCR section
6684**

Cal/EPA has determined that when pesticide bags are emptied according to DPR's guidelines, they can be disposed of as non-hazardous waste. There are two disposal options available: disposal at lined Class III landfills or disposal at the site of application by burning under an agricultural burn permit. Permits to burn empty bags are issued by the local Air Pollution Control District. Enforcement of bag disposal regulations is at the discretion of the CAC. (See 22CCR sections 66260.10 – 66262.70) (See Appendix 5)

Exemptions:

- Sanitizers, disinfectants and medical sterilants. (3CCR section 6686)
- Outer containers that are not contaminated. (3CCR section 6686)
- Containers being returned to the registrant.
- 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:
 1. The aerosol containers are emptied to the extent possible under normal use.
 2. The aerosol containers are disposed of after use in accordance with labeling instructions. DHS guidance, ENF 87-11, Procedural Guidance for Enforcement Personnel pg. 54 Aerosol Container Disposal.

Continued on next page

Application Requirements

37. Annual Notification Schoolsite

Scope: Pesticide applications made for the production of an agricultural commodity within ¼- mile of a schoolsite, made from Monday through Friday, between 6:00 a.m. to 6:00 p.m.

3CCR section 6692

“Schoolsites” include:

- Child day care facility,
- Kindergarten, elementary, or secondary school used during the week, or
- Other property (such as parks used for school activities) identified by the commissioner.

* Effective December 31, 2026, “Schoolsites” includes private schools as described in 3 CCR section 6690(a)(3).

Property Operator – Notification Responsibility Annual Notification

- Provide notification to the Principal of a K-12 school, administration of the child day care facility, and county agricultural commissioner.
- Maintain copy of annual notification for two years
- Provide annual notification by April 30 of expected pesticide use from July 1 through June 30.
- Assuming control of a property after July 1 through June, notification is provided within 30 days of taking control of a property.
- Notifications 30 days after taking control July 1 through June 30, 3CCR section 6692(a) does not apply.
- After the first annual notification, notifications that follow are required no later than April 30 for expected applications between July 1 through June 30.
- Pesticide(s) not included in the annual notification is provided to the schoolsite and commissioner at least 48 hours before to the application.

Continued on next page

Application Requirements, Continued

37. Annual Notification Schoolsite (continued)

3CCR section 6692

Annual Notification Information:

- Summary of requirements to provide annual notification to a schoolsite.
- Summary of pesticide application restrictions.
- Operator of the property's name and contact information.
- Map showing location of the field(s) and the schoolsite.
- County agricultural commissioner's contact information.
- National Pesticide Information Center Web site address.
- Information about the pesticide(s) including:
 - Name of each active ingredient, or agent in a spray adjuvant.
 - example pesticide product name(s); and
 - U.S. Environmental Protection Agency or California registration number.
- The following statement:
- “This notification is informational only, and includes a list of pesticides expected to be used. Schoolsites will be informed of pesticides not on the list at least 48 hours prior to their use. The county agricultural commissioner may be contacted for questions or additional information; if violations of these requirements are suspected; or other non-emergency situations.” Description of the option to negotiate an alternate to the required application restrictions. See 3CCR section 6691(f).

Mark “Yes” when:

- Annual notification provided within the dates in the requirement.
- Notification has required information.
- Written agreement is followed.

Mark “No” when:

- Annual notification not provided or provided after the dates in the requirement.
- Written agreement is not followed. Document the details in the remarks section of the inspection report.

Mark “N/A” when:

- When the property operator does not have an application site within a 1/4-mile of a schoolsite.
- Facility is not considered a schoolsite.

Exemptions:

- When the facility does not meet the definition of a schoolsite.

Continued on next page

Application Requirements, Continued

**38.
Applications of
Neonicotinoid
Pesticides**

Scope: Foliar and or soil applications of neonicotinoids (products containing the active ingredients clothianidin, dinotefuran, imidacloprid, and thiamethoxam) used to produce certain agricultural commodities, which are exempt.

**3CCR section
6990**

The following applications are exempt from the neonicotinoid pesticide exposure protection regulations:

- An application made to address a local emergency pursuant to Government Code section 8630 or a local emergency declared by the U.S. Department of Agriculture or the California Department of Food and Agriculture.
- An application to control a quarantine pest declared by the U.S. Department of Agriculture or the California Department of Food and Agriculture.

For these applications, the operator of the property must obtain a written recommendation from a licensed PCA and retain the written recommendation for at least two years after the application occurs.

Continued on next page

Application Requirements, Continued

**38.
Applications of
Neonicotinoid
Pesticides
(continued)**

**3CCR section
6990**

Mark “Yes” when:

- The property operator has obtained a written recommendation for these exempt applications and retained the recommendation for at least two years after the application occurs.

Mark “No” when:

- The operator of the property has made applications of a neonicotinoid pesticide where a recommendation is required but did not obtain or retain the written recommendation, or
- The application did not qualify for the exemption and violated the applicable crop group section in 3CCR sections 6990.1-6990.16.

Mark “N/A” when:

- No pesticide product containing the active ingredients clothianidin, dinotefuran, imidacloprid, and thiamethoxam is used; or
- The neonicotinoid application is in a non-agricultural or non-production agricultural use setting or is for seed treatment; or
- The neonicotinoid application is to an agricultural commodity not listed in 3CCR section 6990(b) (e.g., crops in Crop Group 18, nursery stock, commercially grown turf); or
- The neonicotinoid application is made to a specific crop exempted from the article in 3CCR sections 6990.1, 6990.3, or 6990.12; or
- The neonicotinoid application is exempted by 3CCR section 6990(c) (1), (4) or (5).

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C. Dealer Records/Storage Inspection

Purpose

A Pesticide Dealer Record / Storage Inspection is conducted at the business location to ascertain licensing status, supervision by a qualified person, record maintenance, the sale and delivery of appropriate pesticides, adherence to restricted materials sales requirements, and proper handling of containers.

Conduct a complete record inspection at the frequency agreed to in your county's enforcement work plan. Additional inspections of sales records may be needed to determine compliance with pesticide use reporting requirements or for specific investigations. Review CAC records and note any prior violations before performing the inspection. Inspections should include an interview of the designated agent.

Inspection criteria

Dealers must be actively selling agricultural, dual use, or restricted use pesticides. The number of records reviewed must be recorded on the Inspection report in order to be reported as a completed Dealer Inspection. If no records are reviewed, the inspection is not a complete inspection.

NOTE: See FAC section 12121, Dealer Violations, for violations related to providing false information in acquiring a license or distributing or advertising false or misleading information about a pesticide.

Continued on next page

Dealer Records/Storage Inspection Requirements, Continued

1. Dealer Licensed

Scope: Persons acting as pesticide dealers, or who engage in the business of, advertise as, or assume to act as a pesticide dealer. Dealer activities are defined in FAC section 11407.

FAC section 12101

Locate and examine the dealer's license. Record the business name, license number and expiration date from the license on the inspection form. Determine if the information is current and that the license is valid.

Exemptions:

- Licensed agricultural or structural pest control businesses that apply the pesticides sold or recommended. (FAC section 11407.5)
- Any federal, state or county agency that provides pesticides for agricultural use. (FAC section 12102)
- Cooperatives that provide pesticides for their members only if:
 - The Cooperative is a central receiving point for orders or billings and provides the licensed pesticide dealer that actually supplies the agricultural use pesticide, or restricted use pesticides with information required in 3 CCR sections 6562 and 6568.
 - The supplier (dealer) must invoice the purchaser to specific purchases.
 - Cooperative must maintain the ownership identity of any pesticide it stores for its members

Continued on next page

Dealer Records/Storage Inspection Requirements, Continued

2. Designated Agent / Office, Valid License / Certificate

FAC section 12101.5

Scope: Any person who is responsible for supervising the operations of a licensed pest control dealer either at the main (principal) office or at a branch location.

Activities of a pest control dealer include:

- Sales to users for an agricultural use.
- Sales to users of a method or device to control agricultural pests, such as biological agents, lures, or insect-trapping devices.
- Field representatives or agents soliciting sales of pesticides by making agricultural use recommendations.
- Sales to users of a restricted material requiring a permit or used by or under the direct supervision of a certified applicator.

Determine if a designated agent is available at each main office and each branch location. Record the agent's name of the subject facility on your inspection form. In order for persons to be qualified as a designated agent for a pesticide dealer's license they must hold a valid:

- Designated Dealer Agent License
- Pest Control Adviser License
- Pest Control Journeyman Pilot Certificate
- Qualified Applicator License

A person may be a designated agent for only one location. Does the designated agent actively supervise all operations conducted by employees at that location? Determine that the designated agent is providing adequate supervision and not attempting to oversee several locations, or attempting to work full time as a PCA, while "overseeing" dealer operations remotely.

Mark "Yes" when:

- There is a designated agent at each location, and
- The designated agent holds an appropriate license or certificate.

Mark "No" when:

- The designated agent supervises more than one location, or
- The individual supervising the location does not hold the correct license or certificate, or no designated agent.

Exemptions: None. This inspection would only be conducted at a facility that meets the definition of a pest control dealer.

Continued on next page

Dealer Records/Storage Inspection Requirements, Continued

3. Sales Records / Written Statement

3CCR section 6562

Scope: Any pesticide sold or delivered by licensed pesticide dealers, except pesticides labeled only for home use.

Dealers shall maintain records of all pesticides sold or delivered, except for the sale of pesticides labeled only for home use. Verify that all pesticide sales records are being maintained for two years from the date of sale.

Examine the records of pesticides sold as cash sales and ask the designated agent how records are maintained. Interview a salesperson to determine how they handle sales receipts and compare the response to the designated agent's description of record maintenance. Select a representative sample of records to review. In this sample, verify:

- Records are identified by purchaser name and address.
- For sales of pesticides listed in 3CCR section 6400, records include the following information.
 - Purchaser's name, including the name of the business, agency, or operator of the property (if applicable) and the name of the certified private or commercial applicator purchasing the restricted material.
 - If the purchase is made by a noncertified agent of a certified applicator, the record must also include the name of the individual who made the purchase; and
 - The address must be a residence or business address.
- Product name, U.S. EPA or CA Reg. Number, the amount, and any applicable FIFRA Section 18 emergency exemption or Section 24(c) special local need number.
- Date purchased.
- The operator identification number(s) specified in section 6622 is on the invoice, or a statement is on the invoice indicating that the purchaser was not required to obtain an operator identification number.
- Copy of agricultural pest control advisor's recommendation or a statement on the invoice or delivery slip no recommendation was written.
- Location where the pesticide was delivered and who received it (person or business).

Continued on next page

Dealer Records/Storage Inspection Requirements, Continued

3. Sales Records / Written Statement (continued)

Look for sales of dual use products. Sales records for home use products will have the reason on the sales record why pest dealer was not required to collect the information, for example, “For Home Use”. Review the cash sales invoices, cash sales normally are not regular customers and may not provide the required information to the pesticide dealer.

3CCR section 6562

Do the records show where the pesticide was delivered? Does each pesticide sale include either a written recommendation or a statement on a copy of the customer’s invoice that no recommendation was made? For invoices or delivery slips that do not have a statement, verify that a written recommendation was made. If discrepancies exist, expand the record review. Dealers must keep copies of the recommendation or statement for two years.

Dual-Use Pesticides

Retail stores that sell pesticides for any use that requires a permit for possession and use, or which may be used only by or under the supervision of a certified applicator, are required to be licensed. Additionally, any retail stores that sell pesticides labeled for agricultural use are required to be licensed as pesticide dealers.

The term “dual-use products” refers to those pesticides with labeling that have use directions for agricultural use and other uses (e.g., home use, institutional use). Only licensed pesticide dealers may sell pesticides that have agricultural uses specified on the registered labeling, regardless of the other uses that may appear on this labeling. Any business must obtain a pesticide dealers license prior to selling pesticides with agricultural uses on the labeling. They must also comply with all applicable pesticide dealer requirements in FAC sections 12101 through 12113, and 3CCR sections 6560 through 6574. Only licensed dealers can sell dual-use pesticides to end-users in California.

Continued on next page

Dealer Records/Storage Inspection Requirements, Continued

3. Sales Records / Written Statement (continued)

3CCR section
6562

Mark “Yes” when:

- The pest control dealer maintains records that are available for inspection, complete, and maintained for two years.

Mark “No” When:

- Records are not available, or
- Records are not complete or do not have the required information, or
- Two years of records are not available.

Exemptions: Pesticides labeled only for home use. Inspections on a pesticide dealership that only sells home use pesticides is not considered as a complete inspection.

4. Appropriate Products Sold

3CCR section
6564

Scope: Any pesticides sold or delivered by licensed pesticide dealers.

Examine sales records and evaluate the pesticides sold and the buyers.

Licensed Pest Control Dealers are NOT allowed to:

- Sell or deliver a pesticide when the requirements of the registered pesticide labeling conflict with the recommendation, or
 - Knowingly sell or deliver a pesticide for a use not supported by the labeling or when any condition of the labeling cannot be followed (for example, product labeling directions for use is for row crops, the product cannot be sold or delivered to a permit hold who does not have row crops on their permit or Operator Identification Number), or
 - Sell or deliver a pesticide listed in 3CCR section 6400 to a certified private or commercial applicator whose category(ies) or scope of certification do not allow for the intended pesticide use (for example, selling a restricted fumigant labeled for soil or commodity fumigation to an individual certified only as a private applicator).
-

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Dealer Records/Storage Inspection Requirements, Continued

4. Appropriate Products Sold (continued)

3CCR section 6564

Note any pesticide sales or recommendations that are unusual or that deviate from common industry practice. For example:

- Pesticides labeled for agricultural use that were sold to an industrial type of business.
- Pesticides labeled only for commodities not on the Operator Identification Number (OIN) or Restricted Materials Permit (RMP) of the purchaser.
- An OIN or RMP with commodities or sites not on the pesticide labeling.
- Sodium hypochlorite for a site not on the labeling. For example, the sodium hypochlorite used in irrigation, food processing, or to disinfect harvesting equipment is not labeled for those uses.

Compare some of the sales records with available labeling to see if recommendations for use are consistent with the labeling.

Complaints or evidence of illegal sales tactics or misrepresentation of products by firms should be documented and submitted to DPR's Product Compliance Unit (productcompliance@cdpr.ca.gov) so that appropriate enforcement action by state or federal agencies can be taken.

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Dealer Records/Storage Inspection Requirements, Continued

4. Appropriate Products Sold (continued)

3CCR section 6564

Mark “Yes” when after reviewing pesticide dealer records:

- The recommendation does not conflict with pesticide labeling of the product sold, and
- The Dealer has procedures in place to ensure they only sell products for uses supported by labeling and when conditions of labeling can be followed, and
- The Dealer sells or delivers a restricted material to a certified applicator whose category(ies) and certification matches the intended pesticide use.

Mark “No” when:

- The pesticide dealer knowingly sells or delivers a product that is not appropriate for the recommendation, or
- The conditions of use on the pesticide labeling cannot be followed, or
- The applicator’s category(ies) or scope of certification do not allow for the intended use.

When marking a “No” gather information to show the pesticide dealer “knowingly” sold or delivered pesticide that was not appropriate.

Exemptions: None.

Continued on next page

Dealer Records/Storage Inspection Requirements, Continued

**5. Permits for
Restricted
Material Sales / 2
Years**

**3CCR section
6568(a)**

Scope: Licensed pesticide dealers selling restricted use pesticides requiring a restricted material permit.

Prior to a sale or delivery of a restricted material requiring a permit for possession or use, the licensed pest control dealer shall obtain a copy of the permit.

Review a representative sample of restricted material sales and crosscheck each sale to determine if the dealer has an appropriate permit on file. Check that the pesticide sold is listed on the permit and that the permit was valid on the sale date. Verify that the dealer has maintained a copy of each permit for sales made in the last 2 years. Interview a salesperson to determine how he/she verifies that a permit is on file for restricted material sales.

Mark “Yes” when:

- Retains a copy of the permit before the sale or delivery of a restricted material requiring a permit.

Mark “No” when:

- The pest control deal does not have a copy of the permit for each sale of a restricted material requiring a permit.

Mark “N/A” when:

- The pesticide sold does not require a permit.

Exemptions:

- Sales to licensed dealers. (3CCR section 6414).

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Dealer Records/Storage Inspection Requirements, Continued

**6. Qualified
Applicator
Licensee,
Qualified
Applicator
Certificate, or
Private
Applicator
Certificate
Statement
Available / Two
Years**

Scope: Licensed pesticide dealers selling a restricted material listed in 3CCR section 6400(a) and (d).

Federal Restricted Use Pesticides or pesticide with the potential to pollute groundwater (pesticides listed in 3CCR section 6800 (a)) that do not require a permit for possession and use, are to be sold only to a certified private or commercial applicator.

An individual certified by a Tribe or U.S. EPA as a certified applicator on Tribal lands only, are considered a certified applicator for this section.

**3CCR section
6568(b)**

Review a representative sample of federally restricted material sales and groundwater materials and crosscheck each sale to determine if the dealer has the required signed statement on file. The dealer must have before the sale or delivery:

- A copy of the purchaser's certified private or commercial applicator license or certificate, or
- A signed statement that includes the license or certificate type and number, date of expiration, categories, name of the business/agency/operator of the property, the certified applicator's signature, and date.

A RMP or OIN which lists or includes the applicator's certification type (certified private or commercial applicator license or certificate), category(ies), license number, and expiration date, can be used to meet this standard.

A record that only indicates delivery to a licensed pest control business does not serve as a signed statement. Check that the dealer has kept a copy of signed statement for 2 years.

Continued on next page

Dealer Records/Storage Inspection Requirements, Continued

**6. Qualified
Applicator
Licensee,
Qualified
Applicator
Certificate, or
Private
Applicator
Certificate
Statement
Available / Two
Years**

Mark “Yes” when:

- The pest control dealer retained a copy of the individual’s certified private or commercial applicator license or certificate, or
- Has a signed statement with the required information before the sale or delivery of a Restricted Use Pesticide or a groundwater pesticide listed in 3CCR section 6800(a) that does not require a permit. An OIN or RMP with the certified applicator’s certificate or license number is acceptable.

Mark “No” when:

- The pest control dealer does not have a copy of the of the certified applicator’s license, certificate, or signed statement.

Mark “N/A” when:

- The purchase of the pesticide does not require the purchaser to be a certified applicator.

**3CCR section
6568(b)**

Exemptions: Sales to licensed dealers. (3CCR section 6414).

Continued on next page

Dealer Records/Storage Inspection Requirements, Continued

**7. Operator
Identification
Number (OIN)**

**3CCR section
6568(c)**

Scope: Licensed pesticide dealer sales of:

- Registered pesticides intended for agricultural use,
- Restricted materials listed in 3CCR section 6400 (including federal Restricted Use Pesticides),
- Registered pesticides for any post-harvest commodity use, or
- Any registered pesticide listed in 3CCR section 6800(b) for any outdoor institutional or industrial use.

The dealer must obtain from the purchaser a copy (including electronic copies) of their OIN, the Restricted Material Permit (RMP) number is also the OIN. Cross match sales records with OIN and RMP records. If discrepancies exist, expand the record review.

Mark “Yes” when:

- Before the delivery or sale of a pesticide requiring an OIN, the dealer has a copy of the RMP or OIN. (3CCR section 6568(c))

Mark “No” when:

- The pest control dealer did not retain a copy of the RMP or OIN.

Mark “N/A” when:

- The sales of the pesticide do not require a RMP or OIN.

Exemptions:

- Sales to licensed dealers.
- Sales to agricultural or structural PCBs. (3CCR section 6622(a))

Continued on next page

Dealer Records/Storage Inspection Requirements, Continued

8. Out of County Sales Reporting

3CCR section 6568(d) and (e)

Out of County Sales 3CCR section 6568(d)

Scope: A licensed pest control dealer may sell pesticides that require the purchaser to have an operator ID number outside of the county in which the dealer is located.

Verify that the dealer is sending a list of operator ID numbers and the corresponding purchaser names to the county agricultural commissioner who issued the OIN within 10 days at the end of each quarter. The pest control dealer does not need to send the list to the commissioner of the county in which the dealer is located.

Record Keeping 3CCR section 6568(e)

Scope: Pest Control Dealer record keeping.

The Pest Control Dealer must retain a copy of each RMP, OIN, license, or certificate, or signed statement provided by the purchaser for two years.

Mark “Yes” when:

- For sales to out-of-county pesticide purchases, the pest control dealer provides a list by the 10th day following the end of each quarter of each OIN (including RMP) and purchaser name to the commissioner(s) who issued the OIN, section 6568(d); and
- The dealer retains for two years a copy of the OIN, permit, or signed statement that pesticide purchaser provided to the dealer.

Mark “No” when:

- The pest control dealer fails to send a list of the OIN (including RMP) and names of the purchaser to the CAC 10 days at the end of each quarter, or
- The pest control dealer has not maintained the required records for two years.

Mark “N/A” when:

- Sales are to other pesticide dealers or brokers; or
- Sales to pest control businesses; or
- Exemptions apply.

Exemption: The dealer is not required to send the list to the commissioner where the dealer is located.

Continued on next page

Dealer Records/Storage Inspection Requirements, Continued

9. Specialized Records – Clopyralid Tributyltin

3CCR sections 6574/6576

Scope:

- Licensed pest control dealers who sell antifouling paints or coatings containing tributyltin.
- Licensed pest control dealers who sell any pesticide product containing the active ingredient clopyralid intended for lawn or turf use.

Verify that the dealer has obtained a statement signed by the purchaser for any sales of tributyltin.

Verify that the dealer has records of these sales that include the signed statement and the additional required information including the purchaser's license or certificate number and a copy of the vessel registration. The dealer is required to maintain these records in a separate log for two years.

Verify that the dealer has obtained a statement signed by the purchaser for any sales of clopyralid.

San Joaquin Valley Ozone Nonattainment Area 3CCR section 6886 (add this requirement to the inspection form when applicable)

The dealer shall provide nonfumigant VOC information, in writing, to the purchaser at time of purchase or delivery if the sale is to an operator in the San Joaquin Valley ozone nonattainment area.

Exemptions: None

10. Containers Secured

3CCR section 6672(b)

Scope: Any person who controls the use of a property and stores any pesticide. Any person delivering empty or full containers of any pesticide to a property.

Ask the business operator where pesticides are stored. If the company has more than one storage area at different locations, each site should be inspected. Are pesticides and empty containers stored in a locked enclosure? Personal control of containers is allowed if someone maintains control over them at all times.

Continued on next page

Dealer Records/Storage Inspection Requirements, Continued

10. Containers Secured (continued)

3CCR section 6672(b)

If pesticides, containers or equipment are not in a locked enclosure you must 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 and the level of attention the attending person can provide. Are the containers near a road or trail? Are they in plain view of a responsible person? Could someone access the containers without the responsible person seeing them?

Pesticides and containers must not be stored in a manner that creates a hazard to persons, animals, food, feed or property (3CCR section 6670). 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.

“**Attended**” means a responsible person present 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 [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. Compendium Volume 8 Section 1.14. [Compendium Volume 8 Chapter 1 Section 1.14 Pesticide Storage](#)

Exemptions:

- Containers that hold or have held pesticides packaged, labeled, and used for home use when in the possession of a householder on their property. (3CCR section 6686)
- Sanitizers, disinfectants, and medical sterilants. (3CCR section 6686)
- Pesticides listed in 3CCR section 6402 "exempt materials," must be delivered to a responsible person, but need not be attended or kept in a locked enclosure on a property. (3CCR section 6686)

Continued on next page

Dealer Records/Storage Inspection Requirements, Continued

11. Storage Posted “Warning / Danger”

**3CCR section
6674**

Scope: Storage areas where containers that hold, or have held, any pesticides with the signal words “DANGER” or “WARNING” are stored.

Pesticide storage signs must be visible from any direction of probable approach and shall be posted around all storage areas where containers that hold, or have held, pesticides. Each sign shall be of such size that it is readable at a distance of 25 feet. Determine if the notice should be repeated in a language other than English. Are signs posted in each direction of probable approach and readable at a distance of 25 feet?

Posting of vehicle utility boxes is not required unless the boxes are used as a fixed storage site.

Exemptions:

- Containers labeled and used for home use when in the possession of a householder on his property. (3CCR section 6686)
- Pesticides listed in 3CCR section 6147 “Exempted Pesticide Products”. (guidance)
- Sanitizers, disinfectants, or medical sterilants. (3CCR section 6686)
- Pesticides displayed in a sales setting. (guidance)

12. Pesticide Containers Properly Labeled

**3CCR section
6676**

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

Verify pesticide containers, including refillable large containers or tanks, carry the registrant’s labeling and lids or closures are securely tightened.

Exemptions:

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

Continued on next page

Dealer Records/Storage Inspection Requirements, Continued

13. Service Container Labeling

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

3CCR section 6678

Determine whether the service container labeling is complete. If pesticides are loaded into application equipment at the site and all the pesticide mix is used during the application before the applicator leaves or transports the equipment, no service container labeling is required as long as equipment has been rinsed. The definition for service container may be found in FAC section 12757.5.

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

Exemptions:

- Sanitizers, disinfectants, or medical sterilants 3CCR section 6686.
 - Containers used by a farmer while on their own property and not leaving the property.
-

14. Prohibited Containers

Scope: Pesticides used, transported, or stored.

3CCR section 6680

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 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 (with no identifiable food or beverage labeling) as service containers.

If all pesticides are in proper containers, check the "YES" box. 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

Pest Control Adviser Records Inspection

Purpose and scope

The records of an Agricultural Pest Control Adviser (PCA) are inspected to determine if the adviser is working within the scope of his/her license and that written recommendations comply with relevant labeling and regulations. The inspection is also used to determine if the adviser complies with record keeping requirements. You should inspect PCA records at the frequency agreed to in your county work plan and as required for investigations. Check your office files for any previous records inspections, noting any violations before performing the inspection.

Inspection criteria

Advisers must be registered in your county, actively writing recommendations and the number of recommendations reviewed must be recorded on the form to consider the report as a completed Pest Control Adviser Records Inspection. If no records are reviewed it is not considered a complete inspection.

Continued on next page

Pest Control Adviser Records Inspection Requirements

1. PCA Licensed

Scope: Persons acting or offering to act as a PCA. (This includes persons that recommend the use of biological control agents). See definition at FAC section 11410.

FAC section 12001

Verify that the PCA has a valid license. Is the adviser's correct address on the license? Record the name and license number on the inspection form.

If a farm management firm makes recommendations, the person making those recommendations must be licensed unless the firm has a monetary interest in the profits derived from the crop for which the recommendation is made. See Compendium Volume 8 for more information.

An operator of a property (grower, firm or corporation) and the employees of that operator are not required to be licensed by DPR as PCAs when making decisions regarding pesticides used for agricultural use on property under their control. Employees of public agencies that make agricultural recommendations must be licensed as PCAs unless exempted under FAC section 12001. (3CCR section 6551).

Exemptions:

- Federal and state agricultural departments, county agricultural commissioners, and qualified officials of the University of California Extension service, who put recommendations in writing for a specific application and specific site.
- Owners of private firms and their employees making recommendations on their own property. Owners of private firms (e.g., growers, golf courses, and owners) make independent decisions and not offering advice on pest control to another person. (guidance)
- Veterinarians writing prescriptions for control of an animal pest. (FAC section 11408, Veterinarian Use)
- Persons within an established place of business who write sales invoices or otherwise handle over the counter sales where no recommendation was made or inferred.
- Registered professional foresters (RPF), in the practice of providing general silvicultural advice. If the RPF gives advice in the form of silvicultural prescriptions and includes the use of specific pesticides the RPF would need a PCA license. (guidance)
- An owner or employee of a firm in the business of treating seed. (FAC section 11408, Industrial Use)

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Pest Control Adviser Records Inspection Requirements,

Continued

2. PCA Registered in County

Scope: Licensed PCAs making agricultural use recommendations in any county.

FAC section 12002

Each PCA who makes any recommendation for agricultural use must register in person with the agricultural commissioner in the county listed in the adviser's address on the license (FAC section 12031). Registration in any additional county may be made by mail or in person, at the discretion of the agricultural commissioner of the additional county.

Review a representative sample of the PCA's recommendations. While reviewing recommendations, look for any that are made for locations outside your county. If out of county recommendations are found, ask to see a copy of the PCA's registration for the subject county. If you are unable to verify that the PCA is registered in all the counties where recommendations have been made, document the details in the "Remarks" section and notify the relevant county so that they can verify that the PCA is appropriately registered.

Exemptions: None

3. Recommendati on in Proper Categories

Scope: Licensed and registered PCAs.

FAC section 12054

Review records to determine whether the adviser is making recommendations within the scope of the categories listed on the license. For example, the PCA must be licensed in Category "G" to write a recommendation for the use of a plant growth regulator. Categories are listed in FAC section 12022.

Exemptions: None

Continued on next page

Pest Control Adviser Records Inspection Requirements,

Continued

**4. Required
Information /
Copies
Furnished**

Scope: Pest control advisers who offer a recommendation on agricultural use of any pesticide.

Review a representative sample of written recommendations.

**FAC section
12003**

- Do they contain the required information?
- Do you have labeling to look at for review purposes?
- Have labeling restrictions such as REIs, PHIs, plant backs, disposition of by-products and posting requirements, been noted?
- Did the adviser add to the recommendation a warning of the known hazards by the pesticide application?

PCAs must put all recommendations concerning any agricultural use in writing. A copy of the written recommendation must be furnished to the operator of the property, the dealer, and pest control business prior to application. If the recommendation does not indicate copies are delivered, ask the adviser what procedure he or she uses to assure that growers and dealers receive a signed and dated copy.

Exemptions: None.

**5.
Recommendation
Retained / One
Year**

Scope: Agricultural pest control advisers and agricultural pest control businesses.

Verify that the adviser has retained a copy of each recommendation for one year from the date written.

**FAC section
12004**

Exemptions: None

Continued on next page

Pest Control Adviser Records Inspection Requirements,

Continued

6. Recommendations on Criteria

3CCR section 6556

Scope: Agricultural PCA recommendations.

In addition to the requirements in FAC section 12003, determine if the PCA has included a statement certifying the PCA has considered alternatives and mitigation measures to reduce any adverse environmental effects.

- What technique or means has the adviser used to determine the need for recommending each application?
- What information was employed by the adviser to conclude that a treatment was necessary?
- Examples include sweep counts, detection traps and university publications.

Exemptions: None.

7. Complies with Registered Pesticide Labeling

FAC section 12971

Scope: All recommendations.

Compare some of the written recommendations to the product labeling referenced on the recommendations. Confirm the recommendation does not conflict with the registered product labeling such as commodity/site, rate, dosage, restricted entry intervals, and pre-harvest intervals.

Exemptions: None.

Continued on next page

Pest Control Adviser Records Inspection Requirements, Continued

8. Safety of Employed Persons

3CCR section 6720(d)

Scope: Licensed agricultural pest control advisers, registered foresters, that enter fields treated with any pesticide.

Licensed PCAs and registered foresters are considered trained; ask how they make specific determinations regarding the level of protection needed for them. These determinations are made in lieu of compliance with decontamination, emergency medical care, coverall, PPE and reentry regulations.

Ask the pest control adviser: Do you have any employees under your direct supervision that perform tasks such as field checking, scouting or sampling in fields? PCAs are exempt from 3CCR sections 6726, 6734, 6738.1-6738.4, 6739, 6766, 6768, and 6770.

If yes, ask:

- Do you allow them to enter treated fields?
- Has training been provided?
- Do you require them to wear PPE?
- How do you determine what PPE to wear?
- What decontamination facilities are provided?
- How do you notify or inform them about the pesticides used, REI, etc.?

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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