II. INVESTIGATION OBJECTIVES AND PROCEDURES

In response to a pesticide incident, the County Agricultural Commissioner (CAC) conducts an investigation. The incident can be a human health effect, environmental effect, or an economic loss. An investigation should be initiated as soon as possible.

When it is determined the jurisdiction is of a different county, make sure to transfer it to the appropriate county as soon as possible. It is important not to delay the referral, especially if it involves human health effects, so that the appropriate county can collect reliable time-sensitive information.

A. General Procedures

1. Human Health Effects (General)

a. Objectives

During the investigation of an incident involving human health effects, **t**he primary objective is to **document the exposure and determine the circumstances (including any violations) contributing to the exposure event** to evaluate the effectiveness of the label directions, laws, regulations, policies, and practices. It is the role of a medical professional to make an official assessment of health effects. It is, however, permissible for you to correlate symptoms to the pesticide label precautionary statements and/or Safety Data Sheet.

DPR WHS Branch collects human health effects information on all pesticide exposure situations, regardless of enforcement jurisdiction.

b. Assistance

DPR can provide technical assistance to the CAC on pesticide-related **human health effects** incidents. All consultation related to investigations should be coordinated with your Enforcement Branch Liaison (EBL). WH&S staff is available to answer questions dealing with WH&S issues related to the investigation. Although limited, additional assistance is available for:

- Collecting dislodgeable residue samples
- Coordinating the collection of clothing, urine and blood samples
- Assisting CAC investigators in interviewing persons exposed to pesticides
- Physician consultation services
- Create environmental monitoring modeling of offsite movement
- Bilingual staff to assist in interviews

WH&S contracts with the University of California, Davis (UCD) for physician consultation services. The UCD physician is in the office at least two days a month and is on-call during the rest of the month. He is available during business hours to assist CACs and healthcare providers. To obtain assistance from DPR's physician consultant,

contact the WH&S Pesticide Illness Surveillance Program staff (PISP). PISP staff screen the request to determine whether it requires immediate attention, or further research, and will contact the UCD physician when appropriate.

c. Specific Information to Collect

The following information is required (when relevant) in every investigative report:

Specific activity. Identify the exposed person's specific activity (e.g., harvesting grapes, mixing for an aerial application, sanitizing an endoscope) at the time of exposure. For occupational exposures, include information on the length of time the employee spent at this activity and work history. Avoid using “laborer", "farm worker", and other general terms because they do not provide activity-specific information. If specific activity cannot be determined, see Exposure section below.

Toxic agent. Confirm and specify the chemical product(s) involved. Was the chemical a pesticide or used as a pesticide? For dual-purpose products, it is important to establish the intended use of the product because it may have non-pesticidal purposes (examples: sodium hypochlorite which can be used for home disinfectant vs. whitening laundry or muriatic acid which can be used as an adjuvant for controlling pH balance in pools vs. cleaning masonry stains). Include the evidence for determining the intended use (interview statement, label, standard operating procedure SOP). Record the full product name and the EPA registration number (including the DPR Registration alpha code). Describe how the chemical was used and where (application site) or how it was intended to be used. Was the chemical properly used (i.e., according to label directions)? Was it a restricted material? Was anything different in the pattern of usage (i.e., first time use on a particular crop, different timing or method than in the past)? Accurately record all information.

Labeling. Include a copy of the pertinent pages of the labeling and section 18 directions with the investigation. You may exclude pages that have no bearing on the incident (i.e., use directions for sites other than the one(s) related to the incident). Whenever possible, obtain labeling from the product at the incident site or identify the source (ex: specimen labeling) of the labeling. Take close-up photographs of the labeling when it cannot easily be removed from the container. Request a copy of the registered label from DPR’s Registration Resource Center. Do not include a copy of the Safety Data Sheet (SDS) with the investigation, unless the SDS is presented as evidence of the product used.

Exposure. Describe the exposure event in detail. For example:

- Was there anything unusual about the individual’s activity?
- What were the environmental conditions (hot, cold, rain, fog, windy, dark)?
- Was the individual recently hired or recently assigned to pesticide related activities?
- Was there any potential exposure from prior activities?
- For employees, was there any potential exposure from non-work activities?

- How was the pesticide used, handled, stored, and accessed by the injured party?
    - For situations involving children, how was the pesticide accessible to the child? If the child obtained a dual-purpose product stored under a sink or in a cabinet, for what purpose was it used (e.g., to disinfect the bathtub, to sanitize floors, or used as a general cleaner/whitener)

If no specific exposure event can be identified, include a detailed history of activities (at work and home) and possible exposure situations for at least three days prior to the illness.

For occupational cases, try to obtain a copy of an Employee's Report of Injury Form if available. The employer's Human Resources Department is a good place to obtain this information. Incidents where the exposure event cannot be determined may suggest that additional mitigation measures are needed.

When possible, include photographs to document the incident. (NOTE: Determining a causal relationship between the pesticide and resulting health effects relies on complete and detailed information on the exposure situation and symptoms experienced. Complete and detailed information increases the accuracy and likelihood of establishing a relationship between pesticide exposure and illness.

Pesticide Application Site History. For incidents involving potential exposure to pesticide residue, provide a pesticide application history (at least 30 days) prior to the date of exposure. It is helpful to include application history for surrounding fields. If no pesticide applications occurred in the previous 30 days, provide the information for the last pesticide application made.

Cultural practices. Note any crop cultural practices that may have contributed to the exposure (e.g., type of trellising, irrigation methods, clean, weedy fields, etc.).

Training.
Handlers: Was the employee properly trained? Did the company have a licensed supervisor? Do the employers' and employee's descriptions of the training program coincide? Evaluate the training as well as the training records. For reportable episodes, include a copy of training records only for the employees involved in the incident.

Field Workers: If field workers are involved, did a restricted entry interval (REI) expire within the previous 30 days? If so, have the workers been properly trained? Can the workers explain the type of training they received? Ask the employer how the field workers are trained.

Supervision. Was the employee(s) supervised according to DPR guidance? Was the supervisor aware of the conditions at the use site (3 CCR section 6702)? Did the supervisor provide the required personal protective equipment (PPE)? Was the supervisor certified (generally limited to restricted materials)? Was there a plan to contact a supervisor (or his/her backup)?

Symptoms. Do not assume the information given in the PIR or DFROII (Pesticide Illness Report PIR or the Doctor's First Report of Occupational Illness and Injury) is accurate. Verify the information. Ask the affected person what symptoms he/she experienced. How much time elapsed between exposure and the onset of symptoms? How was the affected person feeling prior to the exposure? When more than one person is involved in an incident, record each individual's symptoms separately. Each person may react differently in similar exposures, depending on their proximity to the application and/or pre-existing medical conditions (examples: allergies, asthma, chemical sensitivities).

Medical care. When there are reasonable grounds to suspect that an employee has a pesticide-related illness, or when an exposure to a pesticide has occurred that might reasonably be expected to lead to an employee's illness, the employer shall ensure that the employee is taken to a physician immediately (3 CCR section 6726(c), 3 CCR section 6766). Confirm that the employee was taken immediately to a physician. When possible, obtain authorization (DPR-ENF-133) from the affected individual to release medical information.

- How much time elapsed between exposure and medical treatment?
- Who took/drove the affected individual to a physician (e.g., employer, co-worker, family member)?
- What treatment was provided to the victim?
- Were medical tests performed? If so, what were the tests and are the results available?

Document detailed responses from everyone involved in the incident to determine whether the employer offered and provided transportation to medical care. Include information about when transport was offered, to whom it was offered, the way it was provided and whether the employee accepted or declined. If the employee and the employer confirm that the employee declined medical care, additional information could be collected such as whether the employer subsequently followed up with the employee and, if requested by the employee, taken to a physician at a later time.

Medical Supervision Program. If medical supervision (3 CCR section 6728) was required, obtain a copy of the written agreement, and any recommendations from the medical supervisor, in order to determine if the regulatory requirements and physician's recommendations were followed. Confirm that the employer provided a copy of the written agreement to the CAC. Document any tests that were required but not performed and/or any recommendations that were not followed. For cases involving lowered cholinesterase levels, was the employer required to investigate the employee's work practices pursuant to 3 CCR section 6728(d)? If the employer conducted a work practices investigation, include a copy of the report with your investigation.

Medical Records. For all incidents involving human-health effects, whenever possible, obtain the medical records and attach them to the investigative report. Medical records,

especially relevant test results, often play a critical role in evaluating an illness. At the time of the interview, it is good practice to take a Medical Information Authorization form (PR-ENF-133 (English) or PR-ENF-133x (Spanish)) for release of medical records and get it signed by the affected person. If you are unable to obtain the medical records, contact WH&S PISP staff (pispillness@cdpr.ca.gov) for assistance. If the records are not attached, document the reason(s) in the investigative report.

For incidents involving cholinesterase-inhibiting pesticides where the physician requested cholinesterase testing, obtain a copy of the laboratory test results, including the laboratory normal range for each test, and any baseline or prior cholinesterase tests available.

Application method and application equipment. Describe how the pesticide(s) was applied or going to be applied. What type of equipment (be specific) was used? Note items such as air or ground equipment, boom placement on the spray rig, type and effectiveness of closed system used, type of cab on the tractor, air conditioning or filtering system in use on enclosed cabs, type of hand-held application device, use of electrostatic spray equipment, etc. Was the equipment well-maintained and had it been calibrated? What is the size of the nozzle orifice? Evaluation of drift and residue (field and structural) incidents especially benefit from this type of information.

Protective measures. List the protective measures (engineering controls or PPE) provided and used/worn at the time of exposure. What engineering controls and PPE do the product labeling and regulations require? To effectively evaluate the incident and its effect on the regulatory program, WH&S needs to know the specific protective measures used/worn:

- leather vs. cotton gloves
- long vs. short sleeves
- chemical-resistant vs. cloth coveralls vs. work clothing,
- safety glasses (Z87.1) vs. non-compliant eyewear
- dust mask vs. NIOSH approved respirator

Note if PPE was worn incorrectly (e.g., goggles on forehead). For half face respirators, specify whether it is an organic vapor or particulate respirator (such as respirators designated as N95). Statements such as "All required protective clothing was worn" are not useful, unless combined with specific descriptions of the items worn. When possible, note the manufacturer and model of any engineering controls. Is the protective equipment in good repair (clean respirator filters, torn coveralls, holes in the gloves, etc.)? The protective measures used section on the PR-ENF-127 form must be completed for all cases. If “Other” is checked, note the item in the designated area (e.g., apron. disposable sleeves and booties, etc.). For non-occupational cases, check “work clothes” if street clothes were worn (such as long/short pants, long sleeved/short sleeved shirts and shoes). If not, check “Other” and specify.

Decontamination. Confirm the following:

- Was there sufficient water for routine washing, emergency eye flushing (production agriculture), soap, single use towels and clean change of coveralls available together at the work site as specified in 3 CCR sections 6734 and 6768?
- Were they used?
- Could personal hygiene appear to be a factor in the incident (e.g., employee does not regularly wash hands before eating or was smoking a contributing factor?)?

Others involved. Were other individuals exposed? Did they have symptoms? Which symptoms did they have specifically? Often, this cannot be determined accurately without interviewing these individuals. Include an interview summary for each individual interviewed. Do not state the affected individual was the only one in the crew to become sick/injured unless the entire crew is interviewed. Lack of a doctor's report (PIR or DFROII) does not mean that no other individuals developed symptoms.

Notification. Describe the method the operator of the property used to give advance notice of a planned application to appropriate people who may enter the field to be treated (3 CCR section 6618). Remember employees who walk within ¼ mile are presumed to be likely to enter the treated field and, thus, require notification. This includes employees of licensed pest control business and licensed labor contractors hired by the operator of the property.

- Was the notification adequate?
- Did the notice include all required information?
- Did a lack of adequate notice appear to have a role in the incident?

If this incident involves nonproduction agriculture or a non-agriculture setting, did the applicator follow applicable notification requirements outlined in 3 CCR section 6618(b), BPC section 8538 and/or 16 CCR section 1970.41.

Hazard Communication.

- Did the employer (property operator, pest control business, farm labor contractor) display a copy of an appropriate and completed Pesticide Safety Information Series (PSIS) (A-8, N-8, A-9) (3 CCR sections 6723 and 6761)?
- Did the property operator maintain pesticide use records, other applicable PSIS leaflets, and SDSs for pesticides used?
- Did the employer keep employees informed as to where these records are kept?
- Were they granted access to other required records?
- Describe how the production agriculture property operator displays application-specific information (3 CCR sections 6723.1 and 6761.1).
- Did the display contain all required information? Was it timely?

Application Specific Information

- Describe how the production agriculture property operator displays application-

specific information (3 CCR sections 6723.1 and 6761.1).

- Did the display contain all required information? Was it timely?

Generally, failure to meet these requirements would not be a causal factor in an illness incident. However, if it appears that either the failure to display or provide access to such information played a role in the incident, explain this in the investigative report. Regardless of the role this information played in the incident, these requirements should be evaluated during the investigation to determine whether the requirements were met.

d. Worker's Compensation

Worker's Compensation requires medical treatment for all workers made ill at the workplace. Workers are entitled to Worker's Compensation disability income if they become unable to work due to the effects of pesticide exposure in the workplace. If a worker asks about worker's compensation, advise the worker to contact the Information and Assistance Officer of the closest district office of the DIR, Division of Workers' Compensation, for questions about the rights of the employee and worker's compensation coverage/benefits (For addresses and telephone numbers, see Appendix B or website http://www.dir.ca.gov/dwc/IandA.html.)

2. Human Effects Incidents (Specific)

If a CAC independently learns of a human health effect incident through an agency or venue other than DPR, the CAC shall contact DPR's WH&S Branch as soon as possible to ensure the event is recorded, a case number is assigned (if applicable), and the incident is investigated appropriately.

a. Field Worker Cluster Incidents

When investigating any illness/injury involving a member of an agricultural field crew, never assume the worker is the only crewmember affected. DPR may not have additional reports of illness or injury for several reasons:

(1) The doctor's reports may not have made it through the system;
(2) The doctor may not report the incident (even though required); or
(3) The other crewmembers may not have sought medical care.

If more than one illness/injury occurs at one location within a short period of time, be alert to the possibility of a cluster illness/injury situation. Early identification of this situation may actually prevent a serious cluster incident.

A field worker cluster incident may be a challenging situation. At least six issues must be considered:

1. Is there a continuing human health hazard?
2. What is the health status of the affected crew?
3. Is there a possibility of illegal residues on produce?
4. What exposure conditions led to the illness?
5. Was an Odor reported? (See questionnaire in Appendix E)
6. Were any violations identified?

The health of the exposed individuals is the primary concern. The CAC should involve DPR (WH&S and EB Regional Office) and the County Health Officer early in the incident. A conference call involving Enforcement Regional Offices Branch, WH&S, and possibly the health officer can help the county form a comprehensive investigation plan. The Health Officer has authority (FAC section 12982) to become involved in this type of situation. The Health Officer has the expertise to provide valuable assistance in determining the presence of an ongoing health hazard and in communicating with physicians. Check with your county Health Officer for existing county policies.

When there is the possibility of an ongoing health hazard due to pesticides, the CAC can take the necessary steps to protect workers. Pursuant to 3 CCR section 6706, the CAC can issue an order to: (1) prohibit all entry by employees into the area; (2) require the employer to provide medical supervision to the employee; and/or (3) specify exposure time limits or PPE to be worn by employees entering the area.

The medical supervisor monitors the health status of the workers, and the medical supervisor's worker health recommendations must be followed. Inform WH&S of the identity of the medical supervisor.

Conduct individual interviews with each worker soon after the incident. Conduct the interviews privately, without the employer or an employer representative present. DPR recommends that the CAC develop a short questionnaire to use during the interviews. Each questionnaire should take no more than five to ten minutes to administer. The questions should focus on worker specific information (e.g., medical symptoms, including prior history of dermatitis, asthma and allergies if pertinent, work location, and specific activity at time of exposure, PPE worn, personal hygiene, and living conditions).

Collect complete work histories to determine where the crew previously worked. Obtain work history for the two weeks prior to the incident. Work histories include time worked, activity, location of fields worked, crop, variety, crew assignments, etc. Collect pesticide application histories (at least 30-60 days) for all fields noted in the work histories.

People with appropriate expertise (toxicologists, physicians) evaluate these incidents (hazards of residue present, medical tests, etc.). Involve them early in the investigation. Contact WH&S for assistance in this area.

b. Public Exposure Incidents Involving Large Numbers of People

DPR and CACs are responsible for investigating all pesticide exposures. Incidents involving large numbers of exposed people may involve the off-site movement of pesticides or their breakdown products. Even if the affected people do not seek medical attention, an investigation is still required.

Special procedures apply to an investigation for public-exposure incidents possibly caused by the use of a pesticide and where the resulting illness or injury resulted in medical attention, [FAC section 12997.7 outlines these special procedures.] Exposed individuals may be entitled to medical cost reimbursement.

In response to the requirements in FAC section 12997.7, DPR developed a set of tools to provide guidance to the CAC in responding to these incidents. These guidelines can be found in Appendix F. The guidelines include two forms designed to assist you in quickly collecting information on all exposed individuals within a household at the same time. These are:

1) Pesticide Exposure Incident Questionnaire; and
2) Pesticide Episode Investigation Non-Occupational Exposure Supplement (PR-ENF-128).

The Pesticide Exposure Incident Questionnaire is designed for the CAC to distribute to individuals within the affected area, to provide the individuals with essential information concerning the incident, and to give affected individuals the opportunity to self-report their exposure situation and associated symptoms. The Pesticide Episode Investigation Non-Occupational Exposure Supplement (PR-ENF-128) is designed to assist the CAC staff in collecting information during interviews. Both forms allow the collection of person-specific information for all members of an affected household (up to 15 people).

c. Incidents Involving Antimicrobial Pesticides

Conduct an investigation to determine the circumstances of antimicrobial pesticide exposure. You must make attempts to interview the affected person and obtain the required information to complete the PEIR. Many antimicrobial pesticides are labeled for other non-pesticidal purposes (whitening, stain removal, etc.). It is essential that you collect the necessary evidence/information (i.e., interviews, cleaning SOPs, intended application site) to determine and indicate the intended use of the product. **Be aware that many antimicrobial pesticides are "DANGER" materials and require the user to wear eye and hand protection**. You should document any violations uncovered during the investigation and the enforcement action proposed or taken. In addition, you should provide 'Using Disinfectants, Sanitizers, Medical Sterilants, and Other Antimicrobials in the Workplace' to the employer, or homeowner, etc. (See website https://www.cdpr.ca.gov/wp-content/uploads/2024/12/antimic.pdf for a copy of the leaflet.) DPR regulations refer to Title 8 CCR requirements for antimicrobial handlers [See 3 CCR section 6720(c)]. However, the law (FAC section 12973) supersedes regulations and requires compliance with the pesticide labeling requirements.

d. Illnesses Alleged to be Caused by Pesticide Residues on Produce

When receiving public calls about a (raw agricultural commodity) produce-related illness, take the name, address, and telephone number of the person making the complaint. Record the type of produce involved and when and where it was purchased. Also record the date and time of the call.

Inform the caller that these situations are handled jointly by the County Health Department, the CAC, and DPR. Follow the procedures below when investigating these complaints:

- Forward the complaint information to the County Health Officer. He/she will evaluate the complaint and determine if the illness is possibly pesticide related.

- Samples of produce related to "alleged illnesses" should not be collected or submitted to the California Department of Food and Agriculture (CDFA) laboratory for analysis until the county health department confirms the illness is, at least, "possibly pesticide related".

- If the county health department determines the illness to be possibly pesticide related, your investigation must be initiated immediately. Samples should be collected, if available, of any remaining portions of the suspect produce, or of any of the same lot at the location of purchase. Contact the EBL or the EB regional office for arrangements for sample analysis.

- If the county health department determines that the illness is unlikely to be pesticide related, no further action should be taken by the CAC.

e. Suicide/Attempted Suicide/Self-Harm

When a pesticide is implicated in a suicide or suicide attempt, WH&S will assign it a case number. If the suicide attempt results in hospitalization or death, the event is designated as a Reportable Investigation. Due to the sensitive nature of these situations, WH&S will request the CAC to follow-up and write a Pesticide Episode Investigation Report (PEIR) only for those cases WH&S identifies as warranting further investigation.

The following are examples of cases where WH&S will specifically ask CACs to investigate with the intent of uncovering information of benefit or importance in DPR's overarching efforts to protect human health and the environment.

- Incidents involving Restricted Materials. You should determine how the person who committed or attempted to commit suicide obtained (with or without a permit?) the Restricted Material.

- Incidents involving an emergency response by a local agency, such as the local police or fire department and/or HazMat, where there may be a reasonable public health concern.

- Other, as determined by WH&S.

When investigating cases of suicides and attempted suicides, you should:

- In the case of an attempted suicide, avoid direct contact or communication with the individual as this might impact his or her mental state. Obtain details and other information from police reports, hospital staff, paramedics and HazMat.

- **Determine the identity and source of the pesticide, the extent of exposure, the signs and symptoms of illness/injury, and possible violations.** If the medical information cannot be obtained, identify the treating physician (name, address, telephone number) and forward to WH&S. If the situation involved emergency response by police, paramedics, or HazMat, obtain reports from the responding agency, if possible. WH&S may be able to obtain more information, if necessary.

If a CAC independently learns of a suicide/suicide attempt through an agency or venue other than DPR, the CAC should contact WH&S as soon as possible.

f. Fatalities

Upon learning of a fatality (non-suicide) involving pesticides, you must obtain as much information about the circumstances as quickly as possible. Information such as the person's activity, potential pesticide(s) involved, exposure scenarios, work history, and incident location are needed for decisions concerning environmental and biological sample collection. Interview the employer, supervisor, and co-workers to obtain this information. Based on this initial information, you may need to collect clothing, PPE, dislodgeable foliar residue (DFR), and tank mix samples, if the local law enforcement officials allow it. See Chapter III for information on sampling and submitting samples for analysis. Prompt sample analysis will provide you with valuable information you can use in further investigating the incident. Contact your EBL or the EB Regional Office before collecting samples to discuss the sampling strategy and to coordinate the sample analysis with WH&S.

Since the county coroner may perform an autopsy within a short period after receiving the body, please notify WH&S promptly with the name and telephone number of the county coroner. WH&S may ask the coroner to collect tissue and fluid samples (such as blood for cholinesterase inhibition or analysis of chemicals, urine for pesticide metabolites, skin wipes, stomach contents, and tissue samples). WH&S will coordinate with the county coroner for sample collection and for the transport and analysis of these

samples.

g. Pest Control Equipment Accidents

Investigate pest control equipment accidents (fatal or nonfatal) to determine if a pesticide exposure possibly affected the handler's judgment or abilities. An investigation of a pest control equipment accident should include:

- A work history for the 30 days prior to the accident to evaluate possible pesticide exposure
- A determination of the need for medical supervision
- Copies of relevant medical tests (e.g., cholinesterase baseline and follow-up tests)
- Evaluation of employer supervision
- The most likely cause of the accident based upon the statement of the handler, employer, and any eyewitnesses

For pest control aircraft accidents, obtain, if available, the most likely cause of the incident according to the National Transportation Safety Board (NTSB aircraft accident information can be found at: https://www.ntsb.gov/safety/data/Pages/Data_Stats.aspx). If a fatality occurred, refer to the section on pesticide-related fatalities. Review the Reportable Investigation Criteria in Appendix A to determine if the incident warrants a designation as a reportable investigation.

h. Structural Pest Control Incidents

DPR and the CAC are responsible for investigating all pesticide-related complaints resulting from structural pest control applications (FAC section 15201, BPC section 8615.5). The structural pest control board (SPCB) investigates matters involving licensing or fraud (MOU 98-036). Coordinate with your EBL if you need to request assistance from SPCB during an investigation.

i. Government Agency Sponsored Pest Control Operations Incidents

Inform your EBL when you receive complaints related to government (CDFA, USDA, Vector Control, etc.) pest eradication projects. Investigate these complaints as you do any other pesticide misuse complaints.

3. Employee/Citizen Complaints

a. General Information

DPR and the CACs receive complaints alleging misuse of pesticides, human or animal health effects, environmental damage, or pesticide injury or damage to crops or property. According to DPR's policy and expectations, all complaints are investigated. However, the CAC has discretion to consider availability of resources and other priorities in

determining the extent of the investigation and level of effort to invest.

DPR may refer complaints to the responsible agency for investigation. DPR does not normally ask the investigating agency for a follow-up report on routine complaints except for complaint referrals from the US EPA where it has requested a report, and complaints received from the DPR Executive Office with an assignment to respond.

DPR refers pesticide use-related complaints to the CAC and does not normally conduct its own investigation except where a possible conflict of interest may be involved. For complaints involving CAC performance, DPR reviews the CAC action and determines whether the CAC responded in an acceptable manner. If DPR determines the CAC performance is acceptable, DPR informs the complainant of the findings and closes the case. If DPR determines the CAC should have conducted a more in-depth investigation, DPR will discuss the case with the CAC and inform the complainant that DPR requested the CAC to pursue the issue further.

Normally, DPR investigates complaints of pesticide product compliance or pesticide residues on produce in the channels of trade. DPR expects the CACs to conduct a follow-up investigation of residues found on crops grown in their county to determine if the residue was the result of pesticide misuse.

However, WH&S will assign a case number if it is discovered that either: (1) The complainant and/or others allegedly suffered illness symptoms from a pesticide exposure and sought medical attention; or (2) Five or more people reported symptoms, but did not seek medical attention.

b. Citizen Complaints

For citizen complaints of exposure/effects, the individual should complete and sign the Complaint of Human Exposure or Unsafe Condition form (PR-ENF-074). **An investigation must be conducted** regardless of how the complaint was received, even if the complainant does not complete or wish to sign the form. The form serves as the basis for the interview and to record the initial information received. For these types of incidents, determine the following:

- Did the exposed person(s) experience symptoms? Did they seek medical attention? If yes, when and where? Collecting information on the health care provider's name and/or facility name can be useful for follow-up by DPR.
- Did the complainant smell an odor? If yes, how was the odor described? When did it start and is it ongoing?
- Has the hazardous situation been resolved?
- Is pesticide misuse alleged?
- Are there any violations? Attempt to obtain as much information as possible from the complainant at the time of the initial contact (signed statement, medical

records release, etc.).

c. Employee Complaints

An employee has a right to a safe workplace (3 CCR section 6702). The employer has the responsibility to remove unnecessary hazards from the workplace and to provide protective devices for hazards to which the employee may be exposed.

The employee has the right to file a confidential complaint alleging unsafe work conditions. The employee's legal rights must be protected at all times during the investigation of a complaint (Labor Code sections 6309 and 6310; website: http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=LAB&division=5.&title=&part=1.&chapter=1.&article=). The name of the complainant must be kept confidential unless that person specifically requests otherwise (Labor Code section 6309).

Employee complaints may be formal or informal. A formal complaint is an oral or written allegation by an employee, union representative, or other employee representative (with or without a contract). If the complaint is a formal complaint, Labor Code section 6309 and the DIR/DPR/CACASA MOU (website: https://www.cdpr.ca.gov/wp-content/uploads/2025/07/mou_department_of_industrial_relations.pdf) requires an investigation to begin as soon as possible, but not later than three working days if a serious violation is alleged or 14 days for other complaints. The CAC must inform the complainant of any action taken or the reasons for not taking action. If it is determined that the complaint is not pesticide-related, include the supporting evidence in the investigation report. Employee complaints from other sources (e.g., friends, spouses, or special interest groups) are informal complaints and are not limited by the three working day response; otherwise, they are handled in the same manner as formal complaints. Interviews should be conducted in private without employer representation and should cover the conditions of the workplace. Do not give advance notice to the employer that an interview or inspection pursuant to an employee complaint is to be made.

For employees filing complaints involving human exposure/effects due to pesticides, use the Complaint of Human Exposure or Unsafe Condition form (PR-ENF-074). The CAC may also receive written complaints on referral from Cal/OSHA as well as by letter from the employee or employee representative.

Conduct the basic investigation of an employee complaint of a hazardous workplace in the same manner as complaints received from other sources. Give special attention to the allegations included in the complaint. Determine the following:

- Is there any evidence to support the allegation?
- Is the hazard ongoing?
- Has the hazard been removed or are protective devices available to control employee exposure?
- Did any violations occur?

- Should other agencies be involved in the investigation (e.g. Cal/OSHA)? If the employee or coworkers reported suffering illness symptoms, recommend they seek medical attention.

Normally, an employee complaint triggers one or more types of inspections using the Field Worker Safety Inspection form (PR-ENF-103), Pesticide Use Monitoring Inspection forms (PR-ENF-104 through 108), or the Pest Control Records Inspection forms (PR-ENF-109 or 110).

The DIR/DPR/CACASA MOU requires DIR to refer complaints of unsafe practices involving agricultural, as well as nonagricultural use of pesticides to the CAC. The CAC refers complaints of unsafe workplaces involving manufacturing or formulation plants and commercial (i.e., marketing or distribution, not user) storage, transportation or disposal of pesticides or pesticide containers to DIR for investigation. Labor Code section 6313 requires DIR to investigate the causes of any employment accident that results in a fatality or a serious injury, illness or serious exposure. These types of incidents are likely to result in a joint investigation.

d. Employee Complaints of Retaliation

The employee has the right to protection against retaliation by the employer when he/she files a complaint (3 CCR section 6704). If you receive a complaint from an employee regarding any incidents of retaliation (including threats of retaliation), inform the employee that the Department of Industrial Relations, Division of Labor Standards Enforcement (DLSE) handles retaliation cases. See Appendix C or the DSLE web site (http://www.dir.ca.gov/dlse/DistrictOffices.htm) for a list of DSLE district offices. Provide the employee with the telephone number and address of the nearest DLSE office. DPR recommends that you tell the complainant to provide the DLSE representative with your name. This will allow the DIR investigator to contact you.

Information regarding retaliation is CONFIDENTIAL. DO NOT document *any* information regarding retaliation on an inspection report or on any document that will be received by the employer. DO NOT discuss any information regarding retaliation with the employer.

4. Environmental Effects Incidents

Since non-human effects incidents cover a wide range of types, the specific objectives vary. In general, the objectives are to identify continuing hazards or any violations and gather evidence to support a corrective or enforcement action. More specific objectives are listed under each heading.

a. Illegal Residue Detection on Produce or Crop

The CAC responds to illegal residues on produce in the field when notified by the DPR EB regional office or when their own observations or record reviews indicate a crop may contain an illegal residue. Information regarding illegal residue cases initiated by the CAC should be given to the DPR Enforcement regional office as soon as possible. See Compendium Volume 8 on "Guidelines for Interpreting Pesticide Laws and Regulations and labeling: Chapter 1 for commodity seizure or harvest prohibition. Also see FAC and CCR at: https://www.cdpr.ca.gov/enforcement/resources-for-county-agricultural-commissioners/volume-2-laws-and-regulations/

The CAC has three areas of responsibility regarding illegal residues:

1) Locate, contain and control suspected crops in the field;
2) Investigate illegal residue incidents to determine if they resulted from violations of pesticide laws or regulations; and
3) Notify DPR if commodities suspected of containing illegal residues have entered the channels of trade. DPR will quarantine any suspected lots.

The grower and source field(s) should be identified quickly. Fields suspected of contamination can be held by DPR if it is within one week of harvest. DPR may delegate this authority to the CAC or may request that the CAC deliver a faxed order issued by DPR. FAC section 12601 allows a field to be held for only 24 hours unless sample analysis shows it to contain an illegal residue. DPR may request that the CAC collect a representative sample of the held field. [See section III (A) (8) (b) (viii), page 49 for commodity sampling directions.]

If the suspect field is found to contain an illegal residue, DPR or the CAC will issue a **Stop Harvest Order** pursuant to FAC section 12673.

If the suspect field is more than one week from harvest DPR will issue (or request the CAC to issue) a pack, ship, and sell letter pursuant to FAC section 12671. A **"Pack, Ship, and Sell"** letter is a compliance action with several purposes. It informs the recipient that he/she is suspected of being in violation of pesticide residue laws. It explains the violation and how it was discovered, and it warns the person of the possible consequences of harvesting the suspected field. It is then up to the grower to demonstrate, via private lab sampling, that the crop does not carry an illegal residue prior to harvest or destroy the crop.

If it is determined that a grower is in violation of a pre-harvest interval, no sampling is required. In these cases the field should be held by the CAC using FAC section 12672 until the interval has expired.

Once the contaminated field has been identified and harvest has been stopped, the incident should be investigated in the same manner as other types of incidents. Residue cases are categorized as either over tolerance or no tolerance established (NTE).

Over-tolerances are commonly caused by violation of the pre-harvest interval, use at too high a rate, too frequent use, or other label violations. NTE residues are commonly caused by use of a pesticide not registered for that commodity, drift, spray rig contamination or violation of a plantback restriction. Investigations should include an evaluation of applications made to the suspect field, application equipment work histories, and applications made to adjacent fields.

b. Fish and Wildlife Effects

The Memorandum of Understanding between DPR/CACASA/DFW establishes procedures for coordinating investigations of incidents involving injury or death of non-target fish and wildlife, coordinating laboratory analyses, and coordinating enforcement actions. The Pesticide Wildlife Incident Response Plan Agreement established a formal notification system of pesticide incident monitoring to ensure mutual awareness of injuries or death of non-target fish and wildlife attributable to pesticides.

A fish or wildlife incident investigation (need not be a reportable investigation) requires immediate notification of DPR (Regional Office) and DFW central dispatch (1-888-334-2258). Appendix D shows the DFW regional office map.

A fish or wildlife investigation requires determination of the circumstances, what and/or who is responsible. Some of the circumstances to consider are:

- What kind of wildlife/fish are involved? How many are affected?
  This area may be more appropriately determined by a DFW Biologist.

- The causative agent or condition.
  The laboratory may be able to help determine the causative agent or condition, but not always. Extremely decomposed biological samples make analysis difficult, if not impossible. Moving water may dilute the pesticide to levels below the limits of detection. In these cases, you must rely on circumstantial evidence. See section III (A) (8) (b) (v), page 48 for water sampling techniques.

- How and when was the pesticide introduced?
  Review the NOIs and pesticide use reports for the subject field and related fields (fields that could have contributed to the contamination). Pesticide releases from temporary flight strips or field drainage can be a cause. A map of the canal or watercourse showing direction of flow and extent of kill may reveal a pattern to the kill. Do not overlook applications of aquatic herbicides; large volumes of decaying vegetation deplete oxygen and cause fish kills, even though the herbicide itself is not toxic to the fish. If there is a wildlife loss, consider whether

secondary poisoning may be involved.

For more information on how to investigate fish and wildlife kills, consult DPR's Pesticide Wildlife Incident Response Plan (https://www.cdpr.ca.gov/wp-content/uploads/2025/07/2008_pesticide_wildlife_incident_response_plan.pdf).

c. Emergency Hazardous Materials (Pesticides) Incidents

Hazardous materials incidents (i.e., pesticide spill or fire) often involve response from multiple agencies, such as fire, law enforcement, emergency medical services, environmental health, and the State of California Office of Emergency Services.

The County Emergency Response Plan will designate lines of communication. In most cases, the CAC should contact the lead agency designated for that county. This is necessary to avoid confusion and duplication of effort during an emergency situation. Specialized techniques, equipment, and organizational concepts are often required for adequate incident response.

Do not leave a hazardous area unattended under any circumstances! Do not approach a spill or fire site that may involve toxic substances unless thoroughly trained and equipped with adequate protective devices. Any approach, especially to fires, must be from the upwind side. Call the appropriate response agency and your supervisor (or have someone else make these calls) as soon as possible.

Consider two things in securing the site: (1) request unauthorized people to leave and/or keep them away from the area; and (2) preventing the spread of the material insofar as possible. If possible, safely prevent spilled material from entering drainage systems. Liquids may be contained by diking with readily accessible materials.

If there is an injured person needing assistance, use good judgment before approaching the site, as you risk the possibility of contaminating or injuring yourself. This is especially important if you are alone at the site.

If contaminated people are accessible, speed is essential. One person should begin first aid treatment while another, if available, calls for assistance. Take precautions such as wearing necessary PPE to avoid contamination during this process. Decontaminate the victim immediately to stop pesticide exposure. Arrange for, or provide transportation of, the victim to a medical facility as soon as possible. Save the pesticide container and material, if any remains, or get a readable label to identify the chemical for a physician. If the container is contaminated, take a photograph of the label and provide it to the physician.

5. Property Damage or Loss

Many circumstances may result in property damage or loss. The most common incidents include drift of herbicides, contamination of a commodity with unregistered pesticides, poisonings of domestic animals, and bee kills. The complainant may request assistance in securing monetary compensation either directly or through findings that can be used in civil court. Try to collect unbiased information useful in determining if pesticide laws or regulations were violated. Do not allow influence by possible civil action. Investigations are conducted regardless of compensation to the affected party.

If crop reduction or total loss is involved, obtain production history for the field in question or for similar fields. The damage pattern may give clues as to the cause and/or direction of the source. Plan your sampling so it provides useful information. Refer to the **Sample Collection** section (section IIIA) of this manual for direction. For example, in drift cases, perform gradient sampling, a series of 5 samples taken at varying distances between the suspected source of the drift and the alleged site of the property damage or loss. If drift occurred, the residue level will generally decrease in proportion to the distance from the application site. Consider local topography, especially when investigating incidents involving fumigants. Always prepare a map showing the affected areas and sampling locations. Photographs may also prove useful, if effects are visible.

If the problem appears to be connected to the efficacy or performance of a pesticide product, gather complete information about the application site (including soil types) and the application. This includes all chemicals (including adjuvants) in the mix, pH of the water, and variety of the plant/animal injured. When possible, obtain samples of the suspected pesticides from the tank or container for laboratory analysis. Contact your DPR EBL when investigating incidents involving pesticide performance.

If the investigation is regarding a potential pesticide-related bee incident, the following questions should be addressed during the investigation and documented in the PEIR related to the date of the incident. This information is also used by DPR and USEPA to evaluate pollinator protection.

- Was the beekeeper registered in the county?
- Were the location(s) of the bees up to date within the county?
- Did the beekeeper or their designated agent request pesticide application notifications prior to the incident?
- Did the applicator do a “bee check” before performing the application?
- Was the beekeeper or designated agent notified at least 48 hours prior to the application?
- Did the beekeeper fill out a Report of Loss to the CAC for the incident?
- If there is no Report of Loss, CAC should ask how many hives/colonies were impacted and the estimated dollar value of the bees from the beekeeper/designated agent. If the complainant declines to estimate, document the attempt to obtain this information in the report. (The page remarks section of PR-127 can be used to summarize this information.)

- Review of PURs in the surrounding area and document findings of what was applied.
- Photos of "as found" condition of the bees at the site, or why the photos could not be taken.
- If the bee incident occurred in one of the Citrus Bee Protection counties, document whether any of the 3 CCR section 6656 additional requirements were applicable or not.

6. Drift or Off-Site Movement

a. General Information

Background:

Drift or off-site movement may occur from aerial and other above ground pesticide applications. Recognizing this, California's Legislature established as the legal standard that pesticides be used in a manner that prevents substantial drift to nontarget areas (FAC section 12972).

Even though the 3 CCR section 6000 definition of substantial drift includes the phrase "quantity of pesticide," a determination that drift was substantial is NOT dependent on the amount of pesticide that was deposited outside the target area, but, rather, by a determination that the applicator did not use due care. Pesticide drift is substantial if it exceeds what would have occurred if the applicator had used due care. See also Compendium Volume 8 "Guidelines for Interpreting Pesticide Laws, Regulation, and Labeling" for additional information.
https://www.cdpr.ca.gov/enforcement/resources-for-county-agricultural-commissioners/volume-8-guidelines-for-interpreting-pesticide-laws-regulations-and-labeling/

Definitions:

Drift: Pesticide movement through the air that is not deposited in the target area at the time of application. Drift does not include the movement of pesticide and associated degradation compounds off the target area **after the application**, such as by translocation, volatilization, flux, evaporation, or other forms of "lift off". Drift also does not include the movement of pesticide dusts or pesticide residues on soil particles that are windblown off the site **after the application**.

Substantial drift: The quantity of pesticide outside of the area treated is greater than that which would have resulted had the applicator used due care.
(3 CCR section 6000).

Due Care: The degree of care a prudent and competent person engaged in the same line

of business or endeavor would exercise under the same or similar circumstances. When a person does not exercise due care, the person is said to be negligent.

b. Investigation

When the CAC becomes aware of an incident involving pesticide drift, the CAC must promptly investigate the incident. This includes oral or written complaints made anonymously. Some incidents may meet the criteria for initiating a Reportable Investigation.

The CAC must complete the investigation even if the complaint is withdrawn or the complainant receives compensation for any alleged damages.

When conducting an investigation involving pesticide drift, the CAC should determine whether the applicator violated FAC sections 12972 and 12973, 3 CCR sections 6614 and 6600, or other regulations.

If an application results in an exposure of non-target crops, people, or other property, then the investigation will be able to demonstrate that a *reasonable* possibility of drift existed and the applicator violated 3 CCR section 6614. However, occasionally there could be a case where an application caused the consequence described in 3 CCR section 6614, but the evidence presented by the defense shows the resulting consequence was not a reasonable possibility.

To pursue an enforcement action, see discussion of what is required to prove issues related to substantial drift at a hearing in the upcoming Enforcement Response Compendium Volume 6.

c. Establishing Due Care

To prove that an applicator failed to use due care in making a pesticide application, the CAC must present sufficient evidence to show that the applicator failed to do what a reasonable applicator would or would not have done under the same or similar circumstances.

To determine whether an applicator used due care, it is essential to determine what the weather and other conditions were at the time of the application, what the conditions were at and near the target area, what decisions were made, and what actions were taken by the applicator. The applicator's actions, or lack of actions, will be the deciding factors in determining whether the applicator used due care under the circumstances that existed at the time of application, and thus, whether the pesticide was or was not used in a manner to prevent substantial drift to non-target areas. This determination may involve referencing published good established practices.

d. Applicator Responsibility to Prevent Adverse Effects

3 CCR section 6614 places responsibility on the applicator *prior* to making a pesticide application to evaluate the surrounding properties and other conditions (e.g., application equipment, meteorological conditions, the property to be treated, etc.) and determine the likelihood of harm or damage in order to decide whether the application should be made. This section also requires that *during* the application, the applicator must continually monitor these conditions to determine if a likelihood of harm or damage has arisen during the application in order to decide if the application must be discontinued.

Therefore, even though the applicator uses the same care that reasonable applicators would use under the same or similar circumstances to minimize drift to non-target areas, there still will be certain situations where the application cannot be made, or, once started, cannot be continued. These situations involve possibilities that are *reasonable* ones under the circumstances of the particular application, i.e., possibilities of which the applicator *reasonably* should have known.

7. Investigative Plan

Start Promptly
Initiate investigations promptly upon notification of an incident. Do not wait for a physician's report or written complaint. The physician may not file a report even though Health and Safety Code section 105200 requires it. Prompt initiation increases the likelihood of obtaining reliable information and reduces the amount of investigative time needed to locate and interview people directly or indirectly involved in the incident, especially when the incident involves migratory/seasonal workers. Early witness contact improves the factual information obtained for the investigative report.

Formulate Plan
Before starting the investigation, you should formulate a general investigative plan based upon the initial information provided in documents such as the PIR, DFROII, Pesticide Episode Notification Record (PENR), or the complaint referral. **The investigative plan should focus on the circumstances of the incident and any potential violations, as well as the kinds of evidence needed to prove the violations.** In developing the plan, you must consider such things as type of incident, reportable status, time elapsed since occurrence, collection of evidence, and resources needed. The investigative plan should briefly:

1. List the potential violations by element.
2. List persons who need to be interviewed (by role, e.g., applicator, supervisor, injured person, bystander, etc.).
3. List the pesticide(s) involved and the registration number(s).
4. List the type and number of samples to be collected.
5. List other evidence necessary to prove particular elements of violations (e.g., Restricted Materials Permit, Notice(s) of Intent (NOI), and Pesticide Use

Report(s), training records, diagrams, photographs, etc.).
6. List probable inspection activities (e.g., headquarters inspection).
7. Summarize the findings of fact to date, and planned activities.
8. List of persons who need to be provided with periodic updates.
9. Address agreements with other agencies and legal mandates.

Amend the Plan
As the investigation proceeds, amend the plan as you gather new evidence. An up-to-date plan usually has all of the information necessary to provide preliminary findings of the reportable investigation to the regional offices within 45 days of notification.

To determine current safety conditions, consider performing appropriate inspections in conjunction with the investigation.

8. Timely Submission of Non-Reportable Investigation Reports

For Reportable Episode investigations, the US EPA/DPR/CACASA Cooperative Agreement provides the notification and timeline requirements for investigations.

For non-reportable illness investigations, DPR requires the CAC to submit the completed PEIR to WH&S within 120 calendar days of WH&S assigning a case number. DPR recognizes that a small number of investigations cannot be completed within the established time frames due to circumstances beyond your control. In these instances, the CAC must notify the EBL on form PR-ENF-097 explaining why the non-reportable investigation cannot be completed within 120 days. The CAC must also specify the additional length of time needed to complete the investigation. **The EBL must approve the extension and forward** it **to WH&S**. Criteria for obtaining an extension include:

1. The injured person is unavailable for an extended period but is expected to be available for an interview at a later date. Specify the approximate date on the form.
2. Samples have been sent to an analytical laboratory that is unable to return the results for an extended period of time. Specify the approximate date on the form.
3. There is a delay in obtaining medical records or coroner reports.

Do not delay the submission of the investigative report because of pending enforcement action. Provide the status and nature of the proposed action in the investigative report and upload it to the California Pesticide Enforcement Action Tracking System (CalPEATS).

WH&S receives medical reports (PIRs and DFROIIs), logs them into computer databases, and sends the report to the appropriate CAC via CalPEATS. Upon receipt of the completed PEIR from the CAC via CalPEATS, WH&S records the received date in

the Pesticide Illness Surveillance Program (PISP) database. WH&S sends a monthly printout of incidents assigned to each county. The printout includes all assigned cases for the year, including cases with completed investigative reports. DPR uses these dates to determine the length of time the CAC took to complete the episode investigation. The EBL will use this information when preparing the CAC's evaluation.

If an incident needs to be assigned to a different county, please notify WH&S, so the case can be reassigned in CalPEATS.

DPR reviews the investigative reports for completeness and appropriate enforcement action. DPR will request the CAC provide additional information for any report submitted with inadequate information. The time clock stops upon receipt of the investigative report by DPR. The time clock starts again when DPR returns the investigative report to the CAC for additional information.

B. Reportable Investigations

You must consider the reportable investigation criteria contained in the US EPA/DPR/CACASA Three-Party Agreement for each reportable incident (https://www.cdpr.ca.gov/cac-letter/three-party-memorandum-of-understanding-between-the-department-of-pesticide-regulation-the-california-agricultural-commissioners-and-sealers-association-and-the-united-states-environmental-protection/). When you learn of an episode that **appears** to meet one or more of the effects listed in Figure 2 and where there is a reasonable possibility that it could have resulted from the use or presence of a pesticide, you must promptly report the episode to an EBL or the EB regional office.

For reportable investigations, the US EPA/DPR/CACASA Three-Party Agreement makes no distinction between use-related and non-use-related episodes. DPR reports all reportable investigations to the US EPA irrespective of the agency with lead investigative responsibility. For episodes that fall outside of DPR/CAC jurisdiction, DPR will notify the agency with the lead investigative responsibility. For episodes that occur outside of California with any of the listed effects criteria occurring in California, DPR will refer the episode to US EPA.

DPR's Regional Office Enforcement Branch assigns a reportable investigation number and sends a Pesticide Episode Notification Record (PENR) to all agencies with responsibility. If the County is the first party to discover the incident, the CAC completes the PENR and the EBL assigns the reportable investigation number. The EBL works with the CAC during the investigation to ensure State and US EPA concerns are met. This includes investigating all possible violations and taking appropriate enforcement action. View these episodes as an opportunity to examine the entire regulatory process.

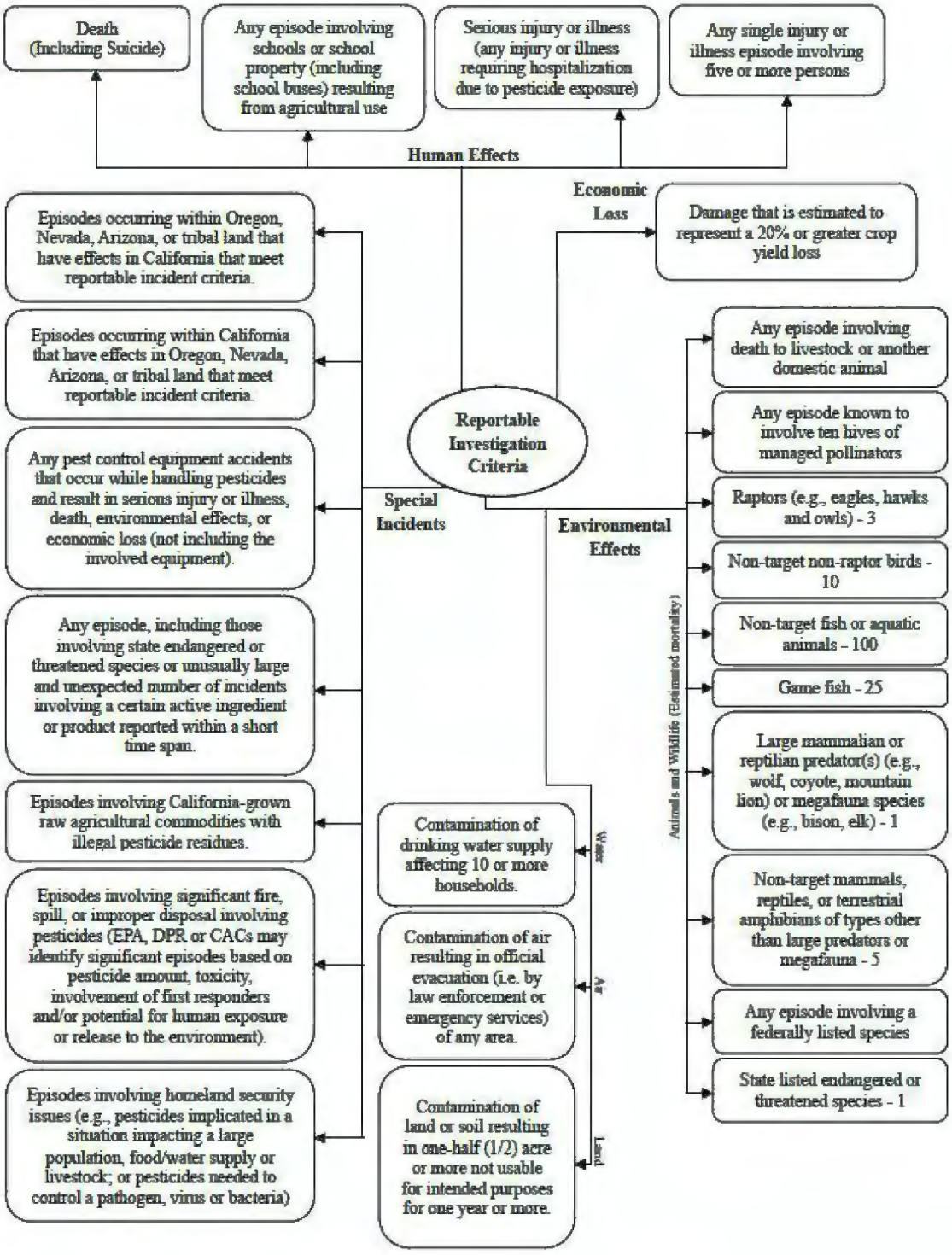
According to the US EPA/DPR/CACASA Three-Party Agreement, a reportable

investigation must commence immediately whenever possible, but no later than 3 working days from when the CAC was notified. The CAC will conduct a full investigation of all reportable investigations within their jurisdiction. Based on preliminary information from the CAC investigation, the EBL submits an updated report of the reportable investigation to the DPR Headquarters Enforcement Branch no later than 45 days following the issuance of the PENR. This updated report should include the CAC's initial findings including the activities of people involved (DPR-ENF 115B), suspected violations, projected completion date, and contemplated enforcement actions. In the event that the names and activities are unknown within 45 business days, the CAC should (at the earliest possibility) upload to CalPEATS a list of names and activities of people involved. The CAC must submit to DPR the completed investigative report, including all supporting documents, within 45 days of completing the investigation. The Pesticide Episode Closing Report must be submitted by DPR to US EPA within 30 days of receipt of the completed investigation. If the investigation cannot be completed by the date set by the CAC, the CAC must notify the EBL on Form PR-ENF-097 (Request for Time Extension) explaining why the reportable investigation cannot be completed by the set date. The CAC must also specify the length of time needed to complete the investigation.

In the investigative report, you should cover all aspects of the incident (including those not directly contributory). The final CAC report must contain all relevant evidence that might contribute to an evaluation of the cause, effect, and who bears responsibility. During the investigation, examine the activities of all persons involved in making the decision to use a pesticide (including the pest control dealer or agricultural pest control adviser), those who applied it, and, when applicable, those involved in deciding when to send a field crew into the field to perform cultural activities.

Figure 2

Reportable Investigation Criteria



Restricted Materials Used During a Reportable Investigation
(CEQA functional equivalency program effectiveness)

The EBL assigned to the county responsible for each Reportable Investigation that involves a restricted material is expected to complete a report that responds to each of the issues listed in Appendix G (registration, labeling, permit, NOI, pre-application site evaluation, recommendation, and certification). This report will be forwarded to the Headquarters Enforcement Branch via the Regional Office (RO) manager and placed in the investigative file folder for that episode. The CACs are requested to assist the EBL by providing information needed to complete the report.

Due to the nature of events resulting in reportable episode investigations, other agencies, including US EPA, commonly review these reports. Often, these episodes attract media, public, and/or legislative attention.

C. Conducting Witness Interviews

The purpose of an interview is to gather information or evidence directly related to the incident. Interviewing individuals associated with a pesticide incident is an integral part of an investigation. The circumstances of the incident dictate the individuals who should be interviewed. For incidents involving drift, structural applications, etc., obtain information from the applicator. If you cannot interview an individual, he/she should state the reason in the incident narrative.

Before beginning your interview, introduce yourself by full name, title and your employer. Tell the interviewee the purpose of the interview. Allow the interviewee to tell his story. Fill in any gaps in the story by asking simple direct questions. Maintain a patient demeanor throughout the interview. Do not use jargon, technical terms, or codes that the interviewee may not understand.

As part of the interview, make sure these five questions are answered:

1. What happened (exposure, drift, odor, etc.)?
2. Where did it happen?
3. When did it happen?
4. Who did it?
5. Why did it happen?

Who should be interviewed: Individuals directly involved in the incident must be interviewed whenever possible. These individuals include the injured individual(s), employer and/or supervisor, applicator, and any eyewitnesses to the incident. In incidents involving two or more ill workers, interview each worker individually. Write an interview summary for each individual interviewed.

Who should be present at the interview: Consider an interview as a private conversation so keep the number of people present to a minimum. Limit the interview to the investigator(s), interviewee, and an interpreter (if needed). For employees, do not conduct the interview in the presence of the employer/supervisor, as this creates the potential for intimidation and/or retaliation against the employee.

Interview Locations: Choose the interview location to afford a private conversation. The location needs to make the interviewee feel comfortable. Government offices, as well as the individual's home, make excellent interview locations. When these locations are not available, choose a less desirable, but still acceptable, location to conduct the interview. Such locations include an employer's office (without the employer present) and outdoor work areas such as agricultural fields. The interviewee may feel uncomfortable talking to you because of the proximity to the employer and/or supervisor. When interviewing a worker in a field setting, conduct the interview at a suitable distance from the crew and crew foreman to ensure privacy and confidentiality.

Interpreters: When interviewing non-English speaking workers, ensure adequate interpreters are available. Prior planning will establish a network of interpreters who can be contacted and retained on short notice in an emergency.

Using the right interpreter is extremely important. The key is to make the interviewee feel comfortable with the interpreter so he/she provides accurate information pertaining to the incident. Do not use the employer, supervisor, foreman, or other company employees unless specifically requested by the employee. Using such people creates the potential atmosphere for intimidation and threats of reprisal, and can result in the employee providing less or inaccurate information.

Documentation of Interviews in the Investigative Report: Write a separate narrative summary for each individual interviewed. For each interview, state whom you interviewed, who was present at the interview, the date and time the interview took place, where the interview took place, and what the interviewee said.

Contact Log: Keep a contact log for each investigation. Record all attempts to contact individuals involved in the incident and record the results of each attempt. The contact log provides written evidence of your efforts to conduct an investigation and the results of that effort. Attach the contact log, if appropriate, to the investigative report. The log substantiates your effort to conduct a thorough investigation, especially when crucial individuals cannot be located or refuse to cooperate with the investigation.

Interview Questions: To assist investigators, a series of interview questions in English and Spanish can be found in Appendix E for the following types of incidents:

a. Pesticide Handler, Employee
b. Pesticide Handler, Employer
c. Field Worker Exposed to Pesticide (drift, residue, or odor)
d. Private Citizen Exposed to Pesticide Drift or Odor.
e. Private Citizen Exposed to Pesticide Residue

You may develop additional questions, as needed, depending upon the circumstances of the incident.