

Top Ten Pesticide Violations of 2021



2021 Violations

- The Department of Pesticide Regulation (DPR) suggests reviewing this presentation of common violations and the current pesticide laws and regulations to help ensure you are in compliance:
 - Laws are found in Divisions 6 and 7 of the Food and Agricultural Code (FAC)
 - Regulations are found in Title 3 of the California Code of Regulations (3CCR)
- This list is in order from the **least common (#10)** to the **most common (#1)** violations





“GROWER” is shorthand for “operator of the property applying pesticides for the research or commercial production of an agricultural plant commodity”.



“DISPLAY” is to make required information available to an employee so the employee may readily see and read the document during normal business hours, without having to make a request of any person and without being hindered or impeded.



“TREATED FIELD” is a field (or enclosed space, such as a greenhouse) that either has been treated with a pesticide or had a restricted entry interval or entry restricted period in effect within the last 30 days.

Important Terms



#10

FAC §11701
Licenses and
Permits

FAC §11701

- Anyone who advertises, solicit, or operate as a pest control business must have a valid pest control business license issued by the director.





Violations of FAC §11701

Example 1: Providing pest control services without a valid pest control business license.



#9

3 CCR §6434

Notice of Intent

3 CCR §6434

- (a) If the information required by (g), (h), and (i) of Section 6428 is not provided on the permit, it shall be included in the notice of intent.
- (b) When a notice of intent is required by the commissioner, it shall provide the following information concerning the proposed application. If the information required by this paragraph has been provided on the permit, it may be referenced on the notice of intent:
 - Permit number;
 - Name and address of permittee and applicator;
 - Location of areas to be treated and name of farm operator;
 - Crop or commodity, or if there is no crop or commodity the site to be treated.

3 CCR §6434 Continued. . .

- Method of application;
- Pesticide(s);
- Dilution, volume per acre or other units, and dosage;
- Pest(s) to be controlled;
- Date intended application is to commence; and
- Location and identity of areas specified in Section 6428 which have changed since the permit was issued and which may be adversely impacted. A map or aerial photograph may be used for designating such locations.
- Approximate acres or other units;



3 CCR §6434 Continued. . .

- The commissioner must be notified at least 24 hours prior to commencing the use of a pesticide requiring a permit.
- The notice of intent to apply a pesticide may be submitted to the commissioner by the operator of the property to be treated, by such operator's authorized representative, or by the licensed pest control operator who is to apply the pesticide.
- The commissioner may allow less than 24 hours notice if he determines that because of the nature of the commodity or pest problem effective pest control cannot be attained or when 24 hours are not necessary to adequately evaluate the intended application.

Violations of 3CCR §6434

- Example: Failure to submit a notice of intent prior to application and/or not submitting a notice of intent at least 24 hours before application.





#8

3 CCR §6761

Hazard

Communication for
Fieldworkers

3 CCR §6761

The employer (grower or Farm Labor Contractor) is required to display a completed copy of the current Pesticide Safety Information Series (PSIS) A-9 leaflet:

- At the worksite or a central location where employees start their day
- At all permanent decontamination facilities
- Decontamination facilities servicing 11 or more fieldworkers

Any changes to the medical information must be updated within 24 hours of the change

Upon request the employer must read the PSIS A-9 in a language the employee can understand.

PESTICIDE SAFETY **dpr** Information
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY A No. 9

Pesticide Safety Rules For Farmworkers

Your training and this leaflet tell you about pesticide dangers at work. Pesticides are chemicals that are used to control unwanted insects, weeds, and plant diseases. If you work on a farm, or in a forest, greenhouse, or nursery your employer must know about the pesticides used and help you learn how to protect yourself.

FERTILIZERS ARE NOT PESTICIDES.

EMERGENCY MEDICAL CASE

Your employer must give for medical care before you start working where pesticides have been used. Your or your supervisor must be informed of the location of the danger. If you think that pesticides made you sick or hurt you at work, immediately tell your employer. They must make sure that you see a doctor immediately. Do not drive yourself to the doctor if you get sick at work.

Emergency medical care is available at:

NAME: _____
ADDRESS: _____
TELEPHONE: _____

If more space is needed, your employer may attach a list of medical facilities to this leaflet and write "See attached list" in the above space.

REMEMBER: YOU DO NOT have to pay for medical care if you get sick or hurt from pesticides at work.

EMPLOYERS: This is the hazard communication leaflet for your fieldworkers. Fill in the blank lines in this leaflet and display a copy of this leaflet at the employee's worksite, all permanent decontamination facilities, and decontamination facilities servicing 11 or more workers. If requested, you must read this leaflet to an employee in a language the employee understands.

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PSIS A-9 (05/2002) 20-1

3 CCR §6761 continued. . .

- The grower must maintain pesticide use records and SDSs for pesticides that have been applied to the field within the last 2 years for each pesticide at a central location accessible to the grower or FLC employees.
- The grower must inform employees (or the FLC who then must inform their employees) of the location of the records before the employees enter a treated field.
- If the record location changes, the employer (grower or FLC) must promptly notify employees of the change.
- Employees, their physicians and their authorized representatives have the right to access any record, document, or information the grower or FLC is required to maintain under California's pesticide regulations.
- Employees are protected from discharge or discrimination for exercising their rights.

Violations of 3 CCR §6761



- Example 1: The employer not displaying a completed copy of the Pesticide Safety Information Series A-9 leaflet.
- Example 2: Not maintaining pesticide use records and not having SDSs for pesticides accessible to employees.



#7

3 CCR §6724 (b-e)
Handler Training

“Handling a pesticide” means:

- Mixing, loading, transferring, applying (including chemigation) or assisting with the application (including flagging) of pesticides.
- Maintaining, servicing, repairing, cleaning, or handling equipment that may contain pesticide residues.
- Working with opened (including emptied but not rinsed) containers of pesticides.
- Adjusting, repairing, or removing treatment site coverings.
- Incorporating (by mechanical or watered-in means) pesticides into the soil.



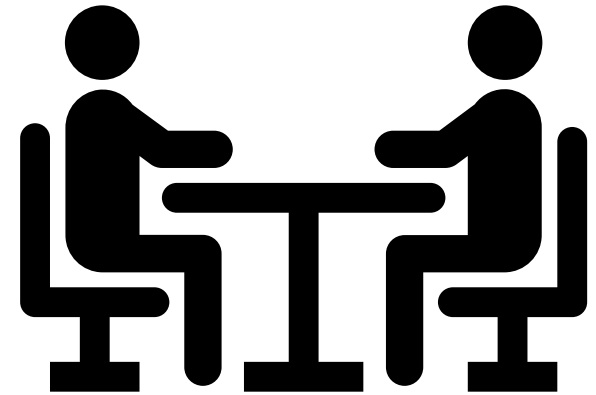
“Handling a pesticide” definition continued:

- Entering a treated area during any application or before the inhalation exposure level listed on pesticide product labeling has been reached or greenhouse ventilation criteria have been met.
- Performing the duties of a crop advisor, including field checking or scouting, making observations of the well-being of plants, or taking samples during an application or any restricted entry interval or entry restricted period listed on pesticide product labeling.
- Other handling activities specified by the label.



3 CCR §6724 (b-e)

- Training must cover all required topics and pesticides handled.
- Training must be in a manner the employee can understand.
- Training must be at a locations reasonably free from distraction and the trainer(s) must be present throughout the presentation.
- Training must be updated to cover any new pesticides handled.
- Trainings must be recorded and be verified by employee's signature.
- Employers must keep records for 2 years and provide them to employees upon request.



Violations of 3 CCR §6724 (b-e)



- Example 1: Employer not having records of trainings that occurred within the last two years.
- Example 2: Training did not include any new pesticides that were being handled.



#6

3 CCR §6761.1
Application-Specific
Information for
Fieldworkers

3 CCR §6761.1



- The grower must display application-specific information (ASI) at a central location detailing:
- The crop or site treated and identification of the treated field;
- The date(s) and time(s) the application started and ended;
- Restricted entry interval (REI);
- Product name(s), U.S. EPA registration number(s), and active ingredient(s);
- A copy of the Safety Data Sheet(s) for the applied pesticide(s); and
- Spray adjuvant product name(s) and California registration number(s) if applicable.

3 CCR §6761.1 continued...

- The grower must display the ASI when they receive notice of a completed application and before any fieldworkers are allowed to enter the treated field.
- A specific description of the location of the application-specific information must be included on or attached to the PSIS A-9 leaflet (must also be displayed).
- The ASI must stay displayed until the field no longer meets the definition of a treated field or workers will no longer be on the employer's property.



3 CCR §6761.1 continued. . .

- The information required by this section must be retained for two years.
- The original or copies of documents otherwise required to be maintained by this chapter may be used to meet the requirements of this section, provided they contain the information required by this section.

Violations of 3 CCR §6761.1

APPLICATION-SPECIFIC INFORMATION
(Pesticide Application Information)

LOCATION (SITE / LOT)	CROP	DATE	APPLICATION TIME		PESTICIDES	U.S. EPA Reg. No.	REI	ACTIVE INGREDIENTS
			START	END				
02 1-3a	STRAW Berries	7-15-17	10:00 A.M.	3:00 P.M.	Switch 62.5 WG	100 953	12 HRS	cyprodinil+Fludioxonil
					CORAGEN	352 729	4 HRS	CHLORANTRANILIPROLE
					MAXI-CAL	EX EMPT		
					Wide spread max	34704-50061		organo-silicone

Example 1: Not displaying the ASI before any fieldworkers are allowed to enter the treated field.

Example 2: Not displaying the date and time the application started and ended on the ASI.



#5

3CCR §6678

Service Container
Labeling

3 CCR §6678

- All service containers are required to contain a label with the following:
 - Name and address of the person or company responsible for the container
 - The identity of the pesticide in the container
 - The signal word “Danger,” “Warning,” or “Caution” that corresponds with the precautionary statement on the original container
- Farmers on their own property are exempt from this requirement, unless they travel on public rights-of-way.



Violations of 3 CCR §6678

Company Name

Mailing Address

Pesticide Name

Signal Word

- Example 1: Not having the name of the person or company responsible on the container.
- Example 2: Not having the signal word that indicates the precautionary statement on the container.

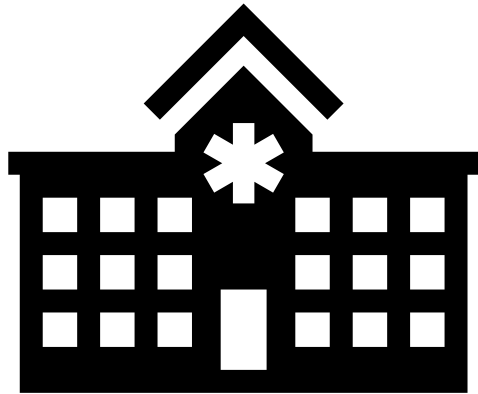


#4

3CCR §6726

Emergency Medical
Care

3 CCR §6726



- Emergency medical care for employees handling pesticides must be planned advance.
- The name, address, and phone number of the medical facility must be posted at the work site or work vehicle when the employee handles pesticides.

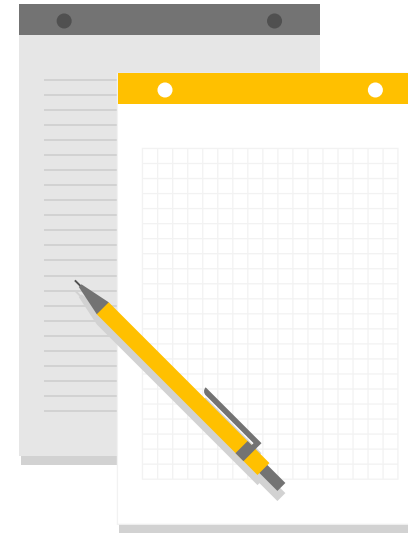
3 CCR §6726 continued. . .

- If the employer suspects that an employee could have a pesticide related illness or exposure, the employee must be taken to medical care immediately.
- Be prepared to provide:
 - The SDS(s)
 - Product name(s), U.S. EPA registration number(s), and active ingredient(s).
 - Circumstances of application or use that may have resulted in exposure.



Violations of 3 CCR §6726

- Example 1: Not taking an employee who is suspected of having a pesticide related illness to a medical facility immediately.
- Example 2: Not having the contact information available for a medical facility posted at the work site or work vehicle.





#3

FAC §11732
Registration in
County

FAC §11732

- Anyone who intends to advertise, solicit, or operate as a pest control business in California must be registered annually with the County Agricultural Commissioner (CAC) in each county they do business in.
- For a list of CACs and their contact information, please visit www.cdfa.ca.gov/exec/county/countymap



FAC §11732 continued...

Pest Control Business County Registration Form		State of California Department of Pesticide Regulation Pest Management And Licensing Branch	
For Registration in the County of:		Registration Expiration Date: December 31, _____	
Business Name:		Business License Number:	
		Email:	
Business Address:		Business Location: Main _____ Branch _____	
City:	Zip Code:	Telephone Number:	
Qualified Applicator's Name:			
Address:			
City:	Zip Code:	Telephone Number:	
Restricted Material(s) Possession Permit Number: _____ <small>No Restricted Material(s) may be possessed except in accordance with any attached condition(s). This is not a permit to apply.</small>			
Condition(s) Attached: Yes _____ No _____		Qualified Applicator's Signature:	
		Date:	
Registration Card:		Additional Information/Comments:	
Issuing County's Address:		Registration Fee Received: \$	
		Cash _____	Check # _____
		Agriculture Commissioner's Signature:	
		Date:	

- Registration shall be in the form prescribed by the commissioner and shall show the following information:
 - Name and address of pest control business
 - Number and kind of units to be operated in the county
 - Type of pests that are intended to be controlled
 - Any other information the commissioner may require.

Violations of FAC §11732

Example 1: Performing pest control activities in a county before registering with the County Agricultural Commissioner.





#2

3CCR §6738

Personal Protective
Equipment

3 CCR §6738

- The employer is required to:
- Provide all personal protective equipment (PPE) that is required on the pesticide labeling, regulation, and restricted material permit condition.
- Provide for its daily inspection and cleaning*, and repair or replace any worn, damage, or heavily contaminated PPE.
- Assure that all PPE not in use is kept separate from personal clothing and, in a clean pesticide-free designated area.

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



3 CCR §6738 continued. . .

- Assure that PPE is used correctly and for its intended purpose.
- Keep and wash contaminated PPE separately from personal clothing or laundry.
- Assure that all clean PPE is either dried thoroughly before being stored or is put in a well-ventilated place to dry.
- Assure that PPE does not leave the employer's property* and that employees do not take any uncleaned PPE into their homes.
- Assure that anyone who cleans, or repairs PPE is protected and informed.

*Employee whose workday does not involve return to the employer's headquarters shall remove and store potentially contaminated PPE in a sealable container outside their own living quarters for later return to the employer.

Violations of 3 CCR §6738



Example 1: Not using PPE correctly and for its intended purpose.

Example 2: The employer did not provide PPE.

*#1 most
common
violation
of 2021*

#1
FAC §12973
Labeling/Permit
Conditions

FAC §12973

- The use of a pesticide shall not conflict with:
 - The registered labeling delivered with the pesticide, or
 - Any conditions of a restricted material permit issued by the commissioner.
- All pesticides registered with the U.S. EPA have the phrase, **“It is a violation of Federal law to use this product in a manner inconsistent with its labeling”**.
- In other words, **the label is the law.**



Violations of FAC §12973



Example 1: Not following the application requirements listed on the pesticide product label.

Example 2: Applying a pesticide to a site or crop not listed on the pesticide product label.

For more information about California Laws and Regulations, please refer to DPR'S website or contact your local County Agricultural Commissioner's Office.

