



# Top Ten Pesticide Violations of 2022

# 2022 Violations

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

# Important Terms



**"GROWER"** is short hand 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 request of any person and without being hindered or impeded.



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



**#10**

3 CCR §6734:

Handler Decontamination  
Facilities

## 3 CCR §6734



- When employees apply pesticides for the production of an agricultural commodity, the employer must provide:
  - Soap\*
  - Three (3) gallons of clean water per handler at the start of the work day
  - Single use towels\*
  - Extra clean coveralls

\* Hand sanitizing gels or liquids and wet towelettes do not meet this requirement

## 3 CCR §6734 Continued...

- For these handlers, the decontamination site must
  - Be located at the mixing and loading site, AND not more than  $\frac{1}{4}$  mile away from other handlers. Multiple decontamination sites may be necessary, or applicators may need to carry decontamination supplies.
  - Not be in an area being treated or under a restricted entry interval (REI) unless certain precautions are taken.
- Employees must be notified of the location(s) of the decontamination facilities prior to handling pesticides



## 3 CCR §6734 Continued...



- For these employees, employers must provide emergency eye flush if protective eyewear is required by labeling, including:
  - 1 pint of water for emergency eye flush must be immediately available to each applicator (carried by the applicator or on the application vehicle)
  - At the mix and load site\*, there must be an emergency eye flush station able to gently rinse the eye for 15 minutes.

**\*Eye flush must also be at the mixing/loading site if a closed mixing system is used.**

# Violations of 3 CCR §6734



## Example 1:

Not having an emergency eye flush station able to gently rinse the eye for 15 minutes at the mix and load site when protective eyewear is required by the pesticide labeling.

## Example 2:

Handlers using hand sanitizer for decontamination instead of soap and water.



# #9

3 CCR §6626 and §6627

Pesticide Use Reports for Production  
Agriculture and Monthly Summary  
Pesticide Use Reports

# 3 CCR §§ 6626 & 6627: Pesticide Use Reporting

- When pesticides are applied to produce crops (including fruit, nuts, grains, vegetables, nursery stock, cut flowers, and sod), the applicator must report detailed information on their pesticide use to the CAC.
  - Growers must report pesticide use by the 10th of the following month.
  - PCBs must report pesticide use within 7 days of application and send a copy to the grower within 30 days of completion.
- For all other uses (e.g., rights-of-way, ditch banks, golf courses, parks, commodity fumigations) the applicator must report a summary of pesticide use to the CAC by the 10th of the following month.
- If the report is mailed, the postmark shall be the date of delivery.





# Violations of 3 CCR §6626 and §6627

- Example 1:

Failing to submit a use report when required to the county commissioner in which the work was performed.

- Example 2:

Use report not submitted within the required time frame.

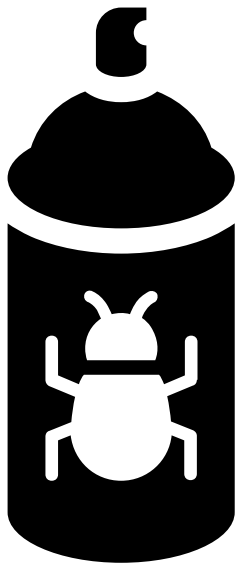


**#8**

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.





**#7**

3 CCR §6761

Hazard Communication for Field  
Workers

# 3 CCR §6761



## Pesticide Safety Rules For Farmworkers

The pesticide label, your training, and this leaflet, tell you about pesticide dangers at work. Your employer must know and help you learn about the pesticides used where you work, and how to protect yourself. Pesticides are chemicals that are used to control unwanted insects, weeds, and plant diseases.

**EMPLOYERS:** This is the hazard communication leaflet for fieldworkers. Fill in the blank lines in this leaflet and display this handout where employees work in treated fields.

FERTILIZERS ARE NOT PESTICIDES.

### What training do I need?

You must be trained before working in fields where pesticides have been used recently. You must be trained every five years after that.

### What does my training cover?

You must be told about:

1. Health effects
  - How pesticides can injure you or make you sick.
  - How you may feel or look if you get pesticides in or on you.
  - Ways pesticides can enter your body.
2. Pesticide safety
  - The places at your work where you might get pesticides in or on you.
  - First aid information and where to get emergency medical care.
  - Job safety information.



- 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.

## 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.



**#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	STRAWBERRIES	7-15-17	10:00 A.M.	3:00 P.M.	Switch 62.5 WG CORAGEN MAXI-CAL WIDE SPREAD MAX	100 953 352 729 EX EMPT 34704-50061	12 HRS 4 HRS	cyprodinil+fludioxonil CHLORANTRANILIPROLE 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**

3 CCR §6678

Service Container Labeling

# 3 CCR §6678

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



# Violations of 3 CCR §6678

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**

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/county\\_map](http://www.cdfa.ca.gov/exec/county/county_map)

# FAC §11732

## Continued...

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

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 Applicant'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 Applicant's Signature: _____ Date: _____
Registration Card: _____ _____ _____ _____ _____		Additional Information/Comments: _____ _____ _____ _____ _____
Issuing County's Address: _____ _____ _____		Registration Fee Received: \$ _____ Cash _____ Check # _____ Agriculture Commissioner's Signature: _____ Date: _____



# Violations of FAC §11732

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





**#3**

3 CCR §6726

Emergency Medical Care

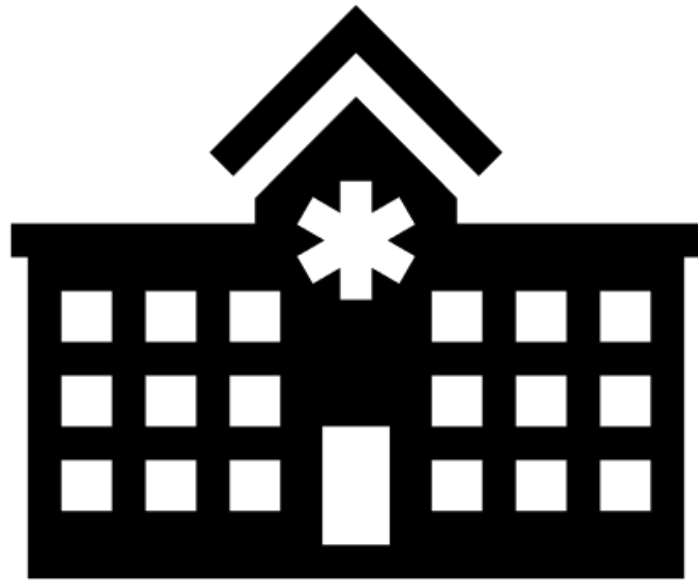
## 3 CCR §6726



- 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 suspected of a pesticide illness to a medical facility immediately.
- Example 2: Not having the contact information available of the medical facility posted at the work site or work vehicle.



#2

3 CCR §6738

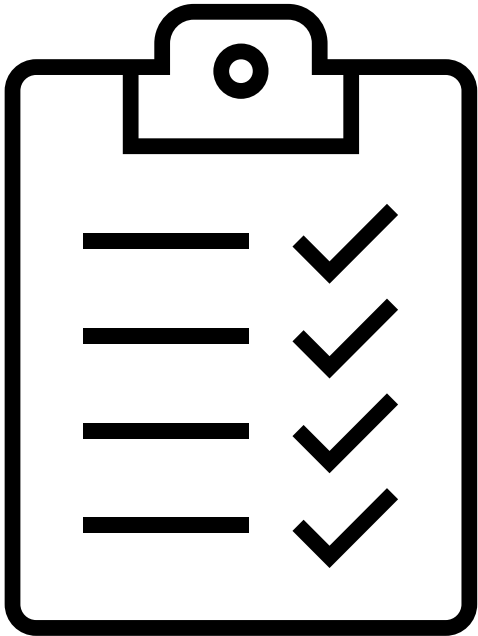
Personal Protective Equipment

# 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 2022*

**#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.