A photograph of a tractor with a red sprayer attachment moving through a vast field of green crops. The tractor is positioned in the middle ground, moving from right to left. The field is filled with rows of young plants, and a fine mist of spray is visible behind the tractor. The background shows a clear sky and distant hills.

TOP 10 PESTICIDE VIOLATIONS OF 2020

Elvis P. Martinez
November 18, 2021

2020 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

https://www.cdpr.ca.gov/docs/license/pdf/pesticide_use_violation_2020.pdf



Important Terms

- ❖ **“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

#10

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 the 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



Violations of 3 CCR §6724 (b-e)



Example 1: Employer not including all pesticides to be handled in the training



Example 2: Employer not having records of trainings that occurred within the last 2 years

#9

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.

LUGAR (BITO / LOTE)	CULTIVO	FECHA	HORA		PESTICIDA	U.S. EPA Reg. No.	REI	INGREDIENTE ACTIVO
			INICIO	FIN				
⊗	Hydrogeas	01-02-19	7:00am	8:00am	Propiconazole	#66222-41	12hr	Propiconazole
⊗	Stacheros	01-02-19	5:00am	9:00am	Aziro	#100-896	12hr	Azinphosmethyl
⊗	English Laurel	01-02-19	4:30pm	2:00pm	San Fari	#58203-11-578	12hr	Dinotefurin
⊗	Hydrogeas	01-17-19	8:00am	9:45am	Propiconazole	#66222-41	12hr	Propiconazole
⊗	Heucheras	01-26-19	11:00am	11:00am	Zafiro	#70299-12	4hr	Hydroxypropyl dimethyl urea
⊗	Heucheras	02-11-19	10:00am	12:00pm	Pageant	#7969-151	12hr	Permethrin
⊗	Phormion	2-23-19	8:00am	2:00pm	Eagle 20EW	#62719-463	8hr	Myclobutanil
⊗	Heucheras	2-23-19	11:00am	11:00am	Dis Duo	#432-332-588	12hr	Cyfluthrin
⊗	Erigeron	2-23-19	11:00am	12:00pm	Conserve	#62719-291	12hr	Spiromesifen
⊗	Plugs plants	2-23-19	11:00am	12:00pm	Conserve	#62719-291	12hr	Spiromesifen

Note: Incluir copia de los SDS (hojas de datos de seguridad de materiales) de los pesticidas aplicados. Para adyuvantes usar el Cal EPA Reg. No. donde sea de aplicación.

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.

APPLICATION-SPECIFIC INFORMATION
(Pesticide Application Information)

LOCATION (SITE / LOT)	CROP	DATE	APPLICATION TIME		PESTICIDES	U.S. EPA Reg. No.	R E I	ACTIVE INGREDIENTS
			START	END				
02 1-32	STRAWBERRIES	7-15-17	10:00 A.M.	3:00 P.M.	Switch 62.5 WG	100 953	12 HRS	CYPRODIMIFLUTRIFLORAN
					CORAGEN	352 729	4 HRS	CHLORANTRANILIPROLE
					MAXI-CAL	EX EMPT		
					Wide spread max	34704-50061		ORGANO-SILICONE

Violations of 3 CCR §6761.1



Example 1: Not retaining the ASI for the last two years



Example 2: ASI displayed with missing information (e.g., REI or active ingredients)

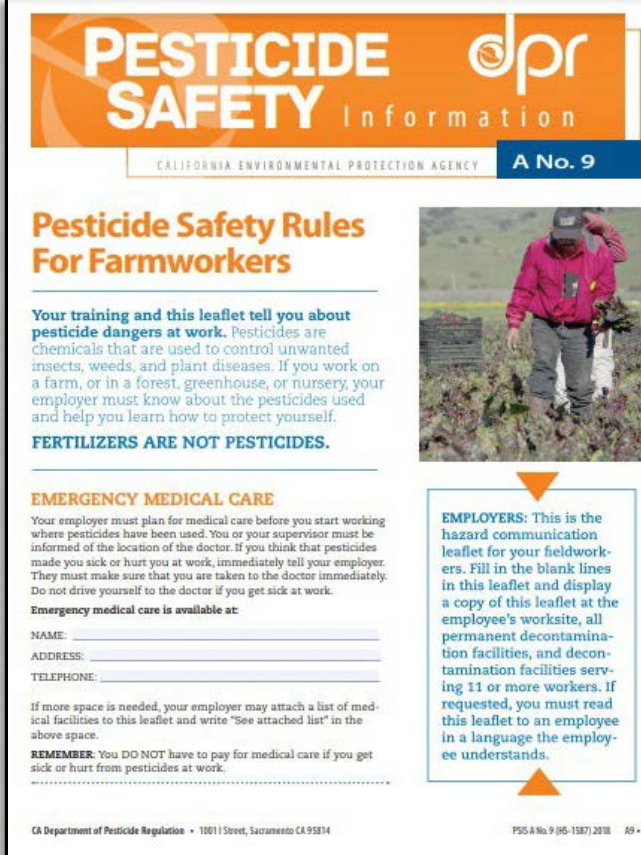
#8

3 CCR §6761

**Hazard Communication for
Fieldworkers**

3 CCR §6761

- ❖ The employer (grower or Farm Labor Contractor [FLC]) 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



The image shows a leaflet titled "PESTICIDE SAFETY Information" with the "dpr" logo. It is from the California Environmental Protection Agency, A No. 9. The main heading is "Pesticide Safety Rules For Farmworkers". The text explains that training and this leaflet inform about pesticide dangers at work, which are chemicals used to control unwanted insects, weeds, and plant diseases. It states that employers must know about the pesticides used and help employees learn how to protect themselves. A note says "FERTILIZERS ARE NOT PESTICIDES." There is a photo of a farmworker in a red jacket. A section titled "EMERGENCY MEDICAL CARE" instructs employers to plan for medical care before work and to inform doctors of pesticide use. It includes a form for "Emergency medical care is available at:" with fields for NAME, ADDRESS, and TELEPHONE. A reminder states that employers do not have to pay for medical care if the employee gets sick or hurt from pesticides. A box on the right says "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 serving 11 or more workers. If requested, you must read this leaflet to an employee in a language the employee understands." The footer contains "CA Department of Pesticide Regulation • 1001 I Street, Sacramento CA 95814" and "PSIS A No. 9 (05-1587) 2018 AG-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: Not updating medical information within 24 hours of the change



Example 2: Grower not informing employees of the location of the pesticide use records before they enter the treated fields

#7

3 CCR §6602

**Availability of Labeling at
Use Site**

3 CCR §6602

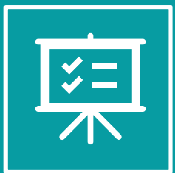
- ❖ Availability of labeling.
- ❖ Each use site must have available a copy of the registered labeling that allows the manner in which the pesticide is being used.



Violations of 3 CCR §6602



Example 1: Not having a copy of the registered pesticide labeling covering the use at the use site of each pesticide application



Example 2: Not having the special local need (SLN) section 24(c) labeling when using the pesticide according to supplemental instructions

#6

3 CCR §6734

**Handler Decontamination
Facilities**

3 CCR §6734

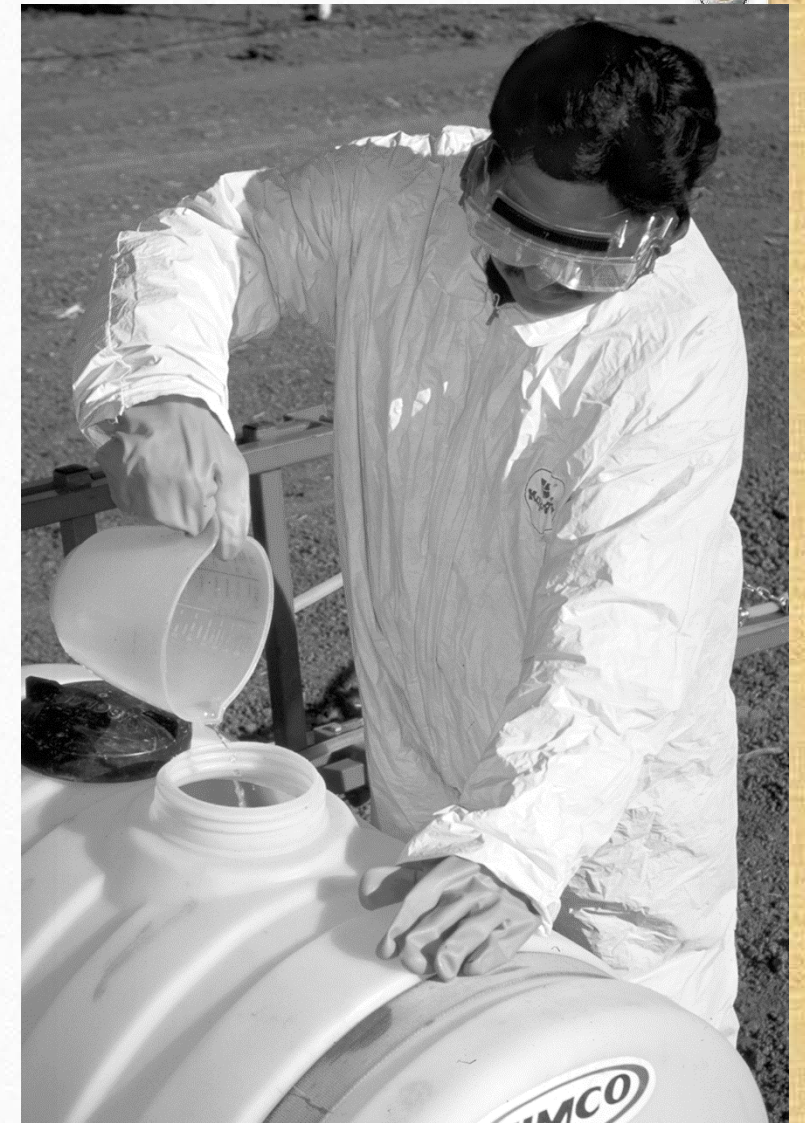
- ❖ The employer must provide the following decontamination supplies for handlers:
 - ❖ Soap*
 - ❖ Three (3) gallons of clean water per handler at the start of the work day
 - ❖ Single use towels*
 - ❖ Extra set of clean coveralls

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



3 CCR §6734 continued...

- ❖ The decontamination site must:
 - ❖ Be located at the mixing and loading site, AND not more than 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...



- ❖ 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: Handlers using wet towelettes in place of soap and single use towels



Example 2: Not having a decontamination site at the mixing and loading site and within ¼ mile from other handlers

#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

Company Name
Mailing
Address
Pesticide Name
Signal Word

Violations of 3 CCR §6678



Example 1: Not including the signal word on the service container label



Example 2: Not including the name of the company or person responsible for the container on the label

#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/countymap

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: _____	

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



Violations of 3 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**

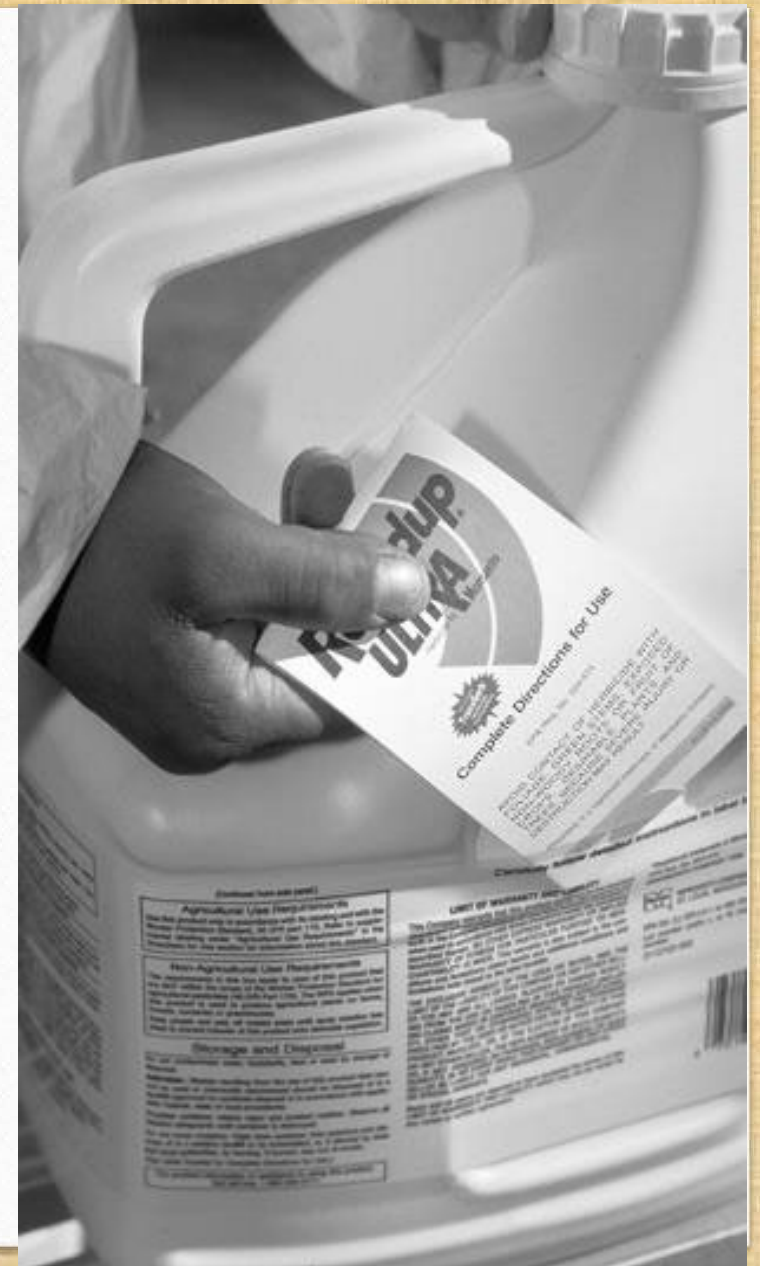
3 CCR §6726

- ❖ Emergency medical care for employees handling pesticides must be planned in 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 employees suspected of a pesticide illness to a medical care facility **IMMEDIATELY**



Example 2: Emergency medical care information not posted at the work site or work vehicle, or is missing information

#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, damaged, 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 only aluminum phosphide or magnesium phosphide pesticides which have been aerated for 12 hours or more are considered cleaned**

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

***Employees whose work day 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: Using damaged or contaminated PPE

*#1 most
common
violation
of 2020*

#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 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 3 CCR §12973



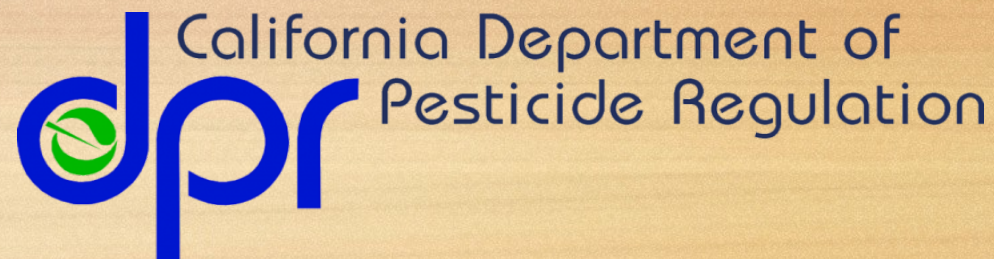
Example 1: Not following the application requirements listed on the pesticide product label



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



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