

Summary – PCA Breakfast (Laws and Regulations)

Sonoma County

09. July. 2024

Topics for Discussion

1. Top 10 Violations of 2025
2. Label Review
3. Other topics
4. d
5. e
6. f

1. Top 10 Violations of 2025

a. Codes cited

i. Title 40 CFR

ii. FAC

1. 12973 (PPE)

iii. Title 3 (3 CCR)

b. Personal Protective Equipment

i. Labels are law

ii. Additional PPE Requirements and Exceptions

1. Eyewear and gloves required for hand or ground rigs

2. Coveralls when label is “Warning” or “Danger”

3. Chemical resistant footwear or suits required if label includes it

4. Gloves should be 14 mL or thicker with proper material code

a. Separate gloves for mixing/loading and for application (i.e., inside cab)

5. Eyewear should be ANSI Z87.1 certified

a. Labeled eyewear requires what is listed as minimum PPE

b. Face Shield and goggles are often interchangeable, but not always

6. Exceptions (Gloves, coveralls, eyewear)

a. Enclosed cab

b. Spray is facing downward

c. Rodent bait with long handled implement

d. If it's required by the label it must be present at the worksite

7. Worksite = Exact location of the facility (e.g., in the cab, not in the shed nearby)

- iii. Employee Responsibilities
 - 1. Train
 - 2. Clean
 - 3. Ensure proper usage
 - 4. Employer owns all PPE
- c. Respiratory Protection
 - i. Types
 - 1. Medical masks are not respirators
 - 2. Filtering facepiece is negative pressure particulate respirator with filter (N95)
 - 3. Full face respirator
 - ii. Nomenclature
 - 1. N 95
 - a. Filter Type – N (not resistant to oil)
 - i. R = somewhat resistant to oil
 - ii. P = Strong resistant to oil
 - b. Filter efficiency – 95 (Efficiency rating)
 - iii. Respirator program
 - 1. Required when:
 - a. Label requires it
 - b. Permit conditions
 - c. Employer Policy
 - d. Regulation
 - 2. Voluntary Respirator use posting (document for Title 3 CCR section 6739 [r]) required for employer required respiratory programs
 - 3. Needs a Program Administrator
 - a. Anyone who understands respirators and can manage the program effectively
 - b. Small Entity Compliance Guide ofr the Revised Respiratory Protection Standard (US Dept. of Labor)

4. Respirator selection:

- a. Must be NIOSH approved
- b. Must have enough size options to fit all employees
- c. Employees must be medically evaluated before being fit tested or utilizing respirators
 - i. Medical evaluation form 3 CCR 6739 (q)
 - ii. PLHCP licensed physician/medical professional
 - iii. Appendix 6 of the respiratory program template required after medical evaluation
 1. Employee retains this form
 2. Valid unless changes to employee health or workplace requirements
 - iv. Fit testing guidelines
 1. <https://www.dir.ca.gov/title8/5144a>
 - v. Training
 1. Must be provided and cover general requirements of 3 CCR 6739
 - vi. Cleaning and storage:
 1. Clean and safe, pesticide free location
 2. Cannot be damaged or under physical stress
 - vii. Must maintain records of all of the above

viii. Program template

1. DPR HS-1513

d. Label available at use site

- i. Registered label must be available at use site
- ii. Can be printed or on a digital device (pre-downloaded)

e. Pesticide Handler Training

- i. Must be done annually before pesticides are used
- ii. Correct language or language applicators understand
- iii. Handler training topics = minimum 23 topics
- iv. Federal requirements $\approx$ 16 topic minimum
- v. Templates on DPRs website
- vi. Go through EVERY LABEL or distinct product
- vii. Any added products mid-season requires additional training again (Record it too)

f. Emergency Medical Care

i. Two parts

1. Emergency Medical Care Posting

- a. Location of Hospital and their phone #
- b. A no. 8 posting document

2. Emergency Medical Care actions

- a. Must be planned in advance and verify that medical facility will take a pesticide exposure patient
- b. Employee must be taken to physician immediately
 - i. You have reasonable grounds to suspect pesticide illness/exposure
 - ii. Exposure that might reasonably lead to illness
 - iii. Must have someone else drive them
- c. Plan routes to medical facility

d. Ambulances are acceptable if site is within cellular service range

g. Decontamination Facility

i. Handlers

1. Sufficient water (3gal/person)
2. Soap
3. Single use towels
4. Clean coveralls
5. Within $\frac{1}{4}$ mile of every handler
6. Located at mixing/loading site
7. Must be near in accessible location without locks or gates

ii. Workers

1. 1 gal/person
2. Sap
3. Single use towels

iii. Supplies must be location together

1. Title 3, CCR 6701
2. Water should be accessible as an eyewash

h. Application specific information and hazard communication (A9)

- i. A-9 needs to be displayed on the worksite, in all permanent decontamination facilities, and in facilities serving 11 workers or more
- ii. Must be filled out with emergency medical information, location of the application specific information, location and training records, etc.
- iii. Employees must know where the A-9 is
- iv. ASID (Application specific information)
 1. Workers have a right to know what they are applying
 2. Location noted on A-9

3. ASID required for medical intervention
4. Must always be accessible to field workers
5. Date and time of the application (Start and end time)
6. Crop treated
7. Site treated
8. REI
9. EPA registration number, active ingredients, product names
10. Safety Data Sheets
11. Must be in a central location
- v. Notice of application within $\frac{1}{4}$ mile
 1. Pest control companies must notify operator of the property prior to pesticide applications within $\frac{1}{4}$ mile of the field that is being treated
 - a. Need date, location, description of field, instructions not to enter the field
 - b.
- i. Fieldworker training
 - i. Must be a qualified trainer
 1. PCA, PAC, train-the-trainer attendee
- j. Pesticide training
 - i. Security of Pesticides
 1. Should be contained to not cause hazard to people, animals, or property, or food
 2. Maintain control over containers at all times
 3. Or stored in locked enclosure
 - a. Liquid containers of ≥ 55 gal must have attached lock
 - ii. Rinse containers
 1. Rinse at time of use (≤ 28 gallons)

2. Triple rinse and repeat twice
 3. Rinse nozzles can be used until solution appears clear
 4. $\geq \frac{1}{2}$ container volume of water
 5. ≥ 15 psi
- iii. Storage of pesticides
 1. Posting of pesticides in storage areas may require sign if WARNING or DANGER product
 2. Sign must be visible from any approachable direction and readable and all sides of approach of the building, not just the door
 - iv. Service Container Labeling
 1. Name and address of the person/firm responsible
 2. Identity of the pesticide
 3. Signal word (“caution”, “warning”, “danger”)
 4. No food-related containers
 5. Property owners that are engaged in agriculture and using the chemical on their own property are exempt
 - k. Pesticide use records and reports
 - i. Who keeps records
 1. Anyone who uses pesticides for ag use
 2. Listed in section 6400
 3. Person engaged for hire for pest control
 4. Etc. (see DPR)
 - ii. Requirements
 1. Name
 2. Location
 3. Site
 4. Total acres

- 5. Pesticide used
- iii. Production Ag
 - 1. Needs township, range, base, and meridian
 - 2. Date and time treatment started and ended
 - 3. Operator ID number and site number
 - 4. Method of application
 - 5. Acres treated
 - 6. Name of person who made and supervised the application if pesticide application was made by Ag pest control business
 - 7. School-adjacent areas have additional requirements
- iv. Due dates
 - 1. Due on 10th of the month following the month of application
 - 2. For pest control businesses: due within 7 days of application completion
 - 3. Do these on Cal Ag Permits
- v. Monthly Summary use reports
 - 1. Required for certain locations and situations
 - 2. What they used during the month and how much they used

2. Label Review

- a. What is a Pesticide
 - i. Any substance which is intended to be used for defoliating plants, regulating plant growth, or for mitigating or destroying any pest
 - ii. Adjuvents also count as pesticides if they are tank mixed with pesticides (not if mixed with fertilizers)
 - iii. Organic products are pesticides if used as such

1. OMRI products are pesticides if listed

b. Exempt Products

- i. Still count as pesticides
- ii. Don't have to be reported
- iii. Don't have EPA identification numbers
 - 1. Example: oils
- iv. 25B products – minimum risk pesticides
 - 1. Exempt from registration and use reporting
 - 2. Not exempt from worker health and safety requirements
 - 3. Minimum risk pesticides – pose little to no risk to human health or the environment
- v. Tolerance exempt
 - 1. US EPA is the only body that can establish tolerances
 - 2. Title 40 of federal regulations part 180

c. Unregistered Products

- i. Not all products are registered for use in CA
- ii. Not all uses of CA registered products are registered for alternate use cases in CA

d. Operator ID

- i. Required for each county

e. Restricted materials permit

- i. Required for CA restricted materials
- ii. If Federally Restricted, you require an Operator ID
- iii. Must submit Notice of Intent at least 24 hours in advance of application
- iv. Certified applicator is required

f. Pesticide use reporting

- i. Submit 10 days in advance

g. Private Applicators Certification

- i. Everyone that applies must be trained or certified to apply that specific pesticide
 - ii. PACs are not for use by Farm labor contractors or pest control businesses
 - iii. PACs good for 3 years
 - iv. Renewed via exam or CEUs
 - v. Issued by County Ag Dept.
 - vi. Allow you to train employees as well
- h. DPR licenses
 - i. Qualified applicators license/certificate (QAL/C)
 - 1. For commercial pesticide use or applications not covered by PAC (e.g., fumigation)
 - 2. Issued by DPR
 - 3. Good for 2 years
 - 4. Can Train Employees
 - 5. Make sure it's the correct category that covers your use case
 - ii. Pest Control Advisors (PCAs)
 - 1. DOES NOT qualify license holder as a certified applicator and cannot supervise applications
 - 2. For recommendations
- i. Handler training requirements
 - i. Employees with QAL, QAC, or PAC are considered trained already (but good idea to train anyways)
- j. Federal endangered species act & DPA's ecological mitigation measures
 - i. Environmental Impact Report (EIR)
 - 1. Restricted materials permit (RMP) provides an abbreviated environmental review procedure that is a "functional equivalent" to a normal, full-scale EIR required by CEQA

2. RMP replaces EIR
 3. RMPs are required to document environmental impacts, mitigation measures, and Alternatives
 4. CACs are required to issue time specific and site specific permits for the ag use of restricted materials, this is the NOI
- ii. Endangered species act
1. Federal law providing a program for conservation of threatened species
 2. EPA registration of pesticide must ensure that the products won't affect endangered species or their habitats
 3. FIFRA must be in compliance with the ESA
 4. ESPP subject products are those that "May affect" a listed species
 - a. Endangered species considerations
 - b. Environmental hazards
 - c. Mitigation measures are added to the label
 - d. E.g., salt marsh harvest mouse
- iii. PRESCRIBE
1. DPR online database
 2. Helps determine if there are any endangered or threatened species recorded in the application area
 3. Product specific pesticide use limitations provided by code
 4. Just recommendations by DPR (best practices)
 5. Not legally binding
- iv. BULLETINS LIVE! TWO
1. From the Federal EPA
 2. These are legally binding and required

3. If the label says to go to Bulletins live! Two you must do so and read the content
4. Maintain record of the bulletin because they are time stamped
5. Bulletin statements at time of application are what will be used in violation scenarios
6. Labels can change each year, record keeping of labels on this website are recommended when applying
7. Will tell you limitations on products in certain regions via their map feature

v. Mitigation

1. Mitigation requirements appear on product labels or the bulletins (label mitigations)
2. Must follow mitigation requirements if they are on the label or if the label requires you to follow the bulletin
3. Points based system

k. Understanding Labels

- i. FAC 12973 – label is the law
- ii. Includes
 1. Brand name
 2. Chemical name
 3. Common name for chemical
 4. Formulation
 5. Ingredients
 6. Contents
 7. Pesticide registrant
 8. Registration and establishment number (EPA #)
 9. Signal word
 10. Precautionary statement

11. First aid statement
 12. Statement of use classification
 13. Directions for use
 - a. Can include use restrictions like limits of use in period of time or how often it can be applied
 14. Agricultural use requirements
 15. Use sites
 16. Misuse statements
 17. Storage and disposal
 18. Warranty
- iii. Read label completely
 - iv. Not all labels look the same but do contain the same information categories

3. Other Topics

- a. Mealybug Field Day – still need a location
- b. Grape and Agave Field Day – July 14