



INSPECTION PROCEDURES

MANUAL

DRAFT

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This Inspection Procedures Manual has been updated by a working group from the Enforcement Branch of the Department of Pesticide Regulation.

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We thank all those past and present employees of the department and of the County Agricultural Commissioners Offices who contributed material, reviewed our work, and contributed any suggestions. This manual is still being reviewed and we are sending as a working draft, if you have any suggestions or ideas about this manual, please forward your comments to Mostafa Chrichi at Enforcement Headquarters at (916) 445-3884, via fax at (916) 445-9307, or by e-mail at <mchrichi@cdpr.ca.gov>.

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General Inspection Procedures

Purpose

Inspections are conducted for the purpose of assessing and documenting whether or not a pesticide use activity is in compliance with all applicable pesticide laws and regulations. It is the most important tool we have in the pesticide use enforcement program to assure the safety of handlers, fieldworkers, the public and the environment. Your observations, as documented in the inspection report, provide a picture of the inspected activity. The inspection report must be a comprehensive account of the activity at the time of your inspection.

An inspection report is acceptable evidence in a court of law or an administrative hearing. Make it as complete as possible so that any reader will understand what you observed and be able to assess your decisions.. When noting violations, use the “Remarks” section to record your observations and all the facts relative to the violation. Detailed and complete information is essential for enforcement actions. Include corrective measures in the “Remarks” section. (i.e. “Category 1 liquid pesticides cannot be mix/loaded by employees without a closed system.”)

The Inspection Report Supplemental Form (PR-ENF-111) should be used to document your observations when the “Remarks” section does not provide adequate space. Number the pages of your inspection report even if it is only one page. There is a space provided in the lower right corner of your inspection form for page numbers.

Preparing for an Inspection

Licensing

Only an inspector who either holds a Pesticide Regulation License, investigation and environmental monitoring license or is qualified to take the license exam and is working under the supervision of an inspector that holds the license, can perform pesticide inspections. Inspectors should be knowledgeable of California pesticide laws, regulations and policies. Inspectors should also be knowledgeable of county permit conditions and local agricultural and structural industry practices.

Reference Manuals

Pesticide policies are documented in DPR’s “Manual for Procedural Guidance for Pesticide Enforcement Personnel” (MPGPEP) and in Enforcement letters. Inspectors must review Enforcement Letters and have access to past Enforcement letters and the MPGPEP. These documents are available on the DPR website.

<http://www.cdpr.ca.gov/docs/enfcmpli/enfmenu.htm#ppr>

The following documents must be readily available on site when conducting an inspection:

- a) An Enforcement Manual – Food & Agricultural Code, Division 6 & 7; California Code of Regulations, Title 3, Division 6; and Laws & Regulations relating to the Practice of Structural Pest Control
- b) All relevant inspection forms including the Inspection Report Supplement form
- c) The Inspection Procedures Manual

Personal Protective Equipment (PPE)

The inspector should also have on site any personal protective equipment necessary to prevent exposure to pesticides. For example, chemical resistant gloves for handling opened containers. to review labels

Choosing your Inspections

Inspection targeting strategies are documented in the county's Negotiated Work Plan. Inspections should be conducted in a manner that addresses pesticide use hazards to employees, the public, the environment and private property.

Prioritization of hazards

should include the following factors:

- Pesticide toxicity and formulation.
- Restricted material status.
- Proximity to environmentally sensitive areas.
- The number of employees engaged in pesticide related activities.

Prioritization of inspections

Your Negotiated Work Plan should address the inspection of all pest control businesses, and all persons/firms that use pesticides for the production of an agricultural commodity or that employ workers in treated fields. Prioritization of businesses to inspect should include the following factors:

- The number of handler and fieldworker employees.
- The frequency with which employees handle pesticides or work in treated fields.
- The level of exposure hazards the company's operations create for workers, the public and the environment.
- The company's violative history and/or history of pesticide episodes.

A county Agricultural Commissioner's Office (CAC) pesticide regulatory inspection program must efficiently address the hazards of pesticide use within its jurisdiction. This may also include use of pesticides by government agencies and non-production agricultural pesticide use. Inspection strategies that achieve inspection quotas without addressing pesticide hazard priorities are ineffective and weaken a county's inspection program. Patterns of ineffective inspection targeting practices will be addressed in DPR's evaluation of the CAC regulatory inspection program.

Examples of ineffective inspection strategies include:

- Frequent inspections of a business when no non-compliances are documented.
- Infrequent or no inspections of businesses or industries with a history of non-compliances or

episodes.

- Documenting several inspections on different crews of the same company performing the same operation in the same day. In this circumstance only one inspection that includes all crews shall be conducted.
- Numerous pre-application inspections on non-sensitive sites while sensitive sites are not inspected.

General Requirements

DPR will use the following criteria to evaluate CAC inspection reports:

1. Complete Inspections

- a) Inspections must address all applicable criteria in order to be counted as an inspection on Report 5. If compliance with one or more applicable criteria cannot be determined, record the criteria as “N/A” and provide a complete explanation in the “Remarks” section. DPR will review these inspections and determine if they can be counted as a complete inspection.
- b) The inspected person must sign the inspection form in the space provided. The signature of the inspected person is not required for Pre-Application inspections.
- c) Observation of an aerial application cannot be counted as a complete inspection unless the label(s) used are reviewed and a signature of the inspected person is obtained. Labels and a signature obtained from flaggers or spotters on site are adequate. If there are no flaggers on site and the mix/load site is out of county, arrange with your liaison senior or the CAC of that county to develop a procedure for visiting that mix/load site. Time spent on observations of aerial applications that do not include a label review or obtaining the signature of the inspected person may be counted under surveillance hours on Report 5 (see additional instruction in PR ENF 104)
- d) All Heading and information sections must be completed. If the information is not available on site, it can be added later. This information must be completed prior to submission on the Report 5. If this information cannot be determined, explain in the space provided or in the “Remarks” section. (e.g. “telephone number” – “ Mr. Smith does not have a telephone.”)

2. Advance Notice

Inspections should not be conducted by appointment or with advance notice to the company being inspected unless necessary for reasons of efficiency (i.e. Pest Control Records Inspections). If advance notice is given, the inspector should be prepared to justify the reasons why an inspection was conducted with advance notice.

3. Legibility

Inspection reports must be legible. It is recommended that the inspector print information and “Remarks” on the inspection report. Also, if you run out of space in the “Remarks” section, utilize the Inspection Report Supplement (PR-ENF-111) to continue. Do not write more than can be easily read in the “remarks” section, or write along the margins of the inspection report. Remember, your inspection could be read by outside groups; keep it legible and professional.

4. Completing the Inspection Report

Header and Information Sections

All information spaces must be filled out appropriately. If the information is unavailable or unknown, write unknown in the space and explain in the “Remarks” section. Most of these spaces are self-explanatory (i.e. Firm/Person Inspected, Firm Address); document the information accurately.

- a) **Commodity/Site:** Record the commodity, from the product label, that is being treated. Verify the commodity or site is in fact, listed. Sites are to be recorded when there is no actual commodity being treated, such as herbicide application to “non-crop” areas. The site also must be listed on the product label
- b) **Adjacent Environment.** Document the relevant environmental risk for drift on each side of the field. Do not print “road” if roads border the field. The more appropriate designation would be “road/ cotton” or “road/ residential”.
- c) **Supervisor.** Print the name of the person supervising or the foreman overseeing the pesticide use activity. Indicate whether or not you spoke to the supervisor during the inspection, by checking the appropriate YES/NO box.
- d) **Handler(s) Name / # Interviewed (on “Use Monitoring” forms only).** Print the names of the handlers involved in the pesticide use activity. Document the number of handlers you interviewed during the inspection. Document each handler’s activity (i.e. applicator, mix/loader, hose puller) and the PPE worn in the space to the right of each handler’s name.
- e) **Equipment Used (on “Pesticide Use Monitoring” form only).** Document the type and brand of equipment used in the application and/or the mix/load operation. (See appendix 01)
- f) **Pesticide Name/Manufacturer.** Print the brand name and registrant in the space provided. Record the EPA registration number and signal word from the container label. Document the formulation type (i.e. wettable powder, liquid, granular). Document the rate (i.e. lbs/acre) and dilution (i.e. gallons of mix/acre) from interviewing the applicator, or from the work order, pest control recommendation, or notice of intent.
- g) **Information Display Method.** This box appears on the Pest Control Records Inspection forms. Briefly describe how the business displays required information, such as “posted on bulletin board”, “binders in break room”. If necessary, use the “Remarks” section. Note* Required information may include PSIS A-8, A-9; Application specific information; emergency medical posting, etc.
- h) **Decontamination Facility.** This section provides specific information on the decontamination facilities on site. Check each item, as either yes or no. Record your best estimate of the amount of water available.

Requirements Section

The Requirements section of the inspection report lists criteria that commonly apply to operations for the type of inspection being conducted. For each requirement there are boxes labeled “YES”, “NO”, or “N/A” (not applicable). In order for an inspection to count on the Pesticide Regulatory Activities Monthly Report PR-ENF-099 (Report 5,), one of these boxes must be appropriately marked for each requirement. Do not check shaded boxes because they indicate unacceptable, illogical or invalid observations. The “N /A” should be used appropriately. A common error made by inspectors is to record a “YES” when a requirement does not apply and the person inspected would be in compliance if the requirement did apply. For example, an employee handler is using a pesticide that has a label that does not require eye protection and has emergency eyewash bottle on his belt. In this case “Eyewash Immediately Available” should be recorded as “N/A” and note in the “Remarks” section that the handler had eyewash.

If you wish to address a law, regulation or county ordinance not listed on the inspection form, use the blank lines provided after the last criteria item and before the “total” to write in the requirement and the appropriate section number. Record your “YES” or “NO”, alongside each line. If space is still needed, after utilizing the blank lines, then use the “Remarks” section to continue recording the law, regulation, or county ordinance not listed on the form, and the compliance status of “YES” or “NO”. You may verify information later if it is not available at the inspection site (i.e. handlers trained). If you need information from or to perform an inspection of a business headquarters located in another county, consult your DPR liaison senior or the CAC of that county.

Compliance status must be based on the initial observations or findings of the inspector. The inspector should record the PPE worn by handlers upon the inspector’s arrival, or made by the inspector remotely (i.e. with binoculars) prior to arriving on site. Thus, failure of a handler to wear gloves or eye protection during a mix load would be recorded as a non-compliance on the inspection form. If the handler then put on the gloves or eye protection, the inspector would note this in the “Remarks” section. This would hold for other similar findings (i.e. drift, improper use of closed systems.)

Utilizing the “Remarks” Section

Use the “Remarks” section to describe any condition or situation you deem relevant and is not covered in other sections of the inspection report form. Whenever non-compliances are noted they must be adequately described or explained in the “Remarks” section. It is not acceptable to simply state that a person was in violation of a particular section. The exact nature of the violation must be described. See Examples:

Inadequate – “ One of the mix/loaders was not wearing all label required PPE.”

Adequate – “Joe Smith was observed mixing and loading Bravo. He was not wearing a dust/mist-filtering respirator as required by the label. No respirators were available on site.”

Compliance Actions Section

- a) **Follow-up required.** Any time that non-compliance is noted on an inspection and it is not corrected during the inspection, a follow-up inspection is required. If for any reason a follow-up inspection cannot be performed, (for example, a field labor contractor is leaving the county the next day for an extended period of time) the reasons must be explained under “Remarks”. In these situations, mark “YES” under “Follow-up required”, and explain why the follow-up inspection could not be performed.
- b) **Use of Cease and Desist Orders, FAC Sections 11897/ 13102 and Stop Work Orders, FAC Section 11737.** An inspector should stop any activity if the inspector observes a violation that creates an “immediate hazard”. The following guidelines are provided for this purpose.

CFAC ' 11897 (Cease and Desist Order)

- ◆ May be used to stop only licensee activity (Division 6)
- ◆ Has a defined appeal process. Appeals are made to the Director.
Document the Cease and Desist on a VN or in a letter in addition to checking the appropriate box on the inspection report. Describe the hazard created or that “appeared imminent”.

CFAC ' 13102 (Cease and Desist Order)

- ◆ May be used to stop licensee and non-licensee activities
- ◆ Has a defined appeal process. Appeals are made to the Director.
- ◆ Document the Cease and Desist on a Violation Notice (VN) or in a letter in addition to checking the appropriate box on the inspection report. Describe the hazard created or that “appeared imminent”.

CFAC ' 11737 (Stop Work Order)

- ◆ May be used to stop only licensee activity (Division 6)
- ◆ May be used if the activity is being conducted by a incompetent or unqualified person.
- ◆ May be used if the activity is being conducted in a manner or under conditions that interfere with proper control of the targeted pest.
- ◆ If the order is violated the CAC can bring action against the licensee in Superior court.
- ◆ Document the Stop Work Order on the Inspection Report. If desired you may also document the Stop Work Order on a Violation Notice or in a letter.

If a licensee operation is stopped and then resumed prior to the conclusion of the inspection, check “YES” in AStop Work Order box, and “NO” in the ACease and Desist box. Explain what happened under A”Remarks”.

If a non-licensee operation is stopped and then resumed prior to the conclusion of the inspection, check “NO” in AStop Work Order box, and in the ACease and Desist box. Explain what happened under A”Remarks”.

If a licensee or non licensee operation is stopped for a significant period of time while violations are corrected, it is recommended that you issue a “Cease and Desist Order”, check the “Cease and Desist Order” box “YES”, the AStop Work Order box “NO” and explain what happened under A”Remarks”. Use the VN or a letter format for your ACease and Desist Order”. If the inspected activity is not stopped, check NO in both boxes.

c) **Hazardous Area 3CCR ' 6706**

When there is a reasonable suspicion by the commissioner or director that a specific workplace has been or may be unsafe for workers due to exposure to pesticide active or inert ingredients, either may require the employer to:

Prohibit entry of employees into that workplace.

Require employer to provide medical supervision for a period of time to determine the safety of that workplace to protect employees who have been working in or will enter that workplace. Medical supervision may include biological monitoring of persons for possible over-exposure to pesticide ingredients. Follow specific exposure time limits and PPE to be worn by employees under the circumstances as required by the commissioner or director

d) **Correct Non-compliances by.** If no non-compliances are noted write N/A. If any non-compliances are noted on the inspection report, this space should be filled in appropriately. If **County Follow up Inspection Date.** If no non-compliances are noted write N/A. If non-compliances are noted and a follow up inspection will be performed, leave this space blank. When the follow up inspection is performed, write in the date.

e) **Violation Notice Section.** If a VN is written for violations found during the inspection, document the VN number and check the “Yes” box. If a VN is not written, check the “No” box. If a VN may be written at a later time, leave the space blank. Complete this section when the VN is written or the decision not to write a VN is made. If this section is completed at a later date, initial and date the entry. Structural forms have two “Violation Notice” spaces. This is to accommodate the request by some counties that the same inspection form can serve as a violation notice issued to the licensee, as well as a violation notice issued to the employer.

- f) **Action Reference.** This box was added to aid in associating and tracking an inspection, illness investigation or other with its enforcement action. In many cases, this box can not be filled in until after the Notice of Proposed Action (NOPA) has been written. Record the NOPA as the “Investigation #” and circle “other” on both the original inspection form, and the canary colored copy to be sent to DPR. It is recognized that the original may have to be pulled from the files to record the NOPA number. If the inspection is being conducted as part of an illness investigation, list the WHS # as the investigation number on the appropriate line, and circle “WHS”. If the inspection is being conducted as part of a priority investigation, list the Priority number as the investigation number, and circle “DPR”. As with the scenarios above, if enforcement action is taken, also record the NOPA number in the box area, and circle “other”. Other situations include complaint referrals from DPR and other agencies to CACs, or complaints received directly by the county. Record the complaint referral number from DPR or another agency, or generate a CAC number for those cases received directly, and circle either “DPR” or “Other”
- g) **Inspection Acknowledgement.** Have the person at the inspection site sign the form to validate it whether or not violations are found. This identifies the person who was inspected for the employer’s information. You must notify the responsible person of any non-compliance. When the responsible person is not at the inspection site, mail or deliver a copy of the inspection form to the person or firm along with the outreach document, “Pesticide Safety: It’s The Law”.

Conducting the Inspection

Upon arrival at the inspection site, introduce yourself to the person responsible for the operation and explain why you are there. Provide identification if requested. Wear the appropriate personal protective equipment and clothing to prevent exposure to pesticide residues. Interview the supervisor or crew leader, if available, as well as handlers or field workers to determine compliance with the “Requirements” as well as other laws and regulations that apply to the pesticide use activity.

When conducting Use Monitoring inspections, always review the pesticide container labels on site and compare the label instructions with the activities observed. When necessary or appropriate, collect evidence (i.e. photographs, statements, copies of documents, tank mix or environmental samples) to support noted non-compliances. Use the “Remarks” section to document any evidence collected.

Interviews

- a) **Importance of Bilingual Personnel.** Many aspects of pesticide safety requirements, particularly Worker Protection Standard (WPS) requirements, depend on employee behavior and their understanding of safety procedures and information. It is important for inspectors to communicate effectively with employees when determining compliance with many of the

inspection criteria. CACs are encouraged to have bilingual inspectors on staff and to utilize bilingual personnel effectively. CACs are also encouraged to explore available translation resources in their counties.

- b) Conducting Interviews.** Inspections should include interviews with the employer or the person in charge of the activity, and one or more handlers or workers. Document the number and type of persons interviewed in the appropriate space or in the “Remarks” section if no space is provided. Interviews with handlers and workers should be conducted separately from employer interviews, ideally away from any management personnel. If necessary, try to arrange to have an interpreter available to conduct employee interviews. Use of an interpreter employed by the company being inspected should be utilized only as a last resort. When an inspection is conducted, and you are unable to interview either handler or worker employees, you must provide a brief explanation in the “Remarks” section as to why you were unable to conduct these interviews. If you were unable to conduct employee interviews due to a language barrier you must describe the steps you took to address that situation. [Example: No worker interviews were conducted because they didn’t speak English. No CAC bilingual inspectors were available. I tried to locate an interpreter but was unsuccessful.] Other reasons for not conducting an interview could include: (a) No employees are employed at the time of the inspection. (b) Employer does not consent to allow employees to be interviewed. (c) Employees do not consent to being interviewed for personal reason (such as fear of retaliation.) The following list indicates the criteria, currently on county inspection forms that should be addressed in interviews. If possible interview each type of person indicated:

Fieldworker Safety Inspections PR-ENF – 103

<u>Criteria</u>	<u>Section</u>	<u>Interview</u>
Employer Provided/Employee Utilized PPE	6702(b,c)	worker/employer
Emergency Medical Care Knowledge	6726(b)	worker/employer
Hazard Communication A-9	6761	worker/employer
Field Worker Training	6764	worker/employer
Field Entry After Pesticide Application	6770	worker/employer
Early Entry	6771	worker/employer
Posting Compliance	6776	worker/employer

Use Monitoring Inspections PR-ENF-104, 105*, 106*

<u>Criteria</u>	<u>Section</u>	<u>Interview</u>
Restricted Material Use Supervised	6406	handler
Employer Provided/Employee Utilized PPE	6702(b,c)	handler
Handler Trained	6724	handler
Emergency Medical Care Knowledge	6726(b)	handler
Employee Contacted, Working Alone, Danger	6730	handler
Decontamination Site, Eyewash Available	6734	handler
Accident Response Plan*	6780(d)	handler
Two Trained Employees*	6784	handler

Pest Control Records Inspections PR-ENF-109, 110

Headquarter And Employee Safety Inspection

<u>Criteria</u>	<u>Section</u>	<u>Interview</u>
Notice Prior to Application	6618	handler/employer
Application Completion Notice	6619	employer
Emergency Medical Care Planned	6726	employer
Application Specific Info	6723.1/6761.1	worker/handler/employer
Hazard Com and Training Criteria	6723-24/6761/6764	worker/handler/employer

Pesticide Use Monitoring Inspection PR-ENF-104

<u>Criteria</u>	<u>Section</u>	<u>Interview</u>
Employee Contacted, Working Alone, Danger	6730	handler
Restricted material use supervised	6406	handler
Handler Trained	6724	handler

Fumigation Use Monitoring Inspection PR-ENF-105/106

<u>Criteria</u>	<u>Section</u>	<u>Interview</u>
Employee Contacted, Working Alone, Danger	6730	handler
Restricted material use supervised	6406	handler
Handler Trained	6724	handler
Accident Response plan	6780(d)	handler
Two trained employees	6784	handler

c) Additional Interview Questions:

Employer:

Is the employer aware of any employee refusals?

- Document problems with handlers refusing to wear PPE, taking PPE home, following label directions, properly using application equipment, entering posted fields. If the employer identifies employee refusal as a problem, provide the employer with information on DPR's written workplace disciplinary policy. (See ENF 95 – 005) Try to determine the cause of the refusals and, if possible, provide advice on ways to address the problem. Document this information in the "Remarks" section.
- Document problems with workers entering posted fields, or violating other restrictions.

Is the employer aware of any exposure incidents in the last year?

- Who provides pesticide information to medical personnel/victim and who provides transportation to emergency medical facility?
- Has there been any exposure incidents (including drift)? If yes, discuss details of incidents and examine records of incidents if available. Was an investigation conducted on the incident? If not, consult your supervisor to determine if an investigation should be initiated. Document this information in the “Remarks” section.

Handlers/ Fieldworkers :

Is the employee aware of any exposure incidents in the last year?

- Does the employee know who provides pesticide information to medical personnel/victim and who provides transportation to emergency medical facility?
- Has there been any exposure incidents (including drift)? If yes, discuss details of incidents and examine records of incidents if available. Was an investigation conducted on the incident? If not, consult your supervisor to determine if an investigation should be initiated. Document this information in the “Remarks” section.

Does the employee receive notification when appropriate?

- When working within ¼ mile of a field where entry is restricted, who notifies the employee?
- What is the method of notification? Document their response in the “Remarks” section.

Have the employees experienced retaliation?

- Ask employees if they are allowed to comply without employer interference? If they say they have experienced retaliation, inform the employees that retaliation cases are handled by the Department of Industrial Relations’ Division of Labor Standards at www.dir.ca.gov/DLSE/offices.html and provide them with contact numbers. See Appendix 02.

Information regarding retaliation is CONFIDENTIAL.

DO NOT document any information regarding retaliation on the inspection report, or on any document that will be received by the employer.

DO NOT discuss any information regarding retaliation with the employer.

The number of positive responses to questions of retaliation should be forwarded to DPR via your supervisor.

Follow-up Inspections

A follow-up inspection must be made when a non-compliance is noted and not corrected during the inspection. Make it clear to the responsible person that a follow-up inspection will be made. Document on the report any Violation Notice, Stop Work Order or Cease and Desist Order issued. Your follow-up inspections are intended to see that the people being inspected are in compliance on a second visit. When the follow-up inspection is conducted, document the date on the original inspection form on the “ County Follow-up Inspection Date” line and describe the compliance status under “Remarks”. Indicate the date these remarks were written.

You may perform a complete inspection as your follow-up inspection only if it meets the

requirements of a new complete inspection. If you perform a complete inspection at this time, document it on a separate report form and determine compliance with all applicable sections. You may also need to conduct a different type of follow-up inspection to cover training and documentation, medical supervision programs, storage of safety equipment, the presence or absence of a change area, and associated washing facilities. A non-compliance found during a Use Monitoring or Fieldworker Safety Inspection may indicate the need to conduct a Headquarter and Employee Safety Inspection or vice versa.

When you record a non-compliance, review the compliance history of the business inspected. Consult the Enforcement Guidelines to determine if an enforcement action or decision report is required.

If required, file the decision report with your recommendation.

PESTICIDE PRE-APPLICATION SITE INSPECTIONS PR-ENF-102

Inspection Procedures

Purpose

A Pre-application Site Inspection is an evaluation of an intended application of a pesticide that requires a Restricted Materials permit. In 1979 the Secretary of the State Resources Agency certified the permit and NOI process as functionally equivalent to an Environmental Impact Report (EIR) Title 14 CCR Section 15192 (i). This certification means CDPR and the county agricultural commissioners do not have to prepare an EIR (or a negative declaration) on each activity that is approved; however, documentation of environmental impacts, mitigation measures and feasible alternatives is required. Title 3, CCR § 6436 Permit Monitoring, requires monitoring of 5% of the “sites identified in permits or in notices of intent to apply a pesticide for an agricultural use.”

Choose the sites to be evaluated based on the toxicity of the pesticide, the proximity of sensitive areas, the potential for adverse effects, and the individual’s noncompliance record. A site evaluation and a written recommendation review are conducted to assess the situation prior to application. It gives you the opportunity to mitigate any possible hazards by conditioning or denying the Notice of Intent or modifying the Restricted Materials Permit. CAC are responsible for knowing local conditions and sensitive areas that may be adversely impacted by pesticide applications. Have you considered nearby dwellings (homes, labor camps), buildings, recreational areas, meteorological conditions, susceptible crops, schools, location and proximity of bees, animals (livestock, pets), endangered or threatened species, and any other sensitive areas?

When conducting a Pre-application Site inspection your duty is to assess compliance, record your observations, and organize follow-up inspections and enforcement actions if there is a noncompliance. Your Pre-application Site Inspection Report must tell the complete story of your inspection so that one who is unfamiliar with the area understands what you saw.

PRE-APPLICATION SITE INSPECTIONS

Procedure

Information/Header Spaces.

Provide all of the information requested at the top of the form. If some of the information is not available on site, you can add it later. The information must be completed prior to submitting the inspection on the Pesticide Regulatory Activities Monthly Report PR-ENF-099 (Report 5).

Written Recommendation Requested/Provided FAC § 12004

The Pest Control Adviser (PCA) or Pest Operator Business (POB) upon request shall immediately furnish a copy of the written recommendation to the CAC. Indicate in the boxes provided whether the recommendation for the subject application has been requested by the CAC and if it has been provided. If no recommendation has been made for the intended application, put "N/A" in the box.

WRITTEN RECOMMENDATION REVIEWED. 3CCR § 6436.

If a recommendation has been made on the intended application you are inspecting, you must review the written recommendation as part of your pre-application inspection. If you review the recommendation check the "Yes" box. If you don't review the recommendation, check the "NO" box. If no recommendation has been made for the intended application, check the "N/A" box. The Pest Control Adviser shall provide the recommendation to the grower, applicator and dealer prior to application.

Adjacent Environment

Document the adjacent crops and sites on each side of the field. Do not print "road" if roads border the field. The more appropriate designation would be "road/ cotton" or "road/ residential".

Environmental Hazards

List or describe any environmental hazards you observe at the intended application site.

Signatures and Distribution.

Complete the pre-application inspection by printing and signing your name and providing the date and time the inspection was completed. You do not need to obtain the signature or provide a copy of your inspection report to the inspected person unless non-compliances are noted.

Criteria Items

1. **Notice of Intent (NOI) Consistent with Permit.** 3CCR §6434.

Scope: Agricultural Use of State Restricted Materials Requiring a Permit.

Exemptions: When all the information normally submitted on an NOI is already on the permit, the NOI is not required.

The NOI must be delivered to the CAC at least 24 hours prior to the start of the application unless the CAC determines that 24 hours are not necessary to adequately evaluate the intended application. Compare the information on the NOI with the Restricted Materials Permit. Pay particular attention to potential adverse effects (field workers, schools, bodies of water etc). The NOI must be complete and consistent with the permit. When a NOI is required by the CAC, it must provide the following information. If the information required is on the permit, it may be referenced on the NOI.

- a) Permit number
- b) Name and address of permittee and applicator
- c) Location of areas to be treated and name of farm operator
- d) Crop, commodity or site
- e) Approximate acres or units
- f) Method of application
- g) Pesticide(s)
- h) Dilution, volume and dosage
- i) Pest(s)
- j) Date application is to start
- k) Location and identity of any sensitive sites that have changed since the permit was issued

2. **Proposed Application Complies with Permit Conditions.** FAC §12973

Scope: The use of any pesticide requiring a permit that is conditioned.

Exemptions: None

Determine if the application can be carried out in compliance with all conditions on the permit.

3. **Environmental Conditions Consistent with Permit and NOI.** FAC §12973

Scope: Agricultural Use of State Restricted Materials Requiring a Permit.

Exemptions: None

The NOI must reflect any changes in the environment since the permit was issued. Are surrounding fields and cultural facilities consistent?

4. **Written Recommendation Complete.** FAC §12003

Scope: Any recommendation made by a Pest Control Adviser.

Exemptions: None.

Does the recommendation comply with the requirements of CFAC §12003 and 3CCR §6556. If not, perform a Pesticide Adviser Record audit and record in the Remarks section that an adviser audit is indicated. Review the written recommendation. Is it complete and accurate? Are label warnings and potential hazards been addressed? Are aerial hazards identified? Pest control advisers are required to put all recommendations in writing and provide copies to the operator of the property, the applicator and the dealer.

Recommendations must contain the following:

- a) Name and dosage of each pesticide (including adjuvants)
- b) The owner of the property, location and acreage to be treated
- c) Crop, commodity or site
- d) Suggested schedule, time or conditions for the application
- e) Warnings regarding any potential adverse effects of the application that reasonably should have been known to exist
- f) The signature, address and name of the business of the person making the recommendation
- g) Date and any other information required by the director
- h) *Worker reentry interval, pre-harvest interval and label restrictions on use or disposition of the treated commodity, by-products or treated area
- i) *Criteria for determining the need for the treatment
- j) *Certification that alternatives and mitigation measures have been considered and adopted

* Required by 3CCR §6556

FIELDWORKER SAFETY INSPECTION

PR-ENF-103

General Scope

Employees who, for any kind of compensation, perform cultural activities in a "treated field." A treated field is an agricultural production field that has been treated with a pesticide or had a restricted entry interval in effect within the last 30 days from of harvest. A treated field includes associated roads, paths, ditches, borders, and headlands, if the pesticide was also directed to those areas.

General Exemptions

Employers and non-employees; persons performing tasks as a crop advisor, including field checking or scouting, making observations of the well being of the plants, or taking samples; government officials performing inspection, sampling, or other similar official duties are not defined in the code as field workers. Consequently, when the scope refers to field workers employers, non-employees, crop advisors, and government officials are exempt.

A "treated field" does not include areas inadvertently contaminated by drift or over spray.

Inspection Interviews

A large part of conducting a field worker safety inspection involves interviewing the crew supervisor or foreman and at least one or more of the workers. The county should prioritize use of bilingual personnel for fieldworker safety inspections. Interviews with workers should be conducted separately and physically away from the supervisor or foreman. If necessary, arrange ahead of time to have an interpreter available to conduct interviews. Avoid using the other crewmembers as interpreters. Only use the crew supervisor or foreman as an interpreter as a last resort. Always document the interviews in the "Remarks" section of the inspection form.

Procedures

Complete all information on the top part of the form. If this inspection is the result of a DPR referral or WHS illness, record the case number assigned in the designated space, and circle the appropriate source. Indicate whether the firm / person inspected is a farm labor contractor, grower or other, (e.g., packer/shipper, or custom harvester). Record the name of the onsite supervisor, and indicate whether or not you interviewed him or her.

Application Specific Information Displayed: You must check to ensure the application specific information is displayed for the field workers. Normally this information will not be available in the field, but will be at the property operator's central location. The location where this information is available should be noted on the Hazard Communication PSIS A-9. When you check criteria item 5, Hazard Communication A-9, record where the application specific information is kept in “

Remarks”, so you can check it later in order to complete this inspection.

Non-compliances of application specific information are the responsibility of the property operator. Therefore, if you are inspecting a farm labor contractor, custom harvester, or packer/shipper, this criteria will always be checked "N/A". If you find a non-compliance of the application specific information at the central location, you must document the in the Remarks section, and on a Violation Notice, or Headquarter and Employee Safety Inspection issued to the property operator. You would then explain to the farm labor contractor, custom harvester, or packer/shipper that the non-compliance is against the property operator. You would contact the operator of the property and notify him/her of the non-compliance.

Use the Remarks section on the form or on the Supplemental form (PR ENF # 111) to describe all non-compliances and corrective measures in detail.

Worker Protection Standard Elements

In order to verify that employees are working in a treated field, and whether or not the restricted entry interval has expired, you must document information about the most recent pesticide application. During your interview, ask the supervisor if he/she has this information. If not, you should be able to find it when you look at the application specific information at the property operator's central location. Record the application date, the pesticides applied; the number of employees working in the field, their activity, whether the Restricted Entry Interval (REI) is expired, the size of the field, and the number of field workers interviewed.

Early Entry Personal Protective Equipment Worn

Are the workers performing early entry tasks? (See Requirements 3, 4 and 11 below). If so, indicate what personal protective equipment is being worn. If the workers are not performing early entry tasks, draw a diagonal line through the “Early Entry PPE Worn” section.

Decontamination Facility

Indicate whether the decontamination facility is within ¼ mile; how much water is available there; and whether or not soap, single use towels, eyewash and clean towels are available.

Inspection Requirements

1. **FLC Registered # _____ . Labor Code § 1695**

Scope: Farm Labor Contractors (FLCs) licensed in California who are working in the county.

(A Farm Labor Contractor is any person who, for a fee, employs workers to provide services connected with the production of farm products to, for, or under the direction of a third person. A person who recruits, solicits, supplies, or hires workers on behalf of an agricultural employer, and furnishes board, lodging, or transportation for those workers; supervises, directs or measures their work; or disburses wage payments to these persons is also considered a farm labor contractor)

Exemptions: Packers/ Shippers who purchase the crop and then harvest it; commercial packing houses engaged in both the harvesting and the packing of fruit; custom harvesters; property operators.

L California licensed farm labor contractors must register annually with the Agricultural Commissioner of the county of the grower client. Labor contractors must also carry their license and proof of registration with them at all times. Document the FLCs registration number in the blank. If the contractor is unlicensed, check N/A and address it in the "Remarks" section.

2. **Notice of Applications within ¼ Mile. 3CCR § 6618(b)**

Scope: Employees of the operator of the property and any contractor hired by the operator of the property who may be in a treated field or who are likely to enter a treated field during the pesticide application or while the REI is in effect.

Exemptions: The oral notice is not required when a field is posted as specified in Section 6776, unless the pesticide product labeling requires dual notification, (by warning them orally and by posting warning signs). Posting of the federal (stern face and hand format) sign does not meet this requirement. Persons who applied or supervised the application are exempt.

During your interviews with the crew supervisor and workers, ask how they are notified about areas on the ranch/farm where pesticide applications are taking place or where REIs are in effect. Document their answers under "Remarks"

3. **Labeling - Personal Protective Equipment CFAC §12973**

Scope: All persons working in treated fields prior to the expiration of the REI.

Exemptions: This section does not apply when only granular baits, attractants, or repellants in traps have been applied in a field; if only algaecides have been used to treat the irrigation system, or if pesticides have been injected into plants. Applications by Vector Control Agencies are exempt.

L Pesticide labels contain specific instructions and exemptions about REIs, PPE, and worker notification, under the heading "Agricultural Use Requirements". Both employees and employers are subject to label requirements.

What was the most recent pesticide application? Ask the supervisor. If the information is not available, ask the supervisor how he/she knows the REI is expired. If the workers are performing early entry tasks that involve contact with anything that has been treated, (see Requirement 10 below), are they wearing the PPE required by the label? Ask the workers how they know what PPE to wear. Ask if they have a copy of the pesticide label, although it is not required to be at the site. If a label is not available, is one available at the grower's headquarters when you check the application specific information?

If early entry workers are not wearing the required PPE, ask them if their employer provided it. Is the PPE in good condition and well fitted? Address each piece of safety equipment separately. Failure to use safety equipment required by the label is a use in conflict and is a violation.

If a pesticide is highly toxic for acute dermal toxicity or skin irritation potential, the label will require users to notify workers by warning them orally and by posting warning signs, (See Requirement 2 above). If early entry workers are working in a field that was treated with a dual notification product, ask them if they were notified orally. Is the field posted? If dual notification was required, limited contact early entry activities are prohibited. (See Requirement 10 below).

4. **Employer Provided Employee PPE.** 3CCR § 6702(b)(4)

Scope: Early entry field workers performing tasks that involve contact with anything that has been treated.

Exemptions: Employers and non-employees

It is the responsibility of the employer to assure that early entry workers have a safe work place and follow safe work practices. As a result, employers must provide, maintain and assure early entry field workers wear the PPE required by the label. PPE that is provided must be clean, in good working order, and the employer must replace it when necessary. The employer must assure the PPE is stored in a clean area.

5. **Hazard Communication A-9.** 3CCR §6761

Scope: Field workers in treated fields.

Exemptions: Employers and non-employees working in treated fields.

⌞ Employers must display a completed Pesticide Safety Information Series (PSIS) A-9 at the work site, **or** at a central location, if employees begin their workday there. "Completed" means that the blank lines on the document are filled in by the employer. "Display" means to make information available to the employee so that he or she may readily see and read the document, during normal business hours, without having to make a specific request of any person. An employee shall not be hindered or impeded from examining documents required to be displayed. Employers can use a binder, filing cabinet, or other method to contain documents for display, as long as the employees have unimpeded access to the information.

Ask workers if they are aware of the PSIS A-9. Where is the PSIS A-9 displayed? Is it in a language the workers can read? Do they have unimpeded access to it? If it is in a binder in the supervisor or foreman's vehicle, it should be in plain sight and not buried under personal documents or clothing. Ask workers if they feel comfortable going to look at it any time during the workday.

This code section also requires the operator of the property to maintain in a central location and make available to workers, (including employees of a farm labor contractor) pesticide use records for all pesticides applied to the field within the past two years; and Material Safety Data Sheets (MSDS) for each pesticide listed in the use records.

6. **Field Work During Pesticide Application.** 3CCR §6762

Scope: Fieldworkers not involved in the application.

Exemptions: According to 3CCR Section 6760, when only granular baits, attractants, or repellants in traps have been applied in a field; if only algaecides have been used to treat the irrigation system, or if pesticides have been injected into plants, Section 6762 does not apply.

⌞ No employer shall direct or allow any person, other than the persons making the application to enter or remain in a treated area of a farm or forest during the application. In nurseries and greenhouses, the prohibited area is just the treatment site unless the pesticide is applied as a space treatment; as a spray from a height more than twelve inches from the planting medium; as a fine spray; or using a pressure greater than 40 pounds per square inch, or when pesticide product labeling requires respiratory protection. In these later cases the prohibited area is the treatment site plus twenty-five feet in all directions within the enclosed area. For fumigations and space treatments in a greenhouse, the entire greenhouse is the treated site.

This inspection requirement would only be applicable if a pesticide application is taking place during your inspection.

7. **Field Worker Training.** 3CCR §6764

Scope: Fieldworkers in treated fields.

Exemptions: Employers and non-employee. This section does not apply when only granular baits, attractants, or repellants in traps have been applied in a field; if only algaecides have been used to treat the irrigation system, or if pesticides have been injected into plants. Applications by Vector Control Agencies are exempt.

└ Training is required once every five years. Employees assigned to work in treated fields must be trained before beginning work. No documentation is required for field worker training. California accepts field worker training from other states. If the worker possesses a valid USEPA Training Verification Card (Blue Card) issued in another state, then the field worker training requirement would be met.

Training must include:

- a) Routine decontamination and washing after each exposure period.
- b) REIs and field posting.
- c) Where and how pesticides may be encountered.
- d) Routes of exposure.
- e) Hazards of pesticides (acute and chronic).
- f) Signs and symptoms of over exposure.
- g) First aid including decontamination, eye flushing, getting emergency medical care.
- h) Warnings about taking pesticides or pesticide containers home.
- i) Hazard communication requirements.
- j) Employee rights, including protection from retaliation.

Interview several of the workers and ask them about the training they received. Do they know what field posting means? How they can be exposed to pesticides? Can they tell you some of the signs and symptoms of pesticide poisoning? How to get emergency medical care? Have they ever experienced retaliation from their employer? (See retaliation under Inspection Procedures Interviews 6(c) on page 9).

8. **Emergency Medical Care Knowledge.** 3CCR § 6766(b)

Scope: Fieldworkers who enter treated fields.

Exemptions. Owners and non-employees. This section does not apply when only granular baits, attractants, or repellants in traps have been applied in a field; if only algaecides have been used to treat the irrigation system, or if pesticides have been injected into plants. Applications by Vector Control Agencies are exempt. PCAs and those performing crop adviser tasks are exempt under the conditions of § 6720.

⌞ At least one person in the field must know what to do and where to go in a medical emergency. This person can be the field supervisor or other employee. He/she must know the name and location of a physician or medical facility that can provide emergency medical care and, if the facility is not reasonably accessible from that work location, the procedures they should follow to get emergency medical care. This information does not have to be posted, although the PSIS A-9 does have a space where the information must be recorded. Also ask whether he/she is aware of any exposure incidents in the last year. Document the answers in the “remarks” section.

9. **Decontamination Facilities.** 3CCR § 6768.

Scope: Fieldworkers engaged in activities involving contact with treated surfaces in a treated field.

Exemptions: Owners and non-employees. According to 3CCR Section 6760, when only granular baits, attractants, or repellants in traps have been applied in a field; if only algaecides have been used to treat the irrigation system, or if pesticides have been injected into plants, Section 6762 does not apply.

⌞ Employers must provide decontamination facilities for employees who perform activities involving contact with treated surfaces in treated fields. The decontamination facility must not be more than ¼ mile from where employees are working. There is no flexibility for the ¼ mile rule except in the case where there is no vehicular access to the field workers. In areas where there is no vehicular access to the field workers, the decontamination facility may be located at the nearest point of vehicular access. Facilities must include water (of a quality and temperature that will not cause illness or injury), soap, and single use towels. The water must be suitable for eye flushing. The regulation states there must be sufficient water available at the site, and as a rule of thumb the USEPA recommends that there be at least one gallon of water for each worker. Decontamination facilities must not be in a field that is under a REI unless the field workers are performing early entry activities. Hand washing facilities provided in conjunction with toilet facilities pursuant to 8CCR §3457 (Field Sanitation) are considered adequate for purposes of this requirement.

10. **Field Entry after Pesticide Application.** 3CCR § 6770

Scope: Employees who enter treated fields.

Exemptions: This section does not apply when only granular baits, attractants, or repellants in traps have been applied in a field; if only algaecides have been used to treat the irrigation system, or if pesticides have been injected into plants. Applications by Vector Control Agencies are exempt. Licensed PCAs and registered professional foresters or employees under their direct supervision are exempt while checking fields or scouting provided they follow the conditions in CCR §6720(d).

Note: According to the Federal WPS, when an REI is on the pesticide product labeling, owners and their families must follow the early entry time restrictions specified in this section for early entry activities. They must also wear the label required early entry PPE, and follow any other restrictions specified in pesticide labeling for early entry. In case of a non-compliance by an owner, property operator or family member, cite FAC §12973, conflict with the label.

⌞ Employers must not allow or direct any employees to enter or remain in a treated field before the REI has expired. However, if the conditions listed in this code section are followed, employees may enter a field during an REI to perform pesticide handling activities, no contact activities, limited contact activities and certain other activities.

Pesticide Handling Activities. Employees may enter a treated field during a restricted entry interval to conduct pesticide handling activities, including soil incorporation (mechanical or watered-in), as long as they are wearing the PPE required by the pesticide label for applicators and other handlers.

No Contact Activities. Employees may enter a treated field during a REI under the following conditions:

- There will be no contact with anything that has been treated, including soil, water, air, equipment or plant surfaces.
- Inhalation exposure will not exceed the pesticide product labeling standard, or the ventilation criteria for greenhouses.

No contact activities include operating tractors or other equipment from an enclosed cab; using other control methods* that physically prevent contact with any treat surfaces; and tasks that do not involve touching or disrupting the soil subsurface after an application that is correctly incorporated or injected into the soil. This also includes workers walking or performing other tasks in furrows after the pesticides are applied to the soil surface in a narrow band on beds and there is no contact with those treated surfaces. The regulation does not require early entry PPE specified on product labeling to be worn during no contact activities.

*PPE cannot be used to prevent contact under this section.

Limited Contact Activities. Employees may enter a treated field during a label REI for necessary and unforeseen limited contact non-hand labor activities under the following conditions:

- At least four hours have elapsed since the end of the application
- The pesticide label does not require dual notification.
- Inhalation exposure will not exceed the pesticide product labeling standard, or in greenhouses, the ventilation criteria.
- Exposure is minimal and limited to feet, legs (below the knees) hands and forearms (below the elbows).
- Early entry PPE specified on product labeling is worn.
- No employee enters for more than 8 hours in each 24 hour period.
- Employees are informed that the exception is being used and of the time limits involved.
- Title 40 Code of Federal Regulations Section 170.112(d) *exception for an agricultural emergency* is in effect.

Limited contact activities include operating, moving or repairing irrigation equipment.

Other Non-Hand Labor Activities. Employees may enter a treated field during a label REI to conduct other non-hand labor activities under the following conditions:

- At least four hours have elapsed since the end of the application
- Inhalation exposure will not exceed the pesticide product labeling standard, or in greenhouses the ventilation criteria.
- PPE for early entry specified on product labeling is worn.
- No employee enters for more than 1 hour in each 24 hour period.

Other non-hand labor activities include irrigation that involves significant contact with treated surfaces.

Hand labor is defined in CCR §6000, and includes hand harvesting, detasseling, thinning, hand weeding, topping, planting, sucker removal, pruning, disbudding, roguing, and packing produce into containers in the field.

Entry after label REI expires but before regulation REI expires

An employee may enter a treated field after the label REI is expired, but before an REI required by regulation is expired under the following conditions:

- The activity is not hand labor.
- The employees wear work clothing with long sleeves and legs, shoes with socks, and gloves.

11. **Early Entry Requirements.** 3CCR §6771

Scope: Applies to fieldworkers in treated fields during a restricted entry interval.

Exemptions: This section does not apply when only granular baits, attractants, or repellants in traps have been applied in a field; if only algaecides have been used to treat the irrigation system, or if pesticides have been injected into plants. Applications by Vector Control Agencies are exempt.

└ The employer shall assure that early entry fieldworkers are informed of:

- Pesticide product labeling requirements related to human hazard or precautions.
- First aid.
- Symptoms of poisoning.
- Use and care of PPE required for early entry into treated fields.
- Prevention, recognition, and first aid for heat-related illness.
- Importance of washing thoroughly at the end of the exposure period.

The employer must:

- Provide, clean, repair, and replace all required PPE and assure it is used correctly.
- Assure that at least one pint of eye flush water carried by the fieldworkers or on the vehicle the fieldworkers are using where they are performing early entry activities during any label REI for which the labeling requires protective eyewear.
- Provide water soap and clean towels at the place where workers remove PPE, when they are performing limited contact and other non-hand labor early entry activities. (See 10 above).
- Take appropriate measures to prevent heat-related illness.
- Provide a clean, pesticide-free place to store and change clothing.

If workers are performing early entry activities involving contact with anything that has been treated, including soil, water, air, and plant surfaces, confirm that the employer provided label-required PPE to the early entry workers.

Ask field workers if they are familiar with label requirements related to human hazards or precautions; first-aid; symptoms of poisoning; PPE; exposure prevention; recognition and first-aid for heat-related illness; and importance of washing thoroughly at the end of the work shift.

Items Specific to Property Operators

All of the following requirements are specifically the responsibility of property operators. If you are inspecting a farm labor contractor, custom harvester, or packer/shipper these criteria will always be checked "N/A". If, during your inspection you find a violation of any of these requirements, you must document the violation in the Remarks section and on a Violation Notice, or in the case of application specific information, a Headquarter and Employee Safety Inspection issued to the property operator. Explain to the farm labor contractor, custom harvester, or packer/shipper that the non-compliance is against the property operator, not against them. Contact the operator of the property and notify him/her of the non-compliance.

12. **Posting Compliance.** 3CCR § 6776

Scope: When a treated field is adjacent to unfenced public right of way, post signs every 600 feet or whenever employees may enter, work in, or walk within a ¼ mile of a treated field during the application and the REI, **and** any of the following:

- Posting is required by the pesticide labeling;
- The application results in a REI greater than seven (7) days;
- Whenever Danger or minimal exposure pesticides are applied through an irrigation system.
- All greenhouse applications must be posted.

Exemptions: If access is controlled into a treated field or greenhouse, it does not need to be posted. If PCAs and those performing crop adviser tasks are the only employees who may enter, work in, or walk within a ¼ mile of a treated field during the application and the REI, the field does not need to be posted

L The employer shall post signs to warn employees and others against entry during a specified time period. The farm operator must post the field(s) prior to the application.

The employer shall:

- Post before the application begins, but not more than 24 hours before the application begins.
- Post signs that are visible at all usual points of entry to the treated area or if Post signs every 600 feet along side of field if adjacent to an unfenced public right of way.
- Leave signs in place throughout the application and REI.
- Remove signs within three (3) days after the end of the REI.

CFAC § 12978 requires posting for pesticides with label specified reentry intervals of 24 hours or more when applied on public property (school grounds, parks, etc.). The employer shall place signs at usual points of entry and every 600 feet when adjacent to any public right-of-way. Are the signs legible and in appropriate locations? The employer must remove signs within three days after the expiration of the reentry interval. Signs must meet the description in § 6776 (e). The federal stern-face, raised-hand sign is not accepted in California.

13. **Application Specific Information.** 3CCR § 6761.1

Scope: When field workers are employed to work within ¼ mile of a treated field.

Exemptions: Non-employees; field workers working in fields and/or walking more than ¼ mile away from a treated field on the agricultural establishment where workers are employed

⌒ You cannot check this requirement until you review the application specific information, and normally this information will be at the property operator's central location rather in the field.

14. **Greenhouse Ventilation Criteria** 3CCR § 6769

Scope: Workers and other employees who enter greenhouses after any pesticides whose label requires respiratory protection is applied; or after any pesticide is applied as a fumigant, smoke, mist, fog, or aerosol inside a greenhouse.

Exemptions: Workers and other employees who enter greenhouses after pesticides that are not fumigants, smoke, mists, fogs, or aerosols, or whose label does not require respiratory protection have been applied inside the greenhouse.

⌒ When pesticides whose product labeling requires respiratory protection are applied by any method in a greenhouse; or when any pesticide is applied as a fumigant, smoke, mist, fog, or aerosol inside a greenhouse, employers must make sure that adequate ventilation has occurred before they allow workers to enter that greenhouse. Ventilation is considered adequate when the concentration is measured and it does not exceed any standard listed on the pesticide label, or one of the following has occurred if there is no labeling standard:

- (1) Ten air exchanges are complete;
- (2) Two hours of mechanical ventilation, such as with fans;
- (3) Four hours of passive ventilation, such as opening vents, windows, or doors;
- (4) Twenty-four hours with no ventilation; or
- (5) Any combination of percentage portions of (1), (2), (3), and (4) the sum of which equals 100%.

In order to check this requirement you must know what was applied, and the pesticide label requirements.

PESTICIDE USE MONITORING INSPECTIONS

PR ENF-104

Inspection Procedures

Purpose

You inspect applications, mixing and loading activities to document whether or not the handler and employer are complying with any applicable conditions in the Restricted Materials Permit, pesticide labeling requirements, laws and regulations, training, worker safety and other regulatory requirements. You also determine whether the operator is mitigating any possible hazard to persons, non-target animals, crops and property. During any pesticide operation, the greatest hazard occurs while mixing and loading, since that is when the concentrate is handled. Conduct a mixing and loading inspection in conjunction with your application inspection whenever possible to accurately identify the pesticide and to determine specific label requirements. Your inspection of equipment in use indicates if it is safe for handlers and the environment. Your observations provide a picture of the employer's safety program and the employee's knowledge of pesticide handling requirements and safety precautions.

Review the specific requirements of licensing, private applicator certification, and Restricted Materials Permits prior to or following the inspection and address them accordingly. When you check for compliance with the safety equipment and protective clothing requirements, look at both the pesticide label and the regulation for their separate requirements.

First, introduce yourself to the person responsible for the operation and explain why you are there. Wear the appropriate personal protective equipment and clothing. Observe the operation closely and ask questions to decide if there is compliance. Your report on the inspection form must be a complete narrative account of your inspection.

Do not check shaded boxes because they indicate unacceptable, illogical or invalid observations. Use the blank lines provided to record your observations for regulations not listed on the form. You may verify information later if it is not available at the inspection site. If you need to inspect the headquarters in another county, consult your Senior Liaison and the Agricultural Commissioner of that county.

A Follow-up Inspection must be made when a non-compliance is noted and not immediately corrected. Check the **Follow-up required** box specifying when the non-compliance must be corrected. Make it clear to the responsible person that a Follow-up Inspection will be made. Make a record of your Violation Notice, or Cease and Desist Order. When you record a non-compliance, consult the Enforcement Guidelines to determine if an enforcement action or decision report is required. Your follow-up inspections are intended to see that the people being inspected are in compliance on a second visit. You may also need to conduct a follow-up

inspection to cover training and documentation, medical supervision programs, storage of safety equipment, the presence or absence of a change area, and associated washing facilities.

You must notify the responsible person of any non-compliance. When the responsible person is not available, mail or deliver a copy of the inspection form to them along with the outreach document “Pesticide safety: It’s The Law”. Have the person at the inspection site sign the form to validate it whether or not non-compliances are found. This identifies the person who was inspected for the employer’s information.

Aerial Application Policy

Observation of an aerial application cannot be counted as a complete inspection unless the label(s) used are reviewed and a signature of the inspected person is obtained. In order for an inspection to be counted on the Report 5, one of the boxes in the requirements section must be appropriately marked for each requirement and reflect your observations during the inspection. Labels and signatures obtained from flaggers or spotters on site are adequate. If there are no flaggers on site and the mix/load site is out of county, arrange with your Liaison senior or the CAC of that county to develop a procedure for visiting that mix/load site. Time spent on observations of aerial applications that do not include a label review or obtaining a signature of the inspected person may be counted under surveillance hours on Report 5.

Equipment Used. List the number and type of equipment including closed systems. How many tractors and other rigs were in the field? What type was the enclosed cab? What else was unusual about this operation?

Who is wearing what? Who is doing what? Check each item of Personal Protective Equipment for each applicator, mixer and loader, and flagger. Complete this section then check the label and regulations to see what they should be wearing.

Record your observations of the Personal Protective Equipment (PPE) used then look at both the label and regulations to determine compliance. If you find non-compliances, a follow-up Headquarters and Employee Safety Inspection is warranted.

Determine if the employer provided personal protective equipment required by the pesticide label or regulations. Was the employee wearing the equipment provided? Refer to the following definition:

“**Assure**” or “**Ensure**” means to take all reasonable measures so that the behavior, activity, or event in question occurs. When the behavior, activity, or event in question involves or concerns an employee, reasonable measures by an employer include determining that the employee has the knowledge to comply; providing the means to comply; supervising the work activity; and having and enforcing a written workplace disciplinary action policy covering the employer’s requirements, as well as other measures required by pesticide law or this division.

Give a copy of the inspection form to the person being inspected.

Criteria for Completed Inspections

For the purposes of reporting your Pesticide Use Monitoring Inspections (PR-ENF-104, revised 03/02) on the Pesticide Regulatory Activities Monthly Report:

- A completed **Application** inspection includes all applicable criteria items listed in:
Section A. Application Inspection.
- A completed **Mix and Load** inspection includes all applicable criteria items listed in:
Section B. Mix and Load Inspection.

A. APPLICATION INSPECTION

And

B. MIXING & LOADING INSPECTION

Procedures

1. **Business Registered in County.** CFAC ' 11732

Scope: All persons who engage for hire in the business of pest control in the county and who are required to obtain a Pest Control Business License.

Exemptions: Structural pest control, pool service companies, pest control incidental to woodcutting, applications of preservatives to wood in a permanent treatment plant, pest control incidental to new construction or landscaping, preservative treatment of fabrics or structural materials, household or industrial sanitation, seed treatment incidental to a persons regular business, live capture of vertebrate, bees or wasps if no pesticide is used, and the removal of diseased tissue or application of disinfectant to wounds by a tree surgeon.

2. **Registered Label Available at Use Site.** 3CCR ' 6602

Scope: All pesticide uses.

Exemptions: If the mixing and loading site of ground applications is in close proximity to the application site, and personal or radio contact is maintained, then it is permissible for labeling to be available only at the mixing and loading site. Aerial applications are exempt when radio contact is maintained between the pilot, flaggers, and the mixing loading site. In order for you to claim an aerial application inspection as a complete inspection, you must review the labeling.

Ⓙ Registered labeling must be available at the use site. Registered labeling includes relevant Special Local Needs, Section 18's, and published University of California recommendations. Commercial advertising does not comply with the requirements of this section, even if it includes use directions.

3. Notice of Intent (NOI) Submitted. 3CCR ' 6434

Scope: The operator of a property for the agricultural use of pesticides requiring a permit. The operator of a property, or a pest control business for non-agricultural use of pesticides requiring a permit.

Exemptions: When all NOI required information is included on the permit. In cases where the pesticide will be applied on a continuing basis, a pesticide use schedule may be substituted for individual NOIs. For non-agricultural permits, a NOI may be required until the commissioner's office is able to complete a pesticide use inspection.

Ⓙ The NOI can be submitted by the operator of the property, his authorized representative or licensed agricultural pest control adviser, or by a pest control business. Regardless of who submits the NOI for agricultural use, the operator of the property is ultimately responsible for submission. For non-agricultural use, the permittee is responsible for submission of the NOI.

Has an NOI been properly completed and submitted? Are any environmental changes noted? You may need to check this requirement at the office.

4. Restricted Material Use Supervised. 3CCR ' 6406

Scope: Certified applicator responsible for Restricted Materials.

Exemptions: None.

Ⓙ The certified applicator must be available to direct and control the application by the non-certified applicator. The availability of the certified applicator shall be related to the hazards of the situation. In addition some labels require use by a certified applicator only, or under the direct or visual control of a certified applicator.

5. Complies with Permit Conditions. CFAC ' 12973

Scope: All Restricted Materials Permit conditions including Section 18's and certain 24c's.

Exemptions: None.

Is the handler using the pesticide in compliance with any permit conditions issued by the director or the commissioner? Review the Restricted Materials permit to see that its conditions are met. You will observe and record details of the application so that they can be compared to the permit conditions on record.

6. Labeling-Site/Rate/Other. CFAC ' 12973

Scope: All pesticide uses.

Exemptions: The following uses are in compliance with this section:

- (a) A decrease in dosage rate per unit treated, except for termiticides used in pre-construction treatment B&P ' 1991(b)
- (b) A decrease in the concentration of the mixture applied;
- (c) Application at a frequency less than specified;
- (d) Use to control a target pest not listed on the label, provided the application is to a commodity or site listed on the label and the use of the product against an unnamed pest is not expressly prohibited;
- (e) Employing a method of application not prohibited, provided other label directions are followed;
- (f) Mixing with another pesticide or with a fertilizer, unless such mixture is prohibited;
or
- (g) An increase in the concentration of the mixture applied, provided it corresponds with the current published recommendations of the University California.

Greenhouse Use.

Whether a specific pesticide may be used in a greenhouse or other enclosed plant-growing area depends upon the application directions which appear in the labeling. A greenhouse is considered an enclosed area unless a significant portion of the enclosure may be removed, such as large glass panels, fiberglass or polyurethane walls. The nature of pesticide label instructions permits the grouping of pesticide labels into two groups.

Products, which may be used in greenhouses and enclosed plant-growing areas include the following:

- a. Labels which are explicit and bear adequate application directions and other precautionary labeling stating "for greenhouse use@

- b. Labels that bear directions for use on the commodity to be treated, and have dilution and dosage rate instructions and other precautionary statements that are consistent with the use in a greenhouse. This means directions stated in terms of pots, planting beds, square feet, and similar instructions. Occasionally, greenhouse crops may be grown in large greenhouses (one-half acre or larger). Pesticide labels used in these types of situations could indicate application rates in "per acre" units. All other label requirements would have to be consistent with use in a greenhouse setting.

Products that may not be used in greenhouses:

- a. Labels that bear an explicit prohibition against use of the pesticide in greenhouses or enclosed structures (not including residential structures).
- b. Labels that bear directions for use on the commodity to be treated and bear dilution or dosage rate instructions and accompanying precautionary statements that are not consistent with greenhouse use. This means statements such as "apply by aircraft only," or other directions inconsistent with use in an enclosed structure.

While we recognize that the use of pesticides in greenhouses may involve broad interpretations of some labels, special attention should be given to the hazards of illegal or unnecessary pesticide residues and hazards to the applicator, picker, transplanter, disbudder, and others who may work in, or come in contact with, the application site. Protective clothing and safety equipment worn by the pesticide handler in open field situations may not be adequate for enclosed greenhouse use. The safety equipment worn by the handler should accomplish the goal of preventing pesticide exposure.

Food Crop Policy

Since degradation of pesticides in enclosed areas may vary widely, **use on food crops** grown in greenhouses requires specific label directions for that use. The label must indicate that the particular food crop grown in a greenhouse or enclosed area may be treated with the pesticide. Preharvest and reentry label statements must be followed (see the Manual of Procedural Guidance for Pesticide Enforcement Personnel page 97-99).

7. Labeling-Personal Protective Equipment (PPE). CFAC ' 12973

Scope: All pesticide uses.

Exemptions: None

└ First, review the label at the site to determine correct use of the pesticide. What protective

equipment is required? Both employees and employers are covered by label PPE requirements. Observe handlers to see if they have the label required PPE, such as gloves, respirators, eye protection, boots, rain suit, or apron. If employee handlers are not wearing required PPE, ask them if it was provided. Is the PPE in good condition and well fitted? Address each piece of safety equipment separately. Failure to use safety equipment required by the label is a use in conflict and is a violation. Also, check for compliance with posting requirements on the label. Look for prohibitions against certain tank mixes or application methods.

8. Coveralls. 3CCR ' 6736

Scope: Employees handling **ADANGER@** and **AWARNING@** pesticides.

Exemptions: Owners and non-employees. PCAs and those performing crop adviser tasks are exempt under the conditions of 3CCR ' 6720.

3CCR ' 6738(I) exemptions.

- a) Handlers may substitute a chemical resistant suit for coveralls and/or an apron.
- b) Handlers of **ADANGER@** or **AWARNING@** pesticides may substitute coveralls, gloves and an apron for label required PPE when using closed systems.
- c) Handlers of **ACAUTION@** pesticides may substitute work clothing for label required PPE when using closed systems.
- d) Handlers using positive pressure closed systems shall wear protective eyewear in addition to b) and c) above.
- e) Handlers using closed systems shall have all label required PPE available for emergency use.
- f) Water-soluble packets are deemed to be a closed system for purposes of this subsection.
- g) Handlers using enclosed cabs, including cockpits, may substitute work clothing for label required PPE. Required respiratory protection must be worn except in an enclosed cockpit.
- h) Handlers in enclosed cabs acceptable for respiratory protection may substitute work clothing for label required PPE.
- i) Handlers in enclosed cabs (not cockpits) shall have label-required PPE available and stored in a plastic bag. Handlers shall wear PPE outside the cab.
- j) Pilots are not required to fly wearing gloves. Anyone entering a contaminated cockpit shall wear gloves. Gloves to be stored in a plastic bag in the cockpit.

L Employers must provide clean coveralls each day for employee handlers of pesticides with the signal word **ADANGER@** or **AWARNING@**. Ask the employee how often they are provided with clean coveralls. Coveralls are defined in CCR ' 6000 as a one- or two-piece garment of closely woven fabric or equivalent that covers the entire body except head, hands and feet. Employers must assure that employees change out of their clothing and wash themselves at the

end of the day. Coveralls are to be removed at the work site or headquarters. When employees' work day does not involve returning to the headquarters, they must remove contaminated clothing and store them in a sealable container outside of the living quarters for return to the employer. Employers must assure that employees do not take contaminated clothing home. Employers shall also provide for cleaning contaminated clothing. The employer must provide coveralls as they are Personal Protective Equipment. Note that this differs from work clothing which does not have to be provided. Verify that handlers have a clean place to remove their PPE.

9. Personal Protective Equipment. 3CCR ' 6738

PPE, EyeWear Provided & Used. 3CCR ' 6738 (a)(b)(1)

Scope: All employees handling pesticides.

Exemptions: PCAs and those performing crop adviser tasks are exempt under the conditions of ' 6720. Owners and non-employees handling pesticides are exempt, but remember, they are not exempt from label requirements for PPE use. Handlers are exempt when using Caution pesticides and a closed system.

- a) When injecting or incorporating pesticides into soil using vehicle-mounted or towed equipment; or
- b) When vehicle-mounted spray nozzles are located below the employee and the nozzles are directed downward; or
- c) When working in an enclosed cab; or
- d) When applying vertebrate pest control baits that are placed without being propelled from application equipment, or solid fumigants (including aluminum phosphide, magnesium phosphide, and smoke cartridges) to vertebrate burrows, baiting insect monitoring traps or applying non-insecticidal lures;
- e) When the flagger is in an enclosed vehicle.

L The employer must provide and maintain protective eye wear, 3CCR ' 6738(a). The employer must assure the use of eye protection by employees who are involved in hand and ground applications using hand-held, vehicle-mounted, or towed equipment and while mixing and loading pesticides, adjusting, cleaning, or repairing application equipment that contains material in the tank, hopper or lines. Protective eye wear may consist of safety glasses that provide front, brow and temple protection, goggles or a face shield, when pesticide labeling does not specify any particular kind.

PPE, Chemical Resistant Gloves, Provided and Used. 3CCR ' 6738 (a) (c)(1)

Scope: Employees handling pesticides.

Exemptions: Owners and non-employees handling pesticides. Employees when the pesticide label specifies that gloves must **not** be worn. PCAs and those performing crop adviser tasks are exempt under the condition of 3CCR ' 6720. Employees applying vertebrate pest control baits using long handled implements are exempt. Employees are exempt when handling **Caution** pesticides and a closed system.

L The employer must provide and maintain chemical resistant gloves, 3CCR ' 6738(a). The employer must assure that handlers use chemical resistant gloves. Gloves are required whenever employees mix or load, work on contaminated equipment or use hand-held equipment. If a specific type of glove is not identified by the label, gloves that are used shall be made of rubber, neoprene, or some other chemical resistant material that provides equivalent protection from the pesticide being handled. Dirty, ripped or cracked gloves are not adequate protective equipment and are not in compliance.

PPE, Chemical Resistant Clothing, Provided and used. 3CCR ' 6738 (a) (d)

Scope: Employees handling minimal exposure pesticides. When the pesticide label requires the use of chemical resistant clothing both employers and employees are covered.

Exemptions: Owners and non-employees when PPE is required by regulations but not the label. PCAs and those performing crop adviser tasks are exempt under the conditions of ' 6720.

L When the label or a regulation requires a rain suit, or impervious or chemical resistant clothing, the employer must provide and maintain such clothing as required by 3CCR ' 6738 (a). The employer must also assure that employees (including flaggers) use chemical resistant clothing. The protective garments must cover the torso, head, arms, hands, legs and feet. This clothing shall consist of a rain suit or garments constructed of Tyvek 7 or 100% spun-bonded Olefin 7 which has been laminated with Saranex 7 or polyethylene, chemical resistant hat and boots.

NOTE: Non-laminated tyvek coveralls are considered equivalent to cloth coveralls (WHS 89-06). Ripped, torn, excessively dirty or missing pieces of chemical resistant clothing, and open raincoats or jackets are problems frequently encountered in the field.

Employees do not need to wear chemical resistant clothing while working inside an enclosed cab. However, handlers must have chemical resistant clothing immediately available and use it when outside the cab and inside the treatment area. Before reentering the cab, the employee must remove and store the contaminated clothing outside the cab. Handlers may transport the bagged clothing inside the cab back to the mix and load site.

PPE, Respiratory Equipment, Provided & used 3CCR ' 6738 (a)(h)

Scope: Employees handling pesticides.

Exemptions: Owners and non-employees unless the PPE is required by the label in which case you would cite CFAC ' 12973 not 3CCR ' 6738. PCAs and those performing crop adviser tasks are exempt under the conditions of ' 6720.

L When the label or regulations require respiratory equipment, the employer must provide and maintain it (3CCR ' 6738 (h)). The employer must assure employees use it. The employer must select the respiratory equipment specified on the product label. You will check that the proper cartridges are being used. Are they clean? Also, check the inhalation and exhalation valves. Are the diaphragms or valve flaps warped, cracked or missing? In what condition are the straps and rubber face piece? Are they providing an adequate seal?

See also:

1. 3CCR ' 6793 Minimal Exposure Pesticide Safety Use Requirements.
2. 3CCR ' 6700 Scope of subchapter 3, Pesticide Worker Safety, and
3. 3CCR ' 6795 Thiophanate-Methyl for potato seed-piece treatment.

NOTE: For more information on respiratory equipment, refer to your Manual of Procedural Guidance for Pesticide Enforcement Personnel pages 131-135.

Check NO in this item if the employee is not wearing all of the PPE required by both the regulations and the pesticide label.

10. Employer-Employee Responsibilities. (PPE at Worksite) 3CCR ' 6702 (b)

Scope: All pesticide applications involving employees.

Exemptions: Owners and non-employees.

It is the responsibility of the employer to provide, maintain and assure that employees wear this safety equipment. CCR ' 6702 (Employer and Employee Responsibilities) states that each person is responsible for his/her own actions and conduct in regard to pertinent regulations. Therefore, it is the employer's responsibility to assure that employees have received the necessary training and instruction in the use and handling of pesticides. The employer shall inform employees in a language employees understand, the specific pesticide being used, and pesticide safety hazards. The employer must also provide the required safety equipment to their employees, supervise them to assure the equipment is worn and that they are complying with all other requirements, and to maintain the equipment. Any protective equipment that is provided must be clean and in good working order. The employer must store equipment in a clean area. It is the employer's responsibility to replace equipment when necessary. Is safety

equipment provided to the employee? Did you observe any PPE required by the pesticide label or regulation at the work site?

Check NO in this item if all of the PPE required by the regulations and the pesticide label is not provided by the employer at the worksite.

11. Employee Utilized Employer Provided PPE 3CCR ' 6702 (c)

Scope: All pesticide applications involving employees.

Exemptions: Owners and non-employees.

It is the responsibility of the employee to utilize the Personal Protective Equipment and other safety equipment required by the pesticide product labeling or specified in pesticide worker safety subchapter 3 of the California Code of Regulations that has been provided by the employer at the work site in a condition that will provide the safety or protection intended by the equipment. Are the employees wearing the PPE provided to them? Is the PPE in good condition and safe to use?

Check NO in this item if the PPE required by the regulations and pesticide label is provided but is not being worn by the employee.

12. Suitable Methods, Manner and, Climate. 3CCR ' 6600.

Scope: All pesticide use.

Exemptions: None.

Ⓙ Is the application safe? Are methods and equipment suitable (type of spray equipment, nozzle size and type, etc.) to ensure proper application of materials? What is the wind speed and direction? Is there an inversion? What is the ambient temperature? What is the soil temperature? Is it foggy? Are the operations and safety measures providing basic protection for persons, property, and the environment? Is the handler exercising general standards of care? Is the equipment in good repair and safe? Is the operator being careful and effective? Is the operator taking reasonable precautions to prevent contamination of the environment?

13. Accurate Measurement. 3CCR ' 6604

Scope: All mixing and loading operations.

Exemptions: Ready-to-use diluted pesticides.

Ⓙ Are pesticides being accurately weighed or measured? Are the measuring devices calibrated to the smallest unit in which the concentrate is being used? Examples of inaccurate measurement would include estimating half a bag or part of a container. Examples of improper devices would include an uncalibrated or unmarked container, an empty coffee or soda can, etc.

14. Protection of Persons, Animals and, Property. 3CCR ' 6614.

Scope: All pesticide applications.

Exemptions: None.

┌ Prior to and while making the application, has the applicator evaluated the equipment, weather conditions, and area (both target and surrounding areas) to determine the likelihood of damage or contamination? High winds, inversions, proximity to residential areas and susceptible crops are examples of conditions, which may cause drift problems. Are there any fieldworkers near the site during the pesticide application? Even though there may not be any drift, consider if there is:

- a) A reasonable possibility of the contamination of the bodies or clothing of persons not involved in the application. As an example, in a greenhouse situation, an application may proceed without vacating the entire premises unless a hazard due to vapors or mist is created.
- b) A reasonable possibility of damage to non-target crops, animals (including bees), or property. Is there an adjacent crop that does not have a tolerance established for the pesticide?
- c) A reasonable possibility of contamination of non-target property, which could possibly create a health, hazard, preventing its normal use.

15. Drift Minimization. 3CCR ' 6615

Regulations are pending. See section 3CCR ' 6460.

16. Notice of Applications within 1/4 Mile. 3CCR ' 6618 (b)

Scope: All persons performing pest control. All property operators.

Exemptions: Persons who make or supervise the application. A separate notice of application is not required when a field is posted according to 3CCR ' 6776 unless the label requires both oral notice and posting of the treated field. Structural PCB-s in compliance with B&P Code ' 8538 are exempt. Public agencies in compliance with CFAC ' 12978 are exempt. Non-production agriculture, see subsection 6618 (c).

┌ Each person performing pest control must notify the operator of the property before any pesticide is applied. The operator of the property must notify all persons (especially employees) who are likely to enter. The notice must be adequate to advise of the nature of the pesticide and precautions to follow. Some examples of precautions to follow include reentry intervals required by labeling or regulation, protective clothing requirements for early entry and activities prohibited in a treated field while

reentry interval is in effect. Ask the property operator what type of plan or procedure he or she uses to notify persons likely to enter treated fields. How does the employer notify labor contractors of this information? The response to these questions will be the basis for your determination of the employer's compliance.

17. Handlers Trained. 3CCR ' 6724.

Scope: All employees who handle pesticides.

Exemptions: Employees who have been trained within the last year, provided the training is documented and is applicable to the new work situation. Employer, owner, non-employees, and certified applicators.

└ Employers must train employees before they handle pesticides, update the training to cover new pesticides, and repeat training at least annually thereafter. Pesticide safety training may only be conducted by a person who meets the qualifications included in 3CCR ' 6724. Observe how the handler is performing his/her task. Does he/she appear to have received pesticide handler's training? Does the applicator follow the pesticide product label direction? Does the applicator utilize the PPE? Were all precautions taken before the commencement of the application? During the application, does the applicator monitor the weather conditions and the application equipment? Interview the employee to determine who provided the training. Where was the training conducted? When was the training provided?

18. Emergency Medical Care Posting. 3CCR ' 6726.

Scope: All employers of pesticide handlers.

Exemptions: Owners or non-employees handling pesticides. PCAs and those performing crop adviser tasks are exempt under the conditions of 3CCR ' 6720.

└ Employers are required to post in a prominent place at the work site or in the work vehicle, the name, address, and telephone number of an emergency medical care facility. Employers shall arrange for emergency medical care before employees handle pesticides. Employers must inform employees of the name and location of the emergency medical care facility. Ask where they would go if they felt sick after handling pesticides. For employees that work in a wide geographical area, the employer must also post procedures for obtaining emergency medical care when the listed facility is not reasonably accessible. The local poison control center's number or a supervisor's name with no additional information is inadequate as is the displaying of "911." Medical information may provide the necessary information to the employee when it is in an employee's wallet or in the glove compartment of the work vehicle. However, it is not posted and does not meet the requirements.

19. Employees Contacted. 3CCR ' 6730.

Scope: Employees working alone handling **ADANGER@**pesticides for agricultural use.

Exemptions: Owners or non-employees handling **ADANGER@**pesticides are exempt. Pilots, mixers and loaders, and flagger teams are deemed to be working together. When working in the same field, ground applicators are deemed to be working together if they can see each other or each others application vehicle.

L The employer must assure that someone contacts a lone handler once every two hours during daylight hours and once every hour at night. This supervision can be in person, or by radio or telephone contact.

20. Decontamination Facilities, Site. 3CCR ' 6734.

Scope: Employees handling any pesticide for the commercial or research production of an agricultural plant commodity and employees handling pesticides with the signal word **ADANGER@** or **AWARNING@** for other than commercial or research production of an agricultural plant product.

Exemptions: Owners and non-employees handling pesticides. PCAs and those performing crop adviser tasks are exempt under the conditions of 3CCR ' 6720.

L The employer must assure that: sufficient water, soap, and single use towels for routine washing and for emergency eye flushing and washing of the entire body are available at the mixing and loading site. The employer must also assure that one clean change of coveralls is available at the mix and load site. If the pesticide label requires protective eyewear, handlers shall carry one pint of water for emergency eye flushing. Each handler must be within **3** mile of a decontamination facility unless prohibited by lack of vehicular access.

The decontamination site for pilots may be at the loading site regardless of the distance from the field being treated. When the use is for other than commercial or research production of an agricultural plant commodity the decontamination site shall be within 100' of the mixing and loading site when handling pesticides with the signal words **AWarning@** or **ADanger@**.

21. Eyewash Immediately Available. 3CCR ' 6734 (c).

Scope: Employees handling any pesticide for the commercial or research production of an agricultural plant commodity if the label requires protective eyewear, shall carry one pint of water on the handler or on the vehicle for emergency eye flushing.

Exemptions: Owners and non-employees handling pesticides. PCAs and those performing crop

adviser tasks are exempt under the conditions of 3CCR ' 6720.

22. Field Postings. 3CCR ' 6776, and CFAC ' 12973.

Scope: The operator of the property is responsible to post treated fields:

- 1) When required by product labeling;
- 2) For all green house applications;
- 3) For applications that result in restricted entry interval greater than seven days;
- 4) Whenever "Danger" pesticides are applied through an irrigation system; and
- 5) Whenever a fumigant is applied to a field.

Exemptions: If access into a treated field or greenhouse is controlled, it does not have to be posted.

L Signs must be readable from a distance of 25 feet. They must be posted before the application, but no sooner than 24 hours prior to the application. See CCR ' 6776(b) for the required contents of the signs. See CCR ' 6776(c) for additional information that must be added to signs when they are used to post fields with a restricted entry interval of more than 7 days. The signs must be removed within 3 days after the end of the restricted entry interval, and before workers enter the field, unless the workers are "early entry workers". The signs must be visible at all usual points of entry to the field. If there are no usual points of entry, signs must be posted at the corners of the field. See CCR ' 6776(e) for the contents of signs to be used.

Document any non-compliances of reentry intervals required by labeling under "Complies with Required Labeling." CFAC ' 12973.

CFAC ' 12978 requires posting for pesticides with label specified reentry intervals of 24 hours or more when applied on public property (school grounds, parks, etc.). The employer shall place signs at usual points of entry and every 600 feet when adjacent to any public right-of-way. Are the signs legible and in appropriate locations? The employer must remove signs within three days after the expiration of the reentry interval. Signs must meet the description in ' 6776 (e). The federal stern-face, raised-hand sign is illegal in California.

23. Equipment Registered. CFAC ' 11732.

Scope: Equipment used in pest control for hire.

Exemptions: None.

L Pest Control Operators must register all pest control equipment with the county agricultural commissioner.

24. Equipment Identified. 3CCR ' 6630.

Scope: Equipment used by any pest control business.

Exemptions: Aircraft and hand held or backpack equipment.

└ All pest control businesses must identify each ground and service rig with markings readable at a distance of 25 feet. The identification must include either: (1) the business name; or (2) the pest control business license number and a statement such as "Licensed Pest Control Operator, Fumigation Division," or similar wording. This requirement includes pickup trucks used by licensed Maintenance Gardeners to transport pesticides and application equipment. (Information Request 95-11).

25. Equipment Safe to Operate. 3CCR ' 6600.

Scope: All equipment used in pesticide operations.

Exemptions: None.

└ Pest control equipment must be kept in good repair and safe to operate. This is a general safety requirement applicable to all pest control operations. Cite this section to mitigate an equipment hazard. Inspect the equipment for worn or leaking hoses, leaking couplings, tanks, tank covers or nozzles.

26. Backflow Prevention. 3CCR ' 6610.

Scope: All pesticide equipment, including nurse rigs, which draw water from an outside source.

Exemptions: Application equipment of 5 gallon capacity or less is exempt as long as an air gap is manually maintained. Nurse rigs are exempt when they carry only water to equipment with an acceptable backflow prevention method.

└ When handling pesticides and drawing water directly from an outside source, all equipment must be equipped with a backflow prevention device that is approved by the local health agency and water purveyor. Title 17, Health and Safety Code, ' 7583 contains criteria for the following examples of devices to prevent backflow or reverse siphoning:

- a) Double Check Valve Assembly - An assembly of at least two independently acting check valves including tightly closing shut-off valves on each side of the check valve assembly and test cocks available for testing the water tightness of each check valve.
- b) Reduce Pressure Principle Backflow Prevention Device - A backflow prevention device incorporating not less than two check valves, an automatically operated differential relief valve located between the two check valves, a tightly closing shut-off valve on each side of the check valve assembly and equipped with necessary test cocks for testing.

- c) Air-Gap Separation - A physical break between the supply line and the receiving vessel. This is the only method that is accepted by all water and health agencies.

(See Pesticide Registration Notice (PR) Notice 87-1, ENF 01-12, and ENF 01-28)

27. Containers Secure and Under Control. 3CCR ' 6670

Scope: All pesticides, emptied containers, and equipment that holds or has held a pesticide.

Exemptions: This section does not apply to spray adjuvants, petroleum oils, sulfur, lime, lime-sulfur, sodium polysulfide, Bordeaux mixture, copper acetate, copper carbonate, copper hydroxide, copper-lime mixtures, copper linoleate, copper oleate, copper oxychloride, cuprous oxide, copper calcium oxychloride, Bacillus thuringiensis Berliner, sanitizers, disinfectants and medical sterilants. Refer to 3CCR ' 6402 and ' 6686 for details.

⌞ Equipment or containers that hold or have held pesticides must not be stored, handled, or disposed of in such a manner as to present hazards to persons, animals, food, feed, or property.

28. Storage Area Posted, “Warning/Danger”. 3CCR ' 6674

Scope: All storage areas where containers that hold, or have held, pesticides required to be labeled with the signal words “WARNING” or “DANGER” are stored.

Exemptions: Storage areas that hold only pesticides required to be labeled with the signal word “CAUTION”.

⌞ Pesticide storage signs must be visible from any direction of probable approach and shall be posted around all storage areas where containers that hold, or have held, pesticides. Each sign shall be of such size that it is readable at a distance of 25 feet. The sign shall say:

**DANGER
POISON STORAGE AREA
ALL UNAUTHORIZED PERSONS KEEP OUT
KEEP DOOR LOCKED WHEN NOT IN USE**

29. Pesticide Container Properly Labeled. 3CCR ' 6676

Scope: Storage and transportation of any container that holds or has held a pesticide.

Exemptions: Service containers do not need to carry the registrant's label. Containers that have been triple rinsed do not need to have lids or closures securely tightened. Does not apply to measuring devices that are not used to store or transport a pesticide. Does not apply to sanitizers, disinfectants, or medical sterilants.

30. Service Containers Labeled. 3CCR ' 6678.

Scope: All containers used to store or transport dilute or concentrated mixtures of pesticides other than the manufacturer's container.

Exemptions: Original labeled containers, containers used by a person engaged in the business of farming when the containers are used on the property the person is farming.

⌊ Handlers use service containers to store or transport a pesticide or its use-dilution. Employers must identify service containers with the following: the name and address of the person responsible for the container, the identity and appropriate signal word of the pesticide.

31. Pesticides in Proper Containers. 3CCR ' 6680

Scope: All pesticides in storage, transported or being used.

Exemptions: None

⌊ If service containers are observed, examine them to assure that pesticides are not being stored in prohibited containers commonly used for food, drink, or household products. Examples of improper storage containers include an empty coffee can, a soda bottle, or a plastic food storage container.

32. Container Transportation. 3CCR ' 6682.

Scope: All pesticides in vehicles.

Exemptions: None.

⌊ Many non-compliances are found in the storage box of the vehicle, especially in non-agricultural or non-production agricultural settings. Non-compliances include: spillage of concentrates, storage of safety gear including respirators in the same box with pesticides, and storage of permit materials without a permit.

33. Containers Properly Rinsed. 3CCR ' 6684.

Scope: All pesticide containers that have held less than 28 gallons of liquid pesticide

concentrate.

Exemptions: This section does not apply to containers that hold, or have held, pesticides packaged, labeled and used for home use when in the possession of a householder on his or her property. It does not apply to containers that hold, or have held, sanitizers, disinfectants and medical sterilants. This section does not apply to containers that are or will be returned to the registrant.

This section does not apply if the empties will be reused by the operator, e.g. used as a service container from a drum or larger container. Neither does it apply if the empties are to be transported as hazardous waste to a Class 1 dump.

L Handlers must rinse and drain containers at the time of use. Handlers must add the rinsate to the mix tank. Check empty containers for proper rinsing procedures. Rinsing procedures must equate to triple rinsing and thorough draining. Puncturing of the containers is suggested in order to allow for drainage and aeration. Unrinsed or improperly rinsed containers are considered hazardous waste and must be disposed of as per Titles 22 and 23, California Code of Regulations. Contact the local Health Department or Regional Water Quality Control Board for more information. The burning of plastic containers (jugs, buckets, etc.) may be in violation of local Air Pollution Control District Regulations. Cal/EPA has determined that, when pesticide bags are emptied according to DPR's guidelines, they can be disposed of as nonhazardous waste. There are two disposal options available: disposal at lined Class III landfills; or disposal at the site of application by burning under an agricultural burn permit.

See ENF 95-024, ENF 96-004 and ENF-97-006 for bag emptying and burning guidelines.

34. Cover/Shut Off/Sight Gauge. 3CCR ' 6742.

L Check to see if the spray tank valves, couplings and transfer hoses are in good condition and are not leaking. When carrying **DANGER** or **WARNING** pesticides under pressure, unshielded, flexible hoses must not pass through the cockpit of an airplane.

C Proper Tank Cover. 3CCR ' 6742(b)(1).

Scope: All equipment used by employees to apply or mix and load pesticides with the signal word "DANGER" or "WARNING".

Exemptions: All tank openings must have covers that will prevent spills or splashes. Record whether or not the equipment has a cover that is properly closed to prevent splashing during mixing and loading or during an application.

C Shut-Off Device and Sight Gauge. 3CCR ' 6742(b)(3) and (4).

Scope: All equipment used by employees to apply or mix and load pesticides with the signal word “DANGER” or “WARNING”.

Exemptions: Mix tanks must have a shut-off device on the exit end of all hoses that carry dilute solutions of **ADANGER@** or **AWARNING@** pesticides. These devices must prevent employee exposure when disconnecting the hose at the end of the filling operation. The device shall consist of a dry coupling or reverse action pump. When a closed system is required, no more than 2 ml. may spill for each disconnection. (1 teaspoon = 4.9 ml)

Tanks must be equipped with some means of determining the internal liquid level when they have a capacity of 49 gallons or more and are used for mixing and loading dilute solutions made from **ADANGER@** or **AWARNING@** materials. This can be accomplished by means of a properly functioning sight gauge (manometer) or transparent tanks. In lieu of this, the tank or filler hose must be equipped with a device that will be automatically shut-off before the pesticide mixture overflows

35. Closed System Used. 3CCR ' 6746(a), ' 6544, ' 6793, ' 6738(I)(4)

Scope:

- a. Employees who mix and load liquid **ADANGER@** pesticides for the production of an agricultural commodity;
- b. Employees who load diluted liquid mixes derived from dry **ADANGER@** pesticides for the production of an agricultural plant commodity;
- c. Pilots who operate aircraft and mix and load liquid **ADANGER@** or **AWARNING@** organophosphates and carbamates;
- d. Employees who mix and load minimal exposure pesticides;
- e. Employees who mix and load pesticides labeled for use only with a closed system;
- f. Handlers properly mixing pesticides in water-soluble bags are deemed to be using a closed system.

Exemptions:

- a. Owners or non-employees mixing and loading pesticides, unless it is a label requirement;
- b. Employees handling one gallon of material or less out of an original one gallon container per day;
- c. Regulatory personnel collecting samples of pesticides according to official sampling procedures.
- d. This section does not apply to spray adjuvants, petroleum oils, sulfur, lime, lime-sulfur, sodium polysulfide, Bordeaux mixture, copper acetate, copper carbonate, copper hydroxide, copper-lime mixtures, copper linoleate, copper oleate, copper oxychloride, cuprous oxide, copper calcium oxychloride, *Bacillus thuringiensis*, Berliner, sanitizers, disinfectants and

medical sterilants. Refer to 3 CCR ' 6402 and ' 6686 for details.

L Employers must provide and assure employees use a closed system when they mix and load liquid formulations of **ADANGER** pesticides for the production of an agricultural commodity, or when required by labeling or regulation. Closed systems must meet the Director's criteria requirements. The opening of the container and the probe must seal. Couplings and fittings must be sufficiently tight to prevent leaks that may expose the employee. A system consisting of a probe without rinse capability is not a closed system. The handler must close the hatch cover on the mix tank before the transfer of dilute solutions. Pilots may not transfer or mix or load **ADANGER** or **AWARNING** organo-phosphates or carbamates unless they use a closed system. For additional information regarding closed systems, including the latest closed system supplier list, check the Subject Index of the County Agricultural Commissioners Enforcement Letters. Also check the Manual of Procedural Guidance for Pesticide Enforcement Personnel and Pesticide Safety Information, Series A- 3.

Exceptions to PPE: Handler employers may allow handlers to omit some of the PPE listed on the pesticide labeling for a handling activity if the handlers are using a closed system.

When using a closed system to mix or load pesticides with the signal word **DANGER** or **WARNING**, handlers need not wear all the PPE listed on the pesticide labeling, but must wear at least:

- long-sleeved shirt and long pants, coveralls
- shoes and socks,
- a chemical-resistant apron, and
- protective gloves specified on the pesticide labeling for mixing, loading, and other handling tasks.
- When using a closed system to mix or load pesticides with the signal word **CAUTION**, handlers need not wear all the PPE listed on the pesticide labeling, but must wear at least:
 - .
 - long-sleeved shirt and long pants
 - shoes and socks

FIELD FUMIGATION USE MONITORING INSPECTION PR-ENF-106

Purpose

A fumigation use monitoring inspection is an evaluation of fumigation activity at various sites such as:

- Field
- Greenhouse
- Tree hole
- Raised tarp at nursery

Evaluation of a fumigation activity provides information to better protect the public, pesticide handler(s), and field workers. Due to high toxicity of fumigants and nature of these substances, there are specific conditions designed to protect the public and the employees. These forms are designed to evaluate whether the property operator is following these conditions to mitigate any possible hazard to persons, non-target animals, crops, and property. In addition to the permit conditions, requirements of laws and regulations are listed.

In a Field Fumigation Use Monitoring Inspection form, depending on the site, there are forty-one (41) criteria items listed to measure the compliance level at a fumigation site. It is essential to understand the permit conditions, when applicable, and individual requirements of each item to perform a quality evaluation of a fumigation activity.

Procedures

Fill out the form as completely as possible. Identify the fumigation method on your inspection form and observe if the method is being followed. Measure the buffer zones (inner and outer) in feet and document the measured distances. Please refer to Inspection Procedures pages XX-XX for more information on how to fill out this form.

Criteria Items

1. PCB Registered – FAC ' 11732

Scope: All persons performing pest control for hire.

Exemptions: None

☞ Verify registration with the county. Is the registration valid for the current year?

2. **Registered Label Available at Use Site** – 3CCR ' 6602

Scope: All pesticide uses.

Exemptions: None.

☞ All registered labeling must be available at the use site. Registered labels include a Special Local Need, a Section 18, and a published University of California recommendation. A specimen label does not meet this requirement.

3. **Notice of Intent (NOI) Submitted** – 3CCR ' 6434

Scope: The operator of a property for the agricultural use of pesticides requiring a permit.

Exemptions: For methyl bromide fumigations (agricultural and non-agricultural), there is no exemption. Other types of fumigations are exempt if all required information is on the permit.

☞ The NOI can be submitted by the operator of the property, his authorized representative or licensed agricultural pest control adviser, or by a pest control business. Regardless of who submits the NOI for agricultural use, the property operator is ultimately responsible for NOI submission.

☞ Has an NOI been properly completed and submitted? Are any environmental changes noted? You may need to check this requirement at the office before going to the site.

4. **Restricted Materials Use Supervised** – 3CCR ' 6406

Scope: Use of any Federal or California Restricted Materials.

Exemptions: None.

☞ The certified applicator must be available to direct and control the application by the non-certified applicator. The availability of the certified applicator shall be related to the hazards of the situation. In addition some labels require use by a certified applicator only, or under the direct or visual control of a certified applicator.

5. **Complies with Permit Conditions** – FAC ' 12973

Scope: All pesticide uses requiring a permit.

Exemption: None.

☞ There are extensive permit conditions of **field fumigations** for several fumigants (e.g., methyl bromide, telone, metam sodium, and chloropicrin). Make sure the buffer zone, application rate, method, posting, and other specific permit conditions are observed. For Methyl Bromide fumigations:

- ✓ Were notifications provided to the adjacent properties?
- ✓ Have you received an NOI 48 hours prior to the application?
- ✓ Does the permittee follow the tarp repair plan?

☞ For **greenhouse and nursery (raised tarp) fumigations**, observe the buffer zone and workers' activities in that area. Make sure no one is working in the buffer zone area. Look for information required on posting. Review the permit conditions before going to the fumigation site.

☞ Some counties require that Telone and Metam Sodium applicators must receive specific training before handling these fumigants (see permit conditions).

☞ Document any non-compliance of reentry intervals required by labeling and permit conditions under "Complies with Required Labeling." FAC ' 12973.

6. **Labeling – Aeration/Reentry** - FAC ' 12973.

Scope: All fumigant uses with aeration/reentry label requirements.

Exemptions: Refer to pesticide label and 3CCR ' 6770.

☞ Review the label to determine compliance with label requirements. Workers are not allowed to enter the treated field during the restricted entry interval, except as permitted in 3CCR ' 6770-71. Review the label for early entry Personal Protective Equipment (PPE) requirements.

7. **Labeling – Site/Rate/Buffers/Other** – FAC ' 12973.

Scope: All pesticide uses.

Exemptions: The following uses are in compliance with this section:

- A decrease in dosage rate per unit treated
- A decrease in the concentration of the mixture applied
- Application at a frequency less than specified
- Use to control a target pest not listed on the label, provided the application is to a commodity or site listed on the label, and the use of the product against an unnamed pest is not expressly prohibited
- Employing a method of application not prohibited, provided other label

directions are followed

- Mixing with another pesticide or with a fertilizer, unless such mixture is prohibited
- An increase in the concentration of the mixture applied, provided it corresponds with the current published recommendations of the University of California

☞ Review the label to determine if the site is listed on the label, the rate is appropriate for the site, and the label buffer zone is observed. Review the label for other restrictions such as soil condition and temperature.

8. **Labeling – Personal Protective Equipment (PPE) - FAC ' 12973.**

Scope: All pesticide uses.

Exemptions: None

☞ Review the label and determine what protective equipment is required. Both employees and employers are covered by label-required PPE. Determine if the handlers are in compliance with the label-required PPE such as gloves, respirators, eye protection, boots, rain suit, or apron. If the handlers are not wearing required PPE, ask the employee(s) if it was provided. Is the PPE in good condition and well fitted? Address each piece of safety equipment separately. Failure to use safety equipment required by the label is a use in conflict and is a non-compliance.

☞ For Methyl Bromide fumigation, two (2) Self-Contained Breathing Apparatus (SCBA) units are required for emergency entry. If two units are not available at the site, it is a non-compliance. (See Manual For Procedural Guidance for Pesticide Enforcement Personnel.)

☞ Tree Hole fumigation – PPE need not be routinely worn during tree hole fumigation if the label only requires PPE to be used in case of a spill or leak. An SCBA must be available at the worksite. A second SCBA is not necessary unless specifically required by labeling (See Manual For Procedural Guidance for Pesticide Enforcement Personnel).

9. **Coveralls - Danger/Warning – 3CCR ' 6736 (c):**

Scope: All employees handling “Danger” or “Warning” fumigants where the pesticide label expressly requires the use of coveralls.

Exemption: Owners and employers. Handlers if coveralls are prohibited by the fumigant label.

10. Regulations - Personal Protective Equipment (PPE) - 3CCR ' 6738.

Scope: All pesticide uses involving employees.

Exemption: Owners and employers. Handlers when applying:

- vertebrate pest control baits that are placed without being propelled from application equipment
- solid fumigants (including aluminum phosphide, magnesium phosphide, and smoke cartridges) to vertebrate burrows
- if working in an enclosed cab, shall have all PPE required by pesticide product labeling immediately available and stored in a chemical resistant container. PPE must be worn if it becomes necessary to work outside the cab and contact treated areas
- or if label specifically prohibits certain PPE

☞ The employer must provide and maintain PPE. The employer must assure the use of PPE by employees who are involved in hand and ground applications using hand-held, vehicle-mounted, or towed equipment and while mixing and loading pesticides, adjusting, cleaning, or repairing application equipment.

☞ 3CCR ' 6738(i) lists various PPE substitutions that can be made when handlers are using a closed system.

☞ The employer must select the respiratory equipment specified on the product label. You will check that the proper cartridges are being used. Are they clean? Also, check the inhalation and exhalation valves. Are the diaphragms or valve flaps warped, cracked or missing? In what condition are the straps and rubber face pieces? Are they providing an adequate seal?

☞ For Methyl Bromide Field Fumigations, the following individuals are considered handlers:

- employees involved in assisting with covering the tarpaulin at the end of the rows (shoveling)
- observing the overall operation
- checking the tarpaulin placement
- changing cylinders (copiloting)
- operating application equipment (driving)
- tarpaulin cutting and removal (tarp pullers are considered handlers per 3CCR ' 6784(b)(1))

☞ When methyl bromide fumigation is commenced from an enclosed space (e.g. inside the greenhouse), the handler(s) must wear Self Contained Breathing Apparatus (SCBA). See ENF 94-017, greenhouse applications page 5, for further information.

11. Employer Provided Employee PPE – 3CCR ' 6702(b)

Scope: All pesticide uses involving employees.

Exemptions: Owners and non-employees.

☞ Employers are required to assure* employees comply with all applicable regulations and pesticide product labeling. Employer is responsible to provide a safe work place for employees and require employees to follow safe work practices. The employer is also responsible to inform the employee in a language the employee understands, the specific pesticide being used, and pesticide safety Hazards. The employer must provide the required safety equipment to the employees; supervise them to assure the equipment is worn and that they are complying with all other requirements and to maintain the equipment. Any protective equipment that is provided must be clean and in good working order. Was the PPE provided? How did the employer assure the employees use PPE?

*Note: Assure or Ensure means (CCR Section 6000), “To take all reasonable measures so that the behavior, activity, or event in question occurs. When the behavior, activity, or event in question involves or concerns an employee has the knowledge to comply; providing the means to comply; supervising the work activity; and having and enforcing a written workplace disciplinary action policy covering the employer’s requirements, as well as other measures required by pesticide law or this division (for civil penalty actions information regarding 3CCR ' 6702 see ENF 01-55).

12. Employee Utilized Provided PPE - 3CCR ' 6702(c)

Scope: All pesticide uses involving employees.

Exemptions: Owners and non-employees.

☞ CCR ' 6702 (Employer and Employee Responsibilities) states that each person is responsible for his/her own actions and conduct in regard to pertinent regulations. Employees must utilize the PPE and other safety equipment required by pesticide product labeling or specified in this subchapter (3CCR Division 6, Chapter 3, Subchapter 3) that has been provided by the employer at the work site in a condition that will provide the safety or protection intended by the equipment.

13. Suitable Methods / Manner / Climate - 3CCR ' 6600

Scope: All pesticide applications.

Exemptions: None.

☞ Are methods and equipment suitable? For the drip method, does the chemigation equipment work properly? How does the backflow prevention for metam sodium and telone work? Is the backflow prevention device effective?
For the shank injection method, were the lines purged before the shanks were driven out of ground?

Does the person in charge of the fumigation have the authority and ability to stop the application when conditions (weather, odor) warrant? How is the fumigation being monitored during and after the application? Does any worker walk behind the methyl bromide rig? Are the buffer zones being observed, and are the workers aware of the fumigation? During tarp repair, does the person in charge follow the work plan? What is the wind speed? Did you determine that the precautions taken during and after the application were sufficient to protect humans and the environment?

14. **Accurate Measurement** - 3CCR ' 6604

Scope: All pesticide uses.

Exemptions: None.

☞ Ask the applicator how he/she adjusts the flowmeter to achieve desired rate. Document your observations (e.g., equipment and manufacturer's name and how the flowmeter is being adjusted).

15. **Protection of Persons / Animals / Property** - 3CCR ' 6614

Scope: All pesticide uses.

Exemptions: None.

☞ Prior to and during the application, has the applicator evaluated the equipment, weather conditions, and area (both target and surrounding areas) to determine the likelihood of damage or contamination? High winds, inversions, proximity to residential areas and susceptible crops are examples of conditions, which may cause drift problems. Are there any fieldworkers near the site during the fumigation? Even though there may not be any drift, consider if there is:

- A reasonable possibility of the contamination of the bodies or clothing of persons not involved in the application. (For example, in a metam sodium sprinkler application, wind may cause drift of the mist onto the adjacent field workers.)

- A reasonable possibility of contamination of non-target property that could prevent its normal use (residue within tolerance on organic field, or residue that pose a health risk on a play yard

16. Drift Minimization - 3CCR ' 6615

Regulations are pending. See 3CCR ' 6460.

☞ During the Pilot Study, check “N/A” for this section.

17. Notice of Application within ¼ Mile - 3CCR ' 6618(b)

Scope: Commercial or research production of an agricultural plant commodity.

Exemptions: Non-agricultural and non-production settings and non-employees. The following are also exempt:

- persons who make or supervise the application
- public agencies in compliance with CFAC ' 12978
- a separate notice of application is not required when a field is posted according to 3CCR 6776 unless the label requires both oral notice and posting of the treated field

☞ Each person performing pest control must notify the operator of the property before any pesticide is applied. The operator of the property is responsible to notify employees or any contractor hired by the operator who may walk within ¼ mile of a treated field during the application or at any time while the re-entry interval (REI) is in effect. The notice shall be given prior to the application and shall include the following information: timing and location of pesticide application, REI, product name and registration number. The notice shall be in a manner the person can understand and shall also include any precautions that must be followed, such as early enter protective clothing required by labeling or regulation, and activities prohibited in a treated field during the REI.

Ask the handlers how they are notified of applications to surrounding fields. Ask the property operator/employer how they notify labor contractors and other persons likely to enter treated fields of this information. The response to these questions will be the basis for your determination of the employer’s compliance.

18. Handler(s) Trained - 3CCR ' 6724

Scope: All employees handling pesticides.

Exemption: Employer, owners, non-employees, and certified applicators.

☞ Employers must train employees before they handle pesticides, update the training to cover new pesticides prior to their use, and repeat training at least annually thereafter. Pesticide safety training may only be conducted by a person who meets the qualifications included in 3CCR ' 6724(f). Ask the handler if he/she received training prior to handling the pesticide. Interview the employee to determine who provided the training. Where was the training conducted? When was the training provided?

Observe how the handler is performing his/her task. Does he/she appear to have received pesticide handler's training? Does the applicator follow the pesticide product label directions? Does the applicator utilize the PPE? Were all precautions taken before the commencement of the fumigation? During the application, does he/she monitor the weather conditions and the application equipment? Is the applicator aware of the activities in the vicinity of the fumigation?

19. **Emergency Medical Care Posting - 3CCR ' 6726.**

Scope: All employees handling pesticides.

Exemptions: Owners or non-employees handling pesticides.

☞ Employers are required to post in a prominent place at the work site or in the work vehicle, the name, address, and telephone number of an emergency medical care facility. Employers shall arrange for emergency medical care before employees handle pesticides. Employers must inform employees of the name and location of the emergency medical care facility.

Ask employees where they would go if they felt sick after handling pesticides. For employees that work in a wide geographical area, the employer must also post procedures for obtaining emergency medical care when the listed facility is not reasonably accessible. The local poison control center's number or a supervisor's name with no additional information is inadequate, as is the displaying of "911". Medical information in an employee's wallet or in the glove compartment of the work vehicle may provide the necessary information to the employee. However, it is not "posted" and therefore does not meet the requirement.

20. **Employees, Working Alone, "Danger" - 3CCR ' 6730**

Scope: Employees working alone handling **DANGER** (Category I) pesticides for production agriculture.

Exemptions: Owners and non-employees handling pesticides.

☞ When working in the same field, ground applicators are deemed to be working together if they can see each other or each other's application vehicle. The employer must assure that

someone contacts a lone handler at least once every two hours during daylight hours and once every hour at night. This supervision can be in person, by radio, or telephone contact.

21. **Decontamination Facility / Eyewash Available** - 3CCR ' 6734

Decontamination Facility

Scope: For production agriculture, employees handling any pesticide for the commercial or research production of an agricultural plant commodity if the label requires protective eyewear.

For non-production agriculture, employees handling pesticides with the signal word **ADANGER@** or **AWARNING@** for other than commercial or research production of an agricultural plant product.

Exemptions: Owners and non-employees handling pesticides. PCAs and those performing crop adviser tasks are exempt under the conditions of 3CCR ' 6720.

☞ The employer must assure that: sufficient water, soap, and single use towels for routine washing and for emergency eye flushing and washing of the entire body are available at the site. The employer must also assure that one clean change of coveralls is available at the mix and load site.

☞ Each handler must be within **3** mile of a decontamination facility unless prohibited by lack of vehicular access.

Eyewash Available

Scope: For commercial and research production of an agricultural plant commodity, if the pesticide label requires protective eyewear, handlers shall carry one pint of water (on the handler or on the vehicle) for emergency eye flushing.

Exemptions: Owners and non-employees handling pesticides. PCAs and those performing crop adviser tasks are exempt under the conditions of 3CCR ' 6720.

22. **Field Postings** - 3CCR ' 6776

Scope: Property operator is responsible to post treated fields:

- When required by product labeling
- For all greenhouse applications
- For applications with a restricted entry interval greater than seven days
- When "Danger" pesticides are applied through an irrigation system
- When a fumigant is applied to a field

- When permit conditions require posting

Exemptions: If access is controlled into a treated field, it does not need to be posted unless the REI is greater than 7 days. If PCAs and those performing crop adviser tasks are the only employees who may enter, work in, or walk within a ¼ mile of a treated field during the application and REI, the field does not need to be posted.

☞ CFAC ' 12978 requires posting for pesticides with label-specified reentry intervals of 24 hours or more when applied on public property (school grounds).

☞ Signs must be readable from a distance of 25 feet. They must be posted before the application, but no sooner than 24 hours prior to the application. See CCR ' 6776(b) for the required language on the signs. See CCR ' 6776(c) for additional information that must be added to signs when they are used to post fields with a restricted entry interval of more than 7 days. The signs must be removed within 3 days after the end of the restricted entry interval, and before workers enter the field, unless the workers are "early entry workers". The signs must be visible at all usual points of entry to the field. If there are no usual points of entry, signs must be posted at the corners of the field. When a treated field is adjacent to an unfenced public right-of-way, such as a road, trail, or path, additional signs shall be posted at each end of the treated field and at intervals not exceeding 600 feet along the treated field's border with the right-of-way. Fumigation signs must have information specified in CCR ' 6776(e).

23. **Gas Concentration Controlled and Monitored**- 3CCR ' 6780 (a)(b).

Scope: All fumigant use involving employees.

Exemptions: Owners and non-employees. 3CCR ' 6780(c) allows alternatives approved by the Director, but there are none approved at this time.

☞ 3CCR ' 6780 (a) - When fumigation concentrations cannot be controlled, and an employee's exposure exceeds the Permissible Exposure Limit (PEL) as specified in Title 8, 3CCR, Section 5155, Airborne Contaminants, or more stringent requirements by product labeling, the employer shall provide and require the employee to wear approved respiratory protective equipment. For more information regarding the listing of common fumigants and evaluation of the adequacy of their warning properties, refer to WHS 89-11. This policy letter also provides a listing of the various exposure recommendations or limits applicable to these same fumigants.

☞ 3CCR ' 6780 (b) (c)- Whenever an employee may be exposed above an exposure standard to methyl bromide, or other fumigants for which only air-supplied respirator equipment

is approved, the employer shall either:

- require the use of SCBA
- employ continuous monitoring (i.e., permit conditions for methyl bromide and metam sodium requirements), or other plan, method, or work practices developed by the Director—refer to the latest enforcement letter. Do the employees wear SCBA when entering an unknown atmosphere?

24. Accident Response Plan at Worksite - 3CCR ' 6780 (d).

Scope: All fumigant use.

Exemptions: Owners and non-employees.

L The employer shall have an accident response plan at the worksite. The plan shall provide instructions to protect employees in the event of an accident or an emergency situation (i.e., spills, fire, leaks, etc.) other than normal operating conditions. Employees shall be trained in accident management procedures based on the plan. At least two basic pieces of information should be included in the Accident Response Plan. The first should be information regarding the security of the area where the problem occurred. General information on spills and leaks are available on the label, and should be referenced in the plan. The second is information on whom to contact in the event of a problem. Emergency information must be in writing, available at the work site, and include emergency phone numbers. This information should also be covered during the routine training required by regulation. Contacts may include the operator of the property, fire department, health department, hazardous materials response team, etc.

Ask to see the plan. Does it address different situations? Ask the applicators what actions they would take if an accident, leak, etc., occurred. If the applicator refers to the appropriate section on the label and produces phone numbers of persons to contact in an emergency, it is probable that they are informed of an Accident Response Plan.

25. Equipment Registered - FAC ' 11732

Scope: Equipment used in pest control for hire.

Exemptions: None.

☞ Check for proper registration. Has the equipment been registered with your office?

26. Equipment Identified - 3CCR ' 6630.

Scope: Equipment used in pest control for hire.

Exemptions: None.

☞ Equipment identification must be legible and marked with either the business's name, or with "Licensed Pest Control Operator," or substantially similar wording and the pest control operator license number of the person of firm. The markings shall be large enough to be readable at a distance of 25 feet.

27. Equipment Safe to Operate - 3CCR ' 6600(a).

Scope: All pesticide applications.

Exemptions: None.

☞ Is equipment in good repair? Do you observe any pesticide leaking? Are the fittings and lines tight?

28. Backflow Prevention, Air Gap - 3CCR ' 6610.

Scope: All pesticide equipment that draws water from an outside source.

Exemptions: None.

☞ Each piece of application equipment that handles pesticides and draws water from an outside source (water well, supply line, ditch, stream, pond, etc.) must be equipped with some type of backflow prevention device that is accepted by the local health agency and water purveyor. Criteria for the following examples of devices to prevent backflow or reverse siphoning can be found in Title 17 of CCR ' 7583:

- Air Gap Separation – physical break between the supply line and the receiving vessel.
- Double-Check Valve Assembly – an assembly of at least two independently acting check valves including tightly closing shut-off valves on each side of the check valve and test cocks available for testing the water tightness of each check valve.
- Reduced Pressure Principle Backflow Prevention Device – backflow prevention incorporating not less than two check valves, an automatically operated differential relief valve located between the two check valves, a tightly closing shut-off valve on each side of the check valve assembly, and equipped with necessary test cocks for testing.

☞ **See PR Notice 87-1, ENF 01-12, and ENF 01-28 for more information.**

29. Cover/Shut Off /Sight Gauge - 3CCR ' 6742.

Cover

Scope: All pesticide tanks with capacity of more than 49 gallons.

Exemptions: None.

☞ All openings on tanks shall be equipped with a cover that is properly fitted and closed to prevent splashes and spills. Record whether or not the equipment has a cover that is properly closed to prevent splashing during mixing and loading or during an application.

Shut Off /Sight Gauge

Scope: All equipment used by employees for mixing and loading “Danger” or “Warning” pesticides. Mix tanks must have a shut-off device on the exit end of all hoses that carry dilute solutions of ADANGER@ or AWARNING@ pesticides.

Exemptions: None.

☞ The pesticide tank shall have either:

- A properly functioning means to indicate externally the internal liquid level in the tank such as a sight gauge; or
- The tank or the filler hose nozzle shall have a device that will automatically stop the filling operation before the pesticide liquid mixture spills over the top.

☞ Shut-off devices shall be installed on the exit end of all hoses carrying liquid pesticides. Devices must prevent employee exposure when disconnecting the hose at the end of the filling operation. The device shall consist of a dry coupling or reverse action pump. When a closed system is required, no more than 2 milliliters (ml) may spill for each disconnection. (1 teaspoon = 4.9 ml)

☞ Tanks must be equipped with some means of determining the internal liquid level when they have a capacity of 49 gallons or more and are used for mixing and loading dilute solutions made from ADANGER@ or AWARNING@ materials. This can be accomplished by means of a properly functioning sight gauge (manometer) or transparent tanks. In lieu of this, the tank or filler hose must be equipped with a device that will be automatically shut-off before the pesticide mixture overflows.

30. Closed System – Meets Criteria - 3CCR ' 6746.

Scope:

- Employees who mix and load liquid ADANGER@ pesticides for the production of an agricultural commodity
- Employees loading diluted liquid mixes derived from dry “DANGER@ pesticides for the production of an agricultural plant commodity
- Employees who mix and load minimal exposure pesticides
- Employees who mix and load pesticides labeled for use only with a closed system

Exemptions:

- Owners or non-employees mixing and loading pesticides, unless it is a label requirement
- Employees handling one gallon of material or less out of an original one gallon container per day
- Regulatory personnel collecting samples of pesticides according to official sampling procedures. (See Manual For Procedural Guidance for Pesticide Enforcement Personnel)

☞ Employers must provide and assure employees use a closed system when they mix and load liquid formulations of **DANGER** pesticides for the production of an agricultural commodity, or when required by labeling or regulation. Closed systems must meet the Director's criteria requirements. The opening of the container and the probe must seal. Couplings and fittings must be sufficiently tight to prevent leaks, which may expose the employee.

☞ A system consisting of a probe without rinse capability is not a closed system. The handler must close the hatch cover on the mix tank before the transfer of dilute solutions. For additional information regarding closed systems, including the latest closed system supplier list, check the Subject Index of the County Agricultural Commissioners Enforcement Letters. Also see the Manual For Procedural Guidance for Pesticide Enforcement Personnel, and Pesticide Safety Information, Series A- 3.

☞ Exceptions to PPE: Handler employers may allow handlers to omit some of the PPE listed on the pesticide labeling for a handling activity if the handlers are using a closed system.

When using a closed system to mix or load pesticides with the signal word **DANGER** or **WARNING**, handlers need not wear all the PPE listed on the pesticide labeling, but must wear at least:

- long-sleeved shirt and long pants, coveralls
- shoes and socks
- a chemical-resistant apron
- protective gloves specified on the pesticide labeling for mixing, loading and other handling tasks.

31. Containers Secure and Under Control - 3CCR ' 6670.

Scope: All pesticides, emptied containers, and equipment that holds or has held a pesticide.

Exemptions:

- pesticide containers packaged, labeled, and used for home use and in the possession of the householder
- outer shipping containers that are not contaminated with a pesticide
- sanitizers, disinfectants, or medical sterilants
- all exempt materials listed per 3CCR ' 6402: spray adjuvants, petroleum oils, sulfur, lime, lime-sulfur, sodium polysulfide, Bordeaux mixture, copper acetate, copper carbonate, copper hydroxide, copper-lime mixtures, copper linoleate, copper oleate, copper oxychloride, cuprous oxide, copper calcium oxychloride, Bacillus thuringiensis Berliner, sanitizers, disinfectants and medical sterilants. Refer to 3CCR ' 6402 and ' 6686 for details.

☞ Equipment or containers that hold or have held pesticides must not be stored, handled, or disposed of in such a manner as to present hazards to persons, animals, food, feed, or property. Are pesticides and containers properly attended? Pesticide containers are considered unattended if personal control over them is not maintained at all times. The fumigants must be locked at all times when unattended.

32. **Pesticides Properly Labeled** – 3CCR ' 6676.

Scope: Storage and transportation of any container that holds or has held a pesticide, when stored or transported, shall carry the registrant's label and have lids or closures securely tightened.

Exemptions: Service containers do not need to carry the registrant's label. Does not apply to measuring devices that are not used to store or transport a pesticide. Does not apply to sanitizers, disinfectants, or medical sterilants.

- ☞ Containers that have been triple rinsed per 3CCR ' 6684 do not need to have lids
- ☞ or closures securely tightened.

33. **Proper Pesticide Transportation** - 3CCR ' 6682.

Scope: All pesticides.

Exemptions: None.

☞ Check the inside of the operator's service vehicle for any pesticides or pesticide containers. Some fumigant labels require upright position during transportation. Containers must be secured to prevent any spillage.

34. Methyl Bromide Worksite Plan - 3CCR ' 6450.

Scope: Methyl Bromide Field Fumigations.

Exemptions: None.

☞ Make sure your office has received a worksite plan 7 days prior to receiving a notice of intent. Review the worksite plan to assess if all information as to method of application, application rate, acreage, description of notification procedures, tarpaulin repair response plan, tarpaulin removal plan, and identification of each application block is completed. Determine if the tarpaulin listed meets 3CCR ' 6450(f).

35. Methyl Bromide Notification - 3CCR ' 6450.1.

Scope: Methyl Bromide Field Fumigations.

Exemptions: None.

☞ Operator of the property to be treated is responsible to submit a notice of intent (NOI) to your office 48 hours prior to commencement of fumigation. If the fumigation does not commence within 12 hours of the intended fumigation time, a new NOI must be submitted. Operator of the property shall notify neighbors within 300 feet of the perimeter of the outer buffer zone that a permit to use methyl bromide near their property had been issued by the commissioner. The notification shall include information listed in 3CCR ' 6450.1(b)(1).

☞ The operator of the property to be treated shall assure that specific notification of the date and time of the start of the fumigation and anticipated expiration of buffer zones is provided to those persons notified in 3CCR ' 6450.1(b)(1) who request specific fumigation information. Review 3CCR ' 6450.1(b)(2) for other NOI requirements.

36. Methyl Bromide Buffer Zone Regulations - 3CCR ' 6450.2.

Scope: Methyl Bromide Field Fumigations.

Exemptions: None.

☞ Make sure the operator of the property or the pest control business in charge of the fumigation complies with the buffer zone requirements listed in the permit conditions. The buffer zone restrictions shall begin at the start of fumigation and remain in effect at least 36 hours after the completion of the injection to the application block.

☞ Observe and document if anyone is entering the inner buffer zone, and what activities they are performing. Only fumigation handlers and persons transiting through the area are allowed to be in the inner buffer zone. The operator of the property shall assure no other persons are allowed within the inner buffer zone.

☞ When the inner buffer zone extends into adjoining agricultural property, the inner buffer zone may extend to a public road and does not need to be posted. When the inner buffer zone extends to an adjoining agricultural property, the property operator shall obtain written permission to extend the inner buffer zone into the adjoining property. The inner buffer zone boundaries shall be posted with signs as required by 3CCR ' 6450.2(e)(3)(B) & (C).

☞ The outer buffer zones shall be at least 60 feet. The operator of the property shall assure no person is allowed to enter the buffer zone except to transit, perform fumigation handling activities, and other activities allowed by permit conditions. The operator of the property shall notify onsite employees (including licensed pest control business and farm labor contractor) of the buffer zones.

When outer buffer zones extend to any adjacent property, the operator of the property shall obtain permission to extend the outer buffer zone into the adjoining property (permission need not be in writing).

☞ When a school property is within 300 feet of the perimeter of the outer buffer zone, the injection shall be completed 36 hours prior to the start of a school session.

37. Methyl Bromide Fumigation Methods - 3CCR ' 6450.3.

Scope: Methyl Bromide Field Fumigations.

Exemptions: None.

☞ Make sure the method of use is one of the methods listed in 3CCR ' 6450.3. If any method other than the method listed in 3CCR ' 6450.3 is in progress, stop the application. This is not in compliance with permit conditions. Permit conditions allow specific methods of use (i.e., maximum application rate, tractor equipped with air fan, equipment used, and injection depth and spacing).

☞ REI requirement varies for each method and cultural practice; refer to 3CCR ' 6450.3 for more information.

☞ For drip systems, 3CCR ' 6450.3(a)(6) requires all fittings and emitters underneath the tarpaulin shall be buried in the soil. Fumigation lines shall be physically disconnected from the main water supply during the fumigation. All apparent leaks shall be eliminated prior to the

fumigation. All emitters not buried must be sealed. The drip system shall be purged prior to disconnecting any line containing the fumigant. All persons working with pressurized lines and manifold during the fumigation must wear eye protection required by the product label. For REI requirements, refer to 3CCR ' 6450.3(a)(6)(P).

38. **Proper Enclosed Spaces/Posted** - 3CCR ' 6452

Scope: Methyl Bromide and Chloropicrin -Nursery and Commodity Fumigation:
3CCR ' 6452 does not fall under the Field Fumigation Use Monitoring Inspection.
For the purposes of the Pilot Study, check “N/A” for this section.

☞ A Commodity Fumigation Inspection form (PR-ENF-105) should be used to monitor treatment of post harvest, (nursery) potting soil, and stored agricultural commodities.

39. **Methyl Bromide Posting** – 3CCR ' 6784(a).

Scope: Methyl Bromide Field Fumigations.

Exemptions: If access is controlled into a treated field, it does not need to be posted. If PCAs and those performing crop adviser tasks are the only employees who may enter, work in, or walk within a ¼ mile of a treated field during the application and REI, the field does not need to be posted.

☞ 3 CCR ' 6784(a) states that signs shall be posted in accordance with 3CCR ' 6776(f), and shall remain in place until aeration is complete. (See Appendix 03 for a copy of Methyl Bromide Field Posting Sign requirements.) The employer shall post signs to warn employees and others against entry during a specified time period. The farm operator must post the field(s) prior to the application.

The employer shall:

- Post before the application begins, but not more than 24 hours before the application begins.
- Post signs that are visible at all usual points of entry to the treated area or if there are no identified usual points of entry, post signs at the corners of the treated field and every 600 feet along side of field if adjacent to an unfenced public right of way.
- Leave signs in place throughout the application and REI.

☞ If a posting non-compliance occurs prior to the end of the REI, cite 3CCR ' 6776. If it occurs between the REI expiration and the completion of aeration, then cite the non-compliance under 3CCR ' 6784.

40. Methyl Bromide, Two Trained Employees/Work Hours - 3CCR ' 6784(b).

Scope: Methyl Bromide Field Fumigations involving employees.

Exemptions: Owners and non-employees.

☞ At least two trained employees shall be present during introduction of the fumigant and removal of tarpaulins.

☞ 3CCR ' 6784(b)(1) defines fumigation handling activities as: an employee involved in assisting with covering the tarpaulin at the end of the rows (shoveling); observing the overall operation, checking tarpaulin placement, changing cylinders (copiloting), operating application equipment (driving), and tarpaulin cutting and removal.

☞ 3CCR ' 6784(b)(4) – No employee may conduct fumigation handling activities for more than the hours specified in 3CCR ' 6784(b)(4)(B) chart.

41. Methyl Bromide Tarpaulin Cutting and Removal - 3CCR ' 6784(b)(5).

Scope: Methyl Bromide Field Fumigations.

Exemptions: None.

☞ Tarpaulin cutting and removal shall be discontinued if the presence of gas is evident.

☞ Only mechanical cutting methods are allowed for broadcast fumigations. For broadcast fumigations, make sure mechanical cutting methods (all-terrain vehicle or a tractor with a cutting wheel) are being utilized.

**COMMODITY FUMIGATION
USE MONITORING INSPECTION
PR-ENF-105**

Purpose

A commodity fumigation use monitoring inspection form (PR-ENF-105) is used to monitor treatment of post harvest, potting soil, and stored agricultural commodities.

Evaluation of a fumigation activity provides information to better protect the public, pesticide handlers, and field workers. Due to the high toxicity of fumigants and nature of these substances, there are specific conditions designed to protect the public and the employees. These forms are designed to evaluate whether the property operator/licensed applicator is following these conditions to mitigate any possible hazard to persons, non-target animals, crops, and property. In addition to the permit conditions, requirements of laws and regulations are listed.

In a Commodity Fumigation Use Monitoring Inspection form, depending on the site, there are thirty-three (33) items listed to identify the compliance level at the fumigation site. It is essential to understand the permit conditions, when applicable, and individual requirements of each item to perform a quality evaluation of a fumigation activity.

Criteria Items

42. Pest Control Business Registered in County– FAC ' 11732

Scope: All persons performing pest control for hire.

Exemptions: None

☞ Ask for proof of registration with the county. Is the registration valid for the current year?

43. Registered Label Available at Use Site – 3CCR ' 6602

Scope: All pesticides.

Exemptions: None.

☞ All registered labeling must be available at the use site. Registered labels include a Special Local Need (SLN), a Section 18, and a published University of California recommendation. A specimen label does not meet this requirement.

44. **Notice of Intent (NOI) Submitted**– 3CCR ' 6434

Scope: The operator of a property, or a pest control business for non-agricultural use of pesticides requiring a permit.

Exemptions: For methyl bromide fumigations (non-agricultural), there is no exemption. For non-agricultural permits, an NOI may be required until the commissioner's office is able to complete a pesticide use inspection.

☞ The NOI can be submitted by the operator of the property, his authorized representative or by a pest control business, but the permittee is ultimately responsible for submission of the NOI. Review the permit conditions for NOI requirements.

☞ Has an NOI been properly completed and submitted? For Methyl Bromide fumigation are any environmental changes noted? You may need to review this requirement at the office before going to the site.

45. **Restricted Materials Use Supervised**– 3CCR ' 6406

Scope: The use of Federal or California Restricted Materials.

Exemptions: None.

☞ The certified applicator must be available to direct and control the application by the non-certified applicator. The availability of the certified applicator shall be related to the potential hazards of the situation. In addition, some labels require the certified applicator to be physically present during the application.

46. **Complies with Permit Conditions** – FAC ' 12973

Scope: All pesticide uses requiring permits.

Exemption: Non-restricted fumigants (such as Eco Fume 2).

☞ For **commodity fumigation of methyl bromide**, look for the application rate, gas-tight fumigation lines, buffer and aeration zones, and aeration period, then compare your observations with the permit conditions. Is the maximum amount of the fumigant less than 1000 pounds in a 24 hour period? No person is allowed to be inside an enclosed space, or inside enclosures that share a common wall with the fumigation chamber, during the fumigation.

If the application is introduced from an enclosed room, applicators must use nitrogen or compressed air to purge fumigant lines prior to changing cylinders. Note if the control room is

mechanically ventilated during the fumigation and whether workers are present. Keep in mind that methyl bromide cylinders should not be stored inside an enclosed control room. If the aeration is initiated manually, the applicator must wear a self-contained breathing apparatus (SCBA). For initiation of remote control aeration, the applicator is exempt from wearing SCBA. If you are observing the testing and ending of the aeration period, the methyl bromide concentration in enclosed areas must be less than 5 parts per million before persons may enter. No individual may be inside the enclosed area for more than one hour in a 24 hour period. For more detailed instructions, refer to your latest guidelines for methyl bromide commodity fumigation.

☞ For other fumigants, review the permit conditions and make sure the conditions are followed. There are specific SLN labeling requirements (e.g., use of a fumigant detection device during the fumigation and buffer zone requirements) for the use of Sodium Cyanide on citrus enroute to other states.

47. Labeling – Aeration/Reentry - FAC ' 12973.

Scope: All pesticide uses.

Exemptions: None.

☞ Review the label to determine compliance with label requirements. Workers are not allowed to enter the treated field during the restricted entry interval. Review the label for early entry requirements.

48. Labeling – Site/Rate/Buffers/Other – FAC ' 12973.

Scope: All pesticide uses.

Exemptions: The following uses are in compliance with this section:

- A decrease in dosage rate per unit treated, except for termiticides used in pre-construction treatment B&P ' 1991(b)
- A decrease in the concentration of the mixture applied
- Application at a frequency less than specified
- Use to control a target pest not listed on the label, provided the application is to a commodity or site listed on the label and the use of the product against an unnamed pest is not expressly prohibited
- Employing a method of application not prohibited, provided other label directions are followed
- Mixing with another pesticide or with a fertilizer, unless such mixture is prohibited
- An increase in the concentration of the mixture applied, provided it corresponds with the current published recommendations of the University of California

- ☞ Review the label to determine if the site is listed on the label, the rate is appropriate for the site, and any label-required buffer zone is observed. Review the label for other restrictions such as soil condition and temperature. Also check for compliance with any posting requirements on the label.

49. Labeling – Personal Protective Equipment (PPE) - FAC '12973.

Scope: All pesticide uses.

Exemptions: None.

- ☞ Review the label and determine what PPE is required. Both employees and employers are covered by label PPE requirements. Observe the employee handlers if they have the label-required PPE such as gloves, respirators, eye protection, boots, rain suit, or apron. If the employee handlers are not wearing required PPE, ask them if it was provided. Is the PPE in good condition and well fitted? Address each piece of safety equipment separately. Failure to use safety equipment required by the label is a use in conflict and is a non-compliance.

50. Regulations - Personal Protective Equipment (PPE) - 3CCR '6738.

Scope: All employees handling pesticides.

Exemption: Owners and employers when a pesticide product label does not specifically require PPE. Handlers when applying solid fumigants (including aluminum phosphide, magnesium phosphide, and smoke cartridges) to vertebrate burrows.

- ☞ The employer must provide and maintain PPE. The employer must assure the use of PPE by employees who handle pesticides.

- ☞ The employer must select the respiratory equipment specified on the product label. Check to see that the proper cartridges are being used. Are they clean? Also check the inhalation and exhalation valves. Are the diaphragms or valve flaps warped, cracked or missing? In what condition are the straps and rubber face piece? Are they providing an adequate seal?

- ☞ When methyl bromide fumigation is commenced from an enclosed space for commodity treatment, the handler(s) must wear SCBA.

51. Employer Provided Employee PPE at Worksite – 3CCR '6702(b)

Scope: All pesticide applications.

Exemptions: Non-employees.

☞ Employers are responsible to assure* employees comply with all applicable regulations and pesticide product labeling. Employer is responsible to provide a safe work place for employees and require employees to follow safe work practices. Was the PPE provided? How did the employer assure the employees use PPE?

*Note: Assure or Ensure means (CCR Section 6000), “To take all reasonable measures so that the behavior, activity, or event in question occurs. When the behavior, activity, or event in question involves or concerns an employee has the knowledge to comply; providing the means to comply; supervising the work activity; and having and enforcing a written workplace disciplinary action policy covering the employer’s requirements, as well as other measures required by pesticide law or this division (for civil penalty actions information regarding 3CCR ' 6702 see enforcement letter ENF 01-55).

52. Employee Utilized Employer Provided PPE - 3CCR ' 6702(c)

Scope: All pesticide applications involving employees.

Exemptions: Non-employees.

☞ Employees must utilize the PPE and other safety equipment required by pesticide product labeling or specified in this subchapter (3CCR Division 3, Chapter 3, Subchapter 3) that has been provided by the employer at the work site in a condition that will provide the safety or protection intended by the equipment.

☞ Unlicensed or non-certified employees are not eligible for Agricultural Civil Penalty (ACP) action under 6702(c).

53. Suitable Methods / Manner / Climate - 3CCR ' 6600

Scope: All pesticide applications.

Exemptions: None.

☞ Are methods and equipment suitable? Does the person in charge of the fumigation have the authority and is able to stop the application when conditions (weather, odor) warrant? How is the fumigation being monitored during and after the application? Are the buffer zones being observed and are the workers aware of the fumigation? During tarp repair, does the person in charge follow the work plan? What is the wind speed? Did you determine that the precautions taken during and after the application were sufficient to protect humans and the environment?

54. Accurate Measurement - 3CCR ' 6604

Scope: All pesticide applications and mix/load.

Exemptions: None.

☞ Ask the applicator how he/she adjusts the flowmeter to achieve the desired rate. Document your observations (e.g., equipment and manufacturer's name and how the flowmeter is being adjusted).

55. Protection of Persons / Animals / Property - 3CCR ' 6614

Scope: All pesticide applications.

Exemptions: None.

☞ Prior to and while making the application, has the applicator evaluated the equipment, weather conditions, and area (both target and surrounding areas) to determine the likelihood of damage or contamination? High winds, inversions, proximity to residential areas, and susceptible crops are examples of conditions which may result in drift complaints. Are there any fieldworkers near the site during the fumigation?

56. Notice of Application - 3CCR ' 6618

Scope: All pesticide applications.

Exemptions: None.

☞ Did the operator of the property notify all persons likely to enter the area? Was the notice provided to the operator (by a pest control business) prior to the application? Was the notice complete (date of application, pesticide identity by brand or common chemical name? Was the notice clear and understandable? Did the notice include any product label precautionary statements to be followed?

57. Handler(s) Trained - 3CCR ' 6724

Scope: All employees handling pesticides.

Exemption: Certified applicators, owners, and non-employees handling pesticides.

☞ Employers must train employees before they handle pesticides, update the training to cover new pesticides, and repeat training at least annually thereafter. Pesticide safety training may

only be conducted by a person who meets the qualifications listed in 3CCR ' 6724. Ask the handler if he/she received training prior to handling the pesticide. Interview the employee to determine who provided the training. Where was the training conducted? When was the training provided?

☞ Observe how the handler is performing his/her task. Does the applicator follow the pesticide product label directions? Does the applicator utilize the PPE provided? Were all precautions taken before the commencement of the fumigation? During the application, does he/she monitor the weather conditions and the application equipment? Is the applicator aware of the activities in the vicinity of the fumigation?

58. Emergency Medical Care Posting. 3CCR ' 6726.

Scope: All employees handling pesticides.

Exemptions: Owners or non-employees handling pesticides.

☞ Employers are required to post in a prominent place at the work site or in the work vehicle, the name, address, and telephone number of an emergency medical care facility. Employers shall arrange for emergency medical care before employees handle pesticides. Employers must inform employees of the name and location of the emergency medical care facility. Ask employees where they would go if they felt sick after handling pesticides. For employees that work in a wide geographical area, the employer must also post procedures for obtaining emergency medical care when the listed facility is not reasonably accessible. The local poison control center's number or a supervisor's name with no additional information is inadequate, as is the displaying of "911." Medical information in an employee's wallet or in the glove compartment of the work vehicle may provide the necessary information to the employee. However, it is not posted and therefore does not meet the requirement.

59. Decontamination Facility / Eyewash Available - 3CCR ' 6734 (d)

Decontamination Facility

Scope: For production agriculture, employees handling any pesticide for the commercial or research production of an agricultural plant commodity if the label requires protective eyewear.

For non-production agriculture, employees handling pesticides with the signal word **ADANGER** or **AWARNING** for other than commercial or research production of an agricultural plant product.

Exemptions: Owners and non-employees handling pesticides. PCAs and those performing crop adviser tasks are exempt under the conditions of 3CCR ' 6720.

☞ The employer must assure that sufficient water, soap, and single use towels for routine washing and for emergency eye flushing and washing of the entire body are available at the site. The employer must also assure that one clean change of coveralls is available at the mix and load site.

☞ Each handler must be within **3** mile of a decontamination facility unless prohibited by lack of vehicular access.

Eyewash Available

Scope: For commercial and research production of an agricultural plant commodity, if the pesticide label requires protective eyewear, handlers shall carry one pint of water (on the handler or on the vehicle) for emergency eye flushing.

Exemptions: Owners and non-employees handling pesticides. PCAs and those performing crop adviser tasks are exempt under the conditions of 3CCR ' 6720.

60. Employee Exposure > PEL - Respiratory PPE Provided - 3CCR ' 6780 (a).

Scope: All fumigant uses involving employees.

Exemptions: Owners and non-employees.

☞ 3CCR ' 6780 (a) - When fumigation concentrations cannot be controlled, and an employee's exposure exceeds the Permissible Exposure Limit (PEL) as specified in Title 8, California Code of Regulations, Section 5155, Airborne Contaminants, or more stringent requirements by product labeling, the employer shall provide and require the employee to wear approved respiratory protective equipment. For more information regarding the listing of common fumigants and evaluation of the adequacy of their warning properties, refer to WHS 89-11. This policy letter also provides a listing of the various exposure recommendations or limits applicable to these same fumigants.

61. SCBA Worn / Continuous Monitoring / Plan Followed - 3CCR ' 6780 (b) &(c)

Scope: All fumigant uses involving employees.

Exemptions: Owners and non-employees.

☞ 3CCR ' 6780 (b) & (c) - Whenever an employee may be exposed above an exposure standard to methyl bromide, or other fumigants for which only air-supplied respirator equipment is approved, the employer shall either:

- require the use of SCBA

- employ continuous monitoring (i.e., permit conditions for methyl bromide)
- or other plan, method, or work practices developed by the Director - refer to the latest enforcement letter. Do the employees wear SCBA when entering an unknown atmosphere?

☞ 3CCR ' 6780 (c) – The Director may accept a Fumigation Safety Program that describes methods, work practices, devices or processes that the director determines will ensure that employees will not be exposed to concentrations of fumigants in excess of the PEL. Familiarize yourself with the methyl bromide permit conditions that have specific requirements for the number of SCBA at the use site, when to utilize the SCBA, and method of ventilation.

For unusual cases (e.g., location of the structure relative to the surrounding environment, and location of fumigation equipment relative to the fumigation chamber), before a permit is issued, DPR should be notified to obtain information and assess potential risk and hazard to the employees and the public.

62. Accident Response Plan at Worksite - 3CCR ' 6780 (d).

Scope: All fumigant uses involving employees.

Exemptions: Owners and non-employees.

Ⓙ The employer shall have an accident response plan at the worksite. The plan shall provide instructions to protect employees in the event of an accident or an emergency situation (i.e., spills, fire, leaks, etc.) other than normal operating conditions. Employees shall be trained in accident management procedures based on the plan. At least two basic pieces of information should be included in the Accident Response Plan. The first should be information regarding the security of the area where the problem occurred. General information on spills and leaks are available on the label, and should be referenced in the plan. The second is information on whom to contact in the event of a problem. Emergency information must be in writing, available at the work site, and include emergency phone numbers. This information should also be covered during the routine training required by regulation. Contacts may include the operator of the property, fire department, health department, hazardous materials response team, etc.

Ask to see the plan. Does it address different situations? Ask the applicators what actions they would take if an accident, leak, etc., occurred. If the applicator refers to the appropriate section on the label and produces phone numbers of persons to contact in an emergency, it is probable that they are informed of an Accident Response Plan.

63. Two Trained Employees - 3CCR ' 6782 (a).

Scope: Fumigations of enclosed spaces involving employees.

Exemption: Owners and non-employees.

☞ 3CCR ' 6782 (a) – At least two trained employees shall be present at all times when the fumigant is introduced into the enclosed spaces, the treated enclosure is entered for the purpose of facilitating aeration, and the treated enclosure is entered for monitoring purposes.

64. Trained Person(s) Present – Solid Fumigants - 3CCR ' 6782 (a)(1)

Scope: Fumigations of enclosed spaces involving employees.

Exemption: Owners and non-employees. For solid fumigants (including aluminum phosphide, magnesium phosphide, and cartridges), only one trained person is required to be present at the introduction site when the fumigant is introduced from outside the enclosed space.

☞ Two trained employees must be present if one enters the fumigated space to facilitate aeration or determine the concentration level.

65. Warning Signs Posted, Required Information - 3CCR ' 6782 (c)

Scope: Fumigation of enclosed spaces involving employees.

Exemptions: Owners and non-employees.

☞ Prior to the commencement of fumigation, warning signs shall be posted in plainly visible locations on or in the immediate vicinity of all entrances to the space under fumigation. Signs shall not be removed until fumigation and ventilation have been completed. The signs must indicate the date and time of fumigation injection, name of the fumigant, address and telephone number of the applicator performing the fumigation. Warning signs must be of specific letter size and design.

66. Treated Area / Products Managed - 3CCR ' 6782 (f)

Scope: Fumigation of enclosed spaces involving employees.

Exemptions: Owners and non-employees.

☞ After the completion of the fumigation, the treated area shall be managed to prevent employee exposure. How is the treated area being managed? What precautions were taken to protect the worker(s) from being exposed to a concentration in excess of the Permissible Exposure Limit (PEL)? If the product label has more stringent requirements, make sure the requirements are met.

Note: See Appendix 03 for PEL information.

67. Methyl Bromide and /or Pic – Properly Enclosed Space - 3CCR ' 6452 (a)

Scope: Methyl Bromide and/or chloropicrin use on potting soil, soil mixes, nursery stock, and other agricultural commodities, appliances, or equipment.

Exemptions: Owners and non-employees.

☞ The fumigation shall be done in a properly sealed fumigation chamber, railroad car, truck trailer, or under a gas-confining tarp approved by the commissioner or Director. Refer to permit conditions and the latest enforcement letter for specific tarp requirements and method of sealing.

68. Methyl Bromide and/or Pic - Site/Chamber Posted/Attended- 3CCR ' 6452(b)

Scope: Methyl Bromide and/or chloropicrin use on potting soil, soil mixes, nursery stock, and other agricultural commodities, appliances, or equipment.

Exemptions: Owners and non-employees.

☞ Do the posting and content of the posting meet the permit condition requirements? How long do the permit conditions require posting?

69. Equipment Registered - FAC ' 11732

Scope: Equipment used in pest control for hire.

Exemptions: Structural PCO and Property Operator.

☞ Check for proper registration. Has the equipment been registered with your office?

70. Equipment Identified - 3CCR ' 6630.

Scope: Pest control for hire, equipment for mixing or applying.

Exemptions: Property Operator.

☞ Equipment identification must be legible and marked with either the business name, or with “Licensed Pest Control Operator,” or substantially similar wording and the pest control operator license number of the person or firm. The markings shall be large enough to be readable at a distance of 25 feet.

71. Containers Secure and Under Control - 3CCR ' 6670.

Scope: All pesticides, emptied containers, and equipment that hold or have held a pesticide.

Exemptions:

all exempt materials listed per 3CCR ' 6402: spray adjuvants, petroleum oils, sulfur, lime, lime-sulfur, sodium polysulfide, Bordeaux mixture, copper acetate, copper carbonate, copper hydroxide, copper-lime mixtures, copper linoleate, copper oleate, copper oxychloride, cuprous oxide, copper calcium oxychloride, Bacillus thuringiensis Berliner, sanitizers, disinfectants and medical sterilants. Refer to 3CCR ' 6402 and ' 6686 for details.

☞ Equipment or containers that hold or have held pesticides must not be stored, handled, or disposed of in such a manner as to present hazards to persons, animals, food, feed, or property. Are pesticides and containers properly attended? Pesticide containers are considered unattended if personal control over them is not maintained at all times. The fumigants must be locked at all times when unattended.

72. Pesticide Containers Properly Labeled - 3CCR ' 6676.

Scope: Storage and transportation of any container that holds or has held a pesticide.

☞ Exemptions: Service containers do not need to carry the registrant's label. Does not apply to measuring devices that are not used to store or transport a pesticide. Does not apply to sanitizers, disinfectants, or medical sterilants.

☞ Containers that have been triple rinsed per 3CCR ' 6684 do not need to have lids or closures securely tightened.

73. Proper Containers - 3CCR ' 6680.

Scope: All pesticides.

Exemptions: None.

☞ Pesticides must not be stored in food, drink, feed, or household product containers. Examples of improper storage containers include an empty coffee can, a soda bottle, or a plastic food storage container.

74. Proper Pesticide Transportation - 3CCR ' 6682.

Scope: All pesticides.

Exemptions: None.

☞ Check the inside of the operator's service vehicle for any pesticides or pesticide containers. Some fumigant labels require the container be in an upright position during transportation. Containers must be secured to prevent any spillage.

STRUCTURAL – BRANCH 1 USE MONITORING INSPECTION PR-ENF-107

Criteria for Completed Inspections

For the purposes of reporting your structural pest control inspections (PR-ENF-107) on the Pesticide Regulatory Activities Monthly Report:

- C A completed **Branch 1 Fumigation** inspection is described in ENF 95-069, issued December 8, 1995, and includes all applicable criteria items listed in:
 - C Fumigation (Branch 1) -
 - C Closing or application phase;
 - C Opening or commencement of aeration (tarp removal) phase; or
 - C Certification phase.
 - C ENF 95-069 sets a **minimum** standard for completed fumigation inspections. This does not limit your inspection activities.
- C A partial inspection or unattended aeration inspection cannot be counted as a completed fumigation inspection.

DPR has determined that a fumigation has three distinct phases. These are:

- 1) the closing or application phase, beginning with structural preparation and tarpaulin placement, and ending when the fumigant release is completed;
- 2) the opening or commencement of aeration phase; and
- 3) the certification phase, when the structure is certified safe for reentry by the licensee or field representative from the fumigation company (licensee).

Ideally, the inspector must perform a minimum number of inspection activities during a fumigation phase to qualify that inspection as complete. Therefore, the inspector should witness a minimum number of critical fumigation activities performed by the licensee. However, because circumstances may prevent the ideal inspection situation, the complete inspection criteria will include limited flexibility. The important things to remember are: 1) the personal contact with the licensee; and 2) evaluating the maximum number of fumigation activities possible.

The **minimum** inspection activities that **must** be performed during the closing phase are:

- 1) Observe the fumigant release;
- 2) Determine compliance or non-compliance with all records and paperwork requirements at the site; and
- 3) Determine compliance or non-compliance with all of the pesticide regulatory and labeling requirements on the inspection form pertaining to the closing phase. The licensee must sign the inspection form at the site. The **only** exception to the inspection conditions occurs when the structure cannot be entered. Some inspection requirements can only be addressed when inside the

structure. The inspector can request the licensee to open the tarpaulin prior to releasing the fumigant, allowing entry to directly address the requirements that can only be checked from inside the structure. When requirements cannot be directly addressed because entry into the structure cannot be gained, include an explanation on the inspection form. A closing phase inspection can still be considered complete if entry into the structure is not possible. All other inspection activities pertaining to this phase must be performed that can be addressed without entering the structure. A closing phase inspection must be conducted while the licensee is at the site and before the conclusion of the fumigant release in order to be considered a complete inspection.

The **minimum** inspection activities that **must** be performed during the opening phase are:

- 1) Observe the breaking of the tarpaulin seal;
- 2) Determine compliance or non-compliance with the records and paperwork requirements at the site; and
- 3) Determine compliance or non-compliance of all the pesticide regulatory and labeling requirements on the inspection form pertaining to the opening phase. The licensee must sign the inspection form at the site. The **only** exception to the inspection conditions is when the inspector misses the breaking of the tarpaulin seal and the concomitant requirements. The inspection can still be considered complete if the licensee is at the site and the inspector can perform all of the remaining inspection activities pertaining to this phase.

The **minimum** inspection activities that **must** be performed during the certification phase are:

- 1) be present when the licensee certifies the structure safe for reentry;
- 2) verify that the reentry certification has been properly completed; and
- 3) verify the proper posting of the attic and/or basement. Also, the licensee must sign the inspection form at the site.

When completing the inspection form, all of the boxes for the verified inspection activities must be checked "Yes," "No," or "N/A." Those that could not be verified must have an explanation in the remarks section describing why not. If the licensee refuses to sign the form, make a note of it in the remarks section. The shaded boxes cannot be marked. Compliance determinations should be made at the fumigation site based on initial observations. Any non-compliance that was marked "No" on the inspection form, but is corrected at the site before the inspection is complete, should be noted as being corrected in the "Remarks" section of the inspection form. The box, however, should remain checked "No."

Only complete structural fumigation inspections, as described here, can be reported in "*Section III. Structural Pest Control Inspections, Fumigation*" of PR-ENF-099 (Report 5). If the inspector does not perform the minimum number of inspection activities during the fumigation phases, including obtaining the appropriate signature, the inspection cannot be reported as a complete inspection on PR-ENF-099 (Report 5). Tarpaulin inspections, verifying placement of signs, or other inspection activities that do not qualify as complete inspections are considered partial inspections. The time spent conducting partial inspection activities should be reported in "*Section III. Structural Pest Control Inspections, Licensed Work Hours*" on PR-ENF-099

(Report 5).

Procedures

Complete all information in the top portion of the form. In the Methyl Bromide Fumigation Method box, identify the application criteria used to determine the required buffer distance and height of aeration tubing or ducting as specified by 3CCR section 6454. Check the appropriate box on the Fumigation Branch 1 line as to which phase of the fumigation you are inspecting: closing / **application** phase, opening / commencement of aeration / **tarp removal** phase, or **certification** phase. If you do an unattended aeration inspection, check the Aeration box and fill out the Aeration Inspection section. For an application, tarp removal or certification phase inspection, compliance with all 48 numbered criteria items should be marked “Yes,” “No,” or Non Applicable when appropriate, according to the guidelines below. Give a detailed description of all non-compliances and any measures taken to correct the problem.

Criteria Items

1. **Annual Notification Submitted.** FAC ' 15204

Scope: All structural pest control companies registered with the Structural Pest Control Board (SPCB) and performing structural pest control in the county.

Exemptions: None.

L Determine if the structural pest control company has notified the agricultural commissioner prior to performing structural pest control for hire in your county. This can be accomplished by reviewing the company's records on file. The notification should cover a calendar year, unless the Structural Pest Control company's licensee specifies a shorter time. Branch offices working in your county, if applicable, must also be listed on the notification.

2. **County Notified 24 Hours Prior.** B&P Code ' 8505.5

Scope: All registered structural pest control Branch 1 companies.

Exemptions: If the commissioner does not require a notice.

L Has a complete notice been properly submitted at least 24 hours prior to the start of operations stating the date and place the fumigation will take place?

3. **Written Notice to Occupant.** B&P Code ' 8538

Scope: All registered structural pest control companies.

Exemptions: None.

Ⓙ The written notice must be provided to the owner/agent and the occupant by mail, posting or personal delivery prior to the application. The Notice must be provided at least 48 hours prior to fumigation unless the fumigation follows the Branch 3 inspection by less than 48 hours. If possible, interview the owner or occupant of the structure (house, apartment complex, etc.) and ask to review the written notice. The licensee performing the application may be the only person available. In this case, you should interview the licensee to determine if the Notice has been provided.

The notice must include the following information:

1. The pest(s) to be controlled;
2. The pesticide(s) proposed to be used and the active ingredient(s);
3. A standard health cautionary statement and contact information;
4. The frequency of service, if a contract has been made for periodic service.

4. **Pesticide Disclosure Signed / Available.** 16CCR ' 1970.4

Scope: All registered Branch 1 structural pest control companies.

Exemptions: None.

The licensee must have, in his or her possession, a signed Pesticide Disclosure Notice at the time the fumigant is released. The Notice must be signed by the occupant(s), or in the case of an unoccupied dwelling, by a designated agent such as a realtor, property manager, or any other person in charge of the property. The owner, manager, or designated agent of multiple-family dwellings is required to obtain signatures and/or verify the notification was provided to the occupants.

The Notice must include the following information:

1. The pest(s) to be controlled;
2. The pesticide(s) or fumigant(s) proposed to be used;
3. Active ingredients(s);
4. Standard health cautionary statement (B&P Code ' 8538);
5. A statement that a lethal gas will be used;
6. Fumigation dates;
7. A statement that entry or return to the structure is unsafe until a certification notice for reentry is posted by the licensed fumigator; and

8. Preparation procedures for occupants leaving the structure (i.e., remove persons, animals, plants, food and medicine bagged or removed, etc.).

The Notice shall be in possession of the licensed fumigator when the fumigant is released, and become a permanent part of the fumigation log (B&P Code ' 1970). Review the Notice with the licensee. Is it signed by the occupants or a designated agent (i.e., a realtor) and does it contain the required information? If a signed disclosure is not available on site, stop the fumigation.

5. **Registered Label Available at Use Site.** 3CCR ' 6602

Scope: All pest control operations.

Exemptions: None.

└ All registered labeling [including Section 24c (Special Local Needs) and Section 18 registrations (Emergency Exemptions)], which provide directions for use, must be available at the use site. The use site (work site) is the actual area where the pesticide is being handled.

6. **Labeling – Site / Rate / Concentration / Other.** FAC ' 12973

Scope: All pest control operations.

Exemptions: The following uses are in compliance with this section:

- A decrease in dosage rate per unit treated, except for termiticides used in pre-construction treatment (B&P Code ' 1991[b]);
- A decrease in the concentration of the mixture applied;
- Application at a frequency less than specified;
- Use to control a target pest not listed on the label, provided the application is to a site listed on the label and the use of the product against an unnamed pest is not expressly prohibited;
- Employing a method of application not prohibited, provided other label directions are followed;
- Mixing with another pesticide, unless such mixing is expressly prohibited.

└ Is the pesticide being handled in compliance with the label requirements? A review of the label at the site is necessary to ensure that the material is being used according to the label directions (i.e., site, rate, and concentration). Is the application being performed under suitable climatic conditions, utilizing proper application methods and equipment, in compliance with labeled use directions? For example, is the applicator using the correct amount of fumigant gas according to the conditions entered in the Fumiguide calculator? Is the structure sealed appropriately?

7. **Labeling – Aeration / Reentry.** FAC ' 12973

Scope: All pest control operations.

Exemptions: None.

L Licensees shall follow label requirements for aeration and reentry. See also item 27.

8. **Labeling – Bagging, Pets Removed, Etc.** FAC ' 12973

Scope: All pest control operations.

Exemptions: None.

L Licensees shall follow label requirements for the bagging or removal of food and medicines and removal of pets and other items from the fumigation site prior to the introduction of the fumigant. Verify that this is in compliance by doing a walk-through of the structure prior to the introduction of the fumigant. See also the *Manual of Procedural Guidance for Pesticide Enforcement Personnel* / ENF 97-77.

9. **Labeling – Personal Protective Equipment (PPE).** FAC ' 12973

Scope: All pest control operations.

Exemptions: None.

L Determine PPE requirements on the label for handlers. PPE and clothing requirements apply to anyone handling the pesticide including applicators, field representatives, a licensee, or the owner/operator. Observe whether applicators have the label required PPE such as gloves, respirators, eye protection, boots or apron. If employee handlers are not wearing required PPE, ask them if it was provided (if not, see item 12, below). For all handlers, inspect the PPE. Is it in good condition and well fitted? Is it adequate to protect the applicator? Address each piece of equipment separately. It is use in conflict with the label if the pesticide handler possesses, but does not use, any of the safety equipment required by the label.

10. **Coveralls, Signal Word, “Warning / Danger”.** 3CCR ' 6736

Scope: All employers of pesticide handlers using “Warning” or “Danger” pesticides.

Exemptions: 3CCR ' 6736 (c) exempts fumigant users unless the label expressly requires the use of coveralls. Owners and non-employee handlers.

⌞ Most fumigant labels do not require the use of coveralls. If the label does, however, then the employer must provide coveralls for each employee handler. Coveralls are defined in 3CCR ' 6000 as a one- or two-piece garment of closely woven fabric or equivalent that covers the entire body except head, hands and feet. The employer must assure that the employees start each work day with coveralls, wear the coveralls when they are handling pesticides that require their use, and that they change their coveralls and wash at the end of the day. Ask the employee how often he or she is provided with clean coveralls. The employer also must assure that employees do not take contaminated coveralls home.

11. **Regulations – Personal Protective Equipment (PPE).** 3CCR ' 6738

Scope: All employers of pesticide handlers.

Exemptions: Owners and non-employee handlers.

- **PPE, Eyewear Provided and Used.** 3CCR ' 6738(a)(b)

Additional Exemptions: Employees are exempt when applying vertebrate baits that are placed without being propelled by application equipment or solid fumigants (aluminum or magnesium phosphide).

⌞ Employers are required to provide and maintain protective eyewear for employees when the product labeling requires eyewear or when the employee is mixing, loading, adjusting, or repairing equipment and during hand applications. Protective eyewear shall provide front, brow, and temple protection. If not specified explicitly by the label, eyewear shall be safety glasses, goggles, a face shield, or a full-face mask in conjunction with respiratory protection

For structural fumigants, goggles or full-face shield is usually required just during the introduction of the fumigant. Protective eyewear is generally not required when handling tarp unless circumstances require the use of SCBA.

- **Chemical Resistant Gloves Provided and Used.** 3CCR ' 6738(a)(c)

Additional Exemptions: Employees are exempt when the pesticide label specifies that gloves must **not** be worn. Employees are exempt when handling “Caution” pesticides and a closed system.

⌞ Most structural fumigants specify that gloves must not be worn. If not prohibited, however, the employer must provide and maintain chemical resistant gloves, and assure their use. Gloves are required whenever employees mix or load, work on contaminated equipment or use hand-held equipment. If the label does not identify a specific type of glove, gloves that are used shall be made of rubber, neoprene, or some other chemical resistant material that provides equivalent

protection from the pesticide being handled. Contaminate, ripped, or cracked gloves are not adequate protective equipment and should be considered a non-compliance.

- **Other PPE, Boots / Headgear / Apron / Respirator.** 3CCR ' 6738(a)(d)(e)(h)

Additional Exemptions: When the label specifically prohibits their use. When applying vertebrate baits that are placed without being propelled by application equipment or solid fumigants (aluminum or magnesium phosphide). Persons using closed systems to handle “Caution” pesticides may substitute work clothing for required PPE.

Footwear 3CCR ' 6738(a)(d)

└ The employer shall assure that when the pesticide labeling specifies the use of chemical resistant footwear, one of the following types of footwear is worn.

- ┆ Chemical resistant shoes
- ┆ Chemical resistant boots
- ┆ Chemical resistant shoe or boot coverings.

Headgear 3CCR ' 6738 (e)

└ The employer shall assure when chemical resistant headgear is required by the pesticide labeling, that either a hood or a chemical resistant hat with a wide brim be worn.

Apron 3CCR ' 6738 (f)

└ The employer shall assure that when the pesticide labeling requires a chemical resistant apron, a garment that covers the front of the body from mid-chest to the knees is worn.

Respiratory Equipment 3CCR ' 6738 (h)

└ When the use of respiratory equipment is specified by the label or required by regulation, it must be maintained by the employer and provided to employees by the employer who must ensure its use. Proper selection of respiratory equipment must be made according to the pesticide label. Does the respirator appear to be relatively clean? Are the straps and rubber face piece in good condition? Verify that the level of gas in the SCBA is sufficient (see Item 35). Check the inhalation and exhalation valves. Are they warped or missing?

12. **Employer Provided Employee PPE.** 3CCR ' 6702(b)(4)

Scope: All employers of pesticide handlers.

Exemptions: Owners and non-employee handlers.

└ The employer shall inform employees, in a language they understand, of the specific pesticide being used, pesticide safety hazards, PPE and other equipment to be worn, work procedures to be followed and applicable pesticide safety regulations. The employer is responsible for assuring employees comply with all applicable regulations and pesticide product labeling. The employer is responsible to provide a safe work place for employees and require employees to follow safe work practices. Did the employer provide the required PPE? How does the employer assure the employees use PPE?

13. **Employee Utilized Provided PPE.** 3CCR ' 6702(c)

Scope: All pest control employee handlers.

Exemptions: Owners and non-employee handlers.

└ It is the employee's responsibility to use PPE and other safety equipment required by the label or regulations that is provided by the employer at the work site and is in good condition.

14. **Suitable Methods / Manner / Climate.** 3CCR ' 6600

Scope: All pest control operations.

Exemptions: None.

└ Is the application being conducted in a safe, careful, and effective manner? Are methods and equipment suitable to ensure proper application of the material? For example, are enough fans used to disperse the fumigant throughout the structure? Is the applicator using safety measures to provide protection for persons, property, and the environment and exercising general standards of care? Are the tarps in good condition? Do sand/water snakes seal the tarps adequately? Are dirt ramps used around steps and other obstacles adequately placed and sufficiently moist? Are enough snakes used to prevent tarp blow off? Have sharp corners been padded to prevent tearing of the tarp? Have areas that jut beyond the structure (e.g. fences, wires) been adequately sealed?

15. **Accurate Measurement.** 3CCR ' 6604

Scope: All pest control operations.

Exemptions: None.

└ Are pesticides being accurately weighed and/or measured? What type of scale is used to measure the fumigant release? Are the measuring devices calibrated to the smallest unit in which the fumigant is being used? Estimating half a container is not an accurate measurement. Examples of improper devices would include an uncalibrated or unmarked container, an empty coffee or soda can, etc. This could also be a non-compliance with 3CCR ' 6680, Prohibited Containers.

16. **Protection of Persons / Animals / Property.** 3CCR ' 6614

Scope: All pest control operations.

Exemptions: None.

└ Has the applicator, prior to and while making the application, evaluated the equipment, weather conditions, and area (both target and surrounding areas) to determine the likelihood of harm or damage? Consider if there is:

- a. A reasonable possibility of contamination of the bodies or clothing of persons not involved in the application.
- b. A reasonable possibility of damage to animals (including bees), or other public or private property. Look for the animals' feeding trays, fish tanks, or stored food at the treatment site.
- c. A reasonable possibility of contamination of non-target property, including the creation of a health hazard.

17. **Handler(s) Trained.** 3CCR ' 6724

Scope: All employers of pesticide handlers.

Exemptions: Owners and non-employees. Employees who are licensed by the SPCB (operators or field representatives) or who have received appropriate training by another employer within one year are considered trained.

└ Observing a person's work during an application inspection is a good indication whether or not that person has been trained. It is a good practice to ask employees about procedures for securing the structure, bagging food, removal of medicine, plants, and pets, etc. Ask the licensees how they calculate the dosage, use a warning agent, know what type of safety gear to

use, etc. Ask the employees about the organization and content of the pesticide training that they have received. Responses to these questions, as well as the employee's actions, are indicative of an employer's training program.

18. **Emergency Medical Care, Posting.** 3CCR ' 6726

Scope: All employers of pesticide handlers.

Exemptions: Owners and non-employee handlers.

Ⓙ Employers shall arrange for emergency medical care before employees handle pesticides. Employers must also inform employees of the name and location of the emergency medical care facility. Ask employees what they would do if the hose came off the cylinder and were exposed to the fumigant. Ask them where they would go if they felt sick after handling the pesticide. Employers are required to post, in a prominent place at the work site or in the work vehicle, the name, address, and telephone number of an emergency care facility. For employees that cover a wide geographical area, the employer must also post emergency procedures for obtaining emergency medical care when the listed facility is not reasonably accessible. Check to see if posting is complete; it must contain all of the required information in order to comply with the provisions of this section. Incomplete posting, presence of only a 9-1-1 or similar emergency response number, the local poison control center's number, or a supervisor's name with no additional information is inadequate. Medical care information that is kept inside of an employee's wallet or in a binder or in the glove compartment of the work vehicle may provide the necessary information to the employee; however, it does not comply with the provisions of this section.

19. **Decontamination Facility, Site “Danger / Warning”.** 3CCR ' 6734

Scope: All employers of pesticide handlers.

Exemptions: Owners and non-employee handlers.

Ⓙ Employers are required to provide clean water, soap, and towels for routine and emergency washing of the body when employees are handling pesticides with the signal word **DANGER** or **WARNING** on the label. The decontamination supplies must be within 100 feet of the mix/load site. Any source of clean water located within 100 feet of the site, and that the employee has access to is satisfactory to meet the need for sufficient water. A faucet that will be enclosed by a tarp at the time of application, however, would not meet the requirements of this section.

20. **Employee Exposure > PEL, Respiratory Protection.** 3CCR ' 6780(a)

Scope: All employers of pesticide handlers (Structural Branch 1).

Exemptions: Owners and non-employee handlers.

L The employer must ensure that employees who handle fumigants during introduction and aeration are not exposed above the Permissible Exposure Level (PEL) for airborne contaminants listed in CCR Title 8, ' 5155. This requirement serves as a backup to fumigant label instructions regarding worker exposure. Many fumigant labels have improved instructions that advise about exposure levels and when respiratory protection is necessary. Ask the licensees how they measure fumigant levels at the work site. If you suspect levels are not being controlled and employees may not be fully protected, ask the licensee to test for fumigant levels or test the working atmosphere yourself to establish exposure in excess of the PEL (see Appendix 05 for listing of PELs. For more details, refer to <<http://www.dir.ca.gov/Title8/5155ac1Frame.html>>). If exposure is determined to be above the PEL the employer must provide, and employees must use, air-supplied respiratory protection.

21. **SCBA Worn / Continuous Monitoring / TRAP (Tarp Removal and Aeration Plan)**
Used. 3CCR ' 6780(b)(c)

Scope: All employers of pesticide handlers (Structural Branch 1).

Exemptions: Owners and non-employee handlers.

L During clearing operations following fumigation of a typical residential structure, an overexposure situation to employees may exist. Self Contained Breathing Apparatus (SCBA) may not always be practical due to conditions at the work site (i.e., use on ladders, on rooftops pulling tarps, etc.). For this reason, the employer is given alternative methods of providing for exposure mitigation. One alternative is to employ continuous monitoring to warn employees before the PEL is reached. Another alternative is to operate under the provisions of a Fumigation Safety Program approved by the director. One such approved program is an industry standard that outlines a Tarpaulin Removal Aeration Plan (TRAP) (HS-1574, revised June 7, 1995, available at DPR's website at www.cdpr.ca.gov/docs/whs/pdf/hs1574.pdf). The TRAP has been established through a cooperative effort by the Pest Control Operators of California and DPR. This Plan is one method that allows the employer to modify the work site to reduce or manage the airborne hazard by means other than just requiring employees to wear a SCBA.

Each structure may present unique aeration problems that must be assessed at each work site. Common sense and good practice dictate that when atypical sites are aerated, personnel must rely on additional monitoring and respiratory protection to ensure exposure remains below 3 ppm to methyl bromide or 5 ppm to sulfuryl fluoride. Contact the Worker Health and Safety

Branch if you find a work site in need of, or a licensee interested in developing, a fumigation safety program.

* For more information on the TRAP, see Appendix 04.

22. **Accident Response Plan at Work Site.** 3CCR ' 6780(d)

Scope: All employers of pesticide handlers (Structural Branch 1).

Exemptions: Owners and non-employee handlers.

L In the event of an accident or an emergency situation (i.e., spills, fire, leaks, etc.) other than normal operating conditions, the employer must have an Accident Response Plan at the work site to protect employees. Is a Plan available on the site? At least two basic pieces of information should be included in the Accident Response Plan. The first should be information regarding the security of the area where the problem occurred. The second is information on who to contact in the event of a problem. Contacts may include the operator of the property, the operator of the structural pest control company, fire department, health department, hazardous materials response team, etc.

Emergency information must be in writing, available at the work site, and include emergency phone numbers. This information should also be covered during the routine training required by regulation. General information on spills and leaks are available on the label, and should be referenced on the plan.

Ask the applicators what actions they would take if an accident, leak, etc., occurred. If the applicator refers to the appropriate section on the label and produces phone numbers of persons to contact in an emergency, it is probable that they are informed of an Accident Response Plan.

23. **Two Trained Employees at Fumigation and Aeration.** 3CCR ' 6782(a)

Scope: All employers of pesticide handlers (Structural Branch 1).

Exemptions: Owners and non-employee handlers.

L Are two trained persons present during introduction of the fumigant, when commencing aeration, and when determining the concentration of the fumigant prior to reentry? Are the employees trained in the use of SCBA equipment?

24. **Fumigation of Enclosed Spaces / Proper Entry.** 3CCR ' 6782

Scope: All employers of pesticide handlers (Structural Branch 1).

Exemptions: Owners and non-employee handlers.

Ⓙ Unprotected employees are prohibited from entering a fumigated enclosed space unless the concentration in the area is known to be at or below the PEL. Employees who are wearing the proper respiratory equipment are allowed to enter a fumigated enclosed space to determine the fumigant concentration or facilitate aeration. Ask the licensee how they determine the fumigant concentration. Is test equipment, such as a Draeger or Interscan, available on site? If you question whether or not the structure is safe to enter, ask the licensee to take another test in your presence. If the bell is ringing on a SCBA the wearer must immediately exit the structure.

25. **Proper Management of Treated Area.** 3CCR ' 6782(f)

Scope: All employers of pesticide handlers (Structural Branch 1).

Exemptions: Owners and non-employee handlers.

Ⓙ After fumigation, the employer is responsible for determining how the work site should be managed. Employees entering areas where off-gassing may occur must not be exposed to concentrations in excess of the PEL.

26. **Safety Kit / Test Equipment Available.** 16CCR ' 1971

Scope: All registered Branch 1 structural pest control companies.

Exemption: None.

Ⓙ All Structural fumigation crews are required to have in their possession on the job a fumigation safety kit. Crews shall be instructed in the use and care of the kit and safety equipment and in first aid methods. The kit shall contain the following:

- C Statements of instructions published by the manufacturer of the fumigants.
- C Two or more effective SCBAs.
- C Chart of instructions for artificial resuscitation.
- C Proper testing equipment capable of measuring the required amount of fumigant.

27. **Aeration – Proper Testing.** 16CCR ' 1973

Scope: All Branch 1 structural pest control licensees.

Exemptions: None.

┌ A fumigated structure must be aerated and tested prior to certification and posting for reentry. After the aeration, and prior to releasing the structure for occupancy, a Branch 1 licensee (operator or field representative) must properly test the gas concentration of the structure. The licensee must use testing equipment for clearing the structure according to the manufacturer's label instructions and all applicable laws and regulations. What type of device does the licensee have to test for completeness of aeration? Is the device adequate (i.e., Draeger with an appropriate tube for methyl bromide, Interscan for sulfuryl fluoride) to test for the fumigant used? Was it used appropriately? Were the results below the allowable limits?

When the structure is cleared, the licensee must release the structure for occupancy by posting a Notice of Re-Entry. The Notice must be at least 8.5 x 11 inches in size and be printed in black on a white background. The notice must state the date and time the building is safe for re-entry, the fumigant and warning agent used, the Branch 1 licensee name and number, and the company name, registration number, address and telephone number.

28. **Direct Supervision at Fumigation & Aeration.** B&PC ' 8505.2

Scope: All Branch 1 structural pest control licensees.

Exemptions: None.

┌ Structural fumigations shall only be performed under the direct and personal supervision of a Branch 1 operator (OPR) or field representative (FR) licensed by the SPCB. "Direct and personal supervision" means that the licensee exercising such supervision shall be present at the site of the fumigation during the entire time the fumigants are being released, the time the ventilation is commenced, and at the time property is released for occupancy.

29. **Structure Vacated / Secured Against Reentry.** B&P Code ' 8505.7

Scope: All Branch 1 structural pest control licensees.

Exemptions: None.

┌ The structure to be fumigated must be vacated by all occupants prior to the commencement of fumigation, and all entrances to the structure must be locked, barricaded, or otherwise secured against entry until the end of the exposure period. Prior to the introduction of the fumigant, do a walk-through of the structure to verify that it is vacated and adequately secured. After the fumigation, it must be opened for ventilation and re-secured against re-entry, until declared safe for re-occupancy by the supervising licensee exercising direct and personal over the fumigation. If the work crew has removed the tarps and must leave the site prior to certification, the warning signs must remain posted and the structure must be secured against

entry.

30. **Warning Signs on All Sides of Structure.** 16CCR ' 1974

Scope: All registered Branch 1 structural pest control companies.

Exemptions: None.

L Prior to commencement of fumigation, fumigation warning signs shall be posted on the structure at or near all entrances and on each side of the structure. (The signs on the structure must remain posted until the structure is declared safe for re-occupancy.) Fumigation warning signs shall also be placed on the outside surface of the tarps and be clearly visible on all accessible sides of the space under fumigation and from any direction from which the site is approached. Additional fumigation warning signs shall be posted at all joint seams of the tarp at the first floor level.

31. **Effective Secondary Locks.** B&P Code ' 8505.7 (16CCR ' 1970.3)

Scope: All registered Branch 1 structural pest control companies.

Exemptions: None.

L Prior to fumigation, all outside doors on the structure must be secured with a secondary lock. A secondary lock may consist of a padlock, keyway lock, clamshell lock, or any other device that will prevent opening by anyone other than the licensee in charge of the fumigation. Ask the licensee questions about secondary locks (i.e., what type are available, what do they use in different situations, what do they intend to use on the job, etc.?). Walk through the structure prior to the introduction of the fumigant, checking all outside doors, including garage doors and sliding glass doors, for proper secondary locks. Staples are specifically prohibited.

32. **Required Information on Warning Signs.** B&P Code ' 8505.10

Scope: All registered Branch 1 structural pest control companies.

Exemptions: None.

L Warning signs shall be printed in red on white background and shall contain the following statement in letters not less than two inches in height: "DANGER--FUMIGATION." They shall also have a skull and crossbones not less than one inch in height and shall state in letters not less than one half inch in height the:

C Name of the fumigant used

C The date and time the fumigant was injected into the structure

- C Name, address, and telephone number of the registered company performing the fumigation
- C Warning signs placed inside a tarp need the date, but do not need the time of fumigation. See also the *Manual of Procedural Guidance for Pesticide Enforcement Personnel / ENF 96-068*.

33. **Signs in Attic or Under-area Upon Completion.** B&P Code ' 8505.11

Scope: All registered Branch 1 structural pest control companies.

Exemptions: Structures that do not have an attic and/or an accessible under area.

L Immediately after completion of the fumigation, a durable sign no less than 5 x 7 inches in size stating the company name, the date of fumigation, and the type of fumigant used must be posted by the licensee adjacent to the entrance of the attic and under-area.

34. **Warning Agent Used.** B&P Code ' 8505.12

Scope: All registered Branch 1 structural pest control companies.

Exemptions: None.

L When a fumigant is used which does not have warning agent properties, a separate warning agent must be used. When conditions involving abnormal hazards exist, the supervising licensee shall take such safety precautions in addition to those prescribed by regulation as are reasonably necessary to protect the public health and safety.

35. **Two SCBA Available.** B&P Code ' 8505.15

Scope: All registered Branch 1 structural pest control companies.

Exemptions: None.

L Registered companies are required to have two National Institute of Occupational Safety and Health and Mine Safety Health Administration approved Self Contained Breathing Apparatus (SCBA's) readily available to a fumigating crew whenever a fumigant is released or during the aeration of a structure. Check the pressure gauge on the air tanks. Do they have enough air to complete the job? If not, are extra tanks available? The minimum allowable working pressure is considered to be 1500 psig (pounds per square inch gauge). The American National Standards Institutes (ANSI Z88.5 - 1981 6.3.3.1, "Replacement of Used Items") calls for replacement or refilling of cylinders that are below 80 percent of the pressure stamped on the cylinder.

36. **Methyl Bromide - Tarps Acceptable / Condition / Retention Method.** 3CCR ' 6454(b-e)

Scope: All registered Branch 1 structural pest control companies. All structural fumigations using methyl bromide.

Exemptions: None.

L Structures shall be covered with the required tarpaulins or sealed prior to fumigation. The "acceptable" tarpaulin used in fumigations shall be vinyl coated with a minimum weight of 7 ounces per square yard (or having a fumigant retention capability equal to or greater than that provided by the seven-ounce weight tarpaulin). The vinyl coating shall not be worn, cracked, abraded, or similarly damaged to the extent that any of the underlying fabric shows through the vinyl coating. All cuts, tears, holes, or similar damage to tarpaulins shall be repaired prior to introduction of the fumigant. Temporary repairs to damaged tarpaulins shall be made with vinyl coated self-adhesive tape, or the damaged area of the tarpaulin may be rolled and clipped so the tarpaulin's fumigant gas retention capability is maintained.

Fumigators shall use the fumigant retention method specified in the table in this section. Depending on the application rate and total poundage used in the fumigation, the retention method may be an "acceptable" tarpaulin alone; an "acceptable" tarpaulin and a side drape of either an "acceptable" tarpaulin or an unused 4-mil disposable polyethylene sheet; or a seal with vinyl coated self-adhesive tape, (only if the structure is a concrete tilt-up).

When tarpaulins are used, all sides of the structure shall be draped to the ground. Sand snakes, water snakes, or similar weights shall be used to seal the base of the tarpaulins to the ground. Prior to the placement of these snakes or weights, the soil adjacent to the structure foundation shall be thoroughly watered.

37. **Methyl Bromide - Warning Agents / Fans / Aeration.** 3CCR ' 6454(f-m)

Scope: All registered Branch 1 structural pest control companies. All structural fumigations using methyl bromide.

Exemptions: None.

L When fumigating a structure with methyl bromide, chloropicrin shall be used as a warning agent unless specifically prohibited by regulations or product labeling. One or more fans must be used to adequately disperse the fumigant. The fumigant must be released into the airstream of a fan. In the case of a multiple-story structure, at least one fan should be placed on the second floor to facilitate dispersion. When the chloropicrin is introduced, it must be placed in a shallow dish over cotton or some similar absorbent material and released into the airstream of a fan. Prior to the introduction of the fumigant, a walk-through can be performed to check for adequacy of fan placement.

Following treatment, the fumigated structure shall be aerated through convection tubing or ducting. The convection tubing or ducting outlet shall be located above the highest point of the roof as follows:

- (1) Six feet for fumigations using 50 pounds of methyl bromide or less;
- (2) Ten feet for fumigations using more than 50 pounds of methyl bromide; or
- (3) Higher than the top of the roof of the tallest nearby structure, as defined in sub-section (i).

Aeration of the fumigated structure shall not begin earlier than one hour after sunrise or later than one hour before sunset. The sunrise and sunset times published in the local newspaper shall be used to establish aeration timing.

When aerating a fumigated structure, a Branch 1 licensee shall ensure, that persons not involved in the aeration process do not come within the buffer zone as outlined in sub-section (k) of this section.

Exhaust fans and convection tubing or ducting may be installed prior to aeration or when covering the structure with tarpaulins in preparation for fumigation. The exhaust fans must have a capacity of at least 5,000 cubic feet per minute (cfm). The convection tubing shall be large enough to fit over the exhaust fan housing and shall be securely attached. The exhaust fans and tubing shall be installed in a manner that does not present a hazard to workers or the public. If exhaust fans and convection tubing or ducting are installed after the fumigation has begun, the installer shall wear self-contained breathing apparatus (SCBA) respiratory protection.

38. **Methyl Bromide – Measuring Concentration.** 3CCR ' 6454(n)

Scope: All registered Branch 1 structural pest control companies. All structural fumigations using methyl bromide.

Exemptions: None.

L The methyl bromide concentration shall be measured at the approximate center of the structure with a Fumiscope®, or similar instrument, that shall be located outside of the fumigated structure. (An instrument similar to a Fumiscope® may be used provided it can measure methyl bromide concentrations at the one ounce per 1,000 cubic feet [250 ppm] level.) Without entering the structure, the fumigator shall collect the methyl bromide sample for measurement through the use of tubing or ducting placed inside the structure and connected to the analytical instrument prior to the initiation of fumigation. The structure shall be aerated until the methyl bromide concentration has been reduced to 250 ppm or less (250 ppm is about one ounce per thousand cubic feet) while following the requirements listed below:

- (1) If the fumigated structure's windows were left open during the fumigation, the structure shall be aerated through convection tubing or ducting until the methyl bromide concentration is 250 ppm or less with the tarpaulins left in place; or
- (2) If the fumigated structure's windows were closed during the fumigation: the space between the fumigated structure and the tarpaulin shall be aerated prior to tarpaulin removal through convection tubing or ducting; and after the tarpaulins are removed, the fumigated structure

shall be aerated through convection tubing or ducting until the methyl bromide concentration is 250 ppm or less.

39. **Equipment Properly Identified.** 3CCR ' 6630

Scope: All registered structural pest control companies.

Exemptions: None.

└ Structural Pest Control companies must identify each service rig and similar equipment with markings readable at a distance of 25 feet. The identification must include either: (1) the business name; or (2) the Pest Control Operator license number and a statement such as “Licensed Pest Control Operator,” “Fumigation Division,” “Licensed Fumigator,” or similar wording.

40. **Container Control.** 3CCR ' 6670

Scope: All pest control operations.

Exemptions: None.

Are pesticides and containers properly attended? Pesticide containers are considered unattended if personal control over them is not maintained at all times. A tank of dilute pesticides or cylinder of fumigant gas on a service vehicle must be locked while the applicator is away from the vehicle.

41. **Containers-Responsible Person / Locked Enclosure.** 3CCR ' 6672(b)

Scope: All pest control operations.

Exemptions: Attended containers.

└ Ask the applicator where pesticides are stored. Are pesticides and empty containers stored in a locked enclosure? Are pesticides stored in proper containers? Personal control of containers is allowed if a responsible person attends them at all times.

“Attended” means a responsible person present in the vicinity at all times to maintain control over the pesticide to prevent contact by unauthorized persons. Adjacent to roadways or populated areas, a person must have pesticides in sight. The materials listed in 3CCR ' 6402 (Exempt Materials) are also exempted from storage requirements under 3CCR ' 6686 (b). This exemption may be waived if the commissioner determines that there is a hazard to public health or the environment.

“Enclosure” means a truck or trailer with side racks, the top of which is a minimum height of six feet above the ground, a lockable storage compartment, or a locked, fenced area.

42. **Storage Area Posted, “Warning/Danger”.** 3CCR ' 6674

Scope: All pest control operations.

Exemptions: Storage facilities that hold only “Caution” pesticides.

⌞ Pesticide storage signs must be visible from any direction of probable approach and shall be posted around all storage areas where containers that hold, or have held, pesticides. Each sign shall be labeled with signal words “Warning” or “Danger” according to which type of pesticide container is stored there. The signs shall say:

**DANGER
POISON STORAGE AREA
ALL UNAUTHORIZED PERSONS KEEP OUT
KEEP DOOR LOCKED WHEN NOT IN USE**

See the *Manual of Procedural Guidance for Pesticide Enforcement Personnel* / ENF 88-31 to determine whether pest control service vehicles are required to be posted with the poison storage area signs specified in 3CCR ' 6774. In the case of an operator who does not have a fixed storage facility and whose pest control service vehicle is the exclusive area for storing pesticides, posting of the vehicle is required providing the pesticides involved are labeled with the signal words “Danger” or “Warning”.

43. **Pesticide Containers Properly Labeled.** 3CCR ' 6676

Scope: All pest control operations.

Exemptions: Service containers with appropriate service container labeling.

⌞ Are all pesticide containers (except service containers), carrying the registrant's label? This pertains to rinsed containers as well as those with pesticide contents. Full or partially full containers must have securely tightened lids or closures.

44. **Service Container Labeling.** 3CCR ' 6678

Scope: All containers/equipment that holds pesticide(s) and does not carry the registrant's label.

Exemption: If pesticide(s) are loaded into application equipment on site and all of the pesticide mix is used during the application and before the applicator leaves or transports the equipment, no service container labeling is required.

⌞ Service containers are used to hold, store, or transport any pesticide or its use dilution. Service containers must be identified with the name and address of the owner or firm who is responsible for the container and the identity of all pesticides contained and appropriate signal word of the pesticide. Examples of non-compliances include service containers with incomplete labels, service containers with no labeling, or service containers with multiple service container label tags that include pesticides the container does not presently contain.

45. **Pesticides in Proper Containers.** 3CCR ' 6680

Scope: All pest control operations.

Exemptions: None.

⌞ If service containers are observed, examine them to assure that pesticides are not being stored in prohibited containers commonly used for food, drink, or household products. Examples of improper storage containers include an empty coffee can, a soda bottle, or a plastic food storage container.

46. **Proper Pesticide Transport.** 3CCR ' 6682

Scope: All pest control operations.

Exemptions: None.

⌞ Check the inside of the operator's service vehicle for any pesticides or pesticide containers that should be carried in a separate compartment. Also, check to see if pesticide containers are secured to the vehicle in a manner that would prevent spillage onto or from the vehicle. Often, the operator will have a metal or fiberglass type "lock box" for this purpose.

47. **Equipment in Good Repair and Safe.** 3CCR ' 6742

Scope: All employers of pesticide handlers.

Exemptions: None.

⌞ This is a general safety requirement applicable to all pest control operations and can be used to mitigate an equipment hazard. Pest control equipment should be inspected while in use. This allows you to assess the general safety, condition and operation of equipment. Equipment that

is used for pest control must be kept in good repair and must be safe to operate. Does the equipment operate without leaks? Check the application equipment in operation to determine if the tank, valves, coupling and hoses are in good condition and not leaking.

48. **Pesticide Handling / Use / Storage** 16CCR ' 1983

Scope: All registered structural pest control companies.

Exemptions: None.

└ An inspection of the storage site determines whether or not the company has control over pesticide containers, stores them properly, and identifies the storage site with signs. They must store pesticides, partial and empty containers, in a manner that does not present a hazard to persons or property. Service kits shall be handled with extreme caution and protected from children and unauthorized persons. Pesticide storage on trucks shall be locked or attended. Food and drugs shall be removed or appropriately bagged to adequately protect them from pesticide contamination. Areas where rodenticides and avicides are used shall be inaccessible to children and pets. Upon termination of a service, all rodenticides and avicides shall be removed. No oil-based insecticide may be used near an open flame or active heater. Bait stations shall be marked with the signal word on the label, the name of the pesticide and the name, address, and phone number of the structural pest control company. An empty, locked, posted building that is in control of the registered company is deemed to be a bait station.

AERATION INSPECTION

Purpose

This section is only to be used for unattended aerations. There are three phases of a fumigation: application, aeration and certification. The aeration phase has two stages: the tarp removal stage and the unattended aeration stage. You should complete this section of the form if this is the only part of the fumigation that you inspect. If you inspect any other part of the fumigation, the application, tarp removal or certification, in addition to the unattended aeration, then complete the rest of the inspection form. Since there is nobody there to acknowledge your inspection during the unattended aeration phase, you do not need a signature in the “Inspection Acknowledged” box.

Criteria Items

1. **Annual Notification Submitted.** FAC ' 15204

 L See Criteria Item 1 of Procedures for the Structural Branch 1 Use Monitoring Inspection (PR-ENF-107).

2. **County Notified 24 Hours Prior.** B&P Code ' 8505.5

 L See Criteria Item 2, Branch 1 Procedures.

3. **Labeling - Aeration/Reentry.** FAC ' 12973

 L See Criteria Item 7, Branch 1 Procedures.

4. **Warning Signs on All Sides of Structure.** 16CCR ' 1974

 L See Criteria Item 30, Branch 1 Procedures.

5. **Effective Secondary Locks.** 16CCR ' 1970.3 (B&P Code ' 8505.7)

 L See Criteria Item 31, Branch 1 Procedures.

6. **Required Information on Warning Signs.** B&P Code ' 8505.10

 L See Criteria Item 32, Branch 1 Procedures.

7. **Proper Management of Treated Area.** 3CCR ' 6782

└ After fumigation, the employer is responsible for determining how the work site should be managed. Employees must not be allowed in areas where off-gassing will result in concentrations in excess of the PEL. See also Criteria Item 24, Branch 1 Procedures.

STRUCTURAL – BRANCH 2 & 3 USE MONITORING INSPECTION PR-ENF-108

Criteria Items

1. Annual Notification Submitted. FAC ' 15204

Scope: All structural pest control companies registered with the Structural Pest Control Board and performing structural pest control in the county.

Exemptions: None.

L Determine if the structural pest control company has notified the agricultural commissioner prior to performing structural pest control for hire in your county. This can be accomplished by reviewing the company's records on file. The notification should cover a calendar year, unless the Structural Pest Control company's licensee specifies a shorter time. Branch offices working in your county, if applicable, must also be listed on the notification.

2. Written Notice to Occupant. B&P Code ' 8538

Scope: All registered structural pest control companies.

Exemptions: None.

L The written notice must be provided to the owner/agent and the occupant by mail, posting or personal delivery prior to the application. If possible, interview the owner or occupant of the structure (house, apartment complex, etc.) and ask to review the written notice. The licensee performing the application may be the only person available. In this case, you should interview the licensee to determine if the Notice has been provided.

The notice must include the following information:

5. The pest(s) to be controlled;
6. The pesticide(s) proposed to be used and the active ingredient(s);
7. A standard health cautionary statement and contact information;
8. The frequency of service, if a contract has been made for periodic service.

In the case of external pest control at multiple family dwellings with 5 or more units, the notice shall be posted in heavily frequented, highly visible areas, such as mailboxes, the manager's apartment, all laundry rooms and community rooms. In complexes with fewer than 5 units, each unit must be notified. Any pest control to be done within a tenant's unit requires that the tenant

be notified directly. (See 16CCR ' 1970.4(e))

3. **Pesticide Disclosure Available.** 16CCR ' 1970.4

Scope: All registered Branch 2 or 3 structural pest control companies.

Exemptions: None.

Whenever a licensee applies a pesticide, he shall leave a written notice in a conspicuous location identifying the common, generic or chemical name of each pesticide applied. In the case that the pesticide is applied to a multiple family structure, the notice may be given to the designated agent (e.g., a realtor) or the owner. The notice may be a door hanger, invoice, billing statement or other similar written document that contains the registered company's name, address, and telephone number.

4. **Registered Label Available at Use Site.** 3CCR ' 6602

Scope: All pest control operations.

Exemptions: None.

⌞ All registered labeling [including Section 24c (Special Local Needs) and Section 18 registrations (Emergency Exemptions)], which provide directions for use, must be available at the use site. The use site (work site) is the actual area where the pesticide is being handled.

5. **Labeling – Site / Rate / Concentration / Other.** FAC ' 12973

Scope: All pest control operations.

Exemptions: The following uses are in compliance with this section:

- A decrease in dosage rate per unit treated, except for termiticides used in pre-construction treatment (B&P Code ' 1991[b]);
- A decrease in the concentration of the mixture applied;
- Application at a frequency less than specified;
- Use to control a target pest not listed on the label, provided the application is to a site listed on the label and the use of the product against an unnamed pest is not expressly prohibited;
- Employing a method of application not prohibited, provided other label directions are followed;

Ⓙ Is the pesticide being handled in compliance with the label requirements? A review of the label at the site is necessary to ensure that the material is being used according to the label directions (i.e., site, rate, and concentration). Is the application or mixing or loading operation being performed under suitable climatic conditions, utilizing proper application methods and equipment, in compliance with labeled use directions? For example, is the applicator following directions for a crack and crevice or a spot application using the appropriate equipment and not broadcasting the material over a larger area?

6. **Labeling – Personal Protective Equipment (PPE).** FAC ' 12973

Scope: All pest control operations.

Exemptions: 3CCR section 6738(b)(1)(C) allows an exemption from the requirement to use gloves when required by labeling if applying vertebrate pest control baits using long handled implements that avoid actual contact with the bait or potentially contaminated areas of equipment.

Ⓙ Determine PPE requirements on the label for handlers. PPE and clothing requirements apply to anyone handling the pesticide including applicators, field representatives, a licensee, or the owner/operator. Observe whether applicators have the label required PPE such as gloves, respirators, eye protection, boots or apron. If employee handlers are not wearing required PPE, ask them if it was provided (if not, see item 12, below). For all handlers, inspect the PPE. Is it in good condition and well fitted? Is it adequate to protect the applicator? Address each piece of equipment separately. Is its use in conflict with the label if the pesticide handler possesses, but does not use, any of the safety equipment required by the label.

7. **Regulations – Personal Protective Equipment (PPE).** 3CCR ' 6738

Scope: All employers of pesticide handlers.

Exemptions: Owners and non-employee handlers.

- **PPE, Eyewear Provided and Used.** 3CCR ' 6738(a)(b)

Additional Exemptions: Employees are exempt when applying vertebrate baits that are placed without being propelled by application equipment or solid fumigants (aluminum or magnesium phosphide).

Ⓙ Employers are required to provide and maintain protective eyewear for employees when the product labeling requires eyewear or when the employee is mixing, loading, adjusting, or repairing equipment and during hand applications.

Protective eyewear shall provide front, brow, and temple protection. Unless specified otherwise by the label, eyewear shall be one of the following:

- C Safety Glasses
- C Goggles
- C Face Shield
- C Full Face Mask in conjunction with respiratory protection

- **Chemical Resistant Gloves Provided and Used.** 3CCR ' 6738(a)(c)

Additional Exemptions: Employees are exempt when the pesticide label specifies that gloves must **not** be worn. Employees applying vertebrate pest control baits using long-handled implements are exempt. Employees are exempt when handling “Caution” pesticides and a closed system.

L The employer must provide and maintain chemical resistant gloves, 3CCR ' 6738(a). The employer must assure that handlers use chemical resistant gloves. Gloves are required whenever employees mix or load, work on contaminated equipment or use hand-held equipment. If the label does not identify a specific type of glove, gloves that are used shall be made of rubber, neoprene, or some other chemical resistant material that provides equivalent protection from the pesticide being handled. Contaminate, ripped, or cracked gloves are not adequate protective equipment and should be considered a non-compliance.

- **Other PPE, Boots / Headgear / Apron / Respirator.** 3CCR ' 6738(a)(d)(e)(h)

Additional Exemptions: When the label specifically prohibits their use. When applying vertebrate baits that are placed without being propelled by application equipment or solid fumigants (aluminum or magnesium phosphide). Persons using closed systems to handle “Caution” pesticides may substitute work clothing for required PPE.

Footwear 3CCR ' 6738(a)(d)

L The employer shall assure that when the pesticide labeling specifies the use of chemical resistant footwear, one of the following types of footwear is worn.

- C Chemical resistant shoes
- C Chemical resistant boots
- C Chemical resistant shoe or boot coverings.

Headgear 3CCR ' 6738 (e)

L The employer shall assure when chemical resistant headgear is required by the pesticide labeling, that either a hood or a chemical resistant hat with a wide brim be

worn.

Apron 3CCR ' 6738 (f)

└ The employer shall assure that when the pesticide labeling requires a chemical resistant apron, a garment that covers the front of the body from mid-chest to the knees is worn.

Respiratory Equipment 3CCR ' 6738 (h)

└ When the use of respiratory equipment is specified by the label or required by regulation, it must be maintained by the employer and provided to employees by the employer who must ensure its use. Proper selection of respiratory equipment must be made according to the pesticide label. Check to make sure that the proper cartridges are being used. Does the respirator appear to be relatively clean? Are the straps and rubber face piece in good condition? Check the inhalation and exhalation valves. Are they warped or missing?

8. **Employer Provided Employee PPE. 3CCR ' 6702(b)(4)**

Scope: All employers of pesticide handlers.

Exemptions: Owners and non-employee handlers.

└ The employer shall inform employees, in a language they understand, of the specific pesticide being used, pesticide safety hazards, PPE and other equipment to be worn, work procedures to be followed and applicable pesticide safety regulations. The employer is responsible for assuring employees comply with all applicable regulations and pesticide product labeling. The employer is responsible to provide a safe work place for employees and require employees to follow safe work practices. Did the employer provide the required PPE? How does the employer assure the employees use PPE?

9. **Employee Utilized Provided PPE. 3CCR ' 6702(c)**

Scope: All employers of pesticide handlers.

Exemptions: Owners and non-employee handlers.

└ It is the employee's responsibility to use PPE and other safety equipment required by the label or regulations that is provided by the employer at the work site and is in good condition.

10. **Suitable Methods / Manner / Climate.** 3CCR ' 6600

Scope: All pest control operations.

Exemptions: None.

└ Is the application being conducted in a safe, careful, and effective manner? Are methods and equipment suitable to ensure proper application of the material? For example, an applicator with a stainless steel hand-held sprayer must use the proper tip to create a pin stream spray when making a crack and crevice treatment. Is the applicator using safety measures to provide protection for persons, property, and the environment and exercising general standards of care? Has the applicator removed children's toys and pet food dishes prior to application to avoid contamination? Is the material being applied uniformly to avoid puddling? Is the placement of dry baits on porches or walkways appropriate? Watch for label statements such as, "Do not treat soil that is water saturated or frozen. Do not treat structures that contain cisterns or wells."

11. **Accurate Measurement.** 3CCR ' 6604

Scope: All pest control operations.

Exemptions: The use of ready-to-use diluted pesticides.

└ Are pesticides being accurately weighed and/or measured? Are the measuring devices calibrated to the smallest unit in which the concentrate is being used? Estimating half a bag or part of a container is not an accurate measurement. Examples of improper measuring devices would include an uncalibrated or unmarked container, an empty coffee or soda can, etc. This could also be a non-compliance with 3CCR ' 6680, Prohibited Containers.

12. **Protection of Persons / Animals / Property.** 3CCR ' 6614

Scope: All pest control operations.

Exemptions: None.

└ Has the applicator, prior to and while making the application, evaluated the equipment, weather conditions, and area (both target and surrounding areas) to determine the likelihood of harm or damage? High winds and proximity to non-target structures are examples of conditions that could cause drift problems. Consider if there is:

- a. A reasonable possibility of contamination of the bodies or clothing of persons not involved in the application. Does the applicator keep an eye out for passers-by?
- b. A reasonable possibility of damage to animals (including bees), or other public

or private property. Look for the animals' feeding trays, fishponds, or stored food at the treatment site.

- c. A reasonable possibility of contamination of non-target property, including the creation of a health hazard.

13. **Handler(s) Trained.** 3CCR ' 6724

Scope: All employers of pesticide handlers.

Exemptions: Owners and non-employees. Employees who are licensed by the SPCB (operators or field representatives) or who have received appropriate training by another employer within one year are considered trained.

L Observing a person's work during an application inspection is a good indication whether or not that person has been trained. It is a good practice to ask employees about procedures for securing the structure, bagging food, removal of medicine, plants, and pets, etc. Ask the licensees how they calculate the dosage, use a warning agent, know what type of safety gear to use, etc. Ask the employees about the organization and content of the pesticide training that they have received. Responses to these questions, as well as the employee's actions, are indicative of an employer's training program.

14. **Emergency Medical Care, Posting.** 3CCR ' 6726

Scope: All employers of pesticide handlers.

Exemptions: Owners and non-employee handlers.

L Employers shall arrange for emergency medical care before employees handle pesticides. Employers must also inform employees of the name and location of the emergency medical care facility. Ask employees what they would do if the pesticide splashed in their faces. Ask them where they would go if they felt sick after handling the pesticide. Employers are required to post, in a prominent place at the work site or in the work vehicle, the name, address, and telephone number of an emergency care facility. For employees that cover a wide geographical area, the employer must also post emergency procedures for obtaining emergency medical care when the listed facility is not reasonably accessible. Check to see if posting is complete; it must contain all of the required information in order to comply with the provisions of this section. Incomplete posting, presence of only a 9-1-1 or similar emergency response number, the local poison control center's number, or a supervisor's name with no additional information is inadequate. Medical care information that is kept inside of an employee's wallet or in a binder or in the glove compartment of the work vehicle may provide the necessary information to the employee; however, it does not comply with the provisions of this section.

15. **Decontamination Facility “Danger / Warning”.** 3CCR ' 6734

Scope: All employers of pesticide handlers.

Exemptions: Owners and non-employee handlers. Employees handling only “Caution” materials.

L Employers are required to provide clean water, soap, and towels for routine and emergency washing of the body when employees are handling pesticides with the signal word **DANGER** or **WARNING** on the label. The decontamination supplies must be within 100 feet of the mix/load site. Any source of clean water located within 100 feet of the site, and that the employee has access to is satisfactory to meet the need for sufficient water.

16. **Coveralls, Signal Word, “Warning / Danger”.** 3CCR ' 6736

Scope: All employers of pesticide handlers using “Warning” or “Danger” pesticides.

Exemptions: 3CCR ' 6736 (c) exempts fumigant users unless the label expressly requires the use of coveralls. This section does not apply to employees using vertebrate pest control baits and solid fumigants unless the pesticide product label requires the use of coveralls (3CCR ' section 6720).

L Employers are required to provide coveralls for each employee who handles any pesticide with the signal word “Danger” or “Warning.” Coveralls are defined in 3CCR ' 6000 as a one- or two-piece garment of closely woven fabric or equivalent that covers the entire body except head, hands and feet. The employer must assure that the employees start each work day with coveralls, wear the coveralls when they are handling “Danger” or “Warning” pesticides, that they change their coveralls and wash at the end of the day. Ask the employee how often he or she is provided with clean coveralls. The employer also must assure that employees do not take contaminated coveralls home.

17. **Equipment Safe to Operate.** 3CCR ' 6600(a)

Scope: All pest control operations.

Exemptions: None.

L Each person performing pest control shall use only pest control equipment that is in good repair and safe to operate. This is a general safety requirement applicable to all pest control operations and can be used to mitigate an equipment hazard. Equipment that is used for pest control must be kept in good repair and must be safe to operate. Does the equipment operate without leaks? Check the application equipment in operation to determine if the spray tank,

valves, coupling and hoses are in good condition and not leaking. If the service vehicle has a spray tank and hose reel, pay close attention for leaks at the swivel coupling located where the tank feeder hose joins the reel. Sometimes leaks will not appear unless the reel is turning. You may ask the applicator to pull off a few feet of hose while observing the coupling.

18. **Backflow Prevention / Airgap.** 3CCR ' 6610

Scope: All pest control operations.

Exemptions: None.

└ Each piece of application equipment that handles pesticides and draws water from an outside source (water well, supply line, etc.) must be equipped with some type of backflow prevention device that is accepted by the local health agency and water purveyor. The following examples of devices to prevent backflow or reverse siphoning are as found in CCR, Title 17, ' 7583 (for more details see ENF 2001-12):

- a. Air-Gap Separation - physical break between the supply line and the receiving vessel.
- b. Double-Check Valve Assembly - an assembly of at least two independently acting check valves including tightly closing shut-off valves on each side of the check valve and test cocks available for testing the water tightness of each check valve.
- c. Reduced Pressure Principle Backflow Prevention Device - backflow prevention incorporating not less than two check valves, an automatically operated differential relief valve located between the two check valves, a tightly closing shut-off valve on each side of the check valve assembly, and equipped with necessary test cocks for testing.

19. **Equipment Identified.** 3CCR ' 6630

Scope: All pest control businesses engaged for hire.

Exemptions: None.

└ Structural Pest Control companies must identify each service rig and similar equipment with markings readable at a distance of 25 feet. The identification must include either: (1) the business name; or (2) the Pest Control Operator license number and a statement such as "Licensed Pest Control Operator," "Fumigation Division," "Licensed Fumigator," or similar wording.

20. **Container Control.** 3CCR ' 6670

Scope: All pest control operations.

Exemptions: None.

Are pesticides and containers properly attended? Pesticide containers are considered unattended if personal control over them is not maintained at all times. A tank of dilute pesticides on a service vehicle must be locked while the applicator is away from the vehicle. Hand held sprayers containing dilute pesticide must be locked to the vehicle or similar immovable object or stored in a “lock box” if left unattended on a vehicle.

21. **Containers-Responsible Person / Locked Enclosure.** 3CCR ' 6672(b)

Scope: All pest control operations.

Exemptions: Attended containers.

L Ask the applicator where pesticides are stored. Are pesticides and empty containers stored in a locked enclosure? Are pesticides stored in proper containers? Personal control of containers is allowed if a responsible person attends them at all times.

“Attended” means a responsible person present in the vicinity at all times to maintain control over the pesticide to prevent contact by unauthorized persons. Adjacent to roadways or populated areas, a person must have pesticides in sight. The materials listed in 3CCR ' 6402 (Exempt Materials) are also exempted from storage requirements under 3CCR ' 6686 (b). This exemption may be waived if the commissioner determines that there is a hazard to public health or the environment.

“Enclosure” means a truck or trailer with side racks, the top of which is a minimum height of six feet above the ground, a lockable storage compartment, or a locked, fenced area.

22. **Storage Posted, “Warning/Danger”.** 3CCR ' 6674

Scope: All pest control operations.

Exemptions: Storage facilities that hold only “Caution” pesticides.

L Pesticide storage signs must be visible from any direction of probable approach and shall be posted around all storage areas where containers that hold, or have held, pesticides. Each sign shall be labeled with signal words “Warning” or “Danger” according to which type of pesticide container is stored there. The signs shall say:

DANGER
POISON STORAGE AREA
ALL UNAUTHORIZED PERSONS KEEP OUT
KEEP DOOR LOCKED WHEN NOT IN USE

See the *Manual of Procedural Guidance for Pesticide Enforcement Personnel* / ENF 88-31 to determine whether pest control service vehicles are required to be posted with the poison storage area signs specified in 3CCR ' 6774. In the case of an operator who does not have a fixed storage facility and whose pest control service vehicle is the exclusive area for storing pesticides, posting of the vehicle is required providing the pesticides involved are labeled with the signal words "Danger" or "Warning".

23. **Pesticides Properly Labeled.** 3CCR ' 6676

Scope: All pest control operations.

Exemptions: Service containers with appropriate service container labeling.

⌞ Are all pesticide containers (except service containers), carrying the registrant's label? This pertains to rinsed containers as well as those with pesticide contents. Full or partially full containers must have securely tightened lids or closures.

24. **Service Container Labeling.** 3CCR ' 6678

Scope: All containers/equipment that holds pesticide(s) and does not carry the registrant's label.

Exemption: If pesticide(s) are loaded into application equipment on site and all of the pesticide mix is used during the application and before the applicator leaves or transports the equipment, no service container labeling is required.

⌞ Service containers are used to hold, store, or transport any pesticide or its use dilution. Service containers must be identified with the name and address of the owner or firm who is responsible for the container and the identity of all pesticides contained and appropriate signal word of the pesticide. Examples of non-compliances include service containers with incomplete labels, service containers with no labeling, or service containers with multiple service container label tags that include pesticides the container does not presently contain.

25. **Proper Containers.** 3CCR ' 6680

Scope: All pest control operations.

Exemptions: None.

Ⓙ If service containers are observed, examine them to assure that pesticides are not being stored in prohibited containers commonly used for food, drink, or household products. Examples of improper storage containers include an empty coffee can, a soda bottle, or a plastic food storage container.

26. **Proper Pesticide Transport.** 3CCR ' 6682

Scope: All pest control operations.

Exemptions: None.

Ⓙ Check the inside of the operator's service vehicle for any pesticides or pesticide containers that should be carried in a separate compartment. Also, check to see if pesticide containers are secured to the vehicle in a manner that would prevent spillage onto or from the vehicle. Often, the operator will have a metal or fiberglass type "lock box" for this purpose.

27. **Containers Properly Rinsed.** 3CCR ' 6684

Scope: All pesticide containers that have held less than 28 gallons of liquid pesticide.

Exemptions: Containers being returned to the registrant. As described in ENF 87-34, aerosol containers are exempt under the following conditions:

- a) The aerosol containers are emptied to the extent possible under normal use.
- b) The aerosol containers are disposed at the use site and in accordance with label instructions.

Ⓙ Are containers of concentrate material being adequately rinsed at the time of use? Is the rinsate being added to the mix-tank? If you don't observe the rinsing procedure, an inspection of empty containers is the best way to check for compliance. The rinsing procedure must include, or be equivalent to, at least triple rinsing and thorough draining of the containers. If containers do not appear to be rinsed, ask the pesticide handler the method of container disposal. Unrinsed, or improperly rinsed, containers are considered hazardous waste and must be disposed of in compliance with hazardous waste laws, including California Code of Regulations, Titles 22 and 23. Contact the local health department or Regional Water Quality Control Board for more information. Cal/EPA has determined that when pesticide bags are emptied according to DPR's guidelines, they can be disposed of as nonhazardous waste (see ENF 96-004 and 97-006).

28. **Equipment in Good Repair and Safe.** 3CCR ' 6742

Scope: All employers of pesticide handlers.

Exemptions: Owner and non-employee handlers.

⌞ Employers must assure that pesticide use equipment is inspected before each day of use and equipment with any safety defect is repaired or altered to remove the hazard before further use.

All openings on tanks used for mixing or applying pesticides must have tank covers that will prevent spills and splashes. Tanks with a capacity of more than 49 gallons that contain pesticides with the signal word “Danger” or “Warning” on the label, must have a sight gauge or some other method of determining internal liquid level. See also Item 10, 3CCR ' 6600(a).

29. **Pesticide Handling / Use / Storage** 16CCR ' 1983

Scope: All registered structural pest control companies.

Exemptions: None.

⌞ Service kits shall be handled with extreme caution and protected from children and unauthorized persons. Pesticide storage on trucks shall be locked or attended. Food and drugs shall be covered or protected from pesticide contamination. Areas where rodenticides and avicides are used shall be inaccessible to children and pets. Upon termination of a service, all rodenticides and avicides shall be removed. No oil-based insecticide may be used near an open flame or active heater. Tracking powders shall only be used at floor level or in such places as warrant their safe use. Bait stations shall be marked with the signal word on the label, the name of the pesticide and the name, address, and phone number of the structural pest control company. An empty, locked, posted building that is in control of the registered company is considered to be a bait station.

**PEST CONTROL RECORDS INSPECTIONS -
Grower / Qualified Applicator / Dealer / Adviser
PR-ENF-109 (Est. 2/02)**

Criteria for Completed Inspections

For the purpose of reporting your Pest Control Records Inspections on the Pesticide Regulatory Activities Monthly Report (PR-ENF-099, Rev. 2/02):

- A completed Headquarter and Employee Safety Inspection for a Grower includes all applicable criteria items listed in Section A.
- A completed Headquarter and Employee Safety Inspection for a Qualified Applicator includes all applicable criteria items listed in Section B.
- A completed Dealer Records / Storage Inspection includes all applicable criteria items listed in Section C.

NOTE* Dealers must be actively selling agricultural or Restricted Use pesticides, and the number of records reviewed must be recorded on the form in order to report as a completed Dealer Inspection. If there are no records to review, no credit for an inspection can be given, though hours can be recorded under “Licensed Hours Worked”.

- A completed Pest Control Adviser Records Inspection includes all applicable criteria items listed in Section D.

NOTE* Advisers must be registered in your county, actively writing recommendations and at the number of recommendations reviewed must be recorded on the form in order to report as a completed Pest Control Adviser Records Inspection. If there are no records to review, no credit for an inspection can be given, though hours can be recorded under “Licensed Hours Worked”.

Spot Inspections

Headquarter and Employee Safety Inspections, Dealer Inspections, and occasionally Pest Control Adviser Inspections are also conducted as a follow-up to use monitoring inspections where worker safety violations were noted; or in response to complaints, referrals, or illness investigations. Typically the information and records reviewed are specific to individuals, particular practices, or specific pesticides, and have a narrower focus to the inspection than that of a routine inspection.

In these cases, please write “Spot Inspection”, and the focus of the inspection in the “Remarks” section.

If the inspection can be tied to an investigation please record the Investigation number and circle the appropriate designation in the “Action Reference” box at the top of the inspection form, (refer to “Action Reference” in the general procedures section for more information).

Purpose

This inspection is to determine the level of compliance of growers or commercial applicators with certification, Restricted Materials Permit, record keeping, and use reporting requirements. Another purpose is to determine whether employers who have employees handling pesticides are in compliance with applicable worker safety requirements. In addition, the property operators with workers entering treated fields should be inspected for fieldworker safety requirements. These requirements include advanced notice of pesticide applications, arrangement for emergency medical care, and the maintenance of re-entry records and completion notices.

Headquarters and Employee Safety Inspections should only be conducted when the employer has employees handling pesticides or working in treated fields. After completing the inspection, discuss the results with the grower, permittee, or Qualified Applicator. You should conduct Growers or Qualified Applicator “Headquarter and Employee Safety Inspections” at a frequency agreed to in the negotiated work plan

Headquarter and Employee Safety Inspections are also conducted as a follow-up to use monitoring inspections where worker safety violations were noted. If noncompliances have been noted in other inspections of the firm or business during the past year or when there is an investigation, then more frequent inspections are justified. These inspections are often a part of an investigation involving employee complaints. A high enforcement profile should result in improved work and safety habits, as well as improve the record keeping functions of growers and qualified applicator firms or businesses.

Review illness reports, prior inspection reports, and any violative history before your inspection to become familiar with any prior noncompliances. It is recommended that you bring to the grower’s or qualified applicator’s headquarters the file for easy reference of the documents. You may want to discuss these records with the employer again to determine whether additional training was provided to correct any deficiencies.

Exemption: When anti-microbial agents, used only as sanitizers, disinfectants, medical sterilants, or pool and spa chemicals are handled, the employer is exempt from complying with provisions of this subchapter (Pesticide Worker Safety) provided the employer is in compliance with corresponding provisions of Title 8 California Code of Regulations.
See 3CCR ' 6720(c).

Header Information

Type of Certification/License:

Inspection A. Record “Private Applicator Certificate” if applicable. If not, put N/A.

Inspection B. Record “QAC” or “QAL”, as applicable. If not applicable, put N/A.

Inspection C. Record “Designated Agent (DA)” or “PCA, Pilot, or QAL” as applicable.

Record “UNL” for “unlicensed” if none of the above serve as the Designated Agent.

Inspection D. Record “PCA” in this field. Record “UNL” for “unlicensed” if the individual is not licensed, or does not have the appropriate category for recommendations written.

Certificate/License Number:

All inspections: Record the number corresponding to the “individual’s” license type.

Expires:

All inspections: Record the expiration date of the “individual’s” license.

Category(s):

Inspection B: Ask to see the individual’s license, and record the category(ies) listed on the plastic card. Verify that the category(ies) listed corresponds to the “settings” where applications are occurring (i.e. QAC with category B “Landscape Maintenance” applying a restricted material in a “right-of-way” setting).

Note* Should you find such a non-compliance (QA working out of category – note in the Remarks section, since there is no criteria item to check for this noncompliance in B.)

Inspection D: Ask to see the PCA’s license, and record the category(ies) listed on the plastic card. Verify that the category(ies) listed correspond to the recommendation(s) reviewed. (Criteria item D.3).

Headquarter and Employee Safety Inspection –

A. Grower

B. Qualified Applicator

REQUIREMENTS:

General Criteria Items

1. Valid Restricted Materials Permit. 3CCR ' 6412

Scope: Anyone possessing or handling Restricted Materials.

Exemptions: Pesticide registrants or dealers operating under their licenses; commercial carriers

transporting restricted materials; certified private or commercial applicators when possessing or using federally restricted use materials.

└ With a few exceptions, Restricted Materials must be possessed or used only under permit of the agricultural commissioner. Review pesticide use records of Restricted Materials applications and determine if the person has a valid permit.

└ Restricted Material Permits are not needed in these cases:

- Products containing only exempt materials listed in 3CCR ' 6402
- Products containing restricted material active ingredients labeled only for these uses: Home/Structural Pest Control/Industrial/Institutional/ or uses by public Vector Control agencies
- Paints containing tributyltin, or anti-fouling paints
- Federally restricted materials, when possessed, or used by certified private or commercial applicators
- Restricted Materials used for experimental or research purposes by research personnel

2. **Notice Prior to Pesticide Application.** 3CCR ' 6618

Scope: All persons handling pesticides. All property operators

Exemptions: Owners and non-employees. Structural PCB's in compliance with B & P Code ' 8538, and public agencies in compliance with CFAC ' 12978.

└ Persons who make or supervise the application. A separate notice of application is not required when a field is posted unless the label requires both oral notice and posting of the treated field.

└ Each person performing pest control must notify the operator of the property before any pesticide is applied. The operator of the property must notify all persons (especially employees) who are likely to enter. The notice must be adequate to advise of the nature of the pesticide and the precautions to follow. Some examples of precautions to follow include re-entry intervals required by labeling or regulation, protective clothing requirements for early entry and activities prohibited in a treated field while a re-entry interval is in effect.

└ The property operator must maintain a record of each notice received, by site. This record could be a work order or a copy of a written recommendation provided by the pest control business, an application log kept by the grower or a copy of a use report. Do the records contain the required information? Are the records maintained by site?

3. **Application Completion Records / 2 Years.** 3CCR ' 6619

Scope: Agricultural pest control businesses (PCB) applying pesticides for production of an agricultural commodity.

Exemptions: All pesticide applicators that are neither an agricultural PCB, nor applying pesticides for the production of an agricultural commodity.

└ Agricultural PCB's applying pesticides for the production of an agricultural commodity shall give notice to the operator of the property treated (or operator's designated employee), within 24 hours of completion of the pesticide application.

└ This notice shall include the following:

- Location of the property, including site ID number, and acreage treated
- Pesticide(s) applied
- Date and hour application was completed
- The applicable re-entry and pre-harvest intervals, unless a written recommendation by a licensed Pest Control Adviser, properly completed, was given to the operator of the property treated.

└ The property operator may designate an employee to receive the notice as long as he or she has the ability to reschedule or stop activities involving fieldworkers performing cultural activities. If the property operator or designated employee will not be available receive the notice within the 24 hour period, the property operator shall identify in writing, the method by which the agricultural PCB may provide notification. This method may be, but not limited to any of the following:

- Post or leave notice in a designated location on operator's property
- Record notification on phone recorder
- Send notice via fax machine

└ The operator of the property treated shall maintain a record of the application completion notice received, by site and a copy of the written notification method provided to each agricultural PCB. The records and written notification method shall be retained for two years.

└ In addition to the application completion notice, the property operation must also maintain a copy of the written notification provided to each pest control business. Does the property operator have copies of his or her written notification method? Review the method to determine whether it meets the completion notice requirement (i.e. 24 hour notification).

4. Emergency Medical Care, Planned. 3CCR ' 6726

Scope: All businesses with employee handlers

Exemptions: Owners and non-employee handlers. Pest Control Advisers and those performing crop adviser tasks are exempt under the conditions of ' 6720. Emergency medical care is not required if only granular baits, attractants or repellants in traps have been applied in a field. Pesticide applications by vector control agencies are exempt.

If only algacides have been used to treat the irrigation system or if pesticides have been injected into plants, emergency medical care is not required.

└ Employers shall arrange for emergency medical care before employees handle pesticides. Is there a signed letter or agreement from a medical facility to the grower/firm/business to indicate such arrangements have been established? What proof is there to indicate “pre-arranged” emergency medical care?

└ An employer must make arrangements with a medical care facility to provide emergency medical care for employees entering treated fields and handlers. These arrangements must be planned for in advance. Ask the employer whether arrangements have been made. Write the name of the facility in the **Remarks** section of the inspection form.

Labor contractors are also responsible for planning in advance emergency medical care for their employees who enter treated fields. This requirement should be addressed during a Fieldworker Safety Inspection.

└ Employers are required to post in a prominent place at the work site or in the work vehicle the name, address, and telephone number of an emergency medical care facility. For employees that work in a wide geographical area, the employer must post procedures for obtaining emergency medical care when the listed facility is not reasonably accessible. A display of “911” is not sufficient. Do you see evidence of the actual information or procedures at the worksite?

5. Operator Identification Number Obtained. 3CCR ' 6622

Scope: The operator of a property which is used for the production of an agricultural commodity.

Exemption: Property operators of non-production agricultural sites (e.g. cemeteries, golf courses, right-of-way, post-harvest agricultural commodities and certain non-agricultural sites). PCBs, and property operators when the PCB purchases and applies pesticides listed in categories below:

└ Any pesticide listed in 3CCR 6400 (Restricted Materials)
Any pesticide for industrial use as a post-harvest commodity treatment
Any pesticide listed in 3CCR 6800(b) (Groundwater Protection List) for any outdoor institutional or outdoor industrial use

└ Each property operator shall provide the commissioner with a list of the counties in which pest control will be performed, and all valid operator identification number(s) issued by other commissioners.

Scope: Persons using pesticides for an agricultural use; persons using any restricted material; any person engaged for hire in the business of pest control; any person who uses a pesticide for industrial post-harvest commodity treatment; and any person who uses a pesticide listed in 3CCR ' 6800[b] for any outdoor institutional or outdoor industrial use.

Exemptions: Persons using pesticides only on livestock, pasture and rangeland.

Note: ' 6723 requires use records to be kept for all non-agricultural uses.

6. Site Identification / Permit Kept / 2 Years. 3CCR ' 6623

Scope: The operator of a property which is used for the production of an agricultural commodity.

Exemptions: Persons performing pest control for hire. Persons using pesticides for non-production agricultural uses or non-agricultural uses.

└ Property operators intending to use pesticides for the production of an agricultural commodity must obtain a site identification number for each site where pest control will be performed.

└ Each site must be identified on either a Restricted Materials Permit or an Operator Identification form. Review the permit or form, and determine whether the information is accurate. Check to see that a copy of the permit or form has been retained for two years.

7. Pesticide Use Records Available / 2 Years. 3CCR ' 6624

Scope: Must be maintained by any person who uses pesticides:

- for an agricultural use
- when engaged for hire as a PCB
- classified as a restricted material
- for industrial post-harvest commodity treatment
- listed in 3CCR ' 6800(b) (Groundwater Protection List) for any outdoor institutional or outdoor industrial use.

Exemptions: Persons using pesticides on livestock.

└ For each pest control operation the records shall be kept for 2 years and include:

- Date of Application
- Name of operator of the property treated
- Location of treated property
- Crop commodity, or site treated
- Total acreage or units treated at the site

- Pesticide, US EPA registration number, and amount used

└ Additionally, property operators producing an agricultural commodity, and PCBs applying to such property shall also include in the record:

- Location of property treated, by county, section, township, range, base and meridian
- Hour the treatment was completed
 - The operator identification number of property operator
 - Site identification number issued for treated area(s)
 - Total acreage (planted), or units at the site
 - Name or identity of person(s) who made and supervised the application, if done by a PCB

└ Property operators, which produce an agricultural commodity, shall maintain records applied by PCBs, by site. Note* Production Agriculture Pesticide Use Reports can also serve as Pesticide Use Records provided all the information above is recorded on the form. Records shall be retained for two years.

8. Pesticide Use Reports Submitted. 3CCR ' 6626 / 6627
Production Agriculture Monthly Pesticide Use Report (6626)
Monthly Summary Pesticide Use Report (6627)

Scope: ' 6626 - Property operators producing an agricultural commodity, or PCBs applying pesticides to properties producing an agricultural commodity.

Scope: ' 6627 – PCBs applying pesticides to properties other those producing an agricultural commodity, and persons using pesticides:

- For an agricultural use
- Classified as a restricted material
- For industrial post-harvest commodity treatment
- Listed in 3CCR ' 6800(b) (Groundwater Protection List) for any outdoor institutional or outdoor industrial use.

Exemptions: Persons using pesticides on livestock; in the sales area of retail nurseries; property operators producing but not selling an agricultural commodity (i.e. ranchettes). Public agencies (e.g. Vector Control) that have entered into a cooperative agreement with the California Department of Health Services. Persons applying pool chemicals for pool service companies.

└ Each person required to maintain records of pesticide applications must also report their use of these pesticides. The reporting requirements for persons producing an agricultural commodity differ from those who don't. Refer to the specifics in ' 6626/6627.

└ Review the grower's or qualified applicator's permit and file for non-compliances. Compare

the records maintained by the property operator with the pesticide use reports you have received. Document any noncompliances.

9. Methyl Bromide – Employer Record keeping. 3CCR ' 6784(b)(2)

Scope: Employers of employees involved in application, or tarpaulin cutting, repair or removal activities as a part of field soil fumigations using methyl bromide singly or in combination with, chloropicrin or any other pesticide or warning agent, applied pursuant to 3CCR ' 6450.3

Exemptions: Owners, non-employees, and employees who handle pesticides but do not meeting the criteria above.

└ Employers shall maintain records at a central location for 2 years. The records shall:

- Identify the person
- U.S. EPA registration number
- Work Activity(ies)
- Brand name of methyl bromide product
- Dates
- Duration of handling

Hazardous Communication / Pesticide Training Program

NOTE* This criteria item (6702)(b)(5) will not be enforced during the Pilot Project.

10. Written Workplace Disciplinary Policy. 3CCR ' 6702(b)(5)

Scope: Employers of pesticide handlers

Exemption: Owners and non-employees.

└ DPR's laws and regulations require employers to be responsible for promoting and maintaining a safe workplace for their employees. When an inspector determines that an employer violated a worker safety regulation containing the word "assure" or "ensure" he or she must also determine whether the employer failed to take "reasonable measures" to comply.

└ DPR's "Assure" or "Ensure" means to take all reasonable measures so that the behavior, activity, or event in question occurs. When the behavior, activity, or event in question involves or concerns an employee, reasonable measures by an employer include determining that the employee has the knowledge to comply; providing the means to comply; supervising the work activity; and having and enforcing a written workplace disciplinary action policy (DAP) covering the employer's requirements, as well as other measures required by pesticide law or this division.

└ One factor in making that determination is whether the employer created, and enforces, a Disciplinary Action Policy (DAP). A DAP is one suggested component of an Injury and Illness Prevention Program (IIPP). The inspector's findings on the existence and enforcement of a DAP should be documented in the "Remarks" section of the inspection form.

⌞ Evidence of a DAP will assist the inspector in making the determination that “reasonable measures” were taken by the employer. The commissioner does not have the authority to cite an employer who fails to maintain and use an Injury and Illness Prevention Program (IIPP), however; the notation by an inspector that a DAP exists, and is enforced, in combination with documented non-compliances of worker safety regulations requiring “assure” or “ensure” can be used by the commissioner to pursue compliance or enforcement action.

⌞ For more information refer to ENF letter 2001-055, and ENF letter 97-048.

11. Hazard Communication for Pesticide Handlers. 3CCR ' 6723

Scope: Employers of employees who handle pesticides

Exemptions: Employers in compliance with Title 8, CCR - see ' 6720(c) in which anti-microbial agents, used only as sanitizers, disinfectants, medical sterilants, or pool and spa chemicals are handled.

⌞ Employers must display a copy of a completed Pesticide Safety Information Series (PSIS) leaflet A-8 or N-8 at a central location at the workplace before employees are allowed to handle pesticides. Employers must also maintain at a central workplace location the following:

- Pesticide use records for pesticides handled by employees
- Copies of PSIS leaflets applicable to the pesticides and handling activities listed in the pesticide use records
- Material Safety Data Sheet (MSDS) for each pesticide handled by employees

⌞ Employers must inform employees where the records are kept, and they must grant employees access to the records no longer than 48 hours from the date of request by an employee or employee representative.

⌞ Review employee training records, pesticide use records, and pesticide use reports to identify the pesticides handled before determining whether an employer is maintaining the appropriate MSDS.

12. Application Specific Information for Handlers. 3CCR ' 6723.1

Scope: Employers of employees handling pesticides used for the commercial or research production of an agricultural commodity.

Exemptions: Owners and non-employees.

⌞ The employer must display the following at a central location while employees handle pesticides:

- Identification of the treated area
- Application time and date
- Restricted Entry Interval
- Product Name
- EPA Registration Number
- Active Ingredient

⌞ Display means to make information available to the employee so that he or she may readily see and read the document, during normal business hours, without having to make a specific request of any person. An employee shall not be hindered or impeded from examining documents required to be displayed. This definition does not preclude using a binder or filing cabinet, that otherwise meets these criteria, to contain documents for display.

⌞ The information must be displayed within 24 hours of the application and include any applications within ¼ mile of the work area. Information must remain displayed until workers are no longer employed or the area no longer meets the definition of “treated field”. Copies are acceptable.

13. Trainer Qualified / Written Program. 3CCR ' 6724

Scope: Employers of employees who handle pesticides. Note* Not all employers are qualified trainers

Exemptions: Owners and non-employees. Employers of certified employees and licensed PCAs.

⌞ A trainer is required to be “qualified” when:

Conducting training for employees handling pesticides for the commercial or research production of an agricultural commodity

⌞ A person conducting training for employees handling pesticides for commercial or research production of an agricultural commodity shall be qualified as one of the following:

- California certified commercial applicator
- California certified private applicator
- California licensed Pest Control Adviser
- California registered Professional Forester
- Farm Advisor employed by the University of CA (UC), Coop Extension
- County biologist holding a license in Pesticide Regulation, or Investigation and Environmental Monitoring, issued by the Department of Food and Agriculture
- Person who has completed an “instructor trainer” program presented by UC, Integrated Pest Management Program (after 1/1/93) or

Other instructor training programs approved by the Director

└ The employer's training program shall describe the materials (e.g. study guides, pamphlets, slides, PSIS), and information that will be provided and used to train employees, and identify the person or firm that will provide the training.

└ The employer shall maintain a copy of the training program while in use, and for two years after use, at a central workplace location.

14. Required Topics. 3CCR ' 6724(b)

Scope: Employees who handle pesticides

Exemptions: Owners, and non-employees. Employers of certified applicators, and licensed PCAs

└ Training shall cover the following:

- Format and meaning of information contained on a pesticide product label
- Hazards of pesticides, such as acute and chronic effects
- Routes, by which pesticides can enter the body
- Signs and symptoms of overexposure
- Emergency first aid for pesticide overexposure
- How to obtain emergency medical care
- Routine and emergency decontamination procedures
- Information about personal protective equipment
- Information about heat-related illness
- Safety requirements and procedures related to pesticides
- Environmental concerns
- Warnings about taking pesticides or pesticide containers home
- MSDS, PSIS
- Medical supervision requirements for "Warning" and "Danger" organophosphates and carbamates
- Location of Hazard Communication Information (e.g. PSIS, MSDS, A-8)
- Employee's rights

└ Based on the employer's response to questions and a review of the training records, did the employer address all of the topics sufficiently? Documentation of training does not necessarily mean an employer has properly trained his or her employees. Was the training adequate? The training must be pesticide specific, unless the subject matter of training can group pesticides.

15. Training Prior to Handling. 3CCR ' 6724(d)

Scope: Employers of employees who handle pesticides

Exemption: Owners, and non-employees. Employers of certified applicators, and licensed PCAs.

└ The training shall included responses to questions. It shall be completed before the employee handles pesticides, continually updated and repeated at least annually. Training may be waived upon submission of a record of applicable training within the last year. A certified applicator is deemed to be trained.

└ Compare the date of application on the pesticide use records, including use records required under ' 6728 (Medical Supervision) with the date of initial and annual training on the employee training records. Take note of any discrepancies between the dates.

16. Records Available / Complete / 2 Years. 3CCR ' 6724(e)

Scope: Employers of employees who handle pesticides

Exemptions: Owners, and non-employees. Employers of certified employees, and licensed PCAs

└ Employers must record the date and time of training and the job assigned to the employee. Records must be kept for two years in a central workplace location accessible to employees.

└ Are there completed, signed and dated training records for employees who handle pesticides? Are the training records current? Compare training records to pesticide use records to assure each employee has received training on each pesticide or chemically similar group of pesticides used

17. Hazard Communication for Field Workers. 3CCR ' 6761

Scope: Employers of fieldworkers in “treated” fields

Exemptions: Owners and handler employees. If employees begin their workday at a central location PSIS A-9 may be displayed at that location and not at the work site.

└ The property operator shall maintain in a central workplace location accessible to employees, including employees of farm labor contractors, who enter a treated field, the following:

- Pesticide use records for pesticides that have been applied to fields within the last years
- MSDS for each pesticide listed in the pesticide use records

- PSIS A-9, may or may not be at the central location. If employees begin their day at the “worksite”, then A-9 must be displayed at that location; however, if some field worker employees start from a central location, while others start at the worksite then a copy of A-9 must also be displayed in a central workplace location

└ Employers must inform employees where the records are kept, and they must grant employees access to the records not longer than 48 hours from the date of request by an employee or their representative.

18. Application Specific Information for Fieldworkers. 3CCR ' 6761.1

Scope: Operators of property used for the commercial or research production of an agricultural commodity, while employees are employed to work in fields.

Exemption: Farm labor contractors. When fieldworkers will no longer be on the establishment, or the area no longer meets definition of a treated field. (REI plus 30 days)

└ Application specific information for each “treated” field must be displayed at a central location. Information must be displayed within 24 hours of completion of an application and include all applications made to any treated field within ¼ mile of where employees will be working. Information shall remain up for length of the restricted entry interval, plus 30 days.

└ Check that the information includes:

- Identity of treated area
- Time and date of application
- Restricted Entry Interval
- Product Name
- EPA Registration Number
- Active ingredients

19. Field Worker Training. 3CCR ' 6764

Scope: Employers of fieldworkers working in “treated” fields

Exemptions: Fieldworkers with valid verification of training card issued under US EPA authority, “certified applicator” employees, employees with current document pesticide handler training, or employees with other valid certificates of pesticide training approved by Director.

└ Check that the trainer meets one of the seven listed qualifications. See that the training includes all the topics listed in the code.

Respiratory Protection Program

20. Written Operating Procedures. 3CCR ' 6738(h)(3)

Scope: Employers of persons handling pesticides. Owners and non-employees are covered when the requirement is on the pesticide label (CFAC ' 12973).

Exemptions: Pest Control Advisers; see 3CCR ' 6738(b) - (i).

└ Employers must provide and assure the use of label-required or regulation-required respiratory equipment. Employers shall assure that written operating procedures for selecting, fitting, cleaning, sanitizing, inspecting, and maintaining respiratory protective equipment are adopted. Each person required to wear a respirator must be trained in the need, use, care and limitations of the equipment.

└ For more information regarding respiratory protection, including a sample of written operating procedures, refer to Pesticide Safety Information Series (PSIS), Leaflet A-5, "Respiratory Protection".

└ Ask the employer how fit-testing is conducted. Ask what procedure is used to assure that respirators are cleaned and sanitized and where the equipment is stored.

21. Emergency Use Respirators. 3CCR ' 6738(h)(5)

Scope: Employers of persons handling pesticides. Owners and non-employees are covered when the requirement is on the pesticide label (CFAC ' 12973).

Exemptions: Pest Control Advisers; see 3CCR ' 6738(b) - (i).

└ Respirators maintained for stand-by or emergency use are inspected monthly or before use if occasions for possible use are more than one month apart. A record of the most recent inspection shall be maintained on the respirator or its storage container.

└ Look for the required documentation to indicate any stand-by respirators have been inspected regularly.

22. Medical Condition Statement. 3CCR ' 6738(h)(6)

Scope: Employers of persons handling pesticides which require respiratory protection. Owners and non-employees are covered when the requirement is on the pesticide label or in regulation.

Exemptions: Pest Control Advisers; see 3CCR ' 6738(b)-(i).

Ⓙ The employer must inform an employee, prior to beginning work, that certain medical conditions (heart disease, high blood pressure, lung disease, or perforated ear drum), may interfere with wearing a respirator while engaged in potential pesticide exposure situations.

Ⓙ Ask to see a Medical Conditions Statement for each employee assigned to performing work that requires wearing a respirator. If an employee has a medical condition, has that person been evaluated by a physician?

If so, does the employer have a copy of the physician's report on file? PSIS A-5 "Respiratory Protection" contains an Employee Statement of Medical Condition.

Medical Supervision Program

23. Use Records Retained / 3 Years. 3CCR ' 6728(a)

Scope: Employers of persons who handle organophosphate and carbamate pesticides with **ADANGER@** or **AWARNING@** on the label in commercial or research production of an agricultural plant commodity.

Exemptions: Owners and non-employees.

Ⓙ The employer must keep records that identify the name of the employee, the name of the pesticide and the date of use. This information must be collected in order to ascertain whether or not employees are subject to the requirements of medical supervision. This information may also be useful if it becomes necessary to review records while performing an illness investigation. These records must be maintained for a period of three years.

24. Doctor's Agreement Available / 3 Years. 3CCR ' 6728(b)

Scope: Employers of persons who regularly handle organophosphate and carbamate pesticides with **ADANGER@** or **AWARNING@** on the label in commercial or research production of an agricultural plant commodity.

Exemptions: Owners and non-employees.

Ⓙ When employees regularly handle **ADANGER@** or **AWARNING@** organophosphates or carbamates, the employer must have a written agreement stating that a physician has agreed to provide medical supervision.

Ⓙ This agreement must include the names and addresses of the employer and the physician, as well as a statement that the physician possesses a copy and is aware of the contents of the

"Medical Supervision of Pesticide Workers - Guidelines for Physicians." This document is available from the Department of Health Services or local county health departments. A copy of this agreement must also be given to the commissioner. This agreement to provide medical supervision, all recommendations and test results, must be maintained for three years.

⌞ "Regularly handle" means that an employee is handling pesticides during any part of the day for more than six calendar days in any 30 consecutive day qualifying period beginning on the first day of handling.

⌞ While exclusively using a closed system or water-soluble packets the time spent is not included for any employee who has a baseline blood cholinesterase level established pursuant to ' 6728(c)(1).

25. Recommendations / Test Results / 3 Years. 3CCR ' 6728(c)

Scope: Employers of persons who regularly handle organophosphate and carbamate pesticides with ⚠DANGER or ⚠WARNING on the label in commercial or research production of an agricultural plant commodity.

Exemptions: Owners and non-employees.

⌞ For employees who regularly handle ⚠DANGER or ⚠WARNING organophosphates or carbamates, employers must have established baseline red cell and plasma cholinesterase levels. Baseline values must be verified every two years.

⌞ In addition to the baseline determination, new employees are required to have cholinesterase tests within three working days following the conclusion of each of the first three 30-day periods in which ⚠DANGER or ⚠WARNING organophosphates or carbamates were regularly handled.

⌞ Further continued periodic monitoring for all covered employees, excluding those who mix or load ⚠DANGER or ⚠WARNING organophosphates or carbamates exclusively through a closed system, or those mixing pesticides sealed in water-soluble packets, will be at the recommendation of the Medical Supervisor. When no written recommendations for periodic monitoring have been made, the testing interval shall be every 60 days.

⌞ All written recommendations of the Medical Supervisor, as well as all test results must be maintained at the employer's headquarters for three years.

⌞ The initial requirements for medical supervision were changed because it has been demonstrated that new employees, due to inexperience in handling pesticides, are exposed more. Routine testing of these employees will hopefully identify those who need to correct

faulty work practices.

26. Medical Supervision Posting. 3CCR ' 6728(c)(5)

Scope: Employers of persons who regularly handle organophosphate and carbamate pesticides with **ADANGER@** or **AWARNING@** on the label in commercial or research production of an agricultural plant commodity.

Exemptions: Owners and non-employees.

⌞ The name, address, and phone number of the Medical Supervisor must be posted in a prominent place at the headquarters or other location where employees start the workday. If the employee starts the workday in the field, the information must be posted at each worksite or in the work vehicle. This posting requirement is in addition to the Emergency Medical Care posting requirement.

Pesticide Storage

27. Possession Permit for Stored Restricted Material. 3CCR ' 6412

Scope: The person named in the Restricted Materials permit.

Exemption: All non-restricted materials. Restricted Materials must be stored in accordance with ' 6670 and ' 6672.

⌞ The person named in a restricted material permit is authorized to retain possession, except for sale, of materials for which the permit was valid after such permit expires, provided they are stored in accordance with Sections 6670 and 6672.

28. Containers – Responsible Person / Locked Enclosure. 3CCR ' 6672(b)

Scope: Persons delivering empty or full pesticide containers to a property, and persons who store pesticides.

Exemptions: Does not apply to containers that hold or have held pesticides packaged, labeled, and used for home use when in the possession of a householder on their property. Does not apply to sanitizers, disinfectants, or medical sterilants. Pesticides listed in 3CCR ' 6402 "exempt materials," do not need to be stored in a locked enclosure.

⌞ Ask the operator of the property or the business operator where pesticides are stored. If the company has more than one storage area at different locations, a separate inspection should be done at each site. Are pesticides and empty containers stored in a locked enclosure? Personal control of containers is allowed if someone maintains control over them at all times. Empty containers left lying around shop buildings or equipment yards may be periodically attended;

however, this is not proper storage. Guidelines for

pesticide container storage can be found in the Manual of Procedural Guidance for Pesticide Enforcement Personnel.

29. Storage Posted “Warning / Danger”. 3CCR ' 6674

Scope: Storage areas where pesticides, or containers, with the signal words **ADANGER@** or **AWARNING@** are stored.

Exemptions: Does not apply to containers that hold or have held, pesticides packaged, labeled, and used for home use when in the possession of a householder on their property. Does not apply to sanitizers, disinfectants, or medical sterilants.

L If **ADANGER@** or **AWARNING@** pesticides are being stored, warning signs are required. Determine if the notice should be repeated in a language other than English. Are signs posted in each direction of probable approach and readable at a distance of 25 feet? Vehicle utility boxes carrying pesticides are generally not considered pesticide storage areas. The vehicles are used to transport the pesticides from one job to another and are not fixed storage sites. In addition, vehicles transporting pesticides on public roads may fall under the California Department of Transportation regulations.

L Posting of vehicle utility boxes is not required unless the boxes are used as a fixed storage site. For example, a pest control truck which is used for overnight storage of pesticides at the operator's residence must be posted.

30. Pesticide Containers Properly Labeled. 3CCR ' 6676

Scope: Storage and transportation of any container that holds or has held a pesticide.

Exemptions: Service containers do not need to carry the registrant's label. Containers that have been triple rinsed do not need to have lids or closures securely tightened. Does not apply to measuring devices that are not used to store or transport a pesticide. Does not apply to sanitizers, disinfectants, or medical sterilants.

L Are all pesticide containers (except service containers) carrying the registrant's label? This pertains to rinsed containers as well as those that contain pesticides.

31. Service Container Labeling. 3CCR ' 6678

Scope: Containers, other than the original container, which hold pesticides for storage or transport.

Exemptions: Containers used by persons engaged in the business of farming when on that person's property.

⌞ Service containers are used by both private applicators and commercial operators to hold, store and transport pesticides or use dilutions. Generally, these containers must be identified when they are transported via public roads or stored on property other than the property being treated. Determine whether the service container labeling is complete.

2. Proper Containers. 3CCR ' 6680

Scope: All pesticide storage, transport or use.

Exemptions: None

⌞ If service containers are observed, examine them to assure that pesticides are not being stored in prohibited containers commonly used for food, drink, or household products. Examples of improper storage containers include an empty coffee can, a soda bottle, or a plastic food storage container.

33. Containers Properly Rinsed. 3CCR ' 6684

Scope: All pesticide containers which have held less than 28 gallons of liquid pesticide concentrate.

Exemptions: This section does not apply to containers that hold, or have held, pesticides packaged, labeled and used for home use when in the possession of a householder on his or her property. It does not apply to containers that hold, or have held, sanitizers, disinfectants and medical sterilants.

This section does not apply to containers that are or will be returned to the registrant. It does not apply to containers that will be refilled, e.g. used as service containers that are filled from a drum or larger container. It does not apply to containers that are transported as hazardous waste to a Class 1 dump.

⌞ When inspecting empty containers, select different types to determine if they have been rinsed. Use this inspection as a backup to observations made in the field. Containers must be rinsed at the time of use, unless the pesticide is formulated as "ready to use" or packaged in a 28-gallon container or greater.

⌞ Some retail pesticide product labels include statements advising users to wrap partially full containers in newspaper and dispose of in regular waste containers. This is not allowed in California!

PEST CONTROL RECORDS INSPECTIONS – Grower / Qualified Applicator / Dealer / Adviser

Dealer Records / Storage Inspection

Criteria for Completed Inspections

For the purpose of reporting your Pest Control Records Inspections on the Pesticide Regulatory Activities Monthly Report (PR-ENF-099, Rev. 2/02):

- A completed Dealer Records / Storage Inspection includes all applicable criteria items listed in Section C.

NOTE* Dealers must be actively selling agricultural or Restricted Use pesticides, and the number of records reviewed must be recorded on the form in order to report as a completed Dealer Inspection. If there are no records to review, no credit for an inspection can be given, although hours can be recorded under “Licensed Hours Worked”.

Header Information

Main or Branch Office: Check the Dealer’s license. A License number for a main office consist of 5 numbers, and 5 zeroes (e.g. 12345-00000), whereas, a license number for a branch office consists of 5 numbers, and a few zeroes with a number from 1 and above (e.g. 12345-00001, 12345-00015). Also, verify the physical location address with that listed on the Dealer’s license. Each physical location must have its own Dealer license number, issued by DPR.

Number of Records Inspected: This must be completed. If there are no records to inspect, or you did not inspect any records you cannot record this inspection on Report 5, as a Dealer inspection. You can report the licensed hours on Report 5.

Designated Agent’s Name: Record the Designated Agent’s name. Verify with DPR that the person you recorded, is the person listed by DPR for that location.

Criteria Item 1 “Dealer Licensed” / License Number: Record the Dealer’s license number off the business license issued by DPR. Check the expiration date; if the license has expired this would be a non-compliance. Note in the “Remarks” section the date the license expired.

Purpose

A Pesticide Dealer Record / Storage Inspection is conducted at the business location to ascertain licensing status, supervision by a qualified person, record maintenance, the sale and delivery of

appropriate pesticides, and other record requirements.

A complete record inspection should be conducted at the frequency agreed to in your county negotiated work plan. Additional review of sales records may be needed to determine compliance with pesticide use reporting requirements or for specific investigations. It will be useful to check county office records and to note any prior noncompliances. Deal with the designated agent, if possible.

REQUIREMENTS

1. Dealer Licensed / License #. CFAC ' 12101

Scope: Persons acting as pesticide dealers, or who engage in the business of, advise as, or assume to act as a pesticide dealer.

Exemptions: A pest control business that makes the application in addition to selling and recommending the pesticide CFAC ' 11407.5. Cooperatives that act as pesticide dealers for their members.

└ Ask to see the dealer's license and write the business name and business license number on the inspection form. Determine if the information (business name and address) is current and the license is valid.

2. Designated Agent / Office; Valid License or Certificate. 3CCR ' 6560

Scope: Any person who is responsible for supervising the operations of a licensed pest control dealer either at the principal office or at a branch location.

Exemptions: Licensed PCA's, pilots, and Qualified Applicators do not need a Designated Agent license.

└ Determine if a designated agent is available at each main office, and branch location. Record the agent's name of this facility on your inspection form. Does this person actively supervise all operations conducted by employees at that location? In order for persons to be qualified as a designated agent for a Pesticide Dealer's License they must have passed the laws and regulations exam, or hold a valid Pest Control Adviser's license, Pest Control Pilot Certificate, or a Qualified Applicator License.

3. Sales Records / Statement / Written Rec. / Two Years. 3CCR ' 6562

Scope: Licensed pesticide dealers

Exemptions: Pesticides labeled only for home use.

L Dealers shall maintain records of all agricultural and non-agricultural use pesticides sold or delivered, except for the sale of pesticides labeled only for home use. Ask the designated agent if all pesticide sales records are being maintained for two years from the date of sale.

L Ask the designated agent how records are maintained. Select a representative sample of records to review. Are records identified by purchaser name and address? Do they show an Operator Identification Number or a statement that no identification number is required? Do they show where the pesticide was delivered? Does each pesticide sale include either a written recommendation or a statement on a copy of the customer's invoice that no recommendation was made? For invoices or delivery slips that do not have a statement, attempt to match them with a written recommendation. If discrepancies exist, expand the record review. Dealers must keep copies of the recommendation or statement for two years.

4. Appropriate Products Sold. 3CCR ' 6564

Scope: Licensed pesticide dealers

Exemptions: None

L Note any pesticide sales or recommendations that are unusual or that deviate from common industry practice. For example, pesticides labeled for agricultural use that were sold to an industrial-type business or large quantities sold for home use. Compare some of the records with available labels to see if recommendations for use are consistent with the label.

5. Permits for Restricted Materials / 2 Years. 3CCR ' 6568(a)(b)

Scope: Licensed pesticide dealers selling restricted materials.

Exemptions: Sales to other dealers, PCB's, and out-of-state sales

L Dealers must obtain a copy of a Restricted Materials permit prior to the sale of a restricted material.

6. Qualified Applicator Licensee, Qualified Applicator Certificate, or Private Applicator Certificate Statement Available / Two Years. 3CCR ' 6568(b)(e)

Scope: Licensed pesticide dealers selling Federally restricted materials to end users.

Exemptions: If the purchaser's Restricted Material permit is on file, a statement is unnecessary. Sales to out-of-state dealers are permissible.

└ Before the sale of a Restricted Material, which is either federally restricted ' 6400(a) or on the Groundwater Protection List ' 6800(a), the dealer must obtain the purchaser's documentation. This documentation may be the license, the certificate or a signed statement.

└ The signed statement must include the license or certificate type and number, its date of expiration, the certified applicator's signature and date. A record which indicates delivery to a licensed pest control business will not serve as a signed statement. These records must be maintained for two years.

7. Operator Identification Number / 2 Years. 3CCR ' 6568(c)

Scope: Pesticide Dealers.

Exemptions: None

└ Prior to the sale or delivery of pesticides listed in ' 6622, the dealer must obtain a copy of the purchaser's Restricted Materials Permit showing all Operator Identification Numbers, or a copy of the Application for Operator Identification Number.

└ Cross match sales records with operator identification records. If discrepancies exist, expand the record review. Ask the designated agent if a list of Operator Identification Numbers, with corresponding names of purchasers covering the previous quarter, has been sent to the appropriate county agricultural commissioners who issued the numbers.

8. Groundwater Protection Statement / 2 Years. 3CCR ' 6570

Scope: Licensed pesticide dealers selling ground water protection materials for which pesticide management zones have been established, when the material is intended agricultural, outdoor institutional or outdoor industrial use.

Exemptions: Out-of-state dealers

└ Pesticides listed in ' 6800(a) Groundwater Protection List, that are labeled for agricultural, outdoor institutional or outdoor industrial use, are designated as Restricted Materials. Prior to the sale, the dealer must obtain a statement from the purchaser that identifies whether the intended use will be in or out of a Pesticide Management Zone (PMZ).

└ Does the signed statement also include the material purchased, purchaser's signature and date signed? Prior to the delivery of these materials used in a PMZ, the dealer must obtain a copy of a Restricted Materials Permit required pursuant to ' 6416.

Ⓙ Dealers are required to maintain, by purchaser, records of sales of pesticides listed in ' 6800. Dealers are required to report, on a quarterly basis, all such sales to the Director and maintain these records for two years. The information to be reported includes the name and address of the purchaser, date of purchase, and materials purchased and quantity.

9. Containers – Responsible Person / Locked Enclosure. 3CCR ' 6672(b)

Scope: Persons delivering empty or full pesticide containers to a property, and persons who store pesticides.

Exemptions: Does not apply to containers that hold or have held pesticides packaged, labeled, and used for home use when in the possession of a householder on their property. Does not apply to sanitizers, disinfectants, or medical sterilants. Pesticides listed in 3CCR ' 6402 "exempt materials," do not need to be stored in a locked enclosure.

Ⓙ Ask the operator of the property or the business operator where pesticides are stored. If the company has more than one storage area at different locations, a separate inspection should be done at each site. Are pesticides and empty containers stored in a locked enclosure?

Ⓙ Personal control of containers is allowed if someone maintains control over them at all times. Empty containers left lying around shop buildings or equipment yards may be periodically attended; however, this is not proper storage. Guidelines for pesticide container storage can be found in the Manual of Procedural Guidance for Pesticide Enforcement Personnel.

10. Storage Posted “Warning / Danger”. 3CCR ' 6674

Scope: Storage areas where pesticides, or containers, with the signal words ⒶDANGER@or ⒶWARNING@are stored.

Exemptions: Does not apply to containers that hold or have held, pesticides packaged, labeled, and used for home use when in the possession of a householder on their property. Does not apply to sanitizers, disinfectants, or medical sterilants.

Ⓙ If ⒶDANGER@or ⒶWARNING@pesticides are being stored, warning signs are required. Determine if the notice should be repeated in a language other than English. Are signs posted in each direction of probable approach and readable at a distance of 25 feet? Vehicle utility boxes carrying pesticides are generally not considered pesticide storage areas. The vehicles are used to transport the pesticides from one job to another and are not fixed storage sites. In addition, vehicles transporting pesticides on public roads may fall under the California Department of Transportation regulations.

⌊ Posting of vehicle utility boxes is not required unless the boxes are used as a fixed storage site. For example, a pest control truck which is used for overnight storage of pesticides at the operator's residence must be posted.

11. Pesticide Containers Properly Labeled. 3CCR ' 6676

Scope: Storage and transportation of any container that holds or has held a pesticide.

Exemptions: Service containers do not need to carry the registrant's label. Containers that have been triple rinsed do not need to have lids or closures securely tightened.

Does not apply to measuring devices that are not used to store or transport a pesticide. Does not apply to sanitizers, disinfectants, or medical sterilants.

⌊ Are all pesticide containers (except service containers) carrying the registrant's label? This pertains to rinsed containers as well as those that contain pesticides.

12. Service Container Labeling. 3CCR ' 6678

Scope: Containers, other than the original container, which hold pesticides for storage or transport.

Exemptions: Containers used by persons engaged in the business of farming when on that person's property.

⌊ Service containers are used by both private applicators and commercial operators to hold, store and transport pesticides or use dilutions. Generally, these containers must be identified when they are transported via public roads or stored on property other than the property being treated. Determine whether the service container labeling is complete.

13. Proper Containers. 3CCR ' 6680

Scope: All pesticide storage, transport or use.

Exemptions: None

⌊ If service containers are observed, examine them to assure that pesticides are not being stored in prohibited containers commonly used for food, drink, or household products.

Examples of improper storage containers include an empty coffee can, a soda bottle, or a plastic food storage container.

14. Containers Properly Rinsed. 3CCR ' 6684

Scope: All pesticide containers which have held less than 28 gallons of liquid pesticide

concentrate.

Exemptions: This section does not apply to containers that hold, or have held, pesticides packaged, labeled and used for home use when in the possession of a householder on his or her property. It does not apply to containers that hold, or have held, sanitizers, disinfectants and medical sterilants. This section does not apply to containers that are or will be returned to the registrant.

It does not apply to containers that will be refilled, e.g. used as service containers that are filled from a drum or larger container. It does not apply to containers that are transported as hazardous waste to a Class 1 dump.

└ When inspecting empty containers, select different types to determine if they have been rinsed. Use this inspection as a backup to observations made in the field. Containers must be rinsed at the time of use, unless the pesticide is formulated as "ready to use" or packaged in a 28-gallon container or greater.

└ Some retail pesticide product labels include statements advising users to wrap partially full containers in newspaper and dispose of in regular waste containers. This is not allowed in California!

PEST CONTROL RECORDS INSPECTIONS - Grower / Qualified Applicator / Dealer / Adviser

Pest Control Adviser Records Inspection

Criteria for Completed Inspections

For the purpose of reporting your Pest Control Records Inspections on the Pesticide Regulatory Activities Monthly Report (PR-ENF-099, Rev. 2/02):

- A completed Pest Control Adviser Records Inspection includes all applicable criteria items listed in Section D.

NOTE* Advisers must be registered in your county, actively writing recommendations and at the number of recommendations reviewed must be recorded on the form in order to report as a completed Pest Control Adviser Records Inspection. If there are no records to review, no credit for an inspection can be given, though hours can be recorded under “Licensed Hours Worked”.

Purpose

The records of Agricultural Pest Control Advisers (PCA) are inspected to determine if they are working within the scope of their license and that written recommendations are in compliance with label, content, and record keeping requirements. You should inspect PCA records at the frequency agreed to in your county negotiated work plan. Check the office files for any previous records inspections, noting any non-compliances.

REQUIREMENTS

1. Licensed PCA. CFAC ' 12001

Scope: Persons acting or offering to act as a Pest Control Adviser

Exemptions: Federal, state agricultural departments, county agricultural commissioners, qualified officials of the University of California Extension service, who put recommendations in writing.

L Is the license valid? Is the adviser’s correct address on the license? Record the name and license number on the inspection form.

2. PCA Registered in County. CFAC ' 12001

Scope: Licensed PCAs making agricultural use recommendations in any county.

Exemptions: None

└ Each PCA who makes any recommendation for agricultural use must register in person with the agricultural commissioner in the county listed in the adviser's address on the license. Registration in any additional county may be made by mail or in person, at the discretion of the agricultural commissioner of the additional county. Based on a review of written recommendation, did the PCA register in each county where he or she has made recommendations?

3. Recommendation in Proper Categories. CFAC ' 12054

Scope: Licensed and registered PCA's

Exemptions: None

└ Review records to determine whether the adviser is making recommendations with the categories as indicated on the license. For example, the PCA must be licensed in Category "G" in order to write a recommendation for the use of a plant growth regulator.

4. Required Information / Copies Furnished. CFAC ' 12003, 3CCR ' 6684

Scope: Pest control advisers who offer a recommendation on agricultural pesticide use.

Exemptions: None

└ Review a representative sample of written recommendations. Do they contain the required information (Have you got labels to look at for review purposes?) Have label restrictions such as plant backs, disposition of by-products, posting requirements, been noted? Did the adviser add to the recommendation a warning of the known possible damages by the pesticide application?

└ PCA's must put all recommendations concerning any agricultural use in writing. A copy of the written recommendation must be furnished to the operator of the property, and to the dealer and applicator prior to application. If the recommendation does not indicate copies are delivered, ask the adviser what procedure he or she uses to assure that growers and dealers receive a signed and dated copy.

5. Recommendations Retained / One Year. CFAC ' 12004

Scope: Agricultural. PCA's and Agricultural PCB's.

Exemptions: None.

└ Has the adviser retained a copy of each recommendation for one year from the date they were written? If recommendations are numbered consecutively, be aware of unaccountable gaps.

6. Recommendation Criteria. 3CCR ' 6556

Scope: Agricultural PCA's

Exemptions: None.

└ Determine if the adviser has included a statement certifying that he or she has considered alternatives and mitigation measures to reduce any adverse environmental effects. What technique or means has the adviser used to determine the need for recommending each application? What information was employed by the adviser to conclude that a treatment was necessary? Examples include sweep counts, detection traps, and university publications.

7. Groundwater Protection Advisories. 3CCR ' 6557

Scope: PCA's recommending use of chemicals listed in ' 6800(a)

Exemptions: None

└ Groundwater Advisories must be in writing, specific to a single chemical listed in 6800(a) and must include the following:

- Name and address of owner or operator of the property to be treated.
- Location of each property to be treated, including section, range, township and base meridian
- Basic soil textural class (e.g. sandy loam), for each site on property to be treated.
- Map of the property to be treated, identifying all known areas that could impact the movement of the chemical to ground water, (including abandoned and surface drainage (dry) wells, and irrigation and domestic wells).
- Conditions for the property to be treated in relation to basic soil textural class, irrigation practices, and the location of wells.
- Signature and address of the PCA, date and PCA license number.

┆ PCA's are required to file written proof of completion of an approved Groundwater Protection Training Program within the past 2 calendar years in each county that advisories are written. PCA's must also retain one copy of each groundwater protection advisory for agricultural, outdoor institutional or outdoor industrial use for 1 year from the date of the advisory, as well as provide 1 copy to the owner or property operator.

8. Complies with Pesticide Labeling. CFAC ' 12971

Scope: Licensed Pest Control Advisers

Exemptions: None

┆ Licensed PCAs shall not make recommendations that conflict with the label of the product being recommended

9. Safety of Employed Persons. 3CCR ' 6720(d)

Scope: Licensed Agricultural PCA's, and Registered Foresters, or employees under their direct supervision.

Exemptions: Employees handling consumer products for use by the general public, provided the use is not significantly greater than the typical consumer use of the product. Employees not working under direct supervision of either a licensed PCA, or registered Forester. Licensed PCAs and registered Foresters or employees under their direct supervision, who don't meet the full components of this section.

┆ The provisions of ' 6734 and ' 6768 (Decontamination), ' 6726 and ' 6766 (Emergency Medical Care), ' 6736 (Coveralls), ' 6738(b-i) (Personal Protective Equipment), and ' 6770 (Field Re-entry) do not apply to licensed PCAs and registered Foresters, or employees under their direct supervision after an application is completed while:

- Performing crop adviser tasks, including field-checking or scouting
- Making observations of plants
- Taking samples

Provided:

┆ They have been trained equivalent to ' 6724, and either the licensed PCA or registered Forester has:

- Made specific determinations regarding PPE, decontamination facilities, and how to conduct crop adviser tasks safely
- Informed each employee of the pesticide, the active ingredient, method and time of application, restricted entry interval
- Instructed each employee which tasks to perform, and how to make contact

with the licensed PCA or registered Forester

Pest Control Records Inspections –
Agricultural / Structural Pest Control Business
PR-ENF-110 (Est. 2/02)

Criteria for Completed Inspections

For the purpose of reporting your Pest Control Records Inspections on the Pesticide Regulatory Activities Monthly Report (PR-ENF-099, Rev. 2/02):

- A completed Headquarter and Employee Safety Inspection for an Agricultural Pest Control Business (PCB) includes all applicable criteria items listed in Section A.
- A completed Headquarter and Employee Safety Inspection for a Structural PCB includes all applicable criteria items listed in Section B.
- A completed Licensed Pest Control Business Records / Storage Inspection for an Agricultural PCB includes all applicable criteria items listed in Section A.
- A completed Licensed Pest Control Business Records / Storage Inspection for a Structural PCB includes all applicable criteria items listed in Section B.

Note* If a Headquarter and Employee Safety Inspection, AND a Records / Storage Inspection are conducted on the same form, on the same day, the criteria items listed under “Pesticide Storage” need only be filled out once, in either inspection for either an Agricultural PCB or a Structural PCB. Put an “X” through the block of criteria items under the inspection not filled out. You may record a completed inspection on Report 5, for both a Headquarter and Employee Safety Inspection, and for a Licensed PCB Records / Storage Inspection.

Spot Inspections

Headquarter and Employee Safety Inspections, Dealer Inspections, and occasionally Pest Control Adviser Inspections are also conducted as a follow-up to use monitoring inspections where worker safety violations were noted; or in response to complaints, referrals, or illness investigations. Typically the information and records reviewed are specific to individuals, particular practices, or specific pesticides, and have a narrower focus to the inspection than that of a routine inspection.

In these cases, please write “Spot Inspection”, and the focus of the inspection in the “Remarks” section.

If the inspection can be tied to an investigation please record the Investigation number and circle the appropriate designation in the “Action Reference” box at the top of the inspection form, (refer to “Action Reference” in the general procedures section for more information).

Headquarter and Employee Safety Inspection

Purpose

A Headquarter and Employee Safety Inspection is conducted to determine the level of compliance of growers or commercial applicators with certification, Restricted Materials Permit, record keeping, and use reporting requirements, as well as to determine whether or not a person has control over his or her pesticide containers, stores them properly, and identifies the storage site with signs. He or she must store pesticides, partial and empty containers, in a manner where they do not present a hazard to persons, animal food, feed, crops or property.

Another purpose is to determine whether employers who have employees handling pesticides are in compliance with applicable worker safety requirements. In addition, the property operators with workers entering treated fields should be inspected for fieldworker safety requirements. These requirements include advanced notice of pesticide applications, arrangement for emergency medical care, and the maintenance of re-entry records and completion notices.

Headquarters and Employee Safety Inspections should only be conducted when the employer has employees handling pesticides or working in treated fields. After completing the inspection, discuss the results with the grower, permittee, or Qualified Applicator. You should conduct Growers or Qualified Applicator “Headquarter and Employee Safety Inspections” at a frequency agreed to in the negotiated work plan

Headquarter and Employee Safety Inspections are also conducted as a follow-up to use monitoring inspections where worker safety violations were noted. If non-compliances have been noted in other inspections of the firm or business during the past year or when there is an investigation, then more frequent inspections are justified. These inspections are often a part of an investigation involving employee complaints. A high enforcement profile should result in improved work and safety habits, as well as improve the record keeping functions of growers and qualified applicator firms or businesses.

Review illness reports, prior inspection reports, and any violative history before your inspection to become familiar with any prior non-compliances. It is recommended that you bring to the grower’s or qualified applicator’s headquarters the file for easy reference of the documents. You may want to discuss these records with the employer again to determine whether additional training was provided to correct any deficiencies.

Review previous storage inspection records, and restricted materials listed on permits maintained by Ag. PCBs. If you are inspecting a storage site at an Ag. PCB, review and note the categories in which the Qualified Applicator is certified to operate. If you are inspecting a storage site at a Structural PCB, note the pesticides stored in relation to the type of license held by the Structural PCB. Empty containers in storage are indications of use; review the sites or crops on the labels of pesticides to monthly pesticide use reports submitted to your county.

Exemption: When anti-microbial agents, used only as sanitizers, disinfectants, medical sterilants, or pool and spa chemicals are handled, the employer is exempt from complying with provisions of this subchapter (Pesticide Worker Safety) provided the employer is in compliance with corresponding provisions of Title 8 California Code of Regulations.
See 3CCR ' 6720(c).

Header Information

Type of Certification/License:

Inspection A. Record "Ag. PCB" or "Maintenance Gardener" (MGB) as applicable.

Inspection B. Record "Structural PCB".

Certificate/License Number:

Inspection A. Record the Business license number off the actual license issued by the Department of Pesticide Regulation (DPR).

Inspection B. Record the Business license number off the actual license issued by the Department of Consumer Affairs, Structural Pest Control Board (SPCB).

Expires:

Inspection A & B. Record the expiration date from the actual business license.

Category(s)/Branch(s):

Inspection A. Record the category(ies) from the actual business license. Verify that the category(ies) listed corresponds to the "settings" where applications are occurring. (i.e. Maintenance Gardener with category B "Landscape Maintenance" applying pesticides in a "right-of-way", category C setting).

Inspection B. Record the branch(es) from the actual business license. Verify that the branch(es) listed corresponds to the "settins" where applications are occurring. (i.e. Branch 2 company (General Pest Control) applying pesticides in a Branch 3 (Termiticides) setting).

Note* Should you find evidence that a Structural Pest Control company is operating beyond the scope of its license, refer the matter to the SPCB.

Headquarter and Employee Safety Inspection

Agricultural Pest Control Business
Structural Pest Control Business

REQUIREMENTS

General Criteria Items

1. Emergency Medical Care Planned. 3CCR ' 6726

Scope: All businesses with employee handlers

Exemptions: Owners and non-employee handlers. Pest Control Advisers and those performing crop adviser tasks are exempt under the conditions of ' 6720. Emergency medical care is not required if only granular baits, attractants or repellants in traps have been applied in a field. Pesticide applications by vector control agencies are exempt. If only algaecides have been used to treat the irrigation system or if pesticides have been injected into plants, emergency medical care is not required.

L Employers shall arrange for emergency medical care before employees handle pesticides. Is there a signed letter or agreement from a medical facility to the grower/firm/business to indicate such arrangements have been established? What proof is there to indicate “pre-arranged” emergency medical care?

L An employer must make arrangements with a medical care facility to provide emergency medical care for employees entering treated fields and handlers. These arrangements must be planned for in advance. Ask the employer whether arrangements have been made. Write the name of the facility in the **ARemarks@** section of the inspection form.

Labor contractors are also responsible for planning in advance emergency medical care for their employees who enter treated fields. This requirement should be addressed during a Fieldworker Safety Inspection.

L Employers are required to post in a prominent place at the work site or in the work vehicle the name, address, and telephone number of an emergency medical care facility. For employees that work in a wide geographical area, the employer must post procedures for obtaining emergency medical care when the listed facility is not reasonably accessible. A display of “911” is not sufficient. Do you see evidence of the actual information or procedures at the worksite?

2. **Change Area.** 3CCR ' 6732

Scope: Employers of persons who regularly handle any pesticides in commercial or research production of an agricultural plant commodity. This section also applies to employees who regularly handle pesticides with **ADANGER@** or **AWARNING@** on the label in any setting.

Exemptions: Owners and non-employees.

L The employer must assure that there is, at the place where employees end exposure and remove personal protective equipment, an area where they can change clothes and wash themselves. The employer must make available clean towels, soap and sufficient water for thorough washing. The employer must provide a clean storage area for personal clothes.

3. **Proper Storage of Personal Protective Equipment (PPE).** 3CCR ' 6738(a)

Scope: Employers of persons who handle any pesticides in commercial or research production of an agricultural plant commodity. Also covered are employees when they regularly handle pesticides with **ADANGER@** or **AWARNING@** labels in any setting.

Exemptions: Owners and non-employees handling pesticides, but remember, they are not exempt from label requirements for PPE use. PCA's and those performing crop adviser tasks are exempt under the conditions of ' 6720 handlers are exempt when using "Caution" pesticides, a closed system or:

- When injecting or incorporating pesticides into soil using vehicle-mounted or towed equipment; or
- When vehicle-mounted spray nozzles are located below the employee and the nozzles are directed downward; or
- When working in an enclosed cab; or
- When applying vertebrate pest control baits that are placed without being propelled from application equipment, or solid fumigants (including aluminum phosphide, magnesium phosphide, and smoke cartridges) to vertebrate burrows, baiting insect monitoring traps or applying non-insecticidal lures;
- When the flagger is in an enclosed vehicle.

L Employers must provide safety equipment, and require that it is kept in a clean, specially designated place when not in use. Examples of proper storage are lockers or assigned tote bags. Equipment left on the floor, or stuffed under the seat of a mix or load vehicle is not considered proper storage. In addition, a pesticide storage area is not a proper place for storage of safety equipment. PPE must be kept separate from personal clothing.

L Employers must provide for the daily inspection and cleaning of all required PPE, and repair or replace any worn, damaged, or heavily contaminated PPE. In addition, employers must

keep and wash potentially contaminated PPE from other clothing or laundry. They must assure that any person or firm assigned or hired to clean or repair potentially contaminated PPE is protected and informed.

Hazard Communication / Training Program

- 4. NOTE* This criteria item (6702)(b)(5) will not be enforced during the Pilot Project.**

Written Workplace Disciplinary Policy. 3CCR ' 6702(b)(5)

Scope: Employers of pesticide handlers

Exemption: Owners and non-employees.

L DPR's laws and regulations require employers to be responsible for promoting and maintaining a safe workplace for their employees. When an inspector determines that an employer violated a worker safety regulation containing the word "assure" or "ensure" he or she must also determine whether the employer failed to take "reasonable measures" to comply.

L DPR's "Assure" or "Ensure" means to take all reasonable measures so that the behavior, activity, or event in question occurs. When the behavior, activity, or event in question involves or concerns an employee, reasonable measures by an employer include determining that the employee has the knowledge to comply; providing the means to comply; supervising the work activity; and having and enforcing a written workplace disciplinary action policy (DAP) covering the employer's requirements, as well as other measures required by pesticide law or this division.

L One factor in making that determination is whether the employer created, and enforces, a Disciplinary Action Policy (DAP). A DAP is one suggested component of an Injury and Illness Prevention Program (IIPP). The inspector's findings on the existence and enforcement of a DAP should be documented in the "Remarks" section of the inspection form.

L Evidence of a DAP will assist the inspector in making the determination that "reasonable measures" were taken by the employer. The commissioner does not have the authority to cite an employer who fails to maintain and use an Injury and Illness Prevention Program (IIPP), however; the notation by an inspector that a DAP exists, and is enforced, in combination with documented non-compliances of worker safety regulations requiring "assure" or "ensure" can be used by the commissioner to pursue compliance or enforcement action.

L For more information refer to ENF letter 2001-055, and ENF letter 97-048.

- 5. Hazard Communication for Pesticide Handlers. 3CCR ' 6723**

Scope: Employers of employees who handle pesticides

Exemptions: Employers in compliance with Title 8, CCR - see ' 6720(c) in which anti-microbial agents, used only as sanitizers, disinfectants, medical sterilants, or pool and spa chemicals are handled.

└ Employers must display a copy of a completed Pesticide Safety Information Series (PSIS) leaflet A-8 or N-8 at a central location at the workplace before employees are allowed to handle pesticides. Employers must also maintain at a central workplace location the following:

- Pesticide use records for pesticides handled by employees
- Copies of PSIS leaflets applicable to the pesticides and handling activities listed in the pesticide use records
- Material Safety Data Sheet (MSDS) for each pesticide handled by employees

└ Employers must inform employees where the records are kept, and they must grant employees access to the records no longer than 48 hours from the date of request by an employee or employee representative.

└ Review employee training records, pesticide use records, and pesticide use reports to identify the pesticides handled, before determining whether an employer is maintaining the appropriate MSDS.

6. Application Specific Information for Handlers. 3CCR ' 6723.1

Scope: Employers of employees handling pesticides used for the commercial or research production of an agricultural commodity.

Exemptions: Owners and non-employees.

└ The employer must display the following at a central location while employees handle pesticides:

- Identification of the treated area
- Application time and date
- Restricted Entry Interval
- Product Name
- EPA Registration Number
- Active Ingredient

└ Display means to make information available to the employee so that he or she may readily see and read the document, during normal business hours, without having to make a specific request of any person. An employee shall not be hindered or impeded from examining

documents required to be displayed.

This definition does not preclude using a binder or filing cabinet, that otherwise meets these criteria, to contain documents for display.

⌞ The information must be displayed within 24 hours of the application and include any applications within ¼ mile of the work area. Information must remain displayed until workers are no longer employed or the area no longer meets the definition of “treated field”. Copies are acceptable.

7. Trainer Qualified / Written Program. 3CCR ' 6724

Scope: Employers of employees who handle pesticides. Note* Not all employers are qualified trainers

Exemptions: Owners and non-employees. Employers of certified employees and licensed PCAs.

⌞ A trainer is required to be “qualified” when:

Conducting training for employees handling pesticides for the commercial or research production of an agricultural commodity

⌞ A person conducting training for employees handling pesticides for commercial or research production of an agricultural commodity shall be qualified as one of the following:

- California certified commercial applicator
- California certified private applicator
- California licensed Pest Control Adviser
- California registered Professional Forester
- Farm Advisor employed by the University of CA (UC), Coop Extension
- County biologist holding a license in Pesticide Regulation, or Investigation and Environmental Monitoring, issued by the Department of Food and Agriculture
- Person who has completed an “instructor trainer” program presented by UC, Integrated Pest Management Program (after 1/1/93) or Other instructor training programs approved by the Director

⌞ The employer’s training program shall describe the materials (e.g. study guides, pamphlets, slides, PSIS), and information that will be provided and used to train employees, and identify the person or firm that will provide the training.

⌞ The employer shall maintain a copy of the training program while in use, and for two years after use, at a central workplace location.

8. Required Topics. 3CCR ' 6724(b)

Scope: Employees who handle pesticides

Exemptions: Owners, and non-employees. Employers of certified applicators, and licensed PCAs

└ Training shall cover the following:

- Format and meaning of information contained on a pesticide product label
- Hazards of pesticides, such as acute and chronic effects
- Routes, by which pesticides can enter the body
- Signs and symptoms of overexposure
- Emergency first aid for pesticide overexposure
- How to obtain emergency medical care
- Routine and emergency decontamination procedures
- Information about personal protective equipment
- Information about heat-related illness
- Safety requirements and procedures related to pesticides
- Environmental concerns
- Warnings about taking pesticides or pesticide containers home
- MSDS, PSIS
- Medical supervision requirements for “Warning” and “Danger” organophosphates and carbamates
- Location of Hazard Communication Information (e.g. PSIS, MSDS, A-8)
- Employee’s rights

└ Based on the employer’s response to questions and a review of the training records, did the employer address all of the topics sufficiently? Documentation of training does not necessarily mean an employer has properly trained his or her employees. Was the training adequate? The training must be pesticide specific, unless the subject matter of training can group pesticides.

9. Training Prior to Handling. 3CCR ' 6724(d)

Scope: All employees who handle pesticides.

Exemptions: Owners and non-employees and employees who are certified applicators and licensed Pest Control Advisers.

└ The training shall include responses to questions. It shall be completed before the employee handles pesticides, continually updated and repeated at least annually. Training may be waived upon submission of a record of applicable training within the last year. A certified applicator is deemed to be trained.

└ Compare the date of application on the pesticide use records, including use records required under ' 6728 (Medical Supervision) with the date of initial and annual training on the employee training records. Take note of any discrepancies between the dates.

10. Training Records Available / Complete / 2 Years. 3CCR ' 6724(e)

Scope: Employers of employees who handle pesticides

Exemptions: Owners, and non-employees. Employers of certified employees, and licensed PCAs.

└ Employers must record the date and time of training and the job assigned to the employee. Records must be kept for two years in a central workplace location accessible to employees.

└ Are there completed, signed and dated training records for employees who handle pesticides? The training record must be signed by the employee, but it no longer needs to be signed by the employer and trainer. Are the training records current? Compare training records to pesticide use records to assure each employee has received training on each pesticide or chemically similar group of pesticides used

└ Compare the date of application on the pesticide use records, including use records required under ' 6728 (Medical Supervision) with the date of initial and annual training on the employee training records. Take note of any discrepancies between the dates.

Respiratory Protection Program

11. Written Operating Procedures. 3CCR ' 6738(h)(3)

Scope: Employers of persons handling pesticides. Owners and non-employees are covered when the requirement is on the pesticide label (CFAC ' 12973).

Exemption: Pest Control Advisers; see 3CCR ' 6738(b) - (i).

└ Employers must provide and assure the use of label-required or regulation-required respiratory equipment. Employers shall assure that written operating procedures for selecting, fitting, cleaning, sanitizing, inspecting, and maintaining respiratory protective equipment are adopted. Each person required to wear a respirator must be trained in the need, use, care and limitations of the equipment.

└ For more information regarding respiratory protection, including a sample of written operating procedures, refer to Pesticide Safety Information Series (PSIS), Leaflet A-5, "Respiratory Protection".

└ Ask the employer how fit-testing is conducted. Ask what procedure is used to assure that respirators are cleaned and sanitized and where the equipment is stored.

12. Emergency Use Respirators. 3CCR ' 6738(h)(5)

Scope: Employers of persons handling pesticides. Owners and non-employees are covered when the requirement is on the pesticide label (CFAC ' 12973).

Exemptions: Pest Control Advisers; see 3CCR ' 6738(b) - (i).

└ Respirators maintained for stand-by or emergency use are inspected monthly or before use if occasions for possible use are more than one month apart. A record of the most recent inspection shall be maintained on the respirator or its storage container.

└ Look for the required documentation to indicate any stand-by respirators have been inspected regularly.

13. Medical Condition Statement - 3CCR ' 6738(h)(6)

Scope: Employers of persons handling pesticides which require respiratory protection. Owners and non-employees are covered when the requirement is on the pesticide label or in regulation.

Exemptions: Pest Control Advisers; see 3CCR ' 6738(b)-(i).

└ The employer must inform an employee, prior to beginning work, that certain medical conditions (heart disease, high blood pressure, lung disease, or perforated ear drum), may interfere with wearing a respirator while engaged in potential pesticide exposure situations.

└ Ask to see a Medical Conditions Statement for each employee assigned to performing work that requires wearing a respirator. If an employee has a medical condition, has that person been evaluated by a physician? If so, does the employer have a copy of the physician's report on file?

PSIS A-5 "Respiratory Protection" contains an Employee Statement of Medical Condition. Scope: Employers of persons handling pesticides which require respiratory protection. Owners and non-employees are covered when the requirement is on the pesticide label or in regulation.

Medical Supervision Program

14. Use Records Retained / 3 Years. 3CCR ' 6728(a)

Scope: Employers of persons who handle organophosphate and carbamate pesticides with **ADANGER@** or **AWARNING@** on the label in commercial or research production of an agricultural plant commodity.

Exemptions: Owners and non-employees.

⌞ The employer must keep records that identify the name of the employee, the name of the pesticide and the date of use. This information must be collected in order to ascertain whether or not employees are subject to the requirements of medical supervision. This information may also be useful if it becomes necessary to review records while performing an illness investigation. These records must be maintained for a period of three years.

15. Doctor's Agreement Available / 3 Years. 3CCR ' 6728(b)

Scope: Employers of persons who regularly handle organophosphate and carbamate pesticides with **ADANGER@** or **AWARNING@** on the label in commercial or research production of an agricultural plant commodity.

Exemptions: Owners and non-employees.

⌞ When employees regularly handle **ADANGER@** or **AWARNING@** organophosphates or carbamates, the employer must have a written agreement stating that a physician has agreed to provide medical supervision.

⌞ This agreement must include the names and addresses of the employer and the physician, as well as a statement that the physician possesses a copy and is aware of the contents of the "Medical Supervision of Pesticide Workers - Guidelines for Physicians.@ This document is available from the Department of Health Services or local county health departments. A copy of this agreement must also be given to the commissioner. This agreement to provide medical supervision, all recommendations and test results, must be maintained for three years.

⌞ "Regularly handle" means that an employee is handling pesticides during any part of the day for more than six calendar days in any 30 consecutive day qualifying period beginning on the first day of handling.

⌞ While exclusively using a closed system or water-soluble packets the time spent is not included for any employee who has a baseline blood cholinesterase level established pursuant to ' 6728(c)(1).

16. Recommendations / Test Results / 3 Years. 3CCR ' 6728(c)

Scope: Employers of persons who regularly handle organophosphate and carbamate pesticides with **ADANGER@** or **AWARNING@** on the label in commercial or research production of an agricultural plant commodity.

Exemptions: Owners and non-employees.

└ For employees who regularly handle **ADANGER@** or **AWARNING@** organophosphates or carbamates, employers must have established baseline red cell and plasma cholinesterase levels. Baseline values must be verified every two years.

└ In addition to the baseline determination, new employees are required to have cholinesterase tests within three working days following the conclusion of each of the first three 30-day periods in which **ADANGER@** or **AWARNING@** organophosphates or carbamates were regularly handled.

└ Further continued periodic monitoring for all covered employees, excluding those who mix or load **ADANGER@** or **AWARNING@** organophosphates or carbamates exclusively through a closed system, or those mixing pesticides sealed in water-soluble packets, will be at the recommendation of the Medical Supervisor. When no written recommendations for periodic monitoring have been made, the testing interval shall be every 60 days.

└ All written recommendations of the Medical Supervisor, as well as all test results must be maintained at the employer's headquarters for three years.

└ The initial requirements for medical supervision were changed because it has been demonstrated that new employees, due to inexperience in handling pesticides, are exposed more. Routine testing of these employees will hopefully identify those who need to correct faulty work practices.

17. Medical Supervision Posting. 3CCR ' 6728(c)(5)

Scope: Employers of persons who regularly handle organophosphate and carbamate pesticides with **ADANGER@** or **AWARNING@** on the label in commercial or research production of an agricultural plant commodity.

Exemptions: Owners and non-employees.

└ The name, address, and phone number of the Medical Supervisor must be posted in a prominent place at the headquarters or other location where employees start the workday. If the employee starts the workday in the field, the information must be posted at each worksite or in the work vehicle. This posting requirement is in addition to the Emergency Medical Care posting requirement.

Pesticide Storage

18. Containers – Responsible Person / Locked Enclosure. 3CCR ' 6672(b)

Scope: The person named in the Restricted Materials permit.

Exemption: All non-restricted materials. Restricted Materials must be stored in accordance with ' 6670 and ' 6672. Does not apply to sanitizers, disinfectants, or medical sterilants. Pesticides listed in 3CCR ' 6402 "exempt materials," do not need to be stored in a locked enclosure.

└ The person named in a restricted material permit is authorized to retain possession, except for sale, of materials for which the permit was valid after such permit expires, provided they are stored in accordance with Sections 6670 and 6672.

└ Ask the business operator where pesticides are stored. If the company has more than one storage area at different locations, a separate inspection should be done at each site. Are pesticides and empty containers stored in a locked enclosure? Personal control of containers is allowed if someone maintains control over them at all times. Empty containers left lying around shop buildings or equipment yards may be periodically attended; however, this is not proper storage. Guidelines for pesticide container storage can be found in the Manual of Procedural Guidance for Pesticide Enforcement Personnel.

19. Storage Posted “Warning / Danger”. 3CCR ' 6674

Scope: Storage areas where pesticides, or containers, with the signal words **ADANGER@** or **AWARNING@** are stored.

Exemptions: Does not apply to sanitizers, disinfectants, or medical sterilants.

└ If **ADANGER@** or **AWARNING@** pesticides are being stored, warning signs are required. Determine if the notice should be repeated in a language other than English. Are signs posted in each direction of probable approach and readable at a distance of 25 feet? Vehicle utility boxes carrying pesticides are generally not considered pesticide storage areas. The vehicles are used to transport the pesticides from one job to another and are not fixed storage sites. In addition, vehicles transporting pesticides on public roads may fall under the California Department of Transportation regulations.

└ Posting of vehicle utility boxes is not required unless the boxes are used as a fixed storage site. For example, a pest control truck which is used for overnight storage of pesticides at the operator's residence must be posted.

20. Pesticide Containers Properly Labeled. 3CCR ' 6676

Scope: Storage and transportation of any container that holds or has held a pesticide.

Exemptions: Service containers do not need to carry the registrant's label. Containers that have been triple rinsed do not need to have lids or closures securely tightened. Does not apply to measuring devices that are not used to store or transport a pesticide. Does not apply to sanitizers, disinfectants, or medical sterilants.

└ Are all pesticide containers (except service containers) carrying the registrant's label? This pertains to rinsed containers as well as those that contain pesticides.

21. Service Container Labeling. 3CCR ' 6678

Scope: Containers, other than the original container, which hold pesticides for storage or transport.

Exemptions: Containers used by persons engaged in the business of farming when on that person's property.

└ Service containers are used by both private applicators and commercial operators to hold, store and transport pesticides or use dilutions. Generally, these containers must be identified when they are transported via public roads or stored on property other than the property being treated. Determine whether the service container labeling is complete.

22. Proper Containers. 3CCR ' 6680

Scope: All pesticide storage, transport or use.

Exemptions: None

└ If service containers are observed, examine them to assure that pesticides are not being stored in prohibited containers commonly used for food, drink, or household products. Examples of improper storage containers include an empty coffee can, a soda bottle, or a plastic food storage container.

23. Containers Properly Rinsed - 3CCR ' 6684

Scope: All pesticide containers that have held less than 28 gallons of liquid pesticide concentrate.

Exemptions: It does not apply to containers that hold, or have held, sanitizers, disinfectants and

medical sterilants.

This section does not apply to containers that are or will be returned to the registrant. It does not apply to containers that will be refilled, e.g. used as service containers that are filled from a drum or larger container. It does not apply to containers that are transported as hazardous waste to a Class 1 dump.

└ When inspecting empty containers, select different types to determine if they have been rinsed. Use this inspection as a backup to observations made in the field. Containers must be rinsed at the time of use, unless the pesticide is formulated as "ready to use" or packaged in a 28-gallon container or greater.

└ Some retail pesticide product labels include statements advising users to wrap partially full containers in newspaper and dispose of in regular waste containers. This is not allowed in California!

**PEST CONTROL RECORDS INSPECTIONS –
AGRICULTURAL / STRUCTURAL PEST CONTROL BUSINESS
PR-ENF-110 (Est. 2/02)**

Licensed Pest Control Business Records / Storage Inspection

***AGRICULTURAL PEST CONTROL BUSINESS
STRUCTURAL PEST CONTROL BUSINESS***

Purpose

Records

This inspection is to determine the licensing and registration status, record keeping conformity, and proper supervision of applications by a qualified person. Agricultural pest control businesses (PCBs) include Maintenance Gardeners (MGBs).

Prior to conducting the inspection, check county office records for registration information, previous inspections, and use reporting. Note any recent deficiencies.

Pest Control Business Records / Storage Inspections should be conducted at the frequency determined in your county negotiated work plan and as often as needed based on the compliance history of the company.

Pesticide Storage

The pesticide storage area is inspected to determine whether or not a person has control over his or her pesticide containers, stores them properly, and identifies the storage site with signs. He or she must store pesticides, partial and empty containers, in a manner where they do not present a hazard to persons, animal food, feed, crops or property.

Note* Review previous storage inspection records, and restricted materials listed on permits maintained by Ag. PCBs. If you are inspecting a storage site at an Ag. PCB, review and note the categories in which the Qualified Applicator is certified to operate. If you are inspecting a storage site at a Structural PCB, note the pesticides stored in relation to the type of license held by the Structural PCB. Empty containers in storage are indications of use; review the sites or crops on the labels of pesticides to monthly pesticide use reports submitted to your county.

REQUIREMENTS

1. Business Licensed. FAC ' 11701

Scope: All persons performing pest control for hire.

Exemptions: Structural pest control, pool service companies, pest control incidental to woodcutting, applications of preservatives to wood in a permanent treatment plant, pest control incidental to new construction or landscaping, preservative treatment of fabrics or structural materials, household or industrial sanitation, seed treatment incidental to a persons regular business, live capture of vertebrates, bees or wasps if no pesticide is used, and the removal of diseased tissue or application of disinfectant to wounds by a tree surgeon.

└ Check for a valid business license issued by the California Department of Pesticide Regulation. Both principal (main) and branch pest control business locations must be currently licensed. A Branch location is any office in addition to the principal office that engages in pest control business activities for the company. This includes gardeners performing pest control incidental to their business of maintenance gardening. A person who has a business license in the Maintenance Gardener category must provide proof that the pest control conducted is incidental to the primary business of maintenance gardening.

2. Business Registered in County. FAC ' 11732

Scope: Equipment used in pest control for hire.

Exemptions: Structural PCBs.

└ Both principal (main), and branch pest control business locations must register in each county where work is performed. Check for proper registration. Does the registration show the business name and address? Is each piece of application equipment shown? Is the registrant aware of county permit conditions, etc.?

3. Work Supervised by Qualified Person. FAC ' 11701.5,

Scope: All businesses licensed by DPR to perform pest control for hire.

Exemptions: Structural pest control, pool service companies, pest control incidental to woodcutting, applications of preservatives to wood in a permanent treatment plant, pest control incidental to new construction or landscaping, preservative treatment of fabrics or structural materials, household or industrial sanitation, seed treatment incidental to a persons regular business, live capture of vertebrates, bees or wasps if no pesticide is used, and the removal of diseased tissue or application of disinfectant to wounds by a tree surgeon. A qualified applicator can supervise more than one location under certain conditions.

└ Every principal (main), and branch location must have at least one person in a supervisory position who holds a Qualified Applicator License in the proper categories. Maintenance Gardeners must hold a valid Qualified Applicator License or a Qualified Applicator Certificate

in Category "B". Check the individual's card for the expiration date. Is the person licensed in the same categories as the work being performed? Take note of applications that are not covered by the Qualified Applicator's License or Certificate.

4. Pilot(s) Hold a Valid Certificate. FAC ' 11901

Scope: Any person operating an aircraft for the purpose of pest control.

Exemptions: None

└ Determine if pilot certificates are valid. Do all pilots hold either Journeyman or Apprentice Certificates?

5. Pilot(s) Registered in County. FAC ' 11920

Scope: Person acting as a pest control aircraft pilot in any county.

Exemptions: None.

6. Written Recommendation Retained / One Year. FAC ' 12004

Scope: Licensed Agricultural Pest Control Advisers who make written recommendations. Pest Control Businesses applying agricultural use pesticides that require a permit, or applying other pesticides for which a written recommendation has been provided.

Exemptions: None.

└ Has the pest control business retained a copy of each recommendation for one year? Is a written recommendation available for each agricultural use of a material requiring a permit? Match a sample of use records containing Restricted Materials with the written recommendations. If deficiencies are observed, expand the cross-matching procedure.

└ Pilots must be registered in each county in which they work. Check for proper registration. Are apprentice certificate holders supervised by a Journeyman Pilot? The Journeyman Pilot named on the apprentice pilot's county registration must be currently registered with that county.

7. Valid Permits for Restricted Materials. 3CCR ' 6412 and 6632

Scope: Pest control businesses applying agricultural use pesticides that require a permit.

Exemptions: Structural operators, and pesticides that do not require a permit.

└ Does the pest control business have a copy of a valid agricultural use Restricted Materials Permit? Did the pest control business operate in accordance with permit conditions?
Reference 3CCR ' 6426(b)

8. Application Completion Records / Two Years. 3CCR ' 6619

Scope: Agricultural Pest Control Businesses using pesticides for the production of an ag commodity.

Exemptions: Non-production agricultural pest control applications.

└ An agricultural pest control business must notify the operator of the treated property, within 24 hours of the completion of the pesticide application when applying pesticides for the production of an agricultural commodity. If the operator of the property will not be available to receive the notice, they must identify, in writing, the method that the business may use to provide such notification. The business must keep a copy of this notification method for two years.

They must also keep a record documenting the name of the property operator; location of the property, including site ID number; date and time notice was given; and method of notification. Review the records; do they contain the required information.

9. Pesticide Use Records Retained / Two Years. 3CCR ' 6624

Scope: All pest control businesses. Persons using pesticides for an agricultural use or for industrial post harvest commodity treatment. Persons using pesticides listed in 3CCR ' 6800(b) for outdoor industrial or institutional use, or listed in 3CCR ' 6400 (Restricted Materials) for any use.

Exemptions: Persons using pesticides for non-agricultural uses not included in the scope, and persons using pesticides on livestock.

└ Pest control businesses must maintain records of each pesticide use and retain these records for two years. The required information is listed in 3CCR ' 6624. Review the records for completeness. Do they contain all the required information? Production agricultural use records also require the:

- Location of the property treated by county, section, range, township, base and meridian;
- Hour the treatment was completed;
- Operator Identification Number;
- Site Identification Number;
- Total planted acreage or units at the site; and
- Identity of the handler and supervisor.

10. Pesticide Use Reports Submitted. 3CCR ' 6626-6628
Production Agriculture Monthly Pesticide Use Report (6626)
Monthly Summary Pesticide Use Report (6627)
Negative Pesticide Use Reports (6628)

Scope: ' 6626: Property operators producing agricultural commodities. Pest Control Operators applying pesticides for production agriculture.

Scope: ' 6627: PCBs applying pesticides to properties other those producing an agricultural commodity, and persons using pesticides:

- For an agricultural use
- Classified as a restricted material
- For industrial post-harvest commodity treatment
- Listed in 3CCR ' 6800(b) (Groundwater Protection List) for any outdoor institutional or outdoor industrial use.

Scope: ' 6628: Agricultural and Structural PCBs.

Exemptions: Persons using pesticides on livestock; in the sales area of retail nurseries; property operators producing but not selling an agricultural commodity (i.e. ranchettes). Public agencies (e.g. Vector Control) that have entered into a cooperative agreement with the California Department of Health Services. Persons applying pool chemicals for pool service companies.

└ Pest Control Businesses for hire must report pesticide use to the commissioner where work was done. When no pest control work was performed during a particular month PCOs must submit a negative report. A copy of the report must also be submitted to the property operator within 30 days of the application.

└ Agricultural pest control businesses that are not applying pesticides for the production of an agricultural commodity and Structural Pest Control Operators shall report all pesticide applications by the 10th day of the next month. The businesses can report the pesticide use on the Monthly Summary Pesticide Use Report (Form 39-060) or on a form approved by the Department.

└ Did the business complete the pesticide use reports properly? Did the business use the correct State form or a form approved by the Department? If a pest control business did not perform pest control during a given month, did the business submit a report stating this fact? This is a good opportunity to discuss reporting errors with the responsible person.

11. Annual Notification Submitted. CFAC ' 15204

Scope: All structural pest control companies registered with the Structural Pest Control Board (SPCB) and performing structural pest control in the county.

Exemptions: None

└ Determine if the structural pest control company has notified the agricultural commissioner prior to performing structural pest control for hire in your county. This can be accomplished by reviewing the company's records on file.

The notification should cover a calendar year, unless the Structural Pest Control company's licensee specifies a shorter time. Branch offices working in your county, if applicable, must also be listed on the notification.

12. Pesticide Use Records Available. FAC ' 15205

Scope: All registered structural pest control companies

Exemptions: None

└ Did the Structural Pest Control Operator have available, and allow you to inspect records pertaining to pesticide use (i.e. training records, employee safety records, application records) at the place of business during regular business hours?

13. Fumigation Log / 3 Years. 16CCR ' 1970(a)

Scope: All registered Branch 1 companies

Exemptions: None

└ Registered structural pest control companies must maintain for two years, a log or report for each fumigation job and for each pest control operation. The fumigation log shall contain the following information:

- Name and address of the prime contractor, and the subcontractor, if any
- Address of property
- Name of owner or agent
- Type of structure as to details of roofing and walls
- Cubic feet fumigated
- Target pests
- Kind of fumigants used
- Name of warning agent and amount used. Type of sealing method used

- Weather conditions as to temperature and wind
- Time gas introduced (date and hour)
- Name of licensee making final test
- Names of crew at fumigation; and at opening
- Time fire department was notified, when required by local ordinance
- Time police department was notified, when required by local ordinance
- Time ready for occupancy
- Signature of licensed operator or the field representative in charge

Registered Branch 1 companies are required to maintain a log of each fumigation job performed.

14. Pesticide Use Records / Kept 3 Years. 16CCR ' 1970(b)

Scope: All registered structural pest control companies.

Exemptions: None

⌞ The report for each pest control operation *other than fumigation* in which a pesticide was used shall contain the following information:

- Date of treatment
- Name of owner or agent
- Address of property
- Total area treated
- Target pests
- Pesticide and amount used
- Identity of person or persons who applied the pesticides

These records must include all the information specified in this section, according to application type, and may be maintained as a log or report. A company is in compliance with the requirements of 16CCR ' 1970(b) if copies of service contracts, invoices, route slips, or service tickets include all of the required information and are maintained for two years.

15. (Written) Notice to Occupant. B&P Code ' 8538

Scope: All registered structural pest control companies

Exemptions: None

⌞ The written notice must be provided to the owner/agent and the occupant by mail, posting or personal delivery prior to the application. If possible, interview the owner or occupant of the structure (house, apartment complex, etc.) and ask to review the written notice. The licensee

performing the application may be the only person available. In this case, you should interview the licensee to determine if the Notice has been provided.

The notice must include the following information:

- The pest(s) to be controlled
- The pesticide(s) proposed to be used and the active ingredients(s)
- A standard health cautionary statement and contact information
- The frequency of service, if a contract has been made for periodic service

In the case of external pest control at multiple family dwellings with 5 or more units, the notice shall be posted in heavily frequented, highly visible areas, such as mailboxes, the manager's apartment, all laundry rooms and community rooms. In complexes with fewer than 5 units, each unit must be notified. Any pest control to be done within a tenant's unit requires that the tenant be notified directly.

Pesticide Storage

16. Containers – Responsible Person / Locked Enclosure. 3CCR ' 6672(b)

Scope: Persons delivering empty or full pesticide containers to a property, and persons who store pesticides.

Exemptions: Does not apply to containers that hold or have held pesticides packaged, labeled, and used for home use when in the possession of a householder on their property. Does not apply to sanitizers, disinfectants, or medical sterilants. Pesticides listed in 3CCR ' 6402 "exempt materials," do not need to be stored in a locked enclosure.

└ Ask the operator of the property or the business operator where pesticides are stored. If the company has more than one storage area at different locations, a separate inspection should be done at each site. Are pesticides and empty containers stored in a locked enclosure? Personal control of containers is allowed if someone maintains control over them at all times. Empty containers left lying around shop buildings or equipment yards may be periodically attended; however, this is not proper storage. Guidelines for pesticide container storage can be found in the Manual of Procedural Guidance for Pesticide Enforcement Personnel.

└ "Attended" means a responsible person present in the vicinity at all times to maintain control over the pesticide to prevent contact by unauthorized persons. Adjacent to roadways or populated areas, a person must have pesticides in sight. The materials listed in 3CCR ' 6402 (Exempt Materials) are also exempted from storage requirements under 3CCR ' 6686(b). This exemption may be waived if the commissioner determines that there is a hazard to public health or the environment.

⌞ “Enclosure” means a truck or trailer with side racks, the top of which is a minimum height of six feet above the ground, a lockable storage compartment, or a locked, fenced area.

17. Storage Posted “Warning / Danger”. 3CCR ' 6674

Scope: Storage areas where pesticides, or containers, with the signal words ⒶDANGER@ or ⒶWARNING@ are stored.

Exemptions: Does not apply to containers that hold or have held, pesticides packaged, labeled, and used for home use when in the possession of a householder on their property. Does not apply to sanitizers, disinfectants, or medical sterilants.

⌞ If ⒶDANGER@ or ⒶWARNING@ pesticides are being stored, warning signs are required. Determine if the notice should be repeated in a language other than English. Are signs posted in each direction of probable approach and readable at a distance of 25 feet? Vehicle utility boxes carrying pesticides are generally not considered pesticide storage areas. The vehicles are used to transport the pesticides from one job to another and are not fixed storage sites. In addition, vehicles transporting pesticides on public roads may fall under the California Department of Transportation regulations.

⌞ Posting of vehicle utility boxes is not required unless the boxes are used as a fixed storage site. For example, a pest control truck which is used for overnight storage of pesticides at the operator's residence must be posted.

⌞ Pesticide storage signs must be visible from any direction of probable approach and shall be posted around all storage areas where containers that hold, or have held, pesticides. Each sign shall be of such size that it is readable at a distance of 25 feet. The sign shall say:

**DANGER
POISON STORAGE AREA
ALL UNAUTHORIZED PERSONS KEEP OUT
KEEP DOOR LOCKED WHEN NOT IN USE**

18. Pesticide Containers Properly Labeled. 3CCR ' 6676

Scope: Storage and transportation of any container that holds or has held a pesticide.

Exemptions: Service containers do not need to carry the registrant's label. Containers that have been triple rinsed do not need to have lids or closures securely tightened. Does not apply to measuring devices that are not used to store or transport a pesticide. Does not apply to sanitizers, disinfectants, or medical sterilants.

└ Are all pesticide containers (except service containers) carrying the registrant's label? This pertains to rinsed containers as well as those that contain pesticides.

19. Service Container Labeling. 3CCR ' 6678

Scope: Containers, other than the original container, which hold pesticides for storage or transport.

Exemptions: Containers used by persons engaged in the business of farming when on that person's property.

└ Service containers are used by both private applicators and commercial operators to hold, store and transport pesticides or use dilutions. Generally, these containers must be identified when they are transported via public roads or stored on property other than the property being treated. Determine whether the service container labeling is complete.

20. Proper Containers. 3CCR ' 6680

Scope: All pesticide storage, transport or use.

Exemptions: None

└ If service containers are observed, examine them to assure that pesticides are not being stored in prohibited containers commonly used for food, drink, or household products. Examples of improper storage containers include an empty coffee can, a soda bottle, or a plastic food storage container.

21. Containers Properly Rinsed. 3CCR ' 6684

Scope: All pesticide containers which have held less than 28 gallons of liquid pesticide concentrate.

Exemptions: This section does not apply to containers that hold, or have held, pesticides packaged, labeled and used for home use when in the possession of a householder on his or her property. It does not apply to containers that hold, or have held, sanitizers, disinfectants and

medical sterilants.

This section does not apply to containers that are or will be returned to the registrant. It does not apply to containers that will be refilled, e.g. used as service containers that are filled from a drum or larger container. It does not apply to containers that are transported as hazardous waste to a Class 1 dump.

└ When inspecting empty containers, select different types to determine if they have been rinsed. Use this inspection as a backup to observations made in the field. Containers must be rinsed at the time of use, unless the pesticide is formulated as "ready to use" or packaged in a 28-gallon container or greater.

└ Some retail pesticide product labels include statements advising users to wrap partially full containers in newspaper and dispose of in regular waste containers. This is not allowed in California!