



State of California

Volume 2

**Pesticide
Use
Enforcement
Program
Standards
Compendium**

Laws

**Food and
Agricultural
Code**

January 2021

**California
Food and Agricultural
Code**

**Division 6.
Pest Control Operations
and**

**Excerpts from:
General Provisions,
Definitions, and
Divisions 1, 2, 7, and 13**



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12978. Pesticide applications on specified public property; posting of warning signs in English and Spanish; application of section

Pesticide applications on public property which take place on school grounds, parks, or other public rights-of-way where public exposure is foreseeable shall be posted with warning signs. The signs shall be in English and Spanish and shall contain a warning that the area has been treated with a pesticide and that individuals are not to enter the area.

(a) This section shall apply to all pesticide applications which have worker reentry intervals of at least 24 hours.

(b) Posting shall be accomplished immediately prior to pesticide applications, and the signs shall be removed within 24 hours after the expiration of the reentry interval.

(c) Signs shall be posted at regular intervals and at all regular points of public entry.

(d) The agency with responsibility for the property where the pesticide application is to take place shall post the warnings required by this section.

(e) The responsible agency may substitute a barrier for the warning signs to exclude public exposure to a treated area.

(f) This section does not apply to pesticide applications by the Department of Transportation on public highway rights-of-way.

(Added by Stats. 1985, Ch. 840, Section 1.)

12978.7. Pesticides containing specific anticoagulants; use prohibited in wildlife habitat area; exceptions

(a) For purposes of this section, the following terms have the following meanings:

(1) "Second generation anticoagulant rodenticide" means any pesticide product containing any of the following active ingredients:

(A) Brodifacoum.

(B) Bromadiolone.

(C) Difenacoum.

(D) Difethialone.

(2) "Wildlife habitat area" means any state park, state wildlife refuge, or state conservancy.

(b) Except as provided in subdivision (e), and notwithstanding subdivision (c), the use of any second generation anticoagulant rodenticide is prohibited in a wildlife habitat area.

(c) Except as provided in subdivision (e) or (f), the use of any second generation anticoagulant rodenticide is prohibited in this state until the director makes the certification described in subdivision (g).

(d) State agencies are directed to encourage federal agencies to comply with subdivisions (b) and (c).

12978.7. continued

(e) This section does not apply to any of the following:

(1) The use of second generation anticoagulant rodenticides by any governmental agency employee who complies with Section 106925 of the Health and Safety Code, who uses second generation anticoagulant rodenticides for public health activities.

(2) The use of second generation anticoagulant rodenticides otherwise prohibited by this section when used by any governmental agency employee for the purposes of protecting water supply infrastructure and facilities in a manner that is consistent with all otherwise applicable federal and state laws and regulations.

(3) The use of second-generation anticoagulant rodenticides by a mosquito or vector control district formed under Chapter 1 (commencing with Section 2000) of Division 3 or Chapter 8 (commencing with Section 2800) of Division 3 of the Health and Safety Code to protect the public health.

(4) The use of any second generation anticoagulant rodenticides for the eradication of nonnative invasive species inhabiting or found to be present on offshore islands in a manner that is consistent with all otherwise applicable federal and state laws and regulations.

(5) The use of any department-registered second generation anticoagulant rodenticide to control an actual or potential rodent infestation associated with a public health need, as determined by a supporting declaration from the State Public Health Officer or a local public health officer. For purposes of this section, a public health need is an urgent, nonroutine situation posing a significant risk to human health in which it is documented that other rodent control alternatives, including nonchemical alternatives, are inadequate to control the rodent infestation.

(6) The use of any department-registered second generation anticoagulant rodenticide for research purposes related to the reevaluation described in paragraph (1) of subdivision (g). Before using a department-registered second generation anticoagulant in the manner described in this paragraph, a written authorization for research shall be obtained from the director. The director may specify the conditions in the authorization for research under which the research shall be conducted. The director may terminate, amend, or refuse to issue an authorization for research if the director determines any of the following:

(A) The research may involve a hazard to the environment.

(B) The research may be used for purposes unrelated to pesticide data development.

(C) A violation of the authorization for research, prior authorization for research, or Division 6 (commencing with Section 11401) or this division, or a regulation adopted pursuant to either or both of those divisions, has occurred in connection with the research.

12978.7. continued

(f) (1) This section does not apply to the use of second generation anticoagulant rodenticides in either of the following locations:

(A) A medical waste generator, as defined in Section 117705 of the Health and Safety Code.

(B) A facility registered annually and subject to inspection under Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 360 et seq.) and compliant with the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 135 et seq.).

(2) This section does not apply to the use of second generation anticoagulant rodenticides for agricultural activities, as defined in Section 564.

(3) For purposes of paragraph (2), “agricultural activities” include activities conducted in any of the following locations:

(A) A warehouse used to store foods for human or animal consumption.

(B) An agricultural food production site, including, but not limited to, a slaughterhouse or cannery.

(C) A factory, brewery, or winery.

(D) An agricultural production site housing water storage and conveyance facilities.

(E) An agricultural production site housing rights-of-way and other transportation infrastructure.

(g) After the director determines that all of the following conditions have occurred, the director shall certify to the Secretary of State of that determination:

(1) The department has completed the reevaluation of second generation anticoagulant rodenticides, as commenced by the department on March 12, 2019, pursuant to California Notice 2019-03 “(Notice of Final Decision to Begin Reevaluation of Second Generation Anticoagulant Rodenticides).”

(2) Consistent with the requirements of this division and regulations adopted pursuant to this division, the department has adopted any additional restrictions necessary to ensure that continued use of second generation anticoagulant rodenticides is not reasonably expected to result in significant adverse effects to nontarget wildlife and those restrictions are operative. Any restrictions described in this paragraph shall be developed in consultation with the Department of Fish and Wildlife.

(3) The Department of Fish and Wildlife determines that control or eradication of invasive rodent populations is necessary for the protection of threatened or endangered species or their habitats and requires the use of a second generation anticoagulant rodenticide.

(Amended by Stats. 2020, Ch. 250, Section 2. (AB 1788) Effective January 1, 2021.)

12979. Pesticide use report; use of data

A pesticide use report shall be submitted to the commissioner or director on a form and in a manner prescribed by the director. The data from the pesticide use reports shall be considered in setting priorities for food monitoring, pesticide use enforcement, farm worker safety programs, environmental monitoring, pest control research, public health monitoring and research, and similar activities by the department, or by the department in cooperation with other state, regional, or local agencies with appropriate authority.

(Added by Stats. 1989, Ch. 1200, Section 7. Effective October 1, 1989.)

Article 10.5 Pesticides and Worker Safety
Sections 12980-12988

12980. Legislative findings and declaration

The Legislature hereby finds and declares that it is necessary and desirable to provide for the safe use of pesticides and for safe working conditions for farmworkers, pest control applicators, and other persons handling, storing, or applying pesticides, or working in and about pesticide-treated areas.

The Legislature further finds and declares that the development of regulations relating to pesticides and worker safety should be the joint and mutual responsibility of the Department of Pesticide Regulation and the Office of Environmental Health Hazard Assessment.

The Legislature further finds and declares that in carrying out the provisions of this article, the University of California, the Department of Industrial Relations, and any other similar institution or agency should be consulted.

(Amended by Gov. Reorg. Plan No. 1 of 1991, Section 45. Effective July 17, 1991.)

12981. Regulations; scope

The director shall adopt regulations to carry out the provisions of this article. The regulations shall include, but are not limited to, all of the following subjects:

(a) Restricting worker reentry into areas treated with pesticides determined by the director to be hazardous to worker safety by using either or both of the following:

(1) Time limits.

(2) Pesticide residue levels on treated plant parts determined by scientific analysis to not be a significant factor in cholinesterase depression or other health effects.

When the director has adopted regulations pursuant to both paragraphs (1) and (2), the person in control of the area treated with the pesticide shall have the option of following regulations adopted pursuant to either paragraph (1) or (2). If the person in control of the area treated with the pesticide chooses to follow regulations adopted pursuant to paragraph (2), the director may establish and charge the person a fee necessary to cover any costs of analysis or costs incurred by the director or commissioner in carrying out regulations adopted pursuant to paragraph (2). The regulations shall include a procedure for the collection of the fee, and the fee shall not exceed actual cost.

(b) Handling of pesticides.

(c) Hand washing facilities.

(d) Farm storage and commercial warehousing of pesticides.

(e) Protective devices, including, but not limited to, respirators and eyeglasses.

(f) Posting, in English and Spanish, of fields, areas, adjacent areas or fields, or storage areas.

The Office of Environmental Health Hazard Assessment shall participate in the development of any regulations adopted pursuant to this article. Those regulations that relate to health effects shall be based upon the recommendations of the office. The original written recommendations of the office, any subsequent revisions of those recommendations, and the supporting evidence and data upon which the recommendations were based shall be made available upon request to any person.

(Amended by Gov. Reorg. Plan No. 1 of 1991, Section 46. Effective July 17, 1991.)

Article 15. Enforcement and Penalties
Sections 29300-29313

29300. Enforcement of chapter

The director, and the commissioner of each county under the direction and supervision of the director shall enforce this chapter.

(Added by Stats. 1987, Ch. 1404, Section 2.)

29301. Regulations

The director may make any regulations that are reasonable and necessary to carry out this chapter.

(Added by Stats. 1987, Ch. 1404, Section 2.)

29302. Noncompliance with chapter or regulations; warning notices; referral of violations; penalties

(a) Unless otherwise stated, it shall be an infraction for any person to fail to comply with any requirement of this chapter, or regulations adopted pursuant to this chapter, after a warning notice of seven days is given. However, there shall be no warning notice for infractions involving the following sections:

- (1) Subdivisions (b) and (c) of Section 29046.
- (2) Subdivisions (b) and (c) of Section 29056.
- (3) Section 29072.
- (4) Section 29111.
- (5) Section 29113.
- (6) Section 29120.
- (7) Section 29126.
- (8) Section 29127.
- (9) Section 29145.
- (10) Section 29150.
- (11) Section 29170.
- (12) Section 29171.
- (13) Section 29172.
- (14) Section 29173.
- (15) Section 29204.

(b) Violations shall be referred to the district attorney in the affected county, or to the Attorney General if the district attorney is not able to prosecute the matter. For purposes of this chapter, each incident shall constitute a separate infraction. When violations of provisions governing hives or colonies are involved, each separate hive or colony shall constitute a separate infraction. Notwithstanding any other law, the maximum penalty of each infraction shall be one hundred dollars (\$100) for the first hive or colony, plus one dollar (\$1) for each additional hive or colony not in compliance, as applicable to a maximum penalty not to exceed one thousand dollars (\$1,000), except that a violation of Section 29070 or 29070.5 shall be subject to a maximum fifty dollar (\$50) fine. This section does not prevent the secretary or the commissioner from initiating any procedures for issuance of a prior warning notice or notice to correct.

(Amended by Stats. 2020, Ch. 370, Section 122. (SB 1371) Effective January 1, 2021.)

29303. Failure to comply with notice or order; infraction

It shall be an infraction for any person to fail to comply with any notice or order which is issued pursuant to this chapter subject to the penalties set forth in Section 29302.

(Added by Stats. 1987, Ch. 1404, Section 2.)

29304. Civil penalties; injunctions; actions by attorney general

(a) In addition to the penalties outlined in Sections 29302 and 29303 above, any person not complying with any provision of this chapter or regulation adopted thereto, or any notice or order issued pursuant to this chapter or regulation, shall be subject to a civil penalty of not more than five hundred dollars (\$500) for each day that the violation continues.

(b) The director or commissioner may also seek injunctive relief against any person operating in violation of this chapter or regulations adopted thereto, or violation of any order or notice issued pursuant to the authority of this chapter or regulation adopted thereto.

(c) Any action for recovery of civil penalties or injunctive relief shall be referred to the Attorney General.

(Added by Stats. 1987, Ch. 1404, Section 2.)

29305. Special account for penalties; determining amount of penalty

(a) Any penalties recovered under this chapter, whether criminal or civil, shall be paid into a special account maintained by the department, and shall be used for the administration of Section 29302, except that up to 50 percent of the costs incurred by a district attorney in prosecuting a case under Section 29302 shall be reimbursed from whatever penalties are obtained from the prosecution.

(b) In determining the amount of any civil or criminal penalty provided for in this chapter, the court shall consider the seriousness of the conduct, and all relevant circumstances including, but not limited to, the extent of the harm caused by the conduct; the motive and persistence of the conduct; the length of time over which the conduct occurred; the economic impact on the person involved, whether a corporation or an individual; and any corrective action taken by the person.

(Added by Stats. 1987, Ch. 1404, Section 2.)

29306. Willful or intentional violations; civil penalties

In addition to any other penalty provided for by law, and by this article, any person who willfully or intentionally violates any provisions of this chapter shall be liable for a civil penalty not to exceed two thousand five hundred dollars (\$2,500) for each violation, which shall be recovered in a civil action brought in the name of the people of the State of California by the Attorney General.

(Added by Stats. 1987, Ch. 1404, Section 2.)

29307. Violations of injunctions; civil penalty; separate violations

Any person who violates any injunctive order issued pursuant to subdivision (b) of Section 29304 shall be subject to a civil penalty, in addition to any other penalty provided for by law, not to exceed six thousand dollars (\$6,000). Where the conduct constituting a violation is of a continuing nature, each day of violative conduct shall be a separate and distinct violation.

(Added by Stats. 1987, Ch. 1404, Section 2.)