



State of California

Volume 2

**Pesticide
Use
Enforcement
Program
Standards
Compendium**

Laws

**Health and
Safety
Code**

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**California
Health and Safety
Code**

**Excerpts from:
Division 3. Pest Abatement,
Division 103. Disease Prevention
and Health Promotion,
and
Division 104. Environmental
Health**



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These excerpts are relevant to the Department of Pesticide Regulation's (DPR) Pesticide Illness Surveillance Program. Provided for informational purposes only, these sections highlight elements pertinent to County Agricultural Commissioner and DPR staff.

These excerpts are **not citable sections** for agricultural or structural civil penalty actions.

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These excerpts are relevant to California's pesticide regulatory program. Provided for informational purposes only, these sections highlight elements pertinent to the cooperative agreement between DPR, CACASA (the California Agricultural Commissioners and Sealers Association), and DPH (the Department of Public Health, formerly the Department of Health Services).

These excerpts are **not citable sections** for agricultural or structural civil penalty actions.

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Disclaimer:

This document is provided by the California Department of Pesticide Regulation (DPR) as a courtesy to County Agricultural Commissioner (CAC) staff and others.

It includes sections of the California Health and Safety Code (HSC) dealing with reporting of pesticide illnesses, certification of vector control technicians, and pest/vector abatement. This document reproduces the statutes of the official publication released by the California Legislative Counsel.

The Pesticide Use Enforcement Program Standards Compendium is an information tool and is not meant to replace or represent any official record or source. If absolute accuracy is needed, refer to the HSC codified statutes on the California Legislative Information website under the “California Law” tab:

<https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=HSC&tocTitle=+Health+and+Safety+Code+-+HSC>

and use in conjunction with West’s Annotated California Codes publication of the California Health and Safety Code.

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Article 4. Powers
Section 2052 only [of Article 4: 2040-2055]

For informational purposes only:

2052. Certification as vector technician

(a) Pursuant to Article 4 (commencing with Section 106925) of Chapter 4 of Part 1 of Division 104, every district employee who handles, applies, or supervises the use of any pesticide for public health purposes shall be certified by the department as a vector control technician in at least one of the following categories commensurate with the assigned duties:

- (1) Mosquito control.
- (2) Terrestrial invertebrate vector control.
- (3) Vertebrate vector control.

(b) The department may establish, by regulation, exemptions from the requirements of this section that the department deems reasonably necessary to further the purposes of this section. (Added by Stats. 2002, Ch. 395, Section 6. (SB 1588) Effective January 1, 2003.)

Chapter 3. Pesticide Poisoning
Sections 105200-105225

For informational purposes only:

105200. Reports by physicians and local health officers; treatment deemed first aid; violations; civil penalty; citation and notice; appeal

Any physician and surgeon who knows, or has reasonable cause to believe, that a patient is suffering from pesticide poisoning or any disease or condition caused by a pesticide shall promptly report that fact to the local health officer by telephone within 24 hours and by a copy of the report required pursuant to subdivision (a) of Section 6409 of the Labor Code within seven days, except that the information which is available to the physician and surgeon is all that is required to be reported as long as reasonable efforts are made to obtain the information.

Each local health officer shall immediately notify the county agricultural commissioner and, at his or her discretion, shall immediately notify the Director of Environmental Health Hazard Assessment of each report received and shall report to the Director of Pesticide Regulation, the Director of Environmental Health Hazard Assessment, and the Director of Industrial Relations, on a form prescribed by the Director of Environmental Health Hazard Assessment, each case reported to him or her pursuant to this section within seven days after receipt of the report.

The Office of Environmental Health Hazard Assessment shall designate a phone number or numbers for use by local health officers in the immediate notification of the office of a pesticide poisoning report. The office shall from time to time establish criteria for use by the local health officers in determining whether the circumstances of a pesticide poisoning warrants the immediate notification of the office.

In no case shall the treatment administered for pesticide poisoning or a condition suspected as pesticide poisoning be deemed to be first aid treatment.

Any physician and surgeon who fails to comply with the reporting requirements of this section or any regulations adopted pursuant to this section shall be liable for a civil penalty of two hundred fifty dollars (\$250). For the purposes of this section, failure to report a case of pesticide poisoning involving one or more employees in the same incident shall constitute a single violation. The Division of Occupational Safety and Health of the Department of Industrial Relations shall enforce these provisions by issuance of a citation and notice of civil penalty in a manner consistent with Section 6317 of the Labor Code. Any physician and surgeon who receives a citation and notice of civil penalty may appeal to the Occupational Safety and Health Appeals Board in a manner consistent with Section 6319 of the Labor Code.

Each local health officer shall maintain the ability to receive and investigate reports of pesticide poisoning at all times pursuant to Section 12982 of the Food and Agricultural Code. (Added by Stats. 1995, Ch. 415, Section 5. (SB 1360) Effective January 1, 1996.)

105205. Program of medical education; health care professionals

The Office of Environmental Health Hazard Assessment shall develop and implement, in cooperation with local health officers and state and local medical associations, a program of medical education to alert physicians and other health care professionals to the symptoms, diagnosis, treatment, and reporting of pesticide poisoning.

(Added by Stats. 1995, Ch. 415, Section 5. (SB 1360) Effective January 1, 1996.)

105206. Medical supervision of employees who handle pesticides; contract with registered medical supervisor; report regarding tests ordered by medical supervisor; cholinesterase test requirements

(a) In order for an employer to satisfy their responsibilities for medical supervision of their employees who regularly handle pesticides pursuant to Section 6728 of Title 3 of the California Code of Regulations, the employer shall contract with a medical supervisor registered with the Office of Environmental Health Hazard Assessment (OEHHA).

(b) A laboratory that performs tests ordered by a medical supervisor shall report the information specified in subdivision (c) to the Department of Pesticide Regulation. Reports shall be submitted to the Department of Pesticide Regulation on, at a minimum, a monthly basis. For the purpose of meeting the requirements in subdivision (e), the reports shall be submitted via electronic media and formatted in a manner approved by the director. The Department of Pesticide Regulation shall share information from cholinesterase reports with the Office of Environmental Health Hazard Assessment (OEHHA) and the State Department of Public Health on an ongoing basis, in an electronic format, for the purpose of meeting the requirements of subdivisions (f) and (g).

(c) The laboratory shall report all of the following information in its possession in complying with subdivision (a):

- (1) The test results in International Units per milliliter of sample (IU/mL).
- (2) The purpose of the test, as indicated by the medical supervisor, as a cholinesterase test requested for an agricultural worker under medical supervision, and, if so, whether it is for a baseline, follow-up, or recovery test ordered to meet the requirements of Section 6728 of Title 3 of the California Code of Regulations or for the evaluation of suspected pesticide illness.
- (3) The name of the person tested.
- (4) The date of birth of the person tested.
- (5) The name, address, and telephone number of the medical supervisor who ordered the analysis.
- (6) The name, address, and telephone number of the laboratory.
- (7) The date that the sample was collected from the person and the date the result was reported.
- (8) Contact information for the person tested and his or her employer, if known and readily available.

(d) The registered medical supervisor ordering a cholinesterase test for a person pursuant to subdivision (a) shall note in the test order the name of the medical supervisor and the purpose of the test, pursuant to paragraph (2) of subdivision (c), and ensure that the person tested and the employer receive a copy of the cholinesterase test results and any recommendations from the medical supervisor based upon those results within 14 days of the medical supervisor's receipt of the results. The medical supervisor shall report any worker with cholinesterase depression indicating pesticide exposure to the local health officer pursuant to Section 105200.

(e) All information reported pursuant to this section shall be confidential, as provided in Section 100330, except that the OEHHA, the Department of Pesticide Regulation, and the State Department of Public Health may share the information for the purpose of surveillance, case management, investigation, environmental remediation, or abatement with the appropriate county agricultural commissioner and local health officer.

105206. continued

(f) The OEHHA shall establish a procedure for registering and deregistering medical supervisors for the purposes of outreach and training and may establish reasonable requirements for performance. The OEHHA shall review the cholinesterase test results and may provide an appropriate medical or toxicological consultation to the medical supervisor. In addition to the duties performed pursuant to Section 105210, the OEHHA, in consultation with the Department of Pesticide Regulation and the local health officer, may provide medical and toxicological consultation, as appropriate, to the county agricultural commissioner to address medical issues related to the investigation of cholinesterase inhibitor-related illness.

(g) The Department of Pesticide Regulation and the OEHHA shall prepare and publicly post an update on the effectiveness of the medical supervision program and the utility of laboratory-based reporting of cholinesterase testing for illness surveillance and prevention by January 1, 2021.

(h) This section shall remain in effect only until January 1, 2023, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2023, deletes or extends that date.

(Amended by Stats. 2020, Ch. 296, Section 15. (AB 3220) Effective January 1, 2021. Repealed as of January 1, 2023, by its own provisions.)

105210. Request for assistance by local officer; epidemiologic investigation;
recommendations

After consultation with the county agricultural commissioner or the Director of Agriculture, the local health officer may, upon his determination that pesticide poisoning is serious and that an outbreak in pesticide poisoning or any disease or condition caused by pesticide poisoning has occurred in his county, request assistance by the state department. Upon such request, the director shall provide the local health officer with the necessary staff and technical assistance to conduct an epidemiologic investigation of the outbreak, and where appropriate, shall make recommendation to control or prevent such poisoning outbreaks.

(Added by Stats. 1995, Ch. 415, Section 5. (SB 1360) Effective January 1, 1996.)

105215. Spill or accidental release of pesticide; notification by public employee and local officer

(a) Any public employee, as defined in Section 811.4 of the Government Code, whose responsibilities include matters relating to health and safety, protection of the environment, or the use or transportation of any pesticide and who knows, or has reasonable cause to believe, that a pesticide has been spilled or otherwise accidentally released, shall promptly notify the local health officer or the notification point specified in the local hazardous materials response plan, where the plan has been approved by the Office of Emergency Services and is in operation. The operator of the notification point shall immediately notify the local health officer of the pesticide spill report.

(b) The local health officer shall immediately notify the county agricultural commissioner and, at his or her discretion, shall immediately notify the Director of Environmental Health Hazard Assessment of each report received. Within seven days after receipt of any report, the local health officer shall notify the Director of Pesticide Regulation, the Director of Environmental Health Hazard Assessment, and the Director of Industrial Relations, on a form prescribed by the Director of Environmental Health Hazard Assessment, of each case reported to him or her pursuant to this section.

(c) The Office of Environmental Health Hazard Assessment shall designate a telephone number or numbers for use by local health officers in the immediate notification of the office of a pesticide spill report. The office shall from time to time establish criteria for use by the local health officers in determining whether the circumstances of a pesticide spill warrants the immediate notification of the office.

(Amended by Stats. 2013, Ch. 352, Section 385. (AB 1317) Operative July 1, 2013.)

105220. Spill or accidental release of pesticide; indexed file of reports; public access

The Director of Environmental Health Hazard Assessment shall maintain a file of all the reporting forms received from local health officers pursuant to Section 105215 at the repository of current data on toxic materials established pursuant to Section 147.2 of the Labor Code. The file shall be open to the public and shall be indexed at least to the extent of the following:

(a) The county of the accidental release.

(b) The type of pesticide involved.

(Added by Stats. 1995, Ch. 415, Section 5. (SB 1360) Effective January 1, 1996.)

105225. Posting notice of duty of public employee to report pesticide spill

Each public employer of a public employee subject to Section 105215 shall post in one or more prominent places frequented by such employee a notice informing such employee of the responsibility imposed by Section 105215.

(Added by Stats. 1995, Ch. 415, Section 5. (SB 1360) Effective January 1, 1996.)

Chapter 3.5. Chlorpyrifos
Section 105240

105240.

Notwithstanding Section 10231.5 of the Government Code, beginning with the first quarter of 2021, the Department of Pesticide Regulation shall prepare and submit quarterly reports, due 60 days after the end of each quarter, to the Senate Committee on Health, the Senate Committee on Labor, Public Employment and Retirement, the Senate Committee on Environmental Quality, the Assembly Committee on Health, the Assembly Committee on Labor and Employment, the Assembly Committee on Environmental Safety and Toxic Materials, and the Office of the Surgeon General that provide all of the following information:

(a) The amount of chlorpyrifos in granular form used in the quarter, reported in pounds and by location of use.

(b) Potential reasons for any increase or decrease in the use of chlorpyrifos in granular form in the quarter as compared to the same quarter of the previous year.

(c) A description of how the Department of Pesticide Regulation monitors exposure to the use of chlorpyrifos in granular form with a particular emphasis on dermal and inhalation exposure, and any information relating to that exposure during the quarter.

(Added by Stats. 2020, Ch. 299, Section 2. (SB 86) Effective January 1, 2021.)

Article 4. Vector Control Technicians
Section 106925

For informational purposes only:

106925. Certification of vector control technicians; exemptions; continuing education standards and records; suspension and reinstatement of certificate; fees; deposit in Vectorborne Disease Account

(a) Except as otherwise provided in subdivision (b) or (i), every government agency employee who handles, applies, or supervises the use of any pesticide for public health purposes, shall be certified by the department as a vector control technician in at least one of the following categories commensurate with assigned duties, as follows:

- (1) Mosquito control.
- (2) Terrestrial invertebrate vector control.
- (3) Vertebrate vector control.

(b) The department may establish by regulation exemptions from the requirements of this section that are deemed reasonably necessary to further the purposes of this section.

(c) The department shall establish by regulation minimum standards for continuing education for any government agency employee certified under Section 116110 and regulations adopted pursuant thereto, who handles, applies, or supervises the use of any pesticide for public health purposes.

(d) An official record of the completed continuing education units shall be maintained by the department. If a certified technician fails to meet the requirements set forth under subdivision (c), the department shall suspend the technician's certificate or certificates and immediately notify the technician and the employing agency. The department shall establish by regulation procedures for reinstating a suspended certificate.

(e) The department shall charge and collect a nonreturnable renewal fee of one hundred twenty dollars (\$120) to be paid by each continuing education certificant on or before the first day of July, or on any other date that is determined by the department. Each person employed on September 20, 1988, in a position that requires certification, shall first pay the annual fee the first day of the first July following that date. All new certificants shall first pay the annual fee the first day of the first July following their certification.

(f) The department shall charge and collect nonrefundable examination fees for providing examinations pursuant to this section. When certification is required as a condition of employment, the employing agency shall pay the fees for certified technician applicants. The fees shall not exceed the estimated reasonable cost of providing the examinations, as determined by the director.

(g) The department shall collect and account for all money received pursuant to this section and shall deposit it in the Vectorborne Disease Account provided for in Section 116112. Notwithstanding Section 116112, fees deposited in the Vectorborne Disease Account pursuant to this section shall be available for expenditure, upon appropriation by the Legislature, to implement this section.

106925. continued

(h) Fees collected pursuant to this section shall be subject to the annual fee increase provisions of Section 100425.

(i) Employees of the Department of Food and Agriculture and county agriculture departments holding, or working under the supervision of an employee holding, a valid Qualified Applicator Certificate in Health Related Pest Control, issued by the licensing and certification program of the Department of Pesticide Regulation, shall be exempt from this section.

(Amended by Stats. 2008, Ch. 758, Section 9. (AB 1183) Effective September 30, 2008.)

Article 4. Mosquito and Gnat Control
Sections 116175-116180

For informational purposes only:

116175. Study of mosquito-borne diseases

The department shall make studies and demonstrations as may be necessary to determine the areas of the state that have a high proportion of mosquito-borne diseases, including malaria and encephalitis.

(Added by Stats. 1995, Ch. 415, Section 6. Effective January 1, 1996.)

116180. Cooperative agreements with local districts or other public agencies;
state financial assistance; contributions by public agencies

(a) The department may enter into a cooperative agreement with any local district or other public agency engaged in the work of controlling mosquitoes, gnats, flies, other insects, rodents, or other vectors and pests of public health importance, in areas and under terms, conditions, and specifications as the director may prescribe.

(b) The agreement may provide for financial assistance on behalf of the state and for the doing of all or any portion of the necessary work by either of the contracting parties, except that in no event shall the department agree that the state's contribution shall exceed 50 percent of the total cost of any acceptable plan.

(c) The agreement may provide for contributions by the local district or other public agency to the Vectorborne Disease Account.

(Amended by Stats. 2004, Ch. 38, Section 4. (SB 1051) Effective May 7, 2004.)

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