

# Chapter 1: General Inspection Procedures

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**Introduction** Inspections are an essential element of your county’s pesticide use enforcement program. They help ensure the safety of handlers, fieldworkers, the public, and the environment. Your inspection report is a comprehensive account of the activity you inspect by creating a picture of everything you observed at the time of your inspection.

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**Purpose of inspections** Inspections are conducted for the purpose of assessing and documenting whether a pesticide use activity complies with all applicable pesticide laws and regulations. The inspection is not limited to the requirements listed on the inspection form. All of the inspection forms have blank spaces at the end of the “Requirements” section to address additional laws or regulations found in violation or that the inspector wishes to include.

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**Inspections as evidence** An inspection report is acceptable evidence in a court of law or an administrative hearing. Complete your inspections so that any reader will understand what you observed and be able to assess your decisions. Detailed descriptions are very important to ensure an accurate depiction of what happened especially for those unfamiliar with the circumstances of the activity inspected.

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**Explaining violations** Use the “Remarks” section to record all the facts and circumstances relative to a violation. Detailed and complete information is essential for appropriate enforcement action decisions and prosecutions. Your remarks should be legible, coherent and use complete sentences. Include any corrective measures taken or required. For example, “The foreman brought the correct gloves to employee during the inspection.”

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**Inspection Report/VN Supplement Form** The Inspection Report/Violation Notice Supplement 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, (for example, “Page 1 of 4”), even if it is only one page. There is a space provided in the lower right corner of the inspection forms for page numbers.

## General Inspection Procedures, Continued

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### Application of standards

The following regulations should be evaluated when applying or interpreting regulatory standards:

#### **3CCR § 6701. Interpretation Consistent with Federal Standards.**

This regulation requires that the Pesticide Worker Safety regulations be interpreted to be consistent with, and at least as strict as, the federal Worker Protection Standard (WPS) whenever possible. Some California worker safety regulations are stricter than the federal WPS. This regulation can only be used in operations that involve the commercial or research production of an agricultural plant commodity.

In instances or situations where the meaning of a WH&S regulation is unclear, you should review the federal requirement and apply the regulation appropriately.

#### **3CCR § 6601(a). General Application of Standards.**

This regulation states that whenever pesticide labeling requires the use of personal protective equipment (PPE) or specifies other restrictions or procedures be followed, the application of the labeling requirement to an owner, operator of property, their families and others must be consistent with any applicable standards found in the worker safety regulations. (3CCR §6700- 6795)

This regulation only provides for the application of standards relative to PPE restrictions or procedures stated in the labeling. It does not include related employee standards. For example, standards directly related to the type and quality of the PPE, as well as standards of maintenance and proper storage are applicable to the owner. Employee standards such as training, hazard communication, decontamination facilities, or medical monitoring are not applicable. In the same manner, when a labeling statement restricts entry there are restricted entry interval (REI) standards which include the types of activities that are allowed (i.e. no contact, limited contact) and requirements that describe the protective measures that must be taken (i.e., time limits, early-entry PPE and prohibition of hand labor) that apply to an owner/operator. These should not be confused with related employee standards such as information communication requirements, eyewash or decontamination requirements or heat related illness requirements.

## General Inspection Procedures, Continued

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### Application of standards (continued)

Many general standards for PPE can be found in 3CCR § 6738.1. Others, such as the standard for safety glasses or safe equipment (when labeling statements address equipment), may be found throughout the Pesticide Worker Safety regulations. Restricted entry standards are found in 3CCR § 6770.

When utilizing 3CCR § 6601 the three elements that must be assessed when determining or prosecuting a violation are:

- The labeling statement addressing a restriction, a procedure, or PPE.
- The regulatory standard for the restriction, procedure, or PPE.
- 3CCR § 6601 which is the link between the two items above.

Each situation must be evaluated to determine whether to cite the labeling violation (FAC § 12973) or the regulatory standard. In either case all three elements listed above need to be integrated into the enforcement action.

#### Examples:

1. An owner/operator uses a pesticide with labeling that requires “protective eyewear.” The operator is wearing ordinary sunglasses. The CAC would cite the operator with a violation of FAC § 12973. The CAC would use the supporting regulations 3CCR § 6601 to show that the safety glass standard applies to a non-employee and 3CCR § 6738.2(a) requires that protective eyewear provide brow and temple protection that conforms to the curvature of the face and side protection to the eyes and must be compliant with the American National Standard for Occupational and Education Personal Eye and Face Protection Devices ANSI Z87.1 – 2010.

2. An owner/operator stores his labeling required gloves in the same compartment with pesticides. If an employee were involved, this is a violation of 3CCR 6738(a)(2). This regulation allows you to apply the same standard to the owner/operator; the CAC would cite the operator with 3 CCR6738(a)(2), the standard, and use 3 CCR 6601 to show the standard applies to the operator. The gloves were stored with pesticides and therefore don't meet the standard of protection required by the labeling.

## General Inspection Procedures, Continued

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**Application of standards**  
(continued)

3. An owner/operator enters a treated field prior to the expiration of the labeling restricted entry interval (REI) and performs a limited contact activity. The owner/operator (or immediate family members) would need to comply with the standards found in 3CCR § 6770(d)(3) such as:

- The product is not a double (dual) notification pesticide.
- At least four hours have elapsed since the end of the application.
- The inhalation exposure does not exceed the labeling or regulation standard.
- Contact is limited as specified.
- Early entry PPE required by the labeling is utilized.
- The time in the treated field is limited to eight hours in a 24-hour period.

If a violation of any of these standards occurred, the CAC cites the owner/operator with a violation of FAC §12973 (labeling REI statement). The CAC would use supporting regulation 3CCR §6770 to show that the operator did not meet the standard of the labeling restriction. The CAC would use the supporting regulation 3CCR § 6601 to show that the standard applies to the owner/operator

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# Preparing for an Inspection

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## Licensing

Only a county inspector holding either a Pesticide Regulation License, Investigation and Environmental Monitoring License, or is qualified to take either license exam **and** is working under the supervision of a county inspector that holds one of those licenses, can perform pesticide inspections.

Additionally, county inspectors should be knowledgeable of:

- California pesticide laws, regulations, and DPR guidance;
  - County permit conditions;
  - Local agricultural and structural industry practices; and
  - Local cultural and environmental conditions and sensitive sites.
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## Reference manuals

The following documents must be available when conducting an inspection:

- The Pesticide Use Enforcement Standards Compendium (Compendium) Volume 2- Laws and Regulations.
  - The Compendium Volume 4-Inspection Procedures Manual.
  - All relevant inspection forms, including the supplement form.
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## Personal protective equipment

The inspector should carry and use any personal protective equipment (PPE) necessary to prevent exposure to pesticides. For example, chemical-resistant gloves for handling previously opened containers to review labeling.

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## Automated California Enforcement Activities Tracking System (CalPEATS)

When using an automated inspection report device, download the most up-to-date database available. CalPEATS will link to the Compendium Volume 4 manual listed above. Have paper inspection reports available in case of equipment failure.

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# Choosing Your Inspections

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**Prioritization of inspections** A CAC pesticide regulatory inspection program must effectively address the hazards of pesticide use within its jurisdiction. In addition to monitoring use related to production agriculture and use by agricultural and structural pest control businesses, the program includes non-production agricultural pesticide uses and use of pesticides by government agencies. Inspection priorities and strategies are in the county's Enforcement Work Plan.

Inspection strategies that achieve inspection quotas without addressing pesticide hazard priorities weaken the county's inspection program. DPR conducts a performance evaluation of the CAC's enforcement program.

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**Hazard priorities** The prioritization of hazards should include the following factors:

- Pesticide toxicity and formulation.
- Restricted material status.
- Proximity to environmentally sensitive areas.
- Proximity to residences, schools, or other sensitive sites.
- Proximity to surrounding areas where workers may be present
- The number of employees engaged in pesticide related activities.
- The type of application method (e.g., fumigations, aerial applications).

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**Business priorities** The Pesticide Use Enforcement Work Plan should prioritize inspections of:

- Agricultural and structural pest control businesses.
- Persons/firms that use pesticides for the production of an agricultural plant commodity.
- Persons/firms that employ workers in treated fields.
- Pest Control Dealers and Pest Control Advisers.

Prioritization of businesses and private applicators should address:

- The number of handler and fieldworker employees.
- The frequency of employees handling pesticides/working in treated fields.
- The level of exposure hazards created for workers, the public, or the environment.
- The company's history of violations, episodes and complaints.

## Choosing Your Inspections, Continued

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**Examples:  
Ineffective  
inspection  
strategies**

Examples of ineffective inspection strategies include but are not limited to:

- Frequent inspections of the same crew of a business when no violations are documented.
  - Repetitive inspections of a facility, such as fumigation chambers, when no violations are documented.
  - Infrequent or no inspections of businesses or industries with a history of violations, episodes or complaints.
  - Documenting several inspections on different crews of the same company performing the same operation at the same location on the same day. Only one inspection that includes all crews should be conducted. Examples include various crews in a nursery or greenhouse, multiple harvesting crews at the same location or multiple applicators in the same field.
  - Multiple inspections on the same company, on the same day, to different sites.
  - Numerous pre-application site evaluations on non-sensitive sites while sensitive sites are not evaluated.
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# General Requirements

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## 1. Complete inspections

A complete inspection is a single inspection report that is performed and documented in accordance with these inspection procedures. Only complete inspections can be counted as inspections on the Pesticide Regulatory Activities Monthly Report (PRAMR) and entered into the DPR inspection-tracking database.

**Requirements Section - Inspections** must address all applicable “REQUIREMENTS” in order to be considered a “complete” inspection. Each requirement must be addressed as one of the following:

“YES”:

- Inspected activity complied with the listed law or regulation.

“NO”:

- Inspected activity did not comply with the listed law or regulation.

“N/A”:

- Listed law or regulation was not applicable to the activity being inspected. Refer to the “Scope” and “Exemptions” for each requirement to determine if it is applicable to the activity being inspected.

In the Remarks section, document why “N/A” was used.

See **Determining Compliance Status** in the section on Requirements.

In rare instances, compliance with a requirement cannot be verified. For example, an aerial pest control business is making an application in California and the mix/load site is in a neighboring state and the inspector is not able to confirm if the pilot has the required PPE in the aircraft. This can be marked N/A with an explanation in the Remarks section.

### Inspection Acknowledged By – Signature

You must request the inspected person to sign the inspection form in the space provided.

- If appropriate, explain to the inspected person that the signature is not an admission of guilt.
- If the inspected person refuses to sign the form, print the name of the inspected person in the space “Inspection Acknowledged By” provided. Print “Refused to Sign” in the signature space.

The Pesticide Pre-Application Site Evaluation does not require a signature in the “Inspection Acknowledged By” space.

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## General Requirements, Continued

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### 1. Complete Inspections (continued)

#### **Notification Information – Delivery and Signature**

When a violation is documented on an inspection, it is required that a copy of the inspection report be delivered to the responsible person. (See *When Violations are Found* on page 35). Space for documenting this information is provided on forms PR-ENF-101 (Violation Notice), PR-ENF-102 (Pesticide Pre-Application Site Evaluation) and PR-ENF-111 (Inspection Report/VN Supplement). Print the name of the responsible person and document the method and date of delivery. The signature of the responsible person is not necessary but is recommended if the inspection is delivered in person. This information is required on the Violation Notice form but is optional on the other forms. CACs must, however, use some method to document that the inspection was delivered to the responsible person.

#### **Heading and Information blocks**

All heading and information blocks must be completed unless the specific form instructions allow for leaving a block blank. If the information is not available on site, it can be added later. If the information cannot be provided, explain in the subject space or in the “Remarks section.” (e.g., “TELEPHONE NUMBER – Mr. Smith does not have a telephone.”) If the information is unknown, unavailable, not determined or not applicable, document the circumstances appropriately.

#### **Adding Information to the Inspection “After the Fact” (or after the “Inspection Acknowledged By” block has been signed)**

There are a number of items on each form such as an individual or business license number, permit/operator identification number, site identification number, mailing address, NOI submitted, etc. where the information may not be available to the inspector at the time of inspection. Document why the requirement(s) could not be addressed during the inspection in the “Remarks section” of the inspection report. When the requirement has been addressed, provide a copy of the inspection report to the employer or property operator. This information is required to adequately document and evaluate an inspection.

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## General Requirements, Continued

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### **1. Complete Inspections** (continued)

It is acceptable to add this type of information after the “Inspection Acknowledged By” has been signed. This information must be completed prior to submitting the inspection to DPR. If violations are noted, the information must be completed prior to delivering a copy of the inspection to the responsible person.

When no violations are noted, it is recommended that if there are any substantive changes (items that would be of interest or concern to the responsible person) a copy of the completed inspection be provided to the responsible person.

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### **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 (e.g., Pest Control Headquarter Inspections where it is necessary to have the owner or supervisor present or where entry to the use site is restricted).

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## General Requirements, Continued

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### **3. Compliance assistance inspections**

Some counties conduct compliance assistance inspections. For example, a business will request that the CAC observe the business' operation and determine if the business complies with all applicable pesticide laws and regulations. The CAC agrees not to take enforcement action against the business for violations found.

The CAC may use an inspection form as a checklist or for documentation purposes, but it must be clearly labeled as a compliance inspection. Print "compliance inspection" at the top of the inspection form. Leave the follow-up and complete/partial boxes blank. An inspection conducted in this manner would be considered invalid as an enforcement inspection and must not be submitted to DPR or counted as an inspection on the PRAMR.

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### **4. Legibility**

Inspection reports must be legible. Illegible or poorly written inspections weaken the effectiveness of the report as an enforcement tool and as a compliance notice to the inspected person. If DPR staff is unable to enter the data from the inspection report due to illegibility, the inspection report may be returned to the county.

The inspector must print all information and remarks on the inspection report. Use complete sentences. If you run out of space in the "Remarks" section, utilize the Inspection Report Supplement (PR-ENF-111) to continue. Do not print more than can be easily read in the "Remarks" section or print along the margins of the inspection report. Remember others will read your inspection report; assure that it is a legible and professional report that accurately reflects your observations.

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### **5. Labeling review and signature requirement for application inspections (Aerial)**

Observations of an application cannot be counted as a complete inspection unless the labeling of the pesticide(s) used is reviewed, and the applicator or a representative of the applicator (such as a flagger or spotter), is requested to sign the inspection report. This includes aerial applications.

If there is no labeling or representative on site, and the mix/load site is outside the county, arrange with your supervisor to contact the CAC of that county to develop a procedure for visiting the mix/load site. Time spent on observations of applications that do not include a review of labeling or request a signature of the inspected person may be counted under surveillance hours on the PRAMR.

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# Conducting the Inspection

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## **1. Arriving at the inspection site**

When possible, observe the activity to be inspected from a distance or before the handlers or workers see you and note what PPE items are being worn and other relevant conditions. (See Requirements Section (f) Determining Compliance Status on page 25).

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. Interview the supervisor or crew leader, if available, as well as handlers or fieldworkers to determine compliance with the “Requirements” and other laws and regulations that apply to the pesticide use activity. Example interview questions for employees and supervisors can be found in Appendix 2 of this manual.

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## **2. Reviewing labeling and collecting evidence**

When conducting use monitoring inspections, always review the pesticide labeling on site and compare the labeling instructions with the activities observed. When necessary or appropriate, collect evidence (such as photographs, statements, copies of documents, residue or environmental samples, etc.) to support violations you have noted. Use the “Remarks” section to document any evidence collected.

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## **3. Talking to employees / employers**

### **a) Importance of Bilingual Personnel**

Many aspects of pesticide safety requirements, particularly 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 utilize bilingual personnel effectively. CACs are also encouraged to explore available translation resources in their counties. CAC strategies for coping with language barriers may be included in their enforcement work plan.

### **b) Conducting Interviews**

Inspections must include interviews with the employer or the person supervising the activity and one or more handlers or workers. Document the number and type of persons interviewed in the appropriate space on the inspection form and, if necessary, the “Remarks” section.

When an inspection is conducted, and you are unable to interview the employer or either handler or worker employees, you must provide an explanation in the “Remarks” section as to why you were unable to conduct

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## Conducting the Inspection, Continued

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### 3. Talking to employees / employers (continued)

these interviews. If you are unable to conduct employee interviews due to a language barrier, document that information on the inspection. If known, state the language that is understood by the person(s) you attempted to interview.

Other reasons for not conducting an interview could include:

- No employer or supervisor was available on site.
- No employees are employed at the time of the inspection.
- Employer does not consent to allow employees to be interviewed.
- Employee does not consent to be interviewed.

Interviews with handlers and workers are 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.

Interviews include questions about compliance with specific inspection criteria. Interviews also include questions about the basic operation of the business such as identifying problems with employer refusal to provide required equipment or materials, employee refusal to utilize required PPE, past exposures and notification practices. See Appendix 2 for more instructions on conducting interviews.

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# Completing the Inspection Report

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## 1. General standard

All relevant information spaces must be filled out appropriately. If the information is unknown, write “unknown” or “unk” in the space and explain in the “Remarks” section. Information that is not available on site but can be determined after you leave the inspection site may be added later. This information must be completed prior to submitting the inspection to DPR.

The following instructions are for information spaces found on most or all inspection forms. Refer to the specific instructions for each inspection form for additional directions in properly completing that form.

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## 2. Complete/partial inspection

Check the “Complete” or “Partial” box based on the following:

### **Complete**

Check the “Complete” box if you are performing a complete original inspection or if you are documenting a follow-up inspection that is a complete inspection. Follow-up inspections are considered complete inspections if they are conducted in accordance with this Inspection Procedure Manual and compliance with all applicable requirements for the inspection are determined.

### **Partial**

Check the “Partial” box if the inspection is not a complete inspection. Using the inspection form for purposes other than performing a complete enforcement inspection (such as documenting a violation or performing a follow-up inspection) is a “PARTIAL” inspection. Partial inspections typically note only one or a few requirements, such as spot-checking training records for a certain person(s); checking that signs, training forms, or other requirements have been brought into compliance; verifying that equipment has been repaired or personal protective equipment is available or being used.

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## Completing the Inspection Report, Continued

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### 3. Follow-up inspection

#### Follow-Up Inspection – Check Box

Whenever you are performing a follow-up inspection, check the “Follow-Up Inspection” box and record the original inspection report number. Follow-up inspections must always have the appropriate box marked as “Complete” or “Partial”. Follow-up inspections must be documented on a separate inspection form. Follow-up inspections do not need to be the same type of inspection as the original inspection that found a violation, but must report on the status of a violation found on the original inspection.

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### 4. Inspecting County

Print the name of the county you work for in the space provided. Do not abbreviate or use county code numbers.

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### 5. Information blocks

This information generally applies to each inspection form. Not all blocks will appear on each inspection form. There are some blocks unique to certain forms; refer to the chapters in this manual for each inspection for instructions on blocks not covered here. The following blocks are not necessarily listed in the order they appear on each inspection form.

#### Equipment Used/Method of Application

This space appears only on the Inspection Report/Violation Notice Supplement form. This space may be used to document the type of equipment used in the application and/or the mix/load operation.

#### a) Firm/Person Inspected

Print the name of the firm or person being inspected. “Firm” includes such entities as a business, grower, government agency, school, etc. Print the business name as it is shown on the license.

#### b) Individual License Number

Check the applicable box for the type of license held by the individual supervising the activity being inspected and record their license/certificate number. If an individual license or certificate is not necessary for the pesticide activity observed, indicate “N/R” (not required). If the individual is operating as a commercial or private applicator without the required license, indicate “UNL” (unlicensed).

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## Completing the Inspection Report, Continued

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### 5. Information blocks (continued)

#### License Codes:

QAL – Qualified Applicator License	JP – Journeyman Pilot QAC
– Qualified Applicator Certificate	OPR – Structural Operator
PAC – Private Applicator Certificate	FR – Field Representative
PCA – Pest Control Adviser	APP – Registered Applicator*
AP – Apprentice Pilot	UNL – Unlicensed
DA – Designated Agent	N/R – License Not required

\* This is the designation for a structural licensed applicator.

#### c) **Business Type / Permit or Operator ID Number / Business License Number**

##### Business Type

Indicate the “Business Type” by checking the applicable box. If the firm is operating legally without a license or permit, check “N/R” (not required). Check “UNL” (unlicensed) if the firm is not licensed or permitted and performing an activity that requires a license or permit.

Property Operator - a category used to capture those entities that are conducting an activity on property they own or control such as growers or government agencies.

Pest control business (PCB) – a category for firms operating as a pest control business (other than structural). DPR issues this business license.

Maintenance Gardener – a subcategory of PCB for businesses that apply pesticides incidental to landscape maintenance.

Structural pest control business (SPCB) – a category for businesses that apply pesticides in or near structures to control pests that invade structures. The principal office is designated by “PR”. The branch office is designated by “BR”. Check the appropriated box on PR-ENF-110.

**Note: When performing a Pest Control Adviser Records Inspection (PR-ENF-109), check “N/R” for business type.**

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## Completing the Inspection Report, Continued

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### 5. Information blocks (continued)

#### **Permit / Operator ID Number**

If you checked the Property Operator box, list the permit or operator ID number or check the “not required” (N/R) or “unlicensed” (UNL) box.

**NOTE:** If the Property Operator has a permit, but the pesticide(s) being used does not require a permit, list the permit number and check “N/R.”

If the firm/person applying the pesticide does not have a permit or ID number and the pesticide(s) being used does not require a permit or operator ID number, check the N/R box. If the pesticide(s) being used requires a permit, but the property operator does not possess a restricted materials permit for the pesticide(s) or for the location, then check the “UNL” box. If the firm/person applying the pesticide is applying pesticides in a manner that requires an operator I.D. number but does not have an operator I.D. number. Document the violation and explain the circumstances in the “Remarks” section.

#### **Business License Number**

List the entire business license number for the business type that you checked. Whenever possible, include the full number issued to branch offices. For example, ABC Company has a main (or principal) office and 3 branch locations. The main office license number would be 5 digits (00001) and the branch office numbers include the main number plus a 5-digit extension (00001-00001).

#### **d) Firm Mailing Address**

List the entire address (including city and zip code). If more space is needed, use the “Remarks” section.

#### **e) Property Operator**

Print the name of the person that has primary control over activities performed on the property. Control may be gained through ownership, rent, lease or contract agreement. If the name is the same as “Firm Inspected” you may print “Same.”

#### **f) Property Location/Site ID**

Print the physical location (such as address, cross streets, canal/gate, or other standardized location references). For production plant agriculture sites, include the site identification number.

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## Completing the Inspection Report, Continued

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### 5. Information blocks (continued)

#### **g) Telephone Number**

Print the telephone number, including area code, of the responsible person.

#### **h) Commodity/Site**

Print the name of the commodity or site (e.g. where the pesticide is being treated. Verify that the commodity or site is listed on the labeling. If the labeling list sites in general terms (e.g. cole crops), print the specific commodity (e.g. broccoli). Check the box to indicate if the application is for production agriculture or other (e.g. right-of-way, landscape)

#### **i) Wind Velocity and Direction**

Determine the wind velocity, preferably with an instrument such as a wind gauge or anemometer, and record on the line provided. Determine wind direction, preferably with an instrument such as a compass, and record in the manner indicated. Example: “East to West” or “SW to NE.”

#### **j) Method of Application**

Check the appropriate box indicating the method the pesticide(s) was applied:

- Aerial – applications by fixed-wing aircraft or helicopter.
- Chemigation – applications in which pesticides are applied via irrigation systems, such as sprinkler irrigation, drip irrigation, or furrow irrigation.
- Fumigation Method – applications of fumigations, also print the method code in the space provided.
- Hand held – applications made by an individual with hand held equipment, such as a backpack sprayer, hand held spray or granular container, hand held spray gun or wand connected by hose to a spray tank or hand application of vertebrate pest control baits such as aluminum phosphide tablets.
- Ground Rig – applications made by machinery such as a tractor or granular spreader.
- Other – applications such as dipping, drenching, fogging or aerosol misting or other method not described above. Specify the application method in the space provided.

The methods are listed in a hierarchy. The first method listed that applies to the application inspected should be checked. This is necessary since you may only check one method and some applications may employ a combination of methods.

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## Completing the Inspection Report, Continued

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### 5. Information blocks (continued)

Example 1: You perform a Pesticide Pre-Application Site Evaluation on a metam fumigation that will be applied via “Chemigation”. In this case you would check the “Fume” box.

Example 2: You perform a Pesticide Use Monitoring Inspection on an application where handlers direct hoses by hand and the hoses are connected to a “Ground Rig”. In this case you would check the “Hand Held” box.

#### **k) Adjacent Environment**

Some inspection report forms have an adjacent environment diagram. Print the type of site that is adjacent on each side of the treated area. If a road is adjacent to the treated area, do not print only “road.” Example: If a road separated the treated area from a cotton field or a residence, the more appropriate designation would be “road/cotton” or “road/residential.”

#### **l) Supervisor Interviewed**

Print the name of the person supervising or the foreman overseeing the pesticide use or fieldwork activity. Indicate whether or not you spoke to the supervisor during the inspection by checking the appropriate “YES” or “NO” box.

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### 6. Handler / Activity / PPE Worn Block

#### **a) Handler(s) Name / # Interviewed**

Print the name(s) of the handler(s) involved in the pesticide use activity. Use the “Remarks” section or the Inspection Report Supplement if more space is needed. Document the number of handlers you spoke with (interviewed) during the inspection.

#### **b) Activity**

Document each handler’s activity (for example, applicator, mixer/loader, hose puller) next to each listed person’s name. Use the “Remarks” section or the Inspection Report Supplement if more space is needed.

#### **c) Personal Protective Equipment (PPE) Worn**

Document PPE worn by each person listed under “Handler’s Name” as you observed it upon arriving on site or upon initiation of handling activity. Use the “Remarks” section or the Inspection Report Supplement if necessary.

Use the “Remarks” section to record PPE not worn as required by labeling or regulation. Check “NO” in the “REQUIREMENTS” section under “COMPLIANCE” for FAC § 12973 and/or 3CCR § 6738, as applicable.

If handling activity is ongoing when you arrive on site and handlers put on required PPE in response to your arrival, check “NO” for FAC § 12973 and/or 3CCR § 6738, as applicable in the “REQUIREMENTS” section and

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## Completing the Inspection Report, Continued

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**6. Handler /  
Activity /  
PPE Worn  
Block**  
(continued)

document the specifics in the “Remarks” section or in the Inspection Report Supplement. Example: “Handler John Smith put on rubber gloves at my request.”

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**7. Pesticide  
information  
block**

**Labeling Information**

If the container and its labeling is not available on site and you obtain any of the information listed below (a–d) from other means, note the source in the “Remarks” section or in an Inspection Report Supplement.

**a) Pesticide Name / Manufacturer**

Print the entire pesticide product name (trade name) and the manufacturer or registrant’s name from the product container labeling in the space provided. Example: Di-Syston 15G / Bayer, Tri-Con 57/43 / Tri-Cal.

**b) Labeling Registration Number**

Document the U.S. EPA or California registration number from the product container labeling. Double check the registration number(s) you document on the inspection form. Inspections with incorrect registration numbers may jeopardize enforcement actions..

**c) Signal Word**

Record the signal word from the product container labeling. Some pesticides are not required to have a signal word, in these cases indicate “None” in the box.

**d) Formulation** (abbreviated as “**Form**” on some inspections) Document the pesticide formulation as listed on the product container labeling, such as L, WP, SP or DF. Not all labeling actually include the formulation type in the pesticide product name (for example, emulsifiable concentrate or EC). If you cannot determine the formulation from the labeling, work order, handler or mixer/loader, then indicate “Unknown” in this block.

**e) Rate / Dilution** (on applicable forms)

Document the rate, such as lbs/acre, oz/1000 square feet or percent solution from your observations, interviewing the applicator or reviewing the work order, pest control recommendation, or Notice of Intent (NOI).

List the dilution from your observations, interviewing the applicator or reviewing the work order, pest control recommendation, or NOI. Some products are not diluted, but come as “Ready to Use” or “RTU.”

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# Requirements Section

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## General information

### **a) Counting Inspections as Complete**

The “REQUIREMENTS” section of the various inspection forms list laws and regulations that most commonly apply to operations for the type of inspection being conducted. In order for an inspection to count as a complete inspection, each requirement box must be addressed.

### **b) Unlisted Requirements**

If you observe a violation or want to document the compliance status of a law, regulation, or county requirement not listed on the inspection form, then use the blank line(s) provided after the last requirement and before the “Total” to write a brief description for the law, regulation, or county requirement and the appropriate section number. Use the “Remarks” section or the Inspection Report Supplement if more space is needed.

### **c) Intentionally “Unchecked” Requirements**

There may be occasions in which you intentionally do not mark one of the compliance choices for a particular requirement at the time of an inspection because the information is not readily available, such as verifying whether handlers have been trained or if a Notice of Intent (NOI) was submitted. This information must be completed prior to submitting the inspection to DPR. If violations are noted, a copy of the completed inspection must be delivered to the responsible person.

In some cases, verifying the information may be difficult because the information is located in another county. In those cases, contact your supervisor. Your supervisor may consult with the CAC of that county to determine how best to proceed.

### **d) Compliance Boxes**

The compliance block has three columns labeled “YES,” “NO,” or “N/A” (not applicable). Check only the appropriate box for each requirement.

### **e) Shaded Boxes**

Shaded boxes generally indicate unacceptable, illogical, or invalid observations and should not be checked. If you determine that checking a shaded box is appropriate, provide an explanation in the “Remarks” section or on the Inspection Report Supplement.

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*Continued on next page*

## Requirements Section, Continued

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### General information (continued)

#### **f) Determining Compliance Status**

Compliance status must be based on the initial observations or findings of the inspector. Record the PPE worn by handlers upon the inspector's arrival on site or made by the inspector remotely (e.g. with binoculars) prior to arriving on site. Failure of a handler to wear gloves or eye protection during a mix/load would be checked "NO" on the inspection form even if later during the inspection they wear the appropriate equipment. Explain in the "Remarks" section how the handler came to wear the PPE (e.g., "At my request...", or "Upon my arrival...").

There may be times when an aspect of the activity is not observed. Example: You arrive on site in time to witness a pesticide being loaded and agitated, however, you did not see if a measuring device was properly used.

In this case, you would make observations, such as looking for the presence of a measuring device and noting its condition, and asking the mixer/loader questions, such as whether a measuring device was used and how. Based on your observations and interviews, you would make a determination and mark the Compliance column either "YES" or "NO." If you are not confident of your determination you should provide an explanation of how the compliance status of that requirement was determined in the "Remarks" section.

#### **g) Appropriate Use of "Not Applicable" (N/A)**

"N/A" should be used only to document that the law or regulation is not applicable to the activity or operation being inspected. Example: An employee handler is using a pesticide that has labeling that does not require eye protection, yet he has an emergency eyewash bottle on his belt.

A common error made by inspectors is to record a "YES" in the compliance column although the requirement does not apply to the activity. In this case, the inspector should record, "Eyewash Immediately Available" as "N/A" and note in the "Remarks" section that the handler did have emergency eyewash available. If you are unsure if a regulation is applicable to a particular set of conditions being inspected, review the "Scope" and "Exemptions" of the regulation in this manual.

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## Compliance Actions Section

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### General information

#### a) Follow-up Required

Any time a violation(s) is noted on an inspection form and it is not corrected by the user during the inspection, a timely follow-up inspection is required (violations corrected by the CAC staff for safety purposes still require a follow-up inspection). You should check “YES” in the “Follow-up Required” box. If for any reason a follow-up inspection cannot be performed, check “YES” in the “Follow-up Required” box and explain in the “Remarks” section why the follow-up inspection could not be performed.

Examples:

- This field labor contractor is leaving the county tomorrow and will not return until next year.
- There are no more applications planned until next season.

Follow-up inspections must be documented on a separate inspection form. Record the serial number of the original inspection form on the specified line at the top of the follow-up inspection form.

#### b) Correct Non-compliances By:

If no violations are noted, print “N/A” to complete this box appropriately. Do not indicate or imply that the business can continue to operate in violation. A date listed in this block represents the date when the violation(s) must be corrected, not the date of the follow-up inspection.

Safety Hazard – If the violation(s) represents a potential safety hazard, use wording such as “immediately,” “prior to the next application,” or similar wording to appropriately inform the responsible party of the need to correct the problem.

#### c) Cease and Desist Orders, FAC § 11737, § 11897 and § 13102

Check the Cease and Desist boxes appropriately. If you do not use a FAC § 11737, § 11897 or § 13102 order to cease the activity being inspected, check the “NO” box.

The CAC has cease and desist authority under three laws in the FAC. The main differences between the three laws are the types of persons to whom they apply and the threshold required to trigger the order. The CAC should develop guidelines for their staff regarding when and how to implement cease and desist orders.

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## Compliance Actions Section, Continued

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**General  
information**  
(continued)

FAC § 11737 provides the CAC the authority to cease the operation of any equipment or facility that is unsuitable. (See chart below for scope and limitations).

FAC § 11897 and § 13102 provide the CAC with the authority to cease operations of a pesticide-related activity that creates an “immediate or imminent hazard.” FAC § 13102 applies to all persons; FAC § 11897 applies only to licensees. FAC § 11737 applies to all persons but does not require that an immediate hazard be present or imminent. See the table below for information on these three laws

If an inspected pesticide-related activity is stopped using any of the cease and desist sections, the inspector should circle the appropriate number, check the “YES” box, and document the reason(s) for the order and the conditions for resuming operation in the “Remarks” section.

Orders pursuant to FAC § 11897 and § 13102 may be appealed to the director, thus DPR requests that these orders be documented fully on the inspection form and separately on either a Violation Notice (VN) or in a letter on CAC letterhead.

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*Continued on next page*



## Compliance Actions Section, Continued

**General information**  
(continued)

The following chart provides information on FAC § 11897, § 13102, and § 11737. The commissioner and county counsel should provide CAC staff with direction on the use of these laws

Law	Name	Appeal Process	Action	Does Not Apply To:	Comment
FAC § 11897  Applies to Division 6 CFAC § 11401 - § 12408 and related regulations	Cease and Desist Order	Yes  To DPR Director	Used to stop licensee actions that are creating an immediate hazard or irreparable damage.	Non licensee operations	Need to document on a Violation Notice or in a letter  Describe the immediate or imminent hazard
FAC § 13102  Applies to Division 7 FAC § 12500 - § 15340 and related regulations	Cease and Desist Order	Yes  To DPR Director	Used to stop an activity by any person that is creating an immediate hazard or irreparable damage.  (This is the only C&D section that can be used for structural pest control companies).		Need to document on a Violation Notice or in a letter  Describe the immediate or imminent hazard
FAC § 11737  Applies to Division 6 & 7 (FAC § 12501 - § 15340) and related regulations	Cease and Desist Order	No, but if order is violated, CAC can bring an action in Superior Court	Used to order any person to cease operation of any equipment or facility which is unsuitable or being operated:  <ul style="list-style-type: none"> <li>• By an incompetent or unqualified person</li> <li>• In violation of laws or regulations</li> </ul>	<ul style="list-style-type: none"> <li>• Structural pest control</li> <li>• Incidental Seed Treatment</li> <li>• Live capture/removal/exclusion of bees, wasps, vertebrates</li> <li>• Household/Industrial Sanitation</li> <li>• Preservative treatments of fabrics or structural materials</li> </ul>	Document reason(s) for issuing the Cease and Desist Order in “Remarks” section  May also issue a Violation Notice or letter

# Violation Notice

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## Violation Notice

Any inspection that documents that any law or regulation is not in compliance is a notice of violation. If your inspection found no violations, check the “NO” box. If you document any violation on the inspection form, check the “YES” box.

If you also issue a Violation Notice form or take some other additional compliance action, you may note that in the “Remarks” section.

### **a) Violation Notice Number**

You may assign the Violation Notice number according to your county procedures. DPR recommends that you use the inspection number found in the top right corner of the inspection form.

### **b) Two (2) “Violation Notice” Blocks**

These are included on both Structural Use Monitoring Inspection Report forms. This accommodates the request by some CACs 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.

Two Violation Notice blocks are also included on the Field and Commodity Fumigation Use Monitoring Inspection Report form. This allows for the documentation of Violation Notices issued to the pest control business (PCB) performing the fumigation and the permittee.

Two Violation Notice blocks are also included on the Field Worker Safety Inspection Report. This allows for the documentation of Violation Notices issued to the farm labor contractor and the operator of the property.

**Note:** Use of the second Violation Notice block is optional. If both Violation Notice blocks are used, clearly identify the violation(s) and the responsible person/firm for each violation notice.

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## “Remarks” Section

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### Use of “Remarks” section

Follow these instructions when documenting information in the “Remarks” section or the Inspection Report/VN Supplement form.

#### **a) Utilizing the “Remarks” Section**

Use the “Remarks” section to carry over information from other places on the inspection form, to describe any condition or situation you deem relevant and to provide a detailed explanation of violations noted on the inspection. Use the Inspection Report/VN Supplement (PR-ENF-111) when more space is needed.

Types of information to be documented in the “Remarks” section and the Inspection Report/VN Supplement form:

- Circumstances related to violations documented.
- Identification and relevant information on any evidence collected.
- Any corrective measures taken or required.
- Reasons for not conducting required interviews (if due to language barrier, identify language).
- Any information that does not fit in the spaces provided on the form.
- The source of any pesticide labeling information not derived from labeling on site.
- Explanation of any cease and desist order issued.
- Explanation if a required follow-up inspection is not performed.
- Explanation of any deviation from the inspection standards.

#### **b) Providing Adequate Explanation(s)**

Whenever violations are noted, they must be adequately described or explained in this section. Descriptions must be printed in complete sentences. When PPE violations are noted, you must state whether the PPE was available on site. The exact nature and circumstances of the violation must be described. Any information that will be needed or useful in prosecuting the violation(s) must be documented.

Examples:

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

**Inadequate** – “One of the mixers/loaders was not wearing all labeling-required PPE” or “Violation of § 6739.”

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*Continued on next page*

## “Remarks” Section, Continued

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Use of  
“Remarks”  
(continued)

**c) Organize your Remarks**

Remember that your remarks are documentary evidence that must be read and understood by the person inspected, the responsible person, the hearing advocate, the hearing officer and others. Separate and label the description of each violation. One way to accomplish this is to label each description with the requirement number that was in violation.

**d) Optional Use**

You may also use the “Remarks” section or the Inspection Report/VN Supplement to document the disposition of an inspection report that will be completed after the fact. Example: “Partially completed form was given to the supervisor on site. The completed form was mailed to Max Jones of Jones Farms on 09/20/07.”

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# Acknowledgement Section

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## Acknowledgement Section

### a) Inspector – Name / Signature

Print your name legibly; if more than one CAC inspector participated in the inspection, you may include both names and signatures in the appropriate blocks.

### b) Inspection Acknowledged By

Have the person at the inspection site sign the form to acknowledge it, whether or not violations were found. This identifies the person who was inspected for the employer's information and provides evidence that you conducted the inspection.

Indicate the status of the person signing the inspection form by checking either the "Employee" or the "Owner" box (the "Employee/Owner" box on the supplemental form ENF-111).

Print the inspected person's name legibly. The inspected person must be requested to sign the inspection form in the space provided. If appropriate, explain to the inspected person that his/her signature is not an admission of guilt. If the inspected person refuses to sign the form, write "Refused to Sign" in the Signature block.

If you are unable to get the person to sign for any other reason explain in this space or in the "Remarks" section. The signature of the inspected person is not required for Pre-Application Site Evaluations.

### c) Time and Date Inspected

Make sure to note the date of inspection and the time you signed the inspection. Use month/day/year notation for the date. Example - April 5, 2007 would read 04/05/07. Use military time notation. Example - 1:30 p.m. would read 1330; 8:00 a.m. would read 0800.

### d) Date Acknowledged

Print the date the acknowledgement signature was obtained.

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## Notification Information Section

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### Notification information

When a violation is documented on an inspection it is required that the inspection be delivered to the responsible person. (See **When Violations are Found** on page 35). Space for documenting this information is provided on forms PR-ENF-101 (Violation Notice), PR-ENF-102 (Pesticide Pre-Application Site Evaluation) and PR-ENF-111 (Inspection Report/VN Supplement). Print the name of the responsible person and document the method and date of delivery. The signature of the responsible person is not necessary but is recommended if the inspection is delivered in person. This information is required on the Violation Notice form but is optional on the other forms. CACs must, however, use some method to document that the inspection was delivered to the responsible person.

This information is included on the Inspection Report/VN Supplement and not on the inspection report forms since it is only needed when violations are found and it is presumed that an adequate explanation of a violation will require the use of the supplement form.

Complete this section only if a violation is noted on the inspection or the application evaluated on a Pesticide Pre-Application Site Evaluation is denied.

**a) Report Delivered to Responsible Person (Notification Method on Pesticide Pre-Application Site Evaluation)**

Check the appropriate box to indicate how the completed inspection was delivered to the responsible person. If “Other” is checked, print the method in the space provided.

**b) Responsible Person (Applicator Notified on Pesticide Pre-Application Site Evaluation)**

Print the name of the person responsible for the violation noted. Check the appropriate box indicating if the responsible person is an employee or the owner of the business inspected. When delivering the inspection in person, ask the responsible person to sign the form in the space provided.

**c) Date Delivered**

Provide the date that the inspection form was delivered to the responsible person. Also include the time notified on the Pesticide Pre-Application Site Evaluation.

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## When Violations are Found

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### **Notification of the responsible person**

You must notify the responsible person of any violation(s) found during an inspection. When the responsible person is not at the inspection site you can mail, fax, deliver electronically, or deliver a hard copy of the completed inspection to the person or firm. DPR recommends that you make personal contact with the responsible person to determine any mitigation measures being taken to prevent future violations.

Document the method of delivery and the date delivered in the space provided at the bottom of the supplement form. See **Notification Information** above.

When you provide a copy of the inspection to the responsible person, you must provide him or her with written information regarding their liability to civil penalties. A copy of the DPR outreach document, *Pesticide Safety: It's The Law - To: Employer of Pesticide Handlers and/or Field Workers* or other appropriate outreach document may be used for this purpose.

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### **Follow-up inspections**

A follow-up inspection must be made when a violation is noted and not corrected by the person inspected during the inspection. Follow-up inspections are performed to verify that violations are corrected and that businesses do not continue to operate in an unsafe manner. A compliance action or enforcement action does not affect the need to perform a follow-up inspection.

A follow-up inspection may be a repeated inspection of the same type, a subsequent inspection of a different type or a combination of inspections. Example: A violation based on poorly maintained PPE noted during a Pesticide Use Monitoring Inspection may be followed-up by conducting a Headquarter and Employee Safety Inspection to determine PPE cleaning, maintenance, replacement and storage practices.

You may count your follow-up inspection as a complete inspection only if it meets the requirements of a new complete inspection and the inspection is performed on a new activity. If you only inspect the requirements that were in violation, document it as a partial inspection.

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### **Enforcement Action**

When a violation is recorded on an inspection, the compliance history of the business inspected must be reviewed. Determine if an enforcement action is appropriate based on the type and circumstances of the violation found and the compliance history of the business. See 3CCR § 6128 and § 6130.

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