

Chapter 10: Pest Control Business Headquarters Inspection Report (PR-ENF-110)

Multi inspection form

This headquarters inspection report form contains four different types of inspections for inspecting agricultural and structural pest control businesses. If the business has handler employees, the A and C or B and D inspections may be performed and documented on a single form. This form also allows dual inspections of persons who operate as both a structural PCB and as an agricultural PCB.

Use as a follow-up inspection

Headquarters and Employee Safety Inspections, and Records Inspections are often conducted as a follow-up to various use monitoring inspections in which worker safety violations have been documented. More frequent record inspections are justified when use violations have been noted.

Storage requirements

The pesticide storage area is inspected to determine whether a business has control over its pesticide containers, stores them properly, and identifies the storage site with signs. Pesticides and containers must be stored in a manner that does not present a hazard to persons, animals, food, feed, crops or property. They also must be attended or in a locked enclosure.

Review previous storage inspection records and restricted materials listed on permits maintained by agricultural PCBs. Note the categories in which the qualified applicator is certified to operate. Note the pesticides stored in relation to the type of license held by a structural PCB.

Stored pesticides and empty containers are indications of use. Review the sites or crops on the labeling of stored pesticides and compare to the business's pesticide use reports.

A. B. Headquarters and Employee Safety Inspections

Purpose

This inspection is to determine whether agricultural PCBs (including maintenance gardeners) and structural pest control businesses with employees handling pesticides comply with applicable worker safety requirements.

Criteria for inspection

Headquarters and Employee Safety Inspections should only be conducted when the employer has employees. You should conduct a Headquarters and Employee Safety Inspection of PCBs and SPCBs at a frequency agreed to in your enforcement work plan.

In addition to record reviews, observations, and employer interviews, you should interview handler and fieldworker employees when they are available. See Appendix 2 and “Talking to Employers and Employees” on page 16 of this manual for more information and instructions.

Requirements

1. Notice Prior to Pesticide Application 3CCR § 6618

Scope: For all pesticides.

- Any person performing pest control must assure that the operator of the property receives notice of the scheduled application. The notice must be made prior to the use of a pesticide and in ample time for all subsequent notices to be made and for the persons notified to take appropriate action. A notice of completion is also required for applications made for the production of an agricultural commodity. (3CCR § 6619)
- The operator of the property and any PCB, farm labor contractor or other contractor hired by the operator of the property that have employees who are likely to enter a field during an application or while the REI is in effect must notify those employees. Handler and fieldworker employees who may walk within ¼ mile of a field that will receive an application or during a REI are deemed in regulation as likely to enter. 3CCR § 6618(a)(3) and 6618(a)(4)
- The operator of the property must provide notice to any person for which they have prior knowledge may enter a treated area during an application or while the REI is in effect. 6618(a)(6)
- Property operators will also need to be informed of:
 - Date(s), start time(s), and estimated end time(s).
 - If pesticide labeling requires posting, oral notification, or both.
 - If there is change in the notice of the scheduled application.
 - The notice must also include instructions not to enter the field to be treated and its application exclusion zone (3CCR § 6762).

Agricultural PCBs:

Verify that the PCB assures that the operator of the property receives notice of the scheduled application before any pesticide is applied and in ample time for subsequent notifications to be made and for appropriate action to be taken by those given notice. The notice must include the precautions related to the safety of persons. Examples of precautions to include in the notice are re-entry intervals required by labeling or regulation, posting requirements, protective clothing requirements for early entry, and preharvest intervals.

Although 3CCR § 6618 does not specifically require that the notification be a written document, many PCBs use written notices to comply with this requirement. Review any written notification

records the PCB has on file. Do they contain the necessary information? If the PCB is providing notice in a manner other than through written notices, verify the method and adequacy of the notice provided.

Verify that the PCB is maintaining the records required by 3CCR § 6619(h).

Verify that the PCB receives notices from their property operators of applications not performed by the subject PCB and provides these notices to any of their handler employees who may enter or walk within ¼ mile of fields that have REIs or that will be treated on the date of the application.

Structural PCBs:

This item is shaded for SPCBs. Notice requirements for SPCBs are covered in requirement 18, B&P Code § 8538 on the Licensed Pest Control Business Records/Storage Inspection.

Exemptions:

- Persons who applied or supervised the application.

2. Emergency Medical Care Planned 3CCR § 6726

Scope: All employers of handlers of any pesticide.

Employers must arrange for emergency medical care before employees handle pesticides. These arrangements must be planned for in advance.

- Ask the employer how these arrangements were made.
- Are you familiar with the emergency facility?
- Verify the facility is capable of handling pesticide illness/injury.
- How does the employer assure that the medical information is posted at remote worksites?

Employers are required to post in a prominent place at the work site, or in the work vehicle if there is no designated area, with the name, address, and telephone number of an emergency medical care facility. If the facility is not reasonably accessible from that work location, there needs to be procedures for obtaining emergency medical care when the listed facility is not reasonably accessible. The local poison control center's number or a supervisor's name with no additional information is inadequate as is simply displaying "Call 911 in the case of Emergency".

Additional WPS requirements for handlers to 3CCR § 6726 are:

- For commercial or research production of an agricultural commodity, the employer shall provide to medical personnel treating the employee with the following:
 - Copies the Safety Data Sheet(s), the product name(s), U.S. Environmental Protection Agency registration number(s), and active ingredient(s) for each pesticide product.
 - Circumstances of application or use of the pesticide.
 - Circumstances that could have resulted in exposure to the pesticide.

Employers must ensure that a handler employee is taken to a physician when there are reasonable grounds to suspect that the employee has a pesticide illness/injury or when an exposure that would likely cause an illness/injury has occurred.

- Ask the employer if there have been any incidents in the recent past and how it was handled.
- Ask how the employer would respond if an incident did occur.

Exemptions:

- Antimicrobial agents used as sanitizers, disinfectants or medical sterilants are exempt under the conditions of 3CCR § 6720.
- PCAs or professional foresters performing crop adviser tasks. (3CCR § 6720)
- Consumer products see 3CCR § 6720(e).

3. **Change Area 3CCR § 6732**

Scope:

- Employers of any persons who regularly handle “DANGER” or “WARNING” pesticides.
- Employers of persons who handle any pesticides in the commercial or research production of an agricultural plant commodity.

Inspect the place where employees end their exposure to pesticides and remove personal protective equipment. Does the employer maintain an area where employees can change clothes and wash themselves? The employer must provide a clean storage area for personal clothing. Employees handling pesticides for the commercial or research production of an agricultural plant commodity, the change area must also meet 6734(a), (b)(1), and (b)(2). Sufficient water, soap and single use towels for routine washing and for emergency eye flushing and washing of the entire body.

- At least three gallons per handler at the beginning of the work day.
- Hand sanitizing gels and liquids or wet towelettes are not acceptable

Ask an employee to describe the procedures they follow to decontaminate and change clothes at the end of the day.

Exemptions:

- Antimicrobial agents used as sanitizers, disinfectants or medical sterilants are exempt under the conditions of 3CCR § 6720.
- Consumer products see 3CCR § 6720(e).

4. **Proper Storage of Personal Protective Equipment (PPE) 3CCR § 6738(a)**

Scope: Employers of persons who handle any pesticides.

Inspect the personal protective equipment on site. Is the PPE kept in a clean, specially designated place when not in use? Examples of proper storage are lockers or assigned tote bags. Equipment left on the floor or stuffed under the seat of a mix or load vehicle is not considered proper storage. A pesticide storage area is not a proper place for storage of safety equipment. PPE must be kept separate from personal clothing.

Respirators must be stored in a place that also protects them from dust, heat, and direct sunlight. See 3CCR § 6739(h)(4).

- Does the employer provides for the daily inspection and cleaning of all required PPE, and repairs or replaces any worn, damaged, or heavily contaminated PPE??
- Does the employer keeps and washes potentially contaminated PPE separate from other clothing or laundry? Does the employer assure that any person or firm assigned or hired to clean or repair potentially contaminated PPE is protected and informed.
- PPE remains the property of the employer and that pesticide handlers are not to take contaminated PPE into their homes.
- Employees who do not return to the employer's headquarters shall remove and store potentially contaminated coveralls in a sealable container outside of their living quarters.

Title 3CCR § 6738(a) standards also apply to owners or operators when required by pesticide labeling to use PPE. (See 3CCR § 6601 and Application of Standards on page 6).

Exemptions:

- Antimicrobial agents used as sanitizers, disinfectants or medical sterilants are exempt under the conditions of 3CCR § 6720.
- Consumer products see 3CCR § 6720(e).

Hazard Communication / Training Program

5. Hazard Communication 3CCR § 6723

Scope: Employers of employees who handle any pesticide.

Examine the employer's display of a completed Pesticide Safety Information Series (PSIS) leaflet A-8 or N-8 at the central location of the workplace. Is it complete? Do employees have unimpeded access to the document? Verify that the employer is also maintaining, at a central location, the following documents:

- Pesticide use records for pesticides handled by employees.
- Copies of PSIS leaflets applicable to the pesticides and handling activities listed in the pesticide use records.
- The A-8 posted at all permanent decontamination facilities and decontamination facilities servicing 11 or more handlers.
- Changes in name, address, or telephone number of the facility providing emergency medical on the A-8 must be updated within 24 hours.
- Safety Data Sheet (SDS) for each pesticide handled by employees.

Interview the employer and employees to verify the availability and access to the required records. The employer must inform employees where the records are kept, and they must grant employees access to the records no longer than 48 hours from the date of request by an employee, employee's physician, or employee representative. An employee representative's request must be in writing with the information required in 3CCR § 6723 (d)(1-4)

Identify the pesticides handled by reviewing employee training records, pesticide use records, and pesticide use reports. Then determine whether the employer is maintaining the appropriate PSIS leaflets and SDS. If the employer is unable to obtain an SDS, the employer must comply with the requirements of 3CCR § 6723(b)(3).

Exemptions:

- Antimicrobial agents used as sanitizers, disinfectants or medical sterilants are exempt under the conditions of 3CCR § 6720.
- Consumer products see 3CCR § 6720(e).

6. Trainer Qualified 3CCR § 6724(f)

Scope: Employers of persons that handle any pesticides for the commercial or research production of an agricultural commodity.

Certified private or commercial applicators are considered trained. Check “Yes” for this requirement if all handlers are certified applicators.

For the commercial or research production of an agricultural plant commodity, pesticide safety training must be conducted by a person who meets the qualifications included in 3CCR § 6724(f). Verify that the trainer meets one of the eight listed qualifications.

Exemptions:

- Consumer products see 3CCR § 6720(e).
- Antimicrobial agents used as sanitizers, disinfectants or medical sterilants are exempt under the conditions of 3CCR § 6720(c).
- PCAs are considered trained (3CCR § 6720(d)(1))

7. Written Training Program 3CCR § 6724(a)

Scope: Employers of handlers of any pesticide.

Check “Yes” for this requirement if all handlers are certified applicators.

Evaluate the employer’s training program and the materials (such as labeling study guides, pamphlets, slides and PSIS), and information provided and used to train employees and identify the person or firm that provides the training. An individual’s training record does not constitute a written training program. Verify that the written program appropriately addresses all required topics.

Exemptions:

- Consumer products see 3CCR § 6720(e).
- Antimicrobial agents used as sanitizers, disinfectants or medical sterilants are exempt under the conditions of 3CCR § 6720(c).
- PCAs do not require handler training and therefore a written training program is not required. (guidance)

8. **Handler Training** 3CCR § 6724

Scope: Employees who handle any pesticide.

Check “YES” for this requirement if all handlers are certified applicators.

Ask the employer how handlers are trained. Employers must train employees before they handle pesticides, update the training to cover new pesticides, and repeat training at least annually (12-month period) thereafter. Initial training may be waived if employees submit a record showing that training meeting the requirements of this regulation and covering the pesticides and use situations applicable to the new employment situation was received within the last year. Compare the date of application on the pesticide use records, including use records required under 3CCR § 6728 (Medical Supervision), with the date of initial and annual training on the employee training records. Take note of any discrepancies between the dates.

Based on the response to questions asked of the employer and employees, review the training program and individual training records, did the employer address all of the required topics? Documentation of training does not necessarily mean an employer has properly trained their employees. Was the training adequate? The training shall cover each pesticide or chemically similar group of pesticides. [3CCR § 6724(b)]

Is the training provided in a language and manner the employees understand? Employers must record the date of training; job assigned to the employee, and verified with the employee’s signature. Records must be kept for two years in a central location at the workplace and accessible to employees.

Exemptions:

- Consumer products see 3CCR § 6720(e).
- Antimicrobial agents used as sanitizers, disinfectants or medical sterilants are exempt under the conditions of 3CCR § 6720(c).
- PCAs and registered foresters do not require handler training. 3CCR § 6720(d)(1)

Respiratory Protection Program

9. **Written Program** 3CCR § 6739(a)

Scope: Employers of wearing respirators when required by any pesticide labeling, restricted material permit condition, regulation or the employer; and employers that provide respirators for voluntarily use.

Identify the respirator program administrator. Is the administrator qualified? Can the administrator answer your questions about the program? (See 3CCR § 6000 definition of respirator program administrator).

Review the employer’s written respiratory protection program with work site-specific procedures. Does it contain written operating procedures for selecting, fitting, cleaning,

sanitizing, inspecting, and maintaining respiratory protective equipment? Each person required to wear a respirator must be trained in the need, use, care and limitations of the equipment. Verify that the respirators and cartridges used are the types required by labeling, permit or regulation.

The employer shall evaluate the workplace to ensure the written program is being implemented and is effective. The employer shall consult each employee annually to assess the program and determine if the employee has had any problems related to the use of a respirator. If there are any negative findings, the employer must revise the written respiratory protection program to address them. Any problems found during the assessment shall be corrected. The employer must maintain the current version of the written respiratory protection program. All previous versions of the document must be retained for three years subsequent to it being amended.

Ask the employees how they were fit tested and if they have had any problems with the use of respirators. Ask the employer how they conduct evaluations to ensure compliance with the respirator program. Verify that the type of respirator and cartridge are appropriate for the pesticides handled.

For more information regarding employer requirements for respiratory protection, refer to Appendix 1, Pesticide Safety Information Series (PSIS), Leaflet A-5, "Respiratory Protection" and the "*Generic Guidelines for Development of a Respiratory Protection Program*" document available from DPR's Worker Health and Safety Branch.

Exemptions:

- Employees who voluntarily use dust filtering respirators (dust masks) provided by the employer.
- Employees who voluntarily use any respirator not provided by the employer.
- PCAs or professional foresters performing crop adviser tasks. (3CCR § 6720(d)(1))
- Consumer products see 3CCR § 6720(e).

10. Medical Evaluation 3CCR § 6739(q)(s)

Scope: Employers of employees wearing respirators when required by registered pesticide labeling, restricted material permit condition, regulations, the employer, or voluntarily use respirators supplied by the employer.

Verify that there is a medical recommendation form for each employee assigned to work that requires wearing a respirator. Does it allow the employee to wear a respirator? Records generated from online evaluations are acceptable but must identify the physician or licensed health care professional and the evaluated employee.

The physician or health care professional will likely keep the medical evaluation questionnaires for each employee because they are considered confidential under the American Health Insurance Portability and Accountability Act (HIPAA). It is not necessary to inspect the questionnaires.

Exemptions:

- Employees who voluntarily use dust filtering respirators (dust masks) provided by the employer.

- Employees who voluntarily use any respirator not provided by the employer.
- PCAs or professional foresters performing crop adviser tasks. (3CCR § 6720(d)(1))
- Consumer products see 3CCR § 6720(e).

11. Fit Test Records 3CCR § 6739(p)(2)

Scope: Employers of employees wearing respirators when required by registered pesticide labeling, restricted material permit condition, regulations or the employer.

Ask the employer for the current respirator written program. Previous programs shall be retained for three years. How does the employer perform employee fit testing. Ask what procedure is used to assure that respirators are cleaned and sanitized and where the equipment is stored.

Review the fit test records and verify that they contain the required information:

- Name or identification of employee tested
- Date and type of test
- Specific make, model and size of respirator tested
- Test results

Exemptions:

- Employees who use any respirator in accordance with voluntary respirator provisions.
- Employees who voluntarily use any respirator not provided by the employer.
- PCAs or professional foresters performing crop adviser tasks. 3CCR § 6720(d)(1)
- Consumer products see 3CCR § 6720(e).

12. Respirators Inspected 3CCR § 6739(j)(1)

Scope: Employers shall assure:

- Maintenance of routine-use respirators when required by any pesticide labeling, restricted material permit condition, regulation or the employer.
- Maintain emergency-use or second respirators air cylinders at 100% of manufacturer's recommended capacity.
- Emergency-use respirators are to be inspected monthly according to routine-use criteria, manufactures recommendations.
- Escape only respirators must be inspected according to routine-use inspection criteria.

Verify that routine-use respirators are inspected before each use and during cleaning. Verify that at least one routine-use SCBA cylinder at the use site starts the day at 80 percent of capacity or greater.

Verify that respirators maintained for stand-by or emergency-use, are inspected at least monthly. A record of the most recent inspection shall be maintained on the respirator or its storage container.

Verify that emergency respirators are stored in clearly marked containers accessible to the work area in a manner that they can be safely utilized in an emergency. [3CCR § 6739(i)]

Exemptions:

- Employees who voluntarily use any respirator not provided by the employer.
- Employees who voluntarily use dust filtering respirators (dust masks) not provided by the employer.
- PCAs or professional foresters performing crop adviser tasks. (3CCR § 6720(d)(1))
- Consumer products see 3CCR § 6720(e).

13. Respirator Storage 3CCR § 6739(h)(4)

Scope: Employers storing respirators when respirator use is required by registered pesticide labeling, restricted material permit condition, regulations or the employer provides respirators to employees.

Verify that respirators are stored in a manner that protects them from damage, contamination, dust, sunlight, extreme temperatures, excessive moisture and damaging chemicals. Respirators must also be stored in a manner that prevents the face-piece and exhalation valve from deformation.

Exemptions:

- PCAs or professional foresters performing adviser tasks. (3CCR § 6720)
- Consumer products see 3CCR § 6720(e).

14. Voluntary Respirator Use Display 3CCR § 6739(b)(2)

Scope: Employers that permit employees to use respirators when not required by registered pesticide labeling, restricted material permit condition, regulations or the employer.

Verify that the information listed in 3CCR § 6739(r) is displayed alongside the PSIS A-8 or N-8 as appropriate.

If it is determined that employees are voluntarily wearing respirators (other than a filtering face-piece/dust mask) and that the employer provides the respirators, the employer shall establish and implement the provisions of a written respiratory protection program to ensure the employee is medically able to use that respirator, and that the respirator is cleaned, stored, and maintained so that there is no health hazard to the user.

Exemptions:

- PCAs or professional foresters performing crop adviser tasks. 3CCR § 6720(d)(1)
- Consumer products see 3CCR § 6720(e).

Medical Supervision Program

15. Use Records Retained / 3 Years 3CCR § 6728(a)

Scope: Employers of employees who handle organophosphate or carbamate pesticides with the signal word “DANGER” or “WARNING” for the commercial or research production of an agricultural plant commodity.

Based on your knowledge of the employer's operation, your review of PURs and inspection of pesticides stored on the establishment, determine if there are employees handling organophosphate and carbamate pesticides with the signal word “DANGER” or “WARNING” for production plant agriculture. If so, review the exposure records for each employee and determine if they require medical supervision. The employer shall maintain use records that;

- Names the employee.
- Name of the pesticide.
- Date of use.

The employer may use other required documentation to fulfill this requirement but it must be sufficient to allow determination of those employees that regularly handle organophosphate or carbamate pesticides with the signal word “DANGER” or “WARNING”.

This information may also be useful if it becomes necessary to review records while performing an illness investigation. These records must be maintained for a period of three years.

Note: The active ingredient Ethephon is an organophosphonate, and not an organophosphate. Pesticides registered for agricultural use in California that contain Ethephon(e.g., Ethrel, Proxy, CottonQuick) are not covered by 3CCR § 6728.

Exemptions: Consumer products see 3CCR § 6720(e).

16. Doctor's Agreement Available / 3 Years 3CCR § 6728(b)

Scope: Employers of employees who regularly handle organophosphate or carbamate pesticides with the signal word “DANGER” or “WARNING” for the commercial or research production of an agricultural plant commodity.

Verify that the employer has a written agreement stating that a physician has agreed to provide medical supervision. The signed agreement shall include the names and addresses of both the employer and physician, stating the physician has agreed to provide medical supervision and has a copy and is aware of the contents of the Medical Supervision of Pesticides Workers – Guideline for Physicians. A copy of the agreement shall be provided to the commissioner when an employee begins to regularly handle pesticides. The agreement to provide medical supervision and all recommendations must be maintained for three years.

An employee is regularly handling pesticides if they handle pesticides for more than six calendar days in any 30 consecutive day periods. Any amount of handling in a 24 hour period counts as a

day. The 30-day period is any 30 consecutive days beginning with each use. It cannot be divided by months or any other arbitrary demarcation.

Exemptions:

- Consumer products see 3CCR § 6720(e).
- If an employee has a baseline blood cholinesterase level established pursuant to 3CCR § 6728(c)(1), the time spent exclusively using a closed system or water-soluble packets does not meet the definition of regularly handle.

17. Records/3 years 3CCR § 6728(c)

Scope: Employers of persons who regularly handle organophosphate or carbamate pesticides with the signal word “DANGER” or “WARNING” for the commercial or research production of an agricultural plant commodity

3CCR § 6728(c)(3) requires that an employer of employees to keep the following records:

- The agreement with the medical supervisor. (See Requirement 16 above).
- The use exposure records. (See Requirement 15 above).
- Recommendations from the medical supervisor.
- The results of cholinesterase (ChE) tests performed. (See DPR guidance below).

DPR guidance on medical record confidentiality rules and compliance with medical supervision record keeping requirements:

It is DPR’s interpretation that the employer must retain medical supervision records at a business location within the state, with the exception of ChE results. Due to medical confidentiality rules, blood test results do not need to be kept by the employer. In order to comply with this regulation, the employer must maintain a record identifying the employee and the dates of tests. The blood tests results are retained by the medical supervisor.

In addition to the use records and medical supervisor agreement, verify that the employer has maintained the medical supervisor’s recommendations and records identifying the dates when blood tests were performed for each relevant employee.

Exemptions:

- When the employer maintains a record of the dates when each relevant employee had a blood test, the employer does not need to maintain the blood test results
- If an employee has a baseline blood cholinesterase level established pursuant to 3CCR § 6728(c)(1), the time spent exclusively using a closed system or water-soluble packets is not included in the 6-day, regularly handle calculation. (3CCR § 6000, definition of regularly handle).
- Consumer products see 3CCR § 6720(e).

18. Medical Supervision Posting 3CCR § 6728(c)(5)

Scope: Employers of employees who regularly handle organophosphate or carbamate pesticides with the signal word “DANGER” or “WARNING” for the commercial or research production of an agricultural plant commodity.

Confirm that the name, address, and phone number of the medical supervisor is posted in a prominent place at the headquarters or other location where employees start the workday. If the employee starts the workday in the field, the information must be posted at each worksite or in the work vehicle. This posting requirement is in addition to the emergency medical care posting requirement. (3CCR § 6726)

Exemptions:

- If an employee has a baseline blood cholinesterase level established pursuant to 3CCR § 6728(c)(1), the time spent exclusively using a closed system or water-soluble packets is not included in the 6-day, regularly handle calculation. (3CCR § 6000, definition of regularly handle).
- Consumer products see 3CCR § 6720(e).

C./D. Licensed Pest Control Business Records / Storage Inspection

Purpose Licensed Pest Control Business Records Inspections are to determine the licensing and registration status, record keeping conformity, and proper supervision of applications by a qualified person. Agricultural pest control businesses (PCBs) include maintenance gardener businesses (MGBs). Structural pest control businesses include those companies registered with the Structural Pest Control Board (SPCB) as Branch 1, 2 or 3.

Inspection criteria Licensed Pest Control Business Records Inspections should be performed on principal and branch business offices located in your county at a frequency agreed to in your enforcement work plan. Prior to conducting the inspection, check county office records for registration and notification information, previous inspections, and use reporting. Note any recent deficiencies.

Requirements

1. Business Licensed FAC § 11701

Scope: Any business performing pest control for another person for any compensation. This includes soliciting and advertising for pest control work. Pest control is defined in FAC § 11403.

Check agricultural companies for a valid business license issued by the California Department of Pesticide Regulation. Both principal (main) and branch pest control business locations must be currently licensed. A branch location is any office, other than the principal office, that engages in pest control business activities for the company. The requirement for branch licensing applies to all PCBs.

When inspecting a business license in the maintenance gardener category, verify that the pest control conducted is incidental to the primary business of gardening. At a minimum, this means the maintenance gardener must have a general maintenance contract (oral or written) for every property upon which they perform pest control.

If a structural pest control business is unlicensed; report that information to your EBL and/or the Structural Pest Control Board.

Exemptions:

- Structural pest control businesses when acting under their license. FAC § 11531(a)
- Control of stump resprouting incidental to woodcutting. Guidance: Volume 8, Chapter 4

- Applications of preservatives to wood, fabrics, or structural materials in a permanent treatment plant. FAC § 11531(b)
- Household or industrial sanitation FAC § 11531(c) including pool service companies. Guidance: Procedural Guidance For Pesticide Enforcement Personnel chapter 4, Enforcement Letter 79-23 Pool Service Companies dated 11/23/79
- Seed treatment incidental to a person's regular business. FAC § 11531(d)
- Live capture or exclusion of vertebrates, bees or wasps if no pesticide is used. (FAC § 11531)
- Removal of diseased tissue or application of disinfectant to wounds by a tree surgeon. (FAC § 11710)
- Pest control performed by licensed landscape contractors for up to one year on plants installed under warranty. Guidance: Volume 1 subsection 3.6.2 Pest Control Business Policies
- Pest control performed by licensed construction contractors incidental to new construction. Guidance: Compendium Volume 1 subsection 3.6.2, PIPEP chapter 4

2. Business Registered in County FAC § 11732

Scope: Any business performing pest control for another person for any compensation. This includes soliciting and advertising for pest control work. Pest control is defined in FAC § 11403.

Both principal (main) and branch pest control business locations must register in each county where work is performed. Check for proper registration. Does the registration show the business name and address? Is each piece of application equipment shown? Is the qualified person aware of county permit conditions?

Exemptions:

- Structural pest control businesses when acting under their license. FAC § 11531(a)
- Control of stump resprouting incidental to woodcutting. Guidance: Volume 8, chapter 4
- Applications of preservatives to wood, fabrics, or structural materials in a permanent treatment plant. FAC § 11531(b)
- Household or industrial sanitation FAC § 11531(c) including pool service companies. Guidance: Procedural Guidance For Pesticide Enforcement Personnel chapter 4, Enforcement Letter 79-23 Pool Service Companies dated 11/23/79
- Seed treatment incidental to a person's regular business. FAC § 11531(d)
- Live capture or exclusion of vertebrates, bees or wasps if no pesticide is used. FAC § 11531(e)
- Removal of diseased tissue or application of disinfectant to wounds by a tree surgeon. (FAC § 11710)
- Pest control performed by licensed landscape contractors for up to one year on plants installed under warranty. Guidance: Volume 1 subsection 3.6.2 Pest Control Business Policies
- Pest control performed by licensed a construction contractor, incidental to new construction. Guidance: Volume 1 subsection 3.6.2 Pest Control Business Policies, Procedural Guidance For Pesticide Enforcement Personnel Agricultural Pest Control Business Policies chapter 4

3. Work Supervised by Qualified Person FAC § 11701.5

Scope: Any business licensed by DPR to perform pest control for another person for any compensation.

Every principal (main) and branch location must have at least one person in a supervisory position that holds a qualified applicator license in the proper categories. Maintenance gardeners must hold a valid qualified applicator license or a qualified applicator certificate in category “B” or “Q”. Check the individual’s card for the expiration date. Is the person licensed in the categories appropriate to the work being performed? Note any applications that are not covered by the qualified applicator's license or certificate.

There must be a different qualified applicator for each principal and branch location. Verify that adequate supervision is being provided Guidance: Volume 1, Chapter 3, section 3.6

Exemptions: None

4. Pilot(s) Hold a Valid Certificate FAC § 11901

Scope: Any person operating an aircraft for the purpose of pest control.

Determine if pilot certificates are valid.

- Do all pilots hold either journeyman or apprentice certificates?

Exemptions: None

5. Pilot(s) Registered in County FAC § 11920

Scope: Persons acting as a pest control aircraft pilot.

Pilots must be registered in each county in which they work. Check for proper registration.

- Are apprentice certificate holders supervised by a journeyman pilot?
- Is a journeyman pilots, currently registered with that county, named on the apprentice pilot's county registration?

Exemptions: None.

6. Recommendations Retained / One Year FAC § 12004

Scope: Agricultural pest control businesses applying pesticides for which a recommendation has been written.

When applied by an agricultural PCB, a written recommendation is required for each agricultural use of a pesticide that requires a permit. See 3CCR § 6426(b) and § 6632.

- Has the pest control business retained a copy of each recommendation for one year from

- when the recommendation was written?
- Is there a written recommendation available for each agricultural use of a material requiring a permit?

Exemptions: None.

7. Valid Permits for Restricted Materials 3CCR § 6412 and § 6632

3CCR § 6412

Scope: Any person possessing or using restricted materials.

3CCR § 6632

Scope: Any PCB use of a pesticide that requires a permit.

- Does the pest control business have copies of valid permits for work performed?
- Did the pest control business possess and operate in accordance with permit conditions? Reference 3CCR §6426(b).
- The permittee of a valid permit is authorized to retain possession of materials listed after the permit expires.

Exemptions:

- Pesticide registrants, dealers operating under their licenses, or commercial carriers transporting restricted materials. 3CCR § 6414
- Structural pest control licensees. FAC § 14006.6(d)
- Certified private or commercial applicators when possessing or using only federally restricted use materials. 3CCR § 6414
- Pesticides listed only in 3CCR § 6400(d) (groundwater materials) when used outside groundwater protection areas.
- Pesticides listed only in 3CCR § 6400(d) (groundwater materials) when used in a pest eradication program approved by the CA Department of Food and Agriculture. 3CCR § 6416
- Antifouling paints or paints containing tributyltin. 3CCR § 6414
- Materials used only for experimental purposes by research personnel according to established policy of a college or university or according to a valid research authorization. 3CCR § 6414/6416
- Broker 3CCR 6414(f)

8. Application Completion Records / Two Years 3CCR § 6619

Scope: Any person applying pesticides for production of an agricultural commodity and property operators who receive notices.

PCBs applying pesticides for the production of an agricultural commodity, shall assure notice is provided to the operator of the property treated, within 24 hours of completion of the pesticide application.

Verify that the PCB provides notice to any of their handler employees who may enter or walk within ¼ mile of a treated field during the restricted entry interval.

Review the PCB's records of notices provided.

- How does the PCB provide notification to each grower?
- Do the records contain the required information?
- Do the methods meet the completion notice requirement?

The PCB must maintain a written record of the completion notice information and the method employed for two years (3CCR § 6619(i). The method may be, but not limited to any of the following:

- Post or leave notice in a designated location on operator's property.
- Record notification on phone recorder.
- Send notice via fax machine.

Exemptions:

- The notice to the PCB's employees is not required if the field is posted unless the labeling requires dual notification.
- The PCB is not required to provide notice to handler employees that applied or supervised the subject application.

9. Pesticide Use Records Kept / Two Years 3CCR § 6624

Scope: PURs must be maintained by any person who uses registered pesticides:

- For an agricultural use
- When engaged in the business of pest control.
- Classified as a restricted material.
- For industrial post-harvest commodity treatment.
- Listed in 3CCR § 6800(b) (Groundwater Protection List) for any outdoor institutional or outdoor industrial use.

Pest control businesses must maintain records of each pesticide use and retain these records for two years 6624(g). Review the records for completeness.

- Do they contain all the required information?
- PCBs must also include the name(s) of the persons who made or supervised each application.

Pest control businesses that perform applications at school sites (6624(e) must provide the following additional information on the PUR:

- Time application was completed;
- Name and address of the school site; and
- Application location within the school site (i.e. classroom, playground).

Exemptions: Pesticide use on livestock.

10. Pesticide Use Reports Submitted. 3CCR § 6626-6628 (B&P Code § 8505.17- SPCB)
Production Agriculture Monthly Pesticide Use Report 3CCR § 6626
Monthly Summary Pesticide Use Report 3CCR § 6627
Negative Pesticide Use Reports 3CCR § 6628

Scope for 3CCR § 6626 - PCBs applying registered pesticides to properties producing an agricultural commodity.

Scope for 3CCR § 6627:

1. PCBs applying registered pesticides to properties not producing an agricultural commodity
2. Any person applying registered pesticides:
 - For an agricultural use.
 - Classified as a restricted material.
 - For an industrial post-harvest commodity treatment.
 - Listed in 3CCR § 6800(b) for any outdoor institutional or outdoor industrial use.

The reporting requirements for persons producing an agricultural commodity are different from non-production use requirements. Refer to the specifics in 3CCR § 6626/6627.

PCBs that are registered in the county and SPCBs that have provided the CAC with notification pursuant to FAC § 15204 that perform no applications during any month must submit a negative use report. (3CCR § 6628)

Compare the records maintained by the PCB with the pesticide use reports you have received. Document any inconsistencies.

Verify that pest control businesses that perform work at school sites are submitting use reports at least annually as required by 3CCR § 6625.

Note this requirement is shaded on the inspection form for structural PCBs, and is addressed in requirements 11, 12, 13 and 14.

Exemptions:

- Pesticide use on livestock. (3CCR § 6624)
- Pesticide use in the sales area of retail nurseries, or applying pool chemicals by pool service companies. (FAC § 11408)

11. Monthly PUR Submitted B&P Code § 8505.17- SPCB Scope: Registered structural pest control companies.

Verify that the structural pest control company is submitting complete monthly pesticide use reports to the CAC by the 10th day of the month following the month of pesticide use. If no pesticides are used during a month, the company must submit a negative use monthly report 3CCR § 6628.

Exemptions: None

12. County Registration FAC § 15204

Scope: All structural pest control companies registered with the Structural Pest Control Board and performing structural pest control in the county. This regulation applies to the use of all pesticides as well as non-pesticide methods of pest control.

Determine if the structural pest control company has registered with the agricultural commissioner prior to performing structural pest control for hire in your county. This can be accomplished by reviewing the company's records. The notification may cover a calendar year unless the structural pest control company's licensee specifies a shorter time. Branch offices working in your county must also be listed on the notification.

Exemptions: None.

13. SPCB Registration 16CCR § 8610

Scope: Any company that engages in the practice of structural pest control.

Verify that the company is registered with the Structural Pest Control Board. Report any violation to the Structural Board and/or your county's EBL.

Exemptions:

- Structural pest control registration is not required for mold remediation. SPCB guidance
- Applications of preservatives to wood, fabrics, or structural materials in a permanent treatment plant. FAC § 11531
- Household or industrial sanitation (FAC § 11531) including pool service companies. Guidance
- Live capture or exclusion of vertebrates, bees or wasps if no pesticide is used. FAC § 11531

14. Qualified Branch Supervisor 16CCR § 8611

Scope: Each branch office of any company that engages in the practice of structural pest control.

Verify that the branch being inspected has a licensee (either a licensed operator or a field representative) designated by the registered company as the branch supervisor. Check the licensing status of the branch supervisor. Report any violation to the Structural Pest Control Board and/or your county's EBL.

When a branch supervisor leaves the registered company, the company must notify the Structural Pest Control Board in writing within 10 days. If this notice is given, the branch office registration will remain in force for a time to be determined by the Board.

15. Pesticide Use Records Available FAC § 15205

Scope: All registered structural pest control companies that use registered pesticides.

Did the structural pest control company have available, and allow you to inspect, records pertaining to pesticide use (such as training records, employee safety records, application records) at the place of business during regular business hours?

Exemptions: None

16. Fumigation Log / 3 Years 16CCR § 1970(a)

Scope: All registered Branch 1 structural pest control companies.

Registered Branch 1 structural pest control companies must maintain a log or report for each fumigation job for three years (16CCR § 1970). The required information for the fumigation log can be found in 16CCR §1970(a).

Exemptions: None

17. Pesticide Use Records / Kept 3 Years 16CCR § 1970(b)

Scope: All registered Branch 2 or 3 structural pest control companies that have applied registered pesticides.

Registered structural pest control companies must maintain a report for each pest control operation *other than fumigation* in which a pesticide was used for three years 16CCR § 1970(b). These records must include all the information specified in this regulation, according to application type, and may be maintained as a log or report. A company is in compliance with the requirements of 16CCR § 1970(b) if copies of service contracts, invoices, route slips, or service tickets include all of the required information and are maintained for three years.

Exemptions: None

18. Notice to Occupant B&P Code § 8538

Scope: All registered structural pest control companies that apply any pesticide.

The written notice must be provided to the owner/agent and the occupant by mail, electronic mail posting or personal delivery prior to the application. Ask the licensee to see the “Written Notice to Occupants” and ask how they are delivered. Review the notice for the required information. Discuss with Branch 2 and 3 operators how they comply with the provisions of B&P Code §1970.4(c). Written notices must be left in a conspicuous location. Do the notices contain the required information?

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

Verify that the SPCB provides a written notice to the owner of the property treated prior to the treatment (at least 48 hours prior to a fumigation).

Exemptions: None

Pesticide Storage

19. Containers Secured 3CCR § 6672(b)

Scope: Any person who controls the use of a property and stores any pesticide. Any person delivering empty or full containers of any pesticide to a property.

Ask the business operator where pesticides are stored. If the company has more than one storage area at different locations, each site should be inspected. Are pesticides and empty containers stored in a locked enclosure? Personal control of containers is allowed if someone maintains control over them at all times.

If pesticides, containers or equipment are not in a locked enclosure you must determine if responsible persons on site are adequately attending them. Factors include the proximity of the containers to public access, the proximity of the attending person to the containers and the level of attention the attending person can provide. Are the containers near a road or trail? Are they in plain view of a responsible person? Could someone access the containers without the responsible person seeing them?

Pesticides and containers must not be stored in a manner that creates a hazard to persons, animals, food, feed or property (3CCR § 6670). All containers larger than 55 gallons that contain liquid pesticide may be secured with a locked closure in lieu of storage in a locked enclosure.

“Attended” means a responsible person in the vicinity at all times to maintain control over the pesticide to prevent contact by unauthorized persons. Adjacent to roadways or populated areas, the person must have pesticides in sight.

“Enclosure” means a structure, a lockable storage compartment, a locked and fenced area or a truck or trailer with side racks. The enclosure must prevent entry from all sides. If the enclosure does not have a roof, the sides must be a minimum height of six feet above the ground.

Exemptions:

- Containers that hold or have held pesticides packaged, labeled, and used for home use when in the possession of a householder on their property. (3CCR § 6686)
- Sanitizers, disinfectants, and medical sterilants. (3CCR § 6686)
- Pesticides listed in 3CCR § 6402 "exempt materials," must be delivered to a responsible person, but need not be attended or kept in a locked enclosure on a property. (3CCR § 6686)

20. Storage Posted “Warning / Danger” 3CCR § 6674

Scope: Storage areas where containers that hold, or have held, any pesticides with the signal words “DANGER” or “WARNING” are stored.

Pesticide storage signs must be visible from any direction of probable approach and shall be posted around all storage areas where containers that hold, or have held, pesticides. Each sign shall be of such size that it is readable at a distance of 25 feet. Determine if the notice should be repeated in a language other than English. Are signs posted in each direction of probable approach and readable at a distance of 25 feet?

Posting of vehicle utility boxes is not required unless the boxes are used as a fixed storage site.

Exemptions:

- Containers labeled and used for home use when in the possession of a householder on his property. 3CCR § 6686
- Pesticides listed in 3CCR § 6147 "Exempted Pesticide Products". Guidance
- Sanitizers, disinfectants, or medical sterilants. 3CCR § 6686

21. Containers Labeled/Closures 3CCR § 6676

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

Verify that all pesticide containers, including refillable large containers or tanks, carry the registrant’s labeling and that all lids or closures are securely tightened.

Exemptions:

- Sanitizers, disinfectants, or medical sterilants. 3CCR § 6686
- Measuring devices that are not used to store or transport a pesticide. Guidance
- Service containers that are properly labeled do not need the registrants labeling. (3CCR § 6678)
- Containers that have been triple rinsed do not need to have lids.

22. Service Container Labeling 3CCR § 6678

Scope: All containers, other than the original manufacturer’s labeled container, used to store or transport dilute or concentrated mixtures of any pesticide.

Determine whether the service container labeling is complete. If pesticides are loaded into application equipment on site and all of the pesticide mix is used during the application before the applicator leaves or transports the equipment, no service container labeling is required as long as equipment has been rinsed. The definition for service container may be found in FAC § 12757.5.

Examples of violations include containers with no labeling, incomplete labeling or with multiple label tags that do not accurately reflect the contents of the container.

Exemptions:

- Sanitizers, disinfectants, or medical sterilants. (3CCR § 6686)
- Containers used by a person engaged in the business of farming while on that person's property.

23. Prohibited Containers 3CCR § 6680

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

If service containers or measuring devices are observed, examine them to assure that pesticides are not being placed in prohibited containers commonly used for food, drink or household products. Examples of improper storage containers include empty coffee cans, soda bottles or cans or cooking vessels.

Application of this regulation must recognize that both food products and pesticides are distributed in a wide variety of containers and some overlap is inevitable. This regulation does not prohibit end users from using generic plastic or glass bottles, plastic bags or similar containers (that have no identifiable food or beverage use labeling) as service containers.

If all pesticides are in proper containers, check the "YES" box. If no containers are observed at the application and/or the mix/load site, check the "N/A" box.

Exemptions: None

24. Containers Properly Rinsed 3CCR § 6684

Scope: All pesticide containers that have held less than 28 gallons of liquid pesticide concentrate that is diluted for use.

Handlers must triple rinse and drain containers at the time of use. Handlers must add the rinsate to the mix tank and use the rinsate in the application. **Time of use** means prior to the end of the mix/load operation. The definition of Use can be found in 3CCR § 6000. To be effective, the rinsing must be completed before the liquid pesticide has time to dry. Verify that there are no unrinsed empty containers being stored. Suspect businesses should be reported to the local Environmental Health agency and/or the California Department of Toxic Substances Control. Failure to rinse is a violation under our jurisdiction. Collecting and/or holding unrinsed containers may be a violation under the jurisdiction of the local Environmental Health agency and/or the California Department of Toxic Substances Control.

Some retail pesticide product labeling includes statements advising users to wrap partially full containers in newspaper and dispose in regular waste containers. This is not allowed in California.

Check empty containers for proper rinsing. Puncturing the containers is recommended in order to allow for drainage and aeration. Unrinsed or improperly rinsed containers are considered hazardous waste and must be disposed in compliance with Titles 22 and 23, California Code of Regulations. Contact the local Health Department or Regional Water Quality Control Board for more information.

Exempt containers may require special rinse procedures, be refilled offsite, returned to the registrant or be disposed as hazardous waste in compliance with local Environmental Health agency and/or the California Department of Toxic Substances Control regulations.

Burning plastic containers (jugs, buckets, etc.) may be in violation of local Air Pollution Control District regulations (APCD). Document any observations of burning plastic containers and refer to the APCD.

Cal/EPA has determined that, when pesticide bags are emptied according to DPR's guidelines, they can be disposed as non-hazardous waste. There are two disposal options available: disposal at lined Class III landfills or disposal at the site of application by burning under an agricultural burn permit. Permits to burn empty bags are issued by the local Air Pollution Control District. Enforcement of bag disposal regulations is at the discretion of the CAC. (See 22CCR § 66260.10 – § 66262.70) (See Appendix 5)

Exemptions:

- Sanitizers, disinfectants and medical sterilants. (3CCR § 6686)
- Outer containers that are not contaminated. (3CCR § 6686)
- Containers being returned to the registrant.
- Containers labeled and used for home use when in the possession of a householder on his property. (3CCR § 6686)
- Aerosol containers are exempt from regulation as hazardous waste under the following conditions:
 1. The aerosol containers are emptied to the extent possible under normal use.
 2. The aerosol containers are disposed of after use in accordance with labeling instructions. (DHS guidance, Procedural Guidance For Enforcement Personnel pg. 54 Aerosol Container Disposal)

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