

Chapter 4: Pesticide Use Monitoring Inspection Report (PR-ENF-104)

Purpose	Applications and/or mixing and loading activities are inspected to determine whether the handler and employer are complying with all applicable conditions in the restricted materials permit, pesticide labeling requirements, training, worker safety and other law and regulatory requirements. The inspection is also used to determine whether the handler and employer are mitigating any possible hazard to persons, non-target animals, crops and property. Conduct a mixing and loading inspection in conjunction with an application inspection whenever possible to accurately identify the pesticide and to determine the compliance status of labeling requirements such as site, rate and handling precautions. Inspect equipment in use to determine if it is safe for handlers and the environment.
Preparation	Review the specific requirements of licensing, private applicator certification, and restricted materials permits before or after the inspection and address them appropriately. When checking for compliance with PPE and work clothing requirements, look at both the pesticide labeling and the regulations for their separate requirements.
Inspection Criteria	Use monitoring inspections are performed on persons performing handling activities. Observations of an application cannot be counted as a complete inspection unless the labeling 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. See General Requirements number 5 on page 15.

Requirements

1. PCB 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.

Verify that the business is licensed and that the qualified person is certified in the proper category. Is the license valid for the current year?

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.

Exemptions:

- Structural pest control businesses when acting under their license. FAC § 11531(a)
- Control of stump re-sprouting 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 construction contractors incidental to new construction. Guidance: Compendium Volume 1 subsection 3.6.2, PIPEP chapter 4

2. PCB 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.

Check your office records for PCB registration with your county. Is it valid for the current year?

Exemptions:

- Structural pest control businesses when acting under their license. FAC § 11531(a)
- Control of stump re-sprouting 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)
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3. Labeling Available at Use Site 3CCR § 6602

Scope: All registered pesticide uses.

Registered labeling covering the specific use must be available at the use site. Registered labeling includes relevant supplemental, Special Local Need [24(c)] labeling and Section 18 directions. Review the pesticide labeling to see what additional documents are required to be at the use sites. These documents may include the Chlorine Technical Manual, Technical Information Bulletin, or a handbook on the use of aluminum phosphide. Commercial advertising does not comply with the requirements of this regulation, even if it includes use directions.

Labeling at the use site must not differ in any manner with the labeling registered by DPR. Differences in the directions, restrictions or precautions are not acceptable. Differences in specimen labeling format (e.g., photocopies, CDs, photographs, or electronic copies) are acceptable unless the differences could cause the use of the pesticide in a manner conflicting with the registered labeling or create a false or misleading perception. If you suspect the labeling is inaccurate, refer the case to your DPR EBL for product compliance investigation.

Guidance:

- For aerial applications, labeling can be available only at the mixing and loading site when radio contact is maintained among the pilot, flaggers, and the mix/load site.

Exemptions:

- 25B products

4. Notice of Intent (NOI) Submitted 3CCR § 6434

Scope: All agricultural use applications of a California restricted material that requires a permit. NOIs are used primarily to fulfill the site and time specificity requirements of agricultural permits. They are a useful tool for prioritizing and locating applications to inspect.

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

- Has an NOI been properly completed and submitted?
- Are any environmental changes noted?
- You will need to check this requirement at the office either before or after the inspection.
- When all the information normally submitted on an NOI is already on the permit and the CAC does not require an NOI, a separate NOI is not required.

If an NOI is not required, check N/A.

5. Certified Applicator Supervision-Restricted Materials 3CCR § 6406

Scope: California or federally restricted material(s) being handled by a non-certified applicator.

A certified applicator must be available to direct and control an application by a non-certified applicator. The availability of the certified applicator shall be directly related to the hazards of the handling activity.

- Is the certified applicator aware of conditions at the application site?
- Can the certified applicator stop the application when conditions (ex: weather, odor) warrant?
- Does the non-certified applicator have a way to contact the certified applicator if there is a problem?

Whenever activities requiring physical/visual presence are being conducted, the certified applicator must be physically located on the premises.

If the pesticide(s) being handled are not federal or California restricted materials, check this requirement as “N/A”.

Exemptions: None.

6. Complies with Permit Conditions FAC § 12973

Scope: All applications of permitted materials.

- Is the handler using the pesticide in compliance with any permit conditions issued by the commissioner?
- Review the restricted materials permit to see that its conditions are met.
- Observe and record details of the application so that they can be compared to the permit conditions on record.
- If there are no permit conditions mark this requirement as N/A

Exemptions: None.

7. Labeling-Site/Rate/Other FAC § 12973

Scope: All registered pesticide uses (25B products are not required to be registered).

This requirement should be used for any conflicts with product labeling not covered by requirement number 8. Use of a pesticide not registered for a target commodity should be referred to your DPR EBL.

Site	When the labeling list of approved sites is preceded by “such as” or “including,” the product can be legally used on other sites or commodities covered by the general term stated. For example, if the labeling states “deciduous orchards such as apples, peaches and pears,” the use of the product on any deciduous orchard is allowed. Conversely if the labeling statement is structured to indicate that the list is exclusive, i.e. “deciduous orchards – apples and pears,” then only those commodities or sites may be treated.
Rate/dose	Labeling may prohibit the practice of double dosing by tank mixing two products with the same active ingredient (AI) and is a violation of FAC § 12973. The mix may result in a dose of an AI that exceeds the maximum dose allowed by the labeling of either product (Compendium Volume 8, Section 2, illegal mixing of two pesticides with the same active ingredient). Sequential application of multiple products containing the same AI that exceeds the amount allowed in a specified time interval by the registered labeling would be a use in conflict with the labeling.
Interplant applications	Each pesticide application to a crop grown in an interplant cropping system must be evaluated separately to determine if the application can be made without contacting the crop for which the pesticide is not registered. Certain formulations (e.g., granular) or application methods (e.g., ground rig, drip chemigation system) may provide the necessary control. Aerial applications, fumigants and soil applied systemic products would, in most cases, be prohibited.
Chemigation	Although the 3CCR § 6000 definition of conflict with labeling allows methods of application not prohibited by the labeling, no pesticide may be applied through a sprinkler or chemigation system unless the labeling provides specific directions for application via chemigation. See Appendix 3 for information on water source protection requirements.

Enclosed Space (Including Greenhouse) use guidance

The labeling of pesticides used in enclosed spaces should be evaluated to determine if their use is appropriate. The definition of an enclosed space may be found in 3CCR § 6000.

Products that may be used in enclosed spaces (including greenhouses) include the following:

- Products with labeling that are explicit and bear adequate application directions and other precautionary labeling stating, “for enclosed space use”.
- Products with labeling that bear directions for use on the commodity to be treated, have dilution and dosage rate directions, and other precautionary statements that are consistent with use in an enclosed space. This means directions stated in terms of pots, planting beds, square feet or similar terms. (Pesticides used in enclosed spaces that are one half acre or larger may use labeling that indicate application rates in “per acre” units). All other labeling requirements would have to be consistent with use in an enclosed space setting and be followed.

Products that cannot be used in greenhouse enclosed spaces include the following:

- Products with labeling that bear an explicit prohibition against use in an enclosed spaces or enclosed structures, not including residential structures. Labeling that prohibits use in a residential structure (For example, “Not for home use”) does not prohibit the use in an enclosed space.
- Products with labeling that bear dilution or dosage rate directions that are not consistent with enclosed space use. This includes statements such as “apply by aircraft only”, application rates in “per acre” units (see exception above), or other directions inconsistent with use in an enclosed structure.

Enclosed space grown food crops

Use of a pesticide on food crops grown in enclosed spaces requires specific labeling directions for that use. For example: “For use on enclosed space grown tomatoes.” Use of a pesticide on food crop transplants does not require specific labeling directions for that use. Use on enclosed space grown food crop transplants must only comply general commodity labeling, and with the general enclosed space use guidance.

Exemptions: See 3CCR § 6000 definition of conflict with labeling for exceptions. See also, the Labeling Guidance chapter of Volume 8 of the PUE Standards Compendium

8. Labeling-Personal Protective Equipment (PPE) FAC § 12973

Scope: All persons handling registered pesticides.

Labeling PPE requirements apply to both employees and employers. Review the labeling at the site to determine what PPE is required. Observe handlers to see if they are properly utilizing the labeling required PPE. If employee handlers are not wearing required PPE, determine and document if it was provided by the employer and is available on site. Is the PPE in good condition and well fitted? Address each piece of safety equipment separately.

Labeling required PPE used by non-employees (owners, property operators and others) must meet the maintenance and storage standards listed in 3CCR § 6738(a). Although 3CCR § 6700 – 6795 apply only to employees, standards provided in these sections are applicable to interpreting labeling requirements for non-employees as required in 3CCR § 6601 General Application of Standards. See page 6.

Exemptions: All substitutions and exemptions listed in 3CCR § 6738.4 including substitutions listed for closed systems 3CCR § 6738.4(c) and (d), and enclosed cabs in 3CCR § 6738.4(e). See Appendix 1.

9. Regulations - Personal Protective Equipment 3CCR § 6738

Scope: All employees handling any pesticide(s) when:

- Required by labeling, regulation, or conditions of any permit issued by the director or commissioner.
- Mixing or loading.
- Cleaning, adjusting or repairing equipment.
- Applying using hand-held, vehicle-mounted or towed equipment.
- Flagging.

Document the exact nature and circumstances of the violation, and if PPE was provide by the employer and was available on site

Respiratory PPE requirements in 3CCR § 6739 are covered by requirement 10.

All PPE must be cleaned and inspected daily. Worn, damaged or heavily contaminated PPE does not comply with this regulation and must be replaced immediately. Check the condition of PPE and ask handlers what procedures they follow for cleaning and replacement.

Exemptions: See Appendix 1 for specific requirements and exemptions.

10. Respiratory Protection 3CCR § 6739

Scope: All employees handling any pesticide when:

- Required by labeling, permit or regulation or employer policy.
- Applying minimal exposure pesticides by hand. 3CCR § 6793(e)(1)
- Applying minimal exposure pesticides by ground rig. 3CCR § 6793(e)(1)
- Treating potato seed pieces with thiophanate-methyl. (3CCR § 6795)
- Employees wear respiratory equipment.

Verify that employees have been provided and are using the appropriate type of respirator as identified on the labeling, permit or regulation. Verify that the equipment is being used properly and has been properly maintained. See information on respiratory protection in Appendix 1.

How often do they change the cartridges?

A labeling statement of “Avoid breathing spray mist.” does not necessarily require the use of a respirator. See Compendium Volume 8, Section 3.1 for guidance.

Exemptions:

- See 3CCR § 6738.4 on substitutions allowed when using closed systems or enclosed cabs.
- Minimal exposure pesticide ground rig applications when:
 - Using vehicle-mounted or towed equipment to inject or incorporate pesticides into the soil.
 - Using vehicle-mounted nozzles located below the employee and pointing downward. 3CCR § 6793
- 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
- When respirator use is allowed by the employer even though not required by labeling, permit or regulation, only certain parts of 3CCR § 6739 apply. (See voluntary respirator provisions in Appendix 1)
- Consumer products see 3CCR § 6720(e).

11. Coveralls 3CCR § 6738.1(e)

Scope: Employees handling any pesticide with “DANGER” or “WARNING” on the labeling.

Employers must provide clean coveralls each day for employee handlers of pesticides with the signal word “DANGER” or “WARNING”. Ask the employee how often they are provided with clean coveralls. Coveralls are defined in 3CCR § 6000 as a one- or two-piece garment of closely woven fabric or equivalent that covers the entire body except head, hands and feet. Note that this differs from “work clothing” which does not have to be provided by the employer. Verify that handlers have a clean place to remove their PPE.

If employees do not go to their employer's headquarters at the end of their workday, the employee must:

- Take off the coveralls at work and put them in a sealable container.
- Store the sealable container outside of their living quarters.
- Return the coveralls to the employer for cleaning.

An employer may contract with an employee to launder coveralls or other PPE, but the employee must have equipment and facilities separate from the clothes laundry to launder these items and must not take contaminated PPE into their homes. See 3CCR § 6738(a)(6) and 3CCR § 6744.

Check "N/A" if there is no pesticide with "Danger" or "Warning" on the labeling.

Exemptions:

- Employees using fumigants unless the labeling expressly requires the use of coveralls.
- Employees in an enclosed cab may substitute work clothing for PPE required by regulation if the PPE is available at the worksite, and stored in a chemical resistant container. "Worksite" is meant to describe the exact location of a work activity. The interpretation for worksite can be found in Compendium Volume 8 Chapter 6, PPE exemption. 3CCR 6738.4
- PPE is required by labeling, must be immediately available and stored in a chemical-resistant container. 3CCR § 6701 requires Subchapter 3, Pesticide Worker Safety subchapter, should be interpreted at least as strict as, and consistent, with the Worker Protection Standards in Title 40 Code of Federal Regulations, Part 170.
- Vertebrate pest control baits, solid fumigants, insect monitoring traps or non-insecticidal lures. (3CCR § 6720)
- 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).

12. Handlers Trained 3CCR § 6724

Scope: All employees who handle any pesticides. 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).

Certified applicators are considered trained. Check "YES" for this requirement if all handlers are certified applicators.

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 an employee submits 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. Handler training performed in another state is not recognized, due to the many unique aspects of California's pesticide safety program.

- Observe how the handler is performing their task.
- Does the handler appear to have received adequate training? Does the applicator follow the pesticide labeling directions?
- Does the applicator utilize required PPE appropriately?
- Were all precautions taken before the commencement of the application?
- During the application, does the applicator monitor the weather conditions and the application equipment?
- Interview the employee to determine who provided the training.
- Where was the training conducted?
- When was the training provided?
- Does the handler recall signing a training record?
- See Appendix 2 and Chapter 1 “Talking to Employers and Employees” on page 16.

If the responses you receive and/or the behavior observed causes concern, perform a Headquarter and Employee Safety Inspection to verify the training status of the employee. Consider issuing a cease and desist order for the use activity if unsafe conditions are observed. See the Compliance Action section on Chapter 1, page 27 for more information.

Exemptions:

- Antimicrobial agents used as sanitizers, disinfectants or medical sterilants are exempt under the conditions of 3CCR § 6720.
- Consumer products see 3CCR § 6720(e).
- Licensed PCAs and professional foresters are considered trained for the purposes of this requirement 3CCR § 6720(d)(1).

13. Emergency Medical Care Posting 3CCR § 6726

Scope: All employees handling any pesticide(s).

Employers are required to post in a prominent place at the work site, or on the work vehicle, the name, address, and telephone number of a facility able to provide emergency medical care; whenever employees will be handling pesticides, including procedures to be followed to obtain medical care if the identified medical facility is not reasonably accessible from that work location. . The poison control center’s number or a supervisor’s name with no additional information is inadequate as is the displaying of “9-1-1”. Medical care information in an employee’s wallet or in the glove compartment of the work vehicle does not meet the requirements of this regulation.

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).

14. Employees Working Alone “Danger” 3CCR § 6730

Scope: Employees working alone and handling any “DANGER” pesticide for production of an agricultural commodity.

Minimum contact required:

- During daylight – every two hours.
- At night – every hour

Supervision can be in person, radio or telephone contact. Pilots, mixers and loaders, and flagger teams are deemed to be working together and would not require additional supervision.

- When working in the same field, ground applicators are working together if they can see each other or each other’s application vehicle.
- A pilot and ground crew are also considered as working together.
- You should mark “Yes” if two or more employees are working together while handling “DANGER” pesticides or mark N/A if no “Danger” pesticides are being handled.

If an employee is working alone and handling a “DANGER” pesticide mark “YES” or “NO” as based on your determination of the employee’s compliance with the contact requirement.

Exemptions:

- Antimicrobial agents used as sanitizers, disinfectants or medical sterilants. 3CCR § 6720
- Vertebrate pest control baits, solid fumigants, insect monitoring traps or non-insecticidal lures. 3CCR § 6720
- Consumer products see 3CCR § 6720(e).

15. Decontamination Facilities, 3CCR § 6734

Scope: For all pesticides:

- Commercial or research production of an agricultural plant commodity - employees handling any pesticide.
- Non-production agriculture and non-agriculture settings - employees handling pesticides with the signal word “DANGER” or “WARNING”.

Contents:

- Sufficient water, at least three gallons at the beginning of each work day per handler
- Sufficient soap
- Sufficient single use towels
- One clean change of coveralls at each decontamination site

At the mixing/loading site:

- Immediate access to a system delivering gently running water at a rate of least 0.4 gallons per minute for at least 15 minutes, or at least six gallons of water in containers suitable for providing a gentle eye-flush for about 15 minutes for emergency eye-flushing, if the product labeling requires protective eyewear or a closed mixing system is used.

Location:

Commercial or research production of an agricultural commodity:

- At the mixing and loading site.
- Within 1/4 mile of each handler or at closest point of vehicular access.
- The decontamination site for pilots may be at the loading site regardless of the distance from the field being treated.

Non-production agriculture and non-agricultural settings:

- Within 100 feet of the mixing and loading site.
- Sufficient water
- Sufficient soap
- Sufficient single use towels
- One clean change of coveralls at each decontamination site

Use this requirement to document compliance with general decontamination requirements. For commercial or research production of an agricultural commodity c with the emergency eyewash requirement should be documented with requirement 16.

Decontamination materials must be together (not scattered around the site) per 3CCR § 6701, which requires that Worker Health and Safety regulations be interpreted at least as strict and consistent with the federal Worker Protection Standard. CFR § 170.311(c) specifically requires that decontamination supplies, “be located together”. The water must be of a quality and temperature that will not cause illness or injury and be suitable for eye flushing. Water that contains debris or algae is not acceptable. The regulation states there must be sufficient water available at the site. At least 3 gallons of water be provided for each handler at the beginning of each handler’s work day. The soap, towels, and extra change of coveralls are in an enclosed container; and the water is running tap water or enclosed in a container. The employer should check decontamination supplies periodically and replenish as necessary.

Waterless hand cleaners may be substituted for soap but water must still be provided and used for decontamination. Hand sanitizing gels and liquids or wet towelettes are not acceptable.

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).

16. Eyewash Immediately Available 3CCR § 6734(b)

Scope: Employees handling any pesticide for the commercial or research production of an agricultural plant commodity if the labeling requires protective eyewear.

Handlers must have one pint of water on their person or on the vehicle for emergency eye flushing. Assess the situation by applying the following scenario: The handler gets the pesticide in his eyes and is either completely or partially blinded. Can he reasonably be expected to find the water where it is located?

At the mixing/loading site, immediately available to employee(s) a system capable of delivering at least 0.4 gallons of gently running water per minute for at least 15 minutes or at least 6 gallons of water that will gently flush the eyes for 15 minutes for emergency eye-flushing.

In situations where engineering controls are substituted for labeling required eye protection, eyewash requirements still apply.

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).

17. Field Posting 3CCR § 6776

Scope: The operator of the property is responsible to post fields treated with any pesticide during the application and the REI when:

- Labeling requires posting, unless access to the field is controlled during the application and the REI.
- Any application made in an entirely enclosed space (e.g. greenhouse) unless access is controlled during the application and REI.
- Any application in a partially enclosed space resulting in an REI greater than 4 hours, unless access is controlled during the application and REI.
- An REI greater than 48 hours unless access to the field is controlled during application and REI.
- Danger or minimal exposure pesticides are applied through an irrigation system.
- Any fumigant applied to a field.

The operator of the property is responsible to post treated fields. If inspecting a PCB, mark “NA” in this box. If the field is not posted when required, cite the operator of the property for not posting the field. The pest control business may also be cited as violating 3CCR § 6600(b) when their action creates a hazard. In this situation the inspection report should document the factors that demonstrate that a hazard was created. Determine and document the likelihood that workers or other persons are likely to enter the un-posted field, the level of control the PCB maintains over the field until signs are posted, the toxicity of the pesticide(s) used and the amount of contact an unsuspecting person entering the field would have with pesticide residues (i.e. growth stage of the plants treated and amount of foliage).

Some labeling provides for multiple activity based REIs. These labels will state different REIs for different activities. For example, the labeling of a pesticide might say the REI for mowing or irrigating is 48 hours and the REI for thinning is 14 days. For labeling with an activity based REIs, any posting requirement must be maintained until the longest applicable REI has expired.

Signs must be readable from a distance of 25 feet. They must be posted before the application, but no sooner than 24 hours prior to the application. See 3CCR § 6776(b) for required contents of the signs. See CCR § 6776(b)(4) for additional information that must be added to signs when

posting fields with a restricted entry interval of more than 7 days. The signs must be removed within 3 days after the end of the restricted entry interval, and before workers enter the field, unless the workers are early entry workers. The signs must be visible at all usual points of entry to the field and at intervals no greater than 600 feet along unfenced rights of way. If there are no usual points of entry, signs must be posted at the corners of the field. See CCR § 6776(e) for the contents of signs to be used when “Danger” or minimal exposure pesticides listed in CCR § 6790 are applied through an irrigation system. At each border with any worker housing area within 100 feet of the treated field.

FAC § 12978 requires posting of public property treated with pesticides that have labeling specified reentry intervals of 24 hours or more and where exposure is foreseeable (i.e., school grounds, parks, etc.) and shall be removed within 24 hours of the expiration of the REI. The responsible agency shall place signs (English and Spanish) at regular points of public entry and at regular intervals. The responsible agency may substitute a barrier for the warning signs to exclude public exposure to a treated area. Are the signs legible and in appropriate locations?

Exemptions:

- Pesticide applications by the Department of Transportation on public highway rights-of-way (FAC § 12978)
- Granular baits, attractants, or repellants in traps applied in a field. (3CCR § 6760)
- Algaecides used to treat the irrigation system. (3CCR § 6760)
- Pesticides directly injected into plants. (3CCR § 6760)
- Applications by vector control agencies. (3CCR § 6760)
- Consumer products see 3CCR § 6720(e).

18. Safe Equipment 3CCR § 6742(a)(b)

Safe Equipment 3CCR § 6742(a) / Proper Tank Cover 3CCR § 6742(b)(1)

Scope: All equipment used by employees to apply or mix and load any pesticides.

This regulation covers the general safety and maintenance of equipment. It also covers proper tank covers, shutoff valves and sight gauges. Check “N/A” only if no equipment is used or a non-employee is involved in the use of the equipment.

Check to see if the spray tank valves, couplings and transfer hoses are in good condition and are not leaking. All equipment used to apply any pesticide must be inspected daily and any safety defect must be repaired prior to use when carrying “DANGER” or “WARNING” pesticides under pressure, unshielded, flexible hoses must not pass through the cockpit of an airplane or helicopter.

Determine that all openings on tanks used for mixing or applying pesticides are equipped with covers that prevent spills. If the owner/operator is using equipment that is not in good repair, the owner/operator can be cited for CCR § 6600(a), use only pest control equipment which is in good repair and safe to operate.

Exemptions:

- Consumer products see 3CCR § 6720(e).
- Non-employee use of the equipment.

Shut-Off Valve liquid pesticides 3CCR “” § 6742(b)(3)

Scope: All mix/load hoses used by employees, that carry liquid mixture derived from any pesticide with the signal word “DANGER” or “WARNING”.

Shut-off devices must be installed on the exit end of all hoses carrying liquid pesticides in toxicity categories one or two Danger/Warning from mixing tanks that are adequate to prevent splashes onto the employee.

Exemptions:

- Consumer products see 3CCR § 6720(e).

Sight Gauge > 49 gallons 3CCR § 6742(b)(4)

Scope: Each tank with a capacity of more than 49 gallons that is used by employees to mix or apply a liquid mixture derived from any Danger/Warning pesticide.

- A properly functioning method to indicate externally the internal liquid level in the tank such as a sight gauge; or
- A tank or the filler hose nozzle must have a device that will automatically stop the filling operation before the pesticide liquid mixture spills over the top.
- All external sight gauges must be protected and have valves at the pipes or tubes in case of breakage.

Exemptions:

- Consumer products see 3CCR § 6720(e).

19. Closed System Used 3CCR § 6746(a), § 6544, § 6793

Scope: For all pesticides when:

Closed mixing systems are engineering controls used to protect workers from dermal hazard when mixing pesticides with high acute dermal toxicity.

- Employees who mix liquid pesticide products, bearing the statement "Fatal if absorbed through skin" or other comparable language (Tier 1 closed mixing system).
- Employees who mix liquid pesticide products, excluding adjuvants, bearing the statement "May be fatal if absorbed through skin" or "Corrosive, causes skin damage" or other comparable language (Tier 2 closed mixing system)
- Employees who mix pesticides labeled for use only with a closed system.
- Pilots who operate pest control aircraft shall not transfer, mix or load liquid category one or two pesticides containing organophosphates or carbamates unless a closed system is used. 3CCR § 6544

- Employees mix, load, or transfer minimal exposure pesticides. 3CCR § 6793

The employer shall, for the production of an agricultural commodity, assure the written operating instructions are available with the closed mix system being used; and employees are trained (3CCR § 6724) in its use and operation in accordance with its written operating instructions.

A "Tier 1" closed system is required when liquid pesticide products, and adjuvants, with the statement "Fatal if absorbed through skin" or other comparable language. It must be capable of enclosing the pesticide while removing the contents from its original container, preventing the pesticide from contacting handlers, rinse and drained emptied pesticide container(s) as required by the pesticide product label or section 6684, while connected to the closed system.

Tier 2" closed system is required when liquid pesticide products, excluding adjuvants, have the statement "May be fatal if absorbed through skin" or "Corrosive, causes skin damage" or other comparable language. It must be capable of enclosing the pesticide while removing the contents from its original container, preventing the pesticide from contacting handlers.

Exemptions:

- Opening of a container by removal of the manufacturer's original seal without removing the contents before re-closing with a liquid-tight sealing device.
- Regulatory personnel collecting samples of pesticides.
- The rinsing of refillable pesticide containers to be returned to a pesticide dealer, pesticide registrant, or manufacturer.
- An employee required to use a Tier 2 closed mixing system if the employee handles a daily maximum of one gallon or less. The employee shall wear all personal protective equipment required by pesticide product labeling and regulation when not using a closed mixing system. Consumer products see 3CCR § 6720(e).

20. Protection of Persons, Animals, and Property 3CCR § 6614

Scope: All pesticide applications.

The applicator shall evaluate, prior to and while making the application, the equipment, weather conditions, and both target and surrounding areas to determine the likelihood of damage or contamination.

High winds, inversions, proximity to residential areas, other gatherings of people, or susceptible crops are examples of conditions which may increase the hazard potential of the application. Are there fieldworkers near the site during the pesticide application?

- Is there a reasonable possibility of the contamination of persons not involved in the application?
- Is there a reasonable possibility of damage or contamination to non-target crops, animals (including bees) or property?



If workers not involved in the application are in the application exclusion zone or treated area of the field, separately evaluate whether their employer is in compliance with 3CCR § 6762 (Field Work During Pesticide Application)

Field Transplant Workers

Some agricultural practices involve transplants being planted concurrent with an at-plant pesticide application. These transplant operations usually are accomplished using one of the following two methods.

1. Manual transplanting where the employees plant the seedlings in advance of the spray rig, with the spray rig following behind and applying the pesticide. This method is permissible if the fieldworkers stay in front of the treated area, stay outside the application exclusion zone, and do not contact pesticide treated surfaces directly or through drift. The employer must also comply with all fieldworker requirements including notification.
2. Mechanical transplant/application where the equipment is a combination planting apparatus and application rig (transplant rig). Employees feed seedlings onto a planting arm or wheel that manually or mechanically sets plants while at the same time a pesticide is applied.

In scenarios of this sort, DPR considers the entire operation to be part of a “pesticide application process”. The workers are handlers and must be trained and equipped as handlers. The employer must comply with all handler requirements. It would be appropriate to perform a Pesticide Use Monitoring inspection but not a Fieldworker Safety inspection on this type of operation. (See Volume 8, Section 6.16 of the Compendium)

Exemptions:

- Public agencies or their contractors operating under a cooperative agreement with the Department of Public Health pursuant to section 116180 of the Health and Safety Code are exempt from the provisions of 3CCR § 6614(b)(1) if used in accordance with the registered labeling. (3CCR § 6620)

21. Equipment Registered FAC § 11732

Scope: Equipment used by PCBs to mix or apply any pesticides.

Verify that equipment is registered with the CAC.

Exemptions:

- Structural pest control businesses when acting under their license. (FAC § 11531)
- Pool service companies. (FAC § 11531)
- Control of stump resprouting incidental to woodcutting. Compendium Volume 8 section 4.7
- Applications of preservatives to wood, fabrics, or structural materials in a permanent treatment plant. (FAC § 11531)
- Pest control incidental to new construction or landscaping. Compendium Volume 1 subsection 3.6.2, and PIPEP chapter 4.
- Household or industrial sanitation. FAC § 11531
- Seed treatment incidental to a person’s regular business. FAC § 11531

- 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

22. Equipment Identified 3CCR § 6630

Scope: Vehicles or equipment (ground rig, service rig, and similar equipment used for mixing or applying pesticides) by any agricultural or structural pest control business.

All pest control businesses must identify equipment with markings readable at a distance of 25 feet. The identification must include either:

- Business' name; or
- Pest control business license number and a statement such as “Licensed Pest Control Operator”, “Fumigation Division” or similar wording.

This requirement includes pickup trucks used by licensed Maintenance Gardeners to transport pesticides and application equipment.

If there is a storage noncompliance, add 3CCR § 6674 to the inspection report and document the noncompliance to the remarks section of the inspection report.

Exception: Aircraft.

23. Backflow Prevention 3CCR § 6610

Scope: All equipment; service rig (mix/load) and application equipment, that handles any pesticide and which draws water from an outside source.

All equipment must be equipped with an air-gap separation backflow prevention device, or double check valve when handling pesticides and drawing water directly from any outside source. An outside source is anything other than a separate nurse tank. Outside sources include wells, streams, ditches, lakes, ponds and pipelines. The CAC should consult with the local water purveyor and county health department for additional approval criteria. N/A can be marked if water drawn from an outside source was not observed. The following are examples of devices that prevent backflow or reverse siphoning:

- Air-Gap Separation - A physical break between the supply line and the receiving vessel. (This is the only method that is accepted by all water and health agencies).
- Double Check Valve Assembly
- Reduce Pressure Principle Backflow Prevention Device
- Single check valve, vacuum relief valve and low pressure drain assembly.

See Appendix 3 for detailed information.

Ask handlers to explain backflow systems that are unfamiliar or that appear inadequate

Exception: Generally, application equipment of 5 gallon capacity or less, such as hand carried or backpack sprayers, need not be equipped with a mechanical backflow device due to the impracticality of attaching a backflow device to this type of equipment. An air-gap must be manually maintained when filling in order to prevent backflow into the outside source. The CAC may require a backflow device if there is concern that a manual air-gap is not being maintained when the equipment is filled from an outside source.

Exemptions:

- Nurse rigs when they only carry water to equipment.

24. Containers Secured 3CCR § 6670

Scope: All containers or equipment that holds or has held pesticides.

Equipment or containers that hold or have held pesticides must be attended or in a locked enclosure if they present a hazard to persons or property. The CAC has authority to take possession of unattended pesticide or containers that create a hazard. 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;

- Proximity of containers to public access.
- Proximity of 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 the applicator?
- Could someone access the containers without the applicator seeing them?
- 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.

A higher standard applies to property operators. 3CCR § 6672(b) requires that each person that controls the use of a property must attend all pesticide containers or keep them in a locked enclosure. There is no element of this regulation requiring that the containers present a hazard.

In some cases, pesticides may be stored in the cab in order to keep them locked up while the handler is performing an application.

Ask, “When did you put the pesticides in the cab?” and/or “Why did you put the pesticides in the cab?” Base your compliance determination on the responses you receive. . Compendium Volume 8, Section 1.16

“Attended” means a responsible person is 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. Compendium Volume 8 Section 1.14.

“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.
Compendium Volume 8 Section 1.14.

This requirement should be checked N/A only if no containers are present at the inspection site or the only containers on site hold or held products listed in Exemptions below.

Exemptions:

- Sanitizers, disinfectants and medical sterilants. 3CCR § 6686
- Exempt materials identified in 3CCR § 6402. 3CCR § 6686

25. Pesticide Container Labeled/Closures 3CCR § 6676

Scope: Storage and transportation of any container that holds or has held a registered pesticide. Verify that all pesticide containers 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.
- Service containers that are properly labeled do not need registrant labeling. 3CCR §6678
- Containers that have been triple rinsed do not need to have lids.

26. 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.

Service containers shall be labeled with:

- The name and address of the person or firm responsible for the container;
- The identity of the economic poison in the container; and
- The word "Danger," "Warning," or "Caution," in accordance with the label on the original container.

Determine whether the service container labeling is complete. If pesticides are loaded into application equipment on site and all the pesticide mix is used during the application and equipment is rinsed, no service container labeling is required. The definition for service container may be found in FAC § 12757.5.

Examples of violations include containers with no labeling, incomplete labeling or 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.

27. Proper Containers 3CCR § 6680

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

If service containers or measuring devices (used to store pesticides) 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. ENF 2006-029 - Policy Concerning Use of Prohibited Containers as Service Containers for Pesticides

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.

28. Proper Pesticide Transport 3CCR § 6682

Scope: All pesticides that are transported in vehicles.

Fieldworkers should not be riding in the back of a truck used to transport pesticides. Violations include pesticide containers not secured during transport, spillage of concentrates found in vehicles and storage of pesticides in the same compartment with food, feed or persons. Storage of PPE in the same box with pesticides is a violation of 3CCR § 6738(a).

Check the pesticide storage box on vehicles to determine if pesticides are properly secured. Verify that no pesticides are being transported in the cab. In some cases, pesticides may be stored in the cab in order to keep them locked up while the handler is performing an application. If you see pesticides stored in an unoccupied cab, question the handler or operator to determine if they are being transported in violation. Ask, “When did you put the pesticides in the cab?” and/or “Why did you put the pesticides in the cab?” Base your compliance determination on the responses you receive. (). Compendium Volume 8, Section 1.16

Exemptions:

- Sanitizers, disinfectants and medical sterilants. 3CCR § 6686
- Outer containers that are not contaminated. guidance – based on 3CCR § 6686(c)
- Pesticide containers labeled and used for home use when in the possession of a householder on his property. 3CCR § 6686

29. 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 rinsate in the application. **Time of use** means prior to the end of the mix/load operation (definition of **Use** 3CCR § 6000) to be effective the rinsing must be completed before the liquid pesticide has time to dry. If the mixer is putting many containers aside for rinsing at the end of the mix/load operation, and you are unable to determine if these containers are being properly rinsed during your inspection, document the circumstances and check on the containers during the next Record/Storage inspection of the company. 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.

Check empty containers for proper rinsing procedures. 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.

Except for containers to be returned to the registrant, each emptied container that has held less than 28 gallons of a liquid pesticide that is diluted for use shall be rinsed. 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

The burning of 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 of 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 Compendium Volume 8, Section 1.8, Pesticide Bag Disposal). 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)

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. (Procedural Guidance For Enforcement Personnel pg. 54 Aerosol Container Disposal)

30. Accurate Measurement 3CCR § 6604

Scope: Weighing or measuring any concentrate pesticides.

- Are pesticides being accurately weighed or measured?
- Are the measuring devices calibrated to the smallest unit in which the concentrate is being used?

Examples of inaccurate measurement would include estimating half a bag or part of a container. Examples of improper devices would include an uncalibrated container. Exemptions: Pesticides packaged and labeled as ready-to-use.

31. Ground Water Protection 3CCR § 6487.1-5

Scope: The use of pesticides registered for agricultural, outdoor industrial, and outdoor institutional use containing chemicals listed in 3CCR § 6800(a).

Ground Water Protection Use Requirements for All Areas in California

Artificial Recharge Basins 3CCR § 6487.1

Inside Canal and Ditch Banks 3CCR § 6487.2

For all use of groundwater materials: Is the handler complying with the prohibition of applications below the high water line of an artificial recharge basin or a canal or ditch?

Exemptions:

- 3CCR § 6800(a) pesticides may be applied below the high water line in artificial recharge basins and in canals and ditches if applied six months or more before water is present.
- 3CCR § 6800(a) pesticides may be applied below the high water line in canals and ditches if the user can document that the percolation rate is less than 0.2 inches per hour.

Ground Water Protection Use Requirements Inside Ground Water Protection Areas

Engineered Rights-of-Way within Groundwater Protection Areas 3CCR § 6487.3

Runoff Ground Water Protection Areas 3CCR § 6487.4

Leaching Ground Water Protection areas 3CCR § 6487.5

For leaching or runoff ground water protection areas: Is the handler applying a 3CCR § 6800(a) pesticide? If so, is the handler complying with the selected management practice, as modified by alternative management practices approved by the director as specified on the restricted materials permit. See Appendix 4 for more information. Violations should also be noted in restricted materials permit requirements numbers 4, 5 and 6 as appropriate.

Exemptions: See 3CCR § 6487.3 - § 6487.5 for exemptions.

32. Wellhead Protection 3CCR § 6609

Scope: Any person mixing or loading any pesticides within 100 feet of a well. Any person, applying any pre-emergent herbicide in 3CCR § 6800(a) or (b), within 100 feet of a well.

For the application of any 3CCR § 6800(a) or (b) pre-emergent herbicides, the following activities shall be prohibited within 100 feet of a well (including domestic, municipal, agricultural, dry or drainage, monitoring, or abandoned wells) :

- Mixing, loading, and storage of pesticides.
- Rinsing of spray equipment or pesticide containers
- Maintenance of spray equipment that could result in spillage of pesticide residues on the soil.
- Application of pre-emergent herbicides.

Application of pre-emergent herbicides shall be prohibited between the berm and the wellhead.

Are wellheads protected from irrigation and rainfall runoff contacting any part of the wellhead by berms or other means?

Note: This regulation refers to pre-emergent herbicides in two places: 3CCR § 6609(a)(4) and 3CCR § 6609(c). In both cases the term pre-emergent herbicides applies only to pre-emergent herbicides listed in 3CCR § 6800(a) and (b). Applications of pre-emergent herbicides not listed, such as oxyflourfen (Goal), pendimethalin (Pendulum and Prowl), prodiamine (Barricide and Endurance) or flumioxacin (Chateau and Payload) are not affected by this regulation.

Exemptions:

- Wells sited so that irrigation or rainfall runoff water does not move from the perimeter of the wellhead toward the wellhead and contact or collect around any part of the wellhead.
- Wells protected by berms that prevent movement of surface runoff water from the perimeter of the wellhead toward the wellhead.

33. Dormant Insecticides 3CCR § 6960

Scope: The operator of the property when making a dormant application of insecticides.

When making a dormant insecticide application via ground rig, least the requirements specified in 3CCR § 6960(b) must be met.

- Operator of the property to be treated shall obtain a written recommendation from a licensed pest control advisor prior to the application; and
- Application shall not be made within 100 feet of any sensitive aquatic site; and
- Wind speed shall be 3-10 miles per hour (mph) at the anemometer of the application site as measured by an anemometer on the upwind side.

Dormant insecticide aerial applications are only allowed if soil conditions do not allow field entry or approaching bloom conditions necessitate aerial application and all the conditions in 3CCR § 6960(b) are met.

No dormant insecticide applications can be made when soil moisture is at field capacity and if a storm event is forecasted within 48 hours following the application, or a storm likely to produce runoff from the treated area forecasted within 48 hours following the application.

Ground Application Exemptions:

- Applications of dormant oil or biocontrol agents such as spinosad or *Bacillus* species.
- Applications to hydrologically isolated sites.
- Applications that divert any runoff to a recirculating system and/or a holding system for 72 hours before release into a sensitive aquatic site.

34. Surface Water Protection in Outdoor Nonagricultural Settings 3CCR § 6970

When inspecting a maintenance gardener or other agricultural business licensee application of one of the pyrethroid listed in 3CCR § 6970 you should add this regulation in one of the spaces provided at the bottom of the Requirements Section. See page 24 General Information (b). The following information is provided for assessing compliance of 3CCR § 6970 – 6972.

Scope: Pest control business applications of any pyrethroid listed in 3CCR § 6970 to outdoor nonagricultural sites.

Most applications of the listed pyrethroids may only be made to outdoor nonagricultural sites using the following methods in order to reduce surface water contamination:

- Spot treatments,
- Pin stream or crack and crevice
- Perimeter band treatment of three feet wide or less from the base of a building outward
- Broadcast applications may be made to permeable horizontal surfaces but not within two feet of impervious horizontal surfaces.

Perimeter band treatments to vertical surfaces such as walls, foundations and fencing are allowed up to two feet above grade level.

No applications (except to the underside of eaves) may be made during precipitation, to standing water, within 25 feet of a downgradient aquatic habitat or to any drainage system component, and the preconstruction termiticide site within 10 feet of a storm drain located downgradient from the application.

Broadcast treatment of termiticides may be applied to preconstruction sites when the treated soil is covered with a waterproof cover or concrete prior to precipitation.

Exemptions:

- Injection into soil or structural materials, such as bricks, concrete or wood. 3CCR § 6972(a)
- Post construction rod or trench termiticide application methods. 3CCR § 6972(b)
- Applications to below ground insect nests or nests made of mud or paper combs. 3CCR § 6972(c)
- Application of baits in weatherproof stations or gel baits. 3CCR § 6972(d)
- Applications to water in compliance with a NPDES permit. 3CCR § 6972(e)
- Application to the underside of eaves. 3CCR § 6972(f)
- Fogger or aerosol applications. 3CCR § 6972(g)

35. San Joaquin Valley Ozone Nonattainment Area Use Prohibitions 3CCR § 6884

Scope: Pesticides containing abamectin, chlorpyrifos, gibberellins, or oxyfluorfen as the primary active ingredient in the San Joaquin Valley ozone nonattainment area (Fresno, Kings, Madera, Merced, San Joaquin, Stanislaus, Tulare counties and parts Kern county) during the May 1 through October 31.

When prohibitions are in effect for the San Joaquin Valley Ozone Nonattainment area, applications of high-volatile organic compound (VOC) agriculture use products containing abamectin, chlorpyrifos, gibberellins, or oxyfluorfen as the primary active ingredient cannot be made in the San Joaquin Valley Ozone Nonattainment area to alfalfa, almond, citrus, cotton, grape, pistachio, and walnut from May 1 through October 31. If there no prohibitions are in effect or the application is outside of the San Joaquin Valley Ozone Nonattainment area mark the requirement as N/A.

Exceptions for use of high-VOC products are permitted when:

- Chlorpyrifos used to control aphids on cotton.
- Gibberellins applied at a rate of 16 grams of active ingredient per acre or less.
- Oxyfluorfen applied at a rate of 0.125 ($\frac{1}{8}$) pounds of active ingredient per acre or less.
- Emergency exemptions, Section 18s.
- Special Local Need under Section 24(c).
- Applications by or directed by the U.S. Department of Agriculture, the California Department of Food and Agriculture, or county agricultural commissioner to control, suppress or eradicate pests.
- Precision spray technology meeting the criteria of the California Office of the Natural Resources Conservation Service's Environmental Quality Incentives Program.

36. Pesticide Use Near Schoolsites. 3CCR § 6691

Scope: Pesticide applications made for the production of an agricultural commodity within ¼- mile of a schoolsite, made from Monday through Friday, between 6:00 a.m. to 6:00 p.m.

“Schoolsites” (Health and Safety Code § 1596.750) include:

- Child day care facility,
- Kindergarten, elementary, or secondary school used during the week, or
- Other property (such as parks used for school activities) identified by the commissioner.

Application restrictions do not apply when there is a written agreement with application restrictions as restrictive as or greater than 3CCR § 6691. The commissioner shall enforce a written agreement as if they were requirements in regulation. The agreement may be rescinded at any time; if an agreement is rescinded then 3CCR 6691 (a) through (c) apply.

CalPEATS:

When using the mobile app, in the location tab when selecting the inspection site, CalPEATS will indicate if the selected site is within ¼ mile from a known schoolsite,

Distance restrictions based on the following:

- Application equipment used, and
- Type of pesticide applied.

Minimum ¼- mile distance restriction for applications using:

- Aircraft.
- Airblast sprayer or ground application equipment when the liquid pesticide is in the airstream.
- Sprinkler chemigation equipment.
- Dust or powder, (except when injected into the soil there is no restriction), or
- A fumigant.

Minimum 25 foot distance restriction for applications using:

- Ground-rig sprayer, (exempt when applying, dust, powder, or fumigant).
- Soil injection, (except when applying fumigant).
- Other application equipment not identified, such as drip or flood chemigation, (except dust, powder, or fumigant).

There is no distance restriction for:

- Applications in an enclosed space (such as a greenhouse), (except fumigants).
- Bait stations.
- Dust or powder soil injections.
- Granule, flake, or pellet pesticides, (except fumigants or aircraft applications).
- Backpack equipment, (except when the pesticide is in the airstream created by the backpack equipment).
- Hand pump sprayer, (except for dust, powder, or fumigant)

There is no distance restriction when:

- Classes not scheduled for the day of application.
- Child day care facility closed during the entire day of the application.

➤ **Fumigants cannot be applied when classes are scheduled, or child day care facilities are open within 36 hours following fumigation.**

Mark “Yes” when:

- The application distance the requirements are followed.
- Following a written agreement.

Mark “No” when:

- There is violation, address the violation in the remarks section and how the requirement was not followed.

Mark “N/A” when:

- The application is not within ¼-mile of a schoolsite.