

Chapter 8: Structural Use Monitoring Inspection Report (PR-ENF-108)

Purpose A Structural Use Monitoring Inspection is used to inspect Branch 2 and 3 structural pest control businesses during application, mixing and loading activities relating to the control of general household and wood destroying pests (other than fumigations). Your inspection should document whether or not the handler and employer are complying with pesticide labeling requirements, laws and regulations, training, worker safety and other regulatory requirements. You also determine whether the operator is mitigating any possible hazard to persons, non-target animals, crops and property.

Mix/load inspections Mix/load activities present increased potential for harm, since that is when the concentrate is handled. Conduct a mixing and loading inspection in conjunction with your application inspection whenever possible. Identify the pesticide, determine specific labeling requirements and to assess equipment in use to determine if it is safe for handlers and the environment.

Requirements

1. Registered in County FAC § 15204

Scope: All structural pest control companies registered with the Structural Pest Control Board (SPCB) 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. Review the company's records on file. Registration would cover the calendar year unless the structural pest control company's licensee specifies a shorter time. Any branch offices working in your county must also be listed on the registration.

Exemptions: None

2. Written Notice to Occupant B&P Code § 8538

Scope: All applications of any pesticide by a registered structural pest control company.

- The written notice must be provided to the owner, owner's agent, and tenant prior to the application. ADD CODE
 - Posted in heavily frequented, highly visible areas such as mailboxes, the manager's apartment, all laundry rooms or community rooms. In complexes with fewer than five units, each unit must be notified.
 - First-class or electronic mail
 - In person
 - Commercial or industrial buildings, the notice shall be posted in a conspicuous place, unless the owner/owners agent objects.
 - Pest control to be done within a tenant's unit requires that the tenant be notified directly. See 16CCR § 1970.4(e).
- If possible, interview the owner or occupant of the structure (house, apartment complex, etc.) and ask to review the written notice.
- Interview the licensee to determine if the notice has been provided.
- Contracts for periodic service,, the notice may be given prior to the initial treatment unless there is a change in the pesticides..
- New tenants must be notified.
- Refer to B&P Code § 8538 for information required in the notice
- Posted in heavily frequented, highly visible areas such as mailboxes, the manager's apartment, all laundry rooms or community rooms.

Exemptions: None.

3. Pesticide Disclosure Available 16CCR § 1970.4(c)

Scope: All applications of any pesticide by a registered Branch 2 or 3 structural pest control company.

Whenever a licensee applies a pesticide, he shall leave a written notice in a conspicuous location identifying the common, generic or chemical name of each pesticide applied. In the case that the pesticide is applied to a multiple family structure, the notice may be given to the designated agent (for example, a realtor) or the owner. The notice may be a door hanger, invoice, billing statement or other similar written document that contains the registered company's name, address, and telephone number.

Exemptions: None.

4. 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 if any additional documents are required to be at the use site. Examples of additional required documents include the Chlorine Technical Manual or other technical information bulletin. 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 material manner with the labeling registered by DPR. Differences in the directions, restrictions or precautions are not acceptable. Differences in format (i.e., specimen labeling, photocopies, CDs, electronic, or photographs) are normally considered material accepted unless the difference(s) could cause the pesticide to be used in a manner conflicting with the registered labeling or they create a false or misleading perception. If you suspect the labeling is inaccurate, refer the case to your DPR EBL for product compliance investigation.

Exemptions: None

5. Labeling – Site / Rate / Concentration / Other FAC § 12973

Scope: All registered pesticide uses.

Is the pesticide being handled in compliance with the registered labeling requirements? A review of the labeling at the site is necessary to ensure that the material is being used according to the labeling directions. For example, is the applicator following directions for a crack and crevice or a spot application using the appropriate equipment and not broadcasting the material over a larger area?

Crack and crevice applications: If emulsifiable or oil-base sprays (including non-pressurized ready-to-use products) are used, equipment must be capable of delivering a pin stream of insecticide. If a pressurized spray is used, an injection or insertion tube must be used. If a dust is used, a bulbous duster or other suitable equipment capable of applying insecticide directly into cracks and crevices must be used.

Rate/Dose

Double dosing two products with the same active ingredient (AI) and be prohibited by product labeling and would be a violation of FAC § 12973. The combination cannot result in a rate of an AI that exceeds the maximum rate allowed by the labeling of either product (Compendium Volume 8, Section 2, illegal mixing of two pesticides with the same active ingredient). Similarly, sequential application of multiple products containing the same AI that exceeds the amount allowed in a specified time interval by the registered labeling is a use in conflict with the labeling (Compendium Volume 8, Section 4, growing season”).

NOTE: A decrease in dosage rate per unit treated is an exception from conflict with labeling. However, B&P Code § 1991(b) prohibits preconstruction application for subterranean termites at a rate less than that specified by the labeling.

“For Exterior Use Only” means to treat or apply only to exterior surfaces of structures such as window frames, doors, steps or foundation sills. Although these structures may have both interior and exterior surfaces, the product can only be applied to the exterior surfaces. All surfaces within crawl spaces or attics are considered interior surfaces.

Exemptions: See 3CCR § 6000 definition of conflict with labeling for exceptions.

6. 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 employees are not wearing required PPE, was PPE provided by the employer and is it available on site? Is the PPE in good condition and well fitted? Address violations for each piece of PPE separately in the “Remarks” section.

Labeling required PPE used by non-employees (owners, property operators and others) must meet the maintenance and storage standards listed in 3CCR § 6738. Although 3CCR § 6700 – 6795 apply only to employees, these standards 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 et seq. including substitutions listed for closed systems and/or enclosed cabs in 3CCR § 6738.4. See Appendix 1.

7. Regulations – Personal Protective Equipment (PPE) 3CCR § 6738

Scope: All employees handling any pesticide when:

- Required by labeling, regulation, or any permit 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.

Check “NO” for this requirement if any employee is not wearing all of the PPE required by the regulations and the registered pesticide labeling. Document the exact nature and circumstances of the violation. When required, PPE must be worn throughout the handling process.

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

If employee handlers are not wearing required PPE, determine and document if it was provided by the employer and is available on site.

All PPE must be cleaned and inspected daily. Worn, damaged or heavily contaminated PPE must be replaced immediately. Check the condition of PPE and ask handlers what procedures they follow for cleaning and replacement.

See Appendix 1 for specific requirements and exemptions.

8. Respiratory Protection 3CCR § 6739

Scope:

- Employees when required by labeling, permit or regulation or employer policy.
- When 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.

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:

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

9. Handler(s) Trained 3CCR § 6724

Scope: All employees who handle any pesticide.

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

- Employees licensed by the SPCB as operators or field representatives are considered trained for the purposes of this regulation.
- Employees licensed as structural applicators are not considered certified applicators per 3CCR § 6724(e) and do require training.

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 handler follow the pesticide labeling directions?
- Does the handler utilize and correctly use the required PPE?
- Were all precautions taken before the commencement of the application?
- During the application, does the handler monitor for the presence of residents and the application equipment?
- Interview the employee to determine who trained them.
- When was the training provided?
- Does the handler recall signing training records?

If the responses you receive and/or the behavior observed causes concern, perform a Headquarter and Employee Safety Inspection to verify training.. 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).

10. Emergency Medical Care, Posting 3CCR § 6726

Scope: All employees handling any pesticide.

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 emergency medical care in the case the identified medical facility is not reasonably accessible from that work location. The local 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.
- Consumer products see 3CCR § 6720(e).

11. Decontamination Facility “Danger / Warning” 3CCR § 6734

Scope: For all pesticides.

For non-agricultural and structural settings - employees handling pesticides with the signal word “DANGER” or “WARNING”.

Contents:

- Sufficient water
- Sufficient soap
- Sufficient single use towels
- One clean change of coveralls

Location:

Non-production agriculture and non-agricultural settings:

- Within 100 feet of the mixing and loading site.

Decontamination facilities are not required on site if there is no mixing or loading on site.

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. U.S. EPA recommends at least 3 gallons of water be provided for each handler. The employer should check decontamination supplies periodically and replenish as necessary. Decontamination facilities must be separate from drinking water.

Waterless hand cleaners may be substituted for soap but water must still be provided and used for decontamination. Hand sanitizer products are not acceptable.

Exemptions:

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

12. Safe Equipment 3CCR § 6742

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

This requirement covers the general safety and maintenance of equipment. It also covers three specific items: proper tank covers, shut-off devices and sight gauges. Each of these items has different standards of applicability 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.

Proper Tank Cover 3CCR § 6742(b)(1)

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

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

Shut-Off Device 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:

- Operations that employ a reverse action pump or similar that empties the hose and eliminates dripping prior to uncoupling hose connections or removing the hose end from the tank being filled.
- Consumer products see 3CCR § 6720(e).
- Non-employees

Sight Gauge 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 pesticide with the toxicity categories one or two.

- A properly functioning method to indicate the liquid level in the tank such as a sight gauge; or
- The 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).

13. Coveralls “Warning / Danger” 3CCR § 6738.1(e)

Scope: Employees handling any “DANGER” or “WARNING” pesticides.

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. Most branch 2 and 3 businesses comply with this regulation by supplying their employees with two-piece uniforms (long sleeved shirt and long pants). Note that this differs from “work clothing” which does not have to be provided by the employer.

Ask the employee how often he or she is provided with clean coveralls/uniforms. The employer also must assure that employees do not take contaminated coveralls/uniforms home, unless they are removed and stored in a sealable container outside the home.

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 separate equipment and facilities to launder these items and must not take contaminated PPE into their homes. See 3CCR § 6738(a) (6) and 3CCR § 6744.

Mark “N/A” if no pesticides with the signal word “DANGER” or “WARNING”, or for a non-employee handler.

Exemptions:

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

14. 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?

Some labeling requires physical/visual presence of a certified applicator. The certified applicator must be physically located on the premises or contiguous parcel. When required by labeling, the certified applicator must maintain a “in line of sight” visual standard.

If all persons handling the restricted material are certified applicators, check this requirement as “Yes”. Licensed operators and field representatives are certified applicators. Licensed applicators are not certified applicators. If the pesticide(s) being handled are not federal or California restricted materials, check this requirement as N/A”.

Exemptions: None.

15. 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.

Exemptions: Pesticides packaged and labeled as ready-to-use.

16. Protection of Persons / Animals / Property 3CCR § 6614

Scope: Application of any pesticide.

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.

- Does the applicator keep an eye out for passersby?
- Look for animals' feeding trays, fishponds, or stored food at the treatment site.
- 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.

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)

17. Backflow Prevention / Air gap 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 a backflow prevention device when handling pesticides and drawing water directly from any outside source. (Overhead fill systems that maintain an air-gap are acceptable). 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. If water drawn from an outside source was not observed, mark N/A. 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. If during an application inspection you see equipment that appears to be in violation of this requirement (i.e., a ground rig with no air gap device), investigate further or perform a mix/load inspection to determine how the operation complies with this regulation. Violations can be documented in the mix/load column of this form.

Exception:

Generally application equipment of five 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. (Guidance)

Exemptions:

- Nurse rigs when they only carry water to equipment.

18. Equipment Identified 3CCR § 6630

Scope: Vehicles or equipment (ground rig, service rig, and similar equipment used for mixing or applying pesticides) by an 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.

Exemptions: None.

19. Container Requirements 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. (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.

20. 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 and the equipment is rinsed before the applicator leaves or transports the equipment, no service container labeling is required.

Service container labeling requires:

- Name and address of the person or firm responsible for the container
- Identity of the pesticide in the container
- The signal word identified on the label

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:

- Antimicrobial agents used as sanitizers, disinfectants or medical sterilants. (3CCR § 6686)

21. Proper 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, ENF 2006-029) as service containers.

A common circumstance you may observe when performing this type of inspection is the storage and use of non-pesticide bait products such as peanut butter that are used for pest control. These products may be stored in the original or other generic containers if all food labeling has been removed and labeling such as “Bait” or similar labeling has been attached to the container. (See Requirement 24, Pesticide Handling / Use / Storage, also). If no containers are observed at the application and/or the mix/load site, check the “N/A” box.

Exemptions: None

22. Proper Pesticide Transport 3CCR § 6682

Scope: All pesticides that are transported in vehicles

Persons should not be riding in the back of a truck used to transport pesticides. Violations of this regulation are often found in the storage box of the vehicle. 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). Posting of pesticide storage in vehicle utility boxes is not required unless they are used as a fixed storage site.

Verify that no pesticides are being transported in the cab. 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?” Why did you put the pesticides in the cab?” Base your compliance determination on the responses you receive. (In some cases, primarily in structural settings, pesticides may be stored in the cab in order to keep them locked up while the handler is performing an application).

Exemptions:

- Sanitizers, disinfectants and medical sterilants. (3CCR § 6686)
- Outer containers that are not contaminated. [guidance – based on 3CCR § 6686(c)]

23. 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. ENF 96-006

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. 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. 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 as per Titles 22 and 23, California Code of Regulations. Contact the local Health Department or Regional Water Quality Control Board for more information.

Some concentrate pesticides have labeling that allows for undiluted use. These containers are not exempt from triple rinse requirements. If there are no containers on site or containers have not yet been rinsed, mark N/A.

Exemptions:

- Sanitizers, disinfectants and medical sterilants. (3CCR § 6686)
- Outer containers that are not contaminated. (3CCR § 6686)
- Containers being returned to the registrant.
- Ready-to-use diluted pesticide containers.
- 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:
 - a) The aerosol containers are emptied to the extent possible under normal use.
 - b) The aerosol containers are disposed after use in accordance with labeling instructions. (DHS guidance)

24. Pesticide Handling / Use / Storage 16CCR § 1983

Scope: Container which any pesticide is stored or carried.

This requirement should be checked “N/A” only if no containers are present at the inspection site.

Determine whether the applicator has control over pesticide containers and that they store and use them properly.

Verify that:

- Pesticide containers are labeled, stored, carried, or transported properly
- Handle service kits with extreme caution and prevent access to children and unauthorized persons. This includes non-pesticide bait products that are used with pesticides such as peanut butter. These products should be handled and stored as pesticides. (See Requirement 21, Proper Containers).
- Lock or attend pesticides stored on trucks.
- Remove or appropriately cover food, all utensils and equipment used in the preparation of food, and drugs to prevent pesticide contamination.
- Assure that areas where rodenticides and avicides are used are inaccessible to children and pets. Upon termination of a service, all rodenticides and avicides are removed.
- Do not use any oil-based insecticide near an open flame or active heater.
- Use tracking powders only at floor level or in such places as warrant their safe use.
- Label bait stations with the signal word from the labeling, the name of the pesticide and the name, address, and phone number of the structural pest control company. (An empty, locked, posted building that is in control of the registered company is considered a bait station).
- When termite baiting contract is terminated, remove any toxicant used, excluding liquid termiticide

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 (3CCR § 6670). 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
- 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 tank of dilute pesticides on a service vehicle must be locked while the applicator is away from the vehicle. Hand held sprayers containing dilute pesticide must be locked to the vehicle or

similar immovable object or stored in a “lock box” if left unattended on a vehicle. This must be done in a way that does not present a hazard.

“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 (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.).

If non-pesticide baits (for example peanut butter) are not locked or attended, address via 16CCR § 1983(c). See Requirement 22.

Exemptions: None.

25. Wellhead Protection 3CCR § 6609

Scope: Any person mixing or loading any pesticides within 100 feet of a well.

When applying, 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.

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

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.

26. Suitable Manner / Climate 3CCR § 6600

Scope: Use of any pesticide.

Pest control shall:

- Use equipment in good repair and safe to operate
- Be performed in a careful and effective manner
- Use equipment and methods to ensure proper application
- Be performed under proper climatic conditions
- Use precautions to avoid contamination of the environment

When observing the application:

- Is the application safe?
- Are methods and equipment suitable (type of spray equipment, nozzle size and type, etc.)
- What is the wind speed and direction?
- Is the equipment in good repair and safe?
- Is the operator being careful and effective?
- Watch for labeling statements such as, “Do not treat soil that is water saturated or frozen.”, “Do not treat structures that contain cisterns or wells.”

Check “NO” for this requirement when the handler is using pesticides in a negligent or careless manner or creating a hazard that is not more specifically addressed by another law or regulation. Document the nature and circumstances of this violation fully and with sufficient detail in the “Remarks” section.

Exemptions: None.

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

Scope: Pest control business applications of pyrethroids 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. 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. Perimeter band treatments around buildings must not extend more than 3 feet from the base of the building.

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.

Broadcast treatment of termiticides to preconstruction sites is allowed if the treated soil is covered

with a waterproof cover or concrete prior to precipitation. These applications may not be made within 10 feet of a storm drain located downgradient from the application

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)]