

Chapter 9: Pest Control Headquarters Inspection Report (PR-ENF-109)

Multi-inspection form This records inspection report form contains four different types of inspections covering persons or firms that apply, sell, or recommend pesticides.

A./B. Headquarters and Employee Safety Inspection

Purpose This inspection is to determine whether employers who have employees handling pesticides comply with applicable worker safety requirements and to determine compliance of growers (production plant agriculture) and pesticide users in “other” categories, (such as golf courses, schools, parks departments, etc.) Thorough record inspections can be effective in identifying and addressing weaknesses in an employer’s pesticide safety program.

Preparation When you plan for a Headquarter and Employee Safety Inspection, you should review the operator’s permit and use monitoring and field worker safety inspections performed on the business since the last headquarter inspection. Note any documented violations or take copies of the inspections for reference when you conduct the headquarter inspection. Address past violations as part of your inspection.

Criteria for inspection Prioritize Headquarters and Employee Safety Inspections on employers that have employees that handle pesticides or work in treated fields. You should conduct a Headquarter and Employee Safety Inspection of a grower or pesticide user in “other” categories at a frequency identified in your county enforcement work plan.

Continued on next page

A./B. Headquarters and Employee Safety Inspection, Continued

Criteria for inspection
(continued)

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

Use for follow-up inspections

Headquarter and Employee Safety Inspections are often conducted as a follow-up to use monitoring inspections document worker safety violations. More frequent record inspections of growers and “other” pesticide users are justified when these businesses have a history of violations, complaints or illness/injury exposures.

Requirements

1. Valid Restricted Materials Permit 3CCR § 6412

Scope: Anyone possessing or using restricted materials.

Review pesticide use records and storage of restricted materials and determine if the employer has a valid permit for the restricted material pesticides possessed and used.

Exemptions:

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

2. Notice Prior to Pesticide Application 3CCR § 6618

Scope: For all pesticides.

- Any person performing pest control must assure that the operator of the property receives notice of the scheduled application. The notice must be made prior to the use of a pesticide and in ample time for all subsequent notices to be made and for the persons notified to take appropriate action. A notice of completion is also required for applications made for the production of an agricultural commodity. (3CCR § 6619)
- The operator of the property and any PCB, farm labor contractor or other contractor hired by the operator of the property that have employees who are likely to enter a field during an application or while the REI is in effect must notify those employees. Handler and fieldworker employees who may walk within ¼ mile of a field that will receive an application or during a REI are deemed in regulation as likely to enter. [3CCR § 6618(a)(3) and 6618(a)(4)]
- The operator of the property must provide notice to any person for which they have prior knowledge may enter a treated area during an application or while the REI is in effect. [6618(a)(6)]
- Property operators also need to be informed of:
 - Date(s), start time(s), and estimated end time(s) of the scheduled application.
 - Location and description of the field to be treated
 - The pesticide product name(s), U.S. EPA registration number(s), and active ingredient(s)
 - Spray adjuvant product name(s) and California registration number(s), if applicable
 - The applicable restricted entry interval
 - If pesticide labeling requires posting, oral notification, or both
 - Precautions printed on the pesticide product labeling, or applicable laws and regulations, related to the protection of employees or other persons during or after application

Verify that the required information is provided in notices. Ask the manager inspected what procedures are used to notify employees, contractors and others of planned applications. Ask fieldworkers and/or handler employees what notifications they have received and how they receive them.

Public agencies in compliance with FAC § 12978 meet the notice requirements 3CCR § 6618 (b)(4) Check “YES” if in compliance.

Persons utilizing legal easements are exempt from needing consent from the property owner but are not exempt from notification requirements.

Exemptions:

- Persons who applied or supervised the application (3CCR § 6618(a)(3)].
- The oral notice is not required when a field is posted as specified in 3CCR § 6776 (b-f), unless the pesticide product labeling requires dual notification. **(applies only to employee notification, not to the notice from the applicator to the operator of the property).**

- 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. (3CCR § 6620)

3. Application Completion Records / 2 Years 3CCR § 6619

Scope:

- Any person applying pesticides for the production of an agricultural commodity shall assure that the operator of the property treated receives notice of completion of the scheduled application. The notice must be made within 24 hours of the completion of an application. The notice is not required to be in writing, the property operator can be notified verbally, a notice at an agreed location, phone recorder, fax, or electronically.
- The operator of the property and any employer, PCB, farm labor contractor or other contractor hired by the operator of the property that have employees who are likely to enter a field while the REI is in effect must notify those employees. Handler and fieldworker employees who may walk within ¼ mile of a field during a REI are deemed in regulation as likely to enter.
- The operator of the property must provide notice to any person for which they have prior knowledge may enter a treated area while the REI is in effect.

Review the property operator's records of each notice received from PCBs by site this record could be a work order, a written recommendation, an application log, or a copy of a use report provided the record(s) contain the required information. Are the records maintained by site? Records of completed applications made by the property operator (or employees of the property operator) are not required to be kept on site, but must be maintained for two years and be made available upon request.

How is the property operator providing notices of completed applications to fieldworker employees, contracted employers of fieldworker employees and other persons likely to enter? Ask employees how they receive these notices. How does the property operator assure contracted employers provide notice to their fieldworker employees?

Exemptions: None

4. Operator Identification Number Obtained 3CCR § 6622

Scope: Persons using registered pesticides for an agricultural use, and industrial post-harvest commodity treatment, or any pesticide listed in 3CCR § 6800[b] for any outdoor institutional or outdoor industrial use.

Each property operator shall provide the commissioner with a list of the counties in which pest control will be, performed and all valid operator identification number(s) issued by other commissioners.

When the person being inspected has a restricted material permit, the permit number is the operator ID number. Check "YES" on the inspection form.

Exemptions:

- Pest control businesses.
- Property operators of non-production agricultural sites when pesticides are purchased and applied by PCBs.
Persons using pesticides only on livestock, poultry or fish

5. Site Identification / Permit Kept / 2 Years 3CCR § 6623

Scope: Prior to the use of any registered pesticide on property that is used for the production of an agricultural commodity.

Property operators intending to use pesticides for the production of an agricultural commodity must obtain a site identification number for each site where pest control will be performed.

Each site must be identified on either a restricted materials permit or an operator identification form. Review the permit or form, and determine whether the information is accurate. Check to see that a copy of the permit or form has been retained for two years.

Exemptions:

- Pest control businesses. (3CCR § 6622)
- Property operators of non-production agricultural sites when pesticides are purchased and applied by PCBs. (3CCR § 6622)
- Persons using pesticides only on livestock, poultry or fish. [3CCR § 6622(c)(1)]

6. Pesticide Use Records Available / 2 Years 3CCR § 6624

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

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

A complete record of each application shall be kept for two years. Property operators, who produce an agricultural plant commodity, shall maintain records applied by PCBs by site.

Exemption: Persons using pesticides only on livestock.

7. Pesticide Use Reports Submitted 3CCR § 6626 /6627

Scope for 3CCR § 6626:

Property operators applying registered pesticides to produce an agricultural commodity.

Scope for 3CCR § 6627:

Any person applying registered pesticides:

- For an agricultural use.
- Classified as a restricted material.
- For an industrial post-harvest commodity treatment.
- Listed in 3CCR 6800(b) for any outdoor institutional or outdoor industrial use. The reporting requirements for persons producing an agricultural commodity are different from non-production use requirements. Refer to 3CCR § 6626/6627.

Review the grower's or qualified applicator's permit file for reporting violations. Compare the records maintained by the property operator with the pesticide use reports you have received. Document any inconsistencies. The operator of the property is not required to report the use if the use is performed and reported by a pest control business. (3CCR § 6626). The operator of the property shall maintain the records for two years.

Exemptions:

- Pesticide use on livestock. (3CCR § 6624)
- Pesticide use in the sales area of retail nurseries, or applying pool chemicals by pool service companies. (FAC § 11408)
- Public agencies (e.g. Vector Control) that have entered into a cooperative agreement with the California Department of Health Services. (FAC § 11408)

8. Emergency Medical Care Planned 3CCR § 6726/6766

Scope for 3CCR § 6726: All employers of handlers of any pesticide.

For handlers, emergency medical care shall be planned for in advance. The employer shall locate and inform handler of the name and location of the facility. The name, address, and phone number shall be posted at the work site or work vehicle if there is no designated work site. If the facility is not reasonably accessible from that work site, the employer has procedures to be followed to obtain emergency medical care. The local poison control center's number, supervisor's name with no additional information, or displaying "Call 9-1-1 in the case of Emergency", is not acceptable.

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

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

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

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

Exemptions:

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

Scope for 6766: Employees who enter treated fields.

For employees entering treated fields, emergency medical care shall be planned for in advance. The employer shall locate a facility where emergency medical care is available for employees. The employee or supervisor shall be informed of the name, and location the available physician or medical care facility. If the facility is not reasonably accessible from that work site, the employer has procedures to be followed to obtain emergency medical care. When it's suspect an employee has a pesticide illness, or exposure to a pesticide has occurred and may have to lead to an employee's illness, the employer shall ensure that the employee is taken to a physician immediately.

Additional WPS requirements for handlers to 3CCR § 6766 are:

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

Question the employer about the procedure used to transport exposed or injured employees to the facility. Have they had any exposure incidents?

Exemptions:

- Granular baits, attractants, or repellants in traps applied in a field. (3CCR § 6760)
- Algaecides used to treat the irrigation system. (3CCR § 6760)
- Pesticides injected into plants. (3CCR § 6760)
- Applications by vector control agencies. (3CCR § 6760)
- PCAs or professional foresters' performing crop adviser tasks. (3CCR § 6720)
- Consumer products see 3CCR § 6720(e).

9. Change Area 3CCR § 6732

Scope: For all pesticides.

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

Inspect the place where employees end their pesticide exposure and remove personal protective equipment, and the area where they can change clothes and wash themselves. The employer must make available clean towels, soap and sufficient water for thorough washing. The employer must provide a clean storage area for personal clothes. Employees handling pesticides for the commercial or research production of an agricultural plant commodity, the change area must also meet 6734(a), (b)(1), and (b)(2).

- Sufficient water, soap and single use towels for routine washing and for emergency eye flushing and washing of the entire body.
- Not meeting the requirements are, hand sanitizing gels and liquids or wet towelettes.

Exemptions:

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

10. Proper Storage of Personal Protective Equipment 3CCR § 6738(a)

Scope: Employers of persons who handle any pesticide.

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

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

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

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

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. MB- Recordkeeping 3CCR § 6784(b)

Scope: Methyl bromide field fumigations involving employees.

Review the employer's records for all employees involved in application, tarpaulin cutting, tarpaulin repair and tarpaulin removal activities. Do the records identify the person, work activities, date(s), duration of handling, EPA Registration Number and the brand name of the methyl bromide product handled? Compare the dates and hours worked by each employee to the limits allowed.

Exemptions:

- Tree site fumigations. (3CCR § 6447)
- Golf course fumigations. (3CCR § 6447)
- Raised tarp fumigations of less than one acre at nurseries. (3CCR § 6447)

Recommendation Requirements in Ozone Nonattainment Area 3CCR § 6883 *(add this requirement to the inspection form when applicable)*

The operator of the property shall retain the written recommendation for at least two years after the application of a high-volatile organic compound nonfumigant product specified in section 6881 during May 1 through October 31 in the San Joaquin Valley ozone nonattainment area, to one of the following crops: alfalfa, almond, citrus, cotton, grape, pistachio, and walnut.

Annual Notification Schoolsite 3CCR § 6692

Note ... Add this requirement to inspection form when applicable for 'on-farm' commodity fumigation.

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” 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.

Property Operator Responsibility

Annual Notification;

- Provide notification to the Principal of a public K-12 school, administration of the child day care facility, and county agricultural commissioner.
- Maintain copy of annual notification for two years
- Provide annual notification by April 30 of expected pesticide use from July 1 through June 30.
- Assuming control of a property after July 1 through June, notification is provided within 30 days of taking control of a property.
- Notifications 30 days after taking control July 1 through June 30, 3CCR § 6692(a) does not apply.
- After the first annual notification, notifications that follow are required no later than April 30 for expected applications between July 1 through June 30.
- Pesticide(s) not included in the annual notification is provided to the schoolsite and commissioner at least 48 hours before to the application.

Annual Notification Information:

- Summary of requirements to provide annual notification to a schoolsite.
- Summary of pesticide application restrictions.
- Operator's name and contact information.
- Map of the field(s) and schoolsite.
- County agricultural commissioner's contact information.
- National Pesticide Information Center Web site address.
- Information of the pesticide(s) including:
 - Name of each active ingredient, or agent in a spray adjuvant;
 - Example pesticide product name(s); and
 - U.S. Environmental Protection Agency or California registration number.
- The following statements:

"This notification is informational only and includes a list of pesticides expected to be used. Beginning July 1, 2018, inform schoolsites of pesticides not on the list at least 48 hours prior to their use. The county agricultural commissioner may be contacted for questions or additional information; if violations of these requirements are suspected; or other non-emergency situations."
- Description of the option to negotiate an alternate to the required application restrictions. See 3CCR § 6691(f).

Mark “Yes” when:

- Annual notification provided within the dates in the requirement.
- Notification has required information.
- Written agreement is followed.

Mark “No” when:

- Annual notification not provided or provided after the dates in the requirement.
- Written agreement is not followed. Document the details of why the application is in violation in the remarks section of the inspection report.

Mark “N/A” when:

- When the property operator does not have an application site within a 1/4-mile of a schoolsite.
- Facility is not considered a schoolsite.

Exemptions:

- When the facility does not meet the definition of a schoolsite.

Hazard Communication / Pesticide Training Program

12. Hazard Communication for Pesticide Handlers 3CCR § 6723

Scope: Employers of employees who handle any pesticide.

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

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

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

Identify the pesticides handled by reviewing employee training records, pesticide use records and pesticide use reports. Then determine whether the employer is maintaining the appropriate PSIS leaflets and SDS.

Exemptions:

- Antimicrobial agents used as sanitizers, disinfectants or medical sterilants are exempt under the conditions of 3CCR § 6720.
- Consumer products see 3CCR § 6720(e).
- If the employer is unable to obtain an SDS, the employer must comply with the requirements of 3CCR § 6723(b)(3).

13. Application Specific Information Display for Handlers 3CCR § 6723.1

Scope: The operator of property used for the commercial or research production of an agricultural commodity when handler employees will be working within ¼ mile of any treated field.

Examine the application specific information (ASI) display at the central location. Information

must be displayed within 24 hours of completion of an application and include all applications made to any treated field within ¼ mile of where handler employees will be working. Information shall remain up for the length of the restricted entry interval, plus 30 days if employees are on the establishment. The employer must display the following at a central location:

- Crop or site treated and identification of the treated area.
- Date(s) and time(s) the application started and ended.
- Restricted entry interval.
- Product name, U.S. EPA registration number and active ingredients.
- Safety Data Sheet of the pesticide(s) applied.
- The ASI must be retained for two years

Review PURs, NOIs, interview the employer and employees, and use your knowledge from use monitoring or fieldworker safety inspections performed to determine which pesticides have been used in which fields. Compare this information to the information displayed. Is the display complete and accurate?

“Display” means to make information available to the employee so that he or she may readily see and read the document, during normal business hours, without having to make a specific request of any person. An employee must not be hindered or impeded from examining the required display. This definition does not preclude using a binder or filing cabinet, that otherwise meets the requirement, to contain documents for display. Interview handler employees. Do they know where the display is located? Do they have access?

When a violation is found, use documents and employer/employee statements to determine if handlers have worked within ¼ mile of the subject field(s).

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

14. Trainer Qualified 3CCR § 6724(f)

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

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

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

Exemptions:

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

15. Written Program 3CCR § 6724(a)

Scope: Employers of handlers of any pesticide.

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

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

Exemptions:

- Consumer products see 3CCR § 6720(e).
- Antimicrobial agents used as sanitizers, disinfectants or medical sterilants are exempt under the conditions of 3CCR § 6720(c).
- PCAs do not require handler training and therefore a written program is not required. [(3CCR § 6720(d)(1)]

16. Handler Training 3CCR § 6724

Scope: Employees who handle any pesticide.

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

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

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

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

Exemptions:

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

17. Hazard Communication for Fieldworkers 3CCR § 6761

Scope: Employers of fieldworkers working in a treated field.

The employer shall have a completed PSIS A-9 displayed at the following locations:

- At the worksite (If employees begin their workday at a central location, the PSIS A-9 may be displayed at that location instead of at the work site).
- All permanent decontamination facilities.
- Decontamination facilities servicing 11 or more fieldworkers.

Any changes to the name, address, or phone number to the medical facility providing care must be updated on the A-9 within 24 hours. Is the PSIS A-9 displayed in a language the workers understand?

Verify that the property operator maintains in a central location at the workplace, accessible to employees, including employees of farm labor contractors, who enter a treated field, the following:

- Pesticide use records for pesticides that have been applied to fields within the last two years.
- SDS for each pesticide listed in the pesticide use records.

Verify that employers inform employees where the above records are kept, and that they grant employees access to the records in a timely manner, not longer than 48 hours from the date of request by an employee or their representative. The request from an employee must be in writing and have the information required in 3CCR § 6761(d)(1-4). Determine how the operator of the property informs farm labor contractors where the application specific information display is located in order that the FLC can complete the PSIS A-9.

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

18. Application Specific Information for Fieldworkers 3CCR § 6761.1

Scope: For all pesticides.

- The operator of the property used for the commercial or research production of an agricultural commodity when fieldworkers will be working within ¼ mile of any treated field must provide an application specific information display (ASID). The ASID must remain displayed while there are treated fields and fieldworkers on the property.
- The employer of fieldworkers in a treated field must provide a description of the location of the ASID at the worksite (in conjunction with the PSIS A-9) or at a central location where all field workers gather before entering a field.

Verify that the application specific information is displayed appropriately. Ask fieldworkers if they know where the display is located. Do they have access?

Determine if the fieldworkers gather at a central location before entering any treated field. Is the description adequate for fieldworkers to find the ASID without any other direction or assistance? When evaluating the application specific information display, determine if the information is:

Displayed – The information should be available to fieldworkers to review with unimpeded access. It can be posted, in a binder, in a file cabinet or available in another manner. The information is not displayed if workers must ask someone to see it. See 3CCR § 6000.

Complete – The display must contain:

- Crop or site treated and identification of the treated field.
- Date(s) and time(s) the application started and ended.
- Restricted entry interval.
- Product name(s), U.S. EPA registration number, and active ingredient.
- Copy of the SDS(s) for the pesticide(s) applied.
- Spray adjuvant product name(s) and the CA registration number(s) if applicable.
- The required information must be retained for two years.

Timely – The information must be displayed at a central location while fieldworkers are employed to work in treated fields on the operator’s property until the area is no longer a treated field or no fieldworkers will be working on the operator’s property.

Review PURs and NOIs, interview the employer and employees, and use your knowledge from use monitoring or fieldworker safety inspections performed to determine which pesticides have been used in which fields. Compare this information to the information displayed. Is the display complete and accurate?

When a violation is found, use documents and employer/employee statements to establish that fieldworkers have worked within ¼ mile of the subject field(s).

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

19. Fieldworker Training 3CCR § 6764

Scope: Employers of fieldworkers working in fields treated with any pesticide.

Certified private or commercial applicators are considered trained. Employees with current documented pesticide handler training, or employees with other valid certificates of pesticide training approved by the Director, such as, UC IPM Instructor Training Workshops, are considered trained. Check “YES” for this requirement if all fieldworkers meet these requirements.

Have fieldworkers entering a treated field been trained within the last 12 months. Ask fieldworkers when and where they were trained. Do they recall the content of the training or who provided the

training? Verify the trainer meets one of the seven qualifications listed in regulation. Determine that the training includes all the topics listed in regulation.

Exemptions:

- Granular baits, attractants, or repellants in traps applied in a field. (3CCR § 6760)
- Algaecides used to treat the irrigation system. (3CCR § 6760)
- Pesticides injected into plants. (3CCR § 6760)
- Applications by vector control agencies. (3CCR § 6760)
- Consumer products see 3CCR § 6720(e).

Respiratory Protection Program

20. Written Program 3CCR § 6739(a)

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

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

Review the employer's written respiratory protection program with work site-specific procedures. Does it contain written operating procedures for selecting, fitting, cleaning, sanitizing, inspecting and maintaining respiratory protective equipment? Each person required to wear a respirator must be trained in the need, use, care and limitations of the equipment. Verify that the respirators and cartridges used are the types required by labeling, permit or regulation.

The employer shall evaluate the workplace to ensure the written program is being implemented and is effective. The employer shall consult with each employee annually to assess the program and determine if the employee has had any problems related to the use of a respirator. Consultations shall be documented. Any problems found during the assessment shall be corrected.

Ask the employer when they consulted with the employees, if the consultation uncovered any problems and, if so, what revisions were made to the written procedures. The employer must maintain the current version of the written respiratory protection program. All previous versions of the document must be retained for three years subsequent to it being amended.

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

Exemptions:

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

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

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

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

It is not necessary to inspect the questionnaires as it is considered confidential under the Health Insurance Portability and Accountability Act (HIPAA) and may not be available.

Exemptions:

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

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

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

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

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

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

Exemptions:

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

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

Scope: Employers shall assure:

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

Verify that routine-use respirators are inspected before each use and during cleaning. Verify that, when SCBA are used, at least one routine-use SCBA cylinder at the use site starts the day at 80% of capacity or greater. Emergency-use SCBA must be maintained at 100% of capacity.

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

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

Exemptions:

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

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

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

Verify that respirators are stored in a manner that protects them from damage, contamination,

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

Exemptions:

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

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

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

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

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

Exemptions:

- Voluntary use of employer-supplied filtering face-pieces (dust masks) is exempt from the provisions bulleted above.
- PCAs or professional foresters and their employees performing crop adviser tasks. [(3CCR § 6720(d)(1)]
- Consumer products see 3CCR § 6720(e).

Medical Supervision Program

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

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

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

- Identify the name of the employee.
- Name of the pesticide.

- Date of use.

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

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

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

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

27. Doctor’s Agreement Available / 3 Years 3CCR § 6728(b)

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

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

An employee is regularly handling pesticides if the employee handles pesticides for more than six calendar days in any 30 consecutive days. Any amount of time in a 24 hour period is considered a day. The 30-day period is any 30 consecutive days beginning with each use. It cannot be divided by months or any other arbitrary demarcation.

Exemptions:

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

28. Records/3 years 3CCR § 6728(c)

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

3CCR § 6728(c)(3) requires that an employer of employees that regularly handle organophosphates or carbamates with signal words “Danger” or “Warning” for the production of an agricultural commodity keep the following records:

- The agreement with the medical supervisor. (See requirement 27 above).
- The use exposure records. (See requirement 26 above).
- Recommendations from the medical supervisor.
- The results of cholinesterase (ChE) tests performed. (See DPR guidance below).

DPR guidance on the effect of medical record confidentiality rules on compliance with medical supervision record keeping requirements:

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

Exemptions:

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

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

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

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

Exemptions:

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

Pesticide Storage

30. Possession Permit for Stored Restricted Material 3CCR § 6412

Scope: Any person storing a restricted material requiring a permit.

Inspect all storage areas and note any restricted materials found. Compare materials stored with current permit held. If you find restricted materials not listed on the current or past permits issued to the person inspected, investigate how the materials came to be stored at this location, .

Exemptions:

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

31. Containers Secured 3CCR § 6672(b)

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

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

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

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

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

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

Exemptions:

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

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

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

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

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

Exemptions:

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

33. Containers Labeled/Closures 3CCR § 6676

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

Verify that all pesticide containers 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. (3CCR § 6676)
- 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. (3CCR § 6684)

34. Service Container Labeling 3CCR § 6678

Scope: All containers, other than the original manufacturer's labeled container, used to store or hold pesticides, transport dilute or concentrated mixtures of any pesticide down a public road to another site.

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

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

Exemptions:

- Sanitizers, disinfectants, or medical sterilants. (3CCR § 6686)
- Containers used by a person engaged in the business of farming while on that person's property and that do not travel on a public road to get to the property.

35. Prohibited Containers for Pesticides 3CCR § 6680

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

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

Application of this regulation must recognize that both food products and pesticides are distributed in a wide variety of containers and some overlap is inevitable. This regulation does not prohibit end users from using generic plastic or glass bottles, plastic bags or similar containers (that have no identifiable food or beverage use labeling) as service containers. (3CCR § 2006-029)

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

36. Containers Properly Rinsed 3CCR § 6684

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

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

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

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

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. Permits to burn empty bags are issued by the local Air Pollution Control District. Enforcement of bag disposal regulations is at the discretion of the CAC. (See 22CCR § 66260.10 – § 66262.70) (See Appendix 5)

Exemptions:

- Sanitizers, disinfectants and medical sterilants. (3CCR § 6686)
- Outer containers that are not contaminated. (3CCR § 6686)
- Containers being returned to the registrant.
- Containers labeled and used for home use when in the possession of a householder on his property. (3CCR § 6686)
- Aerosol containers are exempt from regulation as hazardous waste under the following conditions:

1. The aerosol containers are emptied to the extent possible under normal use.
2. The aerosol containers are disposed of after use in accordance with labeling instructions. DHS guidance, ENF87-11, Procedural Guidance For Enforcement Personnel pg. 54 Aerosol Container Disposal

C. Dealer Records / Storage Inspection

Purpose A Pesticide Dealer Record / Storage Inspection is conducted at the business location to ascertain licensing status, supervision by a qualified person, record maintenance, the sale and delivery of appropriate pesticides, adherence to restricted materials sales requirements and proper handling of containers.

A complete record inspection should be conducted at the frequency agreed to in your county's enforcement work plan. Additional review of sales records may be needed to determine compliance with pesticide use reporting requirements or for specific investigations. It is recommended that you check CAC records and note any prior violations before performing the inspection. Inspections should include an interview of the designated agent.

Inspection criteria Dealers must be actively selling agricultural, dual use or restricted use pesticides, and the number of records reviewed must be recorded on the form in order to report as a completed Dealer Inspection. If no records are reviewed, it cannot be considered a complete inspection.

NOTE: See also FAC § 12121, Dealer Violations, for violations related to providing false information in acquiring a license or distributing or advertising false or misleading information about a pesticide.

Requirements

1. Dealer Licensed FAC § 12101

Scope: Persons acting as pesticide dealers, or who engage in the business of, advertise as, or assume to act as a pesticide dealer. Dealer activities are defined in FAC § 11407.

Locate and examine the dealer's license. Record the business name, license number and expiration date from the license on the inspection form. Determine if the information is current and that the license is valid.

Exemptions:

- Licensed agricultural or structural pest control businesses that apply the pesticides sold or recommended. (FAC § 11407.5)
- Any federal, state or county agency that provides pesticides for agricultural use. (FAC § 12102)
- Cooperatives that provide pesticides for their members only if,
 - The Cooperative is a central receiving point for orders or billings and provides the licensed pesticide dealer that actually supplies the agricultural use pesticide or

- restricted use pesticide with information required in 3 CCR sections 6562 and 6568.
- The supplier (dealer) must invoice the purchaser to specific purchases.
- Cooperative must maintain the ownership identity of any pesticide it stores for its members.

2. Designated Agent / Office, Valid License/Certificate 3CCR § 6560

Scope: Any person who is responsible for supervising the operations of a licensed pest control dealer either at the main (principal) office or at a branch location.

Determine if a designated agent is available at each main office **and** each branch location. Record the agent's name of the subject facility on your inspection form. In order for persons to be qualified as a designated agent for a pesticide dealer's license they must hold a valid:

- Designated Dealer Agent License.
- Pest Control Adviser License.
- Pest Control Journeyman Pilot Certificate.
- Qualified Applicator License.

A person may be a designated agent for only one location. Does the designated agent actively supervise all operations conducted by employees at that location? Determine that the designated agent is providing adequate supervision and not attempting to oversee several locations, or attempting to work full time as a PCA, while "overseeing" dealer operations remotely.

Exemptions: None

3. Sales Records / Written Statement 3CCR § 6562

Scope: Any pesticides sold or delivered by licensed pesticide dealers.

Dealers shall maintain records of all agricultural and non-agricultural use pesticides sold or delivered, except for the sale of pesticides labeled only for home use. Verify that all pesticide sales records are being maintained for two years from the date of sale. Ask to see and examine the records of pesticides sold as cash sales.

Ask the designated agent how records are maintained. Interview a salesperson to determine how he/she handles sales receipts and compare the response to the designated agent's description of record maintenance. Select a representative sample of records to review. Are records identified by purchaser name and address? Do they show an operator identification number (or restricted materials permit number) or a statement that no identification number is required? If the record bears the statement that no operator ID is required, verify that the pesticide has labeling instructions for non- agricultural use, is not a restricted material, or a pesticide listed in 3CCR § 6800(b).

Do the records show where the pesticide was delivered? Does each pesticide sale include either a written recommendation or a statement on a copy of the customer's invoice that no recommendation was made? For invoices or delivery slips that do not have a statement, verify

that a written recommendation was made. If discrepancies exist, expand the record review. Dealers must keep copies of the recommendation or statement for two years.

Dual-Use Pesticides

Retail stores that sell pesticides for any use that requires a permit for possession and use, or which may be used only by or under the supervision of a certified applicator, are required to be licensed. Additionally, any retail stores that sell pesticides labeled for agricultural use are required to be licensed as pesticide dealers.

The term “dual-use products” refers to those pesticides with labeling that have use directions for agricultural use and other uses (e.g., home use, institutional use). Only licensed pesticide dealers may sell pesticides that have agricultural uses specified on the registered labeling, regardless of the other uses that may appear on this labeling. Any business must obtain a pesticide dealers license prior to selling pesticides with agricultural uses on the labeling. They must also comply with all applicable pesticide dealer requirements in FAC § 12101 through § 12113, and 3CCR §6560 through § 6574. Only licensed dealers can sell dual-use pesticides to end-users in California.

Exemptions: Pesticides labeled only for home use.

4. Appropriate Products Sold 3CCR § 6564

Scope: Any pesticides sold or delivered by licensed pesticide dealers.

Examine sales records and evaluate the pesticides sold and the buyers. Dealers are responsible to:

- a) Review any recommendation that is provided and not sell a pesticide when the pesticide labeling is contradictory to the recommendation and
- b) Not knowingly sell a pesticide for a use not supported by the labeling or when any condition of the labeling cannot be followed.

Note any pesticide sales or recommendations that are unusual or that deviate from common industry practice. For example, pesticides labeled for agricultural use that were sold to an industrial-type business or pesticides labeled only for commodities not on the Operator Identification Number (OIN) or Restricted Materials Permit (RMP) of the purchaser. Compare some of the sales records with available labeling to see if recommendations and for use are consistent with the labeling.

Complaints or evidence of illegal sales tactics or misrepresentation of products by firms should be documented and submitted to DPR’s Product Compliance so that appropriate enforcement action by state or federal agencies can be taken.

Exemptions: None

5. Permits for Restricted Material Sales / 2 Years 3CCR § 6568(a)

Scope: Licensed pesticide dealers selling restricted use pesticides requiring a restricted material permit.

Dealers must obtain a copy of a restricted materials permit prior to the sale of a California restricted material and maintain it on file. Review a representative sample of restricted material sales and crosscheck each sale to determine if the dealer has an appropriate permit on file. Check that the pesticide sold is listed on the permit and that the permit was valid on the sale date. Verify that the dealer has maintained a copy of each permit for sales made in the last 2 years.

Interview a salesperson to determine how he/she verifies that a permit is on file for restricted material sales.

Exemptions:

- Sales to dealers. (3CCR § 6414)

6. Qualified Applicator Licensee, Qualified Applicator Certificate, or Private Applicator Certificate Statement Available / Two Years 3CCR § 6568(b)

Scope: Licensed pesticide dealers selling a restricted material listed in 3CCR § 6400(a),(b), (d) or (e).

Review a representative sample of federally restricted material sales and groundwater materials and crosscheck each sale to determine if the dealer has the required signed statement on file. Before the sale of a restricted material which is either federally restricted 3CCR § 6400 or a groundwater protection pesticide 3CCR § 6400(d), the dealer must obtain the purchaser's documentation verifying that they are a certified applicator. This documentation may be the license, the certificate or a signed statement.

The signed statement must include the license or certificate type and number, its date of expiration, the certified applicator's signature and date. A record that only indicates delivery to a licensed pest control business does not serve as a signed statement. Check that the dealer has kept a copy of signed statement for 2 years.

Exemptions:

- When a restricted material permit with the operator's certificate number is on file.
- Sales to dealers. (3CCR § 6414)
- Out of country sales.

7. Operator Identification Number / 2 Years 3CCR § 6568(c)

Scope: Licensed pesticide dealer sales of:

- Registered pesticides labeled for agricultural use.
- Restricted materials.
- Registered pesticides labeled for any post-harvest commodity use.
- Any registered pesticide listed in 3CCR § 6800(b).

Cross match sales records with operator identification records. If discrepancies exist, expand the record review.

Exemptions:

- Sales to dealers.
- Sales to agricultural or structural PCBs. (3CCR § 6622)

8. Out-of-County Sales Reporting 3CCR § 6568(d)

Scope: A licensed pest control dealer that sells any pesticide that requires the purchaser to have an operator ID number. A restricted materials permit is the purchaser's operator ID number.

Verify that the dealer is sending a list of operator ID numbers and the corresponding purchaser's names to the appropriate agricultural commissioner for all sales to persons with an operator ID number issued by a county other than the county in which the dealer is located.

Exemptions: Sales to persons with operator ID numbers issued by the commissioner of the county in which the dealer is located.

9. Specialized Records – Clorpyralid, Tributyltin 3CCR § 6574/ 6576

Scope:

- Licensed pest control dealers who sell antifouling paints or coatings containing tributyltin.
- Licensed pest control dealers who sell any pesticide product containing the active ingredient clorpyralid intended for lawn or turf use.

Verify that the dealer has obtained a statement signed by the purchaser for any sales of tributyltin.

Verify that the dealer has records of these sales that include the signed statement and the additional required information including the purchaser's license or certificate number and a copy of the vessel registration. The dealer is required to maintain these records in a separate log for two years.

Verify that the dealer has obtained a statement signed by the purchaser for any sales of clorpyralid.

Exemptions: None



San Joaquin Valley Ozone Nonattainment Area 3CCR § 6886 *(add this requirement to the inspection form when applicable)*

The dealer shall provide nonfumigant VOC information, in writing, to the purchaser at time of purchase or delivery if the sale is to an operator in the San Joaquin Valley ozone nonattainment area.

10. Containers Secured 3CCR § 6672(b)

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

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

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

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

“Attended” means a responsible person present 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.

Exemptions:

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

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

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

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

should be repeated in a language other than English. Are signs posted in each direction of probable approach and readable at a distance of 25 feet?

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

Exemptions:

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

12. Pesticide Containers Properly Labeled 3CCR § 6676

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

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

Exemptions:

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

13. Service Container Labeling 3CCR § 6678

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

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

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

Exemptions:

- Sanitizers, disinfectants, or medical sterilants. (3CCR § 6686)
- Containers used by a farmer while on their own property.

14. Prohibited Containers 3CCR § 6680

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

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

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

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

Exemptions: None

D. Pest Control Adviser Records Inspection

Purpose The records of an Agricultural Pest Control Adviser (PCA) are inspected to determine if the adviser is working within the scope of his/her license and that written recommendations comply with relevant labeling and regulations. The inspection is also used to determine if the adviser complies with record keeping requirements. You should inspect PCA records at the frequency agreed to in your county work plan and as required for investigations. Check your office files for any previous records inspections, noting any violations before performing the inspection.

Inspection criteria Advisers must be registered in your county, actively writing recommendations and the number of recommendations reviewed must be recorded on the form in order to report as a completed Pest Control Adviser Records Inspection. If no records are reviewed it is not considered a complete inspection.

Requirements

1. **PCA Licensed** FAC § 12001

Scope: Persons acting or offering to act as a PCA. (This includes persons that recommend the use of biological control agents). See definition at FAC § 11410.

Verify that the PCA has a valid license. Is the adviser's correct address on the license? Record the name and license number on the inspection form.

If a farm management firm makes recommendations, the person making those recommendations must be licensed unless the firm has a monetary interest in the profits derived from the crop for which the recommendation is made. See Compendium Volume 8 for more information.

An operator of a property (grower, firm or corporation) and the employees of that operator are not required to be licensed by DPR as PCAs when making decisions regarding pesticides used for agricultural use on property under their control. Employees of public agencies that make agricultural recommendations must be licensed as PCAs unless exempted under FAC § 12001. (See 3CCR § 6551).

Exemptions:

- Federal and state agricultural departments, county agricultural commissioners and qualified officials of the University of California Extension service, who put recommendations in writing for a specific application and specific site.

- Owners of private firms and their employees making recommendations on their own property. (guidance) ENF 89-119, because owners of private firms (e.g., growers, golf courses, and owners) make independent decisions and not offering advice on pest control to another person.
- Veterinarians writing prescriptions for control of an animal pest. (FAC § 11408, Veterinarian Use)
- Persons within an established place of business who write sales invoices or otherwise handle over the counter sales where no recommendation was made or inferred.
- Registered professional foresters (RPF), in the practice of providing general silvicultural advice. (If the RPF gives advice in the form of silvicultural prescriptions and includes the use of specific pesticides the RPF would need a PCA license). (guidance)
- An owner or employee of a firm in the business of treating seed. (FAC § 11408, Industrial Use)

2. **PCA Registered in County** FAC § 12002

Scope: Licensed PCAs making agricultural use recommendations in any county.

Each PCA who makes any recommendation for agricultural use must register in person with the agricultural commissioner in the county listed in the adviser's address on the license (FAC § 12031). Registration in any additional county may be made by mail or in person, at the discretion of the agricultural commissioner of the additional county.

Review a representative sample of the PCA's recommendations. While reviewing recommendations, look for any that are made for locations outside your county. If out of county recommendations are found, ask to see a copy of the PCA's registration for the subject county. If you are unable to verify that the PCA is registered in all the counties where recommendations have been made, document the details in the "Remarks" section and notify the relevant county so that they can verify that the PCA is appropriately registered.

Exemptions: None

3. **Recommendation in Proper Categories** FAC § 12054

Scope: Licensed and registered PCAs.

Review records to determine whether the adviser is making recommendations within the scope of the categories listed on the license. For example, the PCA must be licensed in Category "G" in order to write a recommendation for the use of a plant growth regulator. Categories are listed in FAC § 12022.

Exemptions: None

4. Required Information/Copies Furnished FAC § 12003 (See also 3CCR § 6556)

Scope: Pest control advisers who offer a recommendation on agricultural use of any pesticide.

Review a representative sample of written recommendations.

- Do they contain the required information?
- Do you have labeling to look at for review purposes?
- Have labeling restrictions such as REIs, PHIs, plant backs, disposition of by-products and posting requirements, been noted?
- Did the adviser add to the recommendation a warning of the known hazards by the pesticide application?

PCAs must put all recommendations concerning any agricultural use in writing. A copy of the written recommendation must be furnished to the operator of the property, the dealer, and pest control business prior to application. If the recommendation does not indicate copies are delivered, ask the adviser what procedure he or she uses to assure that growers and dealers receive a signed and dated copy.

Exemptions: None.

5. Recommendations Retained / One Year FAC § 12004

Scope: Agricultural pest control advisers and agricultural pest control businesses.

Verify that the adviser has retained a copy of each recommendation for one year from the date each one was written.

Exemptions: None.

6. Recommendation Criteria 3CCR § 6556

Scope: Agricultural pest control adviser recommendations.

In addition to the requirements in FAC § 12003, determine if the adviser has included a statement certifying that he or she has considered alternatives and mitigation measures to reduce any adverse environmental effects.

- What technique or means has the adviser used to determine the need for recommending each application?
- What information was employed by the adviser to conclude that a treatment was necessary?
- Examples include sweep counts, detection traps and university publications.

Exemptions: None.

7. Complies with Pesticide Labeling FAC § 12971

Scope: All recommendations.

Compare some of the written recommendations to the product labeling referenced on the recommendations. Crosscheck applicable aspects such as commodity/site, rate, dosage, restricted entry intervals, and pre-harvest intervals.

Exemptions: None

8. Safety of Employed Persons 3CCR § 6720(d)

Scope: Licensed agricultural pest control advisers, registered foresters, that enter fields treated with any pesticide.

Licensed PCAs and registered foresters are considered trained; ask how they make specific determinations regarding the level of protection needed for them. These determinations are made in lieu of compliance with decontamination, emergency medical care, coverall, PPE and reentry regulations.

Ask the pest control adviser: Do you have any employees under your direct supervision that perform tasks such as field checking, scouting or sampling in fields? PCAs are exempt from sections, 6726, 6734, 6738.1-6738.4, 6739, 6766, 6768, and 6770.

If yes, ask:

- Do you allow them to enter treated fields?
- Has training been provided?
- Do you require them to wear PPE?
- How do you determine what PPE to wear?
- What decontamination facilities are provided?
- How do you notify or inform them about the pesticides used, REI, etc.?

Exemptions:

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