

Chapter 5: Commodity Fumigation Use Monitoring Inspection Report (PR-ENF-105)

Purpose

A Commodity Fumigation Use Monitoring Inspection is performed to monitor treatment of post-harvest agricultural commodities, stored agricultural commodities, potting soil, or other products.

Evaluation of fumigation activity provides information to better protect the public, pesticide handlers, and fieldworkers. Due to the high toxicity of fumigants and the nature of these substances, there are specific requirements designed to protect the public and employees. This inspection is designed to help you evaluate whether the property operator and licensed applicator are following these requirements and mitigating any hazards to persons, non-target animals, and the environment.

The Commodity Fumigation Use Monitoring Inspection has requirements listed to identify the compliance level at the fumigation site. It is essential to understand the permit conditions, when applicable, and the provisions of each requirement to perform an adequate evaluation of a fumigation activity.

Special header information

Review the “General Inspection Procedures” chapter of this manual for more information regarding Header information, how to fill out the inspection report, and other items common to all inspections.

Business Type

Document the type of business performing the fumigation. Both agricultural and structural PCBs can perform fumigations of commodities in structures. (B&P Code section 8505) Note: DPR recommends issuing permits for commodity fumigations to the operator and when a PCB, agricultural or structural, does the fumigation, the PCB is covered by permit conditions, directly or by the facilities see [Compendium Volume 3 Chapter 6 Section 6.3 Non-Agricultural Use Restricted Materials Permit Requirements](#).

Fumigation Method

Fill in the applicable description (chamber, tarp w/bin, tarp w/o bin, etc.).

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Chapter 5: Commodity Fumigation Use Monitoring Inspection Report, Continued

**Special header
information
(continued)**

Commodity/Site

Include the type of commodity treated and the site (ex: almonds/warehouse, strawberries/chamber, lemons/van, rice/sea container).

Buffer Zones – Treatment/Aeration

Check the appropriate box for the type of inspection performed.

Buffer Zone Distance:

Refer to permit conditions and labeling to verify that required buffer zones are established. Document the buffer zone distance in the space provided.

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Requirements Commodity Fumigation Use Monitoring Inspection Report

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

FAC section 11701 Verify the business is licensed in the proper category. Is the license valid for the current year?

Exemptions:

- Structural pest control businesses when registered with the SPCB. (FAC section 11531)
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2. Pest Control Business Registered in County Scope: Any business performing pest control for another person for any compensation. This includes soliciting and advertising for pest control work. Pest control is defined in FAC section 11403.

FAC section 11732 Check your office records for the PCB registration with your county. Is registration valid for the current year? Is all equipment registered?

Exemptions: Structural pest control businesses must provide annual registration per FAC section 15204.5.

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

**3. Labeling
Available at
Use Site**

Scope: All registered pesticides.

**3CCR section
6602**

Registered labeling covering the intended use must be available at the use site. Registered labeling includes Special Local Need (SLN) labeling, Section 18 directions, and published University of California recommendations. 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 specimen labeling format (i.e., photocopies, CDs, and electronic copies) are considered acceptable 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.

Review the pesticide labeling to see what additional documents are required to be at the use site. These documents may include a technical information bulletin, a handbook, or manual.

Check “N/A” for this requirement when performing aeration phase inspection.

Exemptions: None.

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

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

Scope: Required prior to an agricultural use application of a California restricted material that requires a permit.

Most commodity fumigations are industrial use in which case this requirement would not be applicable. If this is the case check “N/A.” DPR encourages CACs to condition non-agricultural permits to require NOIs to allow for inspections. Failure to submit an NOI required by permit condition would be a violation of FAC section 12973. Use of non-agricultural restricted materials must be inspected at least once per year. (3CCR section 6436)

The NOI may be submitted by the operator of the property, the operator’s authorized representative, or by a pest control business. Regardless of who submits the NOI for agricultural use, the operator of the property is ultimately responsible for submission. In some cases involving ongoing use, a fumigant use schedule maybe substituted for individual or daily NOIs.

Has an NOI been properly completed and submitted? Are any environmental changes noted? You may need to check this requirement at the office either before or after the inspection.

Exceptions: When all the information normally submitted on an NOI is already on the permit and an NOI is not required by the CAC, the NOI is not required.

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

**5. Certified
Applicator
Supervision**

Scope: Supervision of a noncertified applicator using a restricted material(s) specified in 3CCR section 6400, which includes California Restricted Materials and Restricted Use Pesticides.

**3CCR section
6406**

A certified applicator can only provide direct supervision for the category, branch, or type of certification they possess, for example, an individual with a QAC with a category B Landscape Maintenance, would not be able to supervise use in Plant Agriculture. When the certified applicator does not have the correct category, branch, or type for the use, also address Requirement 30 Certified Applicator Use Limitations 3CCR section 6404.

Noncertified applicator includes:

1. An employee trained to handle pesticides who is not a certified applicator,
2. A certified private or commercial applicator whose category(ies) or scope of certification are not applicable to the intended pesticide use,
3. A pilot with a Manned or Unmanned Apprentice Pest Control Aircraft Pilot Certificate, and
4. An individual certified by another state or jurisdiction who is not certified as a private or commercial applicator in California.

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

5. Certified Applicator Supervision (continued)

3CCR section
6406

The certified commercial applicator responsible for the supervision of a noncertified applicator using a restricted material labeled as a fumigant must:

- Have practical knowledge of the fumigant labeling and pesticide laws and regulations regarding the use of restricted materials by a noncertified applicator(s).
- Verify training records document training covered the restricted material(s) used and use situation.
- Provide instruction to the noncertified applicator(s) for the specific application site and pesticide(s) used by the noncertified applicator in a manner the noncertified applicator can understand. These instructions must include at a minimum:
 - Pesticide product labeling directions, precautions, and requirements applicable to the specific use and use site; and
 - How the characteristics of the use site and surrounding areas (e.g., surface and ground water, endangered species, local population) and the conditions of application (e.g., equipment, method of application, formulation) might increase or decrease the risk of adverse effects.
- Be physically present at the use site when required by the pesticide labeling, restricted material permit conditions, or regulations.
- Be aware of conditions at the application site and be available to direct and control the manner in which the application is made by the noncertified applicator(s). For example, 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 when necessary?

Some labeling, permit conditions, laws, or regulations may require physical or visual presence of a certified applicator. When activities require physical or visual presence, the certified applicator must be physically located on the premises or contiguous parcel and be able to:

- Ensure the non-certified applicator is following the labeling directions,
- Provide guidance when the labeling is not clear, and
- Make changes in the procedures when the procedures are not being followed or there is an unusual situation.

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

5. Certified Applicator Supervision (continued)

3CCR section 6406

When the certified applicator must be physically present, a certified applicator supervising one noncertified applicator must maintain an “in line of sight” visual standard. If the certified applicator is supervising two or more noncertified applicators the certified applicator and the noncertified applicators being supervised must be able to contact each other directly at all times.

Mark “Yes” when:

- A certified applicator is supervising the use of a restricted material by a noncertified applicator and the supervision standards of 3CCR section 6406 have been met.

Mark “No” when:

- There is no supervision of a noncertified applicator using a restricted material, or
- Other supervision standards of 3CCR section 6406 have been met.

Mark “N/A” when:

- No restricted materials are being used, or
- No restricted materials are handled by a noncertified applicator, as defined.

Exemptions: 3CCR section 6406(d):

- Individuals supervising restricted material applications only on Tribal or Federal land certified by the Tribe or Federal agency responsible for that land under a U.S. EPA-approved certification plan.
- Laboratory research involving restricted materials.
- Doctors of Medicine or Veterinary Medicine.

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

6. Complies with Permit Conditions

FAC section
12973

Scope: Applications of restricted materials with permit conditions.

Look at the application rate, gas-tight fumigation lines, buffer and aeration zones, and aeration period, and then compare your observations with the permit conditions. For methyl bromide or sulfuryl fluoride - is the maximum amount of the fumigant used less than 1,000 pounds in a 24- hour period? No person is allowed to be inside an enclosed space, or inside enclosures that share a common wall with the fumigation chamber, during the fumigation.

If the application is introduced from an enclosed room, the enclosed room must be ventilated while occupied. Nitrogen or compressed air must be used to purge fumigant lines prior to changing cylinders. Document if the control room is mechanically ventilated during the fumigation and if workers are present. If the aeration is initiated manually, the applicator must wear a self-contained breathing apparatus (SCBA). For initiation of remote control aeration, the applicator is exempt from wearing SCBA. Aeration must be initiated during daylight hours (between one hour after sunrise and one hour before sundown), unless a standard height stack is used. Aeration must be a minimum of 4 hours when mechanical ventilation is used, and 12 hours when passive ventilation is used. In addition, the methyl bromide concentration within the fumigated space must be less than 5 ppm before the commodity can be moved.

The methyl bromide concentration in enclosed areas must be verified by a detection device as less than 5 parts per million, or labeling permissible exposure limit (PEL), before persons may enter without SCBA. When methyl bromide is present at less than the labeling PEL, no individual may be inside the enclosed area without SCBA for more than 1 hour in a 24 hour period. For more detailed instructions, refer to the permit and worksite plan, and Section Appendix G Commodity Fumigation of Volume 3 - Restricted Materials and Permit Management PUE Program Standards.

Review the permit conditions and make sure conditions are followed. Labeling may have specific requirements, such as use of a fumigant detection device during the fumigation and buffer zone requirements.

Exemption: None.

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

**7. Labeling –
Aeration/
Reentry**

Scope: All registered pesticide uses.

**FAC section
12973**

Review the labeling (including product manuals) to determine compliance with aeration and reentry requirements. Workers are not allowed to enter the treated area during aeration except under the conditions stated in requirement 6 above. Review the product labeling for early entry requirements. Guidance: California Methyl Bromide Commodity Fumigation Reference Manual.

Exemptions: None.

**8. Labeling –
Site / Rate /
Buffers / Other**

Scope: Registered pesticides

**FAC section
12973**

Review the labeling to determine if the site or commodity is on the labeling, the rate is appropriate, any information relating to other labeling requirements, and labeling required buffer zones are followed. Review product labeling for any other restrictions.

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

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

**9. Labeling –
Personal
Protective
Equipment
(PPE)**

**FAC section
12973**

Scope: Persons handling registered pesticides.

Review the labeling and determine what PPE is required. Both employees and employers are required to comply with PPE requirements specified on the labeling. Observe the employee handlers to see if they are wearing the labeling-required PPE such as SCBA or eye protection. If the employee handlers are not wearing all required PPE, determine if it was provided. Is the PPE in good condition and well fitted? Address each piece of safety equipment separately.

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

Exemptions: All substitutions and exemptions listed in 3CCR section 6738, et seq. including substitutions listed for closed systems and/or enclosed cabs in 3CCR section 6738.4. See Appendix 1.

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

**10. Regulations
- Personal
Protective
Equipment
(PPE)**

**3CCR section
6738**

Scope: Employees handling any pesticide.

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.

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.

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

11. Respiratory Protection

3CCR section 6739

Scope:

- Employee(s) when required by labeling, permit, regulation or employer policy.
- When employees wear respiratory equipment.

When a fumigation utilizing methyl bromide or sulfuryl fluoride is commenced from inside an enclosed space for commodity treatment, the handler(s) must wear a self-contained breathing apparatus (SCBA). Respiratory protection is required to be worn when the concentration of phosphine is unknown or exceeds the permissible exposure limit (PEL).

Verify that employees have been provided and are using the appropriate type of respirator as identified on the labeling, permit or regulation (organic vapor, dust/mist filtering, HEPA-only or other) and that the respirator is a National Institute for Occupational Safety and Health (NIOSH) approved respirator. Verify that the equipment is being used properly and has been properly maintained. See more information on respiratory protection in Appendix 1.

Exemptions:

- See 3CCR section 6738.4 on substitutions allowed when using closed systems or enclosed cabs.
- When respirator use is allowed by the employer even though not required by labeling, permit or regulation. (See Voluntary respirator provisions in Appendix 1)

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

**12. Handler(s)
Trained**

Scope: All employees who handle pesticides.

**3CCR section
6724**

Employees who are a licensed PCA or a registered professional forester are considered trained for the purposes of this requirement. (3CCR section 6720(d)(1)) Employees who are certified private or commercial applicators and certified apprentice pilots (manned and unmanned) are also considered trained. (3CCR section 6724(d))

Certified applicators without the appropriate category or certification for the pesticide used are considered a noncertified applicator and must be supervised by a certified applicator (refer to 3CCR section 6404(b)) when using a Restricted Use Pesticide or a California restricted material.

Employers must train employees before they handle pesticides, including pesticides exempt from registration under FIFRA section 25(b) and 3CCR section 6147. Employers must update the training to cover new pesticide(s), 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 3CCR section 6724, was received within the last year, and covers the pesticides and use situations applicable to the new employment situation. Handler training performed in other states does not meet all the 3CCR section 6724 requirements due to the many unique aspects of California's pesticide safety program.

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

12. Handlers Trained (continued)

3CCR section
6724

Observing the application can provide you with information about the employee's training. The following are some potential work practices to observe:

- How is the employee performing their handling task?
- Does the employee appear to have received adequate training? This includes being trained in the safe operation of pesticide equipment used for mixing, loading, transferring, or applying pesticides before using the equipment and at least annually thereafter. (3CCR section 6742(a))
- Does the employee follow the fumigant labeling directions?
- Does the employee utilize required PPE appropriately?
- Were all precautions taken before the commencement of the application?
- During and after the application of the fumigant, does the employee monitor for the presence of bystanders, changing environmental conditions, and equipment or tarp malfunctions?
- Interview the employee to determine who provided the training.
 - Where was the training conducted?
 - When was the training provided?
 - What topics were covered?
 - Does the employee recall signing a training record?
- If the employee is a noncertified applicator handling restricted materials, confirm the noncertified applicator knows how to identify a restricted material, what pesticide- and site-specific instructions the certified applicator provided for this application, and how the noncertified applicator can communicate with the certified applicator.

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

**12. Handlers
Trained
(continued)**

**3CCR section
6724**

Mark “YES” when:

- Employees handling the fumigant are licensed PCAs, registered professional foresters, certified applicators, or apprentice pilots; or
- Interviewed employees stated they have received pesticide handler training and employees who appear trained after observing their work practices; or
- Training confirmed by a headquarters records inspection report.

Mark “No” when:

- Employee(s) state they have not received initial or annual pesticide handler training, or your observations suggest that employees have not received training. Perform a headquarter records inspection as soon after the inspection as possible to confirm the employee’s statement or your observation.

Mark “N/A” when

- The handler(s) are not employees (e.g., owner, owner family member, or other non-employee).

Exemptions:

- Antimicrobial agents used as sanitizers, disinfectants or medical sterilants are exempt provided the employer follows the conditions of 3CCR § 6720(c).
- Consumer products following 3CCR section 6720(e).

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

**13. Emergency
Medical Care
Posting**

**3CCR section
6726**

Scope: 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, and if the identified facility is not reasonably accessible from that work location, procedures to be followed to obtain emergency medical care. Employees are informed of the name and location of a facility where emergency medical care is available.

The local poison control center's number or a supervisor's name with no additional information is inadequate as is the displaying 9-1-1". Medical care information in an employee's wallet or in the glove compartment of the work vehicle does not meet the regulation requirements.

Exemptions: None.

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

14.
Decontamination
Facility

3CCR section
6734

Scope: For all employees handling pesticides:

- For the commercial or research production of an agricultural plant commodity.
- With signal word “DANGER” or “WARNING” in non-production agriculture and non-agriculture settings.

For employees handling pesticides for the commercial or research production of an agricultural plant commodity:

Contents:

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

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

Location:

- At the mixing and loading site.
- Within 1/4 mile of each handler or at closest point of vehicular access.

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

14. Decontamination Facility (continued) For all employees handling pesticides with signal word “DANGER” or “WARNING” in non-production agriculture and non-agriculture settings:

3CCR section 6734

Contents:

- Sufficient water
- Soap
- Single use towels
- One clean change of coveralls at each decontamination site

Location:

- Within 100 feet of the mixing and loading site.

When decontamination facilities are required to be located within 100 feet of the mixing or loading site, in the case of gases such as methyl bromide or sulfuryl fluoride, this would be the area where the fumigant is “introduced” from the cylinder into the fumigated space.

Decontamination materials must be together (not scattered around the site) per 3CCR section 6701, which requires that Worker Health and Safety regulations be interpreted at least as strict and consistent with the federal Worker Protection Standard. CFR section 170.311(c) requires decontamination supplies, “be located together.” The water must be of a quality and temperature that will not cause illness or injury and be suitable for eye flushing. Water that contains debris or algae is not acceptable.

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

Exemptions: None.

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

**15. SCBA
Worn /
Continuous
Monitoring /
Plan Followed**

**3CCR section
6780(b) and
(c)**

Scope: Employees involved in fumigations.

3CCR section 6780 (b) - When an employee may be exposed above an exposure standard to methyl bromide, sulfuryl fluoride, or other fumigants for which only air-supplied respirator equipment is approved, the employer shall either:

- Require the use of SCBA.
- Employ continuous monitoring.
- Employ another plan, method, or work practice approved by the Director.

Do the employees wear SCBA when entering an unknown atmosphere?

The employer shall provide and require the employee to wear approved respiratory protective equipment when fumigant concentrations are not known or cannot be controlled, and an employee's exposure exceeds the Permissible Exposure Limit (PEL) as specified in Title 8, California Code of Regulations, section 5155, Airborne Contaminants, or more stringent requirements by product labeling. For information on PELs see [Permissible Exposure Limits for Chemical Contaminants](#).

Employee(s) are provided and using the appropriate respiratory protection as required by labeling, permit, or regulation, and is the respirator approved by the National Institute for Occupational Safety and Health (NIOSH) approved respirator. Verify equipment is used properly and has been properly maintained. See Appendix 1 in this Compendium for information on PPE.

3CCR section 6780(c) – The Director may accept a Fumigation Safety Program that describes methods, work practices, devices or processes that the Director determines will ensure that employees will not be exposed to concentrations of fumigants in excess of the PEL. Familiarize yourself with permit conditions that have specific requirements for the number of SCBA at the use site, when to utilize the SCBA, and method of ventilation.

Exemptions: None.

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

**16. Accident
Response Plan
at Worksite**

**3CCR section
6780(d)**

Scope: Employees at a fumigant use site.

The employer shall have an accident response plan at the worksite to protect employees, and train employees on the accident response plan procedures. At least two basic pieces of information should be included in the Accident Response Plan. The first should be information regarding the security of the area where the problem occurred. The second is information on whom to contact in the event of a problem. Contacts may include the operator of the property, fire department, health department, or hazardous materials response team.

Emergency information must be in writing, available at the work site, and include emergency phone numbers. This information should also be covered during the routine training required by regulation. General information on spills and leaks are available on the labeling and should be referenced in the plan. Ask the handlers what actions they would take if an accident or leak occurred. If handlers refer to the appropriate parts of the labeling and produce phone numbers of persons to contact in an emergency, they are probably informed of an Accident Response Plan.

Check “N/A” when performing aeration.

Exemptions: None.

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

**17. Two
Trained
Employees**

**3CCR section
6782(a)**

Scope: Fumigations of enclosed areas involving employees. Two trained employees must be present when:

- The fumigant is introduced.
- An employee enters the fumigated area to facilitate aeration.
- An employee enters the fumigated area to determine the concentration level and either the labeling or regulations require PPE.

Methyl Bromide and chloropicrin labeling also require two trained persons. The two persons may be two employers, two employees, or one of each. If an employer is working alone cite FAC section 12973.

3CCR section 6782(c) requires that the second employee have access to the PPE required by the labeling to allow safe entry for potential rescue action. This means that a second SCBA must be available on site when entry is made into IDLH (immediately dangerous to life and health) atmospheres. See also 3CCR section 6739(g).

Ask the employees how and when they were trained. What safety precautions do they take when engaging in the three activities listed above? What would be their response if the person entering the enclosed area was injured or incapacitated?

Exemptions:

- When a solid fumigant is introduced into an enclosed area from outside the enclosed area only one trained person needs to be present.

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

**18. Warning
Signs Posted,
Required
Information**

**3CCR section
6782(d)**

Scope: Employees at a fumigant use site.

Verify that warning signs are posted prior to the commencement of fumigation. Warning signs shall be posted in plainly visible locations on or in the immediate vicinity of all entrances to the space under fumigation. Signs shall not be removed until fumigation and ventilation have been completed.

The signs shall:

- Be printed in red on white background;
- Be in English and Spanish in letters not less than two inches “Danger – Fumigation”;
- Have a skull and Crossbones with letters not less and one inch the name of the fumigant;
- Include the date and time of fumigation injection; and
- Include the name, address and telephone number of the applicator performing the fumigation.

Exemptions: None

**19. Treated
Area / Products
Managed**

**3CCR section
6782(g)**

Scope: Employees at a fumigant use site.

After the completion of the fumigation, the treated area is managed to prevent employee exposure.

- How is the treated area being managed?
- What precautions were taken to protect the worker(s) from exposure to a concentration in excess of the PEL?
- If the product labeling is more restrictive, make sure the requirements are met.

Ask and observe how the fumigated product is managed to prevent exposure from off gassing. For information on PELs go to [Permissible Exposure Limits for Chemical Contaminants](#)

Exemptions: None

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

**20. Methyl
Bromide and /or
Chloropicrin –
Properly Sealed
Space**

Scope: Methyl bromide and/or chloropicrin use on nursery stock or other agricultural commodities, potting soil, soil mixes, appliances, or equipment.

**3CCR section
6453(a)**

The fumigation shall be done in a properly sealed fumigation chamber, railroad car, truck trailer, or under a gas-confining tarp approved by the commissioner or director. Refer to permit conditions for specific tarp requirements and method of sealing. Check structure or tarp and seals. If aeration ducts are used, ask how they are sealed. Evaluate that the fumigant is injected in a manner that minimizes gas loss.

Exemptions: None

**21. Accurate
Measurement**

Scope: Weighing or measuring any concentrate pesticides.

**3CCR section
6604**

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

Ask the applicator how he/she adjusts the flow meter to achieve the desired rate. Document your observations (equipment and manufacturer's name and how the fumigant introduced is measured).

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

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

**22. Protection
of Persons /
Animals /
Property**

**3CCR section
6614**

Scope: Application of pesticides.

The applicator shall evaluate prior to and while making the application, the equipment, weather conditions, and both target and surrounding areas, to determine the likelihood of damage or contamination. High winds, inversions, proximity to residential areas or other gatherings of people and other sensitive sites are examples of conditions which may increase the hazard potential of the application. Are there any fieldworkers near the site during the pesticide application? Even though there may not be drift, consider if there is:

- A reasonable possibility of the contamination of persons not involved in the application.
- 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 section 6614(b)(1). (3CCR section 6620)

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

**23. Equipment
Registered PCB**

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

**FAC section
11732**

Verify that equipment is registered with the CAC.

Exemptions:

- Equipment used for structural pest control. (FAC section 11531)
-

**24. Equipment
Identified PCB**

Scope: Vehicles (such as trucks, tractors or trailers) used for mixing or applying pesticides by an agricultural or structural pest control business.

**3CCR section
6630**

All pest control businesses must identify each vehicle 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. Vehicles used only to transport and apply pesticides are not required to have pesticide storage posting per 3CCR section 6674.

Exemptions: None

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

**25. Containers
Secured
/Attended**

Scope: Containers that hold pesticides, emptied pesticide containers, and equipment that holds or has held any pesticide.

**3CCR section
6670**

Equipment or containers that hold or have held pesticides must be attended or in a locked enclosure if they present a hazard to persons or property. The CAC has authority to take possession of unattended pesticide or containers that create a hazard. If pesticides, containers, or equipment are not in a locked enclosure, you must determine if responsible persons on site are adequately attending them. Factors include:

- Proximity of the containers to public access
- 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 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.

See 3CCR section 6672 (a) and (b) for container control requirements.

When inspecting property operators a higher standard should be applied. 3CCR section 6672(b) requires that each person that controls the use of a property must attend all pesticide containers or keep them in a locked enclosure. There is no element of this regulation that requires demonstration that the containers present a hazard.

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

**25. Containers
Secured
/Attended
(continued)**

“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. See [Compendium Volume 8 Chapter 1 Section 1.14 Pesticide Storage](#)

**3CCR section
6670**

“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. See [Compendium Volume 8 Chapter 1 Section 1.14 Pesticide Storage](#)

Exemptions: None

**26. Containers
Labeled/
Closures**

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

**3CCR section
6676**

Verify that pesticide containers carry the registrant’s labeling and that all lids or closures are tightened.

Exemptions:

- Service containers that are properly labeled do not need the registrants labeling. (3CCR section 6678)
 - Containers that have been triple rinsed do not need to have lids.
-

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

**27. Proper
Pesticide
Transport**

**3CCR section
6682**

Scope: Pesticides transported in vehicles.

Check the inside of the operator’s service vehicle for any pesticides or pesticide containers. Persons should not be riding in the back of a truck used to transport pesticides. Some fumigant labeling requires an upright position and/or chaining of cylinders during transportation. 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 section 6738(a). Refer to the product labeling for storage directions, including storage of the fumigant in a well ventilated area.

- Are pesticides are being transported in the cab?
- Are pesticides stored in an unoccupied cab?
- Question the handler or operator to determine if they are being transported in violation.
- Ask, “When did you put the pesticides in the cab?” and/or “Why did you put the pesticides in the cab?”

Base your compliance determination on the responses you receive. (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:

- Outer containers that are not contaminated. Guidance – based on 3CCR section 6686(c)

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

**28. Safe
Equipment**

Scope: Equipment used by employees to apply, load, or transfer any pesticide, including fumigants.

**3CCR section
6742**

The employer must instruct employee(s) in the safe operation of pesticide equipment before using the equipment and at least annually. Ask the employee what training they have received from their employer on the equipment used to apply, mix, load, or transfer pesticides.

The employer must ensure equipment used for loading, transferring, or applying pesticides, including fumigants, is inspected daily before it is used, is in the operating condition intended by the manufacturer, and can be used without risk of effects to the employee, other persons, or the environment. Equipment with safety defects must be repaired or replaced before use.

Check to see if the spray tank valves, couplings, and transfer hoses are in good condition and are not leaking.

An owner or operator (non-employee) loading, transferring, or applying a fumigant is required to use pest control equipment that is in good repair and safe to operate. If they are using equipment that is not in good repair or safe to operate, the owner or operator would instead be cited for violation of 3CCR section 6600(a). Add the section to the inspection form and describe in the “Requirement Details” or “Remarks” section of the report specifics of the violation. Explain how the fumigation equipment was not in good repair or safe to operate.

Continued on next page

Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

**28. Safe
Equipment
(continued)**

**3CCR section
6742**

Mark “Yes” when equipment is used by employees:

- Is in the operating condition intended by the manufacturer without risk of reasonably foreseeable adverse effects to the employee, other persons, or the environment, and the standards of 3CCR section 6742 have been met.

Mark “No” when equipment used by employees:

- Is not in good operating condition, there are leaks or spills which may create an adverse effect on the employee, other persons, or the environment.

Mark “N/A” when:

- There are no employees involved in the use of any equipment used for loading, transferring, or applying a pesticide. If equipment is not in good repair and safe to operate, cite the operator for a violation of 3CCR section 6600.

Exemptions:

- Consumer products see 3CCR section 6720(e).
- The handler is not an employee.

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

29. Pesticide Use Near Schools

3CCR section 6691

Scope: On-farm post-harvest agricultural commodity fumigations within ¼-mile of a schoolsite, made from Monday through Friday, between 6:00 a.m. to 6:00 p.m. Note: add this requirement to inspection report when applicable for ‘on-farm’ commodity fumigation.

“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.

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

No applications of fumigants are allowed when classes are scheduled, or child day care facilities are open within 36 hours following fumigation.

Mark “Yes” when:

- Application requirements are followed, or
- The written agreement is followed.

Mark “No” when:

- Application requirements or written agreement are 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 conduct a commodity fumigation within 1/4-mile of schoolsite.

Exemptions:

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

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Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

30. Certified Applicator Use Limitations

Scope: Certified applicators using a restricted material specified in 3CCR section 6400, which include California Restricted Materials and Restricted Use Pesticides.

3CCR section 6404

Certified applicators without the appropriate category or certification for the pesticide use are considered a noncertified applicator and must be supervised by a certified applicator (refer to 3CCR section 6404(b)) when using a Restricted Use Pesticide or a California restricted material.

For commodity fumigation, restricted materials must only be used by, or under, the direct supervision of a Qualified Applicator Certificate or License (QAC or QAL) with Category M (Non-Soil Fumigation). Other license or certificate types or categories are not eligible.

For example, if an individual who meets the 3CCR section 6000 definition of “private applicator” wants to use or supervise the use of a commodity fumigant (e.g., aluminum phosphide or sulfuryl fluoride) on their own property, they would need to obtain a QAC or QAL with Category M (Non-Soil Fumigation) from DPR.

Mark “Yes” when:

- A certified commercial applicator is using or supervising the use of a restricted material within the scope of their certification and their category, branch, or type is appropriate to the use.

Mark “No” when:

- The certified commercial applicator does not have a QAC or QAL in Category M for a commodity fumigation; or
- A PAC-holder is using or supervising the use of a fumigant.

Mark “N/A when:

- No restricted materials are being used.

Exemptions: Individuals supervising restricted material applications only on Tribal or Federal land certified by the Tribe or Federal agency responsible for that land under a U.S. EPA-approved certification plan. (policy)

Continued on next page

Requirements Commodity Fumigation Use Monitoring Inspection Report, Continued

31. Employee Communication – Restricted Materials

Scope: Employers who have employee(s) using a restricted material specified in 3CCR section 6400, which includes California Restricted Materials and Restricted Use Pesticides, when supervised by a certified applicator under 3CCR section 6406.

3CCR section 6731

The employer shall ensure a means for the employee to immediately communicate with the certified applicator supervising the use of the restricted material. Communication can be, for example in person, by voice, two-way radio, cell phone, video conference or other means of direct communication.

Indirect communication such as text messaging, e-mail, or voicemail does not meet the standard.

Mark “Yes” when:

- The employer ensured a method for the employees using a restricted material to communicate directly with the certified applicator supervising the use of the restricted material.

Mark “No” when:

- The employee(s) does not have a means to contact the certified applicator supervising the use of a restricted material; or
- The employees are using indirect means of communication with the certified applicator; or
- When the certified applicator supervising the application is not available.

Mark “N/A” when:

- No restricted material is used.

Exemption: Not applicable to this inspection.
