

PESTICIDE USE COMPLIANCE GUIDE

FOR THOSE THAT HAVE NO EMPLOYEES

Introduction

The Pesticide Use Compliance Guide for Employers and Businesses is provided to inform users of pesticides and growers of their responsibilities. You should use this guide and keep it with your safety program records. Pesticide requirements vary, depending on whether you handle pesticides, enter fields treated with pesticides, or employ persons who do these things. This guide is designed for those who do not employ persons to handle pesticides, even once in a while.

Code references

Throughout this guide, you will see references to specific laws and regulations. The Food and Agricultural Code (FAC) is where the laws passed by the Legislature are codified. Title 3 of the California Code of Regulations (3CCR) is where you can find most of the regulations that spell out detailed rules outlined in the laws. You can review these laws and regulations on DPR's Website, <http://www.cdpr.ca.gov/>, click on "Legislation" or "Regulations."

Questions

If you want more information or have questions about pesticide safety requirements, you should contact the Calaveras County Agricultural Commissioner (CAC), who oversees pesticide use locally. You can contact us at:

Government Center
891 Mountain Ranch Road
San Andreas, CA 95249-9709



Phone: (209) 754-6504
Fax: (209) 754-6521

E-mail: agpublic@co.calaveras.ca.us

Web URL: <http://www.co.calaveras.ca.us/departments/agriculture.asp>

Definitions (3CCR section 6000)

The following terms and their meanings are provided to help you understand the information provided in this guide.

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| Handle | Mixing, loading transferring, applying (including chemigation) or assisting with an application of pesticides, OR Servicing, repairing or handling contaminated equipment, OR Incorporating pesticides into soil or entering treated area during an application or before inhalation hazard requirements are met, OR Performing crop advisor activities in treated fields. |
| Operator of the Property | The person who owns the property and/or is legally entitled to possess or use the property through terms of a lease, rental contract, trust, or other management arrangement. |
| (PPE) | Personal Protective Equipment The apparel and devices worn to minimize human body contact with pesticides or pesticide residues. |
| Pesticide | Pesticides include: insecticides, fungicides, rodenticides, and herbicides, as well as, spray adjuvants, growth regulators, and defoliant. If it has an EPA Registration or California Registration Number on the packaging, it is a pesticide. |
| REI | Restricted entry interval: the period after a pesticide application during which entry into the treated area is restricted. Durations of REIs are found on pesticide labeling and in regulations. |
| Treated Field | A production agricultural area has been treated with a pesticide or had a REI in effect within the last 30 days. Includes associated roads, paths, ditches, borders, and headlands if the pesticide was directed to those areas. |

Pesticide Use Reports (3CCR section 6626)

It is the responsibility of the property operator to submit use reports to the agricultural commissioner. Applications of all pesticides including Herbicides, Rodenticides, Sulfur, and Adjuvants must be reported. Submit the report by the 10th day of the month following the month the pesticide application was made. For example: Any day that I spray in January, I will turn in my use report by February 10th. Maintain a record of these reports for 2 years and provide them to the director or commissioner upon request.

Backflow Prevention (3CCR section 6610)

All application equipment **must** have an air-gap separation permanently affixed to the equipment.

Backpack type spray equipment and hand-held sprayers with a capacity not exceeding 5 gallons are exempt. They may be filled by hand holding a hose over the tank. The hose must be held well above the tank at all times to prevent contact with the tank or its contents.

Labeling on Site (3CCR section 6602)

Pesticide labeling is your primary source of how to use the product correctly, safely, and legally. A copy of the registered labeling allowing the manner in which the pesticide is being used must be available at each use site. This includes the container labeling, along with any applicable supplemental label, Special Local Need label, or Section 18 emergency exemption directions.

Conflict with Labeling (FAC section 12973)

It is a violation of State and federal law to use a pesticide in conflict with the registered labeling. Users must read and comply with all instructions and precautions, and PPE on the labeling. The precautions must always be followed, but there are a few situations where you use pesticides in a manner different than the instructions.

Exceptions to Conflict with Labeling (3CCR section 6000)

These exceptions to container labeling, Special Local Need, and supplemental labeling instructions are allowed. (The exceptions do not apply to Sec. 18s.):

You may mix a pesticide with another pesticide, or with a fertilizer, if the label does not expressly prohibit such mixture.

You may:

Decrease the dosage rate, concentration or frequency of applications listed unless prohibited by the label.

Use a pesticide to control a pest not listed on the label, * or

Use a method of application not described on the label, as long as you follow all site, rate, precaution, and other labeling directions. *

*These exceptions do not apply if use on the unnamed pest or the method used is specifically prohibited by the label.

Container storage (3CCR section 6670)

PPE must be stored separately from pesticides and application equipment, to prevent contamination. Pesticides must remain locked up when not attended. The storage must be posted with warning signs, when the stored pesticides have the signal word, “Danger” or “Warning”.

Service Containers (3CCR section 6678) and **Prohibited Containers** (section 6680)

Any pesticide container other than the original labeled container, must be labeled with:

Name and address of the person or firm responsible for the container,

Name of the pesticide, and

Signal word (*Danger, Warning, Caution*) from the original container.

*This requirement does not apply to growers on the property they are farming.

Pesticides must **never** be placed in or kept in any container that is commonly used for food or drink. It is not only against the law, but very dangerous.

Container disposal (3CCR section 6684)

Containers of less than 28 gallons must be rinsed and drained at the mix and load site. Except for the containers to be returned to the manufacturer, follow the directions provided in PSIS A-2.

Do not refill or reuse original containers. Render containers unusable and discard in a sanitary landfill.

Drift Prevention, Protection of Persons, Animals and Property (FAC section 12972, 3CCR section 6614)

Before making an application and throughout the application process applicators are responsible for evaluating their equipment, weather conditions, the property to be treated and surrounding properties, to determine the likelihood of harm or damage.

No application may be made or continued when there is a reasonable possibility of substantial drift to non-target areas or:

- Contamination of the bodies or clothing of persons not involved in the application process;
- Damage to non-target crops, animals or other public or private property; or
- Contamination of public or private property, including the creation of a health hazard that prevents normal usage of that property.

Notification (3CCR section 6618)

Any person that makes a pesticide application must provide notice to the operator of the property, *before* the application.

The property operator must in turn assure that notice is given to any persons who are on the treated property, or who are likely to enter it when any entry restrictions are in effect. The notice must be in a form and language the person(s) can understand and include:

- The date of the application,
- The brand name or common chemical name of the pesticide, and
- All precautions to be observed, as specified on the pesticide labeling or included in applicable laws or regulations.

For Production Agriculture the notice must also include:

- Time,
 - Location,
 - Restricted Entry Interval REI,
 - Product name, EPA registration number, and active ingredient, and
 - If the labeling requires posting of treated fields: Assure that notice is given prior to the application to employees, and any contractor or pest control business hired by the operator of the treated property within ¼ mile of the treated field.
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Restricted Materials (3CCR section 6400 – 6412)

A pesticide is classified as a restricted material if it requires special handling because of its toxicity or potential effects on the environment. Restricted materials may only be purchased or applied by trained, certified applicators or those under their direct supervision.

There are two types of restricted materials:

Federally restricted use pesticides – These pesticides can be easily identified, as the labels will prominently state *Restricted Use Pesticide*.

California restricted use pesticides – These pesticides are listed in regulation. They include various uses of pesticide, all Section 18 uses, and some federally restricted materials. Like federal restricted use pesticides, they can only be purchased and used by trained, certified applicators or those under their direct supervision. In addition, purchasers must obtain a site-specific permit from the County Commissioners who may impose special conditions on use. Conditions for Calaveras are listed on the next page. Note: Federally restricted use pesticides may also be California restricted and vice versa.

Notice of Intent (3CCR section 6434)

Each person applying California restricted materials must submit a Notice of Intent (NOI) to the Ag Commissioner's office 24 hours prior to the application. This may be done by phone, fax or in person.

Calaveras County Restricted Materials Permit Conditions

1. A Notice of Intent must be cancelled if the application was not made.
2. A written Recommendation shall be submitted prior to application by a Pest Control Business.
3. The Pest Control Business shall file the Notice of Intent for a pesticide application.
4. A 48-hour NOI is required for aerial applications of phenoxy herbicides (2,4-D).
5. No application of phenoxy herbicides shall be made during the period beginning March 16 and continuing through October 15 of each calendar year on any area situated within 2 miles of any cultivated commercial vineyard belonging to any person other than the owner of the property being treated.

What Growers Must Do to Protect Fieldworkers

Basic Responsibility

Whether a grower employs fieldworkers directly, or through a farm labor contractor, the grower is responsible for providing a safe workplace.

Notification (3CCR section 6618)

Growers must notify employees and contractors who may enter or walk within a quarter mile of a field where a pesticide will be applied or where a restricted entry interval (REI) is in effect.

The warning must include:

- Location and description of the treated area.

- The duration of the REI.

- Instructions not to enter the treated field until the REI expires.

Instead of the oral warning, the farmer may post the treated field unless the label requires both oral warnings and field posting. See **Posting** section.

Fieldworker Training (3CCR section 6764)

Fieldworkers must be given training before working in treated fields and be retrained every five years. The training must be in a language they understand and provided by a qualified person.

The training must include:

- Importance of routine washing after exposure

- The meaning of posting and REIs

- Where exposure to pesticides might occur

- Routes of exposure

- Acute and long-term effects of pesticides

- Symptoms of overexposure

- First aid and where to get emergency medical care

- Warnings against taking pesticides home

- The hazard communication program

- Rights of employees to receive information and to be protected from retaliation for exercising these rights

Workers have the right to receive information about pesticides to which they may be exposed. This information must also be provided to employee representatives and physicians upon request. It is against the law to fire or take retaliatory action against employees for exercising their rights.

The following persons are qualified to train fieldworkers:

- Anyone qualified to train handlers.

- Persons that hold any valid license or certificate issued by DPR.

Hazard Communication for Fieldworkers (3CCR section 6761)

Growers must display a copy of the PSIS A-9 at the worksite whenever their employees are working in a treated field. Growers must fill in information on emergency medical care, the location of your application-specific information display, MSDS, and pesticide use records in the spaces provided. When contracting with farm labor contractors (FLC), make sure the location of your application-specific information display and other records are documented on the FLC's PSIS A-9 displayed at the worksite.

Decontamination Facilities for Fieldworkers (3CCR section 6768)

Whenever fieldworkers are engaged in activities involving contact with treated surfaces in treated fields, the employer must provide clean, potable water, soap, and single-use towels sufficient for hand-washing and emergency eye flushing. The facility must be located within a quarter mile of the workers.

Posting (3CCR section 6776)

The grower must assure that warning signs are posted around fields before an application in these situations:

- When pesticide labeling requires posting

- Any greenhouse application

- Any application that has a label or regulatory restricted entry interval greater than seven days

- Any application of a *Danger* or minimal exposure pesticide through an irrigation system

- Any application of a fumigant

Warning signs shall not be posted more than 24 hours before an application and must be removed within three days after the REI expires.

Warning signs must comply with regulatory requirements for placement, shape, size, and content of the sign, and the size of the lettering. There are different content requirements for signs for different types of applications. The following types of applications each have specific content requirements:

- Chemigation

- Fumigation

- Pesticides with REIs of seven days or less

- Pesticides with REIs of more than seven days.

See 3CCR 6776 for more information, or contact your CAC.

Application- Specific Information (3CCR section 6723.1, 6761.1)

Growers must display the following information whenever handlers or fieldworkers are working within a quarter mile of any treated field on their property.

Location of the treated area.

Time and date of application.

Restricted entry interval.

Pesticide names, active ingredients and U.S. EPA registration numbers.

The information must be displayed within 24 hours of the completion of an application and remain in place for 30 days after the expiration of any REI. Forms for displaying this information are available on the DPR website or the County Agriculture Commissioner.

Restricted Entry Interval Adjustments (3CCR section 6774)

The following adjustment must be made to the regulatory REIs listed in 3CCR Section 6772: When two or more organophosphates are applied, use the longest REI plus 50% of the next longest REI.

Early Entry Requirements (3CCR section 6771)

Generally, employees must be kept out of fields during an REI. There are exceptions for specific tasks, but additional precautions must be taken to protect workers.

Before an employee can enter a field during a restricted entry interval REI to perform an allowed task, you must ensure that they are informed of the requirements on the label relating to:

Health hazards and first aid

Symptoms of poisoning

Use of required PPE

Symptoms and first aid for heat-related illness

The need for washing after leaving the treated area.

The employer must provide early-entry workers with:

PPE required for early entry by the label and regulation (at a minimum, work clothing with long sleeves and full leg coverage, shoes, socks, and gloves).

One pint of water for eye flushing immediately accessible for each employee, if the pesticide label requires eye protection.

A clean change area for workers with soap, water, and towels.
