





### Over **2700** civil penalties from May 1, 2019 to April 30, 2020



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Administrative Civil Penalties levied by California County Agricultural Commissioners for pesticide-related violations. Includes civil penality records closed from May 1, 2019 through April 30, 2021.

Table notes: (1) NOPA stands for *Notice of Proposed Action*. (2) For Administrative Civil Penalties, ACP stands for *agricultural civil penalty* and SCP for *structural civil penalty*. (3) Date the county closed the enforcement action record. (4) For Section Source, CCR stands for *California Code of Regulations*, BPC for *Business and Professions Code*, FAC for *Food and Agricultural Code*, and LC for *Labor Code*.

NOPA Number (1)	Civil Penalty (2)	Incident Date	County Closed Date (3▼	Respondent Name	License Number 💌	Section Source (4)	Section Cited 💌	Total Fines 🔻
EA-01-2019-001	ACP	10/12/2018	6/11/2019	EAST BAY LANDSCAPING	35425	3CCR	6678	\$ 250
EA-01-2019-001	ACP	10/12/2018	6/11/2019	EAST BAY LANDSCAPING	35425	3CCR	6738	\$ 250
EA-01-2019-001	ACP	10/12/2018	6/11/2019	EAST BAY LANDSCAPING	35425	3CCR	6726	\$ 250
EA-01-2019-004	ACP	12/6/2018	5/28/2019	DEL CONTE'S LANDSCAPING	36536	3CCR	6726	\$ 250
EA-01-2019-004	ACP	12/6/2018	5/28/2019	DEL CONTE'S LANDSCAPING	36536	3CCR	6630	\$ 100
EA-01-2019-010	ACP	6/19/2019	12/10/2019	WESTSIDE AG II, INC.	40212	3CCR	6614	\$ 700
EA-01-2019-011	ACP	5/10/2019	2/19/2020	MONARCH BAY GOLF COMPLEX		3CCR	6724(b-e)	\$ 800
EA-01-2020-002	SCP	2/3/2020	5/8/2020	ORKIN PEST CONTROL- LIVERMO	BR5235	3CCR	6614	\$ 700
EA-01-2020-004	ACP	2/18/2020	5/8/2020	ALLIED LANDSCAPE SERVICES	36962	3CCR	6630	\$ 300
EA-01-2020-004	ACP	2/18/2020	5/8/2020	ALLIED LANDSCAPE SERVICES	36962	3CCR	6726	\$ 600
EA-01-2020-004	ACP	2/18/2020	5/8/2020	ALLIED LANDSCAPE SERVICES	36962	3CCR	6678	\$ 300
EA-01-2020-004	ACP	2/18/2020	5/8/2020	ALLIED LANDSCAPE SERVICES	36962	3CCR	6602	\$ 300
EA-03-2020-002	ACP	4/17/2020	12/30/2020	Simmons Landscape Company	41470	3CCR	6724	\$ 250
EA-03-2020-002	ACP	4/17/2020	12/30/2020	Simmons Landscape Company	41470	3CCR	6680	\$ 300
EA-03-2020-003	ACP	9/15/2020	4/29/2021	RUSHING TERMITE CONTROL	7629	3CCR	6724(a)	\$ 400
EA-03-2020-003	ACP	9/15/2020	4/29/2021	RUSHING TERMITE CONTROL	7629	FAC	12973	\$ 500
EA-03-2020-003	ACP	9/15/2020	4/29/2021	RUSHING TERMITE CONTROL	7629	FAC	15204/.5	\$ 50
EA-03-2020-004	ACP	7/14/2020	2/27/2021	Davey Tree Surgery Co	31268	3CCR	6738	\$ 250
EA-04-2019-003	ACP	3/12/2019	9/4/2019	ONE WORLD		FAC	12973	\$ 250
EA-04-2019-006	ACP	5/7/2019	10/15/2019	JASBIR SINGH KULLAR	5100126	3CCR	6614	\$ 625
EA-04-2019-007	ACP	4/18/2019	12/5/2019	DEPT. WATER RESOURCES/SUTT	ER	FAC	12973	\$ 250
EA-04-2019-008	ACP	10/29/2019	2/18/2020	RICK TARESH - RICE		3CCR	6724(b-e)	\$ 250
EA-04-2020-001	ACP	3/9/2020	3/26/2020	KELLY GREEN LAWN	39217	3CCR	6627	\$ 125
EA-04-2020-002	ACP	3/9/2020	3/23/2020	HIGGINS PEST & WEED	32335	3CCR	6627	\$ 250
EA-04-2020-003	ACP	3/20/2020	5/4/2020	VANELLA FARMS		FAC	12973	\$ 250
EA-04-2020-004	ACP	3/25/2020	6/30/2020	BURCH CREEK FARMS, INC.		FAC	12973	\$ 250
EA-04-2020-005	ACP	4/15/2020	6/16/2020	MENDONCA ORCHARD, INC.		FAC	12973	\$ 250
EA-04-2020-006	SCP	6/11/2020	7/13/2020	NORTHERN PEST CONTROL	7681	FAC	15204	\$ 100
EA-04-2020-007	ACP	7/2/2020	3/29/2021	DAN FORMAN	405164	FAC	12973	\$ 1,000
EA-04-2020-008	ACP	6/20/2020	8/5/2020	FEATHER BUTTE FARMS		FAC	12973	\$ 1,000
EA-04-2020-009	ACP	4/1/2020	8/10/2020	SUNDIAL ORCHARDS		FAC	12973	\$ 250







### 2020 Violations

- The Department of Pesticide Regulation (DPR) suggests reviewing this presentation of common violations and the current pesticide laws and regulations to help ensure you are in compliance:
  - Laws are found in Divisions 6 and 7 of the Food and Agricultural Code (FAC)
  - Regulations are found in Title 3 of the California Code of Regulations (3 CCR)
- This list is in order from the least common (#10) to the most common (#1) violations













# #10 3 CCR §6724 (b-e) Handler Training

\* For applicators without a PCA, QAL, QAC, PAC qualification





### "Handling a pesticide" means:

- Mixing, loading, transferring, applying (including chemigation) or assisting with the application (including flagging) of pesticides
- ❖ Maintaining, servicing, repairing, cleaning, or handling equipment that may contain pesticide residues
- Working with opened (including emptied but not rinsed) containers of pesticides
- Adjusting, repairing, or removing treatment site coverings
- Incorporating (by mechanical or watered-in means) pesticides into the soil



### "Handling a pesticide" definition continued:

- ❖ Entering a treated area during any application or before the inhalation exposure level listed on pesticide product labeling has been reached or greenhouse ventilation criteria have been met
- ❖ Performing the duties of a crop advisor, including field checking or scouting, making observations of the well- being of the plants, or taking samples during an application or any restricted entry interval or entry restricted period listed on pesticide product labeling
- Other handling activities specified by the label





### 3 CCR §6724 (b-e)

- Training must cover all required topics and pesticides handled
- ❖ Training must be in a manner the employee can understand
- Training must be at a location reasonably free from distraction and the trainer(s) must be present throughout the presentation
- Training must be updated to cover any new pesticides handled
- Trainings must be recorded and be verified by employee's signature.
- ❖ Employers must keep records for 2 years and provide them to employees upon request







### Violations of 3 CCR §6724 (b-e)



**Example 1:** Employer not including all pesticides to be handled in the training



**Example 2:** Employer not having records of trainings that occurred within the last 2 years



Example 3: Employer not thinking someone is a handler





- Containers under your control at all times.
- No containers inside your vehicles
- Emptied at time of use

#9 3 CCR §6684 Container Rinse and Drain Information





- ❖ 6684. Rinse and Drain Procedures.
- ❖ (a) 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 and drained by the user at time of use as follows:
- ❖ (b)(1) Use the following amount of water or other designated spray carrier for each rinse.
- \* Size of container
- ❖ Amount of rinse medium
- \* Less than 5 gallons
- Rinse amount is 1/4 container volume









### 3 CCR §6684 continued...

- 5 gallons or over
- 1/5 container volume
- (2) Place required minimum amount of rinse medium in the container, replace closure securely, and agitate.
- (3) Drain rinse solution from container into tank mix. Allow container to drain 30 seconds after normal emptying.
- (4) Repeat (2) and (3) above a minimum of two times so as to provide a total of three rinses; or







### Violations of 3 CCR §6761.1



Example 1: Not rinsing at time of use



**Example 2:** Not putting rinse mixture into spray tank/disposing of it otherwise



## #8 3 CCR \$6723 Hazard Communication for workers





- \* The employer is required to display a completed copy of the current Pesticide Safety Information Series (PSIS) A-9 leaflet:
  - ❖ At the worksite or a central location where employees start their day
- Any changes to the medical information must be updated within 24 hours of the change
- Upon request, the employer must read the PSIS A-9 in a language the employee can understand



### Pesticide Safety Rules For Farmworkers

Your training and this leaflet tell you about pesticide dangers at work. Pesticides are chemicals that are used to control unwanted insects, weeds, and plant diseases. If you work on a farm, or in a forest, greenhouse, or nursery, you employer must know about the pesticides used and help you learn how to protect yourself.

### FERTILIZERS ARE NOT PESTICIDES

### EMERGENCY MEDICAL CARE

Your employer must plan for medical care before you start working where pecticides have been used. You or your supervisor must be informed of the location of the doctor. If you think that pesticides made you sick or hurr you at work, immediately tell your employer. They must make sure that you are taken to the doctor immediately. Do not drive yourself to the doctor if you get skick at work.

### Emergency medical care is available at:

ADDRESS: \_\_

If more space is needed, your employer may attach a list of medical facilities to this leaflet and write "See attached list" in the above space.

REMEMBER: You DO NOT have to pay for medical care if you get sick or hurt from pesticides at work.

CA Department of Pesticide Regulation + 1001 | Street, Sacramento CA 95814



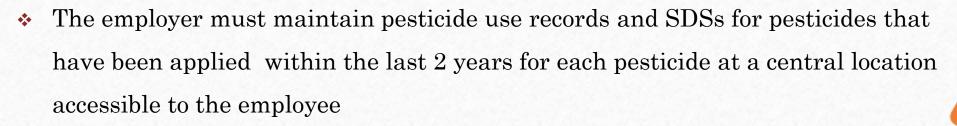








### 3 CCR §6723 continued...





- The employer must inform employees of the location of the records
- If the record location changes, the employer must promptly notify employees of the change
- Employees, their physicians, and their authorized representatives have the right to access any record, document, or information the grower or is required to maintain under California's pesticide regulations.
- Employees are protected from discharge or discrimination for exercising their rights





### Violations of 3 CCR §6723



**Example 1:** Not updating medical information within 24 hours of the change



**Example 2:** Employer not informing employees of the location of the pesticide use records

#7 3 CCR \( 6602 \) Availability of Labeling at Use Site







- Can't reuse containers
- No FOOD containers
- Proper storage



- Availability of labeling.
- Each use site must have available a copy of the registered labeling that allows the manner in which the pesticide is being used.







### Violations of 3 CCR §6602



**Example 1:** Not having a copy of the registered pesticide labeling covering the use at the use site of each pesticide application



**Example 2:** Not having the special local need (SLN) section 24(c) labeling when using the pesticide according to supplemental instructions





# #6 3 CCR §6734 Handler Decontamination Facilities

For most of us doing noxious weed work this applies:

(C) The decontamination site for employees handling pesticides for uses other than the commercial or research production of an agricultural plant commodity shall be within 100 feet of the mixing/loading site when they are handling pesticides with the signal word "Danger" or "Warning" on the label







The employer must provide the following decontamination supplies for handlers:

- \* Soap\*
- Sufficient clean water per handler at the start of the work day
- Single use towels\*
- Extra set of clean coveralls

Hand sanitizing gels or liquids and wet towelettes do not meet this requirement





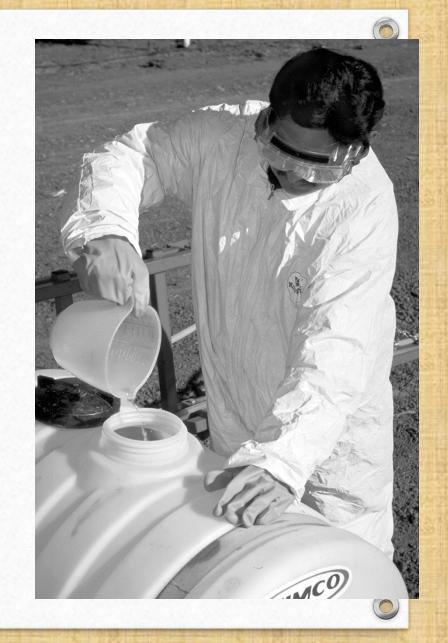






### 3 CCR §6734 continued...

- \* The decontamination site must:
  - ❖ Be located at the mixing and loading site, AND not more than 1/4 mile away from other handlers. Multiple decontamination sites may be necessary, or applicators may need to carry decontamination supplies
  - Not be in an area being treated or under a Restricted Entry Interval (REI) unless certain precautions are taken
- Employees must be notified of the location(s) of the decontamination facilities prior to handling pesticides











### 3 CCR §6734 continued...

Employers must provide emergency eye flush if protective eyewear is required by labeling, including:

- ♣ 1 pint of water for emergency eye flush must be immediately available to each applicator (carried by the applicator or on the application vehicle)
- At the mix and load site\*, there must be an emergency eye flush station able to gently rinse the eye for 15 minutes
- \* If protective eyewear is required by label







### Violations of 3 CCR §6734



**Example 1:** Handlers using wet towelettes in place of soap and single use towels



**Example 2:** Not having a decontamination site at the mixing and loading site











- All service containers are required to contain a label with the following:
  - Name and address of the person or company responsible for the container
  - The identity of the pesticide in the container
  - The signal word "Danger," "Warning," or "Caution" that corresponds with the precautionary statement on the original container
- \* Farmers on their own property are exempt from this requirement, unless they travel on public rights-of-way

Company Name
Mailing
Address
Pesticide Name
Signal Word





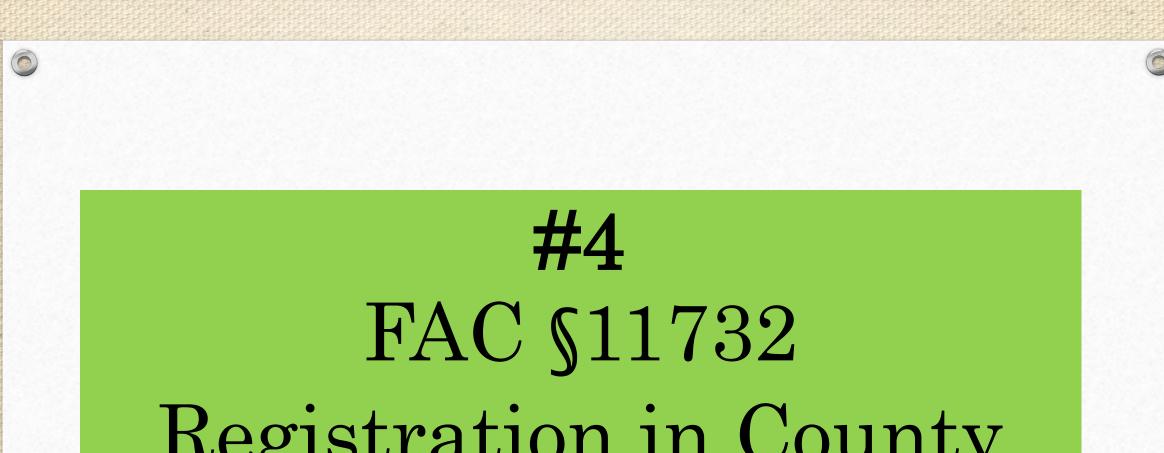
### Violations of 3 CCR §6678



**Example 1:** Not including the signal word on the service container label



**Example 2:** Not including the name of the company or person responsible for the container on the label



Registration in County









- Anyone who intends to advertise, solicit, or operate as a pest control business in California must be registered annually with the County Agricultural Commissioner (CAC) in each county they do business in
- For a list of CACs and their contact information, please visit www.cdfa.ca.gov/exec/county/countymap

Pest Control Bu	siness	State of California	
County Registration Form For Registration in the County of:		Department of feet kide Regulation Part Management And Upensing Branch Registration Expiration Date: December 31,	
		Email:	
Business Address:		Business Location: Main Branch	
City:	Zip Code:	Telephone Number:	
Qualified Applicat	tor's Name:		
Address:			
City:	Zip Code:	Telephone Number:	
		eccordance with any attached condition(s). This is not a permit to apply.	
Condition(s) Attac	a (i) may be possessed except in a ched:	Cualified Applicator's Signature:	
No Restricted Material Condition(s) Attack	a (ii) may be possessed except in a	economics with any ettached condition(s). This is not a permit to apply.	
No Restricted Material Condition(s) Attack	a (if may be possessed except in a ched: No	Cualified Applicator's Signature:	
No Restricted Material Condition(s) Attac Yes	a (if may be possessed except in a ched: No	ecordance with any attached condition(s). This is not a permit to apply.    Qualified Applicator's Signature:   Date:	
No Restricted Material Condition(s) Attac Yes	a (if may be possessed except in a ched: No	ecordance with any attached condition(s). This is not a permit to apply.    Qualified Applicator's Signature:   Date:	
No Restricted Material Condition(s) Attac Yes	a (k may be possessed except in a chedi: No	Qualified Applicator's Signature:   Date:     Additional Information/Comments:	
No Restricted Meteric Condition(s) Attac Yes  Registration Card	a (k may be possessed except in a chedi: No	ecordance with any attached condition(s). This is not a permit to apply.    Qualified Applicator's Signature:   Date:	
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### FAC §11732 continued...

- \* Registration shall be in the form prescribed by the commissioner and shall show the following information:
  - Name and address of pest control business
  - Number and kind of units to be operated in the county
  - Type of pests that are intended to be controlled
  - ❖ Any other information the commissioner may require









**Example 1:** Performing pest control activities in a county before registering with the County Agricultural Commissioner

#3 3 CCR \$6726 Emergency Medical Care



### 3 CCR §6726

- Emergency medical care for employees handling pesticides must be planned in advance
- The name, address, and phone number of the medical facility must be posted at the work site or work vehicle when the employee handles pesticides









### 3 CCR §6726 continued...

- If the employer suspects that an employee could have a pesticide related illness or exposure, the employee must be taken to medical care immediately
- Be prepared to provide:
  - \* The SDS(s)
  - Product name(s), U.S. EPA registration number(s), and active ingredient(s)
  - Circumstances of application or use that may have resulted in exposure







**Example 1:** Not taking employees suspected of a pesticide illness to a medical care facility IMMEDIATELY



**Example 2:** Emergency medical care information not posted at the work site or work vehicle, or is missing information

# #2 3 CCR \$6738 Personal Protective Equipment











### 3 CCR §6738

The employer is required to:

- Provide all personal protective equipment (PPE) that is required on the pesticide labeling, regulation, and restricted material permit condition
- Provide for its daily inspection and cleaning\*, and repair or replace any worn, damaged, or heavily contaminated PPE
- \* Assure that all PPE not in use is kept separate from personal clothing and in a clean, pesticide-free designated area







### 3 CCR §6738 continued...

- ❖ Assure that PPE is used correctly and for its intended purpose
- Keep and wash contaminated PPE separately from personal clothing or laundry
- Assure that all clean PPE is either dried thoroughly before being stored or is put in a wellventilated place to dry
- \* Assure that PPE does not leave the employer's property\* and that employees do not take any uncleaned PPE into their homes
- \* Assure that anyone who cleans or repairs PPE is protected and informed
- \*Employees whose work day does not involve return to the employer's headquarters shall remove and store potentially contaminated PPE in a sealable container



outside their own living quarters for later return to the employer



#### **Gloves for Handling Pesticides**

Due to PPE shortage during the current COVID-19 crisis, DPR has compiled some glove-safety tips.

If you use reusable gloves, they must be the same material as label-required disposable gloves.

Chemical resistant gloves must be at least 14 mil thick<sup>†</sup>, so substitute for thicker gloves of the same material.

† except laminate and polyethylene gloves

### Gor Glove Category Selection Key

Label Code	Materials Required by Law	Material Code
Α	1,2,3,4,5,6,7,8	1: Laminate
В	1.2	2: Butyl
C	1,2,3,4,7,8	3: Nitrile
	1.2	4: Neoprene
E	1,3,4,8	5: Natural
F	1,2,3,8	6: Polyethylene
DEFG	1,8	7: PVC
H	1.8	8: Viton

All but Laminate and Polyethylene must be 14 mils or thicker

#### Caring for Reusable Gloves

- Inspect your gloves before putting them on. Never wear damaged chemical resistant gloves!
- 2. Wash your hands with soap and water before you put them on.
- Wear your gloves as required by label or regulation when performing handler tasks.
- Wash your gloved hands with soap and water before removing gloves.
- Dry and store your clean gloves away from pesticides, in a cool dry place, and away from direct sunlight.
- After removing gloves, wash your hands with soap and water.

Do not touch contaminated gloves with bare hands!

pare flands:

Be sure to follow 3 CCR 6738. For more information go to: https://www.cdpr.ca.gov/docs/whs/ind\_hygiene\_ppe.htm

Unless specified by label....

NO LEATHER GLOVES



**Example 1:** Not using PPE correctly and for its intended purpose



Example 2: Using damaged or contaminated PPE



### FAC §12973

- \* The use of a pesticide shall not conflict with:
  - The registered labeling delivered with the pesticide, or
  - Any conditions of a restricted material permit issued by the commissioner

All pesticides registered with U.S. EPA have the phrase "It is a violation of Federal law to use this product in a manner inconsistent with its labeling."

In other words, the label is the law.







**Example 1:** Not following the application requirements listed on the pesticide product label



**Example 2:** Applying a pesticide to a site or crop not listed on the pesticide product label



For more information about California Laws and Regulations, please refer to DPR's website or contact your local County Agricultural Commissioner's Office

