TOP 10 PESTICIDE VIOLATIONS OF 2020
Over 2700 civil penalties from May 1, 2019 to April 30, 2020

<table>
<thead>
<tr>
<th>NOPA Number (1)</th>
<th>Civil Penalty (2)</th>
<th>Incident Date</th>
<th>County Closed Date (1)</th>
<th>Respondent Name</th>
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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
The employer must maintain pesticide use records and SDSs for pesticides that have been applied within the last 2 years for each pesticide at a central location accessible to the employee.

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
3 CCR §6602

- 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
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.
3 CCR §6734

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**
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
#5
3 CCR §6678
Service Container Labeling
3 CCR §6678

- 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
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
#4
FAC §11732
Registration in County
FAC §11732

- 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
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
Violations of 3 CCR §11732

**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
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
Violations of 3 CCR §6726

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
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 well-ventilated 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\(^t\), so substitute for thicker gloves of the same material.

\(^t\) Except laminate and polyethylene gloves.

Caring for Reusable Gloves
1. 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.
3. Wear your gloves as required by label or regulation when performing handler tasks.
4. Wash your gloved hands with soap and water before removing gloves.
5. Dry and store your clean gloves away from pesticides, in a cool dry place, and away from direct sunlight.
6. After removing gloves, wash your hands with soap and water.

Do not touch contaminated gloves with bare hands!

Be sure to follow 3 CCR 6738. For more information go to: https://www.cdpr.ca.gov/docs/whs/ind_hygiene_ppe.htm
Violations of 3 CCR §6738

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

Example 2: Using damaged or contaminated PPE
FAC §12973
Labeling/Permit Conditions

#1 most common violation of 2020
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.
Violations of 3 CCR §12973

**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.