

Landscape Professionals & Pesticide Applicators Workshop

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Common Pesticide Use Non-Compliances in Marin County

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Website Version

The non-compliances listed below occurred in Marin County and were discovered during routine pesticide use and records inspections, those discovered while investigating pesticide use complaints/illnesses, during the pest control operator registration process, or in relation to pesticide use reporting.

California Code of Regulations (CCR)

California Food & Agricultural Code (CFAC)

Frequent Complaints

Notice

The most common complaint our office receives from the public concerns the issue of people not receiving **prior notification** of pesticide applications. Prior notice of pesticide applications must always be provided to property operators, apartment managers in the case of multiple family dwellings, and tenants whether they rent, lease or own.

- The **date** of the scheduled application;
- The **identity of the pesticide** to be applied by brand or common chemical name; and
- **Precautions** to be observed as printed on the pesticide product labeling or included in applicable laws or regulations.

The initial Notice and any changes must be given in a least one of the following ways:

1. First class **mail**;
2. **Posting** in conspicuous, heavily frequented, highly visible places on the real property (such as mail box area); or
3. **Personal delivery**.

There is shared responsibility of notification requirements between the pest control business, the owner/operator of the property and the tenants. The pest control business is always responsible for notifying the owner/operator of the property. In structural pest control settings, the structural pest control business must also notify all tenants. In landscape and maintenance gardening sites, the owner/operator of the property must notify all tenants.

Bait Stations

We also receive numerous complaints from the public regarding **unlabeled rodenticide bait stations** used for the control of rats, mice, etc.

Bait station shall be labeled with:

1. **Signal Word** (danger, warning, caution),
2. The generic **name of the pesticide**; and,
3. Your Businesses' **name, address and telephone number**; and,
4. Anything else specifically declared on the pesticide label (double check).

Our Department is aware that bait station labeling deteriorates in the elements, but it is the businesses' responsibility to replace worn out labels

There are pesticide labels that require the bait station be **anchored** and the bait itself be securely affixed inside the station so that it does not fall out if the station is moved / shaken. Our Department recommends bait stations, required by label or not, be securely anchored in place.

Non Compliances Discovered During Inspections

CCR 6738. Personal Protective Equipment.

Employees not wearing protective **eyewear** when required by pesticide labeling when mixing or loading or applying the pesticide by hand or using hand held equipment.

Employees not wearing chemical resistant **gloves** when required by pesticide labeling when mixing or loading or applying the pesticide by hand or using hand held equipment.

CFAC 11732

Pest Control Operators performing pest control in the county before they are **registered**.

6678. Service Container Labeling.

Service containers not properly labeled. Proper labeling consists of:

- (a) The **name and address** of the person or firm responsible for the container;
- (b) The **identity of the pesticide** in the container; and
- (c) The word "**Danger,**" "**Warning,**" or "**Caution,**" in accordance with the label on the original container.

CCR 6602. Availability of Labeling.

Not having a copy of the registered labeling that allows the manner in which the pesticide is being used at the **use site**.

CCR 6726. Emergency Medical Care

Not having emergency medical care posted in a prominent place at the work site or work vehicle. Emergency medical care posting must consist of:

- (a) the **name**
- (b) **address**
- (c) **telephone number** of a facility able to provide emergency medical care

CCR 6627. Monthly Summary Pesticide Use Reports.

Pesticide use reports not submitted on time or not submitted at all to the Agricultural Commissioner's office by the 10th of the month following application.

CCR 6628. Negative Pesticide Use Reports

Pest control businesses, once registered, not submitting negative pesticide use reports in those months in which no pesticide use occurred.

Pesticide Use Reports Announcement

One quick announcement re: use reports – our department needs the original only, or a copy of the original, or can fax (structural companies cannot fax because of the required stamp), but please, not two copies. You can help save even more paper by reporting pesticide use online. For more details, visit our website at <http://www.co.marin.ca.us/depts/AG/main/index.cfm> .

CCR 6724. Handler Training.

Pesticide handlers applying pesticides without being trained, or they were trained and the training was documented in writing, but handler is not conducting themselves in a manner in the field indicative of that training.

CFAC 12973

Using a pesticide in **conflict with labeling**.

CCR 6600. General Standards of Care.

Not performing pest control in a careful and effective manner or not performing pest control under climatic conditions suitable to insure proper application of pesticides.

CCR 6682. Transportation.

Transporting pesticides in the same compartment with persons, food or feed.

CCR 6676. Container Requirements.

Any container that holds, or has held, any pesticide, when stored or transported, not carrying the registrant's **label**.

CCR 6630. Equipment Identification.

Equipment not identified. Each person engaged for hire in the business of pest control shall keep each ground rig, service rig, and similar equipment used for mixing or applying pesticides conspicuously and legibly marked with either the business' name, or with "Licensed Pest Control Operator," "Fumigation Division," "Licensed Fumigator," or substantially similar wording and the pest control operator license number of the person or firm. The markings shall be large enough to be readable at a distance of 25 feet.

CCR 6739. Respiratory Protection.

Employees not wearing approved respiratory equipment when required or are wearing approved respirators but no respiratory protection program is in place.

CFAC 11701

Advertising, soliciting, or operating as a pest control business without a valid pest control business **license** issued by the director.

Summary

- Check trucks regularly before leaving the office for supplies, medical care posting, soap, water, single use towels, labels, coveralls, service container labeling, PPE, etc.... One of the most common excuses we hear when we discover violations in the field is, "it's not my truck."
- Communicate regularly - employer/employee/handlers/supervisors/clerical staff filling out use reports as to the current pesticides being used in the field and in storage and their corresponding correct EPA Registration numbers.
- Read labels regularly – they change.
- If you have a question regarding pesticides, contact our office at 415-499-6700. Our website address is: www.co.marin.ca.us/depts/ag/main/index.cfm
- Department of Pesticide Regulation (DPR) website is: www.cdpr.ca.gov
- DPR's A –Z Index, a very helpful resource is located at: <http://www.cdpr.ca.gov/sindex.htm>