

Chapter 4: Pesticide Use Monitoring Report (PR-ENF-104)

Purpose

Applications and/or mixing and loading activities are inspected to determine whether the handler and employer are complying with all applicable conditions in the restricted materials permit, pesticide labeling requirements, training, worker safety, and other law and regulatory requirements. The inspection is also used to determine whether the handler and employer are mitigating any possible hazard to persons, non-target animals, crops, and property.

Conduct a mixing and loading inspection in conjunction with an application inspection whenever possible to accurately identify the pesticide and to determine the compliance status of labeling requirements such as site, rate, and handling precautions. Inspect equipment in use to determine if it is safe for handlers and the environment.

Preparation

Review the specific requirements of licensing, private applicator certification, and restricted materials permits before or after the inspection and address them appropriately. When checking for compliance with PPE and work clothing requirements, look at both the pesticide labeling and the regulations for their separate requirements.

Inspection Criteria

Use monitoring inspections are performed on persons performing handling activities. Observations of an application cannot be counted as a complete inspection unless the labeling used is reviewed and the applicator or a representative of the applicator, such as a flagger or spotter, is requested to sign the inspection report. This includes aerial applications. See General Requirements number 5.

Carbon Monoxide Pest Control Devices

Mark the inspection report as a partial inspection. When inspecting the use of a carbon monoxide device to control burrowing rodent pest click on the plus (+) button on the bottom of the requirements section of the inspection report and add 3 CCR section 6695. Address any violations by using inspection report's Requirement Details section to describe your observations.

Continued on next page

Requirements Pesticide Use Monitoring Report

1. PCB Licensed

FAC section 11701

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.

Verify that the business is licensed, the qualified person is certified in the proper category, and that both the license and certification are valid.

To help determine if a person is acting as a PCB, determine if there is compensation for the pest control work. Employment agencies or farm labor contractors (FLC) at times will provide labor to the property operator, in these scenarios determine who gives direction. Interview employee(s) and ask who is giving them direction; their response will help you determine if the application is by a PCB. When the employment agency or FLC is giving direction, they are acting as a PCB see [Compendium Volume 1 Chapter 3 Section 4.1 Agricultural Pest Control Business Who Needs a the PCB License](#)

When inspecting a business license in the maintenance gardener category, verify the pest control conducted is incidental to the primary business of gardening. At a minimum, this means the maintenance gardener must have a general maintenance contract (oral or written) for every property upon which they perform pest control.

Mark “Yes” when:

- The PCB is licensed before performing any pest control (in the appropriate category) and there is a qualified person.

Mark “No” when:

- PCB is not licensed before performing any pest control.

Mark “N/A” when:

- The PCB is exempt from licensing

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Requirements Pesticide Use Monitoring Report, Continued

**1. PCB
Licensed
(continued)**

**FAC section
11701**

Exemptions:

- Structural pest control activities conducted within the scope of, and pursuant to, a valid structural pest control business license. (FAC section 11531(a))
- Preservation treatment of fabrics or structural materials. (FAC 11531(b))
- Sanitation services for collection, disposal, and treatment of wastewater, refuse, or sewage. (FAC section 11531(c))
- Seed treatment incidental to regular business. (FAC section 11531(d))
- Live capture and removal, or exclusion, of vertebrate pests, bees, or wasps without the use of pesticides. (FAC section 11531(e))
- Pool cleaning services, unless the person is selling, applying, using, or distributing a restricted material. (FAC section 11531(f))
- Tree surgery involving the removal of diseased or infested tissues or applying disinfectants to wound cavities incidental to tree surgery. (FAC section 11710)
- Gardeners and landscape maintenance service companies, if no pest control work is included as part of their services.

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Requirements Pesticide Use Monitoring Report, Continued

2. PCB 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 PCB registration with your county. Is registration valid for the current year?

Mark “Yes” when:

- The PCB has registered with the CAC for the current year before performing any pest control.

Mark “No” when:

- The PCB has not registered in the county for the current year before performing any pest control.

Mark “N/A” when:

- The PCB is exempt from registration.

Exemptions:

- Structural pest control activities conducted within the scope of, and pursuant to, a valid structural pest control business license. (FAC section 11531(a))
- Preservation treatment of fabrics or structural materials. (FAC 11531(b))
- Sanitation services for collection, disposal, and treatment of wastewater, refuse, or sewage. (FAC section 11531(c))
- Seed treatment incidental to regular business. (FAC section 11531(d))
- Live capture and removal, or exclusion, of vertebrate pests, bees, or wasps without the use of pesticides. (FAC section 11531(e))
- Pool cleaning services, unless the person is selling, applying, using, or distributing a restricted material. (FAC section 11531(f))
- Tree surgery involving the removal of diseased or infested tissues or applying disinfectants to wound cavities incidental to tree surgery. (FAC section 11710)
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Requirements Pesticide Use Monitoring Report, Continued

3. Labeling Available at Use Site

3CCR section 6602

Scope: All registered pesticide uses.

Registered labeling covering the specific use must be available at the use site. Registered labeling includes relevant supplemental, Special Local Need [24(c)] labeling and Section 18 directions. Review the pesticide labeling to see what additional documents are required to be at the use sites. These documents may include Technical or Operator's Manual, and Technical Information Bulletins. 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 manner with the labeling registered by DPR. Differences in the directions, restrictions or precautions are not acceptable. Differences in specimen labeling format (e.g., photocopies, CDs, photographs, or electronic copies) are acceptable unless the differences could cause the use of the pesticide in a manner conflicting with the registered labeling or create a false or misleading perception. If you suspect the labeling is inaccurate, refer the case to your DPR EBL for product compliance investigation.

Guidance:

- For aerial applications, labeling can be available only at the mixing and loading site when radio contact is maintained among the pilot, flaggers, and the mix/load site.

Exemptions:

- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Section 25(b) products.

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Requirements Pesticide Use Monitoring Report, Continued

4. Notice of Intent (NOI) Submitted

3CCR section 6434

Scope: All agricultural use applications of a California restricted material that requires a permit. NOIs fulfill the site and time specificity requirements of agricultural permits. They are a useful tool for prioritizing and locating applications to inspect.

The NOI may be submitted by the operator of the property, their 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.

- Has the NOI been properly completed and submitted?
- Are there any environmental changes noted?
- When all the information normally submitted on an NOI is already on the permit and the CAC does not require an NOI, a separate NOI is not required.

If an NOI is not required, check N/A.

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

5. Certified Applicator Supervision – Restricted Materials

3CCR section 6406

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.

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 41 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.

The certified private or certified commercial applicator responsible for the supervision of the noncertified applicator using a restricted material must:

- Have practical knowledge of the pesticide labeling and of pesticide laws and regulations regarding the use of restricted materials by a noncertified applicator.
- Verify training records document training covered the restricted material(s) used and the 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.

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Requirements Pesticide Use Monitoring Report, Continued

5. Certified Applicator Supervision – Restricted Materials (continued)

3CCR section 6406

- 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 noncertified applicator have a way to directly 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.

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.

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Requirements Pesticide Use Monitoring Report, Continued

5. Certified Applicator Supervision – Restricted Materials (continued)

3CCR section 6406

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 not 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.
 - Doctor of Medicine or Veterinary Medicine.
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6. Complies with Permit Conditions

3CCR section 12973

Scope: All applications of permitted materials.

- Is the handler using the pesticide in compliance with any permit conditions issued by the commissioner?
- Review the restricted materials permit to ensure permit conditions were followed.
- Observe and record details of the application and compare to permit conditions.
- If there are no permit conditions mark this requirement as N/A

Exemptions: None.

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

7. Labeling: Site/Rate/Other	Scope: All registered pesticide uses (25B products are not required to be registered).
FAC section 12973	<p>This requirement should be used for any conflicts with product labeling not covered by requirement number 8. Use of a pesticide not registered for a target commodity should be referred to your DPR EBL.</p> <p>Exemptions: See 3CCR § 6000 definition of conflict with labeling for exceptions. See also, the Labeling Guidance chapter of Volume 8 of the PUE Standards Compendium</p>
Site	When labeling list of approved sites is preceded by “such as” or “including,” the product can be legally used on other sites or commodities covered by the general term stated. For example, if the labeling states “deciduous orchards such as apples, peaches and pears,” the use of the product on any deciduous orchard is allowed. Conversely, if the labeling statement indicates that the list is exclusive, i.e. “deciduous orchards – apples and pears,” then only those commodities or sites may be treated.
Rate/Dose	Labeling may prohibit the practice of double dosing by tank mixing two products with the same active ingredient (AI) and is a violation of FAC section 12973. The mix may result in a dose of an AI that exceeds the maximum dose allowed by the labeling of either product. Sequential application of multiple products containing the same AI that exceeds the amount allowed in a specified time interval by the registered labeling would be a use in conflict with the labeling. Compendium Volume 8, Section 2, illegal mixing of two pesticides with the same active ingredient.
Interplant Applications	Each pesticide application to a crop grown in an interplant cropping system is evaluated separately to determine if the application can be made without contacting the crop for which the pesticide is not registered. Certain formulations (e.g., granular) or application methods (e.g., ground rig, drip chemigation system) may provide the necessary control. Aerial applications, fumigants and soil applied systemic products would (in most cases), be prohibited.

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

Chemigation

Although the 3CCR § 6000 definition of conflict with labeling allows methods of application not prohibited by the labeling, no pesticide may be applied through a sprinkler or chemigation system unless the labeling provides specific directions for application via chemigation. See Appendix 3 for information on water source protection requirements.

Enclosed Space Grown Food Crops

Use of a pesticide on food crops grown in enclosed spaces requires specific labeling directions for that use. For example: “For use on enclosed space (greenhouse) grown tomatoes.” Use of a pesticide on food crop transplants does not require specific labeling directions for that use. Use on enclosed space grown food crop transplants must only comply general commodity labeling, and with the general enclosed space use guidance.

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

Enclosed Space (Including Greenhouse) Use Guidance

Evaluate the labeling of pesticide(s) used in enclosed spaces to determine if the use is appropriate. The definition of an enclosed space may be found in 3CCR § 6000.

Products used in enclosed spaces (including greenhouses) include the following:

- Products with labeling that are explicit and bear adequate application directions and other precautionary labeling stating, “for enclosed space use.”
- Products with labeling that bear directions for use on the commodity to be treated, have dilution and dosage rate directions, and other precautionary statements that are consistent with use in an enclosed space. This means directions stated in terms of pots, planting beds, square feet, or similar terms. (Pesticides used in enclosed spaces that are one half acre or larger may use labeling that indicate application rates in “per acre” units). All other labeling requirements would have to be consistent with use in an enclosed space setting and be followed.

Products that cannot be used in enclosed spaces (including greenhouses) include the following:

- Products with labeling that bear an explicit prohibition against use in enclosed spaces or enclosed structures, not including residential structures. Labeling that prohibits use in a residential structure (for example, “Not for home use”) does not prohibit the use in an enclosed space.
- Products with labeling that bear dilution or dosage rate directions that are not consistent with enclosed space use. This includes statements such as “apply by aircraft only”, application rates in “per acre” units (see exception above), or other directions inconsistent with use in an enclosed structure.

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Requirements Pesticide Use Monitoring Report, Continued

8. Labeling – Personal Protective Equipment (PPE)

FAC section 12973

Scope: Persons handling registered pesticides.

Labeling PPE requirements apply to both employees and employers. Review the labeling at the site to determine what PPE is required. Observe handlers to see if they are properly utilizing the labeling required PPE. If employee handlers are not wearing required PPE, determine and document if it was provided by the employer and is available on site. 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, standards provided in these sections apply when 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 6738.4 including substitutions listed for closed systems 3CCR section 6738.4(c) and (d), and enclosed cabs in 3CCR section 6738.4(e). See Appendix 1.

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

- 9. Regulation –
Personal
Protective
Equipment
(PPE)

3CCR section
6738**
- Scope: Employees handling any pesticide(s) when:
- Required by labeling, regulation, or conditions of any permit issued by the director or commissioner.
 - Mixing or loading.
 - Cleaning, adjusting or repairing equipment.
 - Applying using hand-held, vehicle-mounted or towed equipment.
 - Flagging.

Document the exact nature and circumstances of the violation, and if PPE was provided by the employer and was available at the worksite. Respiratory PPE requirements in 3CCR section 6739 are covered by requirement 10.

All PPE must be cleaned and inspected daily. Worn (broken-down), damaged, or heavily contaminated PPE does not comply with this regulation and be replaced immediately. Check the condition of PPE and ask handlers what procedures they follow for cleaning and replacement.

Exemptions: See Appendix 1 for specific requirements and exemptions.

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Requirements Pesticide Use Monitoring Report, Continued

10. Respiratory Protection

3CCR section 6739

Scope: All employees handling any pesticide when:

- Required by labeling, permit, regulation, or employer policy.
- Applying minimal exposure pesticides by hand. (3CCR section 6793(e) (1))
- Applying minimal exposure pesticides by ground rig (3CCR section 6793(e) (1))
- Treating potato seed pieces with thiophanate-methyl (3CCR section 6795)
- Employees wear respiratory equipment.

Verify employees are provided and using the appropriate type of respirator as identified on the labeling, permit, or regulation. Verify the equipment is being used properly and is properly maintained. See information on respiratory protection in Appendix 1. How often do they change the cartridges?

A labeling statement of “Avoid breathing spray mist.” does not necessarily require the use of a respirator. See Compendium Volume 8, Section 3.1 for guidance.

Exemptions:

- See 3CCR section 6738.4 on substitutions allowed when using closed systems or enclosed cabs.
- Minimal exposure pesticide ground rig applications when:
 - Using vehicle-mounted or towed equipment to inject or incorporate pesticides into the soil.
 - Using vehicle-mounted nozzles located below the employee and pointing downward. (3CCR section 6793)
- Antimicrobial agents used as sanitizers, disinfectants or medical sterilants are exempt under the conditions of 3CCR section 6720.
- PCAs or professional foresters performing crop adviser tasks. (3CCR section 6720)
- When respirator use is allowed by the employer even though not required by labeling, permit or regulation, only certain parts of 3CCR section 6739 apply. See voluntary respirator provisions in Appendix 1.
- Consumer products see 3CCR section 6720(e).

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

11. Coveralls

3CCR section 6738.1(e)

Scope: Employees handling any pesticide with “DANGER” or “WARNING” on the labeling.

Employers must provide clean coveralls each day for employee(s) who handle pesticides with the signal word “DANGER” or “WARNING”. Ask the employee(s) how often coveralls are provided. Coveralls are defined in 3CCR section 6000 as a one- or two-piece garment of closely woven fabric or equivalent that covers the entire body except head, hands and feet. Note that this differs from “work clothing” which does not have to be provided by the employer. Verify that handlers have a clean place to remove their PPE.

If employees do not return to their employer’s headquarters at the end of their workday, the employee must:

- Take off the coveralls at work and put them in a sealable container.
- Store the sealable container outside of their living quarters.
- Return the coveralls to the employer for cleaning.

An employer may contract with an employee to launder coveralls or other PPE, but the employee must have equipment and facilities separate from the clothes to launder these items and must not take contaminated PPE into their homes. See 3CCR section 6738(a) (6) and 3CCR section 6744.

Check “N/A” if there is no pesticide with “Danger” or “Warning” on the labeling.

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

11. Coveralls (continued)

3CCR section 6738.1(e)

Exemptions:

- Employees using fumigants unless the labeling expressly requires the use of coveralls.
- Employees in an enclosed cab may substitute work clothing for PPE required by regulation if the PPE is available at the worksite, and stored in a chemical resistant container. “Worksite” is meant to describe the exact location of a work activity. The interpretation for worksite can be found in Compendium Volume 8 Chapter 6, PPE exemption. (3CCR section 6738.4)
- PPE is required by labeling, must be immediately available and stored in a chemical resistant container. 3CCR section 6701 requires Subchapter 3 Pesticide Worker Safety, to be interpreted as strict as and consistent with the Worker Protection Standards in Title 40 Code of Federal Regulations, Part 170.
- Vertebrate pest control baits, solid fumigants, insect monitoring traps or non-insecticidal lures. (3CCR section 6720)
- Antimicrobial agents used as sanitizers, disinfectants, or medical sterilants are exempt under the conditions of 3CCR section 6720.
- PCAs or professional foresters performing crop adviser tasks. 3CCR section 6720.
- Consumer products see 3CCR section 6720(e).

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

12. Handlers Trained

3CCR section 6724

Scope: All employees who handle pesticides.

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 25(b) and 3CCR section 6147. Employers must update the training to cover new pesticide(s) and repeat training annually (12-month period) thereafter. Initial training may be waived if the employee submits a record showing the training has met 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.

Observing the application can provide you with information about the employee's training, the following are 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 pesticide labeling directions?
- Does the employee utilize required PPE appropriately?
- Were all precautions taken before the commencement of the application?
- During the application, does the employee monitor for the presence of bystanders, changing environmental conditions, and application equipment malfunctions?

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Requirements Pesticide Use Monitoring Report, Continued

12. Handlers Trained (continued)

3CCR section 6724

- 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 handler 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.

If the responses you receive and/or the behavior observed causes concern, perform a Headquarter and Employee Safety Inspection to verify the training status of the employee. Consider issuing a cease and desist order for unsafe use activities and conditions are observed. See [Compendium Volume 4 Chapter 1 General Inspection Procedures Conducting the Inspection](#), “Talking to Employers and Employees.”

Mark “YES” when:

- All employees handling pesticides are certified applicators, or apprentice pilots; or
- Interviewed employees stated they have received pesticide handler training and all employees 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) is not an employee (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 section 6720(c).
- Consumer products following 3CCR section 6720(e).

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Requirements Pesticide Use Monitoring Report, Continued

13. Emergency Medical Care Posting

3CCR section 6726

Scope: Employees handling any pesticide(s).

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, including procedures to be followed to obtain medical care if the identified medical facility is not reasonably accessible from that work location.

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

Exemptions:

- Antimicrobial agents used, as sanitizers, disinfectants or medical sterilants are exempt under the conditions of 3CCR section 6720.
- PCAs or professional foresters performing crop adviser tasks. (3CCR section 6720)
- Consumer products following 3CCR section 6720(e).

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

14. Employees Working Alone “Danger”

Scope: Employees working alone and handling any “DANGER” pesticide for production of an agricultural commodity.

3CCR section 6730

Minimum contact required:

- During daylight – every two hours.
- At night – every hour

Supervision can be in person, radio or telephone contact. Pilots, mixers and loaders, and flagger teams are deemed to be working together and would not require additional supervision.

Examples of employees working together:

- Working in the same field, ground applicators are working together when they can see each other or each other’s application vehicle.
- Pilot and ground crew is considered working together.

If an employee is working alone and handling a “DANGER” pesticide mark “YES” or “NO” as based on your determination of the employee’s compliance with the contact requirement. You should mark “YES” if two or more employees are working together while handling “DANGER” pesticides. Mark “N/A” if no “Danger” pesticides are being handled.

Exemptions:

- Antimicrobial agents used as sanitizers, disinfectants or medical sterilants. (3CCR section 6720)
- Vertebrate pest control baits, solid fumigants, insect monitoring traps or non-insecticidal lures. (3CCR section 6720)
- Consumer products see 3CCR section 6720(e).

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

15. Decontamination Facilities

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.
- The decontamination site for pilots may be at the loading site regardless of the distance from the treated field.

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

**15.
Decontamination
Facilities
(continued)**

**3CCR section
6734**

For all employees handling pesticides with signal word “DANGER” or “WARNING” in non-production agriculture and non-agriculture settings:

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.

Use this requirement to document compliance with general decontamination requirements. For commercial or research production of an agricultural commodity, emergency eyewash should be documented with requirement 16.

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. The regulation states there must be sufficient water available; at least 3 gallons of water for each handler at the beginning of each handler’s workday. The soap, towels, and extra change of coveralls are in an enclosed container; and the water is running tap water or enclosed in a container. The employer should check decontamination supplies periodically and replenish as necessary.

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:

- Antimicrobial agents used as sanitizers, disinfectants or medical sterilants are exempt under the conditions of 3CCR section 6720.
- PCAs or professional foresters performing crop advisor tasks. (3CCR section 6720)
- Consumer products see 3CCR section 6720(e).

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Requirements Pesticide Use Monitoring Report, Continued

**16. Eyewash
Immediately
Available**

Scope: Employees handling any pesticide for the commercial or research production of an agricultural plant commodity if the *labeling* requires protective eyewear.

**3CCR section
6734(b)**

Handlers must have one pint of water on their person or on the vehicle for emergency eye flushing. Assess the situation by applying the following scenario: The handler gets the pesticide in his eyes and is either completely or partially blinded. Can he reasonably be expected to find the water where it is located?

At the mixing/loading site, immediately available to employee(s), there must be a system capable of delivering at least 0.4 gallons of gently running water per minute for at least 15 minutes or at least 6 gallons of water that will gently flush the eyes for 15 minutes for emergency eye-flushing.

In situations where engineering controls are substituted for labeling required eye protection, eyewash requirements still apply.

Exemptions:

- Antimicrobial agents used as sanitizers, disinfectants or medical sterilants are exempt under the conditions of 3CCR section 6720.
- PCAs or professional foresters. (3CCR section 6720)
- Consumer products see 3CCR section 6720(e).

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

17. Field Posting

3CCR section 6776

Scope: The operator of the property is responsible to post fields treated with any pesticide during the application and the REI when:

- Labeling requires posting, unless access to the field is controlled during the application and the REI.
- Any application made in an entirely enclosed space (e.g. greenhouse) unless access is controlled during the application and REI.
- Any application in a partially enclosed space resulting in an REI greater than 4 hours, unless access is controlled during the application and REI.
- An REI greater than 48 hours unless access to the field is controlled during application and REI.
- Danger or minimal exposure pesticides applied through an irrigation system.
- Any fumigant applied to a field.

The operator of the property is responsible to post treated fields. If inspecting a PCB, mark “NA” in this box. If the field is not posted when required, cite the operator of the property for not posting the field. The PCB may also be cited as violating 3CCR section 6600(b) when their action creates a hazard. In this situation, the inspection report should document the factors that demonstrate that a hazard was created. Determine and document the likelihood that workers or other persons are likely to enter the un-posted field, the level of control the PCB maintains over the field until signs are posted, the toxicity of the pesticide(s) used, and the amount of contact an unsuspecting person entering the field would have with pesticide residues (i.e. growth stage of the plants treated and amount of foliage).

Some labeling provides for multiple activity based REIs. These labels will state different REIs for different activities. For example, the labeling of a pesticide might say the REI for mowing or irrigating is 48 hours and the REI for thinning is 14 days. For labeling with an activity based REIs, any posting requirement must be maintained until the longest applicable REI has expired.

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

17. Field Posting (continued)

3CCR section 6776

Signs must be readable from a distance of 25 feet. They must be posted before the application, but no sooner than 24 hours prior to the application. See 3CCR § 6776(b) for required contents of the signs. See CCR section 6776(b)(4) for additional information that must be added to signs when posting fields with a restricted entry interval of more than 7 days.

The signs must be removed within 3 days after the end of the restricted entry interval, and before workers enter the field, unless the workers are early entry workers. The signs must be visible at all usual points of entry to the field and at intervals no greater than 600 feet along unfenced rights of way. If there are no usual points of entry, signs must be posted at the corners of the field. Signs must be posted at each border with any worker housing area within 100 feet of the treated field.

See CCR section 6776(e) for the contents of signs to be used when “Danger” or minimal exposure pesticides listed in CCR § 6790 are applied through an irrigation system.

FAC § 12978 requires posting of public property treated with pesticides that have labeling specified reentry intervals of 24 hours or more and where exposure is foreseeable (i.e., school grounds, parks, etc.) and shall be removed within 24 hours of the expiration of the REI. The responsible agency shall place signs (English and Spanish) at regular points of public entry and at regular intervals. The responsible agency may substitute a barrier for the warning signs to exclude public exposure to a treated area. Are the signs legible and in appropriate locations?

Exemptions:

- Pesticide applications by the Department of Transportation on public highway rights-of-way. (FAC section 12978)
- Granular baits, attractants, or repellants in traps applied in a field. (3CCR section 6760)
- Algaecides used to treat the irrigation system. (3CCR section 6760)
- Pesticides directly injected into plants. (3CCR section 6760)
- Applications by vector control agencies. (3CCR section 6760)
- Consumer products see 3CCR section 6720(e).

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

18. Safe Equipment

Scope: Equipment used by employees to apply, mix and load, or transfer any pesticide.

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 mixing, loading, transferring, or applying pesticides 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) mixing, loading, transferring, or applying pesticides 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 § 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 pesticide equipment was not in good repair or safe to operate.

Proper Tank Cover 3CCR section 6742(c)(1)

When employees are using equipment to apply, mix, transfer, or load pesticides; all openings on tanks (including application equipment) must be equipped with covers to prevent splashes and spills.

Determine that all openings on tanks used for mixing, loading, or applying pesticides are equipped with covers that prevent spills.

Cockpit Shielded Hoses 3CCR section 6742(c)(2)

Flexible hoses under pressure passing through the cockpit of a helicopter or airplane must be shielded when carrying liquid pesticides in toxicity categories one or two (pesticides with the signal word “Danger” or “Warning”).

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

18. Safe Equipment (continued)

3CCR section 6742

Liquid Pesticide Hose Shut-Off Valve 3CCR section 6742(c)(3)

Shut-off devices must be installed on the exit end of all hoses carrying liquid category one or two pesticides (pesticides with the signal word “DANGER” or “WARNING”) from mixing tanks that adequately prevent splashes onto the employee doing the loading when filling operations are stopped, and the hose is removed from the inlet to the tank of the application vehicle. An alternative to a shut-off device is a reverse action pump or similar that will empty the hose and will eliminate dripping of liquid from the end of the hose before uncoupling hose connections.

Sight Gauge on Tanks Greater Than 49 Gallons 3CCR section 6742(c)(4)

Tanks (including tanks on application equipment) with a capacity of more than 49 gallons used by employees to mix, load, or apply a liquid mixture derived from any pesticide with the toxicity category one or two (pesticides with the signal word “DANGER” or WARNING”) must have:

- A properly functioning method to indicate externally the internal liquid level in the tank, such as a sight gauge; or
- A tank or the filler hose nozzle must have a device that will automatically stop the filling operation before the pesticide liquid mixture spills over the top.

Protection of External Sight Gauges 3CCR section 6742(c)(5)

Some tanks on mixing or application equipment have sight gage tubes which are external to the tank. External sight gauges must be protected from breakage and have valves so the pipes or tubes connected to the sight gauge can be shut off.

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

18. 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; or
- Does not have tank covers; or
- External sight gauges are not protected and not equipped with valves so the pipe or tube connected to the sight gauge can be shut off; or
- When handling category one or two (pesticides with the signal word “DANGER” or WARNING”) and:
 - Flexible hoses under pressure are passing unshielded through an aircraft cockpit.
 - Equipment does not have shut-off devices installed on the exit end of all hoses carrying liquid pesticides; a reverse action pump can be used as an alternative.
 - Tanks greater than 49 gallons do not have either a means to externally indicate the internal liquid level or a device to automatically stop the filling operation before the pesticide mixture spills over the top.

Mark “N/A” when:

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

Exemptions:

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

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

19. Closed System Used

3CCR sections 6746, 6544, and 6793

Scope: For all pesticides when closed mixing systems are used to protect workers from dermal hazards when mixing pesticides with high acute dermal toxicity.

- Employees who mix liquid pesticide products, bearing the statement "Fatal if absorbed through skin" or other comparable language (Tier 1 closed mixing system).
- Employees who mix liquid pesticide products, excluding adjuvants, bearing the statement "May be fatal if absorbed through skin" or "Corrosive, causes skin damage" or other comparable language (Tier 2 closed mixing system).
- Employees who mix pesticides labeled for use only with a closed system.
- Pilots who operate pest control aircraft shall not transfer, mix or load liquid category one or two pesticides containing organophosphates or carbamates unless a closed system is used. (3CCR section 6544)
- Employees mix, load, or transfer minimal exposure pesticides. (3CCR section 6793)

The employer shall, for the production of an agricultural commodity, assure the written operating instructions are available with the closed mix system being used; and employees are trained (3CCR section 6724) in its use and operation in accordance with its written operating instructions.

A "Tier 1" closed system is required when mixing liquid pesticide products, and adjuvants, with the statement "Fatal if absorbed through skin" or other comparable language. It must be capable of enclosing the pesticide while removing the contents from its original container, preventing the pesticide from contacting handlers, and rinsing and draining emptied pesticide container(s) as required by the pesticide product label or 3CCR section 6684, while connected to the closed system.

Tier 2" closed system is required when mixing liquid pesticide products, excluding adjuvants, that have the statement "May be fatal if absorbed through skin" or "Corrosive, causes skin damage" or other comparable language. It must be capable of enclosing the pesticide while removing the contents from its original container and preventing the pesticide from contacting handlers.

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

19. Closed System Used (continued)

3CCR sections 6746, 6544, and 6793

Exemptions:

- Opening the container by removal of the manufacturer's original seal without removing the contents before re-closing with a liquid-tight sealing device.
- Regulatory personnel collecting samples of pesticides.
- The rinsing of refillable pesticide containers returned to a pesticide dealer, pesticide registrant, or manufacturer.
- An employee required to use a Tier 2 closed mixing system if the employee handles a daily maximum of one gallon or less. The employee shall wear all personal protective equipment required by pesticide product labeling and regulation when not using a closed mixing system.
- Consumer products see 3CCR section 6720(e).

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

20. Protection of Persons, Animals, and Property

3CCR section 6614

Scope: All pesticide applications.

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, other gatherings of people, or susceptible crops are examples of conditions which may increase the hazard potential of the application.

- Are there fieldworkers near the site during the pesticide application?
- Is there a reasonable possibility of the contamination of persons not involved in the application?
- Is there a reasonable possibility of damage or contamination to non-target crops, animals (including bees) or property?

If workers not involved in the application are in the application exclusion zone or treated area of the field, separately evaluate whether their employer is in compliance with 3CCR section 6762 (Field Work During Pesticide Application).

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

20. Protection of Persons, Animals, and Property (continued)

3CCR section 6614

Field Transplant Workers

Some agricultural practices involve transplants planted concurrent with an at-plant pesticide application. These transplant operations usually are accomplished using one of the following two methods.

1. Manual transplanting where the employees plant the seedlings in advance of the spray rig, with the spray rig following behind and applying the pesticide. This method is permissible if the fieldworkers stay in front of the treated area, stay outside the application exclusion zone, and do not contact pesticide treated surfaces directly or through drift. The employer must also comply with all fieldworker requirements including notification.
2. Mechanical transplant/application where the equipment is a combination planting apparatus and application rig (transplant rig). Employees feed seedlings onto a planting arm or wheel that manually or mechanically sets plants while at the same time a pesticide is applied.

In scenarios of this sort, DPR considers the entire operation to be part of a “pesticide application process”. The workers are handlers and must be trained and equipped as handlers. The employer must comply with all handler requirements. It would be appropriate to perform a Pesticide Use Monitoring inspection but not a Fieldworker Safety inspection on this type of operation. (See Volume 8, Section 6.16 of the Compendium)

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) if used in accordance with the registered labeling. (3CCR section 6620)

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

21. Equipment Registered

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

FAC section 11732

Verify that equipment registration with the CAC.

Exemptions:

- Structural pest control activities conducted within the scope of, and pursuant to, a valid structural pest control business license. (FAC section 11531(a))
- Preservation treatment of fabrics or structural materials. (FAC 11531(b))
- Sanitation services for collection, disposal, and treatment of wastewater, refuse, or sewage. (FAC section 11531(c))
- Seed treatment incidental to regular business. (FAC section 11531(d))
- Live capture and removal, or exclusion, of vertebrate pests, bees, or wasps without the use of pesticides. (FAC section 11531(e))
- Pool cleaning services, unless the person is selling, applying, using, or distributing a restricted material. (FAC section 11531(f))
- Tree surgery involving the removal of diseased or infested tissues or applying disinfectants to wound cavities incidental to tree surgery. (FAC section 11710)
- Gardeners and landscape maintenance service companies, if no pest control work is included as part of their services.

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

22. Equipment Identified	Scope: Vehicles or equipment (ground rig, service rig, and similar equipment used for mixing or applying pesticides) by any agricultural or structural pest control business.
3CCR section 6630	<p>All pest control businesses must identify equipment with markings readable at a distance of 25 feet. The identification must include either:</p> <ul style="list-style-type: none">• Business name; or• Pest control business license number and a statement such as “Licensed Pest Control Operator”, “Fumigation Division” or similar wording. <p>This requirement includes vehicles used by licensed Maintenance Gardeners to transport pesticides and pesticide application equipment.</p> <p>If there is a storage noncompliance, add 3CCR section 6674 to the inspection report and document the noncompliance to the remarks section of the inspection report.</p> <p>Exception: Aircraft.</p>

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

23. Backflow Prevention

Scope: All equipment; service rig (mix/load) and application equipment, that handles any pesticide and which draws water from an outside source.

3CCR section 6610

All equipment must be equipped with an air-gap separation backflow prevention device, or double check valve when handling pesticides and drawing water directly from any outside source. An outside source is anything other than a separate nurse tank. Outside sources include wells, streams, ditches, lakes, ponds, and pipelines. The CAC should consult with the local water purveyor and county health department for additional approval criteria. N/A can be marked if water drawn from an outside source was not observed.

The following are examples of devices that prevent backflow or reverse siphoning:

- Air-Gap Separation - A physical break between the supply line and the receiving vessel.
- Double Check Valve Assembly.
- Reduce Pressure Principle Backflow Prevention Device.
- Single check valve, vacuum relief valve and low pressure drain assembly.

See Appendix 3 for detailed information.

Ask handlers to explain the backflow systems which that are unfamiliar or that appear inadequate.

Exception: Generally, application equipment of 5 gallon capacity or less, such as hand carried or backpack sprayers, need not be equipped with a mechanical backflow device due to the impracticality of attaching a backflow device to this type of equipment. An air-gap must be manually maintained when filling in order to prevent backflow into the outside source. The CAC may require a backflow device when the equipment is filled from an outside water source.

Exemptions:

- Nurse rigs when they only carry water to equipment.

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

24. Containers Secured

3CCR section 6670

Scope: all containers or equipment that holds or has held pesticides.

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 containers to public access.
- Proximity of attending person to the containers and the level of attention the attending person can provide.
- Are containers near a road or trail?
- Are containers 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.

A higher standard applies to property operators. 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 requiring that the containers present a hazard.

In some cases, pesticides may be stored in the cab in order to keep them secure while the handler is performing an application.

Ask, “When and why did you put the pesticides in the cab?” and/or “Why did you put the pesticides in the cab?” Base compliance on the response you receive. (Compendium Volume 8, Section 1.16)

“Attended” means a responsible person is 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. (Compendium Volume 8 Section 1.14)

“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. (Compendium Volume 8 Section 1.14)

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

**24. Containers
Secured
(continued)**

**3CCR section
6670**

Exemptions:

- Sanitizers, disinfectants and medical sterilants. (3CCR section 6686)
- Exempt materials identified in 3CCR section 6402. (3CCR section 6686)

**25. Pesticide
Container
Label/Closure**

**3CCR section
6676**

Scope: Storage and transportation of any container that holds or has held a registered pesticide. Verify that all pesticide containers carry the registrant's labeling and that all lids or closures are securely tightened.

Exemptions:

- Sanitizers, disinfectants, or medical sterilants. 3CCR § 6686
- Measuring devices that are not used to store or transport a pesticide.
- Service containers properly labeled do not need registrant labeling. 3CCR § 6678
- Containers that have been triple rinsed do not need to have lids.
- Exempted Pesticide Products. 3CCR 6147

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

26. Service Container Labeling

Scope: All containers, other than the original manufacturer's labeled container, used to store or transport dilute or concentrated mixtures of any pesticide.

3CCR section 6678

Service containers shall be labeled with:

- The name and address of the person or firm responsible for the container.
- The identity of the economic poison in the container, and
- The word "Danger," "Warning," or "Caution," in accordance with the label on the original container.

Determine whether the service container labeling is complete. If pesticides are loaded into application equipment on site and all the pesticide mix is used during the application and equipment is rinsed, no service container labeling is required. The definition for service container may be found in FAC section 12757.5.

Examples of violations include containers with no labeling, incomplete labeling or multiple label tags that do not accurately reflect the contents of the container.

Exemptions:

- Sanitizers, disinfectants, or medical sterilants. (3CCR section 6686)
- Containers used by a person engaged in the business of farming while on that person's property.

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

27. Proper Containers

3CCR section 6680

Scope: Pesticides being used, transported, or in storage.

If service containers or measuring devices (used to store pesticides) are observed, examine them to assure that pesticides are not being placed in prohibited containers commonly used for food, drink or household products. Examples of improper storage containers include empty coffee cans, soda bottles or cans or cooking vessels.

Application of this regulation must recognize that both food products and pesticides are distributed in a wide variety of containers and some overlap is inevitable. This regulation does not prohibit end users from using generic plastic or glass bottles, plastic bags or similar containers (that have no identifiable food or beverage use labeling,) as service containers. (ENF 2006-029 - Policy Concerning Use of Prohibited Containers as Service Containers for Pesticides)

If all pesticides are in proper containers, check the “YES” box. If no containers are observed at the application and/or the mix/load site, check the “N/A” box.

Exemptions: None.

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

28. Proper Pesticide Transport

Scope: Pesticides that are transported in vehicles.
See Compendium Volume 8, Section 1.16

3CCR section 6682

Fieldworkers should not be riding in the back of a truck used to transport pesticides. 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).

Check the pesticide storage box on vehicles to determine if pesticides are properly secured. Verify that no pesticides are being transported in the cab. In some cases, pesticides may be stored in the cab in order to keep them locked up while the handler is performing an application. If you see 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. (Compendium Volume 8, Section 1.16)

Exemptions:

- Sanitizers, disinfectants, and medical sterilants. (3CCR section 6686)
- Outer containers that are not contaminated. (Guidance – based on 3CCR section 6686(c))
- Pesticide containers labeled and used for home use when in the possession of a householder on his property. (3CCR section 6686)

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

29. Container Properly Rinsed

Scope: Pesticide containers that have held less than 28 gallons of liquid pesticide concentrate that is diluted for use.

3CCR section 6684

Handlers must triple rinse and drain containers at the time of use. Handlers must add the rinsate to the mix tank and use rinsate in the application. Time of use means prior to the end of the mix/load operation (definition of Use 3CCR section 6000) to be effective the rinsing must be completed before the liquid pesticide has time to dry. If the mixer is putting many containers aside for rinsing at the end of the mix/load operation, and you are unable to determine if these containers are being properly rinsed during your inspection, document the circumstances and check on the containers during the next Record/Storage inspection of the company. Suspect businesses should be reported to the local Environmental Health agency and/or the California Department of Toxic Substances Control. Failure to rinse is a violation under our jurisdiction. Collecting and/or holding unrinsed containers may be a violation under the jurisdiction of the local Environmental Health agency and/or the California Department of Toxic Substances Control.

Check empty containers for proper rinsing procedures. Puncturing the containers is recommended in order to allow for drainage and aeration. Unrinsed or improperly rinsed containers are considered hazardous waste and must be disposed in compliance with Titles 22 and 23, California Code of Regulations. Contact the local Health Department or Regional Water Quality Control Board for more information.

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. Exempt containers may require special rinse procedures, be refilled offsite, returned to the registrant or be disposed as hazardous waste in compliance with local Environmental Health agency and/or the California Department of Toxic Substances Control regulations

The burning of plastic containers (jugs, buckets, etc.) may be in violation of local Air Pollution Control District regulations (APCD). Document any observations of burning plastic containers and refer to the APCD.

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

29. Container Properly Rinsed (continued)

3CCR section 6684

Cal/EPA has determined, when pesticide bags are emptied according to DPR's guidelines, they can be disposed of as non-hazardous waste. There are two disposal options available; disposal at lined Class III landfills, or disposal at the site of application by burning under an agricultural burn permit. (Compendium Volume 8, Section 1.8, Pesticide Bag Disposal) Permits to burn empty bags are issued by the local Air Pollution Control District. Enforcement of bag disposal regulations is at the discretion of the CAC. (See 22CCR sections 66260.10 – 66262.70)

Exemptions:

- Sanitizers, disinfectants, and medical sterilants. (3CCR section 6686)
- Outer containers that are not contaminated. (3CCR section 6686)
- Containers returned to the registrant.
- Containers labeled and used for home use when in the possession of a householder on his property. (3CCR section 6686)
- Aerosol containers are exempt from regulation as hazardous waste under the following conditions:
 1. The aerosol containers are emptied to the extent possible under normal use.
 2. The aerosol containers are disposed of after use in accordance with labeling instructions. (Procedural Guidance For Enforcement Personnel pg. 54 Aerosol Container Disposal)

30. Accurate Measurement **3CCR section 6604**

Scope: Weighing or measuring concentrate pesticides.

- Are pesticides being accurately weighed or measured?
- Are measuring devices calibrated to the smallest unit used?

Examples of inaccurate measurement would include estimating half a bag or part of a container. Examples of improper devices would include an uncalibrated container.

Exemptions:

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

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

31. Ground Water Protection

Scope: Use of pesticides registered for agricultural, outdoor industrial, and outdoor institutional use containing chemicals listed in 3CCR section 6800(a).

**3CCR section
6487.1-5**

Ground Water Protection Use Requirements for All Areas in California

Artificial Recharge Basins

For all use of groundwater materials: Is the handler complying with the prohibition of applications below the high water line of an artificial recharge basin or a canal or ditch?

**3CCR section
6487.1**

Exemptions:

- 3CCR section 6800(a) pesticides may be applied below the high water line in artificial recharge basins and in canals and ditches if applied six months or more before water is present.
- 3CCR section 6800(a) pesticides may be applied below the high water line in canals and ditches if the user can document that the percolation rate is less than 0.2 inches per hour.

Inside Canal and Ditch Banks

**3CCR section
6487.2**

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

Ground Water Protection Use Requirements Inside Groundwater Protection Areas

**Engineered
Rights-of-Way
within
Groundwater
Protection
Areas**

For leaching or runoff ground water protection areas: Is the handler applying a 3CCR § 6800(a) pesticide? If so, is the handler complying with the selected management practice, as modified by alternative management practices approved by the director as specified on the restricted materials permit. See Appendix 4 for more information. Violations should also be noted in restricted materials permit requirements numbers 4, 5 and 6 as appropriate.

**3CCR section
6487.3**

Exemptions: See 3CCR sections 6487.3 - 6487.5 for exemptions.:

**Runoff Ground
Water
Protection
Areas**

**3CCR section
6487.4**

**Leaching
Ground Water
Protection
areas**

**3CCR section
6487.5**

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

32. Wellhead Protection

3CCR section 6609

Scope: Any person mixing or loading any pesticides within 100 feet of a well. Any person, applying any pre-emergent herbicide in 3CCR section 6800(a) or (b), within 100 feet of a well.

For the application of any 3CCR § 6800(a) or (b) pre-emergent herbicides, the following activities are prohibited within 100 feet of a well (including domestic, municipal, agricultural, dry or drainage, monitoring, or abandoned wells):

- Mixing, loading, and storage of pesticides.
- Rinsing of spray equipment or pesticide containers
- Maintenance of spray equipment that could result in spillage of pesticide residues on the soil.

Application of pre-emergent herbicides shall be prohibited between the berm and the wellhead.

Are wellheads protected from irrigation and rainfall runoff contacting any part of the wellhead by berms or other means?

Note: This regulation refers to pre-emergent herbicides in two places: 3CCR section 6609(a)(4) and 3CCR section 6609(c). In both cases, the term pre-emergent herbicides applies only to pre-emergent herbicides listed in 3CCR section 6800(a) and (b). Applications of pre-emergent herbicides not listed, such as oxyfluorfen (Goal), pendimethalin (Pendulum and Prowl), prodiamine (Barricide and Endurance) or flumioxazin (Chateau and Payload) are not affected by this regulation.

Exemptions:

- Wells sited so that irrigation or rainfall runoff water does not move from the perimeter of the wellhead toward the wellhead and contact or collect around any part of the wellhead.
- Wells protected by berms that prevent movement of surface runoff water from the perimeter of the wellhead toward the wellhead.

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

33. Dormant Insecticides 3CCR section 6960

Scope: The operator of the property when making a dormant application of insecticides.

When making a dormant insecticide application via ground rig, least the requirements specified in 3CCR § 6960(b) must be met.

- Operator of the property shall obtain a written recommendation from a licensed pest control advisor prior to the application; and
- Application shall not be made within 100 feet of any sensitive aquatic site; and
- Wind speed between 3-10 miles per hour at the perimeter of the application site measured with an anemometer on the upwind side.

Dormant insecticide aerial applications are allowed if soil conditions do not allow field entry or approaching bloom conditions are necessary for aerial application and all requirements in 3CCR section 6960(b) are met.

No dormant insecticide applications can be made when soil moisture is at field capacity and if a storm event is forecasted within 48 hours following the application, or a storm likely to produce runoff from the treated area forecasted within 48 hours following the application.

Ground Application Exemptions:

- Applications of dormant oil or biocontrol agents such as spinosad or *Bacillus* species.
- Applications to hydrologically isolated sites.
- Applications that divert any runoff to a recirculating system and/or a holding system for 72 hours before release into a sensitive aquatic site.

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

34. Surface Water Protection in Outdoor Non- Agricultural Settings

3CCR section 6970

Scope: Pest control business applications of any pyrethroid listed in 3CCR section 6970 to outdoor nonagricultural sites.

When inspecting a maintenance gardener or other agricultural business licensee application of one of the pyrethroid listed in 3CCR section 6970 you should add this regulation in one of the spaces provided at the bottom of the Requirements Section. See page 24 General Information (b). The following information is provided for assessing compliance of 3CCR sections 6970 – 6972.

Most applications of the listed pyrethroids may only be made to outdoor nonagricultural sites using the following methods in order to reduce surface water contamination:

- Spot treatments.
- Pin stream or crack and crevice.
- Perimeter band treatment of three feet wide or less from the base of a building outward.
- Broadcast applications may be made to permeable horizontal surfaces but not within two feet of impervious horizontal surfaces.

Perimeter band treatments to vertical surfaces such as walls, foundations and fencing are allowed up to two feet above grade level.

No applications (except to the underside of eaves) may be made during precipitation, to standing water, within 25 feet of a downgradient aquatic habitat or to any drainage system component, and the preconstruction termiticide site within 10 feet of a storm drain located downgradient from the application.

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

34. Surface Water Protection in Outdoor Non-Agricultural Settings (continued)

3CCR section 6970

Exemptions:

- Injection into soil or structural materials, such as bricks, concrete or wood. (3CCR section 6972(a))
 - Post construction rod or trench termiticide application methods. (3CCR section 6972(b))
 - Applications to below ground insect nests or nests made of mud or paper combs. (3CCR section 6972(c))
 - Application of baits in weatherproof stations or gel baits. (3CCR section 6972(d))
 - Applications to water in compliance with a NPDES permit. (3CCR section 6972(e))
 - Application to the underside of eaves. (3CCR section 6972(f))
 - Fogger or aerosol applications. (3CCR section 6972(g))
-

35. San Joaquin Valley Ozone Nonattainment Area Use Prohibitions

3CCR section 6884

Scope: Pesticides containing abamectin, chlorpyrifos, gibberellins, or oxyfluorfen as the primary active ingredient in the San Joaquin Valley ozone nonattainment area (Fresno, Kings, Madera, Merced, San Joaquin, Stanislaus, Tulare counties and parts Kern county) during the May 1 through October 31.

When prohibitions are in effect for the San Joaquin Valley Ozone Nonattainment area, applications of high-volatile organic compound (VOC) agriculture use products containing abamectin, chlorpyrifos, gibberellins, or oxyfluorfen as the primary active ingredient cannot be made in the San Joaquin Valley Ozone Nonattainment area to alfalfa, almond, citrus, cotton, grape, pistachio, and walnut from May 1 through October 31. If there no prohibitions are in effect or the application is outside of the San Joaquin Valley Ozone Nonattainment area mark the requirement as N/A.

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

**35. San Joaquin
Valley Ozone
Nonattainment
Area Use
Prohibitions
(continued)**

**3CCR section
6884**

Exceptions for use of high-VOC products are permitted when:

- Chlorpyrifos used to control aphids on cotton.
- Gibberellins applied at a rate of 16 grams of active ingredient per acre or less.
- Oxyfluorfen applied at a rate of 0.125 ($\frac{1}{8}$) pounds of active ingredient per acre or less.
- Emergency exemptions, Section 18s.
- Special Local Need under Section 24(c).
- Applications by or directed by the U.S. Department of Agriculture, the California Department of Food and Agriculture, or county agricultural commissioner to control, suppress or eradicate pests.
- Precision spray technology meeting the criteria of the California Office of the Natural Resources Conservation Service's Environmental Quality Incentives Program.

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

36. Pesticide Use Near Schoolsites

Scope: Pesticide applications made for the production of an agricultural commodity within $\frac{1}{4}$ - mile of a schoolsite, made from Monday through Friday, between 6:00 a.m. to 6:00 p.m.

3CCR section 6691

“Schoolsites” (Health and Safety Code § 1596.750) 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

Application restrictions do not apply when there is a written agreement with application restrictions as restrictive as or greater than 3CCR 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.

Distance restrictions based on the following:

- Application equipment used, and

Type of pesticide applied. Minimum $\frac{1}{4}$ - mile distance restriction for applications using:

- Aircraft.
- Airblast sprayer or ground application equipment when the liquid pesticide is in the airstream.
- Sprinkler chemigation equipment.
- Dust or powder, (except when injected into the soil there is no restriction).
- A fumigant (inspection would instead be conducted on the Field Fumigation or Commodity Fumigation Use Monitoring Inspection Report form).

Minimum 25-foot distance restriction for applications using:

- Ground-rig sprayer, (exempt when applying dust, powder, or fumigant).
- Soil injection (except when applying fumigant).
- Other application equipment not identified, such as drip or flood chemigation, (except dust, powder, or fumigant).

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

36. Pesticide Use Near Schoolsites (continued)

3CCR section 6691

There is no distance restriction for:

- Applications in an enclosed space (such as a greenhouse), except fumigants.
- Bait stations.
- Dust or powder soil injections.
- Granule, flake, or pellet pesticides, (except fumigants or aircraft applications).
- Backpack equipment (except when the pesticide is in the airstream created by the backpack equipment).
- Hand pump sprayer (except for dust, powder, or fumigant).

There is no distance restriction when:

- Classes are not scheduled for the day of application.
- Child day care facility closed during the entire day of the application.

Fumigants cannot be applied when classes are scheduled, or child day care facilities are open within 36 hours following fumigation. Mark “Yes” when:

- The application distance the requirements are followed.
- Following a written agreement.

Mark “No” when:

- There is violation, address the violation in the remarks section and how the requirement was not followed.

Mark “N/A” when:

- The application is not within ¼-mile of a schoolsite.

Exemptions:

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

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

37. 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 (except apprentice pilots) 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, 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:

- A restricted material is not used.

Exemption: Application by an apprentice pilot. Communication requirements when an apprentice pilot is aerially applying any pesticide under the supervision of a journeyman pilot is addressed in 3CCR section 6540.

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

38. Apprentice Pilot Supervision

Scope: Supervision of a pilot with an Apprentice Pest Control Aircraft Pilot Certificate by a pilot with a Journeyman Pest Control Aircraft Pilot Certificate.

3CCR section 6540

The journeyman pilot is responsible for supervision of an apprentice pilot and must be aware of the conditions at the application site and be available to direct and control the pest control applications made by the apprentice pilot. Except when pesticide labeling, restricted material permit conditions, or regulation require the physical presence of a certified applicator, the availability of the journeyman shall be directly related to the actual or potential hazards of the situation.

- Is the journeyman pilot aware of conditions at the application site?
- Can the journeyman pilot stop the application when conditions (ex: weather, odor) warrant?
- Does the apprentice pilot have a way to contact the journeyman pilot if there is a problem?

For all aerial pest control applications by an apprentice pilot, the journeyman pilot shall ensure a means for the apprentice pilot to communicate with the journeyman pilot. 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, voicemail, does not meet the standard.

If you are not able to confirm the means the apprentice pilot communicates with the journeyman pilot during the inspection, contact the apprentice or journeyman pilot to confirm the means used to communicate. Verify the communication method meets the standard required by 3CCR section 6540.

A manned aircraft apprentice pilot flying a manned aircraft for pest control shall be supervised by a manned aircraft journeyman pilot.

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

**38. Apprentice
Pilot
Supervision
(continued)**

**3CCR section
6540**

Mark “Yes” when:

- A manned apprentice pilot is operating a manned aircraft while supervised by a manned journeyman pilot, and
- The journeyman pilot is present at the use site, or if not required to be present is aware of the conditions at the use site and can direct and control the aerial pest control activity of the apprentice pilot, and
- The journeyman pilot has ensured a method for the apprentice pilot to immediately communicate with the journeyman pilot.

Mark “No” when:

- The journeyman pilot is not present at the use site when required; or
- Is not aware of the conditions at the use site and cannot direct and control the applications made by the apprentice pilot; or
- The journeyman pilot did not ensure a means for the apprentice pilot to immediately communicate with the journeyman pilot; or
- A manned apprentice pilot is operating a manned aircraft while supervised by an unmanned journeyman pilot.

Mark “N/A” when:

- When aerial pest control is conducted by a pilot with a manned or unmanned journeyman Pest Control Aircraft Pilot Certificate; or
- When the aerial pest control is conducted by a pilot with an unmanned Vector Control Technician Pilot Certificate.

Exemption: Aerial pest control conducted by certified journeyman pilots or certified unmanned Vector Control Technician pilots.

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

**39.
Applications of
Neonicotinoid
Pesticides**

Scope: Foliar and or soil applications of neonicotinoids (products containing the active ingredients clothianidin, dinotefuran, imidacloprid, and thiamethoxam) used to produce certain agricultural commodities.

**3CCR section
6990-6990.16**

Application and timing restrictions of applications of neonicotinoids when applied to agricultural commodities. The agricultural commodities, by crop group listed in Title 40, Code of Federal Regulations, section 180.41(c) which are subject to the regulations are:

- Berries and small fruits, e.g., blackberry, elderberry, fuzzy kiwifruit, grape, strawberry
- Bulb vegetables, e.g., chives, garlic, leek, onion
- Cereal grains, e.g., corn
- Citrus fruit, e.g., grapefruit, lemon, lime, orange, tangerine
- Cucurbit vegetables, e.g., chayote, cucumber, muskmelon, pumpkin, squash, watermelon
- Fruiting vegetables, e.g., eggplant, okra, peppers (includes bell pepper, chili pepper, pimento, sweet pepper), tomatillo, tomato
- Herbs and spices, e.g., basil, coriander (leaf or seed), cumin, fennel seed, mustard seed, poppy seed, rosemary, thyme
- Leafy vegetables including brassica (cole), e.g., broccoli, celery, cauliflower, lettuce, spinach
- Legume vegetables, e.g., beans, lentils, peas, and edamame
- Oilseed, e.g., cotton, flax, rapeseed, safflower, sesame, sunflower
- Pome fruits, e.g., apple, loquat, mayhaw, pear, quince, tejocote
- Root and tuber vegetables, e.g., beet, carrot, parsnip, potato, radish, turnip, yam
- Stone fruits, e.g., apricot, cherry, nectarine, peach, plum and prune, plumcot
- Tree nuts, e.g., almond, Brazil nut, cashew, filbert, macadamia nut, walnut
- Tropical and subtropical fruit, edible and inedible peel, e.g., avocado, date, fig, olive, pomegranate, prickly pear fruit
- Certain miscellaneous crops: Coffee, peanuts, globe artichoke, mint, hops (female plants only), and tobacco

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

**39.
Applications of
Neonicotinoid
Pesticides
(continued)**

**3CCR section
6990-6990.16**

To protect pollinators from high neonicotinoid residues when pollinators are expected to visit crops, neonicotinoid use on food and feed crops covered by the regulations is prohibited during bloom. “Bloom” means the period from the onset of flowering until petal fall is complete.

“Bloom” begins when the first flowers open until there are no open flowers available for pollinators. In most cases, this is a stricter standard than permitted by neonicotinoid pesticide product labeling or the apiary operator notification regulations in 3CCR sections 6980-6984, both of which may permit applications to blooming crops while bees are inactive.

- Neonicotinoid use on citrus in Fresno, Kern, and Tulare Counties follow the citrus bloom period determination in section 6984(b).

The “bloom” determination does not apply to weeds in the field. The “bloom” determination does not apply to application labeling restrictions for bees or pollinators.

“Growing season” means the time period from planting until harvest is completed for a particular annual crop or biennial crop and is not more than one year (365 days) for perennial crops.

“Managed pollinators” means bees introduced in a field to provide pollination services to the crops in the field.

“Foliar applications” are applications where the plant foliage is the intended target. This is contrasted with a “soil application” where the soil is the intended target. Soil applications include, but are not limited to, soil drench, soil injection, soil incorporation, soil surface or band application, side dressing, applied in the seed or transplant furrow, and chemigation.

If at any point during the growing season the operator of the property uses managed pollinators at the application site, then the operator of the property is presumed to have intended to use managed pollinators at the time of application.

The crops subject to these regulations can be broadly grouped into three categories: crops normally harvested before bloom, crops normally harvested after bloom, and other crops.

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

**39.
Applications of
Neonicotinoid
Pesticides
(continued)**

**3CCR section
6990-6990.16**

Crops normally harvested before bloom (e.g., artichoke, basil, broccoli, celery, garlic, kale, lettuce, spinach). These crops are not subject to the regulations. If they are instead harvested after bloom (e.g., grown for seed), the use of a neonicotinoid is prohibited.

Crops normally harvested after bloom (e.g., almond, apple, bean, cherry, corn, cucumber, grape, lemon, orange, peach, potato, pumpkin, raspberry, tomato, walnut). In addition to the broad prohibition on use during bloom, these crops have:

- Additional use restrictions if multiple neonicotinoid active ingredients or both soil and foliar application methods are used on the crop during the growing season.
- Additional use restrictions or prohibitions if managed pollinators will be used with the crop during the growing season.
 - For some crop groups (e.g., citrus, pome fruit and stone fruit) these restrictions apply regardless of whether or not managed pollinators will be used.
 - Some crops in a crop group or some varieties of a crop may not rely on managed pollinators for pollination, in which case this restriction or prohibition would not apply.
- Additional exemptions, use restrictions or prohibitions for certain crops.

DPR was unable to determine the combinations of application rates and timings that are safe or low risk to pollinators (e.g., avocado, date, fig, olive, pomegranate, prickly pear fruit, and coffee and peanuts). For these crops:

- Only one neonicotinoid active ingredient is permitted per growing season,
- Only one application method (soil or foliar) is permitted per growing season, and
- If managed pollinators will be used with the crop, neonicotinoid use is prohibited.

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

39.

**Applications of
Neonicotinoid
Pesticides
(continued)**

Mark “Yes” when:

- The neonicotinoid application and timing restrictions in the specific crop group section in 3CCR§ 6990.1 through 6990.16 are followed. This includes applications to crops where the crop is harvested before bloom.

**3CCR section
6990-6990.16**

Mark “No” when:

- Application and timing restrictions in the specific crop group section in 3CCR § 6990.1 through 6990.16 are not followed.

Mark “N/A” when:

- No pesticide product containing the active ingredients clothianidin, dinotefuran, imidacloprid, and thiamethoxam is used; or
- The neonicotinoid application is in a non-agricultural or non-production agricultural use setting or is for seed treatment; or
- The neonicotinoid application is to an agricultural commodity not listed in 3CCR section 6990(b) (e.g., crops in Crop Group 18, nursery stock, commercially grown turf); or
- The neonicotinoid application is made to a specific crop exempted from the article in 3CCR sections 6990.1, 6990.3, or 6990.12; or
- The neonicotinoid application is exempted by 3CCR sections 6990(c) (1-5).

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

39.

**Applications of
Neonicotinoid
Pesticides
(continued)**

**3CCR section
6990-6990.16**

Exemptions:

- Neonicotinoid use in non-agricultural (e.g., structural or home use) or non-production agricultural (e.g., parks, cemeteries) settings, or seed treatment applications.
- Neonicotinoid use on agricultural commodities not included in the crop group list in 3CCR section 6990(b): crops in Crop Groups 17 and 18, rangeland and pasture, trees grown for lumber and wood products, Christmas trees, applications to nursery stock (crops grown for transplanting, ornamentals, and cut flowers), and turf grown commercially for sod.
- Neonicotinoid applications to a specific crop exempted from the article by 3CCR section 6990.1 (mulberries), 6990.3 (barley, oats, rice [*Oryza sativa*], rye, triticale, or wheat), or 6990.12 (sweet or bitter cassava).
- Neonicotinoid applications exempted from the article by 3CCR section 6990(c):
 1. Application to an agricultural commodity grown inside an enclosed space, insect exclusionary structure, or insect exclusionary netting when the conditions in 3CCR section 6990(c) (1) (A-B) are met.
 2. Application for a local emergency or emergency declared by USDA or CDFA. The operator of the property must obtain a written recommendation by a licensed PCA.
 3. Application for quarantine pest declared by USDA or CDFA. The operator of the property must obtain a written recommendation by a licensed PCA.
 4. Application of a neonicotinoid under an active Section 18.
 5. Application for research purposes with written authorization from the Director.

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

**40. Notification
to Apiary
Operators**

Scope: Application of a pesticide labeled “toxic to bees” to a blossoming agricultural commodity.

**3 CCR section
6983**

Each person intending to apply any pesticide labeled toxic to bees to a blossoming plant which is an agricultural commodity must check with the Commissioner or at <https://beewhere.calagpermits.org/> prior to application to determine whether any apiary operator with apiaries within one mile of the application site has requested notice of application.

If an apiary operator, or their designated representative, has requested to be notified, the person performing pest control shall notify the apiary operator at least 48 hours in advance of the application. The notification must include:

1. Time and place the application is to be made,
2. Crop and acreage to be treated,
3. Method of application.
4. Active ingredient(s) and dosage rate of the pesticide to be applied;
and
5. How the person performing pest control may be contacted by the
apiary operator or their designated representative.

Mark “Yes” when:

- A pesticide labeled “toxic to bees” was applied to a blooming crop and the person performing pest control complied with the notice requirements of 3CCR section 6983.

Mark “No” when:

- A pesticide labeled “toxic to bees” was applied to a blooming crop and the person performing pest control did not comply with the notice requirements of 3CCR section 6983.

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

**40. Notification
to Apiary
Operators
(continued)**

**3 CCR section
6983**

Mark “N/A” when:

- No pesticide product labeled with the words “toxic to bees” is applied; or
- The pesticide labeling states it is “not acutely toxic to bees” and the label has advisory label language alerting applicators of transient effects to bees (policy); or
- A pesticide labeled “toxic to bees” is applied to something other than an agricultural crop (FAC section 29100(c)); or
- A pesticide labeled “toxic to bees” is applied to an agricultural crop which is not blossoming; or
- The application meets the vector control exemption in 3CCR section 6981.

Exemption: Pesticides diluted in one-half gallon of water or more per acre applied by local vector control agencies or their contractors. (3CCR section 6981)

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

41. 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.

Restricted materials must only be used by, or under, the direct supervision of a certified private or commercial applicator operating within the scope of the individual's certification. For example, certification as a structural Field Representative in Branch 1 does not permit the individual to supervise an application of a soil fumigant.

A certified applicator's category, branch, or type must match the intended use, or the individual must operate under the direct supervision of someone whose categories and scope of certification match the intended use. For example, if the intended restricted material use site was on a Christmas tree farm but the employee only had a QAC with Category A (Residential, Industrial, and Institutional Pest Control), the application would need to be supervised by someone with certification that covers the use (e.g., the permittee has a PAC) or with the correct category (e.g., a QAC or QAL with Category E).

Except as discussed below, restricted materials labeled as a fumigant shall only be used under the direct supervision of a certified commercial applicator. For example, if a 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 will need to obtain a QAC with Category M (Non-Soil Fumigation).

Continued on next page

Requirements Pesticide Use Monitoring Report, Continued

41. Certified Applicator Use Limitations (continued)

Private Applicator Certificate holders who obtain the Burrowing Vertebrate Pest Fumigation certificate option can use or supervise the use of restricted materials with labeling designated the product as a fumigant (e.g., aluminum phosphide) when used for the control of burrowing vertebrate pests.

3CCR section 6404

Mark “Yes” when:

- A certified 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 applicator does not have the correct certification or category, branch, or type; or
- A PAC-holder is using or supervising the use of a burrowing vertebrate fumigant and does not have the Burrowing Vertebrate Pest Fumigation certificate option or is supervising the use of a non-burrowing rodent 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