

GENERAL PESTICIDE USE

DEFINITION OF A PESTICIDE: A pesticide is any substance or mixture of substances which is intended to be used for preventing, destroying, repelling or mitigating any pest, and any plant growth regulator, and any "spray adjuvant" that is used with a pesticide and is intended to be an aid to the application or effect of the pesticide. This includes materials used to control fungus, rust, mildew, insects, mites, weeds, snails, gophers, mice, moles, ground squirrels, and any other pests. (F&A 12753, 12758)

USE OF UNREGISTERED PESTICIDE: It is against the law to possess or use any pesticide that is not registered. A pesticide, which is registered, has an EPA registration number or a California registration number on the label. (F&A 12995)

AVAILABILITY OF LABEL: A copy of the EPA registered label must be available at the application site. This includes copies of Special Local Need labels (SLN), supplemental labels, and Section 18 labels. The pesticide must be used according to the label that is available at the site. If the label, which allows a pesticide to be used in a special manner, is not at the site, the pesticide cannot be used in that manner. (CCR 6602)

CONFLICT WITH LABEL: A pesticide must be used according to the label that is delivered with the pesticide. It is against the law to use any pesticide in a manner that conflicts with the label. There are some exceptions to this. A pesticide can be used at a lower rate, a weaker concentration, less frequently, against a pest that is not on the label or at an increased concentration that corresponds with UC Pest Management Guidelines (www.ipm.ucdavis.edu), and it will not be considered in conflict with the label, provided all other requirements of the label are met. The statements on the label apply to the owner or operator of the property to be treated and their families, as well as to any employees. This includes the statements requiring the use of personal protective equipment or specifying other restrictions or procedures that must be followed. (F&A 12973, CCR 6601)

ACCURATE MEASUREMENT: Pesticides must be weighed or measured accurately using devices which are calibrated to the smallest unit in which the pesticide is being weighed or measured. (CCR 6604)

GENERAL STANDARDS OF CARE:

Each person performing pest control must:

1. use only pest control equipment that is in good repair and safe to operate;
2. perform all pest control in a careful and effective manner;
3. use only methods and equipment suitable to insure proper application of pesticides;
4. perform all pest control under climatic conditions suitable to insure proper application of pesticides; and

5. exercise reasonable precautions to avoid contamination of the environment. (CCR 6600)

PROTECTION OF PERSONS, ANIMALS, AND PROPERTY:

Before and during the application, the applicator must evaluate the spray equipment to be used, weather conditions, the property to be treated and the surrounding properties to determine the likelihood of harm or damage. Drift must be prevented. A pesticide must not be applied when there is a reasonable possibility of contaminating people, animals, public or private property or damaging non-target crops. (CCR 6614)

UNIFORM MIXTURE: A uniform mixture must be maintained in both application and service rigs. (CCR 6606)

BACKFLOW PREVENTION: Any service rig or application equipment that handles pesticides and is connected to an outside water source must be equipped with an air-gap separation, reduced-pressure backflow prevention device or double check-valve assembly. Backflow protection must be acceptable to both the water purveyor and the local health department. (CCR 6610)

SIGHT GAUGE: Any tank with a capacity of more than 49 gallons that is used to mix or apply any liquid mixture containing a pesticide with signal word "DANGER" or "WARNING" on the label, must have either:

1. a properly functioning means to indicate externally the internal liquid level in the tank such as a sight gauge; or
2. the tank or the filler hose nozzle shall have a device that will automatically stop the filling operation before the pesticide liquid mixture spills over the top. (CCR 6742)

AGE: No one under 18 years of age is allowed to mix or load a pesticide that requires the use of an SCBA, a closed system or full-body chemical resistant clothing (CCR 6612). An employee under 18 years of age cannot handle any pesticide used in the commercial or research production of an agricultural commodity or enter a field during a Restricted Entry Interval. (CCR 6722).

EQUIPMENT CLEANING: Pest control equipment must be thoroughly cleaned when necessary to prevent illness or damage to persons, plants or animals from residues of pesticides previously used in the equipment. (CCR 6608)

STORAGE, TRANSPORTATION AND DISPOSAL: Pesticides must be stored and transported according to instructions in Pesticide Safety Information Series A-2. Pesticide containers must be disposed of according to instructions in Pesticide Safety Information Series A-2 and the Santa Cruz County Disposal Handout. (CCR 6672, 6674, 6676, 6680, 6682 and County Health Codes)

OPERATOR IDENTIFICATION NUMBERS: Any person who uses a pesticide to produce an agricultural commodity must obtain an Operator Identification Number from the Ag Commissioner of each county where the pesticide will be used. The operator must keep a copy of the Operator Identification Number form for two years. To purchase, possess or use a California Restricted Material, a Restricted Material Permit will also be required. Site identification numbers will be assigned for each site where pest control work will be performed. (CCR 6622, 6623)

PESTICIDE USE RECORDS: Any person who uses a pesticide for an agricultural use or for industrial post-harvest commodity treatments, uses a California Restricted Material or Groundwater Protection List pesticide listed in CCR 6800(b), or performs pest control for hire, must maintain Pesticide Use Records. The records must be kept up to date daily and be retained for two years. They may be on any form, including a Pesticide Use Report form, a calendar or a handmade form, but they must include the following information:

1. date of application;
2. name of the operator of the property treated;
3. location of the property treated;
4. crop, commodity, or site treated;
5. total acreage or units treated at the site;
6. pesticide name and EPA or State registration number; and
7. amount of pesticide used.

If the pesticide is used for producing an agricultural commodity, the Pesticide Use Records must also include the following information:

8. location of the property treated by county, section, township, range, base and meridian;
9. hour the treatment was completed;
10. the operator identification number issued to the operator of the property treated;
11. site number;
12. total acreage (planted) or units at the site; and
13. name of person(s) who made and supervised the application if the application was made by a pest control business. (CCR 6624)

PESTICIDE USE REPORTS:

APPLICATIONS MADE TO A CROP: If a pesticide is used for producing an agricultural commodity, a Pesticide Use Report must be submitted to the Ag Commissioner of the county in which the pest control work was performed. The report must be on an approved form available from the Ag Commissioner (i.e., DPR-PML-017C, 183 and 184), and must include the information required in Pesticide Use Records (see above). The report must be hand-delivered, mailed or submitted electronically through CalAgPermits by the 10th day of the month following the month in which the application was performed. (CCR 6626)

APPLICATIONS NOT MADE TO A CROP: Any person who uses a pesticide for an agricultural use or for industrial post-harvest commodity treatments, or uses a California Restricted Material or Groundwater Protection List pesticide listed in CCR 6800(b), or performs pest control for hire, but not for the production of an agricultural commodity, must report their pesticide use on a "Monthly Summary Pesticide Use Report" form (i.e., DPR-PML-060) which is submitted to the Ag Commissioner of the county in which the pest control work was performed. This would include the use of herbicides along roadways, ground squirrel control on ditch-banks and California Restricted Materials used for gopher control. The report must be hand-delivered, mailed or submitted electronically through CalAgPermits by the 10th day of the month following the month in which the application was performed. (CCR 6627)

NEGATIVE PESTICIDE USE REPORTS: A "Negative" Pesticide Use Report" (reporting that no pesticides were applied in a given month) is only required of Pest Control Businesses. When, during any

month, a Pest Control Business performs no pest control work in a county where the business is registered with the Ag Commissioner's Office, they must submit a Negative Pesticide Use Report to that Commissioner. These reports must be submitted by the 10th day of the following month. (CCR 6628)

PESTICIDE CONTROL BUSINESS USE REPORTS: A Pest Control Company must report the use of pesticides applied by it for the production of an agricultural commodity to the Ag Commissioner of the county where the pest control was performed. This use report (form DPR-PML-025) must be submitted within seven days of completion of the application. The Pest Control Business must also provide a copy of the use report to the property operator within 30 days of completion of the application. The property operator must maintain copies of use reports it receives from a Pest Control Business for two years by site number. (CCR 6626)

NOTIFICATION REQUIREMENTS:

1. NOTICE OF APPLICATION – CCR 6618

a. **Pest Control Business** – A Pest Control Business is required to give verbal or written notice to the property operator prior to making a pesticide application and in ample time for all subsequent notifications to be made (i.e., by the property operator to employees) and for all persons notified to take appropriate action.

i. **Applications made to a crop** – If the pesticide is used for the commercial or research production of an agricultural commodity, the Notice of Application must contain the following information:

1. the date(s), start time(s) and estimated end time(s) of the application;
2. location and description of the field to be treated;
3. pesticide name(s), EPA Registration Number(s) and Active Ingredient(s);
4. spray adjuvant name and California registration number (if applicable);
5. restricted Entry Interval (if applicable);
6. if pesticide labeling requires posting of the field, oral notification or both;
7. any precautions on the pesticide label or included in applicable laws and regulations related to the protection of employees or other persons during or after the application.

Note: If a scheduling change occurs, the Pest Control Business must assure the property operator receives notice of the change prior to the application.

ii. **Applications not made to a crop** – If the pesticide is used for anything other than the commercial or research production of an agricultural commodity, the Notice of Application must contain the following information:

1. date of the scheduled application;
2. pesticide name (including any adjuvants); and
3. any precautions on the pesticide label or included in applicable laws and regulations related to the protection of employees or other persons during the application.

b. **Property Operator** – The property operator must assure Notice of Application is given to their employees, employers on their property (e.g., Farm Labor Contractor - FLC) and other persons

whom the operator has prior knowledge that he or she will likely enter the treatment site on the day of the application or during the REI. Notification to employees making the application or their supervisor is not required. The Notice of Application must be made prior to the pesticide application and in ample time for all subsequent notifications to be made (e.g., to a FLC) and for

all persons notified to take appropriate action.

- i. Notice may be verbal or written and must contain the following information:
 1. date of scheduled application;
 2. location and description of the field to be treated; and
 3. instructions not to enter the field until authorized by the property operator.
- ii. If a scheduling change occurs, new Notice of Application must be provide to referenced parties.
- iii. The information included in the Notice of Application is the same for applications made to a crop or for non-crop applications.
- iv. Notice of Application is not required if...
 1. the field is posted, unless the pesticide label requires both oral notification and posting of the treated field, or
 2. from the start of the application and until the Notice of Completed Application is received (see below), no employee or employer (e.g., FLC) will enter or walk within ¼ mile of the field to be treated.

2. **NOTICE OF COMPLETED APPLICATION:** A Notice of Completed Application is only required when applying pesticides for the commercial or research production of an agricultural commodity. (CCR 6619)

a. **Pest Control Business**

- i. A Pest Control Business must assure the property operator receives Notice of Completed Application either verbally or in writing and within 24 hours of completion of the application. The notice must include the following information:
 1. location of property, including site number and acreage treated;
 2. pesticide name(s), EPA Registration Number(s) and active ingredients(s);
 3. spray adjuvant name and California registration number (if applicable);
 4. date(s) and time(s) the application started and ended; and
 5. applicable Restricted Entry Interval and Pre-Harvest Intervals, unless a copy of a written recommendation regarding the application was properly completed by a licensed Pest Control Advisor and provided to the property operator.
- ii. The Pest Control Business must maintain written records for two years that document the following:
 1. name of property operator;
 2. location of property, including site number;
 3. date and time the Notice of Completed Application was given; and
 4. method of notification, including the name of person notified, if a person was notified.

b. **Property Operator**

- i. Property operator must assure Notice of Completed Application is given to their employees, employers on their property (e.g., FLC), and other persons whom the operator has prior knowledge that he or she will likely enter the treatment site during the REI. Notification to employees making the application or their supervisor is not required. The Notice of Completed Application may be given verbally or in writing and must contain the following information:
 1. location and description of the treated field;
 2. time during which entry is restricted; and
 3. instructions not to enter the treated field until the Restricted Entry Interval has expired.
- ii. Any employer (e.g., FLC) receiving Notice of Completed Application from the operator of

- the property must assure that notice is given to their employees.
- iii. Property operator must keep written record of applications on their property that includes date(s) and time(s) the application started and ended.
 - iv. Property operator and any employer on his/her property (e.g., FLC) is not required to provide Notice of Completed Application if...
 1. the field is posted, unless the pesticide label requires both oral notification and posting of the treated field, or
 2. during the Restricted Entry Interval no employee or employer (e.g., FLC) will enter or walk within $\frac{1}{4}$ mile of the treated field.