



Illegal Pesticide Containers

Section 6680



The best pesticide container is the pesticide product's original container. The product will not only be stored in a container specially designed to hold the material, but it will also have a label clearly identifying the contents.

When applying pesticides, it's often necessary to transfer the chemical into application equipment or other acceptable service containers such as tip-and-pours. (Tip-and-pours are special measuring devices that are capable of storing small amounts of pesticide) If you have to store pesticides in these containers, it's important to label what is inside.

Never place or store pesticides in containers commonly used for food!

Title 3 of the California Code of Regulations, Section 6680 states:

"In no case shall a pesticide be placed or kept in any container of a type commonly used for food, drink, or household products."

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Every now and then, we hear of a story about a child or adult mistakenly consuming a pesticide. Sadly, many of these mistakes are deadly.

When inspecting storage sites we still find pesticide container violations. The following are examples of recent violations found during storage inspections:

1. Coffee cans with granular pesticides. Placing baits or granular pesticides in a coffee can is illegal! Keep the pesticide in its original container. If the container should break, use a 5-gallon bucket with a lid. You can use a black-felt tip pen to write the name of the pesticide and it's EPA Registration Number on the bucket. Or, you can tape a copy of the pesticide's label to the lid with clear masking tape.
2. Soda Bottles with pesticides: We have actually found pesticides in soda bottles! Storing pesticides in drink containers is a deadly gamble! Instead of using a soda bottle, use a pesticide tip-and-pour container.
3. Milk Jugs with herbicides: We have found Roundup and Simazine being stored in milk jugs! Keep these materials in their original pesticide containers. If the container should suffer some kind of damage and can no longer hold a liquid, place the pesticide in a backpack sprayer, a hand-can sprayer, or a 5-gallon bucket with a lid for the interim. Be sure to label your equipment so you know what is being stored and at what concentration.

While on the subject of proper pesticide containers, it's important to note this standard also applies to measuring devices. Using Pyrex measuring cups and measuring spoons are appropriate when they are only used for pesticides and they are kept exclusively in your mix-load or pesticide storage area.

Surprisingly, a few years ago we found a company using a baby bottle to measure out pesticides! We have also found growers using milk jugs as 1-gallon measuring devices. These infractions are obviously not acceptable!

Reimbursing Medical Costs of Persons Injured in Pesticide Incidents

Senate Bill 391 became law January 2005

Starting January 2005, individuals found guilty of a pesticide violation that resulted in the injury or illness of a bystander can be held liable for medical costs. This new law was prompted by several incidents where large numbers of people living near agricultural fields were drifted upon, and many didn't have medical insurance or the means to pay for medical treatments.

There are a number of elements that must be met for someone to qualify for medical cost reimbursement:

1. The pesticide violation must have occurred in connection with the production of an agricultural commodity.
2. The illness or injury required emergency medical transport or immediate medical treatment.
3. The persons, at the time of exposure, were not performing work as an employee. (If the person was an employee at the time of exposure, workman's compensation would cover any injury.) Therefore, this law covers people such as neighbors, passerby's, and other individuals in non-occupational settings.

In addition to requiring reimbursement of medical costs, this new law increases penalties that can be imposed. Agricultural commissioners can now levy a separate penalty for each person injured or made ill by a pesticide violation. Previously, the number of people injured did not increase the penalty; the fine was limited to the number of pesticide violations. For example, if 75 people were made ill by a pesticide violation, only 1 fine per pesticide violation was allowed. Now if the situation warrants, the fine can be multiplied by each person injured, which would be 75 in this example.

Because pesticide investigations take time to complete, this new law has an incentive for violators who reimburse bystanders for their medical costs

prior to a final determination by the agricultural commissioner. The commissioner or director can reduce the fines imposed up to 50 percent for violators that immediately take care of the medical costs of injured parties.

A number of good questions have been asked about this new law, many of which concern trespassing. The following paragraphs answer a few scenarios regarding this topic:

1. If a grower sprays a corn field, even though he knows trespassing hunters are present during the application, and the trespassers become ill from the spray, they are covered by this law because there was a contributory pesticide violation.
2. The same applies if the grower sprays a corn field and fails to post the required re-entry warning signs. If trespassers enter the field and become ill from exposure to the pesticide residues, again these individuals are covered because there was a contributory pesticide violation.
3. A grower sprays a corn field in a lawful manner and posts the required re-entry warning signs. If trespassers enter the field and become ill from exposure to the pesticide residues, the trespassers have no cause to seek reimbursement under this new law because there were no pesticide violations.

To read DPR's publication regarding this new law, you can visit this helpful link:

<http://www.cdpr.ca.gov/docs/county/sb391.pdf>

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* This newsletter is available on-line on our website: <http://www.sccagriculture.org>

Protective Eyewear

What does the Agriculture Department look for?



All employees, at the minimum, are required to wear gloves and safety glasses whenever they handle pesticides. A common question we are asked is whether wrap-around sunglasses can qualify as safety glasses.

§6738(b)(2)(A) states that regular eyeglasses, including sunglasses, do not meet the protective eyewear requirement. This is due to the fact that normal glasses do not provide adequate protection. However, some styles of wrap-around sunglasses are not like average eyeglasses because they provide temple and brow protection. Many manufacturers even style their safety gear like wrap-around sunglasses so they are not only comfortable and practical, but are also attractive.

When we are in the field, we look for eyewear that provides proper protection. If your eyewear, including wrap-around glasses, is covering your eyebrows and temples, your safety gear is doing its job.

Are all safety glasses the same?

NO. There are many professions that require the use of safety glasses. Just because a pair of glasses is sold as safety glasses, doesn't mean they are appropriate for use while applying pesticides. Determine if they will provide temple and brow protection before purchasing them. For example, some safety glasses will provide temple protection but won't cover the brow.

Further, everyone's face is shaped differently; some safety glasses work great for some workers, but may not provide adequate protection for others. Each worker needs to be fitted for their safety eyewear before going out into the field.



Pesticide Illness Surveillance Program

Excerpts from CA DPR's 2002 morbidity and mortality report

The California Department of Pesticide Regulation (DPR) publishes a morbidity and mortality report, and we thought you would be interested in the latest numbers.

Among the 1,025 pesticide exposure cases that occurred in California in 2002, 19 people were admitted to the hospital and 106 lost time from work. There were 291 cases that were possibly related to pesticide exposure, and of those, six reported hospitalization and 42 lost work time.

DPR investigated five deaths in 2002, and found three of them definitely related to pesticide exposure: Two people died of unintentional pesticide ingestion, and one died after breaking into his home while it was being fumigated. One of the ingestion victims was an 88-year-old Alzheimer's disease patient who drank sanitizer under the misimpression it was apple juice. She was hospitalized for four days before she succumbed. The other was an 88-year-old farmer who used old bleach bottles to store both pesticides and drinking water. One afternoon after spraying herbicides in his orchard he drank from a bottle he thought contained water. It proved to contain demeton concentrate, an organophosphate insecticide. He informed his family of the mistake, and they called for help, but he died at the hospital about an hour later.

The other two deaths were inconclusive and DPR categorized them as unrelated to pesticide exposure. One death was that of an 85-year-old man who suffered a heart attack a few hours after spraying a herbicide (prometon) in his back yard. The other case did not have enough information to determine whether pesticide exposure might have contributed to a fatal crash when an aerial applicator hit a power line.

Severe intoxications typically result from careless and often illegal use of pesticides. Besides the farmer who fell victim to his dangerous and illegal practice of storing pesticides in unmarked containers, a man was hospitalized overnight after drinking a herbicide (monosodium methane arsenate) that he found in a lemonade container at a friend's home. These cases demonstrate the importance of properly storing pesticides in accordance with regulations!

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