
THE PESTICIDE REVIEW

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Santa Clara County Division of Agriculture

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DPR's New Enforcement Response Policy

Effective August 18, 2005

The Department of Pesticide Regulation issued a new enforcement response policy and it has some important changes for pesticide users throughout California. Anyone that has received a violation notice can face a civil penalty action if another violation is found within 2 years of the previous violation!

One of the big changes in this policy is the definition of "repeat violation". Typically, we have categorized a repeat violation as a second violation of the same code section. However, this new policy classifies a repeat violation as a violation categorized in the same "fine class" as the previous violation. For example:

A company fails to provide notice to a customer and because this act posed a reasonable possibility of creating a health effect, they are fined. (Which would be a Class B or Moderate class) A year later, one of their employees is found applying a category 2 pesticide without wearing protective gloves. This second infraction, also a class B or Moderate violation, would be a repeat violation!

Because the two infractions in the example are categorized in the same fine class, "Moderate or Class B", the protective gear infraction would be a repeat violation. Since this second violation occurred within two years, there would not only be another fine, but the violation would move into a higher fine category. This would mean the safety gear violation would be moved to the "Serious or Class A" category! Pesticide users need to be aware that violations can now quickly escalate to big fines with this new enforcement policy!

Most companies that have received a violation notice or fine in the last two years received a call from our office regarding this new enforcement policy. If you have not received a call and are concerned where you or your company fit in the new enforcement policy, don't hesitate to give your District Biologist a call and we can set up a meeting to discuss how this new enforcement policy affects you.

To read this new enforcement response policy, you can click on the following weblink:

<http://www.cdpr.ca.gov/docs/enfcmpli/penfltrs/penf2005/2005atch/attach2503.pdf>

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Fumigation Management Plans

Complying with the Fumitoxin label

We want to make sure all Fumitoxin users are aware they must have a fumigation management plan for each application site! Not complying with this requirement will be a violation of the label.

When we schedule a time to come out and inspect one of your Fumitoxin applications this coming year, we will be asking to see your fumigation management plan. (Unless we request you bring it with you to a use site, you can leave the plan at your office.) Be sure to implement a fumigation plan for each of your clients! For more information, you can visit Pestcon's website: <http://www.pestcon.com>

Choosing the Right Gloves For the Job



What kind of glove should you wear?

Choosing the right safety gear plays a critical role in protecting pesticide handlers. Pesticide applicators face the possibility of exposure by the very nature of their job. Handling and working around pesticides on a daily basis can provide opportunities for an exposure, especially if the wrong kind of gloves are used!

When choosing a glove a number of things must be considered.

1. What does the pesticide label require?
2. Title 3, California Code of Regulations Section 6738(c) requirements
3. Frequency of contact and concentration of the pesticide
4. Dexterity requirements
5. Size and Comfort

Label requirements

Anyone attending a continuing education course has more than likely heard the phrase: "the label is the law". This is because there is a code section in the Food and Agricultural Code that states the use of any pesticide shall not conflict with labeling. This is very important when it comes to safety gear. Following label instructions is extremely important because many times the solvents in a pesticide are not listed on a label and many are just as dangerous -- if not more so -- than the active ingredient! When a specific type of glove is required on a label, be sure to follow all safety gear requirements!

3CCR Section 6738(c)

In order to protect employees, 3CCR Section 6738(c) steps in when a pesticide label does not specify a certain level of safety gear, but rather states something to the effect: "avoid exposing skin". Section 6738(c) requires all employees to wear gloves, regardless if the label calls for them or not. (The only exception to this is when a label specifically states that a handler shall not wear gloves, as in the case of some fumigants, or in some cases when an applicator uses special equipment to apply vertebrate baits.)

Section 6738(c)(2) also helps applicators choose the right type of glove when a pesticide label makes a blanket statement such as: "wear gloves" or "wear chemically resistant gloves". This regulation helps fill in the gaps by specifying that gloves should be made of rubber, neoprene, or other chemically resistant material that provides equivalent or better protection.

Frequency of contact and concentration of the pesticide

Frequency of contact and product concentration are very important in determining the type of material and thickness of a glove. Some gloves will protect you for a short amount of time, some much longer -- it all depends on the type of material the glove is made of, its thickness, and the pesticide involved. Gloves have their weaknesses and it is important to choose the right one if you will be handling concentrates or if you anticipate a long exposure time with a material. As soon as a chemical comes into contact with a glove, it starts to move into and possibly through the glove. The State DPR Worker Protection Division said gloves of 14 mil or thicker of viton, butyl rubber, nitrile, neoprene rubber, or natural rubber, will satisfy the thickness and chemically resistant requirement. Be sure to check with the label to see which material is best for the chemicals you use.

Dexterity requirements

The general rule of thumb is the thicker the glove, the higher the protection. Unfortunately, that usually means a reduction in tactile feeling and the ability to grip and manipulate equipment. This is an important factor to evaluate when selecting safety equipment. It may be necessary to have a different set of gloves for different use situations. If you are in compliance with the type of material and if the exposure will be minimal, a thinner glove may be safer for an applicator to use in some situations. Wearing a thicker glove may compromise an employee's safety due to the loss in dexterity. If an employee will be manipulating equipment and needs to be able to get a safe grip or needs the dexterity to carry out the task safely, a thinner glove may be safest for your applicator. You need to use your experience, your knowledge of the pesticide label requirements, and the use situation to evaluate the type of glove that is appropriate.

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Choosing the Right Gloves For the Job

Size and Comfort

When fitting an applicator with their safety gear, be sure their equipment truly "fits like a glove". You want to make sure gloves fit snugly enough so they won't slip off too easily, but not too tight they are difficult to remove. Another consideration when fitting an employee is the length of the glove. Will the employee's forearms likely come into contact with a material? If that's the case, an elbow-length glove may be appropriate. Again, the use situation and your experience must come into play when selecting safety gear.

Speaking of comfort, something we all dread is sticking our hands into a set of thick safety gloves on a hot, sweaty day. A suggestion from our department is to supply your applicator with a box of powdered disposable latex or nitrile gloves. The applicator can slip these disposable gloves on before slipping on their chemically resistant gloves. The applicator's hands are still likely to become sweaty, but they can at least slip on a fresh pair of powdered gloves each time they have to put on their protective gear. - Be sure to re-iterate to your employees that disposable gloves do not qualify as chemically resistant safety gear!

Change-out Schedule & Common Violations

California Code of Regulations Section 6738(a) requires personal protective equipment be inspected daily and replaced when necessary. Many gloves will have a long life, especially if they are routinely rinsed and properly stored out of the sunlight. At the beginning of each workday, be sure to inspect your gloves for small holes, wear patterns, a change in color, cracks, or a loss in pliability.

Some of the common glove violations our office have found are workers that remove a glove and then proceed to use their ungloved hand to remove their second glove! This practice defeats the purpose of wearing the gloves in the first place. We have also observed workers jumping into their vehicles and driving to the next site with their gloves on, contaminating the vehicle's steering wheel. Another problem we find are applicators not following label instructions. Be sure to read your pesticide labels for any specific instructions! Trimec is an example of a pesticide that requires handlers to rinse their gloves before removing. Be sure to supply your applicators with water so they can comply with the label.

Registration Season

Registering for the 2006 year

It's that time of year again! The annual registration of agricultural pest control companies and the submission of structural notice of intents are upon us again.

Our office will begin accepting registrations on December 5, 2005. You can register with our San Jose office between the hours of 1:00 p.m. - 5:00 p.m. or at our Morgan Hill office between the hours 8:00 a.m. - noon.

What are the registration fees for agricultural pest control companies in the Bay Area this year?

County	Pest Control Business	Maintenance Gardener
Alameda	\$60	\$25
Contra Costa	\$50	\$25
Monterey	\$50	\$10
San Benito	\$50	\$10
San Mateo	\$60	\$25
Santa Clara	\$50	\$25
Santa Cruz	\$50	\$0

What is the notice of intent fee for structural companies?

The notice of intent fee is \$10.00.

The Pesticide Review 2006

Updating our mailing lists...

This is the time of year when we update our distribution list for The Pesticide Review. If you are already on our e-mail alert list or mailing list, we will roll your contact information into our 2006 database.

If you are not currently receiving our bi-monthly newsletter and would like to be placed on our mailing list, forward your request and contact information to your district biologist, or you can e-mail us at: sccagriculture@era.co.scl.ca.us

SCIENTISTS DEBUNK "ALARMIST" MYTHS ABOUT CANCER

February 18, 2003

The Vancouver Sun, A1 / Front

Pamela Fayerman

Dr. Simon Sutcliffe, the head of the B.C. Cancer Agency was cited as saying he agrees with the thrust of a new book, *Misconceptions about the Causes of Cancer*, published by the Vancouver-based Fraser Institute and co-written by four University of California scientists, that says environmental "alarmists" have fuelled public fear about cancer rates and misconceptions about the overblown role of synthetic toxins and pollutants as causes of cancer, adding, "Many, like myself, would agree that there are [myths] about the causes of cancer. Of the known causes of cancer, pesticides, pollutants and industrial waste rank very low -- linked to only two to five percent of known causes of cancer whereas tobacco is a risk factor for up to 40 percent of cancers along with other discretionary factors like diet, obesity, nutritional habits, sunlight, and exercise levels -- all more important contributors to cancer than environmental carcinogens."

The story says that the authors, from the Carcinogenic Potency project at UCLA, say there are numerous myths about cancer. Among them, 1: Cancer rates are soaring throughout North America. The reality is that incidence is tied to the aging and growing population. 2: Synthetic industrial chemicals are an important cause of cancer. Links to cancer have mostly been made with workplace exposures to chemicals like asbestos, which is also found in tobacco. 3: Reducing pesticide use would effectively prevent cancer. Not only are pesticides rarely to blame for cancer, but reducing pesticide use makes fruit and vegetable consumption go down, especially for consumers with low incomes. That's because organic produce costs so much more. If people eat less produce, it will result in higher cancer rates, the authors say. "The toxicology of synthetic chemicals is different from that of naturally occurring chemicals." It is not, authors say, pointing out that 99.9 per cent of the chemicals ingested by humans are natural because plant foods produce natural pesticides to defend themselves against fungi, insects and animal predators. Furthermore, half of all chemicals tested so far, whether natural or synthetic, have been found to be

carcinogenic in high-dose tests in rodents. Such dosing is not really pertinent to humans, the book says; exposing animals to high doses of toxins helps assess human cancer risks. The book says such testing is often a poor predictor.

The authors -- Bruce Ames, Lois Swirsky Gold, Thomas Slone and Neela Manley -- say the major causes of cancer are: Smoking, which accounts for 27 per cent of all cancer deaths in Canada and up to 90 per cent of deaths from lung cancer; diet, specifically a lack of fruits and vegetables; chronic infections which wreak DNA damage; and hormonal factors as implicated in two of the most common cancers of the breast and prostate gland.

Pesticide Seminar

Our office will present a continuing education seminar this December. If you need a few extra C.E. units, give us a call and reserve a seat today!

Topics will include: Viruses Affecting Peppers & Other Crops, Weed Control, Safety Equipment, DPR's New Enforcement Policy, and the Water District will hand-out a Water Irrigation Handbook.

To view the seminar agenda, log on to our website:
<http://www.sccagriculture.org>

When: December 13, 2005

Where: San Martin Lions Club
12415 Murphy Avenue
San Martin

Time: 8:30 a.m. - 11:30 a.m. (Registration starts at 8:00 a.m.)

Credits: 2 ½ hours: 1 hour of "Laws & Regs" and 1½ hours "other" for QAL, QAC, PCA, and Private Applicators

RSVP: Call (408) 465-2900

Question Corner

If you have any questions, comments, or would like to suggest a subject for an article, please drop us a note at:

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The Pesticide Review

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San Jose, CA 95112

Or e-mail us: sccagriculture@era.co.scl.ca.us