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# THE PESTICIDE REVIEW

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Santa Clara County Division of Agriculture

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## Proposed Enforcement Policy Regulations

*(Partially excerpted from DPR's Initial Statement of Reasons and Public Report)*

**Written comments must be received by March 29<sup>th</sup>!**

Last August, the Department of Pesticide Regulation (DPR) released a revised policy for addressing pesticide violations by county agricultural commissioners. This Enforcement Response Policy significantly toughened the rules and consequences for pesticide use violations.

DPR is moving forward to adopt the Enforcement Response Policy into formal regulation. DPR is proposing to adopt Section 6128 and amend Section 6130 of Title 3, California Code of Regulations. In summary, the proposed action will require specific enforcement responses to be taken by county agricultural commissioners each time a pesticide violation occurs.

### What is proposed?

Section 6128 will specify the appropriate enforcement response agricultural commissioners must take when

a violation is found. Section 6128 as proposed, will establish specific responses for the three violation classes outlined in Section 6130.

Section 6130, defines fine classes, which are based upon the violation's seriousness and potential harm to public health, worker safety, and the environment. The violation classes range from class "A" (the most serious), to class "B" (intermediate), to class "C" (the least serious). The proposed 6128 regulation will require commissioners to respond to **each** pesticide violation or noncompliance with an enforcement response appropriate to that violation class.

### Class A

An enforcement response for a Class "A" violation will either be:

- A formal referral to the District Attorney, or referral to DPR for a statewide licensing action, or Attorney General action; or
- An enforcement action (fine \$700 - \$5,000 for an agricultural violation or \$401-\$1,000 for a structural violation).

### Class B

An enforcement response for a Class "B" violation will either be:

- A formal referral to the District Attorney, or referral to DPR for a statewide licensing action or Attorney General action; or
- An enforcement action (fine \$250 - \$1,000 for an agricultural violation or \$151-\$400 for a structural violation); or

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### Class B continued:

- A compliance action with a decision report provided there has not been a compliance action for a violation in the same class within two years of the current alleged violation.

### Class C

An enforcement response for a Class “C” violation will either be:

- An enforcement action (fine \$50 - \$400 for an agricultural violation or \$50-\$150 for a structural violation); or
- A compliance action with a decision report when there has been a compliance action for a violation in the same class within two years of the current alleged violation; or
- A compliance action without a decision report provided there has not been a compliance action for a violation in the same class within two years of the current alleged violation.

The proposed regulations will allow for some limited flexibility when dealing with Class B or Class C violations. In some situations where a Class B or Class C violation has occurred and the commissioner believes compliance can be achieved without the necessity of imposing a fine, he/she can request to limit the response to a compliance action. (A compliance action can be things such as a violation notice or a formal compliance hearing.) In these situations, the commissioner must submit a Decision Report to the DPR Director for concurrence within 30 days of the date of the compliance action. These reports allow DPR to monitor county enforcement and to ensure violations are being treated the same in each county. If the director does not concur with the commissioner's decision, an enforcement action must be taken.

The proposed changes to Section 6130 are minor language changes to the definition of “repeat” violation. Under the proposed regulation, a

violation will be considered a repeat violation if:

- It occurred within two years of a violation for which a civil penalty was levied;
- It occurred in the same county; and
- It falls with the same violation class as the first violation.

### How do I comment on the proposed regulations?

DPR is currently accepting comments about this new regulation, so if you would like to comment, now is the time. You can review the proposed enforcement policy on DPR's website:

<http://www.cdpr.ca.gov/docs/legbills/rulepkgs.htm>

If you have any suggestions or comments about the new enforcement policy, you must submit your written comments to DPR before the March 29, 2006 deadline. To submit written comments, you can e-mail them to DPR at the following e-mail address: [dpr06001@cdpr.ca.gov](mailto:dpr06001@cdpr.ca.gov) Or, you can fax your comments to: (916) 324-1452

If you prefer to submit your comments in person, there have been two public hearings scheduled in Northern California to receive oral comments. (If you want to speak at these hearings, you must register at the hearing site at least a half hour before the start of the hearing.)

### Sacramento

Date: March 16, 2006

Time: 1:00 p.m.

Place: California Environmental Protection Agency  
Headquarters Building  
Sierra Hearing Room  
1001 I Street, Sacramento, CA 95812

\*Audio of this meeting will be broadcast over the Internet. For more information on the webcast, go to <http://www.calepa.ca.gov/broadcast/>

### Salinas

Date: March 28, 2006

Time: 5:00 p.m.

Place: Monterey County Commissioner's Office  
1428 Abbott Street  
Salinas, CA 93901

# Tropical Rat Mites

*Ornithonyssus bacoti*  
The pesky little invader...



Despite their name, tropical rat mites don't just occur in the tropics or exclusively feed on rats. They are actually one of the most common mites brought to our office for identification.

Tropical rat mites range in color from tan to red or black and are roughly as big as the dot at the end of this sentence. These mites are usually brought into the home on the bodies of infested rodents. When homeowners become aware of a rodent problem and take action to abate the rodents, a secondary problem of hungry mites could very well come into play. When a rat doesn't return to its nest, is excluded from a structure, or dies, tropical rat mites will jump off their deceased host or wander away from the rat's empty nest to actively search out another host, whether it be the family cat, bird, dog, or resident.

Tropical rat mites are very active, can live for 10 days without a meal, and can walk long distances to find a new host. When mites have lost their host and are in search of a new one, they use an interesting mechanism to help them in their quest. Mites are attracted to carbon dioxide (a natural product of respiration) and heat. - Two things you usually find in spaces with human or other mammal activity. If tropical rat mites are in a home searching for a meal, rooms that have the greatest amount of human activity will have higher concentrations of carbon dioxide and are usually warmer than other parts of a house. The mites will be naturally drawn to these rooms where there will be a higher likelihood of finding a blood meal.

If there is any good news about this mite, it is in the fact they are not considered a vector of disease and they cannot complete their life cycle on humans. Tropical rat mites will live for about 2 or 3 weeks and without a rat around to help complete their life cycle, the mite population will die off. - This may be little comfort to the clients that are been bitten, but it makes the job of a pest control company a little easier.

## Mite Control

The first order of business is to eliminate the vertebrate(s) bringing the mites into the home and rodent proof the structure. Rodent proofing is essential

to the success of your treatment. If vertebrate pests are allowed to freely come and go from a structure, you will have a continual supply of mites.

After rodent proofing the home and eliminating the rodents, be sure to try and locate the nests of the offending rodent. We found a helpful publication from L.A. County Health Department that recommends the removal of rodent nests and spraying the area with an appropriate insecticide or Lysol before removing. - It is important to practice commonsense safety procedures when cleaning rodent nests. Be sure to wear an approved dust mask or respirator and use caution when removing rodent nesting material. Dried urine and feces, mites, ticks, and fleas can all pose a risk to personnel!

The L.A. County Health Department publication further stated that if you are unable to locate the rodent's nest, you can apply an appropriate pesticide in the cracks and crevices around the areas where the resident has experienced bites. Mites will crawl through wall voids and conduits from the attic or crawlspace to gain access to the home. Foggers may also be an option to kill mites on exposed surfaces.

Another tactic to control mites is to instruct the resident to thoroughly vacuum furniture, baseboards, floors, etc and to throw away the vacuum bag afterwards. - Mites can survive a trip into the vacuum and will crawl back out of the bag later!

We have also heard about dehumidifiers being used to combat mites. We spoke to the Santa Clara County Vector Control District about dehumidifiers and we learned that dehumidifying a home may make tropical rat mites uncomfortable, but it won't go too far in eliminating an infestation. They told us there have been several studies on the effects of dehumidifying a home to control dust mites, but they hadn't heard of any studies of how humidity levels affect other species of mites. Dehumidifiers can work to reduce dust mite populations because dust mites have a supracoxal gland that allows them to absorb water from the air. If you were to lower the temperature and humidity in a room, you will rob the dust mites of their water source and cause them to desiccate. Tropical rat mites on the other hand have a different morphology to accommodate their ectoparasite existence. Therefore, lowering the humidity and temperature in a room will have less of an effect. Dehumidifiers may help, but the results from their use are unknown and they will certainly not solve a tropical rat mite infestation without other control measures.

# Using Pesticides in Agricultural and Non-Production Agricultural Sites

*A reminder for companies applying pesticides to agricultural sites, golf courses, parks, cemeteries, etc...*

## Production Agricultural Sites

All agricultural sites must have either an Operator Identification Number or a Restricted Materials Permit before any pesticide can be applied to the site. If a pest control company is hired to apply pesticides to a vineyard, an orchard, a nursery, row crops, etc, the company must make sure the grower has obtained the proper permits from our office before an application can take place. (If the pest control company purchases and applies 100% of the restricted materials to the site, the property operator and pest control company have the option to list the site on the pest control company's permit.)

## Non-production Sites

Non-production agricultural sites such as parks, golf courses, cemeteries, etc are a little different than production agricultural sites. If a property operator chooses to have a pest control company apply 100% of the unrestricted pesticides to their site, an Operator Identification Number is not needed. The use of restricted materials however, requires a permit regardless of who applies the material. If the property operator wants to have a restricted material used on their site; the property operator or their pest control company will have to name the site on a Restricted Materials Permit before any restricted materials are applied.

As a general rule, most property operators of non-production agricultural sites apply pesticides. If they apply unrestricted materials, they will have to obtain an Operator Identification Number. If they purchase, store, or apply restricted materials, they will need a Restricted Materials Permit.

If your company is hired to apply restricted pesticides to an agricultural or non-production agricultural site, make sure your clients have re-newed their Restricted Materials Permit for the current year. We have had several pest control companies submit notice of intents this year for restricted material work before their client renewed their permit. To avoid delays from an application denial, be sure your client has a current permit before you schedule an application.

# Public Agencies & PCA Written Recommendations

*Title 3, California Code of Regulations, Section 6551*

Over the past two years, we have run several articles on the subject of public agencies and written recommendations. DPR reversed their recommendation policy two years ago and no longer required non-production agricultural sites to obtain a written recommendation. There was talk ever since the policy reversal about placing the requirement for written recommendations for non-production agricultural sites into regulation. We wanted to let you know that the written recommendation requirements have been adopted into regulation and can be found in 3CCR Section 6551.

This new regulation requires a written recommendation from a licensed PCA for all pesticide applications at public non-production agricultural sites. These sites include cemeteries, golf courses, parks, and right-of-ways.

Title 3, California Code of Regulations, Section 6551 states:

*Except as specifically exempted in section 12001 of the Food and Agricultural Code, any person employed by any federal, state, county, or local public agency who provides to that federal, state, county, or local public agency recommendations on any agricultural use must possess a valid agricultural pest control adviser license issued by the Director.*

## Question Corner

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

Santa Clara County Agriculture:  
The Pesticide Review  
1553 Berger Drive  
San Jose, CA 95112  
Or e-mail us: [sccagriculture@era.co.scl.ca.us](mailto:sccagriculture@era.co.scl.ca.us)



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The Pesticide Review is published by the Santa Clara County Division of Agriculture. This newsletter is published several times a year and is intended to provide information and education to registered pest control companies in Santa Clara County.

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