
THE PESTICIDE REVIEW

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Prohibited Service Containers for Pesticides

Enforcement Letter 06-29



The Department of Pesticide Regulation recently issued an enforcement letter addressing the issue of pesticide service containers. They recognize there are a wide variety of containers in circulation and wanted to clarify the requirements found in Section 6680.

3CCR 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.”

This code section is very clear about not placing any kind of pesticide into any kind of container that can be readily identified or recognized as a food, beverage, or household product container. Examples given were: glass canning jars, glass and plastic soft drink bottles, metal drink cans, plastic water bottles, and plastic food

bags. Examples of household containers included cooking vessels, dishwashing soap bottles, and shampoo containers.

DPR stated this code section does not prohibit users from using generic plastic or glass bottles, plastic bags, or similar containers with no identifiable food or beverage use labeling either printed or embossed. These containers must also not resemble food or beverage containers.

To avoid confusion, we recommend you use tip-and-pours or the original pesticide container to hold concentrates. For end-use diluted pesticides, use a hand can or backpack sprayer. These containers are made to hold pesticides and will provide assurance you are using an appropriate container as a service container. If you decide to use a container that was not originally designed as a pesticide container, be very careful with your selection!

Like all service containers, make sure your container is properly labeled as a pesticide service container, pursuant to 3CCR Section 6678:

- a) The name and address of the person or firm responsible for the container.
- b) The identity of the economic poison in the container; and
- c) The word “Danger”, “Warning”, or “Caution”, in accordance with the label on the original container.

If you would like to read Enforcement Letter 06-29, this link will direct you to DPR’s posting: <http://www.cdpr.ca.gov/docs/enfcmpli/penfltrs/penf2006/2006029.htm>

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The Pesticide Review

If you are not currently receiving the Pesticide Review Newsletter and would like to be placed on our distribution list, talk to your agricultural biologist or e-mail us at:

sccagriculture@aem.sccgov.org

Pesticide Spills

Be sure to be prepared!



All professional pest control companies should be prepared to handle a pesticide spill. Having the means to quickly contain an accidental release of pesticides will not only protect the environment, but it will also help protect your liability.

What is required of pest control companies when a pesticide spill occurs? Are there regulations that require companies to carry spill kits?

Spill Kits:

Title 3 of the California Code of Regulations and the California Food and Agricultural Code do not have any code sections that specifically require a company to carry a spill kit. However, Title 3, California Code of Regulations Section 6600 (e) states:

“Each person performing pest control shall:
(e) Exercise reasonable precautions to avoid contamination of the environment.”

This regulation doesn't specifically require a company to carry a spill kit. Nonetheless, it requires companies to take “reasonable precautions to avoid environmental contamination.” It could therefore be construed as reasonable for companies to carry some sort of means to contain an accidental release in order to protect the environment.

We recommend that every company carry a small spill kit in each pesticide rig. There are products on the market today that don't take up a lot of space, are relatively inexpensive, and do an excellent job of absorbing water-based spills. Absorbent snakes and pillows can be very useful in creating a dike around a storm drain or to help contain a spill until it can be cleaned up. Having something with you at the scene can prove to be invaluable in the event an accidental spill occurs near a storm drain, a creek, private property, etc. The cost of the items in a spill kit can pay off exponentially in the event of a release!



New Landscape Maintenance Pest Control Study Guide

Excerpt taken from the UC Agriculture & Natural Resources website:



This is a complete guide to using pesticides safely in turf, landscape, and interiorscape situations ranging from parks and golf courses to indoor malls. Designed for professionals working in the public or private sector, it focuses especially on pesticide handling and application procedures of importance. More than 200 photos, line drawings, graphs, and sidebars illustrate key concepts and procedures. Review questions similar to those on the exams are included at the end of each chapter to help as you study.

This is recommended study material for Landscape Maintenance Pest Control and Maintenance Gardener categories of the California Department of Pesticide Regulation's Qualified Pesticide Applicator License (QAL) and Qualified Pesticide Applicator Certificate (QAC) exams. (257 pages)

Landscape Maintenance Pest Control, ANR publication 3493, is available for \$30.00 by calling 1-800-994-8849 or by logging onto: <http://anrcatalog.ucdavis.edu>.

Structural Applicators

NEW Continuing Education Requirements!

The Structural Pest Control Board amended Title 16 of the California Code of Regulations §1950! Structural applicators will now have to obtain continuing education hours to renew their applicator license.

Starting with the renewal period ending in December 31, 2008, each licensed applicator must complete twelve hours of Board-approved continuing education. Four hours must consist of laws and regulations and the remaining eight hours shall consist of courses covering pesticide application and use.

The Board also published a letter stating that applicators will be charged a license renewal fee of \$10 beginning January 1, 2007.

If you have any questions, contact the Structural Pest Control Board at (916) 561-8700.

Department of Fish & Game's CALTIP Program

CALIFORNIA'S SECRET WITNESS
PROGRAM TO HELP STOP POACHING
AND POLLUTING

1-888-DFG-CALTIP (1-888-334-2258)

The following article was taken from Fish & Game's website:

CalTIP (Californians Turn in Poachers and Polluters) is a confidential secret witness program to encourage the public to provide Fish and Game factual information leading to the arrest of poachers and polluters. The caller is eligible for a cash reward if his/her information leads to a citation or an arrest.

CalTIP was introduced in California in 1981, in order to give Californians an opportunity to help protect the state's fish and wildlife resources. The toll free telephone number operates 24 hours a day, 7 days a week. You may remain anonymous.

To Report a Poacher or Polluter:

If you witness a poaching or polluting incident or any fish and wildlife violation, or have information about such a violation, immediately dial the toll free CalTIP number 1 (888) DFG-CALTIP, 24 hours a day, seven days a week.

Be prepared to give the fullest possible account of the incident including the name, address, age and description of the suspect, vehicle description, direction of travel, license number, type of violations and when and where it occurred. Your identity will be protected.

A warden or dispatcher will take your call. Information from the call is relayed to the Fish and Game region where the offense occurred and an investigation is undertaken locally. If the information supplied by the caller results in an arrest, the caller becomes eligible for a reward. (Rewards up to \$1,000 have been paid.) All reward money is acquired through private donations; no state funds are used. The case is then reviewed by a volunteer citizen's group known as the CalTIP Citizen's Review Board.



Trapping Laws

Assembly Bill No. 87



On September 22, 2006, the Governor signed AB 87 into law. This bill amended Section 4005 of the Fish and Game Code to exclude licensed structural and agricultural companies from needing to procure a Fish and Game Trapping License for trapping rats, mice, voles, moles, or gophers.

Section 4005(e)(2)(3) states:

“(e) The license requirement imposed by this section does not apply to any of the following:

(2) Structural pest control operators license pursuant to...Division 3 of the Business and Professions Code, when trapping rats, mice, voles, moles, or gophers.

(3) Persons and businesses licensed or certified by the Department of Pesticide Regulation pursuant to...the Food and Agricultural Code, when trapping rats, mice, voles, moles, or gophers.”

Expanding the Requirements of the Healthy School Act

AB 2865

Effective on January 2007, an amendment to the Healthy School Act will require private child day care centers to comply with pesticide recordkeeping and notification requirements found in the Healthy School Act. (This does not apply to child day care being run out of a home.)

In addition to the pesticide use report sent to agricultural commissioners each month, pest control companies applying pesticide products at schools, and now child day care centers, have to report their use to DPR on a special school pesticide use report form. DPR requires these reports to be sent to them within a year of an application.

The following web-link is to DPR's website. This page details the requirements of the Healthy Schools Act and has a DPR use report form you can download:

<http://www.schoolipm.info/pco/main.cfm>

Structural Civil Penalties

Title 16, California Code of Regulations, Section 1922

We want to advise structural companies that structural civil penalty fine amounts now match agricultural civil penalty fine levels. The new monetary ranges are effective immediately.

Serious Violations:

Are a repeat of moderate violations or violations that created an actual health or environmental hazard. The fine range for this designation is **\$700 - \$5,000!**

Moderate Violations:

Are a repeat of minor violations, or violations, which posed a reasonable possibility of creating a health or environmental effect. The new fine range for this designation is **\$250 - \$1,000.**

Minor Violations:

Are violations that did not create an actual health or environmental effect or did not pose a reasonable possibility of creating a health or environmental effect. The fine range for minor violations is **\$50 - \$400.**

Continuing Education Seminar

When: Tuesday, December 12, 2006

Where: San Martin Lions Club
12415 Murphy Avenue
San Martin

Time: 8:00 a.m. – 12:30 p.m.

C.E.: 3.5 Hours for Certified Private Applicators, QAL, QAC, PCA (2 hours of “Laws and Regs.” and 1.5 hours of “Other”)

RSVP: Please call (408) 465-2900 to reserve your seat today!

Agenda: To see a copy of the agenda, you can visit our website and click on: “Pesticide Safety, Forms & Education”

Director’s Decision of Appeal Regarding the Use of Copper Naphthenate

Commissioner’s enforcement actions

There was a recent case where the Plumas County Agricultural Commissioner fined a company for the misuse of copper naphthenate. The company didn’t agree with the Hearing Officer’s decision and appealed the case to the Director of DPR. When civil penalty cases are appealed to the Director, the Director’s decision may be published in the form of an enforcement letter.

Because it has been three years since our article about the exterior use of copper naphthenate, we thought this case would serve as an important reminder that this product cannot be used on interior surfaces!

Plumas County received a complaint from a homeowner regarding a construction company that had applied Jasco Termin-8 to the attic crawl space of their home. Jasco’s product label clearly states it is for exterior use only. The respondent in this case applied the material to the “exterior walls” inside the attic crawl space and asserted the application was not in conflict with the product label.

DPR's interpretation of 'interior use' includes crawl spaces. This interpretation was published in an enforcement letter in 2002 (ENF 02-44). DPR clearly stated in their enforcement letter that the application of copper naphthenate to wood in crawl spaces is prohibited. An application of this pesticide to wood outside the structure and then bringing the wood into a crawl space would also be in direct conflict with the product's labeling and a violation of Food and Agricultural Code Section 12973.

The Director upheld the Commissioner’s action to fine the company \$2,000 for violating the Jasco Termin-8 label directions. If you would like to read the arguments in the case and read the Director’s Decision of Appeal, click on this web-link:

<http://www.cdpr.ca.gov/docs/enfcmpli/penfltrs/penf2006/2006atch/attach3101.pdf>