



# The Pesticide Review

Santa Clara County Division of Agriculture

November 2011

## Department of Pesticide Regulation Proposes Restrictions in Urban Areas to Protect Water Quality

*Memo from DPR*

SACRAMENTO – Businesses that provide structural pest control would be required to follow strict new controls that limit where pesticides are applied around structures to protect water quality under regulations proposed by the California Department of Pesticide Regulation (DPR).

More information about the proposed regulations is posted on DPR's website at:

<http://www.cdpr.ca.gov/docs/legbills/rulepkgs/11-004/11-004.htm>.

The deadline for public comments is 5 p.m. Dec. 12. They can be submitted by e-mail to [dpr11004@cdpr.ca.gov](mailto:dpr11004@cdpr.ca.gov), by fax at 916-324-1452 or by mail to Linda Irokawa-Otani, Regulations Coordinator, Office of Legislation and Policy, Department of Pesticide Regulation, 1001 I St., P.O. Box 4015, Sacramento, CA 95812-4015.

### Inside this issue:

Inside Story: Notice of Applications

Inside Story: Go Ask the Manager...

Inside Story: On-Line Pesticide Use Reporting

Inside Story: The Pestman Sometimes Rings Twice

Inside Story: Exempted Pesticide Products

Inside Story: University of California IPM Newsletter

Inside Story: From the Question File

Inside Story: License Renewal Season

Inside Story: Continuing Education Class

Inside Story: Top 10 Pesticide Blunders in 2009 & 2010

## Taking the Bait



*Peanut butter in pesticide storage areas*

During a recent application inspection, a biologist noticed a jar of peanut butter in the back of a service truck. In this particular instance, the peanut butter was being used as bait and it had its original food label still attached to the jar and it was just sitting unattended in the back of the truck.

There is such a stigma with having food like containers in pesticide storage lockers; some pest control businesses have an aversion to storing them side by side with pesticides. But this is one instance where it's okay to store that peanut butter in your pesticide storage.

### What is the proper way to store these food baits?

Food products being used as bait may be stored in the original or other generic container if all food labeling has been removed and labeling such as "bait" or other similar wording has been attached to the container.

In addition to the "bait" labeling, we verify these food baits are secured in some way, either by locking them in the pesticide locker or in another "suitable storage space" the company has chosen for these products.

These bait products are being handled by applicators that have handled rat traps and other pesticides and these baits have more than likely been contaminated and wouldn't be fit for human consumption. Locking up your bait products if you are unable to attend to them will assure the public can't access them.



# Notice of Applications

*Title 3, CCR §6618, B&P Code §8538, Title 16 CCR 1970.4(c)*

Whether you are an agricultural or structural pest control company; giving proper pesticide notice to clients is not only good business, but it also can avoid unnecessary pesticide complaints to our office.

We received a few complaints this last year from people that had no idea what kind of pesticides were being applied around their condominium or apartment complexes. In some of these instances, the company supplied notice at the beginning of their contract with the owner / homeowner association and had not posted since the beginning of their contract.

## What is required of Pest Control Companies & Maintenance Gardeners?

Many agricultural pest control companies apply pesticides around the landscape of structures that have a lot of people entering and exiting the property. In the case of an office building or apartment complex, etc, you have a higher likelihood of running into a situation where you have a tenant that is not aware of your pesticide activities. Be sure you cover yourself and provide notice to your property manager and inform them of their legal obligation to pass the information along to their tenants! It will hopefully help you raise awareness of your activities at the site and help your crew keep people out of the treatment area until it's safe to re-enter.

California Code of Regulations, Section 6618 covers the requirement of notice. Agricultural pest control companies and maintenance gardeners are required to give their clients the following information:

- 1) The date of the application
- 2) The brand name or common chemical name of the pesticide.
- 3) Any precautions to be observed as printed on the pesticide label or included in applicable laws or regulations.

Section 6618 states that notice be given orally or in writing to property operators prior to the application. Our department suggests that companies put this notice in writing so your company will have a history of the information given to each client. It will not only provide

physical proof you provided notice, but in the event your pesticide products change, you'll have something in writing showing you gave your clients a pesticide information update.

We also suggest you let your clients know of their obligation to pass along pesticide information to their tenants. Property operators will many times have no idea they are required to pass along notice information. Section 6618(b)(2) states:

"The operator of property shall assure that notice is given to all persons who are on the treated property, or who may enter during the application or the period of time that any restrictions on entry are in effect,..."

Some companies will state in their initial contract what pesticides will be applied and their spray schedule. Some companies supply their clients with spray notices in their billing statements and some make phone calls prior to their visit. Whichever system you choose, make sure you relay the required information!

## Structural Pest Control Companies:

Unlike agricultural companies, structural companies have to give property owners and tenants written notice. The details of what is required to be in this written notice is found in Business and Professions Code, Section 8538. The most common violation we find with 8538 notices is incorrect phone numbers. Double check your phone numbers in your notices to make sure they haven't changed!

If you have a contract to treat the inside of tenants' units; notice must be given to each tenant. Surprisingly, we had a complaint this year from someone that wasn't given notice about a pesticide applied to the inside of their apartment!

If you are applying pesticides to the outside of an apartment complex with more than 4 units, notice must be given to the property operator and it must be posted in heavily frequented areas (laundry room, mailboxes, etc). The code does allow companies that have contracts for routine service to provide this notice just at the beginning of service. However, we have seen companies run into problems with notifying new tenants. How would a company know if a

*Continued on page 3*

new tenant moved into the complex? How would they be notified about the products you use if you don't post each time?

It is advisable, even for your routine accounts, you take the time to post pesticide notices. These notices will remind tenants of your activities and it will also provide notice to any new tenants to a complex.

In addition to giving notice before an application takes place, structural companies are also required to leave a completion notice. These disclosure notices (or they are sometimes referred to as "door hangers") have to be left on the property after an application. Disclosure notice requirements are found in CCR Title 16, 1970.4(c).

If you should have any questions regarding notice, give your District Biologist a call!

## Go Ask the Manager...

### *Structural pesticide applications*

We received a complaint this past year involving someone that asked a structural pest control applicator a question about what he was applying. This person was told "Go ask the manager." Had the applicator taken the time to stop and answer this person's simple question, our office would probably never have been called.

We understand with the stigma of some pests being controlled such as cockroaches or bedbugs, apartment complex owners / tenants may be reluctant to talk about a pest problem. Some pesticide applicators may find themselves being questioned by nosy neighbors. You can tactfully side-step the identity of the pest you are targeting if the person is not involved at all with the unit receiving the pesticide application, but you do need to disclose the product you are using.

All structural companies should instruct their applicators to tell anyone the name of the pesticide they are spraying when asked. Don't just brush them off. If you feel more comfortable with the nosy neighbor calling your office for this information instead of talking with your applicator, be sure to instruct your applicators to pass along your company's phone number to the person. Title 16, Section 1970.4(f) requires a company to provide the common, generic or chemical name of each pesticide applied within 24 hours of the request.

## On-Line Pesticide Use Reporting

*If you have access to the Internet, we need you to jump on-line!*

With the budget crisis hitting the State hard this past year, the State Department of Agriculture has seen some drastic cuts. In addition to losing many programs, the State has cut the funding to Counties to input pesticide use report data into the State database.

Every paper use report sent to our office is entered into a State database. This, as you can imagine, can take a lot of time and resources to accomplish! The good news is we have a new on-line pesticide use database that will accept data from a number of pesticide use recording systems. If you are using a pesticide reporting software program such as Tiger Jill, chances are you will just need to do a simple data transfer to quickly and efficiently submit your pesticide use reports each month.

If you are not using a computer program to track your pesticide usage electronically, the on-line use reporting program can still be a benefit to your company. You will not only save on postage each month, but it will save you time. Once you enter your information into the computer program, it will remember you and will auto fill information such as your address, phone number, etc. each time you log in to submit a report.

### How can you get started?

You can call today to set up your FREE appointment with our On-Line Use Reporting expert.

We will set you up with a log in name, password, and details of how to submit your monthly use reports.

So, don't delay, sign up today! For information about on-line use reporting, please contact Kristian Barbeau at (408) 465-2910 or you can e-mail: [Kristian.Barbeau@aem.sccgov.org](mailto:Kristian.Barbeau@aem.sccgov.org)

Are you a structural company and are wondering how you can stay in compliance with the regulation that states you must "affix" a stamp to your pesticide use report? We understand that code section is currently under review and will be changing soon. In the meantime, you can submit 12 structural stamps to our office and we will "affix" them to your company file. (In the future, you will be able to input your structural stamp number into the electronic on-line use report form.)

# The Pestman Sometimes Rings Twice

*By Agricultural Biologist Jen Pate*

Recently a Branch II company hired a young man to solicit pest control services in my neighborhood. He was very persistent in his sales pitch and he told me his company was treating some of my neighbors and I could get my home and yard treated for very little. They were going to be in my neighborhood next week and he could offer a special group rate. He emphasized that the spiders he saw on my porch would be gone. However, when we reviewed the paper work together, it was obvious he was really trying to get me into a one year contract. When asked about being a licensee, he couldn't tell me what a Field Representative was. With a little persistence on my part he finally left.

I'm afraid he had no idea what the repercussions of talking to me that day have been for that company. Strangely enough, not two weeks before this incident, a representative of the Structural Board told me a similar story from a knock on his door.

We were concerned because according to B&P code section 8550, any unlicensed individuals going door-to-door may only leave flyers or set up appointments. Please remember it is unlawful for unlicensed individuals to identify pests, perform pest control evaluations or inspections, make claims of pest control safety or efficacy, or offer price quotes other than what is printed on the company advertising.

The purpose of the licensing is to instruct that person in the principles of pest control and the proper use of pesticides, to ensure they are competent to identify pest problems, and to handle and apply pesticides in order to prevent harm to themselves, others, animals or the environment.

When you go knocking, you never know who's going to be on the other side of the door!

# Exempt Pesticide Products

*A review of the requirements to use these products*

In May 2000, the Department of Pesticide Regulation no longer required certain "exempt" pesticides to be registered. This change allowed exempt pesticides to avoid the lengthy registration process and to be excluded from the mill assessment. However, it is important to note that exempt products are still regulated and users must comply with all pesticide laws and regulations relating to their use and worker safety standards.

1. Employees need to be trained on the use of all pesticides whether they are registered pesticides or exempt pesticides.
2. People that apply exempt pesticides for hire or write recommendations for these products must be licensed.
3. Records of pesticide use (Section 6624) are still required for exempt pesticides. (The only portion of this code section that obviously cannot be fulfilled would be the recording of an EPA registration number.)
4. Exempt pesticides have to comply with the Federal Food Drug and Cosmetic Act. Exempt pesticides are still subject to applicable residue tolerances on or in food commodities or animal feed.
5. At this time, exempt pesticide products are not required to be reported on monthly use reports. The State is unable to process these products in their use reporting system since they lack a registration number.
6. Growers applying only exempt pesticides to their crops will not be required to obtain an Operator ID number at this time.
7. Exempt pesticides will not have a U.S. EPA number or a California Registration number on its label.

If you find a pesticide without an EPA Registration number on it and want to ensure you have an exempt pesticide product and not an illegal unregistered pesticide, look at the ingredients listed on the product label. Exempt pesticides will list each active ingredient and the name of each inert ingredient. This is unique to exempt products because registered pesticides rarely, if ever, list inert ingredients. Further, California Code of Regulations Section 6147 has a list of exempt pesticide active ingredients. Check to see if your product's active ingredient is on that list. If you are still unsure, call your Agricultural Biologist and we can look into it for you.

## University of California's Integrated Pest Management Program's New Newsletter

*The Green bulletin*

The University of California Statewide IPM Program presents the UC IPM Green Bulletin. This newsletter focuses on specific practices and information that pest management professionals can incorporate into their daily work to manage pests effectively while reducing pesticide runoff and other environmental problems.

Looking for something new to include in your pesticide training or a topic for a "tailgate meeting"? Click on the link for some ideas:

<http://www.ipm.ucdavis.edu/greenbulletin/>

## From the Question File

*Questions from Industry*

### How much water is considered to be "sufficient" for decontamination?

Good question! Here is an excerpt from our inspector training manual: "The water must be of a quality and temperature that will not cause illness or injury and be suitable for eye flushing. Water that contains debris or algae is not acceptable. The regulation states there must be sufficient water available at the site. U.S. EPA recommends at least three gallons of water be provided for each handler. The employer should check decontamination supplies periodically and replenish as necessary. Decontamination facilities must be separate from drinking water. Waterless hand cleaners may be substituted for soap but water must still be provided and used for decontamination."

### What information needs to be posted for Emergency Medical Care?

Employers are required to post at the work site or the work vehicle, the name, address, and telephone number of an emergency medical care facility. (The employer must have contacted the medical facility ahead of time to assure it is capable of handling pesticide exposures!)

## License Renewal Season

*From DPR's Bulletin*

If the first letter of your surname or business name starts with a letter from M-Z, it is recommended that renewal packets be submitted no later than Nov. 19, 2011, if the updated license is needed by Jan. 1, 2012. Renewal forms have been mailed to licensees and also are available at DPR's Licensing and Certification Program website.

<http://www.cdpr.ca.gov/docs/license/liccert.htm>

## Continuing Education Class

**When:** December 12, 2011

**Where:** San Martin Lions Club  
12415 Murphy Avenue  
San Martin

**Time:** 8:00 a.m. – 12:00 noon

**C.E. :** 2 Hours for Certified Private Applicators  
QAL, QAC, PCA: 1 hour of "Laws & Regs" and 1 hour "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"

## Top 10 Pesticide Blunders in 2009 & 2010

*California Department of Pesticide Regulation NEWS, March 2011*

In San Diego County, two mothers chatted while their children, a 2-year-old and a baby, played in the next room. Sudden laughter prompted one mom to check on the youngsters. She found the older child with an insecticide can and the baby's face shiny-wet and smelling of pesticide. The baby was bathed and taken for medical care.

This incident is one of the California Department of Pesticide Regulation's (DPR) "Top 10 Pesticide Blunders" released during National Poison Prevention Week.

The San Diego County incident and blunders below in alphabetical order by county were drawn from 2009 and 2010 illnesses and injuries reported to DPR. State privacy law protects their identities.

- In Fresno County, a resident obtained aluminum phosphide pellets intended for professional use only, applied them to a squirrel hole next to his garage and gas meter, and added water to activate them. A few hours later, he smelled a strong odor from the application, evacuated his family and called the fire department. The family stayed away from the house for six days to make sure the fumigant had dissipated. The man declined to tell authorities how he got the pesticide, a restricted-use product that requires a license he did not have. The product could have exploded, started a fire or killed someone, all of which have occurred when this chemical was handled improperly.

- In Kern County, a man drank alcohol while spraying plants at his home on a hot day. He mistakenly took a drink of pesticide from a measuring cup. He spat it out immediately and then vomited. He could not explain why the ready-to-use product was in a measuring cup.

- In Riverside County, a man went to take a shower and saw ants in the bathroom. He set off a bug bomb and remained in the bathroom to shower. When he finished, he inhaled some of the fumes and developed symptoms.

- In Riverside County, late at night a woman walked in the yard of a home she shared with her children. She found a soft drink bottle in a shed and drank from it. It

tasted bad, so she assumed it had "gone bad" and threw it out. Two days later, she told her daughter she had experienced symptoms, which she blamed on the spoiled soft drink. The daughter knew the bottle contained herbicide supplied by a gardener friend. It was labeled "grass killer," but that would not have been obvious at night when her mother picked it up.

- In Sacramento County, when a relative asked to borrow bleach, his family offered him the whole bottle. The relative insisted on pouring some into a water bottle. He then took a phone call and left hurriedly, forgetting the bleach. The family's 3-year-old daughter had a habit of grabbing water bottles and drinking from them. She drank from the bottle that contained bleach and immediately started vomiting. The child's father drove her to the emergency room for care.

- In Sacramento County, a man bought an insecticide to kill rats. He planned to mix the pesticide with water, but powder got on his face when he opened a packet. He developed symptoms while washing up and tried to induce vomiting by sticking a finger that may have had insecticide on it in his mouth. When his symptoms worsened, his wife took him for medical care.

- In San Joaquin County, a man heavily sprayed his barbecue for ants one morning. That evening, he used the treated side to cook hamburger. He felt sick minutes after eating the meat. He sought care after vomiting all night. The insecticide label requires users to protect food handling equipment from contamination.

- In San Joaquin County, a resident did not read the instructions on an insecticide aerosol before standing on a stool to spray it up into the air toward some ants over a doorway three or four feet away. He got sick a few hours later. The product label directs users to hold the can about a foot from the surface to be sprayed, and not to spray into the air.

- In Shasta County, a man spraying for ants took a bathroom break. He thought he left the sprayer inoperable. His wife found their 2-year-old son spraying the insecticide into their toaster. Although she washed the child and discarded the toaster, she took him for care after he vomited.