

The Pesticide Review



Santa Clara County Division of Agriculture

November 2013

From the Case Files:

We recently had a case where a company applied Microcare CS at an industrial site and the applicator told the occupant it was okay to go back into the room and work at her desk immediately after the application. This particular product has the statement:

“Ventilate rooms for two hours after treatment before reoccupying.”

Soon after returning to her workstation, the woman felt nauseated and her employer took her to the doctor. Whenever a doctor suspects an illness is due to a pesticide exposure, they are required to report the illness to DPR. The Worker Health and Safety Branch at DPR evaluates the report and assigns it to the appropriate County Agriculture Office for investigation.

Thankfully, the person exposed in this case is feeling better and there appears to be no lingering effects, but cases like these are taken very seriously. A pesticide application that causes someone to become ill is automatically placed in the “Serious” range. Be sure to stress to all of your employees that precautionary statements on labels are not suggestions and all directions must be followed. Don’t find yourself in this Field Representative’s shoes wishing you could turn back time and do things differently.

Inside this issue:

- Global Harmonization System
- Rodent Bait Box Requirements
- Pyrethroids: Title 3, California Code of Regulations §6970
- Respiratory Requirements
- The Santa Clara County “A”griculture Team
- On-Line Pesticide Use Reporting
- Continuing Education Seminar
- The Invasion of the Invasives
- Japanese Carpenter Bee
- New Roach on the Block

Read those Pesticide Labels!

As most of you are aware, pesticide labels do change periodically - sometimes with lots of notice, but sometimes they quietly add or change sections. One quiet, but positive change we were recently made aware of was to the labels of some aluminum phosphide products.

A few years ago, a gross misapplication of aluminum phosphide resulted in the death of two children and the EPA severely restricted where these products could be used. On February 13, 2013, DPR approved 6 new Degesch America labels relaxing restrictions in some previously prohibited settings. Per the label and Section 26, Burrowing Pest Control, in the manual, ***“The use of this product is strictly prohibited within 100 feet of any building where humans and/or domestic animals do or may reside on single or multi-family residential properties and nursing homes, schools (except athletic fields), daycare facilities and hospitals”***. These new labels are good news to agricultural pest control companies. The use of aluminum phosphide with the new label will enable you to once again use this material in residential settings.

These changes are a good reminder that on occasion labels do change. Sometimes they change in a positive way by adding sites but sometimes they can become more restrictive by taking away use sites, reducing the use rate, require additional safety equipment, or restrict the way the material can be applied.

We had a case not long ago that required our department to perform a detailed inspection of a company’s records and their storage. We found they were reporting a product on their pesticide use reports that didn’t match what they had in storage. While the trade name didn’t change, they didn’t realize the EPA Reg. Number and use sites changed on the label.

Each time you purchase a pesticide, ask your supplier if there are any changes. In addition, companies need to take the painstaking step of reviewing all labels to prevent potential misuse or misreporting.

Globally Harmonized System: The change to MSDS's

What is the Globally Harmonized System?

The Globally Harmonized System is an international standard for defining chemical hazards and communicating hazard information on labels and Safety Data Sheets (SDS), formally known as Material Safety Data Sheets (MSDS).

Each country had their own system for data sheets. The USA even had different business sectors that required different things on their data sheets. Some producers in the USA had to classify and create multiple labels / MSDS's for the same product.

Because the USA saw a benefit to harmonizing SDS's for ALL chemicals, they joined in with the U.N. harmonization plan and now OSHA requires all SDS's to be uniform and cover the same 16-section format.

So, what is the difference between an SDS and the old MSDS?

You will see a change to the format with SDS's. In addition to the 16-section format, there will be only two signal words: "Danger" or "Warning"; there will be specified statements about the hazards; and they will have pictograms to help communicate hazards.

Is it possible that SDS's will differ from the content of a pesticide label?

YES. The irony of these changes is now that OSHA has adopted the new global harmonizing format for SDS's, these documents can contradict pesticide labels, which are governed by the US EPA and FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act). A very big difference can be the signal word. SDS's will only have Danger or Warning as a signal word and as you all well know, we have "Caution" pesticides. This will make things a little confusing and will require you to train your employees where to look for information to clarify why the label has different information than the SDS.

It is important to note that SDS's are part of the product's accompanying paperwork, but the USEPA registered pesticide label trumps the SDS and you should follow label precautions and signal words listed on pesticide labeling.

What is the EPA doing about this discrepancy?

The EPA has issued a notice to clarify its policy to avoid inconsistencies between EPA-approved labels and the OSHA required SDSs for pesticides. The EPA has issued guidance to registrants to help ensure their pesticide labeling and SDS complies with both agencies' requirements.

EPA suggests pesticide registrants explain why the pesticide label and the SDS contain different hazard communication so users won't be confused by the differences. EPA suggests that registrants place this information in Section 15 of the SDS "Regulatory Information". So, if you are using a "Caution" pesticide, look for a statement in Section 15 of the product's SDS to explain why there is a different signal word or possibly different hazards listed than the label.

What do pest control companies need to do?

OSHA is requiring employers to train employees about the new harmonization plan by December 1, 2013. You need to explain there will be changes to the safety sheets and what to expect to see when manufacturers do update their SDS's. For training materials, click on the Fact Sheet for training requirements on OSHA's website:

<https://www.osha.gov/dsg/hazcom/>

Where do you find SDS's for chemicals?

Most manufacturers haven't updated their data sheets yet. OSHA is requiring manufacturers to update to the new SDS format by June 2015.

The take home message is you need to keep this on your radar and know about the new SDS's and your employees should know about them. When SDS's do become available, definitely incorporate them into your training. If we come out and do a headquarters' inspection and we see MSDS's in your training packet, we expect you to tell us you are waiting for the SDS's and you are aware of the changes that are coming.

To see a copy of EPA's notice addressing SDS's and pesticide labeling, visit:

www.epa.gov/PR_Notices/pr2012-1.pdf

Rodent Bait Box Requirements

Article by Jen Pate,
Agricultural Biologist



Occasionally, we encounter pest control businesses that interpret the regulations differently than our Department. On one particular occasion, I was inspecting an applicator changing out the baits from rodent bait boxes. I noted a non-compliance on the inspection because the bait boxes were not labeled on the outside. The B&P code §1983 states that the label shall be adequately marked with the signal word, generic name of the pesticide and the name, address, and telephone number of the structural pest control company. The applicator, however, pointed out to me that the labels were placed on the bait box. – *In the interior.*

In the eleven years I have been working for the county, I had never heard of this. Placing the labels on the inside of a tamper-resistant bait station seems counterproductive. - Unless you wanted to let the rats, feeding inside the box, know who was providing them dinner?



I followed up with the company to find out why they would place the labels on the inside. Their manager argued that the law does not state *where* the labels have to be placed. On this point, we have to disagree. Not only does Title 16, California Code of Regulations, §1983(i) state that the boxes shall be “adequately marked”, the EPA issued a notice in 1994 addressing bait box requirements. EPA Pesticide Registration Notice (PR 94-7) states rodent bait boxes must be “capable of displaying precautionary statements in a prominent location”.

Our County believes placing labels on the interior of a rodent bait station is neither adequate nor in a prominent location. The purpose of the regulation is to provide a warning to persons who may come in contact with the station and therefore the information should be of a size and location that the pesticide name and signal word can be seen without picking up the device. If desired, the required labeling can be displayed on a card attached to the device.

(PR) Notice 94-7 Bait Station Criteria:

- Resistant to weather.
- Strong enough to prohibit entry by large non-target species.
- Equipped with a locking lid or secured re-baiting hatches
- Equipped with entrances which readily allow target animals access to baits while denying access to larger, non-target species
- Capable of being anchored
- Equipped with an internal structure (baffles) for containing baits
- Made in such a way as not to be an "attractive" nuisance.
- Capable of displaying "proper" precautionary statements in a prominent location.

Examples of problem bait stations:

Case 1:



This bait station was not anchored properly and the bait spilled out of the station.

Case 2:



This bait station did not pass the: “not be an attractive nuisance” criteria. This blue bait station was attached to a beige colored wall at an elementary school. Make sure bait stations are placed out of view at school sites or anywhere else kids are known to frequent. Kids are intently curious and in this case, the bait station was properly anchored to the wall, but it couldn’t withstand the kids’ curiosity and they found a way to open it.

Pyrethroids: Title 3, California Code of Regulations §6970

Our office has recently inspected several companies and were surprised by their application techniques and the fact they had not heard of 3CCR §6970. These companies were found applying pyrethroids with a 6 – 8 inch fan sprayer around the hardscape of a home.

Pyrethroid labels will many times state the material can be applied in a 2 or 4 foot band around a structure. In this instance, the applicator would be in compliance with the label, however, there is a regulation that imposes more stringent requirements. Starting in July 2012, Section 6970 imposed specific restrictions to the way 17 pyrethroids can be applied. To read the code section in its entirety, please visit DPR's website:

<http://www.cdpr.ca.gov/docs/legbills/calcode/040501.htm#a6970>

The Cliff Notes Version of §6970:

1. Pyrethroids can only be applied by a pin stream of 1” or less to outdoor impervious surfaces (hard surfaces, such as concrete, sidewalks, windows, doors, driveways, etc.)
 - a. Perimeter band treatments to the vertical surface of things such as a wall or foundation are allowed up to 2 vertical feet.
2. Perimeter band treatments of three feet wide or less from the base of a building outward are allowed, as long as it is to a “soft” surface, such as dirt, lawn, etc. – and you maintain a 2’ buffer to hardscapes.
3. Broadcast treatments can be made to a lawn, soil, or other non-impervious surface as long as you keep a 2’ buffer from impervious surfaces.
4. The following applications are prohibited:
 - a. You cannot apply when it’s raining unless your treatment site is a house eave which will be protected against the rain.
 - b. You cannot apply these materials if there is any standing water in your treatment area.
 - c. You cannot apply to a visible drainage grate, sewer, storm drain, curbside gutter, or French drain.
 - d. You can’t apply to areas within 25 feet of an aquatic habitat located downgrade from your application.

If you should have any questions regarding these regulations, please give us a call! You can also visit the Pyrethroid Working Group website to see demonstration videos: <http://pwg2pmp.com/>

Respiratory Requirements

Tank mixes can change what you need for protection!



We heard about a story that happened in another County involving an applicator that thought he was in compliance with his PPE, but he did not realize that sometimes adding an adjuvant to the mix can change the requirements.

This particular applicator was applying Gramoxone. The Gramoxone label requires applicators to use “*a dust mist NIOSH-approved respirator with any N, R, P, or HE filter*”. The applicator in this story was wearing an N-95 filter respirator so if he was only applying Gramoxone, he would be in compliance. However, to help keep the pesticide from moving off the intended target, an oil-based adjuvant was added to the tank mix. Adding an oil to the mix changed the game completely. The “N type” respirator will provide no protection to a material with an oil base. Because the pesticide tank mix changed from an “N type” of material to one that would require an “R-95” or “P-95” respirator, the applicator should have changed his respirator accordingly. Using an N-95 respirator in an oil environment would not be in compliance and most importantly, it would not protect the applicator!

3CCR, Section 6739(c) states: “The employer shall select and provide an appropriate respirator certified by the National Institute for Occupational Safety and Health (NIOSH) based on the respiratory hazard(s) and relevant workplace and user factors to which the worker is exposed.”

Respirator Reminder:

What does “N95” mean? NIOSH defines the term “N95” to refer to a filter class. The “95” refers to the percentage of particles the respirator can filter. The letter on the respirator tells you what kind of particles.

Excerpt from NIOSH: The N, R and P designations refer to the filter's oil resistance as described below:

- N95, N99, N100 - Filters at least 95%, 99%, 99.97% of airborne particles. Not resistant to oil.
- R95, R99, R100 - Filters at least 95%, 99%, 99.97% of airborne particles. Somewhat resistant to oil.
- P95, P99, P100 - Filters at least 95%, 99%, 99.97% of airborne particles. Strongly resistant to oil.

The Santa Clara County “A”griculture Team

Santa Clara County Agriculture divides our county into 9 geographical districts. If your growing location or pest control company is located within ‘a district’, you are assigned to that district biologist.

If you are new to the county and don’t know what district you’re assigned to, give our office a call and we can direct you to the correct biologist. If you have questions, need a pesticide permit, would like us to come out and speak to your crew during one of your training sessions, need help interpreting a label, or if you’ve found an insect or disease you cannot identify with your reference material, give us a call!

The North County Office’s territory starts north of Branham Lane in San Jose.

North County
1553 Berger Drive
San Jose, CA 95112
(408) 918-4600



The San Jose Office On Duty Biologist hours are 1:00 p.m. – 5:00 p.m.

- District 1: Nick Otterlei: (408) 918-4611
- District 2: Matt Beauregard: (408) 918-4614
- District 3: Mario Nunez: (408) 918-4645
- District 4: Mike Walker: (408) 918-4612
- District 5: Jen Pate: (408) 918-4683

Our South County Office’s territory starts south of Branham Lane in San Jose.

South County Office:
80 W. Highland Ave
Building K
San Martin, CA 95046
(408) 201-0640



Office Duty Biologist Hours: 8:00 a.m. – Noon

- District 6: Nancy Barrera (408) 201-0646
- District 7: Lori Oleson (408) 201-0643
- District 8: Kristian Barbeau: (408) 201-0650
- District 9: Shannon Lundin: (408) 201-0644

On-Line Pesticide Use Reporting

If you have access to the Internet, please consider reporting on-line!

With the electronic age of information, many companies have gone digital. If you would like to find out if your daily use record system will “talk” to the on-line pesticide use report system, give us a call! Many systems can do an easy upload and your monthly reporting can become fast and easy.

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. 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.

In the calendar year 2012, 25% of the use reports submitted to our county were on-line. This year we have already surpassed that percentage. In 2013, 30% of the use reports submitted to our county were on-line. Congratulations to all that have gone electronic! The use report system has been up and running for two years now with the number of web users continuing to grow.

If you would like to do away with postage and running to the post office by the 10th of every month; consider electronically posting your use report!

We will personally help you set up your on-line reporting. 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.

For information about on-line pesticide use reporting, please contact biologist Kristian Barbeau at: Kristian.Barbeau@aem.sccgov.org Or you can reach him at: (408) 201-0650

Continuing Education Seminar

2 hours of continuing education credit from DPR

Looking to get a jump on your continuing education credit for next year? We organize a continuing education seminar for growers in this county each year and we ask for continuing education credit from DPR for licensees.

If you’d like to check out the agenda to see if you’d like to attend, you can check it on our website at this link: <http://www.sccgov.org/sites/ag/pesticides/Pages/education.aspx>

The seminar is approved for: 1 hour “Other” and 1 hour “Laws and Regulations”

Invading Invasives

Santa Clara County is among a few Counties in the State that share the title as a “Gateway County”. Gateway Counties have one or two of the following: A port, an international airport, or a diverse population that does a lot of travelling. Santa Clara County has two of these elements and we have unfortunately had several “invasions” over the years.

Most recently, we have two eradication projects taking place in the County to squash a developing Guava Fruit Fly infestation in east San Jose and an Oriental Fruit Fly infestation in the Cupertino area. We have several hotspots in the County and over the years, we have had so many detections, we couldn't easily display them in the small space of a newsletter. Not all of these detections resulted in an eradication project, but many of them did. If you're curious about the activity of invasive fruit flies in our County, we will be posting a link soon showing the last 10 years worth of fruit fly detections with the corresponding zip codes under our “Pest Exclusion” tab on our website.

Being in the pest control industry, you all well know the consequences of bringing uncertified agricultural products into the Country / State. Contraband fruit and vegetables is how these flies arrived in Santa Clara County. Another avenue for invasives are people moving nursery stock.

We have had six infestations of Glassy-winged Sharpshooter over the past 14 years. We have one last infestation zone we hope to eradicate in the next few years. This pest arrived on infested nursery stock and to attempt to keep it out of Santa Clara, our office inspects every nursery shipment coming from southern California.

The Olive Fruit Fly and Spotted-Winged Drosophila are examples of exotic fruit flies that spread like wild fire across the State in just a few short years. Both of these flies have feasible control measures and attack just a handful of crops. These pests have frustrated home gardeners trying to harvest cherries, olives, or berries from their backyards. It wasn't economically feasible for the State to control these pests so no eradication efforts were made.

What can you do?

If you should come across an insect or a plant disease you've never seen before and you can't identify it with your reference material, give us a call! We will send it to the State lab to be identified for free.

If you have friends or family traveling overseas or to the east coast and they ask if you think it's okay for them to bring fruits, plants, or vegetables, tell them to call their local agriculture department and ask. - But most likely, the answer will be **“NO!”**

Japanese Carpenter Bee

Xylocopa appendiculata



This last year we had a State entomologist request our office pick up a homeowner sample. Evidently, a homeowner in our County saw a bee they had never seen in their garden before so they took a picture of it and sent it to a bee expert in southern California. Looking at the picture, the entomologist thought the bee looked to be something not native to the US and called his contacts with the State Department of Agriculture. The homeowner was asked to catch the bee, so the homeowner waited by the flowers they saw the bee on previously and armed with a Tupperware bowl and lid, they were able to catch the bee. We picked up the sample and sent it to the State Lab who confirmed it was a Japanese carpenter bee. Having a non-native insect appear on the scene is of concern to the State. How on earth did this bee get here? And, having an insect, beneficial or not, move to California can be bad news for our native bees. Insects can carry protozoa and diseases that can affect our native insects.

The New Roach on the Block

Phyllodromica trivittata



These little guys have been introduced from the Mediterranean. They have been turning up in the North Bay and we had a recent submission from the San Jose area. These cockroaches are small (the one we saw was 1/4”) and are not afraid of the light so people will see them during the daytime.

Good news is they don't seem to be house pests back where they are from. Most of the California sightings have been inside the home, but it's thought their behavior is more like the Oriental cockroach and they prefer to be outside. We think they are most likely invading the garden and like all opportunists, are coming inside to have a look around.

If you have seen these setting up shop indoors, drop us an e-mail and let us know:

scc.agriculture@aem.sccgov.org