

Accessing California pesticide laws, regulations, state enforcement guidelines and county pesticide records

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Table of Contents

- County Agricultural Commissioners and Department of Pesticide Regulation, SPCB Offices
- [California pesticide laws and regulations Guide](#)
- California pesticide law and regulation web links
- [Pesticide labels and Material Safety Data Sheets \(MSDS\)](#)
- [State Guidelines for Pesticide Inspections and Investigations](#)
- [State Recommended Permit Conditions for specific pesticides](#)
- [Records of Recent Civil Penalties Assessed by County Agricultural Commissioners](#)
- [List of Pest Control Businesses Licensed in California](#)
- Database of Pesticide Use Records
- [Requesting Documents from County Agricultural Commissioners](#)

Note: To access links, copy and paste the link.

County Agricultural Commissioners Contact Information:

<http://www.cdfa.ca.gov/exec/cl/countyagmap.htm>

Department of Pesticide Regulation Enforcement Offices

<http://www.cdpr.ca.gov/docs/enfcmpli/romap.pdf>

Structural Pest Control Board

<http://www.pestboard.ca.gov/>

DPR California pesticide laws and regulations Guide:

<http://www.cdpr.ca.gov/docs/enfcmpli/admnacts/citsec.pdf>

DPR Compliance Assistance Webpage for Employers and Businesses

<http://www.cdpr.ca.gov/docs/quicklinks/compliance.htm>

Pesticide Laws

Most pesticide statutes are found in the California Food and Agriculture code. Common code violations resulting in hazardous exposures to fieldworkers include

Failure to prevent substantial pesticide drift to non-target areas (FAC 12972) and

Use of pesticide in conflict with labeling or permit conditions (FAC 12973)

<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=fac&codebody=&hits=20>

Pesticide Regulations

Pesticide regulations are found in Title 3 of the California Code of Regulations and can be accessed through the Department of Pesticide Regulation (DPR) website. Most work requirements are found in Chapter 3.

http://www.cdpr.ca.gov/docs/inhouse/calcode/chapter_.htm

Pesticide labels and Material Safety Data Sheets (MSDS)

Many pesticide labels and material safety data sheets are accessible from

<http://www.cdms.net/manuf/default.asp>

<http://www.greenbook.net>

<http://www.ilpi.com/msds/index.html#Pesticides>

These databases are searchable by product name, like Roundup, but not chemical name. If you can't find a label you want either contact the product manufacturer, their website or a pesticide dealer, or contact Anne Katten at CRLAF (akatten@cal.net or ph: (916)-446-7904 x19) or request a label from the county agricultural commissioner. The Department of Pesticide Regulation (DPR) has a Pesticide Label Center at (916) 324-0399 which is the most reliable source for up to date California labels. DPR also has a pesticide database which can be used to cross reference pesticide chemical code (chemical name) and product names. <http://www.cdpr.ca.gov/docs/label/labelque.htm>

Material Safety Data Sheets (MSDS) describe health hazards and often list other ingredients in a pesticide product. Health hazard information on MSDS is often incomplete but can still be useful.

Labels give further information on legal use requirements (such as required protective gear and reentry intervals required for specific pesticide products).

Under the label heading "PRECAUTIONARY STATEMENTS", protective equipment required for applicators and other pesticide handlers are listed. (Sometimes extra protective gear is required through California regulation 3CCR§6736 and 6738.

In the box on the label captioned "AGRICULTURAL USE REQUIREMENTS" worker restricted entry intervals are listed (except note that a few pesticides (including sulfur) have longer REIs listed in CCR Title 3 section 6772.)

The Pesticide Action Network pesticide database at Pesticide Action Network Pesticide Poisoning Diagnosis Tool (database)

http://www.pesticideinfo.org/Search_Poisoning.jsp

is excellent for health effects information

National Pesticide Information Center has some useful information but leaves out some more precautionary health effects information: <http://www.npic.orst.edu/>

State Guidelines for Pesticide Inspections and Investigations

County Agricultural Commissioners are supposed to conduct inspections and investigations utilizing Department of Pesticide Regulations (DPR) forms and guidelines

DPR's Investigative Manual and updates (enforcement letters) are posted on the bottom of the DPR Enforcement webpage under Policies, Procedures and Resources. This manual summarizes proper procedure for conducting investigations and interviews and writing reports and includes sample forms.

<http://www.cdpr.ca.gov/docs/enfcmpli/enfmenu.htm>

State Recommended Permit Conditions for specific pesticides

DPR has issued detailed recommended permit conditions for a few restricted pesticides. These are subject to change without any public notice. Counties are supposed to adapt these permit conditions for their own use so it is best to request permit conditions from your county. Counties (Office of the Agricultural Commissioner) have the authority to adopt stricter permit conditions and other use restrictions for restricted use pesticides

Records of Recent Civil Penalties Assessed by County Agricultural Commissioners are Available on the DPR website:

<http://www.cdpr.ca.gov/docs/enfcmpli/admnacts/cvlpnlty.htm>

Note: There are some spelling errors in this database. Search creatively under both business and individual. Copies of individual civil penalties should be requested from county agricultural commissioners.

List of Pest Control Businesses Licensed in California

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

Database of Pesticide Use Records

<http://calpip.cdpr.ca.gov/cfdocs/calpip/prod/main.cfm>

Pesticide use data can be requested by county, crop and year to download into spreadsheets. If looking for records for a specific farm, when completing a request, under Format Output select permit_number and site location ID from available data columns. Permit numbers for individual farms can be requested from the county Agricultural Commissioner along with permit maps of the fields operated by that farm. NOTE: The site location ID in the database often doesn't match the site numbers on a permit.

Requesting Documents from County Agricultural Commissioners

The county Agricultural Commissioner is the repository for:

1. Growers' pesticide use permits which include maps of all fields or application sites
2. Pesticide use records which must be filed by growers and application companies for all agricultural pesticide applications
3. Pesticide illness investigation reports,
4. Inspection records for both growers and pesticide application companies
5. County registration of pesticide dealers, commercial applicators, pest control advisors, and labor contractors.

Pursuant to the California Public Records Act, records should be made available upon written request. Some counties may ask you to fill out a request form. Counties are allowed to charge for copies but not for research time pursuant to the California Appeals Court Decision 94 CDOS 1811 or 28 Cal.Rptr.2d 359 North County Parents Organization vs. California Department of Education. Some records can be voluminous. You may want to look at the file in the Ag Commissioner's office before deciding which copies to request.

More information about these records:

Pesticide Use permits: Each farm must apply to the county agricultural commissioner for a permit in order to use California restricted pesticides (see pesticide list attached or 3CCR§6400). Pesticide use permits list the restricted pesticides the farm has permission to use (they are not obligated to use any of these pesticides) and includes addresses and a map of all of the farm's fields. If a farm doesn't use any restricted pesticides, they must still obtain a site identification number and may have field addresses and a field map on file.

Notices of Intent to spray must be filed with the Commissioner 24 hours in advance of application of a California restricted pesticide. They are sometimes useful after the fact, to determine when and how an application was planned to occur.

Pesticide Use Reports must be submitted for ALL agricultural pesticide use. Growers must submit use reports monthly on the 10th day of the next month. Commercial applicators (crop dusters, etc.) must submit use reports weekly. Use reports should be filed under the name of the farm where the pesticide was applied but always specify that you want all use reports including applications made by commercial applicators. Use reports can be voluminous for large farms. You can limit your request by asking for only certain crops and certain months of use data.

Pesticide Inspection Records from inspections of applications, fields, and headquarters records inspections should be on file for all farms, pesticide application companies and some labor contractors.

Pesticide Episode Investigation Reports are released when an investigation is finalized, and can be lengthy. Medical information will be redacted unless you submit medical release forms for your clients.

Civil Penalty Actions (fines) should be requested separately because they may be finalized long after the Pesticide Investigation Report is finalized.