

# The Pesticide Review



Santa Clara County Division of Agriculture

November 2024

## Mediterranean Fruit Fly (Medfly)

*Quarantine in Fremont /  
Milpitas area*



The Bay Area has unfortunately been invaded by this highly destructive pest. Medfly attacks over 250 kinds of fruit, and they lay eggs in fruit that have just become ripe on a tree. The California Department of Food & Agriculture (CDFA) and Alameda County have trapped 61 flies and have found two properties with Medfly maggots in backyard fruit. At the time of printing, the Medfly quarantine has expanded to 139 square miles and has ballooned across the county line into Milpitas. Thankfully, the Fremont-area growers caught up in the quarantine area had enough time to treat their crops before harvest.

To combat this pest, CDFA has been stripping host fruit from people's yards in a 200-meter radius around each find site. The ground under these fruit trees is also being treated with the insecticide, Spinosad to kill any pupating flies. CDFA is also releasing millions of sterile male flies over the south Fremont area.

All the sterile flies are marked with a UV dye so they can be easily identified if they accidentally get caught in traps.

CDFA analysis of the flies' DNA determined the flies most likely came from South America. They sure didn't fly here on their own! They needed help from humans smuggling fruit into the country. Please pass the word to everyone you know to not bring fruit home from your travels!! Also, do not buy your fruit from social media sellers. Only purchase fruit from legitimate grocery stores.

For more information about Medfly, you can visit CDFA's website:

<https://www.cdfa.ca.gov/plant/medfly/regulation.html>

## 2025 Registration Fees

*Fees for Bay Area Counties:*

County	Ag Pest Control Business	Maint. Gardener	Registration Method
Alameda	\$70	\$25	Mail-in / Walk-in
Contra Costa	\$50	\$25	Mail-in / Walk-in
Marin	\$96	\$25	Mail-in / Walk-in
Monterey	\$50	\$10	Mail-in / Walk-in
Napa	\$72	\$25	Mail-in / Walk-in / Online
San Francisco	\$50	\$25	Mail-in / Walk-in
San Benito	\$50	\$25	Mail-in / Walk-in
San Mateo	\$60	\$25	Mail-in / Walk-in / Online
<b>Santa Clara</b>	<b>\$50</b>	<b>\$25</b>	<b>Online</b>
Santa Cruz	\$75	\$25	Mail-in / Walk-in / Online
Solano	\$106	\$25	Mail-in / Walk-in / Online
Sonoma	\$96	\$25	Mail-in / Walk-in

Santa Clara County only accepts on-line registrations. If you need assistance, please contact us at (408) 918-4610, or [scc.agriculture@cep.sccgov.org](mailto:scc.agriculture@cep.sccgov.org)

### Inside this issue:

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# Quarantine Inspectors & Canines Hard at Work in Santa Clara County

*A recap of Fiscal Year 2023-2024*

Santa Clara County has one airport, one Post Office Distribution Center, two FedEx, and two UPS facilities that handle thousands of packages each day. Our high-risk quarantine inspectors regularly visit these facilities to inspect agricultural products coming into the county. Last fiscal year, Santa Clara County inspectors issued 41 rejection notices and stopped 24 A & Q rated pests from entering the county. These packages are primarily marked packages of companies that know about our quarantines, but still have pests that sneak through.

## What is an A or Q rated pest?

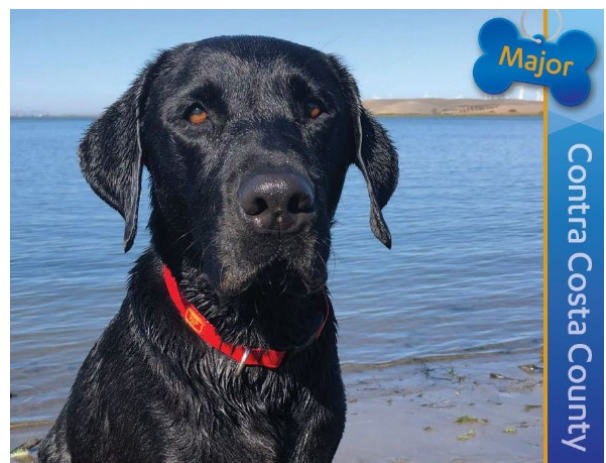
A & Q rated pests are known pests that are detrimental to our agriculture or environment. An example of an A-rated pest is something like the Mediterranean Fruit Fly, Oriental Fruit Fly, Zebra Mussels, or Japanese Beetle.

Santa Clara County is lucky to have one of the 14 agricultural canine teams in the State: Everest and her handler Jana. In addition to Everest, we are also regularly visited by Major and his handler Simone, based out of Contra Costa County. When the dogs are working the facilities, we find many more packages that contain agricultural products because they alert on packages that are not labeled. Last fiscal year, Everest and Major added to the rejection and pest interceptions in our county with an additional 237 shipment rejected and they stopped 93 A & Q rated pests!

One of the major pathways for unwanted pests is the US Post Office. In order for an agricultural canine to be allowed into the Post Office, they must have a proven accuracy record of 90% or greater, a year of experience under their collar, and pass a USDA test. Because Santa Clara County has a large Post Office Distribution Center, Detection Canine, Major, and his handler come and work at our Post Office regularly and our Quarantine High-Risk Team inspects the packages they find. Everest has now been working long enough to take the test earlier this year and we are happy to report she passed her USDA Post Office exam with flying colors, so she has also joined the Post Office inspection team.



Breed: Labrador Retriever  
Birthdate: September 2021  
Weight: 52 lbs.  
Favorite Treat: Doggie ice cream  
Favorite Toy: Wubba Kong or Tennis Ball



Breed: Labrador Retriever  
Birthdate: July 2016  
Weight: 78 lbs.  
Favorite Treat: Freeze-dried minnows  
Favorite Toy: Big Red Kong

# Use of Carbon Monoxide Pest Control Devices.

*Title 3 California Code of Regulations § 6695*

Some companies looking for alternatives to rodenticides, have turned to carbon monoxide devices for rodent control. What is required to use these devices?

Each carbon monoxide device approved for use in California will have an EPA Establishment Number affixed to it. These devices can only be used on burrowing rodent pests and there are certain distance requirements companies must be aware of:

- Never use it inside a structure inhabited by people or livestock.
- Do not use within a certain distance of a structure as follows:
  - ❖ 50 feet for control of ground squirrels or field mice
  - ❖ 100 feet for gophers
  - ❖ 65 feet for all other burrowing rodent pests.

## Is PPE required to use this device?

If an employee performs an application using the device, they must wear protective eyewear.

## Are use records required?

Yes! Pest Control Businesses and local governments, including a city, county, school district, park district, or any other political subdivision of the state, shall retain records for two years and they must include:

1. Date the device was used;
2. Name of the operator of the property treated;
3. Address of where the device was used;
4. Site at which the device was used; and
5. Length of time the device was operated for every treatment.

It's important to note that reporting of adverse effects is also required!

“3CCR §6695 (b)(3) Immediately submit to the Director factual or scientific information showing any adverse effect to human health or safety, property, or the environment, from the use of the carbon monoxide pest control device.”

If you have any questions or concerns, please contact one of our Biologists.

# Structural Applicators

*Ensure your personnel have finished the licensing process!*

During two routine structural application inspections this past year, two of our inspectors found a trained but unlicensed applicator conducting a structural pesticide treatment.

We hadn't encountered this type of violation in a long time, and the fact that we found two unlicensed applicators this past year is a cause for concern. We want to ensure that every structural company is aware of this potential issue and takes steps to prevent it.

The applicator in one case had undergone proper training by the company when hired, but never completed his necessary licensing requirements from the SPCB and was 125 days beyond his 90-day training window allowed by BPC 8551.5. Compounding the issue, during this inspection, the unlicensed applicator was observed conducting the application without the required 14 mil chemical resistant gloves per the label and regulation requirement. The unlicensed applicator's supervisor was also on site, but not in the line of sight of the applicator and did not correct the trainee's improper PPE choices for the application.

What can you do to avoid similar problems like this? You can consider the following actions:

1. Enhanced Record-Keeping: Implement systems for tracking training timelines and licenses employees have obtained, and when those trainings and licenses expire.
2. Regular Training Check-ins or Huddles: Invite all employees to participate in brief training sessions focused on the importance of PPE when handling pesticides.
3. Supervisor Training: Provide additional training to individuals who supervise to reinforce their responsibilities in monitoring new & novice applicators to ensure that safety protocols are always followed.

## How Can Employees Be More Accountable for Violations?

When an applicator's error results in a violation, it opens the company's training, supervision, and disciplinary program to review by the Commissioner's office.

One of the things employers can do to ensure employees are more accountable for their actions is to require their applicators become certified commercial applicators. According to 3CCR §6724(d), commercial applicators are considered trained. A licensee will have a harder time arguing, "they didn't know better", than a non-licensed individual.

### What is a certified commercial applicator?

3CCR § 6000, defines a certified commercial applicator as someone that has a Qualified Applicator License, a Qualified Applicator Certificate, Structural Operator License, or Structural Field Representative License. It's important to note, a Structural Applicator Licensee is not a certified commercial applicator.

### Supervising Employees

Another factor we look for is supervision. Every pest control company that has employees should have an active supervision program. California Code of Regulations §6702, addresses this important requirement. To read this code section in its entirety, you could visit DPR's website and type in that code section number so you can read it. §6702 (b)(3) addresses the need for a supervision program. It states: "The employer shall supervise employees to assure that safe work practices, including all applicable regulations and pesticide product labeling requirements are complied with"

### What does the County consider to be a good supervision program?

- 1) Perform a ride-a-long with your employees to assure they are applying pesticides the way they were trained.
- 2) Perform periodic undisclosed oversight inspections of your employees and their equipment.
- 3) And, most importantly, show your work! Keep some kind of record of your internal inspections for at least two years.

## Who is Responsible?

If a company can show that the employee acted independently of, and contrary to, their employer's instructions, and against their employer's best safety efforts, it is possible a commercial applicator employee will be held responsible. In order for that to happen however, a company must also have a history of compliance and show the following:

- 1) The employee holds a valid QAL, QAC, FR, or OPR license.
- 2) The company has a history of compliance. If the company has had several employees with compliance violations, the company has demonstrated that their supervision/disciplinary program is not effective.
- 3) The proper personal protective equipment was in good condition and was available at the use site.
- 4) The employer must have a written training program, which includes training employees in matters of pesticide safety with respect to their particular job assignment.
- 5) The employer must show they had informed the employee about the pesticide being used, pesticide safety hazards, protective equipment and other equipment to be used, and proper work procedures to be followed.
- 6) The employer must have a written workplace disciplinary action policy, which it enforces against employees who violate the employer's safety requirements. If the employer has found violations with their own internal audits, there is a "paper trail" showing the company followed their own policy.
- 7) At the time of the incident, the employee knew the employer required them to utilize their personal protective equipment or perform the application in a certain way and what the consequences would be if they did not follow their employer's requirements.

If you have all of these in place, it provides Commissioners' offices with a lot more information that could possibly make the employee more accountable.

# One Glove Application

*Tales from a recent inspection*

During a branch 2 application inspection, one of our inspectors found an applicator applying with a backpack sprayer with no safety glasses, wearing only one glove, and in the other hand he had his phone. When we asked him why he had his phone out while in middle of an application, he stated that his company required their applicators to submit photos of their applications and the easiest, most time efficient way to do that was to apply with one gloved hand and take photos in the other ungloved hand.

While we understand the technical age of clients wanting real time information regarding the service they are paying for, there needs to be a balance between information, application efficiency, and safety, with safety taking precedence. The regulation states “gloves”, which is plural and if the applicator has two hands, both hands need to be covered during any handling activity. It is too easy to get distracted or have something happen that requires two hands and if one isn’t protected, we have the high potential for the employee to contaminate themselves.

What are some solutions to this situation? We suggested a GoPro camera or something similar that the applicator could wear and could capture images hands-free.

The applicator also was not wearing any protective eyewear during this inspection and that was due to not having any safety glasses at the use site. There also happened to be no emergency medical care posting, and no service container labeling.

Most of the violations were able to be fixed at time of the inspection. However, the applicator was not able to continue with his pesticide route until he went back to the shop and retrieved the proper safety gear.

The company in this case sent out an applicator without the required safety gear and was asking their applicators to provide information about the application to show their work. Because it was a hot day and spray evaporates quickly, the only way to show the wet application spray line was to take pictures immediately after applying. This particular situation encourages employees to take short cuts to safety and is not acceptable.

# New Fines Levels for Civil Penalties

*Update to 3CCR §6130*

An update to the regulation for agricultural civil penalty fine levels was passed July 1, 2024. The fine classes now range from \$50 - \$15,000!

Agricultural Civil Penalties are classified as "Class A," "Class B," or "Class C". They can be assessed against both agricultural and structural pest control companies for violations of the Food & Agricultural Code and Title 3, California Code of Regulations.

A “Class A” violation is one that caused a health, property, or environmental hazard. It can also be a violation of a law or regulation that mitigates the risk of adverse health, property, or environmental effects, and the commissioner determines that one of the following aggravating circumstances support the elevation to a Class A:

1. The respondent has a history of violations;
2. The respondent failed to cooperate in the investigation of the incident or allow a lawful inspection; or,
3. The respondent demonstrated a disregard for specific hazards of the pesticide used;

Class A violations are also assessed when a respondent ignores a cease and desist order.

A Class B violation is a violation of a law or regulation that mitigates the risk of adverse health, property, or environmental effects that is not designated as Class A. An example would be no medical care posting at a use site and the employee had no idea what to do or where to go. Or an employee wasn’t wearing their PPE.

A Class C violation is a violation of a law or regulation that does not mitigate the risk of an adverse health, property, or environmental effect. Class C violations are most often paperwork violation.

The fine range for each class of violation is:

- (1) Class A: \$700 to \$15,000.
- (2) Class B: \$250 to \$3,000.
- (3) Class C: \$50 to \$400.



# Keeping Pesticides Out of Our Creeks

Article written by: Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP)

SCVURPPP is a coalition of 15 municipal agencies in Santa Clara Valley that work together to prevent the pollution of local creeks and the San Francisco Bay. With the rainy season upon us, it highlights the need for care to keep pollutants out of our local storm drains and creeks. Even small amounts of certain pesticides can be highly toxic to aquatic organisms.

Water quality monitoring over the last 20 years has shown diazinon, once very prevalent, is no longer detected in Santa Clara Valley urban creeks. Unfortunately, with the discontinued use of diazinon, pyrethroids (e.g., bifenthrin) and fipronil use increased, so now these pesticides are being detected in local creeks.

During 2016-2023, 34 water samples were collected from four Santa Clara creeks and rivers, and 20 of these samples were found to be toxic to at least one of the five test organisms analyzed. Six water samples were further analyzed; pyrethroids were detected in five samples and fipronil was detected in all six samples. 16 sediment samples from two Santa Clara Creeks were also tested for pesticides. Pyrethroids were detected in 15 of these samples and fipronil was detected in three samples.

SCVURPPP encourages all pest control professionals to adopt IPM practices and become IPM-certified. IPM practices can protect our communities from pests, and also protect our waterways.

SCVURPPP offers the following suggestions for pest control professionals:

- Practice IPM – Use IPM techniques such as physical controls and habitat modifications. If you must use chemical control, avoid using pesticides with active ingredients that are of water quality concern (\*see list at the end of the article).
- Follow label directions – Apply pesticides according to label directions. Never apply pesticides outdoors when rain is in the forecast.

➤ Become IPM-certified – Obtain an IPM-certification to meet the growing public demand for eco-friendly pest control operators. You can choose from three certification programs: EcoWise, Green Pro, and Green Shield.

➤ Educate your clients – Talk to clients about steps that can prevent pest problems, such as keeping dumpster areas clean, fixing leaking faucets and pipes, and sealing cracks and holes. Provide them with educational materials available on SCVURPPP's outreach website: [www.MyWatershedWatch.org](http://www.MyWatershedWatch.org)

\* Pesticide active ingredients of concern, as listed by the RWQCB:

- Diamides
- Diuron
- Fipronil
- Indoxacarb
- Neonicotinoids
- Pyrethroids

## Neonicotinoid Pesticides

### *Restrictions for Non-Agricultural Outdoor Use*

Effective January 1, 2025, neonicotinoid pesticide products used for non-agricultural uses on outdoor trees, turf, or ornamental plants can only be sold by licensed pesticide dealers and possessed or used by California certified commercial applicators.

This restriction was enacted through Assembly Bill 363 and is reflected in a revision to the Food and Agricultural Code section 12838(c)(2).

This law defines “neonicotinoid pesticide” as a pesticide containing one of five active ingredients: acetamiprid, clothianidin, dinotefuran, imidacloprid, and thiamethoxam.

### Who can apply these products?

An application of a neonicotinoid pesticide in non-agricultural settings to outdoor trees, turf, or ornamental plants must be done by an individual with a QAL or QAC with the proper category. They cannot be applied by employees trained as handlers under the supervision of a certified commercial applicator.

It's important to note that an individual with a QAC solely with Subcategory Q is not considered a certified commercial applicator. A Maintenance Gardener PCB supervised by a QAC holder solely with Subcategory Q will not be able to legally apply a neonicotinoid pesticide to outdoor trees, turf, or ornamental plants under FAC section 12838(c)(2).