

# Farm Labor Contractor

## Compliance requirements

### What contractors must know and do



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Single copies of this handout are available from DPR by calling (916) 445-3974, or can be downloaded in English or Español from DPR's website: [www.cdpr.ca.gov](http://www.cdpr.ca.gov), under "Fact Sheet Directory."

"Traditional" services provided by a farm labor contractor (FLC) include providing workers to weed, thin, rogue (seed crops) and hand harvest (e.g. pick). Other services may include providing (for a fee) employees to operate farm equipment (including pesticide applications), irrigate and other work activities. Employees may be supervised by either the grower or FLC.

This guide provides a brief overview of FLC compliance requirements.

#### Basic responsibility

The FLC must work in close communication with the grower to ensure fieldworker employees working on the grower's property are protected from, and adequately trained about, potential pesticide hazards when pesticides are applied to the grower's property.

#### Licensing and Registration

FLCs must be licensed with the Department of Industrial Relations (DIR) and Labor Commissioner's Office, and must register annually with the County Agricultural Commissioner (CAC) in each county in which they work. FLCs also must carry their license and proof of registration with them at all times when acting in the capacity of a farm labor contractor.

*Labor Code 1683(a), 1695(a)(1)*

#### Examination

As part of the licensing requirements, FLCs must successfully pass an exam every other year that includes demonstration of knowledge of safe work practices related to pesticide use, including the following:

- Field reentry regulations.
- Worker pesticide safety training.



Employer responsibility for safe working conditions.

- Symptoms and appropriate treatment for pesticide poisoning.

*Labor Code 1684(a)(5)*

#### Continuing Education

As part of the licensing requirements, FLCs must participate in nine hours of continuing education annually that addresses pertinent health and safety topics including pesticide safety.

*Labor Code 1684(c)*

#### Hazard communication

FLCs must display, with unimpeded access, a complete copy of DPR's Pesticide Safety Information Series A-9 (PSIS A-9) at the worksite or central location (if fieldworkers gather at a central location prior to transportation to the worksite). FLCs must also display the PSIS A-9 at any

permanent decontamination facility and decontamination facilities servicing 11 or more fieldworkers, whenever fieldworkers are working in a treated field.

FLCs must make sure the location of the grower's application specific-information display and other records is accurately documented on the PSIS A-9 displayed at the worksite. FLCs must inform their employees that they and their representatives have a right to access this information and are protected against discharge or discrimination for exercising those rights.

*California Code of Regulations, Title 3 (3CCR) 6761, 6761.1*

### Emergency medical care

The FLC must plan emergency medical care for employees before they enter treated fields.

The employees or their supervisor shall be informed of the name and location of a facility where emergency medical care for pesticide exposure is available. When an exposure occurs, or if there are reasonable grounds to suspect that an employee has a pesticide illness, the employer must ensure the employee is immediately transported to a physician and that treating medical personnel are provided with:

- 1) Copies of the applicable safety data sheet(s) and the product name(s), EPA registration number(s) and active ingredient(s) for each pesticide product to which the person may have been exposed.
- 2) The circumstances of application or use of the pesticide.
- (3)The circumstances that could have resulted in exposure.

3CCR 6766

### Field entry

Except in accordance with early-entry requirements and restrictions FLCs must assure that workers do not enter a field:

1. That is being treated or its corresponding "application exclusion zone" (if applicable).
2. During a restricted entry interval (REI).

3. That is posted with notice to stay out of the field.

3CCR 6762,6769, 6770, 6771, 6776

### Notification of scheduled and completed applications

FLCs must notify their employees who work on the grower's property when a pesticide application to the grower's property is scheduled and when the application has been completed. The notices must be given before the application takes place and in enough time to allow the notified person to take appropriate action. The notices must include:

- The date(s) and approximate start and end times of the scheduled application.
- Location and description of the field to be treated.
- Instructions not to enter the treated field until authorized by the grower.

These notices do not have to be given to fieldworkers when the grower can assure that the field to be treated is posted (unless pesticide product labeling requires both oral notification and posting of treated fields) or fieldworkers

will not enter or walk within ¼ mile of the field to be treated from the beginning of the application until notice is given to the grower that the application has been completed. These notices must be given orally or in writing and in a manner a person can understand.

3CCR 6618 and 6619

### Fieldworker training

The FLC must provide training to each employee before working in a treated field and annually thereafter. The training must be in a language they understand



### DEFINITIONS

**Treated field:** A treated field is a field that has been treated with a pesticide or had a restricted entry interval or entry restricted period in effect within the last 30 days. A treated field includes associated roads, paths, ditches, borders, and headlands, if the pesticide was also directed to those areas. A treated field does not include areas inadvertently contaminated by drift or over spray.

**Application exclusion zone:** The application exclusion zone is the area surrounding the application equipment that must be free of all persons other than appropriately trained and equipped handlers during pesticide applications.

**Restricted entry interval:** The restricted entry interval (REI) is the period of time after a field is treated with a pesticide during which restrictions on entry are in effect to protect persons from potential exposure to hazardous levels of residues. An REI may be found on pesticide product labeling or in regulation.

**Farm labor contractor (FLC):** Labor Code section 1682(b) designates any person as a farm labor contractor who:

- for a fee, employs workers to render personal services in connection with the production of any farm products to, for, or under the direction of a third person, or
- recruits, solicits, supplies, or hires workers on behalf of an employer engaged in the growing or producing of farm products, and
- for a fee, provides in connection therewith one or more of the following services: furnishes board, lodging, or transportation for those workers; supervises, times, checks, counts, weighs, or otherwise directs or measures their work; or disburses wage payments to these persons.

and provided by a qualified person. The training must include:

1. The responsibility of employers to provide employees with information and protections designed to reduce work related pesticide exposures and illnesses.
2. How to recognize and understand the meaning of the posted warning signs.
3. How to follow directions and/or signs about keeping out of pesticide treated areas subject to a REI and application exclusion zones.
4. Where and in what forms pesticides may be encountered during work activities.
5. Potential hazards from toxicity and exposure that pesticides present to employees and their families, including acute and chronic effects, delayed effects, and sensitization.
6. Routes through which pesticides can enter the body.
7. Signs and symptoms of pesticide poisoning.
8. Emergency first aid for pesticide injuries or poisonings.
9. Routine and emergency decontamination procedures.
10. How and when to obtain emergency medical care.
11. When working in pesticide treated areas wear work clothing that protects the body from pesticide residues and wash hands before eating, drinking, using chewing gum or tobacco, or using the toilet.
12. Wash or shower with soap and water, shampoo hair, and change into clean clothes as soon as possible after working in pesticide treated areas.
13. Potential hazards from pesticide residues on clothing.
14. Wash work clothes before wearing them again and wash them separately from other clothes.
15. Do not take pesticides or pesticide containers used at work to your home.
16. Safety data sheets provide hazard, emergency medical treatment and other information about the pesticides used on the establishment they may come in contact with and the requirement to



display safety data sheets for all pesticides used on the establishment.

17. Employers are prohibited from allowing or directing any employee to mix, load or apply pesticides or assist in the application of pesticides unless the employee has been trained as a handler.
18. The responsibility of the employer to provide specific information to employees (who must be at least 18 years old) before directing them to perform early-entry activities.
19. Potential hazards to children and pregnant women from pesticide exposure.
20. Keep children and nonworking family members away from pesticide treated areas.
21. After working in pesticide treated areas, remove work boots or shoes before entering your home, and remove work clothes and wash or shower before physical contact with children or family members.
22. How to report suspected pesticide use violations.

Workers have the right to receive information about pesticides to which they may be exposed. This information must also be provided to employee representatives and physicians upon

request. It is against the law to fire or take retaliatory action against employees for exercising their rights.

### Decontamination facilities for fieldworkers

Whenever fieldworkers are engaged in activities involving contact with treated surfaces in treated fields, the employer must

#### The following persons are qualified to train fieldworkers:

- A California certified applicator
- A California private applicator (PAC)
- A person who has completed an "instructor training" (also called "Train the Trainer") program conducted by the UC IPM Program, or another instructor approved by the director
- A California Registered Professional Forester
- A California County Biologist (Pesticide Regulation or Investigation and Environmental Monitoring)
- A UC Farm Advisor

3CCR 6764

provide clean, potable water (at least 1 gallon per worker measured at the start of their work period), soap and single-use towels sufficient for hand-washing and emergency eye flushing. The facility must be located within 1/4 mile of each fieldworker or at the closest point of vehicular access.

3CCR 6768.

### Early entry requirements

Generally, employees must be kept out of fields during an REI. There are exceptions for specific tasks, but additional training and precautions must be taken to protect workers.

3CCR 6771.

### Inform

Before an employee can enter a field during a REI to perform an allowed task, you must ensure that they are informed of the requirements on the label relating to:

- Specific restrictions and conditions pursuant to section 6770 about the work activity to be performed;
- Pesticide product labeling precautionary statements related to human hazards;
- Symptoms of poisoning;
- Emergency first aid and decontamination procedures for pesticide injuries or poisonings, including emergency eye flushing techniques;
- How to obtain emergency medical care;
- The prevention, recognition, and first aid for heat-related illness if personal protective equipment is used in accordance with Title 8 of the California Code of Regulations, section 3395;
- The need for, use, and care of personal protective equipment required for early entry into treated fields;
- That clothing and personal protective equipment may be contaminated with pesticide residues;
- Instructions for removing and storing such clothing and equipment, and laundering such equipment; and
- The importance of washing thoroughly at the end of the exposure period.

3CCR 6771.



### Provide

The employer must provide early-entry workers with:

- PPE required for early entry by the label and regulation (at a minimum, work clothing with long sleeves and full leg coverage, shoes, socks and gloves).
- One pint of water for eye flushing immediately accessible for each employee, if the pesticide label requires eye protection.
- A clean change area for workers with soap, water (at least 3 gallons per worker measured at the start of their work period), and clean or single-use towels.

3CCR 6771.

### Labeling PPE

All persons working in treated fields prior to the expiration of the REI must wear the label required PPE.

Pesticide labeling contains specific

instructions and exemptions about REIs, PPE, and worker notification, under the heading "Agricultural Use Requirements". Both employees and employers are subject to these labeling requirements.

FAC 12973.

**Pesticide Complaint?**

**1-877PestLine**  
INFORMATION LINE



1-877-378-5463

This guide does not explain all of the statewide and local pesticide use laws and regulations covering you and your employees' work activities. You can contact the Department of Pesticide Regulation (DPR) and your local County Agricultural Commissioner for more information and explanation of the requirements you must know and comply with.