



COUNTY OF SAN LUIS OBISPO Department of Agriculture/Weights and Measures

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Responsibilities for Farm Labor Contractor Employees Handling Pesticides

When a grower (property operator) hires a Farm labor Contractor (FLC) and the contracted employee is handling pesticides, who is responsible and liable for violations of California pesticide laws and regulations?

The determination of responsibility is based on the definitions of “employer” and “employee” found in section 6000 of Title 3 of the California Code of Regulations (3CCR 6000). “Employer” is any person who exercises primary direction and control over the services, or activities of an employee. “Employee” is any person, for any kind of compensation, performs work, services, or activities covered by Division 6 – Pesticides and Pest Control Operations (3CCR 6000 – 6960).

When the grower is directing and controlling the services or activities of the employee the grower is responsible. The grower becomes responsible for pesticide worker safety requirements (e.g. pesticide safety training, personal protective equipment, etc. 3CCR 6724, 6738 & 6739 respectively) and general pesticide use requirements (e.g. general standards of care, wellhead protection, etc. 3CCR 6600 and 6609, respectively)

When the FLC is directing and controlling the services or activities of the employee the FLC is responsible. The FLC is responsible for the same regulatory requirements, previously described for the grower, and is also subject to licensing requirements as a Pest Control Business (Food and Agricultural Code 11701 – 11897 and 3CCR 6500-6576).

Additional information regarding Employer Identification is available in the Department of Pesticide Regulation (DPR) Pesticide Use Enforcement Program Standards Compendium Volume 8: Guidelines for Interpreting Pesticide Laws, Regulations, and Labeling; Chapter 6. Worker Safety; Section 6.7. This is the standard we use to determine employer identification and responsibility.

The compendium is located on DPR’s website at:

http://www.cdpr.ca.gov/docs/enforce/compend/vol_8/pestlaw.htm

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