

## **Sight Gauge > 49 gallons 3CCR § 6742(b)(4)**

Scope: Each tank with a capacity of more than 49 gallons that is used by employees to mix or apply a liquid mixture derived from any pesticide with the signal word “DANGER” or “WARNING”.

“DANGER” or “WARNING” pesticides must be equipped with some means of determining the internal liquid level. This can be accomplished by means of a properly functioning sight gauge or transparent tanks.

Exemptions:

- Operations that employ a tank or filler hose that is equipped with a device that automatically shuts-off before the pesticide mixture overflows.
- Consumer products see 3CCR § 6720(e).

## **19. Closed System Used/Meets Criteria 3CCR § 6746(a), § 6544, § 6793.**

Scope: For all pesticides when:

- Fifty gallon or larger tanks that are used for mixing and loading dilute solutions made from those pesticides. Employees mix or load liquid “DANGER” pesticides, including dilute solutions derived from those pesticides, for the production of an agricultural commodity.
- Employees load diluted liquid mixes derived from dry “DANGER” pesticides for the production of an agricultural plant commodity.
- Employees mix or load pesticides labeled for use only with a closed system.
- Pilots operate aircraft and mix or load liquid “DANGER” or “WARNING” organophosphates and carbamates (3CCR § 6544).
- Employees mix or load minimal exposure pesticides. (3CCR § 6793).

Employers must provide and assure employees use a closed system when they mix and load liquid formulations of “DANGER” pesticides for the production of an agricultural commodity, or when required by labeling or regulation. Closed systems must meet the Director’s criteria requirements. The opening of the container and the probe as well as other couplings and fittings must be sufficiently tight to prevent leaks that may expose the employee. A system consisting of a probe without rinse capability is not a closed system under normal circumstances. For additional information regarding closed systems see Pesticide Safety Information Series A- 3. For the Director’s criteria for closed liquid pesticide systems see Appendix 1.

Verify that the hatch cover on the mix tank remains closed after “DANGER” pesticides have been added or whenever dilute “DANGER” pesticides are in the tank.

Exemptions:

- Handlers properly mixing pesticides in water-soluble bags are deemed to be using a closed system. Check “YES” on the form. [3CCR § 6738(h)(4)]
- Employees handling one gallon of material or less out of an original one gallon container per day unless required by labeling.

- Regulatory personnel collecting samples of pesticides according to official sampling procedures.
- Consumer products see 3CCR § 6720(e).

## **20. Protection of Persons, Animals and Property 3CCR § 6614**

Scope: All pesticide applications.

Prior to and while making the application, has the applicator evaluated the equipment, weather conditions, and area (both target and surrounding areas) to determine the likelihood of damage or contamination? High winds, inversions, proximity to residential areas or other gatherings of people and susceptible crops or crops that do not have a tolerance established for the pesticide are examples of conditions which may increase the hazard potential of the application. Are there any fieldworkers near the site during the pesticide application? Even though there may not be drift, consider if there is:

- A reasonable possibility of the contamination of persons not involved in the application.
- A reasonable possibility of damage or contamination to non-target crops, animals (including bees) or property.

### **Field Transplant Workers**

Some agricultural practices involve transplants being planted concurrent with an at-plant pesticide application. These transplant operations usually are accomplished using one of the following two methods.

1. Manual transplanting where the employees plant the seedlings in advance of the spray rig, with the spray rig following behind and applying the pesticide. This method is permissible if the fieldworkers stay in front of the treated area and do not contact pesticide treated surfaces (directly or through drift) and the employer complies with all fieldworker requirements including notification requirements.
2. Mechanical transplant/application where the equipment is a combination planting apparatus and application rig (transplant rig). Employees feed seedlings onto a planting arm or wheel that mechanically sets plants or set plants manually while at the same time a pesticide is applied.

In scenarios of this sort DPR considers the entire operation to be part of a “pesticide application process”. The workers are handlers and must be trained and equipped as handlers. The employer must comply with all handler requirements. It would be appropriate to perform a Pesticide Use Monitoring inspection but not a Fieldworker Safety inspection on this type of operation. (See Volume 8, Section 6.16 in the Compendium).

Exemptions:

- Public agencies or their contractors operating under a cooperative agreement with the Department of Public Health pursuant to section 116180 of the Health and Safety Code are exempt from the provisions of 3CCR § 6614(b)(1). (3CCR § 6620)