

INITIAL STATEMENT OF REASONS AND PUBLIC REPORT  
DEPARTMENT OF PESTICIDE REGULATION

Title 3. California Code of Regulations  
Amend Sections 6618, 6619, 6761.1, 6770, and 6771  
Pertaining to Notification and Application-Specific Information for Fieldworkers

This is the Initial Statement of Reasons required by Government Code section 11346.2 and the public report specified in section 6110 of Title 3 California Code of Regulations (3 CCR). Section 6110 meets the requirements of Title 14 CCR section 15252 and Public Resources Code section 21080.5 pertaining to certified state regulatory programs under the California Environmental Quality Act.

SUMMARY OF PROPOSED ACTION/PESTICIDE REGULATORY PROGRAM  
ACTIVITIES AFFECTED

The Department of Pesticide Regulation (DPR) proposes to amend 3 CCR sections 6618, 6619, 6761.1, 6770, and 6771. The pesticide regulatory program activities that will be affected by the proposal are those pertaining to pesticide worker safety. In summary, the proposed action would clarify the notification requirements prior to and after a pesticide application, including who is to be notified and the persons responsible for providing such notification; revise the requirements for application-specific information for fieldworkers; and clarify the specific activities allowed during the restricted entry interval (REI), and the requirements employers must meet in order to send fieldworkers into the field during the REI.

SPECIFIC PURPOSE AND FACTUAL BASIS

DPR's mission is to protect public health and the environment from adverse effects of pesticide use. The Food and Agricultural Code (FAC) requires that DPR adopt regulations that provide for safe working conditions for persons handling pesticides and working in and about pesticide-treated areas, including regulations on the subjects of notification, hazard communication, and early-entry activities.

DPR's current notification, hazard communication, and early-entry regulations were last amended in 1997 to incorporate the Federal Worker Protection Standard (WPS) into California regulations. DPR consulted with the U.S. Environmental Protection Agency (U.S. EPA) to ensure California maintains equivalency for the regulations.

In 1999, DPR initiated a review of its worker protection and enforcement programs. DPR held several meetings with worker advocate groups (California Rural Legal Assistance, Pesticide Action Network, and the United Farm Workers) and identified the following problem areas on which to focus: notification, posting, hazard communication, and application-specific information. Following these meetings, DPR staff met with county agricultural commissioners (CACs) and agricultural production groups to obtain their input on the above areas.

In late 2001, DPR staff completed a review of 1991-1999 Pesticide Illness Surveillance Program (PISP) cases involving early entry (HS-1819, Analysis of the Impact of the Federal Worker Protection Standard and Recommendations for Improving California's Worker Protection Program Regarding Field Posting). Based on the PISP data review, DPR concluded that current posting requirements were effective in preventing workers from entering fields early. This report was followed in 2002 by an additional review of the same data. However, this time the focus was on compliance with the notification, hazard communication, and application-specific information requirements of the WPS (HS-1833, Analysis of the Hazard Communication, Notification and Retaliation Requirements of the Worker Protection Standard and Recommendations for Improving California's Worker Protection Program). Based on the review of the PISP data and issues raised in both DPR's Compliance Assessment Report and the U.S. EPA Region 9 Worker Protection Standard Assessment California Program Report, DPR reviewed 3 CCR sections 6618, 6619, and 6761.1 to determine if amendments should be made to improve clarity and enforceability. DPR decided to move forward with draft concepts for revising regulatory sections dealing with notification, hazard communication, and early-entry.

From late 2002 through summer 2003, DPR held a series of meetings with CACs, growers, pesticide applicators, agricultural production groups, and worker advocates to discuss the regulatory concepts and acquire input from the various stakeholders. DPR was able to reach consensus with stakeholders on ways to improve the notification process and early-entry provisions through proposed regulatory changes. However, despite proposing a wide variety of options to improve the hazard communication program and make application-specific information more accessible, a mutual concurrence between these groups and DPR was not attainable at the time. DPR has attempted to address improving fieldworker access to application-specific information through this regulatory action even though there are no available data regarding the types of information about pesticides that fieldworkers are interested in receiving and the best way to deliver that information to them.

The proposed regulatory actions would amend sections 6618, 6619, 6761.1, 6770, and 6771 to update and clarify existing worker safety regulations. The proposed action would clarify the notification requirements prior to, and after, a pesticide application, including who is to be notified and the persons responsible for providing such notification; revise the requirements for application-specific information for fieldworkers; and clarify the specific activities allowed during the REI and the requirements employers must meet in order to send fieldworkers into the field during the REI.

#### Section 6618. Notice of Applications.

Currently, section 6618 requires that each person performing pest control give notice to the operator of the property to be treated before any pesticide is applied to their property. Subsequently, this section also requires that the operator of the property shall provide notification of a scheduled application to their employees and any contractor hired by the operator of the property who may walk within ¼ mile of the treated field. However, this section is unclear as to who is ultimately responsible for notifying employees (especially employees of labor contractors).

Proposed subsections 6618(a) and (b), respectively separate the notification requirements that apply to the use of any pesticide for the commercial or research production of an agricultural plant commodity (agricultural use) from those notification requirements for purposes other than the commercial or research production of an agricultural plant commodity (nonagricultural use). Separating the agricultural and nonagricultural use notification requirements into the two subsections will improve clarity and correct ambiguity. Additionally, the intent of these proposed subsections is to provide greater protection for employees who may enter a field or area to be treated during the course of their work. The notifications required by these subsections will be completed prior to the use of any pesticide, given in ample time for all subsequent notifications to be made, and for all persons notified to take appropriate action.

Proposed subsection (a)(1) specifies that the person performing pest control shall assure that the operator of the property to be treated receives notification of the scheduled application. Additionally, it specifies what information needs to be provided. Current subsections 6618(a)(1)(A) and (a)(2)(A) require that the applicator provide the operator of the property notice of the scheduled date and time of the application. The proposed amendment requires the notice to include only the date of the application. This change is expected to provide greater protection to fieldworkers since it is required that once the notice of scheduled application is provided, the operator would then manage his property as though the application could take place anytime on the date specified in the notice. Deleting the requirement for providing the scheduled time of the application is the only change made to the information currently required in the notice of scheduled application. All other information required remains the same.

The word "assure," as defined in section 6000, replaces the word "give." This is consistent with language used elsewhere in regulation. Additionally, since the creation of the California Environmental Protection Agency, there has, at times, been confusion in the regulated community over whether reference to "EPA" in DPR's regulations refers to U.S. EPA or the California Environmental Protection Agency. In order to clarify which agency is being referenced, DPR proposes to replace all references to the previous acronym for U.S. EPA--"EPA," with the acronym "U.S. EPA."

Currently, section 6618 does not account for a change in the date of a scheduled application. Proposed subsection (a)(2) requires that the pesticide applicator re-notice the operator of the property if the application does not take place on the date scheduled. Even though application schedules may frequently change due to equipment breakdowns or changes in weather, current regulations do not require the applicator to provide any additional notice(s) should the application schedule change. The requirement for providing an additional notice will aid in ensuring that the operator of the property does not mistakenly allow workers to enter a field during a rescheduled application or REI.

This regulatory action would reorder and revise current subsection 6618(b) to subsection 6618(a)(3). Current subsection 6618(b) requires the operator of the property to notify persons who are in or likely to enter a field, and may enter during an REI, and employees who may walk within ¼ mile of the "treated field." "Treated field," as defined in section 6000, means "a field that has been treated with a pesticide or had a restricted entry interval in effect within the last 30 days . . ." Based on this language, an employer could be required to notify employees of the

pesticide application up through 30 days past the expiration of the REI. Proposed subsection (a)(3) will require the operator of the property to assure that notice is given to his or her employees, any pest control business and its employees, and any hired contractor and his or her employees who may enter the "field to be treated" on the operator's property during the date of application and until the notice of completion [as specified in subsection 6619(c)] has been received. This would include his or her fieldworker or pesticide handler employees (referring to those of the operator of the property and any pest control business and contractor hired by the operator of the property) who may walk within ¼ mile of the field to be treated. The intent of this regulatory action is to clarify that fieldworker and pesticide handler employees are most likely to enter the field to be treated while working on the operator's property. Revisions to this subsection also intend to clarify that the notification provided pertains to a specific date of the application. Current subsection 6618(b)(1)(B) has been relocated to subsection 6619(c), Notice of Completed Applications.

This regulatory action would reorder and revise current subsection 6618(b)(2) to subsection 6618(a)(4). Proposed subsection (a)(4) would require any pest control business or contractor hired and notified of any pesticide application by the operator of the property to notify his or her employees similar to those requirements specified in proposed subsection 6618(a)(3), including their fieldworker or pesticide handler employees who may walk within ¼ mile of the field to be treated. The terms, "licensed" and "licensed labor" have been deleted to protect employees who may be employed by contractors who do not meet the definition of licensed pest control businesses or licensed labor contractors. For instance, the term "labor contractor" could be construed to imply "farm labor contractor." "Farm labor contractor," as defined in Labor Code section 1682.4, does not include a commercial packinghouse engaged in both the harvesting and the packing of citrus fruit or soft fruit for a client or customer. Commercial packinghouses may buy a crop from the operator of the property and send their own crews in to pick and pack the crop. Under current regulations, their picking crews are exempt from the notification requirements. The amendment would clarify that the notification requirements apply to any contractor hired by the operator of the property.

Together, proposed subsections 6618(a)(3) and (4) introduce a dual responsibility to both the operator of the property and any contractor he or she hires for complying with these notification requirements. Since the operator of the property is the person who receives information from the pesticide applicator about scheduled applications and REI expiration date(s), and the contractor has direct contact with his or her own employees who may enter the field to be treated during the date of application, both parties should be responsible for ensuring that their employees are sufficiently notified so they can avoid entering fields during the date of a scheduled pesticide application. Subsequently, proposed subsections 6618(a)(3) and (4) will now incorporate the requirements given in current subsection 6618(b)(1)(A).

Currently, subsection 6618(b)(4) exempts notification requirements when a field is posted as specified in section 6776 unless the pesticide product labeling requires both oral notification to fieldworkers and posting of treated fields. This requirement has been revised to accurately reference the notice given in proposed subsection 6618(a)(3) and has been relocated to proposed subsection 6618(a)(5)(A). Proposed subsection 6618(a)(5)(A) will further specify that subsections (b) through (f) of section 6776 be referenced. Subsection 6776(a) is not applicable

because it references situations when posting is mandatory. This proposed revision allows the operator of the property to post in lieu of notification if he chooses.

Proposed subsection (a)(5)(B) adds an exemption to the notification requirements specified in proposed subsection (a)(3) when the operator of the property can assure that the application will occur after sunset and when any employees, including fieldworker or pesticide handler employees who may walk within ¼ mile of the field to be treated, required to be notified will not enter the field to be treated from sunset until the notice of completion pursuant to proposed subsection 6619(c) is received. Sunset times can be determined from a local newspaper.

Proposed subsection (a)(6) specifies that the operator of the property is responsible for notifying people, other than employees, whom he would have reason to believe may enter the field during the date of the application or REI. This provision would reinstate a protection that was in California regulations prior to incorporating the WPS, and is intended to protect persons such as Pacific Gas and Electric crews or irrigation district employees who have or maintain rights-of-way on the property. It does not pertain to trespassers or those transiting through the property without permission.

This regulatory action would reorder and revise current subsections 6618(b)(3)(A-C) to subsections 6618(a)(7)(A-C). Proposed subsections (a)(7)(A-C) specify the information required on the notice proposed in subsections (a)(3), (4), and (6). As in proposed subsection 6618(a)(1), the time of scheduled application is not required.

Proposed subsection 6618(a)(8) will require that a new notice be provided to persons specified in proposed subsections (a)(3), (4), and (6) when there is a change in the date of the scheduled application.

Current subsection 6618(c) has been renumbered as proposed section 6618(b). As previously stated, proposed section 6618(b) separates the notification requirements that apply to the use of any pesticide for purposes other than the commercial or research production of an agricultural plant commodity (nonagricultural use) from those notification requirements for the commercial or research production of an agricultural plant commodity (agricultural use). The amendments proposed are to clarify when notification must be completed, and what information must be provided.

#### Section 6619. Notice of Completed Applications.

The subject title will be revised to read, "Notice of Completed Applications." Proposed section 6619 addresses notification requirements after completed applications.

Proposed revisions to subsection 6619(a) will require any person applying pesticides to commercial or research property for the production of an agricultural plant commodity to assure notice is given within 24 hours of completing the application to the operator of the property treated. The current regulation requires an agricultural pest control business, not any person, applying pesticides to notify the operator of the property (or the operator's designated employee) of a completed pesticide application. The reasoning for this change is that some farmers may

apply, or have their employees apply, pesticides for neighboring operation(s). In such cases, the applicator would not be a licensed pest control business. This amendment would require any person who applies a pesticide to be responsible for notifying the operator of the property. The option to notify a "designated employee" would be deleted. These proposed changes are consistent with the current requirements for providing a notice of application in section 6618. Proposed section 6619(a)(2) would require the product name, U.S. EPA registration number, and active ingredient to be included on the notice. This would also be consistent with the notice information required in section 6618.

This regulatory action would delete current subsection 6619(b), which requires the operator of the property (or their designated employee) to identify in writing, the notification method in which the agricultural pest control business will provide the notice of completion within the 24-hour period if he (the operator of the property or their designated employee) will not be available. The need to retain a copy of the written notification method would no longer be required. Current subsection (c) would now become subsection (b) and would be amended to require that the operator of the property treated shall maintain a written record of the application completion notice(s) he or she receives from the "person applying the pesticide(s)" by site. The notice(s) of completed applications can be given to the operator of the property by any means as long as they are documented pursuant to proposed subsection 6619(b). These proposed amendments to subsections 6619(a) and (b) should clarify who will give the notice of a completed application, to whom, and how the notice is maintained.

Proposed subsection (c) will require the operator of the property to assure that notice is given to his or her employees, any pest control business and its employees, and any hired contractor and his or her employees working on the operator's property who may enter the treated field during the REI. In order to remain consistent with the requirements given in proposed subsection 6618(a)(3), this would include his or her fieldworker or pesticide handler employees (referring to those of the operator of the property and any pest control business and contractor hired by the operator of the property) who may walk within ¼ mile of the treated field. Once again, the intent of this regulatory action is to clarify that fieldworker and pesticide handler employees are most likely to enter a field that has now been treated on the operator's property.

Proposed subsection (d) will require the pest control business or contractor hired and notified of any pesticide application by the operator of the property to assure that notice is given to his or her employees who may enter the treated field during the REI. Again, remaining consistent with the requirements given in proposed subsection 6618(a)(4), this would include their fieldworker or pesticide handler employees who may walk within ¼ mile of the treated field.

Once again, as introduced in proposed subsections 6618(a)(3) and (4), these requirements reinforce the dual responsibility of assuring employee notification, in this case of REIs, by both the operator of the property and any contractor he or she hires.

Subsequently, proposed subsection (e) requires that the notices given to employees in subsections 6619(c) and (d) should be in a manner the person can understand and include: the information on the location and description of the treated field, the time during which entry is

restricted and the instructions to not enter the treated field until the REI has passed unless exceptions apply.

Proposed subsection (f) exempts notification requirements when a field is posted as specified in section 6776(b-f) unless the pesticide product labeling requires both oral notification to employees and posting of treated fields. To remain consistent with proposed subsection 6618(a)(3), proposed subsection 6619(f) also specifies that persons who will apply the pesticide(s) or supervise the application are not required to be notified pursuant to proposed subsections 6619(c) and (d).

Proposed subsection (g) would hold the operator of the property responsible for notifying people, other than employees, whom he or she would have reason to believe may enter the field during the REI. Additionally, this requirement specifies what information must be included in the notification to such people. This provision would re-instate a protection that was in California regulations prior to incorporating the WPS, and is intended to protect persons such as Pacific Gas and Electric crews or irrigation district employees who have or maintain rights-of-way on the property. It does not pertain to trespassers or those transiting through the property without permission.

Proposed subsection (h) and (i) would delete the requirement that agricultural pest control businesses must retain a copy of the written notification method since this requirement to have a written notification method is being deleted in proposed subsection 6619(b).

#### Section 6761.1. Application-Specific Information for Fieldworkers.

Current California regulations require that application-specific information must be displayed within 24 hours of the completion of the pesticide application. Federal regulations require that application-specific information must be displayed before the start of a pesticide application. U.S. EPA requested that DPR amend section 6761.1 as part of this rulemaking in order to bring all California worker protection regulations into full equivalency with the federal WPS.

Proposed amendments to subsection 6761.1(a) would better define whom fieldworkers work for and where they are working. Additionally, references made to "employees" in current subsections 6761.1(a) and (b) have been replaced with the term "fieldworkers." In this case, the use of "fieldworkers" aligns better with the intent and title of this section.

Proposed subsection 6761.1(b) would be amended to require that the application-specific information be displayed at the time the operator of the property receives the notice of completion of the pesticide application instead of within 24 hours of receipt of notification. Also, the information would be required to be displayed before any fieldworkers are allowed to walk within ¼ mile of the treated field. As mentioned above, this amendment would bring all California worker protection regulations into full equivalency with the federal WPS. Application-specific information includes all pesticide applications that have been made to any field on the agricultural establishment. Displaying the information is required until the area no longer meets the definition of a treated field or fieldworkers will no longer be on the establishment, whichever occurs first.

Proposed subsection (c) adds a requirement that the operator of the property and any contractor hired by the operator display a description of the location of the application-specific information at the work site whenever their fieldworkers are working in a treated field. This proposed subsection would also require that the description of the location should be specific enough for fieldworkers to find and have unimpeded access to the displayed application-specific information. Additionally, the location description will be reinforced by requiring that the description of the location shall subsequently be displayed in the appropriate section of, or as an attachment to, the Hazard Communication Information for Employees Working in Fields (Pesticide Safety Information Series leaflet A-9). This requirement will help employers assure that their fieldworkers are made aware of their right-to-know about pesticides that have been used recently where they work and where they can find this information.

Current subsection (c) is being reordered as proposed subsection (d).

#### Section 6770. Field Entry After Scheduled or Completed Pesticide Applications.

The title of current section 6770 will be expanded to include "Scheduled or Completed" within its text. Section 6770 addresses field reentry after a pesticide application. The regulatory action adds proposed subsections (a), (b), and (c) to clarify who is ultimately responsible for assuring that employees will not enter a field on the date of a scheduled application or after a field is treated (during the REI).

Proposed subsection 6770(a) prohibits the operator of the property from allowing or directing any of his or her employees, any pest control business and its employees (except for those directly involved with applying and/or supervising the pesticide application), and any hired contractor and his or her employees, to enter a field on the date it is scheduled to be treated, unless the operator assures that the planned application has not occurred and that the planned application will not occur during the time employees are in the field to be treated.

Proposed subsection (b) will prohibit the operator of the property from allowing or directing his or her employees, any pest control business and its employees, and any hired contractor and his or her employees, to enter a treated field until the operator has received the notice of completion as specified in proposed subsection 6619(c), and the REI has expired or the operator of the property has assured that the restrictions and exemptions given in proposed subsection 6770(d) have been met before any of their employees are allowed to enter a treated field.

Proposed subsection (c) will prohibit any contractor, including any pest control business, hired by the operator of the property, from allowing or directing any of his or her employees to enter a treated field until authorized (received confirmation) by the operator of the property that notice of completion [as specified in proposed subsection 6619(c)] has been received and the REI has expired or the operator of the property has assured that the restrictions and exemptions given in proposed subsection 6770(d) have been met before any of their employees are allowed to enter a treated field.

The regulatory action will reorder current subsection 6770(a) as proposed subsection (d). Proposed subsection (d) will replace "employer" with the "operator of the property," "any pest control business" and "any hired contractor," as those responsible for not allowing or directing any of their employees to enter a treated field before the REI stated on pesticide product labeling, or listed in section 6772, has expired unless certain exceptions apply. The use of these terms will provide consistency to this subsection as they are referred to elsewhere throughout the proposed regulations. The exceptions that apply for reentering a treated field specified in current subsections 6770(b-f) would be reordered under proposed subsections 6770(d) and (e). The phrase, "or remain in," (a treated field) has been deleted in proposed subsection (d) in order to remain consistent with the proposed requirements in subsections (b) and (c). At this point of the notification process, employees should not be near, or entering, a treated field until proper notice of completion has been confirmed and the restrictions and exceptions pursuant to this section have been met. Remaining in a treated field would not make sense given the intent of this section.

Additionally, proposed subsections 6770(d)(1-4) add the phrase, "provided the employer assures that," to each early entry activity to reinforce the responsibility employers have for assuring that certain restrictions and exceptions are met prior to sending employees into a field during a REI. Along with the provisions in sections 6618 and 6619, these additional restrictions and exceptions will ensure that employees are not mistakenly sent into a field during or after an application or while an REI is in effect.

For clarification purposes, headers for the types of activities (pesticide handling, no contact, short-term limited-contact, short-term high-contact) that are allowed during an REI have been added to proposed subsections (d)(1), (2), (3), and (4). The phrase, "of workers," was deleted in proposed subsection 6770(d)(3)(A) dealing with short-term, limited-contact activities. Additionally, the phrase "and/or work clothing," was inserted after "personal protective equipment" within subsections 6770(d)(3)(E) and (d)(4)(C). This will further clarify what employers must assure their early entry workers are to conform to regarding the necessary protective clothing they may be required to use for these types of work activities.

#### Section 6771. Requirements for Early Entry Employees.

The title of current section 6771 will be revised by replacing "Fieldworkers" with "Employees" to become consistent with section 6770's use of this term [employee(s)]. Section 6771 requires employers of early entry employees to provide them with information such as pesticide product labeling requirements related to human hazards or precautions, first aid, symptoms of poisoning, use and care of personal protective equipment (PPE) required for early entry into treated fields, the prevention, recognition, and first aid for heat-related illness, and the importance of washing thoroughly at the end of the exposure period prior to their entering a treated field during a REI.

Proposed subsection 6771(a) adds that, prior to allowing or directing any employees to enter a field during an REI to perform an early entry task, the employer must inform them of the specific restrictions and conditions pursuant to section 6770. This would require employers to inform any employees that they are being sent into the field during an REI, the restrictions on any tasks they are allowed to perform during the REI, and how long they may be allowed to remain in the field

while performing these tasks. As mentioned in the introductory paragraph of this section, this regulatory action will replace the terms, "early entry fieldworkers" and "fieldworker(s)," with "employee(s)" throughout section 6771 to remain consistent with the use of this term throughout section 6770.

Additionally, proposed subsection (a) would be revised to clarify and expand the information [listed as items (1) through (10) under proposed subsection (a)] that employees must receive prior to being sent into a field during the REI. Since employees who enter a field before the REI expires face an inherent risk of pesticide exposure over those who enter a field after the REI expires, employers must inform their early entry employees on how to protect themselves from a pesticide exposure and what steps to take if they are exposed. The required information must be presented in a manner that the early entry employees can understand and include information such as emergency first aid and decontamination procedures for pesticide injuries or poisonings, and how to obtain emergency medical care.

Proposed subsection (a)(7) would revise the PPE statement from the current requirement listed in 6771(a) to read, "*The need for,* use, and care of personal protective equipment . . ." Employees may be reluctant to wear PPE because it may cause discomfort or slow them down. Therefore, it is important that the employer emphasizes that the correct PPE is required for early entry tasks.

The phrase, "the employer shall assure that . . ." was added to subsection 6771(b) to reinforce the responsibility employers have for assuring that all PPE is inspected before each day of use.

Current subsection (g) was revised to expand the definition of "sufficient water" and to provide a reference for handwashing facilities in conjunction with the Field Sanitation regulations pursuant to Title 8 CCR section 3457.

#### CONSULTATION WITH OTHER AGENCIES

DPR regularly consults with other agencies during the development of proposed regulations. Pursuant to FAC sections 12980 and 12981, it is the joint and mutual responsibility of DPR and the Office of Environmental Health Hazard Assessment in developing regulations relating to pesticides and worker safety. Also in carrying out these provisions, the University of California (UC) and the Department of Industrial Relations are consulted. As specified in FAC section 11454.2, and the February 6, 1992, Memorandum of Agreement, which was developed as provided in section 11454.2, DPR will notify the California Department of Food and Agriculture of the development of regulations and request comments relating to pesticides and worker safety prior to the issuance of a notice of proposed rulemaking.

In order to formalize this process, and to create a forum for other public agencies to communicate with DPR, and provide feedback, DPR created a Worker Safety Regulation Work Group. The group is comprised of representatives from DPR, the Office of Environmental Health Hazard Assessment, Department of Industrial Relations, California Department of Food and Agriculture, UC Davis, and the California Agricultural Commissioners and Sealers Association.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION [GOVERNMENT CODE SECTION 11346.2(b)]

DPR has not identified any feasible alternatives to the proposed regulatory action that would lessen any possible adverse economic impacts, including any impacts on small businesses, and invites the submission of suggested alternatives.

As discussed in the Notice of Proposed Regulatory Action that was published in the *California Regulatory Notice Register*, DPR has determined that the adoption of this regulation will not have a significant cost impact on businesses.

IDENTIFICATION OF ANY SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECT THAT CAN REASONABLY BE EXPECTED TO OCCUR FROM IMPLEMENTING THE PROPOSAL

DPR's review of the proposed action showed that no significant adverse environmental effect to California's air, soil, water, plants, fish, or wildlife can reasonably be expect to occur from implementing the proposal. Therefore, no alternatives or mitigation measures are proposed to lessen any significant adverse effects on the environment.

DOCUMENTS RELIED UPON

1. U.S. EPA Region 9 Cross Media Division Pesticide Program, Worker Protection Team (2001) U.S. EPA Region 9, Worker Protection Standard Assessment California Program Report, 75 Hawthorne Street (CMD-4-3), San Francisco, California 94105-3901.
2. Spencer, Janet R. (2001) Analysis of the Impacts of the Federal Worker Protection Standard and Recommendations for Improving California's Worker Protection Program Regarding Field Posting (HS-1819). California Department of Pesticide Regulation, Worker Health and Safety Branch, 1001 I Street, Sacramento, California, 95814.
3. McCarthy, Susan A. (2002) Analysis of the Hazard Communication, Notification and Retaliation Requirements of the Worker Protection Standard and Recommendations for Improving California's Worker Protection Program (HS-1833). Department of Pesticide Regulation, Worker Health and Safety Branch.
4. California Department of Pesticide Regulation (2001) Compliance Assessment Report Pesticide Handler and Field Worker Safety Survey. California Department of Pesticide Regulation, Division of Enforcement, Environmental Monitoring and Data Management, 1001 I Street, Sacramento, California 95814.
5. Consultation on Draft Regulations on Notification Requirements of Pesticide Application. California Environmental Protection Agency, Agencywide Economic Analysis Unit, Air Resources Board. Memorandum from Bill Dean to Linda Irokawa-Otani, Regulations Coordinator, DPR. November 21, 2006.