TEXT OF PROPOSED REGULATIONS

Current wording is indicated by regular type.
Originally proposed deletions are indicated by ~~strikeout~~.
Originally proposed additions are indicated by <u>underline</u>.

DIVISION 6. PESTICIDES AND PEST CONTROL OPERATIONS
CHAPTER 1. PESTICIDE REGULATORY PROGRAM
SUBCHAPTER 1. DEFINITION OF TERMS
ARTICLE 1. DEFINITIONS FOR DIVISION 6

Amend section 6000 to read:

6000. Definitions.

…

~~**"Assure"** or **"Ensure"** means to take all reasonable measures so that the behavior, activity, or event in question occurs. When the behavior, activity, or event in question involves or concerns an employee, reasonable measures by an employer include determining that the employee has the knowledge to comply; providing the means to comply; supervising the work activity; and having and enforcing a written workplace disciplinary action policy covering the employer's requirements, as well as other measures required by pesticide law or this division.~~

…

"Chemical<u>-</u>resistant" ~~or **"Waterproof"**~~ means a material that allows no measurable movement of the pesticide through it during use. ~~When a specific material is specified on pesticide product labeling, personal protective equipment constructed of that material shall be used.~~

…

"Conflict with Labeling" means any deviation from instructions, requirements or prohibitions of pesticide product labeling concerning storage, handling or use except:

(a) A decrease in dosage rate per unit treated;

(b) A decrease in the concentration of the mixture applied;

(c) Application at a frequency less than specified;

(d) Use to control a target pest not listed, provided the application is to a commodity/site that is listed and the use of the product against ~~an~~ <u>the</u> unnamed <u>target</u> pest is not expressly prohibited;

(e) Employing a method of application not expressly prohibited, provided other directions are followed;

(f) Mixing with another pesticide or with a fertilizer, unless such mixing is expressly prohibited;

(g) An increase in the concentration of the mixture applied, provided it corresponds with the current published UC Pest Management Guidelines of the University of California, which are available from their Statewide Integrated Pest Management Project, One Shields Avenue, Davis, California 95616, or on-line at http://www.ipm.ucdavis.edu; or

(h) The use of personal protective equipment consistent with the exceptions and substitutions in section 6738.4.

…

NOTE: Authority cited: Sections 11456, 11502, 12111, 12781, 12976, 12981, and 14005, Food and Agricultural Code. Reference: Sections 11408, 11410, 11501, 11701, 11702(b), 11704, 11708(a), 12042(f), 12103, 12971, 12972, 12973, 12980, 12981, 13145, 13146, and 14006, Food and Agricultural Code.

CHAPTER 2. PESTICIDES
SUBCHAPTER 4. RESTRICTED MATERIALS
ARTICLE 5. USE REQUIREMENTS

Repeal section 6486.7:

~~**6486.7. Azinphos-Methyl.**~~

~~(a) When employees apply azinphos-methyl using air carrier (air blast) ground equipment where any part of the airstream is directed at an angle above horizontal to the ground:~~

~~(1) Employee applicators shall wear a chemical-resistant suit over long-sleeved shirt and long-legged pants, chemical-resistant hood, chemical-resistant boots, chemical-resistant gloves, and a full-face respirator or a half-face respirator together with a face shield in addition to labeling-required personal protective equipment;~~

~~(2) If the employee applicator utilizes an enclosed cab and the work clothing and personal protective equipment specified in section 6738(h)(5), (6), and (7), the requirements in (1) do not apply. In situations specified in 6738(h), where respiratory protection is required inside an enclosed cab, the respiratory protection shall meet labeling requirements.~~

NOTE: Authority cited: Sections 12981 and 14005, Food and Agricultural Code. Reference: Sections 12980, 12981, 14001, and 14006, Food and Agricultural Code.

CHAPTER 3. PEST CONTROL OPERATIONS
SUBCHAPTER 3. PESTICIDE WORKER SAFETY
ARTICLE 1. GENERAL SAFETY REQUIREMENTS

Amend section 6702 to read:

6702. Employer-Employee Responsibilities.

(a) The employer shall comply with each regulation in this subchapter which is applicable to the employer's action or conduct.

(b) The employer:

(1) is responsible for knowing about applicable safe use requirements specified in regulations and on the pesticide product labeling;

(2) shall inform the employee, in a language the employee understands, of the specific pesticide being used, pesticide safety hazards, the personal protective equipment and other

equipment to be used, work procedures to be followed, and pesticide safety regulations applicable to all activities they may perform;

(3) shall ~~supervise employees to~~ assure ~~that~~ safe work practices, including all applicable regulations and pesticide product labeling requirements, are complied with;

(4) has the duty to provide a safe work place for employees and require employees to follow safe work practices; and

(5) shall ~~take all reasonable measures to~~ assure that employees handle and use pesticides in accordance with the requirements of law, regulations, and pesticide product labeling requirements.

(c) Employees shall utilize the personal protective equipment and other safety equipment required by pesticide product labeling or specified in this subchapter that has been provided by the employer at the work site in a condition that will provide the safety or protection intended by the equipment.

NOTE: Authority cited: Section 12976 and 12981, Food and Agricultural Code. Reference: Sections 12973, 12980, and 12981, Food and Agricultural Code.

CHAPTER 3. PEST CONTROL OPERATIONS
SUBCHAPTER 3. PESTICIDE WORKER SAFETY
ARTICLE 2. GENERAL SAFETY REQUIREMENTS

Amend section 6720 to read:

6720. **Safety of Employed Persons**.

(a) The requirements of this article shall be complied with by the employer for the safety of employees handling pesticides.

(b) When only vertebrate pest control baits, solid fumigants (including, but not limited to, aluminum phosphide, magnesium phosphide, and smoke cartridges), insect monitoring traps or non-insecticidal lures are handled, the employer is exempt from the requirements of sections 6730 (Working Alone), and 6732 (Change Area), and ~~6736 (Coveralls)~~ 6738.1(e).

(c) When antimicrobial agents, used only as sanitizers, disinfectants, or medical sterilants, or pool and spa chemicals are handled, the employer is exempt from complying with the provisions of Title 3, California Code of Regulations sections specified below, provided the employer instead complies with any applicable requirements in the following corresponding provisions of Title 8, California Code of Regulations.

Title 3, CCR	*Title 8, CCR*
6700	3200 and 3202
6702	3200 and 3203
6720	As indicated in this Subsection
6723	3203, 3204, and 5194
6724	3203 and 5194
6726	3400
6732	3367
6734	3363 and 3366

~~6736~~	~~3383~~
6738-6738.4	3380 through 3385
6739	5144
6740	3317
6742	5141
6744	3203 and 5194

(d) The provisions of sections 6726, 6734, ~~and 6768 (Decontamination)~~, ~~6726 and 6766 (Emergency Medical Care)~~, ~~6736 (Coveralls)~~, ~~6738(b)-(h)(Personal Protective Equipment),~~ 6738.1-6738.4, 6739 ~~(Respiratory Protection)~~, 6766, 6768, and 6770 ~~(Field Re-entry)~~ do not apply to licensed agricultural pest control advisers and registered professional foresters, or employees under their direct supervision, while performing, after the application is completed, crop adviser tasks, including field-checking or scouting, making observations of the well-being of the plants, or taking samples provided:

(1) They have been trained equivalent to the requirements of section 6724 (licensed agricultural pest control advisers are considered trained for the purposes of this exception); and

(2) The licensed agricultural pest control adviser or registered professional forester responsible for the direct supervision has:

(A) Made specific determinations regarding appropriate personal protective equipment, needed decontamination facilities, and how to safely conduct crop adviser tasks;

(B) Informed each employee under his or her direct supervision of the pesticide product and active ingredient(s) applied, method and time of application, the restricted entry interval, and determinations made pursuant to (A) above; and

(C) Instructed each employee under his or her direct supervision regarding which tasks to perform and how to contact him or her if the need arises.

(e) The provisions of this subchapter do not apply to employees handling consumer products packaged for distribution to, and use by, the general public, provided that employee use of the product is not significantly greater than the typical consumer use of the product.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 11501, 12973, 12980, and 12981, Food and Agricultural Code.

Amend section 6724 to read:

6724. Handler Training.

The employer shall assure that employees who handle pesticides have been trained pursuant to the requirements of this section and that all other provisions of this section have been complied with for employees who handle pesticides.

(a) The employer shall have a written training program. The training program shall describe the materials (e.g., study guides, pamphlets, pesticide product labeling, Pesticide Safety Information Series leaflets, Material Safety Data Sheets, slides, video tapes) and information that will be provided and used to train his or her employees and identify the person or firm that will provide the training. The training program shall address each of the subjects specified in subsection (b) that is applicable to the specific pesticide handling situation**.** The employer shall maintain a copy

of the training program while in use and for two years after use, at a central location at the workplace.

(b) The training shall cover, for each pesticide or chemically similar group of pesticides, to be used:

(1) Format and meaning of information, such as precautionary statements about human health hazards, contained in pesticide product labeling;

(2) Hazards of pesticides, including acute and chronic effects, delayed effects, and sensitization, as identified in pesticide product labeling, Material Safety Data Sheets, or Pesticide Safety Information Series leaflets;

(3) Routes by which pesticides can enter the body;

(4) Signs and symptoms of overexposure;

(5) Emergency first aid for pesticide overexposure;

(6) How to obtain emergency medical care;

(7) Routine and emergency decontamination procedures, including spill clean-up and the need to thoroughly shower with soap and warm water after the exposure period;

(8) Need for, limitations, appropriate use, and sanitation, of, any required personal protective equipment;

(9) Prevention, recognition, and first aid for heat-related illness in accordance with Title 8 of the California Code of Regulations, section 3395;

(10) Safety requirements and procedures, including engineering controls (such as closed systems and enclosed cabs) for handling, transporting, storing, and disposing of pesticides;

(11) Environmental concerns such as drift, runoff, and wildlife hazards;

(12) Warnings about taking pesticides or pesticide containers home;

(13) Requirements of this chapter and chapter 4 relating to pesticide safety, Material Safety Data Sheets, and Pesticide Safety Information Series leaflets;

(14) The purposes and requirements for medical supervision if organophosphate or carbamate pesticides with the signal word "DANGER" or "WARNING" on the labeling are mixed, loaded, or applied for the commercial or research production of an agricultural plant commodity;

(15) The location of the written Hazard Communication Information For Employees Handling Pesticides (Pesticide Safety Information Series leaflet A-8), other Pesticide Safety Information Series leaflets, and Material Safety Data Sheets;

(16) The employee's rights, including the right:~~;~~

(A) To personally receive information about pesticides to which he or she may be exposed;

(B) For his or her physician or employee representative to receive information about pesticides to which he or she may be exposed; and

(C) To be protected against retaliatory action due to the exercise of any of his or her rights.

(c) The training shall be in a manner the employee can understand, be conducted pursuant to the written training program, and include response to questions.

(d) Training shall be completed before the employee is allowed to handle pesticides, continually updated to cover any new pesticides that will be handled, and repeated at least annually thereafter. Initial training may be waived if the employee submits a record showing that training meeting the requirements of this section and covering the pesticides and use situations applicable to the new employment situation was received within the last year. A certified applicator is considered trained for the purposes of this section.

(e) The date and extent of initial and annually required training given to the employee and the job to be assigned shall be recorded. This record shall be verified by the employee's signature

and retained by the employer for two years at a central location at the workplace accessible to employees.

(f) The person conducting the training for employees who will be handling pesticides for the commercial or research production of an agricultural plant commodity shall be qualified as one of the following:

(1) A California certified commercial applicator;

(2) A California certified private applicator;

(3) A person holding a valid County Biologist License in Pesticide Regulation or Investigation and Environmental Monitoring issued by the Department of Food and Agriculture;

(4) A farm advisor employed by the University of California Extension Office;

(5) A person who has completed an "instructor trainer" program presented by one of the following:

(A) the University of California, Integrated Pest Management Program after January 1, 1993; or

(B) other instructor training program approved by the Director;

(6) A California licensed Agricultural Pest Control Adviser;

(7) A California Registered Professional Forester; or

(8) Other trainer qualification approved by the Director.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

Repeal section 6736:

~~**6736. Coveralls.**~~

~~(a) The employer shall provide coveralls for each employee who handles any pesticide with the signal word "DANGER" or "WARNING" on the label except as provided in 6738(h).~~

~~(b) The employer shall assure that:~~

~~(1) Employees start each work day wearing coveralls whenever they handle pesticides with the signal word "DANGER" or "WARNING";~~

~~(2) Employees wear coveralls whenever they handle pesticides with the signal word "DANGER" or "WARNING" except as provided in 6738(h);~~

~~(3) Employees change out of their coveralls and wash at the end of the work day;~~

~~(4) Potentially contaminated coveralls removed at the worksite or headquarters are not taken home by employees; and~~

~~(5) Employees whose work day does not involve return to the employer's headquarters, remove and store potentially contaminated coveralls in a sealable container outside of their own living quarters for later return to the employer.~~

~~(c) This section does not apply to employees using fumigants unless the pesticide product labeling expressly requires the use of coveralls.~~

~~NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.~~

Amend section 6738 to read:

6738. Personal Protective Equipment Care.

(a) The employer shall:

(1) Provide all ~~required~~ personal protective equipment required by pesticide product labeling, regulation, and restricted material permit condition, provide for its daily inspection and cleaning (according to pesticide labeling instructions or, absent any instructions, washed in detergent and hot water), and repair or replace any worn, damaged, or heavily contaminated personal protective equipment. Leather gloves ~~previously~~ used to apply only aluminum phosphide or magnesium phosphide pesticides and which have been aerated for 12 hours or more are considered cleaned~~;~~.

(2) Assure that all clean personal protective equipment, when not in use, is kept separate from personal clothing and in a clean and pesticide-free, specifically designated place~~;~~ .

~~(3) Assure that appropriate measures are taken to prevent heat-related illness when necessary;~~.

~~(4)~~ (3) Assure that personal protective equipment is used correctly for its intended purpose.

~~(5) Discard any absorbent materials that have been drenched or heavily contaminated with a pesticide or contaminated with a pesticide with the signal work "DANGER" or "WARNING";~~

~~(6)~~ (4) Keep and wash potentially contaminated personal protective equipment separately from other clothing or laundry~~;~~ .

~~(7)~~ (5) Assure that all clean personal protective equipment is either dried thoroughly before being stored or is put in a well-ventilated place to dry~~;~~ .

~~(8)~~ (6) Assure that personal protective equipment remains the property of the employer and that pesticide handlers are not allowed or directed to take potentially contaminated personal protective equipment into their homes~~;~~. However, employees whose work day does not involve return to the employer's headquarters shall remove and store potentially contaminated coveralls in a sealable container outside of their own living quarters for later return to the employer.

~~(9)~~ (7) Assure that any person or firm assigned or hired to clean or repair potentially contaminated personal protective equipment is protected and informed in accordance with the requirements of section 6744 ~~(Equipment Maintenance)~~.

~~(b) The employer shall assure that:~~

~~(1) Employees wear protective eyewear when required by pesticide product labeling (except as expressly provided in this section) or when employees are engaged in:~~

~~(A) Mixing or loading, except as provided in 6738(h);~~

~~(B) Adjusting, cleaning, or repairing mixing, loading, or application equipment that contains pesticide in hoppers, tanks, or lines;~~

~~(C) Application by hand or using hand held equipment, except when:~~

~~1. Applying vertebrate pest control baits that are placed without being propelled from application equipment;~~

~~2. Applying solid fumigants (including aluminum phosphide, magnesium phosphide, and smoke cartridges) to vertebrate burrows;~~

~~3. Baiting insect monitoring traps; or~~

~~4. Applying non-insecticidal lures.~~

~~(D) Ground application using vehicle mounted or towed equipment, except when:~~

~~1. Injecting or incorporating pesticides into soil;~~

~~2. Spray nozzles are located below the employee and the nozzles are directed downward; or~~

~~3. Working in an enclosed cab; or~~

~~(E) Flagging, except when the flagger is in an enclosed cab.~~

~~(2) Whenever protective eyewear is required, one of the following types of eyewear is worn:~~
~~(A) Safety glasses that provide front, and supplemental brow and temple protection (Common eyeglasses, including sunglasses, do not meet this requirement);~~
~~(B) Goggles;~~
~~(C) Face shield;~~
~~(D) Full face mask used in conjunction with respiratory protection; or~~
~~(E) Visor (for aircraft operation only).~~
~~(c) The employer shall assure that:~~
~~(1) Gloves are worn when required by the pesticide product labeling (except as expressly provided in this section) or (unless the pesticide product labeling specifies that gloves must not be worn), when employees are engaged in:~~
~~(A) Mixing or loading, except as provided in 6738(h);~~
~~(B) Adjusting, cleaning or repairing contaminated mixing, loading, or application equipment; and~~
~~(C) Application by hand or using hand-held equipment, except when applying vertebrate pest control baits using long handled implements that avoid actual hand contact with the bait or potentially contaminated areas of equipment.~~
~~(2) If a specific type of glove is not specified on product labeling for the pesticide being handled, gloves made of rubber, neoprene, or other chemical resistant material that provides equivalent or better protection are used. Gloves or glove linings of leather, cotton, or other absorbent materials shall not be worn unless expressly permitted by pesticide product labeling. If chemical resistant gloves with sufficient durability and suppleness are not available, leather gloves may be worn over chemical resistant glove liners. Once leather gloves have been used for this purpose, they shall not be worn in any other situation.~~
~~(d) The employer shall assure that:~~
~~(1) When chemical resistant footwear is specified by the pesticide product labeling, one of the following types of footwear is worn:~~
~~(A) Chemical resistant shoes;~~
~~(B) Chemical resistant boots; or,~~
~~(C) Chemical resistant coverings worn over boots or shoes.~~
~~(2) For aircraft operation, chemical resistant footwear need not be worn.~~
~~(e) The employer shall assure that when chemical resistant headgear is specified by the pesticide product labeling, either a chemical resistant hood or a chemical resistant hat with a wide brim is worn. For aircraft operation, a helmet may be substituted for chemical resistant headgear.~~
~~(f) The employer shall assure that when a chemical resistant apron is specified by the pesticide product labeling, a garment that covers the front of the body from mid-chest to the knees is worn.~~
~~(g) The employer shall assure that:~~
~~(1) When pesticide product labeling or regulations specify a chemical resistant suit, waterproof or impervious pants and coat or a rain suit, a chemical resistant suit that covers the torso, head, arms, and legs is worn.~~
~~(2) If the ambient temperature exceeds 80°F during daylight hours or 85°F during nighttime hours (sunset to sunrise) pesticides requiring a chemical resistant suit are not handled by employees unless they are handled pursuant to exceptions and substitutions permitted in (h) or employees use cooled chemical resistant suits or other control methods to maintain an effective~~

~~working environment at or below 80°F during daylight hours or 85°F during nighttime hours (sunset to sunrise).~~

~~(h) The following exceptions and substitutions to personal protective equipment required by pesticide product labeling or regulations are permitted:~~

~~(1) Persons using a closed system to handle pesticide products with the signal word "DANGER" or "WARNING" may substitute coveralls, chemical resistant gloves, and a chemical resistant apron for personal protective equipment required by pesticide product labeling;~~

~~(2) Persons using a closed system to handle pesticide products with the signal word "CAUTION" may substitute work clothing for personal protective equipment required by pesticide product labeling;~~

~~(3) Persons using a closed system that operates under positive pressure shall wear protective eyewear in addition to the personal protective equipment listed in (1) or (2). Persons using any closed system shall have all personal protective equipment required by pesticide product labeling immediately available for use in an emergency;~~

~~(4) Persons properly mixing pesticides packaged in water soluble packets are considered to be using a closed (mixing) system for the purposes of this subsection;~~

~~(5) Persons occupying an enclosed cab (including cockpit) may substitute work clothing for personal protective equipment required by pesticide product labeling. If respiratory protection is required it must be worn, except in an enclosed cockpit;~~

~~(6) Persons occupying an enclosed cab acceptable for respiratory protection may substitute work clothing for personal protective equipment required by pesticide product labeling;~~

~~(7) Persons working in an enclosed cab, as specified in (5) and (6), other than an aircraft, shall have all personal protective equipment required by pesticide product labeling immediately available and stored in a chemical resistant container, such as a plastic bag. Labeling-required personal protective equipment shall be worn if it is necessary to work outside the cab and contact pesticide treated surfaces in the treated area. Once personal protective equipment is worn in the treated area, it shall be removed and stored in a chemical resistant container, such as a plastic bag, before reentering the cab;~~

~~(8) A chemical resistant suit may be substituted for coveralls and/or a chemical resistant apron; and~~

~~(9) Pest control aircraft pilots are not required to wear gloves during operation but gloves shall be worn by any person entering or exiting an aircraft contaminated with pesticide residues. While in the cockpit, gloves shall be carried in a chemical resistant container, such as a plastic bag.~~

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code.
Reference: Sections 12980 and 12981, Food and Agricultural Code.

Adopt section 6738.1 to read:

6738.1 Personal Protective Equipment Use.

Personal protective equipment may be required by pesticide product labeling, regulations, or restricted material permit conditions. Except as provided in section 6738.4, the employer shall assure that:

(a) Employees wear protective eyewear as specified in section 6738.2 when employees are mixing, loading, or applying pesticides by hand or ground rig, and when exposed to application, mixing, or loading equipment (such as but not limited to hoppers, tanks, or lines) that contains or is contaminated with pesticide.

(b) Employees wear chemical-resistant gloves as specified in section 6738.3 when employees are mixing, loading, or applying pesticides by hand or ground rig, or when exposed to application equipment (such as but not limited to aircraft, hoppers, tanks, or lines) that contains or is contaminated with pesticide.

(c) Employees wear chemical-resistant footwear when required. Unless specified on the pesticide product labeling, chemical-resistant shoes, chemical-resistant boots, or chemical-resistant coverings worn over shoes or boots meet this requirement.

(d) Employees wear a chemical-resistant hood or a wide-brim chemical-resistant hat when chemical-resistant headgear is required.

(e) Employees wear coveralls whenever they handle pesticides with the signal word "DANGER" or "WARNING" except when using fumigants unless the pesticide product labeling expressly requires the use of coveralls.

(f) Employees wear a chemical-resistant apron when required. The apron must cover the front of the body from mid-chest to the knees.

(g) Employees wear a chemical-resistant suit that covers the torso, head, arms, and legs when a full-body chemical-resistant suit is required.

(1) If the ambient temperature exceeds 80°F during daylight hours or 85°F during nighttime hours (sunset to sunrise), employees required to wear a chemical-resistant suit must not handle the pesticide(s) unless the pesticide is handled pursuant to subsections 6738.4(c) or (e); or employees use cooled chemical-resistant suits, or engineering controls, to reduce temperatures to an effective working environment of 80°F during daylight hours or 85°F during nighttime hours (sunset to sunrise).

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code.
Reference: Sections 12980 and 12981, Food and Agricultural Code.

Adopt section 6738.2 to read:

6738.2 Selection of Protective Eyewear.

The employer shall assure that appropriate protective eyewear, providing brow and temple protection that conforms to the curvature of the face and side protection to the eyes, is worn when its use is required.

(a) Whenever protective eyewear is required, and the labeling does not identify a specific type, one of the following types of eyewear or eye protective devices bearing evidence of compliance with American National Standard for Occupational and Education Personal Eye and Face Protection Devices ANSI Z87.1 - 2010 must be worn:

(1) Safety glasses that provide front, brow, and temple protection.

(2) Goggles.

(3) Face shield.

(b) If the pesticide labeling identifies a specific type of protective eyewear, that specified eyewear or more protective eyewear, must be worn.

(c) Use of a respirator with a full-face mask approved by the National Institute of Occupational Safety and Health (NIOSH) will satisfy the protective eyewear requirement, unless specifically prohibited by the pesticide labeling.

(d) The wearing of prescription lenses must not interfere with the fit and function of the protective eyewear and the protective eyewear must not interfere with the fit and function of prescription lenses.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code.
Reference: Sections 12980 and 12981, Food and Agricultural Code.

Adopt section 6738.3 to read:

6738.3 Selection of Gloves.

The employer shall assure that appropriate chemical-resistant gloves are worn by employees when their use is required.

(a) If the barrier material is specified by a category on the product labeling, the required glove material must be:

(1) Category A: barrier laminate, butyl rubber, nitrile rubber, neoprene, natural rubber, polyethylene, polyvinyl chloride (PVC), or Viton®.

(2) Category B: barrier laminate or butyl rubber.

(3) Category C: barrier laminate, butyl rubber, nitrile rubber, neoprene, PVC, or Viton®.

(4) Category D: barrier laminate or butyl rubber.

(5) Category E: barrier laminate, nitrile rubber, neoprene, or Viton®.

(6) Category F: barrier laminate, butyl rubber, nitrile rubber, or Viton®.

(7) Category G or H: barrier laminate, or Viton®.

(b) If use of chemical-resistant gloves is required by pesticide labeling without specification of a barrier material or category, the barrier material may be any cited in (a).

(c) All barrier materials must be 14 mils or thicker except:

(1) barrier laminate and polyethylene materials.

(2) when chemical-resistant gloves are used to make fine adjustments to equipment or other activities that require high dexterity and motor control skill the gloves must be made of an appropriate barrier material, as specified in (a) and (b) above, and only be used for a maximum of 15 minutes. Such gloves may only be used once for such specific tasks and must be discarded and not reused after the task is accomplished.

(d) Separable glove liners made of cotton or other absorbent materials may be worn under chemical-resistant gloves unless expressly prohibited by pesticide product labeling. The glove liners must not extend beyond the end of the chemical-resistant glove. Glove liners must be disposed of at the end of the workday, or immediately if any portion of the liner comes in contact with pesticide during the workday.

(1) Flocked gloves or those with other types of non-separable liners are prohibited.

(e) Leather gloves may be worn over chemical-resistant gloves when required by working conditions. Once leather gloves have been used for this purpose, they must not be worn without being worn over chemical-resistant gloves.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code.
Reference: Sections 12980 and 12981, Food and Agricultural Code.

Adopt section 6738.4 to read:

6738.4 Personal Protective Equipment Exemptions.

The following exceptions and substitutions to personal protective equipment required by pesticide product labeling or regulation are permitted. However, employers shall assure that all exempted personal protective equipment is present and available for use at the worksite and stored in a chemical-resistant container, such as a plastic bag, even if the personal protective equipment's use is exempted by this section.

(a) Chemical-resistant gloves and protective eyewear are not required when:

(1) applying in an enclosed cab;

(2) using vehicle-mounted or towed equipment with spray nozzles that are located below the employee and directed downward;

(3) applying vertebrate pest control baits using long-handled implements that avoid actual hand contact with the bait or potentially contaminated areas of equipment;

(4) working in situations where the handler has no liquid contact with a fumigant. The handler may wear gloves, unless expressly prohibited by pesticide product labeling;

(5) using an application system approved by the Director that is engineered to provide a level of protection to the employee that is equivalent to, or better than, the required personal protective equipment; or

(6) operating an aircraft.

(b) Protective eyewear is not required when:

(1) applying non-insecticidal lures or baiting insect monitoring traps;

(2) applying solid fumigants (including, but not limited to, aluminum phosphide, magnesium phosphide, and smoke cartridges) to vertebrate burrows; or,

(3) applying vertebrate pest control baits that are placed without being propelled from application equipment.

(c) Protective eyewear, coveralls, chemical-resistant gloves, and a chemical-resistant apron may be worn instead of personal protective equipment required by pesticide product labeling when using a closed system to handle pesticide products with the signal word "DANGER" or "WARNING". For purposes of this subsection and subsection (d), persons mixing pesticides packaged in water-soluble packets are considered to be using a closed system.

(d) Protective eyewear and work clothing may be worn instead of personal protective equipment required by pesticide product labeling when using a closed system to handle pesticide products with the signal word "CAUTION".

(e) Work clothing may be worn instead of personal protective equipment, including when required by pesticide product labeling, when occupying an enclosed cab as defined in section 6000. Respirator use is not exempted unless the cab is an enclosed cab acceptable for respiratory protection as defined in section 6000. If personal protective equipment is contaminated by use in a treated area, it shall be removed and stored in a chemical-resistant container, such as a plastic bag, before reentering the cab.

(g) Respiratory protection and protective footwear are ~~is~~ not required to be worn when occupying an enclosed aircraft cockpit.

(h) A helmet and visor may be worn instead of a wide-brim hat and protective eyewear when operating aircraft.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code.

Reference: Sections 12980 and 12981, Food and Agricultural Code.

Amend section 6739 (j) to read:

6739. Respiratory Protection.

…

(j) Inspection and Repair.

(1) The employer shall ensure that all respirators are inspected before each use and during cleaning, and that:

(A) Routine-use respirator inspections include the following:

1. A check of respirator function, tightness of connections, and the condition of the various parts including, but not limited to, the facepiece, head straps, valves, connecting tube, and cartridges, canisters or filters;

2. A check of elastomeric parts for pliability and signs of deterioration; and

3. SCBA air cylinders are checked to ensure that at least one routine use SCBA air cylinder is charged to 80 percent of the manufacturer's recommended pressure level at the beginning of the workday.

(B) Emergency-use or second respirators are checked to ensure that the air cylinders are maintained at 100 percent of manufacturer's recommended capacity just prior to each use of a pesticide requiring their presence.

(~~B~~ C) Emergency-use respirators are also inspected at least monthly according to the routine-use inspection criteria, ~~and in accordance with the~~ manufacturer's recommendations~~.~~, and include performance of the following: ~~For escape-only respirators, also conduct inspection before being brought into the workplace for use. For both emergency use and escape-only respirators, inspections shall include the following:~~

1. A check for proper function ~~before and after each use~~;

2. A ~~Certify by documenting of~~ certification that documents the date the inspection was performed, the name (or signature) of the person who made the inspection, the findings, required remedial action, and a serial number or other means of identifying the inspected respirator; and that this information is included on a tag or label that is attached to the storage compartment for the respirator or is kept with the respirator. This information shall be maintained until replaced following a subsequent certification; and

3. A check for properly functioning SCBA regulator and warning devices~~; and~~.

~~4. SCBA air cylinders are checked to ensure that they are maintained at 100 percent manufacturer's recommended capacity.~~

(D) Escape-only respirators must be inspected according to the routine-use inspection criteria, and before being brought into the workplace for use.

(2) The employer shall ensure that respirators that fail an inspection or are otherwise found to be defective shall be removed from service, and discarded, repaired, or adjusted in accordance with the following procedures:

(A) Repairs or adjustments to respirators shall be made only by persons appropriately trained to perform such operations and shall use only the respirator manufacturer's NIOSH-approved parts designed for the respirator;

(B) Repairs shall be made according to the manufacturer's recommendations and specifications for the type and extent of repairs to be performed; and

(C) Reducing and admission valves, regulators, and alarms shall be adjusted or repaired only by the manufacturer or a technician trained by the manufacturer.

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NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

ARTICLE 3. FIELD WORKER SAFETY

Amend section 6764(b) to read:

6764. Fieldworker Training.

(a) The employer shall assure that each employee assigned to work in a treated field has been trained within the last 5 years, in a manner the employee understands, before beginning work in the treated field.

(b) The training shall include the following information:

(1) Importance of routine decontamination and washing thoroughly after the exposure period;

(2) Restricted entry intervals and what posting means, including both California and federal field posting sign formats;

(3) Where pesticides are encountered, including treated surfaces in the field, residues on clothing, chemigation and drift;

(4) Routes of exposure;

(5) The hazards of pesticides, including acute effects, chronic and delayed effects, and sensitization effects;

(6) Common signs and symptoms of overexposure;

(7) First aid including decontamination, eye flushing, and obtaining emergency medical care;

(8) Warnings about taking pesticides or pesticide containers home;

(9) Prevention, recognition, and first aid for heat-related illness in accordance with Title 8 of the California Code of Regulations, section 3395;

(~~9~~ 10) The hazard communication program requirements of section 6761; and

(~~10~~ 11) Employee rights, including the right;

(A) To personally receive information about pesticides to which he or she may be exposed;

(B) For his or her physician or employee representative to receive information about pesticides to which he or she may be exposed; and

(C) To be protected against retaliatory action due to the exercise of any of his or her rights.

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NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

Amend section 6771(a) and (b) to read:

6771. Requirements for Early Entry Fieldworkers.

(a) Before any employee may enter a field under restricted entry as permitted by section 6770, the employer shall assure that the employee has been informed of the following in a manner that he or she can understand.

(1) Specific restrictions and conditions pursuant to section 6770 about the work activity to be performed;

(2) Pesticide product labeling precautionary statements related to human hazards;

(3) Symptoms of poisoning;

(4) Emergency first aid and decontamination procedures for pesticide injuries or poisonings, including emergency eye flushing techniques;

(5) How to obtain emergency medical care;

(6) The prevention, recognition, and first aid for heat-related illness if personal protective equipment is used <u>in accordance with Title 8 of the California Code of Regulations, section 3395</u>;

(7) The need for, use, and care of personal protective equipment required for early entry into treated fields;

(8) That clothing and personal protective equipment may be contaminated with pesticide residues;

(9) Instructions for removing and storing such clothing and equipment, and laundering such equipment; and

(10) The importance of washing thoroughly at the end of the exposure period.

(b) The employer shall provide all required personal protective equipment and provide for its cleaning (according to pesticide labeling instructions or, absent any instructions, washed in detergent and hot water), repair and replacement when it cannot be adequately cleaned or properly repaired. All personal protective equipment shall be inspected before each day of use. The employer shall assure that all personal protective equipment is kept separate from personal clothing, in a pesticide free, specifically designated place, when not in use. All required personal protective equipment required for fieldworker employees shall meet the applicable standards in section 6738 ~~and~~ <u>through</u> 6739.

. . .

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

ARTICLE 5. MINIMAL EXPOSURE PESTICIDES

Amend section 6793 to read:

6793. Minimal Exposure Pesticide Safety Use Requirements.

(a) The employer shall provide a clothing change area and instructions, as required by section 6732, for employees who handle minimal exposure pesticides for any period of time, regardless of the toxicity category of the product used.

(b) The employer shall provide washing facilities, as specified in section 6734, where minimal exposure pesticides are mixed or loaded, regardless of the toxicity category of the product used.

(c) The employer shall provide and maintain ~~work clothing, as specified in section 6736,~~ coveralls and require ~~it~~ them to be worn, regardless of the toxicity category.

(d) The employer shall provide a closed system, as defined in section 6000, and require its use by all employees who mix, load, or transfer liquid formulations or load diluted liquid mixes derived from dry formulations of minimal exposure pesticides, regardless of the toxicity category of the product used. The requirements of this subsection do not apply to:

(1) Employees who handle a total of one gallon or less of these pesticides per day exclusively in original containers of one gallon or less; or

(2) Regulatory personnel collecting samples of these pesticides according to official sampling procedures.

(e) The employer shall provide and require employees to wear full-body, chemical-resistant protective clothing, as specified in subsection~~s~~ 6738.1(g), when handling minimal exposure pesticides. Employees working in the following situations are not required by this subsection to wear chemical-resistant, full-body protective clothing, but this clothing shall be present at the work site:

(1) Employees using a closed system, or sealed water soluble packets, while mixing, loading, or transferring these pesticides. These employees shall wear a chemical-resistant apron, protective eyewear, chemical-resistant gloves, and chemical-resistant boots;

(2) Employees working as applicators in enclosed cabs;

~~(3) Employees working as flaggers in enclosed vehicles;~~

(~~4~~ 3) Applicators using vehicle-mounted or towed equipment to inject or incorporate these pesticides into the soil; and

(~~5~~4) Applicators using equipment with vehicle-mounted spray nozzles directed downward and located below the level of the employee.

(f) The employer shall provide and require employees to wear respiratory protection, as specified in section 6739, when engaged in:

(1) Hand application or ground application of minimal exposure pesticides, except:

(A) (Reserved);

(B) Applicators using vehicle-mounted or towed equipment to inject or incorporate these pesticides into the soil; and

(C) Applicators using equipment with vehicle-mounted spray nozzles directed downward and located below the level of the employee;

~~(2) Flagging during an application of a minimal exposure pesticide, except flaggers in enclosed vehicles;~~ and

(~~3~~2) Mixing or loading dry formulations of minimal exposure pesticides, except mixers or loaders using sealed water-soluble packets.

(g) All protective clothing and equipment shall be cleaned inside and out or discarded at the end of the day's use.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

ARTICLE 6. USE REQUIREMENTS

6795. Thiophanate-Methyl.

(a) Employers shall provide and ensure that employees who handle pesticides containing thiophanate-methyl for the treatment of potato seed pieces wear respiratory protection approved by NIOSH~~/MSHA~~ for ~~dusts~~ particulates.

(b) Indoor applications of thiophanate-methyl for potato seed-piece treatment are prohibited if there are persons within the room or enclosed space where the treatment is taking place, unless the persons are protected in the manner specified in subsection (a).

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.