

TEXT OF FINAL REGULATIONS

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

DIVISION 6. PESTICIDES AND PEST CONTROL OPERATIONS CHAPTER 2. PESTICIDE REGULATORY PROGRAM SUBCHAPTER 1. DEFINITION OF TERMS ARTICLE 1. DEFINITIONS FOR DIVISION 6

Amend section 6000, in alphabetical order, the following definitions:

6000. Definitions.

...

"Application exclusion zone" as used in section 6762 means the area surrounding the application equipment that must be free of all persons other than appropriately trained and equipped handlers during pesticide applications.

"Enclosed cab" means a chemical resistant barrier that completely surrounds the occupant(s) of the cab and ~~meets those portions of the requirements in American Society of Agricultural Engineers Standard S-525 (Rev. 5/98) that pertain to dermal protection~~ prevents dermal contact with pesticides being applied outside of the cab.

"~~Enclosed cab acceptable for respiratory protection~~" means an enclosed cab that incorporates a dust/mist filtering and /or a vapor or gas removing air purification system, as appropriate for the exposure situation. Enclosed cabs certified by the manufacturer as meeting American Society of Agricultural Engineers Standard S-525 (Rev. 5/98) are acceptable under this definition. The Director may, upon request, approve other enclosed cabs as acceptable under this definition.

"Enclosed space" means a space enclosed, entirely or in part, with a nonporous covering of sufficient size to permit entry, and is used in the commercial or research production of an agricultural plant commodity. This includes greenhouses, polyhouses, mushroom houses, hoop houses, and similar structures.

"Field" means any area (including a ~~greenhouse~~ enclosed space) upon which one or more agricultural plant commodities (including forest and nursery products) are grown for commercial or research production. Field does not include range or pasture harvested by grazing animals.

"~~Greenhouse~~" means a structure or space, of sufficient size to permit entry, that is enclosed with a nonporous covering and used in the commercial or research production of an agricultural plant commodity. The term includes polyhouses, mushroom houses, rhubarb houses and similar structures.

"Worker housing area" means any place or area of land on or near an agricultural establishment where housing or space for housing is provided for workers or handlers by an agricultural employer, owner, labor contractor, or any other person responsible for the recruitment or employment of agricultural workers.

...

NOTE: Authority cited: Sections 11456, 11502, 12111, 12781, 12976, 12981, 13145, 14001, and 14005, Food and Agricultural Code. Reference: Sections 11401.2, 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 3. PEST CONTROL OPERATIONS
SUBCHAPTER 2. WORK REQUIREMENTS
ARTICLE 1. PEST CONTROL OPERATIONS GENERALLY

Amend section 6618 to read:

6618. Notice of Applications.

(a) This subsection applies to the use of any pesticide for the commercial or research production of an agricultural plant commodity. Notifications required by this subsection must be given orally or in writing and completed prior to the use of any pesticide and in ample time for all subsequent notifications to be made and for all persons notified to take appropriate action. This time will differ depending on the circumstances of each notification.

(1) Each person performing pest control shall assure that the operator of the property to be treated receives notice of the scheduled application. The notice must be in a manner the person can understand and include:

- (A) The date(s), start time(s), and estimated end time(s) of the scheduled application;
- (B) The location and description of the field to be treated;
- (C) The pesticide product name(s), U.S. EPA registration number(s), and active ingredient(s);
- (D) Spray adjuvant product name(s) and California registration number(s), if applicable;
- (E) The applicable restricted entry interval;
- (F) If the pesticide product labeling requires the posting of treated fields, oral notification, or both; and
- (G) Any other precautions printed on the pesticide product labeling, or included in applicable laws and regulations, related to the protection of employees or other persons during or after application.

(2) If there is a change in the date-notice of the scheduled application specified in (a)(1)(A), each person performing pest control shall assure that the operator of the property receives notice of this change prior to the application.

(3) The operator of the property shall assure that notice of the scheduled application is given to employees covered under section 6700 (which includes fieldworkers) and their employers working on the operator's property except as provided in (a)(5). The operator of the property is not required to provide notice to persons who will apply the pesticide(s) or supervise the application for which the notice is intended.

(4) Any employer notified of a scheduled application by the operator of the property shall assure that notice of the scheduled application is given to his or her employees working on the operator's property except as provided in (a)(5).

(5) The notice specified in subsections (a)(3) and (4) is not required to be given to an employee covered under section 6700 (which includes fieldworkers) or their employer if the operator of the property can assure that:

(A) The field to be treated is posted pursuant to section 6776(b-f), unless the pesticide product labeling requires both oral notification and the posting of treated fields; or

(B) From the start of the application and until the notice of completion pursuant to section 6619(c) is received, the employee or employer will not enter or walk within ¼ mile of the field to be treated.

(6) The operator of the property shall assure that notice is given to persons, other than those specified in subsection (a)(3), whom the operator of the property has prior knowledge that he or she will likely enter the field to be treated on the date of the application or while the restricted entry interval is in effect. This notice is not required when a field to be treated is posted as specified in section 6776(b-f).

(7) The notices specified in subsection (a)(3), (4), and (6) must be in a manner the person can understand and include:

(A) The date of the scheduled application;

(B) The location and description of the field to be treated; and

(C) Instructions not to enter the field to be treated and its application exclusion zone pursuant to section 6762 until authorized by the operator of the property.

(8) If there is a change in the date of the scheduled application specified in (a)(7)(A), then a new notice must be provided to persons specified in (a)(3), (4), and (6) prior to the application.

(b) This subsection applies to the use of any pesticide for purposes other than the commercial or research production of an agricultural plant commodity. Notifications required by this subsection must be given orally or in writing and be completed prior to the use of any pesticide and in ample time for all subsequent notifications to be made and for all persons notified to take appropriate action. This time will differ depending on the circumstances of each notification.

(1) Each person performing pest control shall assure that the operator of the property receives notice of the scheduled application. The notice must be in a manner the person can understand and include:

(A) The date of the scheduled application;

(B) The identity of the pesticide (including spray adjuvants, if applicable) by brand or common chemical name; and

(C) Any other precautions printed on the pesticide product labeling or included in applicable laws or regulations related to the protection of employees or other persons during the application.

(2) The operator of the property shall assure that notice is given to all persons who are on the property to be treated, or who may enter during the application or the period of time that any restrictions on entry are in effect, except for the persons who made or supervised the application for which the notice is intended.

The notice must be in a manner the person can understand and include:

(A) The date of the scheduled application;

(B) The identity of the pesticide (including spray adjuvants, if applicable) by brand or common chemical name; and

(C) Precautions to be observed as printed on the pesticide product labeling or included in

applicable laws or regulations related to the entry of the treated area.

(3) Compliance by licensed Structural Pest Control Operators with the notice requirements of section 8538 of the Business and Professions Code meets the requirements of this subsection.

(4) Compliance by public agencies with the notice or barrier requirements of section 12978 of the Food and Agricultural Code meets the notice requirements of this subsection.

NOTE: Authority cited: Sections 12976 and 12981, Food and Agricultural Code.

Reference: Sections 11501, 12980, and 12981, Food and Agricultural Code; and Section 8538, Business and Professions Code.

Amend section 6619 to read:

6619. Notice of Completed Applications.

(a) Any person applying pesticides for the commercial or research production of an agricultural plant commodity shall assure that the operator of the property treated receives notice, orally or in writing, and within 24 hours of completion of the pesticide application. This notice must include the following information:

- (1) The location of the property, including the site identification number, and acreage treated;
- (2) The pesticide product name(s), U.S. EPA registration number(s), and active ingredient(s);
- (3) Spray adjuvant product name(s) and California registration number(s), if applicable;
- (4) The date(s) and ~~hour~~ time(s) ~~the application was completed~~ started and ended; and
- (5) The applicable reentry and pre-harvest intervals, unless a copy of a written

recommendation for the subject application made by a licensed agricultural pest control adviser, properly completed, was given to the operator of the property treated.

(b) The operator of the treated property ~~treated~~ shall maintain a written record of the application(s) ~~completion notice(s) he or she receives from the person applying the pesticide(s) by site~~ on their property. These records must include the date(s) and time(s) the application started and ended.

(c) The operator of the property shall assure that notice of completed application is given to employees covered under section 6700 (which includes fieldworkers) and their employers except as provided in (e). The operator of the property is not required to provide notice to persons who will apply the pesticide(s) or supervise the application for which the notice is intended.

(d) Any employer who receives the notice of completed application from the operator of the property shall assure that notice of completed application is given to his or her employees except as provided in (e).

(e) The notices specified in subsections (c) and (d) are not required to be given to an employee covered under section 6700 (which includes fieldworkers) or their employer if the operator of the property can assure that:

- (1) The field is posted pursuant to section 6776(b-f), unless the pesticide product labeling requires both oral notification and posting of treated fields; or
- (2) During the restricted entry interval, that employee or employer will not enter or walk within ¼ mile of the treated field.

(f) The notices specified in subsections (c) and (d) must be given orally or in writing and in a manner the person can understand and include:

- (1) The location and description of the treated field;

- (2) The time during which entry is restricted; and
- (3) Instructions not to enter the treated field until the restricted entry interval has expired, except as provided in section 6770.
- (g) The operator of the property shall assure that notice is given orally or in writing to persons, other than those specified in subsection (c), whom the operator of the property has prior knowledge that he or she will likely enter the treated field during the restricted entry interval. This notice is not required when a field is posted as specified in section 6776(b-f). The notice must be in a manner the person can understand and include:
 - (1) The location and description of the treated field;
 - (2) The time during which entry is restricted; and
 - (3) Instructions not to enter the treated field until the restricted entry interval has expired.
- (h) A pest control business shall maintain a written record that documents the following:
 - (1) The name of the operator of the property treated;
 - (2) The location of the property, including the site identification number;
 - (3) The date and time the notice of completed application was given; and
 - (4) The method of notification, including the name of the person notified, if a person was notified.
- (i) The records required pursuant to this section must be retained for two years and made promptly available to the director or commissioner upon request.

NOTE: Authority cited: Sections 11456, 12976, and 12981, Food and Agricultural Code.
 Reference: Sections 11501 and 12981, Food and Agricultural Code.

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 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.

<i>Title 3, CCR</i>	<i>Title 8, CCR</i>
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
6738-6738.4	3380 through 3385
6739	5144
6740	3317
6742	5141
6744	3203 and 5194

(d) The provisions of sections 6726, 6734, 6738.1-6738.4, 6739, 6766, 6768, and 6770 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, after the application is completed, 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) ~~M~~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.

Adopt section 6722 to read:

6722. Minimum Age [Renumbered] Requirements.

The employer shall not permit an employee under 18 years of age to:

- (a) handle any pesticide used in the commercial or research production of an agricultural commodity.
- (b) enter a field under a restricted entry interval.

NOTE: Authority cited: Sections ~~407 and~~ 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

Amend section 6723 to read:

6723. Hazard Communication for Pesticide Handlers.

(a) Before employees are allowed to handle pesticides, the employer shall display a copy of a completed written Hazard Communication Information for Employees Handling Pesticides in Agricultural Settings (Pesticide Safety Information Series leaflet A-8) or Hazard Communication Information for Employees Handling Pesticides in Noncrop Settings (Pesticide Safety Information Series leaflet N-8), as applicable, at a central location in the workplace. Upon request, the employer shall read to the requesting employee, in a language understandable to that employee, Pesticide Information Series leaflet A-8/N-8. Pesticide Information Series Leaflet A-8/N-8 shall be written by the Department of Pesticide Regulation in English and Spanish. Pesticide Information Series leaflets are available from the Department.

(b) The employer shall maintain, at a central location at the workplace accessible to employees who handle pesticides, the following:

(1) pesticide use records as specified in section 6624 (b), (c), and (e) for pesticides that have been handled by his or her employees;

(2) copies of available Pesticide Safety Information Series leaflets which are applicable to the pesticides and handling activities listed in the pesticide use records referred to in subsection (b)(1); ~~and.~~

(A) The A-8 must also be posted at all permanent decontamination facilities and decontamination facilities servicing 11 or more handlers.

(B) Any changes to the A-8 relating to the name, address, or telephone number of the facility providing emergency medical care must be updated within 24 hours of the change.

(3) a Safety Data Sheets (SDS), as specified by Title 8 California Code of Regulations, section 5194, for each pesticide listed in the pesticide use records referred to in subsection (b)(1). If the SDS is not provided by the registrant of a pesticide, the employer shall:

(A) within seven working days of a request for a SDS from an employee, employee representative or employee's physician, make written inquiry to the registrant of the pesticide, asking that a SDS be sent to the employer. If the employer has made written inquiry within the last 12 months as to whether the pesticide is subject to the requirement for a SDS or the employer has made a written inquiry within the last 6 months requesting new, revised or later information on the SDS, the employer need not make additional written inquiry. A copy of the written inquiry shall immediately be sent to the person requesting the SDS;

(B) notify the requester of the availability of the SDS or provide a copy of the SDS to the requester within 15 days of receipt of the SDS from the registrant; and

(C) if a response has not been received from the registrant within 25 working days of the date the inquiry was made, send the Department a copy of the inquiry with a notation that no response has been received. The employer is not precluded from obtaining and providing the SDS utilizing other more expedient methods in lieu of those provided in this subsection.

(c) The employer shall inform employees, before they are allowed to handle pesticides and at least annually thereafter, of the location and availability of the records and other documents listed in this section or relating to employee training, monitoring, and potential exposure. If the location of the records and other documents changes, an employer shall promptly inform his or her employees of the new location.

(d) The employer shall provide, upon request of his or her employee, employee representative, or employee's physician, access to any records or other documents required to be maintained

pursuant to this chapter. Access shall be granted as soon as possible and not to exceed 48 hours from the date of the request. A request from an employee representative must contain the following in writing:

(1) The name of the employee being represented.

(2) A description of the specific information being requested. The description must include the dates of employment of the employee, the date or dates for which the records are requested, type of work conducted by the employee (e.g., planting, harvesting, applying pesticides, mixing or loading pesticides) during the period for which the records are requested, and the specific application and/or hazard information requested.

(3) A written statement clearly designating the representative to request pesticide application and hazard information on the employee's behalf, bearing the employee's printed name and signature, the date of the designation, and the printed name and contact information for the employee representative.

(4) Directions on where the requested information should be sent (e.g., mailing address or email address).

INFORMATIONAL NOTE: Other requirements relating to hazard communication can be found in Sections 6602, 6618, 6619, 6724, 6726, 6738, 6744, 6764, 6766, 6770, and 6776.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code; and 29 Code of Federal Regulations, Part 1910.1200.

Amend section 6723.1 to read:

6723.1. Application-Specific Information For Handlers.

(a) The operator of property used for the commercial or research production of an agricultural plant commodity shall display, at a central location, the following application-specific information while employees are employed to handle pesticides:

(1) The crop or site treated and identification of the treated area;

(2) The date(s) and ~~time(s) and date~~ of the application started and ended;

(3) Restricted entry interval; and

(4) Product name, U.S. EPA registration number, and active ingredients; and

(5) A copy of the Safety Data Sheet(s) for the applied pesticide(s).

(b) The information shall be displayed within 24 hours of the completion of an application and include all applications that have been made to any treated field on the agricultural establishment within 1/4 mile of where employees will be working. Once displayed, the information shall remain displayed until the area no longer meets the definition of a treated field or handler employees will no longer be on the establishment, whichever occurs earlier.

(c) The information required by this section must be retained for two years.

(ed) The original or copies of documents otherwise required to be maintained by this chapter may be used to meet the requirements of this section provided they contain the information required by this section.

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, 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, 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, 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 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. Training for employees handling pesticides used for the commercial or research production of an agricultural commodity must be at a location reasonably free from distraction and trainers must be present throughout the entire presentation.

(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. For an employee handling pesticides used for the commercial or research production of an agricultural commodity, the record must also include employee's printed name; the title(s) and source(s) of the training materials used; employer's name; and trainer's name and qualifications as specified in (f).

(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.

Amend section 6726 to read:

6726. Emergency Medical Care.

(a) Emergency medical care for employees handling pesticides shall be planned for in advance. The employer shall locate a facility where emergency medical care is available for employees who will be handling pesticides.

(b) Employees shall be informed of the name and location of a facility where emergency medical care is available. The employer shall post in a prominent place at the work site, or work vehicle if there is no designated work site, the name, address and telephone number of a facility able to provide emergency medical care whenever employees will be handling pesticides and, if the identified facility is not reasonably accessible from that work location, procedures to be followed to obtain emergency medical care.

(c) When there is reasonable grounds to suspect that an employee has a pesticide illness or when an exposure to a pesticide has occurred that might reasonably be expected to lead to an employee's illness, the employer shall ensure that the employee is taken to a physician immediately.

(d) The employer shall provide the following information to medical personnel treating an employee suspected of being exposed to a pesticide used in the commercial or research production of an agricultural commodity:

(1) Copies of the applicable Safety Data Sheet(s) and the product name(s), U.S. Environmental Protection Agency registration number(s), and active ingredient(s) for each pesticide product to which the employee may have been exposed.

(2) The circumstances of application or use of the pesticide.

(3) The circumstances that could have resulted in exposure to the pesticide.

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

Amend section 6732 to read:

6732. Change Area.

For any employee who regularly handles pesticides with the signal word "DANGER" or "WARNING", and for all employees who handle any pesticides for the commercial or research production of an agricultural plant commodity, the employer shall assure that there is, at the place where employees end their exposure period and remove their personal protective equipment, an area where employees may change clothes and wash themselves. Clean towels, soap, and sufficient water shall be available to allow for thorough washing. For employees who handle pesticides for the commercial or research production of an agricultural plant commodity, the change area must meet the requirements specified in section 6734(a), (b)(1), and (b)(2). The employer shall provide a clean, pesticide-free place where employees may store any personal clothing not in use while at work handling pesticides.

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

Amend section 6734 to read:

6734. Handler Decontamination Facilities.

(a) The employer shall assure that sufficient water, soap and single use towels for routine washing of hands and face and for emergency eye flushing and washing of the entire body are available for employees as specified in this section.

(1) This water shall be of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed, and shall be stored separate from that used for mixing with pesticides unless the tank holding water for mixing with pesticides is equipped with appropriate valves to prevent back flow of pesticides into the water.

(2) One clean change of coveralls shall be available at each decontamination site.

(b) For employees handling pesticides used in the commercial or research production of an agricultural commodity, the employer shall assure:

(1) The water required to be available in (a) is at least three gallons per handler at the beginning of each handler's work day.

(2) Hand sanitizing gels and liquids or wet towelettes are not used to meet the requirement for soap and single use towels as specified in (a).

(3) The decontamination site for employees handling pesticides for the commercial or research production of an agricultural plant commodity shall be is at the mixing/loading site and not more than 1/4 mile (or at the nearest point of vehicular access) from other handlers, except that the decontamination site for pilots may be at the loading site regardless of distance from where the pilot is working. The decontamination site shall-must not be in an area being treated or under a restricted entry interval unless:

(1A) The handlers for whom the site is provided are working in that area being treated or under a restricted entry interval;

(2B) The soap, towels, and extra change of coveralls are in an enclosed container; and

(3C) The water is running tap water or enclosed in a container.

(4) Employees are notified of the location of the decontamination site prior to handling pesticides.

(e5) One pint of water for emergency eye flushing shall be is immediately available to each employee (carried by the handler or on the vehicle or aircraft the handler is using) to each employee handling pesticides for the commercial or research production of an agricultural plant commodity if the pesticide product labeling requires protective eyewear. When the handler is mixing or loading a pesticide then only the requirements in (6) apply.

(6) At the mixing/loading site there is immediate employee access to at least one system capable of delivering gently running water at a rate of least 0.4 gallons per minute for at least 15 minutes, or at least six gallons of water in containers suitable for providing a gentle eye-flush for about 15 minutes for emergency eye-flushing, if the product labeling requires protective eyewear or a closed mixing system is used.

(dc) The decontamination site for employees handling pesticides for uses other than the commercial or research production of an agricultural plant commodity shall be within 100 feet of the mixing/loading site when they are handling pesticides with the signal word "DANGER" or "WARNING" on the label.

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

Amend 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.

(f) If chemical-resistant gloves are brought into the cockpit of an aircraft that has been used to apply pesticides, the gloves must be stored in an enclosed chemical-resistant container.

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

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

Amend 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; or
- (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". This also applies when using a closed system to handle dry pesticide product formulations provided the requirements in section 6746(d) and (g) are met. For purposes of this subsection and subsection (d), persons mixing pesticides packaged in sealed and intact 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 a filtering facepiece respirator (NIOSH approval number prefix TC-84A) or dust/mist filtering respirator is required by the pesticide product labeling, then no respirator is required to be worn inside the enclosed cab if the enclosed cab has a properly functioning air ventilation system that is used and maintained in accordance with the manufacturer's written operating instructions. If any other type of respirator is required by the pesticide labeling, then the respirator must be worn inside the enclosed cab during handling activities. 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.

(f) Work clothing may be worn instead of personal protective equipment, including when required by pesticide product labeling, when occupying an enclosed aircraft cockpit. Respiratory protection and protective footwear are is not required to be worn when occupying an enclosed aircraft cockpit.

(g) A helmet and visor may be worn instead of a wide-brim hat and protective eyewear chemical-resistant headgear when operating an aircraft.

(h) A helmet with the face shield lowered to cover the face may be worn instead of protective eyewear when operating an aircraft.

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

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

Amend section 6744 to read:

6744. Equipment Maintenance.

(a) Persons who own or operate pesticide mixing, loading, or application equipment shall inform each employee under their control who may be involved in the cleaning, servicing or repair of that equipment of the hazards of the pesticides that a person may encounter, and the methods of protecting against personal injury.

(b) When ~~if such~~ cleaning, servicing or repairing is to be performed by persons not under the control of the owner or operator of the equipment, ~~he~~ the owner or operator of the equipment shall ~~so~~ notify the person in charge of performing these services of the requirements in (a).

(1) If the equipment has been used in the commercial or research production of an agricultural plant commodity, the owner or operator of the equipment shall also notify the person in charge of performing these services of the following:

(A) Pesticide application equipment may be contaminated with pesticides.

(B) Procedures for handling pesticide application equipment and for limiting exposure to pesticide residues.

(C) Personal hygiene practices and decontamination procedures for preventing pesticide exposures and removing pesticide residues.

(c) Employees who clean, service, or repair mixing and application equipment shall be provided with any necessary protective equipment or clothing by their employer, and shall be instructed and supervised in the maintenance operation in a manner that will reduce work hazards.

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

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

SUBCHAPTER 3. PESTICIDE WORKER SAFETY
ARTICLE 3. FIELD WORKER SAFETY

Amend section 6761 to read:

6761. Hazard Communication for Field ~~W~~workers.

(a) Whenever employees are working as fieldworkers in a treated field, the employer shall display at the worksite and all permanent decontamination facilities and decontamination facilities servicing 11 or more fieldworkers, a copy of a completed written Hazard Communication Information for Employees Working in Fields (Pesticide Safety Information Series leaflet A-9). Any changes to the name, address, or telephone number of the facility providing emergency medical care must be updated on the Pesticide Information Series leaflet A-9 within 24 hours of the change. In the event that fieldworkers gather at a central location prior to transportation to the worksite, the Pesticide Safety Information Series leaflet A-9₂ required to be at the worksite, may instead be displayed at that central location. Pesticide Safety Information Series leaflet A-9 shall be written by the department in English and Spanish. Upon request, the employer shall read to the requesting employee, in a language understandable to that employee, Pesticide Safety Information Series leaflet A-9. Pesticide Safety Information Series leaflets are available from the Department.

(b) The operator of the property shall maintain in a central location at the workplace accessible to employees, including the employees of labor contractors, who enter a treated field, the following:

(1) pesticide use records specified in section 6624(b), (c), (d)₂ and (e) for pesticides that have been applied to the field within the last two years;

(2) a Safety Data Sheets (SDS), as specified in Title 8, California Code of Regulations, section 5194, for each pesticide listed in the pesticide use records referred to in subsection (b)(1). If the SDS is not provided by the registrant of a pesticide, the operator of the property shall:

(A) within 7 working days of a request for a SDS from an employee, employee representative or employee's physician, make written inquiry to the registrant of the pesticide, asking that a SDS be sent to the operator of the property. If the operator of the property has made a written inquiry within the last 12 months as to whether the pesticide is subject to the requirement for a SDS or the operator of the property has made a written inquiry within the last 6 months requesting new, revised or later information on the SDS, the operator of the property need not make additional written inquiry. A copy of the written inquiry shall immediately be sent to the person requesting the SDS;

(B) notify the requester of the availability of the SDS or provide a copy of the SDS to the requester within 15 days of receipt of the SDS from the registrant; and

(C) if a response has not been received from the registrant within 25 working days of the date the inquiry was made, send the department a copy of the inquiry with a notation that no response has been received. The operator of the property is not precluded from obtaining and providing the SDS utilizing other more expedient methods in lieu of those provided in this subsection.

(c) The operator of the property shall inform his or her employees, before they are allowed to enter a treated field, of the location and availability of any records and other documents required by subsections (a) and (b). If the employees are employed by a labor contractor, the operator of the property shall inform the labor contractor of the location, or changed location, of the records and other documents. The labor contractor shall provide that information to his or her employees.

If the location of the records and other documents changes, the operator of the property and the labor contractor shall promptly inform his or her employees of the new location. The employer, including the labor contractor, shall also inform their employees that they, their physicians and their representatives have a right of access to the information and that the employees are protected against discharge or other discrimination due to the exercise of their rights under this section.

(d) The operator of the property shall provide, upon request of his or her employee, an employee of a labor contractor, employee representative, or an employee's physician, access to any records, documents and information required to be maintained by this chapter. Access shall be granted as soon as possible and not to exceed 48 hours from the date of the request. A request from an employee representative must be in writing and contain the following:

(1) The name of the employee being represented.

(2) A description of the specific information being requested. The description must include the dates of employment of the employee, the date or dates for which the records are requested, type of work conducted by the employee (e.g., planting, harvesting, applying pesticides, mixing or loading pesticides) during the period for which the records are requested, and the specific application and/or hazard information requested.

(3) A written statement clearly designating the representative to request pesticide application and hazard information on the employee's behalf, bearing the employee's printed name and signature, the date of the designation, and the printed name and contact information for the employee representative.

(4) Directions on where the requested information should be sent (e.g., mailing address or email address).

INFORMATIONAL NOTE: Other requirements relating to hazard communication can be found in sections 6602, 6618, 6619, 6724, 6726, 6738, 6744, 6764, 6766, 6770, 6771, and 6776.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code; and 29 Code of Federal Regulations, Part 1910.1200.

Amend section 6761.1 to read:

6761.1. Application-Specific Information for Fieldworkers.

(a) The operator of property used for the commercial or research production of an agricultural plant commodity shall display at a central location the following application-specific information, while fieldworkers are employed to work in treated fields on the operator's property:

(1) The crop or site treated and identification of the treated field;

(2) The date(s) and time(s) and date of the application started and ended;

(3) Restricted entry interval;

(4) Product name(s), U.S. EPA registration number(s), and active ingredient(s); ~~and~~

(5) A copy of the Safety Data Sheet(s) for the applied pesticide(s); and

~~(5)~~ Spray adjuvant product name(s) and California registration number(s) if applicable.

(b) The information must be displayed when the operator of the property receives notice of the completion of an application and before any fieldworkers are allowed to enter the treated field.

The information must include all applications that have been made to any field on the operator's property. The information must remain displayed until the area no longer meets the definition of a treated field or fieldworkers will no longer be on the operator's property, whichever occurs earlier.

(c) The operator of the property and any employer with fieldworkers hired to work on the operator's property, shall display at the worksite or at a central location where fieldworkers gather, a description of the location of the application-specific information display whenever their fieldworkers are working in a treated field. The description of the location must be specific enough for fieldworkers to find and have unimpeded access to the displayed application-specific information. The location description must be included 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) pursuant to section 6761(a).

(d) The information required by this section must be retained for two years.

~~(e)~~ The original or copies of documents otherwise required to be maintained by this chapter may be used to meet the requirements of this section, provided they contain the information required by this section.

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

Amend section 6762 to read:

6762. Field Work During Pesticide Application.

(a) The requirements of this section are minimum requirements established by the U. S. Environmental Protection Agency and do not assure compliance with the general standard in section 6614.

(b) No employer shall direct or allow any person, other than the persons making the application, to enter or remain in a treated area of a ~~farm or forest field~~ during the application.

(c) When pesticides are used for the commercial or research production of an agricultural commodity, No employer shall direct or allow any person, other than the persons making the application, to enter or remain in ~~treated nurseries or greenhouses~~ the application exclusion zone, as specified below.

(1) If the pesticide is applied ~~in a nursery~~ for outdoor production, the application exclusion zone is defined as follows:

(A) the area that extends 100 feet horizontally from the application equipment in all directions during application when the pesticide is applied by any of the following methods: aerially; air blast; as a fumigant, smoke, mist, or fog; or as a fine spray using a spray.

(B) the area that extends 25 feet horizontally from the application equipment in all directions during application when the pesticide is applied in a manner not specified in (1)(A) and is sprayed from a height of greater than 12 inches from the soil or planting medium using at least a medium spray.

(C) There is no application exclusion zone when the pesticide is applied in a manner other than those in subsections (1)(A) and (1)(B).

~~(A) By aircraft, in an upward direction, or at a pressure of more than 150 pounds per square inch, or is applied as a fumigant, smoke, fog, or aerosol, the prohibited area is the treatment site plus 100 feet in all directions within the confines of the property.~~

~~(B) If the pesticide is applied downward from a height greater than 12 inches from the soil or other planting medium, as a fine spray, or using a pressure of more than 40 pounds per square inch, but not more than 150 pounds per square inch, or which requires respiratory protection on the product labeling, the prohibited area is the treatment site plus 25 feet in all directions within the confines of the property.~~

(2) If the pesticide is applied in a greenhouse for enclosed space production, the application exclusion zone is defined as follows:

(A) The entire enclosed space plus any adjacent area that is not sealed (sufficient to prevent pesticide transfer) from the treatment site when the pesticide is applied ~~As~~ as a space treatment (fumigant, smoke, fog, aerosol, or mist) or is a pesticide for which the product labeling requires respiratory protection, ~~the prohibited area, until ventilation criteria have been met, is the entire enclosed area plus any adjacent area that is not sealed (sufficient to prevent pesticide transfer) from the treatment site.~~

(B) The entire enclosed space when the pesticide is applied using a fine spray until the ventilation criteria has been met.

(C) The treatment site plus 25 feet in all directions within the enclosed space when the pesticide is applied ~~As~~ as a spray from a height greater than 12 inches from the soil or other planting medium, or as a fine spray of medium or larger, or using a pressure of more than 40 pounds per square inch, ~~the prohibited area is the treatment site plus 25 feet in all directions within the enclosed area.~~

(3) ~~Otherwise, in both nurseries and greenhouses, the prohibited area is the treatment site~~ There is no application exclusion zone when the pesticide is applied in a manner other than those in subsection (2)(A) and (2)(B).

(d) The American Society of Agricultural and Biological Engineers (ASABE) S572.1 or comparable standard may be used to measure and interpret spray quality (fine, medium, or larger than medium) as used in this section.

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

Amend section 6764 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~~ 12 months, 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;
 - (10) The hazard communication program requirements of section 6761; and
 - (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.
- (c) An employee who holds a valid personal pesticide license or certificate issued by the department, ~~a valid verification of training card issued under the authority of the U. S. Environmental Protection Agency~~, current documented pesticide handler training pursuant to section 6724, or other valid certificate of pesticide training approved by the director is considered to be trained for the purposes of this section.
- (d) The information shall be presented in a manner the employee can understand, orally from written materials or audio visually, using nontechnical terms in a location reasonably free from distraction. The trainer shall be present throughout the training and shall respond to employee questions.
- (e) The record of initial and annually required training given to the employee must include the date; employee's printed name and signature; the title(s) and source(s) of the training materials used; employer's name; and trainer's name and qualifications as specified in (f). This record shall be retained by the employer for two years at a central location at the workplace accessible to employees. The record must be provided to the employee upon request.
- (ef) The person conducting the training shall be qualified as one of the following:
- (1) A California certified applicator;
 - (2) A person holding any other valid license or certificate of personal pesticide qualification issued by the department;
 - (3) A person who has completed an "instructor training" program presented by one of the following:
 - (A) The University of California, Integrated Pest Management Program, ~~after January 1, 1993;~~
 - (B) ~~o~~Other instructor training program approved by the director.
 - (4) A California Registered Professional Forester;
 - (5) A person holding a valid County Biologist License in Pesticide Regulation or Investigation and Environmental Monitoring issued by the California Department of Food and Agriculture;
 - (6) A farm adviser employed by the University of California Extension Office; or
 - (7) Other valid trainer qualification approved by the director.

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

Amend section 6766 to read:

6766. Emergency Medical Care.

(a) Emergency medical care for employees who enter fields that have been treated with pesticides shall be planned for in advance. The employer shall locate a facility where emergency care is available for employees who will be working in treated fields.

(b) The employees, or their supervisor in the field, shall be informed of the name and location of a physician or medical facility where emergency medical care is available, and if the identified facility is not reasonably accessible from that work location, the procedures to be followed to obtain emergency medical care.

(c) When there are reasonable grounds to suspect that an employee has a pesticide illness, or when an exposure to a pesticide has occurred that might reasonably be expected to lead to an employee's illness, the employer shall ensure that the employee is taken to a physician immediately.

(d) The employer shall provide the following information to medical personnel treating an employee for a suspected pesticide exposure in the production of an agricultural commodity:

(1) Copies of the applicable Safety Data Sheet(s) and the product name(s), U.S. Environmental Protection Agency 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 to the pesticide.

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

Amend section 6768 to read:

6768. Fieldworker Decontamination Facilities.

(a) The employer shall assure that the following are located together at the decontamination site and sufficient water (of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed), soap, and single use towels for washing of hands and face and for emergency eye flushing are reasonably accessible for washing of hands and face and for emergency eye flushing to all fieldworkers engaged in activities involving contact with treated surfaces in treated fields-:

(1) at least one gallon of water per employee, or three gallons of water per employee for employees engaged in early entry activities pursuant to section 6770(d). The water must be provided at the start of the work day and be of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed. The water shall be stored separate from that used for mixing with pesticides unless the tank holding water for mixing with pesticides is equipped with appropriate valves to prevent back flow of pesticides into the water;

(2) Soap (hand sanitizing gels and liquids or wet towelettes do not meet the requirement for soap); and

(3) Single use towels (wet towelettes do not meet the requirement for single-use towels).

(b)The decontamination facilities shall be not more than 1/4 mile from the fieldworkers (or at the nearest point of vehicular access). ~~Handwashing facilities provided in conjunction with toilet~~

facilities pursuant to Title 8 California Code of Regulations, section 3457 (Field Sanitation), shall be considered adequate for the purposes of this section. Employees must be notified of the location of the decontamination site prior to working in a treated field.

~~(b)~~(c) The decontamination facilities shall not be in an area under a restricted entry interval unless the fieldworkers for whom the site is provided are performing early entry activities. The facilities shall not be in an area under treatment.

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

Amend section 6769 to read:

6769. ~~Greenhouse~~ Enclosed Space Ventilation Criteria.

When a pesticide with product labeling requiring respiratory protection for application is applied by any method, or when any pesticide is applied as a fumigant, smoke, mist, fog, or aerosol inside ~~a greenhouse~~ an enclosed space, ventilation shall continue until:

- (a) The concentration is measured and found not to exceed any pesticide product labeling standard; or
- (b) One of the following has occurred if there is no labeling standard:
 - (1) Ten air exchanges are complete;
 - (2) Two hours of mechanical ventilation, such as with fans;
 - (3) Four hours of passive ventilation, such as opening vents, windows, or doors;
 - (4) Twenty-four hours with no ventilation; or
 - (5) Any combination of percentage portions of (1), (2), (3), and (4) the sum of which equals 100% percent.

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

Amend section 6770 to read:

6770. Field Entry After Scheduled or Completed Pesticide Applications.

(a) The operator of the property shall not allow or direct employees covered under section 6700 (which includes fieldworkers) or their employers (except for those persons who were scheduled to apply the pesticide(s) or supervise the application) to enter a field on the date of the scheduled application unless the operator assures that:

- (1) the application has not occurred; and
- (2) the application will not occur during the time the employees are in the field to be treated.

(b) The operator of the property shall not allow or direct employees covered under section 6700 (which includes fieldworkers) or their employer to enter a treated field until the operator has received the notice of completion as specified in section 6619(c), and the restricted entry interval has expired or the operator of the property has assured that the restrictions and exceptions pursuant to section 6770(d) have been met.

(c) Any employer hired by the operator of the property shall not allow or direct any of his or

her employees to enter a treated field until the employer has received confirmation from the operator of the property that the notice of completion as specified in section 6619(c) has been received, and the restricted entry interval has expired or the operator of the property has assured that the restrictions and exceptions pursuant to section 6770(d) have been met.

(d) The operator of the property and any hired employer shall not allow or direct any of his or her employees to enter a treated field before the restricted entry interval stated on pesticide product labeling or listed in section 6772 has expired except as provided below or otherwise expressly authorized by the director pursuant to Title 40 Code of Federal Regulations, Part 170.112 (d) or (e) 603(c).

(1) Pesticide handling activities. Employees may enter a treated field during a restricted entry interval to conduct pesticide handling activities, including soil incorporation (mechanical or watered-in), provided the employer assures that they are wearing the personal protective equipment specified on the pesticide product labeling for handling activities.

(2) No contact activities. Employees may enter a treated field during a restricted entry interval provided the employer assures that:

(A) There will be no contact with anything that has been treated, including soil, water, air, equipment, or plant surfaces. ~~Operating tractors or other equipment from inside an enclosed cab or when shields or other control methods, such as operator placement, physically prevent contact of the employee with anything that has been treated is considered to be a "no contact" activity for the purposes of this section provided the required personal protective equipment is immediately available to use if the employee leaves the tractor or other equipment.~~

(B) Inhalation exposure does not exceed any pesticide product labeling standard or, for ~~greenhouses enclosed space~~, the ventilation criteria in section 6769 have been met.

(3) Short-term, limited-contact activities. Employees may enter a treated field during a restricted entry interval specified on pesticide product labeling to conduct limited contact activities (including limited contact irrigation) that are necessary and unforeseen, provided the employer assures that:

(A) The restricted entry interval is not for a pesticide product with the requirement on the labeling for both oral notification and the posting of treated fields (double notification);

(B) At least four hours have elapsed since the end of the application;

(C) Inhalation exposure does not exceed the applicable pesticide product labeling standard or, for ~~greenhouses enclosed space~~, the ventilation criteria in section 6769 have been met;

(D) Exposure is minimal and limited to the feet, legs (below the knees), hands, and forearms (below the elbows);

(E) The personal protective equipment required for early entry is used by the employees. The personal protective equipment and/or work clothing must conform with the label requirements for early entry PPE or consist of at least coveralls, socks, chemical resistant footwear, chemical resistant gloves, and protective eyewear (if eyewear is required by the pesticide product labeling for early entry workers), whichever is more protective;

(F) The time in treated fields under a restricted entry interval does not exceed 8 hours in any 24-hour period for each employee entering under this exception; and

(G) ~~The exception granted by the U.S. Environmental Protection Agency for short-term, limited-contact activities is in effect~~ No hand labor activities are performed.

(4) Short-term, high-contact activities. Employees may enter a treated field during a restricted entry interval specified on pesticide product labeling to conduct other activities, not included in (d)(1), (2), and (3) that do not involve hand labor provided the employer assures that:

- (A) At least four hours have elapsed since the end of the application;
- (B) Inhalation exposure does not exceed any pesticide product labeling standard or, for greenhouses, the ventilation criteria in section 6769 have been met;
- (C) The personal protective equipment specified on pesticide product labeling for early entry is used by the employees. The personal protective equipment and/or work clothing must either conform with the label requirements for early entry PPE; or consist of at least coveralls, socks, chemical resistant footwear, chemical resistant gloves, and protective eyewear (if eyewear is required by the pesticide product labeling for early entry workers), whichever is more protective; and
- (D) Entry does not exceed one hour in any 24-hour period for any employee.
- (e) Employees may enter a treated field after the expiration of the restricted entry interval specified on pesticide product labeling and while a restricted entry interval specified in section 6772 is in effect to conduct activities, other than hand labor, provided that employees are wearing work clothing with long sleeves and legs, shoes with socks, and gloves.

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

Amend section 6771 to read:

6771. Requirements for Early Entry Employees.

- (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 orally of the following in a manner that he or she can understand:
 - (1) Location of early-entry area where work activities are to be performed;
 - (2) Pesticide(s) applied;
 - (3) Dates and times that the restricted-entry interval begins and ends;
 - (4) Specific restrictions and conditions pursuant to section 6770 about the work activity to be performed;
 - (5) Pesticide product labeling precautionary statements related to human hazards;
 - (6) Symptoms of poisoning;
 - (7) Emergency first aid and decontamination procedures for pesticide injuries or poisonings, including emergency eye flushing techniques;
 - (8) How to obtain emergency medical care;
 - (9) 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;
 - (10) Location of the Pesticide Safety Information Series leaflets A-8 and A-9 as required by sections 6723 and 6761;
 - (11) The need for, use, and care of personal protective equipment required for early entry into treated fields;
 - (12) That clothing and personal protective equipment may be contaminated with pesticide residues;
 - (13) Instructions for removing and storing such clothing and equipment, and laundering such equipment; and

(14) 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. The employer shall assure that all personal protective equipment is 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 employees must meet the applicable standards in sections 6738 through 6739.

(c) The employer shall assure that personal protective equipment is used correctly for its intended purpose.

(d) The employer shall assure that cleaned personal protective equipment is dried or stored in a well-ventilated place to dry. The employer shall assure that contaminated personal protective equipment is kept and washed separately from other clothing or laundry.

(e) Personal protective equipment must remain the property of the employer. Employees shall not be allowed or directed to take home pesticide contaminated personal protective equipment. The employer shall inform any person who cleans or launders personal protective equipment that the equipment may be contaminated, about the hazards presented, and how to properly handle and clean it.

(f) The employer shall assure that at least one pint of eyeflush water is immediately accessible (carried by the employee or on the vehicle being operated by the employee) to each employee who is performing, during any restricted entry interval specified on pesticide product labeling, early entry activities in a treated field for which the pesticide product labeling requires protective eyewear.

(g) The employer shall assure that employees engaged in tasks pursuant to section 6770(d)(3) and (4) are provided, at the place where they remove personal protective equipment, sufficient at least three gallons of water per employee (of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed), soap, and clean or single use towels so that they may wash thoroughly at the end of the exposure period. The water shall be of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed, and shall be stored separate from that used for mixing with pesticides unless the tank holding water for mixing with pesticides is equipped with appropriate valves to prevent back flow of pesticides into the water. When provided at the place where employees remove personal protective equipment, handwashing facilities provided in conjunction with toilet facilities pursuant to Title 8 California Code of Regulations, section 3457 (Field Sanitation); shall be considered adequate for the purposes of this section.

(h) The employer shall assure that a clean, pesticide-free place for storing personal clothing and putting on personal protective equipment at the start of work and taking off personal protective equipment at the end of the exposure period is provided for employees.

(i) The employer shall take appropriate measures to prevent heat related illness, when necessary.

(j) The employer shall assure that one clean change of coveralls is available for employees engaged in tasks pursuant to section 6770(d) at the decontamination site.

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

Amend section 6776 to read:

6776. Field Postings.

(a) The operator of the property shall assure that signs are posted around treated fields in the following circumstances:

(1) Whenever required by pesticide product labeling, unless access to the treated field is controlled in a manner that assures no employee (other than the handlers making the application) will enter, work in, remain in, or walk within 1/4 mile during the application and the restricted entry interval;

(2) ~~All greenhouse a~~Applications in an entirely enclosed space; unless access is controlled in a manner that assures no employee (other than the handlers making the application) will enter, work in, remain in, or pass through the ~~greenhouse~~ enclosed space during the application and the restricted entry interval; ~~and~~

(3) All other applications made in an enclosed space not specified in (2) that result in a restricted entry interval of greater than four hours, unless access to the enclosed space is controlled in a manner that assures no employee (other than the handlers making the application) will enter, work in, remain in, or walk within 1/4 mile during the application and the restricted entry interval.

~~(34)~~ Any application that results in a restricted entry interval of greater than ~~seven days~~ 48 hours (after adjustment pursuant to section 6774) unless access to the treated field is controlled in a manner that assures no employee (other than the handlers making the application) will enter, work in, remain in, or walk within 1/4 mile during the application and the restricted entry interval.

(b) The signs shall be of a size so that the wording specified in (2) and (3) is readable and the skull and crossbones symbol is clearly visible, to a person with normal vision, from a distance of 25 feet. Signs complying with the size requirements of Title 40 Code of Federal Regulations, Part 170.120409 are considered to be readable at 25 feet. The signs shall contain the following:

(1) The skull and crossbones symbol near the center of the sign;

(2) The words "DANGER" and "PELIGRO" and "PESTICIDES" and "PESTICIDAS" in the upper portion of the sign;

(3) The words "KEEP OUT" and "NO ENTRE" in the lower portion on the sign;

(4) Whenever the sign is used to indicate a restricted entry interval of more than 7 days, the following information in the lower portion of the sign:

(A) The date of unrestricted entry;

(B) The name of the operator of the property; and

(C) The field identification, (if any); and

(5) All letters and the symbol shall be of a color which sharply contrasts with their immediate background.

(6) The Spanish portion of the sign may be replaced with another non-English language which is read by a majority of workers who do not read English. The replacement sign must be in the same format and meet the same size and other requirements as the original.

(c) The signs shall:

(1) Be posted before the application begins but shall not be posted unless a pesticide application is scheduled within the next 24 hours;

(2) Remain posted and clearly legible throughout the application and the restricted entry interval; and,

(3) Be removed within three days after the end of the restricted entry interval and before any entry prohibited during a restricted entry interval.

(d) The signs shall be posted so that they are visible at all usual points of entry to the treated area, including each road, footpath, walkway, or aisle that enters the treated field, and each border with any ~~labor camp adjacent to~~ worker housing area within 100 feet of the treated field. If there are no identified usual points of entry to the treated field, signs shall be posted at the corners of the treated field. When a treated field is adjacent to an unfenced public right-of-way, such as a road, trail, or path, additional signs shall be posted at each end of the treated field and at intervals not exceeding 600 feet along the treated field's border with the right-of-way.

(e) When a pesticide product with the signal word "DANGER" on the label, or a minimal exposure pesticide listed in section 6790, is being applied to a field through an irrigation system, signs shall be posted in the manner specified in (d). These signs shall contain the following:

(1) An octagon stop sign symbol at least eight inches in diameter containing the word "STOP" in English;

(2) The words "KEEP OUT" and "NO ENTRE" above the symbol and the words "PESTICIDES IN IRRIGATION WATER" and "PESTICIDAS EN AGUA de RIEGO" below the symbol;

(3) All letters shall be at least 2-1/2 inches tall; and

(4) All letters and the symbol shall be of a color which sharply contrasts with their immediate background.

(f) When a fumigant is applied to a field, signs shall be posted in the manner specified in (d). These signs shall contain the following information instead of the information specified in (b):

(1) The skull and crossbones symbol; and

(2) The following statements:

(A) "DANGER/PELIGRO";

(B) "Area under fumigation, DO NOT ENTER/NO ENTRE";

(C) "(Name of Fumigant) Fumigant in use";

(D) The date and time of the fumigation; and

(E) The name, address, and telephone number of the applicator.

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

ARTICLE 4. FUMIGATION

Amend section 6782 to read:

6782. Fumigation of Enclosed ~~Space~~Areas.

Enclosed ~~spaces~~ areas include vaults, chambers, greenhouses, vans, boxcars, ships, planes, vehicles, and tarpaulin-covered structures and commodities. When fumigating tarpaulin-covered commodities inside buildings, and areas or things inside greenhouses, this section applies to the entire structure.

(a) Whenever a pesticide is used for fumigation inside an enclosed ~~space~~ area, at least two trained employees shall be present at all times when:

(1) The fumigant is introduced into the enclosed ~~space~~ area;

(A) Except, only one trained person is required to be present when solid fumigants (including aluminum phosphide, magnesium phosphide, and smoke cartridges) are introduced into the enclosed ~~space~~-area from outside the enclosed ~~space~~-area;

(2) The enclosed ~~space~~-area is entered for the purpose of facilitating aeration; and

(3) The enclosed ~~space~~-area is entered to determine the concentration of the fumigant and personal protective equipment is required by pesticide product labeling or regulation.

(b) When using a fumigant for the commercial or research production of an agricultural commodity, any employee in an enclosed area during a fumigant application shall maintain continuous visual or voice contact with another employee stationed immediately outside of the enclosed area.

~~(bc)~~ The second employee shall have immediate access to the personal protective equipment required by the pesticide product labeling for handlers in the event entry into the fumigated enclosed ~~space~~-area becomes necessary for rescue.

~~(ed)~~ Prior to the commencement of fumigation, warning signs shall be posted in plainly visible locations on or in the immediate vicinity of all entrances to the ~~space~~-area under fumigation and shall not be removed until fumigation and ventilation have been completed, and the premises ~~is~~are safe for reentering. Warning signs shall be printed in red on white background and shall contain, in English and Spanish, the following statement in letters not less than two inches in height: "DANGER-FUMIGATION". They shall also depict a skull and crossbones not less than one inch in height and shall state in letters not less than one-half inch in height the name of the fumigant, the date and time the fumigant was injected, and the name, address and telephone number of the applicator performing the fumigation.

~~(de)~~ Employees shall not be allowed to enter fumigated enclosed areas, except to determine the fumigant concentration or facilitate aeration, unless the concentration in the area is known to be at or below the level specified in 6780(a) above.

~~(ef)~~ The fumigant shall not be released into an occupied work area.

~~(fg)~~ After completion of the fumigation, the treated area or products shall be managed so that employees entering the area or working with the treated products are not exposed to a concentration in excess of the level specified in 6780(a) above.

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

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR (See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-2016-0412-07	2016-0902-025	

For use by Office of Administrative Law (OAL) only

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

OCT 17 2016

1:50 p.m.

RECEIVED DATE PUBLICATION DATE
APR 12 '16 APR 22 '16
2016 SEP -2 A 9:14

OFFICE OF ADMINISTRATIVE LAW

Office of Administrative Law
NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
Department of Pesticide Regulation

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Worker Protection Standard		TITLE(S) 3	FIRST SECTION AFFECTED 6000	2. REQUESTED PUBLICATION DATE April 22, 2016
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Linda Irokawa-Otani	TELEPHONE NUMBER 916-445-3991	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2016, 17-2	PUBLICATION DATE 4/22/2016

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Worker Protection Standard		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)		
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)				
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT 6722		
TITLE(S) 3		AMEND 6000, 6618, 6619, 6720, 6723, 6723.1, 6724, 6726, 6732, 6734, 6738.3, 6738.4, 6744, 6761, 6761.1, 6762, 6764, 6766, 6768, 6769, 6770, 6771, 6776, and 6782		
3. TYPE OF FILING				
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)		<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §511346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.		<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)		<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)		<input type="checkbox"/> File & Print
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____		<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
				<input type="checkbox"/> Print Only
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)				
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)				
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))		<input type="checkbox"/> Effective on filing with Secretary of State		<input checked="" type="checkbox"/> Effective other (Specify) <u>January 2, 2017</u>
		<input type="checkbox"/> \$100 Changes Without Regulatory Effect		
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY				
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)		<input type="checkbox"/> Fair Political Practices Commission		<input type="checkbox"/> State Fire Marshal <i>per agency request 10/13/16</i>
<input checked="" type="checkbox"/> Other (Specify) <u>OEHHA, CDFA, UC, DIR</u>				
7. CONTACT PERSON Linda Irokawa-Otani		TELEPHONE NUMBER 916-445-3991	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Brian Leahy</i>	DATE 8/31/16
TYPED NAME AND TITLE OF SIGNATORY Brian Leahy, Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

OCT 17 2016

Office of Administrative Law