

**California Department of Pesticide Regulation
Agricultural Pest Control Advisory Committee
Meeting**

July 22, 2008

**Agenda Item: Proposed Regulations on
Pesticide Application Notification**

Presented by:

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Summary of Changes to Notification, Application-Specific Information and Early Entry Regulation Concepts

Title 3. California Code of Regulations (3 CCR) Division 6. Pesticides and Pest Control Operations

- Five relevant regulation sections covered:
 - Chapter 3. Pest Control Operations.
 - Subchapter 2. Work Requirements. Article 2. Pest Control Operations Generally
 - 3 CCR 6618: Notice of Applications
 - 3 CCR 6619: Notice of Completed Applications
 - Subchapter 3. Pesticide Worker Safety. Article 3. Field Worker Safety
 - 3 CCR 6761.1: Application-Specific Information for Fieldworkers
 - 3 CCR 6770: Field Entry After Scheduled or Completed Pesticide Applications
 - 3 CCR 6771: Requirements for Early Entry Employees

Historical Background

- **1970's:** California adopted worker protection regulations that DPR expanded and refined in a continual effort to mitigate the hazards of workplace exposure to pesticides.
- **1992-1995:** The federal Worker Protection Standard (WPS), Title 40, Code of Federal Regulations (CFR), Parts 156 and 170, was developed to reduce the risk of pesticide exposure among agricultural workers and pesticide handlers through implementation of appropriate exposure reduction measures. First issued in 1992, WPS was fully implemented on January 1, 1995 at the federal level. The federal WPS was based substantially on the California program.
- **1995-1996:** From 1995 - 1996 both California regulations and WPS governed worker safety in California.
- **1997:** In 1997 WPS was integrated into California regulations, Title 3, Division 6, California Code of Regulations.
- **1997-1999:** Issues with compliance and enforcement of the worker protection program begin to impact agricultural workers in California.

Historical Background (continued)

- **1999-2005:** DPR initiated a review of its worker protection program and solicited and received comments from growers, worker advocates, county agricultural commissioners, and pesticide applicator representatives on improving the notification, hazard communication and early entry regulations. After considering the comments and concerns of these groups, changes were drafted and made to 3CCR sections 6618, 6619, 6761.1, 6770 and 6771. Noticing these proposed regulatory changes was planned for sometime in 2004. However, due to changes in personnel and other priorities, this regulation package had been delayed until the fall of 2005.
- **2005-Present:** The previous work done on these proposed regulation changes was revisited, reevaluated and reestablished in order to move forward with this rulemaking package. Most of the proposed changes and revisions remained the same. However, some of the proposed language has been revised to provide more clarity and address concerns expressed by worker advocates, OEHHA and DIR just to name a few.

Current Status of Proposed Rulemaking Package

- Noticed with OAL on July 4, 2008
- 45-day public comment period ends August 18, 2008

Vocabulary

- Glossary of terms

- Assure: To take all reasonable measures so that the behavior, activity, or event in question occurs. When a 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 (3 CCR 6000).

Notice of Applications. 3 CCR 6618:

- Application date only
- Change in date of application
 - Applicator to owner
 - All other employees
- Performance-based standard
- Notifying others
- Notification in non-ag production setting

Notice of Completed Applications.

3 CCR 6619:

- Performance-based standard
- Exemption to notifying added
- Notifying others

Application-Specific Information for Fieldworkers. 3 CCR 6761.1:

- Revised timing of display
- Display before field workers are allowed within $\frac{1}{4}$ mile of treated field
- Description of display

Field Entry After Scheduled or Completed Pesticide Applications. 3 CCR 6770:

- Added exemption
- Requirements added that prohibit employers from sending workers into treated fields.
- Clarity of section improved

Requirements for Early Entry Employees. 3 CCR 6771:

- Prior to entering a field under an REI.
- Clarity improved
- Reinforces employer's responsibility that PPE is inspected
- “Sufficient water” defined
- Clarifies requirement for hand washing facilities

Where to Get More Information

Please contact me if you have any questions

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Thank You for your attention!