

DEPARTMENT OF PESTICIDE REGULATION

James W. Wells, Director

1020 N Street, Room 200
Sacramento, California 95814-5624

WHS 95-7



May 22, 1995

TO: COUNTY AGRICULTURAL COMMISSIONERS

SUBJECT: Update on WPS Implementation in California

The U. S. EPA has finalized action on the five changes to the WPS noticed in January. Summaries of the final actions are attached.

The U. S. EPA has also given interim approval of the four pending requests for equivalency. A copy of the approval letter is also attached.

With these actions, the U. S. EPA has passed the ball to California. We must now act on amending Title 3 California Code of Regulations, to implement the WPS in California. Copies of the most recent drafts of the proposed regulation changes and supporting documents (Notice and Initial Statement of Reasons) are attached. We anticipate filing this action with the Office of Administrative Law to begin the public comment period in a couple of months.

Comments or questions about this action can be directed to Roy Rutz, Program Supervisor, Worker Health and Safety Branch [(916) 445-4279] or Bob Chavez, Program Specialist, Enforcement Branch [(916) 445-3886].

Sincerely,

A handwritten signature in blue ink, appearing to read "John Donahue".

John Donahue
Branch Chief
(916) 445-4222

Attachments



From: PestReg.Outside DPR."SMITH.JUDY@EPAMAIL.EPA.GOV"
To: PestReg.Outside DPR("wps-forum@are.Berkeley.EDU")
Date: 4/27/95 2:39pm
Subject: EPA Action: Exception for Limited Contact Activities

The Agency has finalized the five actions released for public comment in January 1995.

WORKER PROTECTION PROGRAM UPDATE:
Exception for Limited Contact Activities

In April 1995, EPA completed an exception to the Worker Protection Standard (WPS) that would allow, under specified conditions, workers to enter pesticide treated areas during a restricted entry interval (REI) to perform tasks that involve limited contact with pesticide treated surfaces. The REI is the time period after a pesticide application when workers may not enter a pesticide treated area without protective clothing.

BACKGROUND

Under the WPS, each pesticide label specifies a REI, usually ranging from 12 to 72 hours. The 1992 WPS limited worker early entry activity in treated area under a REI to 1 hour in a 24 hour period. In July 1994, EPA received a petition from a coalition of agricultural organizations. These organizations recommended an exception to the WPS for performing tasks involving limited contact with pesticide treated surfaces. EPA considered the petition, and in a January 1995 Federal Register Notice, proposed to grant such a nationwide exception. In the Notice, EPA also solicited public comment. The public comments received helped to persuade EPA that there could be significant economic impacts if certain limited contact tasks were prohibited during the REI. Therefore, the Agency is granting an exception to the early entry prohibition for limited contact activities.

SUMMARY OF FINAL ACTION

This exception allows workers the flexibility during an REI to perform limited contact tasks that could not have been foreseen and which, if delayed, would cause significant economic loss. At the same time, the exception includes significant provisions to limit pesticide exposure and risk to employees performing limited contact tasks. The conditions of the exception for limited contact, early entry activities are:

- o The workers' contact with treated surfaces is minimal and is limited to the feet, lower legs, hands, and forearms;
- o The pesticide product does not have a statement in the labeling requiring double notification (workers must be notified both verbally and by posting of these high toxicity pesticides);

- 2
- o Personal protective equipment for early entry is provided to the worker and must either conform with the label requirements or include at least coveralls, chemical resistant gloves, socks, chemical resistant footwear, and eyewear (if eyewear is required by the product labeling);
 - o No hand labor activity (such as hoeing, picking, pruning, etc.) is performed;
 - o The time in treated area under a REI for any worker may not exceed 8 hours in a 24 hour period;
 - o The workers do not enter the area during the first 4 hours, and until applicable ventilation criteria have been met, and until any label specified inhalation exposure levels has been reached;
 - o Before workers enter a treated area under an REI, the agricultural employer shall give them oral or written notification of the specifics of the exception to early entry. The notification must be in a language that the workers understand.

**WORKER PROTECTION PROGRAM UPDATE:
Exception for Irrigation Activities**

BACKGROUND

Under the WPS, each pesticide label specifies an REI, usually ranging from 12 to 72 hours. The 1992 WPS limited worker early entry activity in treated areas under an REI to 1 hour in a 24 hour period. In July 1994, EPA received a petition from a coalition of agricultural organizations. These organizations recommended an exception to the WPS for performing irrigation tasks. EPA considered the petition, and in a January 1995 Federal Register Notice, proposed to grant such a nationwide exception. In the Notice, EPA also solicited public comment. The public comments received helped to persuade EPA that there could be significant economic impacts if certain irrigation tasks were prohibited during the REI. Therefore, the Agency is granting an exception to the early entry prohibition for certain irrigation activities.

SUMMARY OF FINAL ACTION

This exception allows workers the flexibility during an REI to perform irrigation tasks that could not have been foreseen and which, if delayed, would cause significant economic loss. At the same time, the exception includes significant provisions to limit pesticide exposure and risk to employees performing irrigation tasks. The conditions of the exception for early entry irrigation activities are:

- o The workers' contact with treated surfaces is minimal and is limited to the feet, lower legs, hands, and forearms;

- o The pesticide product does not have a statement in the labeling requiring double notification (workers must be notified both verbally and by posting of these high toxicity pesticides);
- o Personal protective equipment for early entry is provided to the worker and must either conform with the label requirements or include at least coveralls, chemical resistant gloves, socks, chemical resistant footwear, and eyewear (if eyewear is required by the product labeling);
- o No hand labor activity (such as hoeing, picking, pruning, etc.) is performed;
- o The time in treated areas under a REI for any worker may not exceed 8 hours in a 24 hour period;
- o The workers do not enter the area during the first 4 hours, and until applicable ventilation criteria have been met, and until any label specified inhalation exposure level has been reached;
- o Before workers enter a treated area under an REI, the agricultural employer shall give them oral or written notification of the specifics of the exception to early entry. The notification must be in a language that the workers understand.

**WORKER PROTECTION PROGRAM UPDATE:
Final Rule Amendment - Crop Advisors**

BACKGROUND

In July 1994, EPA received a petition from a coalition of agricultural organizations that recommended exempting crop advisors from the WPS. In a January 1995 Federal Register Notice, EPA proposed for comment an exemption of certain crop advisors from certain WPS requirements. EPA has considered comments received and has issued a final determination.

SUMMARY OF FINAL RULE AMENDMENT

- o Certified or licensed crop advisors and persons under their direct supervision are exempt from WPS provisions except for pesticide safety training.
- o The exemption applies only after pesticide application ends and while performing crop advising tasks.
- o The exemption describes what constitutes "direct supervision" and the information that crop advisors must convey to those under their direct supervision.
- o Certified or licensed crop advisors may substitute pesticide safety training received during certification or licensing, if it is equivalent to WPS pesticide handler training.

- o in order to allow time for acquiring certification or licensing, these provisions will be phased in by exempting from WPS all persons doing crop advising tasks until May 1, 1996.

DISCUSSION

As handlers under the WPS, crop advisors may enter treated areas during application and the restricted entry interval without time limitations, if provided with the required personal protective equipment (PPE) specified on the product labeling and other protections provided for handlers. Employees of agricultural establishments who are performing crop advisor tasks in a treated area within 30 days of the expiration of the restricted entry interval are provided the same protection as workers under WPS.

The exemption established by this action allows certified or licensed crop advisors to choose appropriate protection to be utilized while performing crop advising tasks in treated areas after the end of pesticide application. This rule also establishes a temporary exemption for all persons while doing crop advising tasks in order to allow time to acquire certification or licensing.

EPA is exempting knowledgeable and experienced crop advisors, and persons under their direct supervision, from the PPE, knowledge of labeling and site specific information, decontamination, and emergency assistance requirements of the WPS after pesticide application ends and only when performing crop advising tasks. Certified or licensed crop advisors may substitute pesticide safety training received during the Federal, State or Tribal approved certification or licensing program if such training is at least equivalent to the WPS training.

WORKER PROTECTION PROGRAM UPDATE:

Final Rule Amendment - Training Requirements

BACKGROUND

In a January 1995 Federal Register Notice, EPA addressed concerns raised by farmworker groups and agricultural employer groups regarding the grace period and the retraining period for worker pesticide safety training. In this Notice, the Agency proposed various options to modify these WPS requirements and solicited public comment. The Agency has considered comments received and has issued a final determination.

SUMMARY OF FINAL RULE AMENDMENT

- o The 5 day grace period for worker training will become effective January 1, 1996.
- o Beginning January 1, 1996, agricultural employers must assure that untrained workers receive basic pesticide safety information before they enter a treated area on the establishment. No more than 5 days after their initial employment has commenced, all untrained agricultural workers must receive the complete WPS pesticide safety training.

- o The retraining interval for workers and handlers is 5 years.

DISCUSSION

As of January 1, 1996, the agricultural employer shall assure that a worker receives basic pesticide safety information before they enter a treated area on the establishment. This would provide basic safety information to workers while they wait for the complete WPS pesticide safety training which is required within the first 5 days of entering a treated area. The agricultural employer must assure the information is communicated to agricultural workers in a manner they can understand. In cooperation with USDA and States, EPA will develop and distribute a model handout that will provide the basic pesticide safety information. Agricultural employers may use this handout, develop their own, or use other materials that contain the required basic safety information. Agricultural employers must be able to verify compliance with this requirement.

The basic pesticide safety information must include the following concepts:

- o Pesticides may be on or in plants, irrigation water, or drifting from nearby applications.
- o Prevent pesticides from entering your body by:
 - o Following directions and/or signs about keeping out of treated or restricted areas
 - o Washing before eating, drinking, using chewing gum or tobacco, or using the toilet
 - o Wearing work clothing that protects the body from pesticide residues
 - o Washing/showering with soap and water, shampoo hair and put on clean clothes after work
 - o Washing work clothes separately from other clothes before wearing them again
 - o Washing immediately in the nearest clean water if pesticides are spilled or sprayed on the body and, as soon as possible, showering, shampooing, and changing into clean clothes
- o Further training will be provided within 5 days

WORKER PROTECTION PROGRAM UPDATE:

Reduced Restricted Entry Intervals for Low Risk Pesticides

BACKGROUND

The 1992 WPS established an interim minimum REI of 12 hours for all end use pesticide products for agricultural uses. Longer interim REIs were established for more toxic products. Since 1992, numerous registrants and pesticide users have asked

EPA to consider reducing the minimum 12 hour REI for lower toxicity products that they believe do not need a 12 hour REI to protect workers. In response, in January 1995, the Agency

addressed these concerns with a published proposal for public comment.

6
The Agency has considered the comments received and determined that reducing the REIs for low risk pesticides would still provide adequate protection to workers. Moreover, reducing the

REI would provide agricultural producers with greater flexibility and may promote the use of these inherently less toxic products over those with greater risks and longer REIs. The Agency concludes that the modification of the REIs will not result in unreasonable risk to workers. Accordingly, the Agency established a selection criteria for active ingredients with low toxicity, which would make products with these active ingredients eligible for shorter REIs. As a result of this action, a list of 114 active ingredients, currently subject to WPS requirements, were determined to meet the lower toxicity criteria.

SUMMARY OF FINAL ACTION

This action will allow pesticide registrants, whose products and active ingredients meet the Agency's lower toxicity criteria, to:

- o Reduce the WPS REIs from 12 to 4 hours for certain low risk pesticides;
- o Revise their labeling to reflect the reduced REI by notifying EPA;
- o Make REI label changes by notification until December 1995;
- o Make REI label changes through the regular label amendment process after December 1995;
- o Propose additions to the candidate active ingredient until December 1995.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

OFFICE OF THE
REGIONAL ADMINISTRATOR

MAY 11 1995

James Wells
Director
California Department of Pesticide Regulation
1020 N Street, Room 100
Sacramento, CA 95814-5604

Dear Mr. Wells:

I have received and reviewed your request (dated February 15, 1995) for regulatory equivalency with respect to the Worker Protection Standard (WPS). I have discussed your request with my staff and have decided to grant interim approval for your requests regarding "Providing Specific Information About Applications", "Posted Pesticide Safety Information", "Ventilation Criteria for Greenhouse Use", and "Notice of Applications (Field Posting)".

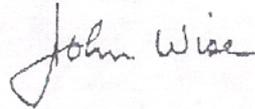
As you know, the EPA Administrator has delegated to the Regional Administrators the authority to determine that a state regulation would result in use of a pesticide consistent with the purposes of Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the WPS, and that such pesticide use would therefore not result in use of a registered pesticide in a manner inconsistent with its labelling. In the context of the WPS, these determinations are referred to as equivalency determinations.

Final approval on the points noted in your equivalency letter will be contingent upon the State regulations being adopted as described in your February 15, 1995 equivalency letter and in the April 6, 1995 draft of the California regulations.

If, as you continue to develop the revised State regulation, you find that the proposal changes from that outlined in the April 6, 1995 draft of the California regulations and the February 15, 1995 equivalency letter, please apprise my staff.

I look forward to working with you as we move forward with implementing this program.

Yours,

A handwritten signature in cursive script that reads "John Wise".

Felicia Marcus *for*
Regional Administrator

Enclosures

DRAFT

TITLE 3. DEPARTMENT OF PESTICIDE REGULATION (TITLE 26. TOXICS)
IMPLEMENTATION OF FEDERAL WORKER PROTECTION STANDARD
IN CALIFORNIA
DPR REGULATION 95-??

NOTICE IS HEREBY GIVEN:

The Department of Pesticide Regulation (DPR) proposes to amend or adopt sections 6000, 6601, 6618, 6701, 6720, 6723, 6723.1, 6724, 6728, 6732, 6734, 6736, 6738, 6742, 6760, 6761, 6761.1, 6762, 6764, 6768, 6769, 6770, 6771, 6772, 6774, 6776, and 6782 of the regulations in Titles 3 and 26 of the California Code of Regulations (CCR). The proposed regulation changes would implement the federal Worker Protection Standards (WPS) in Title 40, Part 170, Code of Federal Regulations (CFR) within California.

SUBMISSION OF COMMENTS:

Notice is given that any interested person may present statements or arguments in writing, relevant to the proposed action, to the agency officer named in this notice no later than 5:00 p. m. on Never 12, 1995.

Public workshop/hearings are scheduled at the following dates and places. The workshop portion will be held from 10:00 am until noon. During the workshop, the regulations will be explained and questions responded to by officials from the Department of Pesticide Regulation, The Office of Environmental Health Hazard Assessment, and the U. S. EPA. At 1:30 p.m. the public hearing will begin. A representative of DPR will preside at the hearing. Persons who wish to present statements, arguments, or contentions relevant to this action will be asked to register. Those who register will be heard in order. After those who have registered have spoken, the floor will be opened for others who wish to speak. Oral comments presented at the hearing carry no more weight that written comments.

Los Angeles/San Diego area,
(Date to be announced)

El Centro,
(Date to be announced)

Visalia/Kearney Field Station,
(Date to be announced)

Salinas,
(Date to be announced)

Sacramento,

(Date to be announced)

Redding,
(Date to be announced)

INFORMATIVE DIGEST / PLAIN ENGLISH SUMMARY

Current California regulations in Title 3, CCR place requirements on employers of pesticide handlers and fieldworkers. The handler portion of the regulations is applicable to all pesticide use situations. The fieldworker portion is applicable to employees working in treated agricultural fields. The handler regulations cover protection of study participants, hazard communication, emergency medical care, training, personal protective equipment, decontamination (washing) facilities, medical supervision, change areas, light, and closed handling systems. The fieldworker regulations cover posting of, and reentry into, treated fields, training, emergency medical care, decontamination facilities, and hazard communication.

This action would implement U. S. Environmental Protection Agency Worker Protection Standards (WPS) in California. The coverage of both the handler and (field) worker portions of the WPS are limited to the commercial or research production of agricultural plant commodities on farms, forests, greenhouses, and nurseries. The WPS addresses most, but not all, of the same areas covered by the current California requirements.

A more specific and detailed discussion of the impact of and basis for each requirement is included in the initial statement of reasons available from the agency officer named in this notice.

IMPACTS ON LOCAL AGENCIES AND SCHOOL DISTRICTS:

The Department of Pesticide Regulation has determined that this proposed action does not impose a mandate on local agencies or school districts. The Department of Pesticide Regulation has also determined that no reimbursable costs [under Part 7 (commencing with section 17500) of Division 4 of the Government Code] to local agencies or schools districts, no non-discretionary costs or savings to local agencies or school districts, and no effect on federal funding to the State will result from the proposed action.

COSTS TO STATE AGENCIES:

This action is unlikely to have any significant cost impacts on most state agencies because they are not involved in the commercial or research production of agricultural plant commodities. There are two identified exceptions to this general statement. First; the Department of Forestry and Fire Protection manages five State forests. If and when any of these forests engage in covered activities they would be subject to the

requirements of these regulations and incur costs commensurate with those of private industry. Second; The university and college systems in California would be subject to the provisions of these regulations if they engage in research or other activities that result in the production of agricultural plant commodities on university and college farms that they manage.

EFFECTS ON HOUSING COSTS AND BUSINESSES:

The Department of Pesticide Regulation finds that the adoption of this regulatory action will not have an impact on housing costs.

The adoption of these regulatory changes will have an adverse economic impact on businesses (including small businesses). The kinds of businesses impacted are farms, forests, nurseries, and greenhouses. The extent of this impact can be estimated from the original cost impacts developed for the adoption of these requirements by the U. S. EPA. These estimates are based on incremental increased costs on the premise that many of these requirements are already in place in California. It should be recognized that costs to individual businesses may vary widely due to the size of the business, the nature pesticides used, and the labor practices necessary for that segment of the industry.

The U. S. EPA, in its Regulatory Impact Analysis, calculated a first year compliance cost of \$94.3 million and an annual incremental compliance cost of \$49.4 million. The U. S. EPA used an estimated total of 688,000 agricultural establishments and 8,500 commercial pesticide handling (696,500 total) firms affected nationally for an average first year incremental cost of compliance of \$135 and continuing incremental costs of \$71 per year for each establishment or firm impacted.

The Department of Pesticide Regulation's licensing program shows 1882 pest control business locations and 786 pesticide dealer locations for a total of 2668 commercial pesticide handling establishments. This figure was used with the recognition that there are other kinds of firms covered by the regulation that are not included in this figure (such as farm management firms that employ pest control advisers). There are an estimated 85,000 agricultural establishments in California. Discussions with staff of the Department of Forestry and Fire Protection estimated between 50 and 85 commercial forest operators in California that would likely be impacted on a regular basis. There are additional private non-commercial forest owners that could be impacted on a periodic basis. It is unknown how many of these owners of mostly small acreage of timberland would be impacted. It is estimated that a total of approximately 87,000 businesses would be impacted. Based upon these assumptions, the total incremental increased cost to the impacted industries is estimated to be \$11.9 million for the first year. Continuing incremental increased costs are estimated to be \$6.25 million per year.

According to the Council for Agricultural Science and Technology's June 1982 report, PESTICIDES, Minor Uses / Major Issues: vegetables, fruits, nuts, herbs, ornamentals, trees, and turf grasses (some of California's major crops) are often referred to as minor crops because the acreage and volume of production of any one of the many crops in these groups are much below that of corn, soybean, wheat, or any of the other major field crops. The minor use crops are the ones these regulation changes will impact the most. A considerable amount of agricultural labor is used on minor crops where the greatest chance of pesticide exposure to agricultural employees exists.

The Department of Food and Agriculture's Office of Pesticide Consultation and Analysis contracted with the Department of Agriculture and Resource Economics at the University of California in Berkeley to perform an analysis of the Economic Impacts of the Federal Worker Protection Standard on Production Agriculture in California. This report was completed in October, 1993.

This report states in the executive summary that: "Costs to the grower resulting from the new REI requirements were difficult to ascertain and were not quantified. However, based on grower interviews, there will be increased costs associated with scheduling field crews, rotating early entry workers, and increasing crop management due to reduced efficacy.

Using a small subset of California crops, grower cost increases due to the noticing requirements of the WPS were estimated at under \$1 million... Costs will vary widely depending on the size and diversity of the operation and the number and location of fields."

It must be recognized in any consideration of the fiscal impacts of this action that the requirements contained in this regulatory action cannot be avoided by a decision to not adopt this proposal. The implementation of these federal requirements could, perhaps more precisely, be termed an integration of them into the preexisting California regulatory program.

IMPACT ON JOBS IN CALIFORNIA:

Since these regulatory changes are to implement a national standard, they should not impair the ability of California businesses to compete with businesses in other states. This action is not expected to result in the creation or elimination of any jobs or businesses in the State; neither is this action likely to result in the expansion or reduction in size of any business in the State.

ALTERNATIVES:

The Department must determine that no alternative considered would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons and businesses than the proposed action. This regulation action does not impact private persons.

The Department has not identified any alternatives that would reduce the impact on businesses and invites you to submit such proposals. Submissions may include the establishment of differing compliance and reporting requirements or timetables which take into account the resources available to businesses, consideration or simplification of compliance and reporting requirements for businesses, the use of performance standards rather than prescriptive requirements for businesses, and the exemption or partial exemption from the regulatory requirements for businesses.

AUTHORITY:

This action is taken pursuant to authority vested by sections 11456, 11502, 12111, 12781, 12976, 12981, and 14005 of the Food and Agricultural Code.

REFERENCE:

This action is to implement, interpret, or make specific sections 11408, 11410, 11501, 11701, 11702, 11704, 11708, 12042, 12103, 12971, 12972, 12973, 12980, 12981, 13146, and 14006 of the Food and Agricultural Code, section 8538 of the Business and Professions Code, and Title 29, Code of Federal Regulations, Part 1912.1200.

AGENCY CONTACT:

Written comments or questions relevant to the action proposed and inquiries about the Initial Statement of Reasons, and location of the rulemaking file may be directed to Roy Rutz, Worker Health and Safety Branch, Room 200, Department of Pesticide Regulation, 1020 N Street, Sacramento, CA 95814, or by phoning 916/445-4279.

AVAILABILITY OF REGULATION TEXT AND STATEMENT OF REASONS:

The Department of Pesticide Regulation has prepared an Initial Statement of Reasons for the proposed action and has available the express terms of the proposed action, as well as the rulemaking file. The Department has determined that it is not feasible to draft the regulations in plain English due to the technical nature of the regulations; However, a noncontrolling Plain English Summary of the regulations has been prepared. A copy of the Statement of Reasons, the Plain English Summary, and the proposed regulations may be obtained from the agency contact named in this notice. The information upon which the Department

relied and the rulemaking file are available for review at the Sacramento address.

AVAILABILITY OF MODIFIED TEXT:

After the close of the comment period, the Department may make the regulations permanent if they remain substantially the same as described in the Informative Digest. If the Department does make changes to the regulation, the modified text will be made available for at least 15 days prior to the adoption. During this time the Department will accept written comments on the changes. Requests for the modified text should be made to the agency contact named in this notice.

Signed: _____
James W. Wells, Director

Date: _____

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DRAFT

INITIAL STATEMENT OF REASONS
DEPARTMENT OF PESTICIDE REGULATION

TITLES 3. AND 26. CALIFORNIA CODE OF REGULATIONS
AMEND OR ADOPT SECTIONS 6000, 6601, 6618, 6701, 6720, 6723,
6723.1, 6724, 6728, 6732, 6734, 6736, 6738, 6742, 6760, 6761,
6761.1, 6762, 6764, 6768, 6769, 6770, 6771, 6772, 6774, 6776, AND
6782
PERTAINING TO
IMPLEMENTATION OF THE
FEDERAL WORKER PROTECTION STANDARDS
FOR
AGRICULTURAL PESTICIDE HANDLERS AND FIELDWORKERS

INTRODUCTION:

This action is the joint and mutual responsibility of the Department of Pesticide Regulation (DPR) and the Office of Environmental Health Hazard Assessment (OEHHA) in consultation with the University of California, the Department of Industrial Relations, and other similar organizations as specified by section 12981 of the Food and Agricultural Code.

The national standards were originally scheduled to become effective in April 1994. Congress enacted and the president signed legislation that delayed implementation of most of Title 40, Part 170, Code of Federal Regulations (CFR) until January 1, 1995. This action would replace the federal regulations with State regulations in California.

PROBLEM, CONDITION, OR CIRCUMSTANCE ADDRESSED:

On August 21, 1992, the United States Environmental Protection Agency (U. S. EPA) issued the final rule pertaining to the protection of agricultural workers and handlers from the risk of exposure to pesticides. The new federal provisions in Title 40 CFR, Parts 156 and 170, referred to as the Worker Protection Standards (WPS), are intended to reduce the risk of pesticide poisonings and injuries among agricultural workers and pesticide handlers through implementation of appropriate exposure reduction measures.

Although the WPS was substantially modeled after California's comprehensive pesticide worker safety program, there are some differences between the California program and federal provisions. The federal regulations have been interpreted by the U. S. EPA as not allowing for general program equivalency but requiring states to meet or exceed the standard in each area. Although the current California program still exceeds the federal standards in some areas, there are areas where it has been determined by the U. S. EPA that the state program does not meet the new federal standard. Despite the limitation on recognizing

State equivalency, The U. S. EPA agreed to accept state requests for limited equivalency. California submitted a request for consideration of equivalency on several points. These requests focused on the areas of: 1. using the pesticide use record/reporting system to meet portions of the WPS application specific information requirements; 2. using Pesticide Safety Information Series leaflets A-8 & 9 to meet the "safety poster" requirements; 3. continuing to use the California field posting sign "skull and crossbones" format in lieu of the WPS "hand and face" format; and 4. allowing more flexibility in the greenhouse ventilation criteria. The U. S. EPA has approved the requests. Title 3, California Code of Regulations (CCR) must be amended to bring all other areas of California regulations to the level of the national standard.

SPECIFIC PURPOSE AND FACTUAL BASIS FOR NECESSITY:

The general purpose of this action is to amend the worker protection regulations in Titles 3 and 26 CCR to ensure that they meet the minimum levels set by the new federal WPS in 40 CFR, Parts 156 and 170.

In attempting to meet this purpose, DPR made some general policy decisions. First, any new requirements should be integrated into existing requirements in a way that avoids duplication and makes use of existing procedures to meet the federal requirements whenever possible. Second, DPR would avoid applying the federal standards, which are limited to commercial and research agricultural plant production, in any general way, to other non-agricultural settings at this time. Following is a more specific discussion of the changes

Section 6000. Definitions.

The Department recently reorganized all of the definitions related to the pesticide regulatory program into 3 CCR, section 6000. This was done as an editorial change without regulatory impact. Earlier versions of the regulations will show some of these definitions in sections 6000.1 through 6000.6. These definitions are necessary to interpret the regulations and label requirements in a manner consistent with the WPS as required by the U. S. EPA.

"Assure" (or ensure) is a newly defined term. This term is used in the regulations to describe an employer's responsibility for providing a safe workplace. A definition is necessary to clearly outline the measures that must be taken by employers to be in compliance with the requirements of this division. It is also necessary to fix the point at which an employer has met his or her responsibility under these regulations. This term is not clearly defined in the WPS.

"Chemical resistant" (or waterproof) is a newly defined term. The WPS addresses each separately but the definitions are similar. The concern is always about the chemical, not the water carrier

(pure water is non toxic), so they have been combined into one definition to simplify the issue and to increase the clarity and understanding for both the regulated industry and compliance personnel. Both terms are not necessary.

"Chemigation" is a newly defined term. The definition is consistent with the WPS.

"Commercial applicator" is a currently defined term. The proposed amendment is a technical change to allow the term to be used to refer to persons or firms who use any pesticide instead of only those that use restricted materials.

"Coverall" is a newly defined term. The definition is consistent with the WPS. The term "coverall" in regulation and on labels refers to a one or two piece garment(s) that must be supplied by the employer. In physical form it doesn't substantially differ from "work clothing" (a jumpsuit type garment is not required). While "coverall" is considered personal protective equipment, "work clothing" is not. The key difference is in who is, or can be, required to provide the garment.

"Display" is a newly defined term. It is defined consistent with the WPS. It is used to set the standard for the availability of the safety information and the application specific information.

"Early entry" is a newly defined term. The definition is consistent with the WPS, but the wording is modified to address California's additional extended restricted entry intervals (REI). The current California restrictions would remain in place after the expiration of the stricter WPS REIs.

"Enclosed Cab" is a currently defined term. The definition has been changed to be consistent with the WPS definition. The changes do not substantially alter the definition. Reference to construction materials has been removed in deference to the WPS performance standard.

"Enclosed cab acceptable for respiratory protection" is a newly defined term. The WPS does not use this specific term but does set standards that must be met before a cab can substitute for respiratory protection. California has been a leader in the development and implementation of this technology. The definition closely follows the WPS requirements. The requirement for determination by the director has been retained.

"Employee" is a currently defined term. The change would remove references that are more appropriate, and are included, in the definition of employer. It would remove unnecessary duplication.

"Employer" is a currently defined term. The change would clarify that a person becomes the responsible "employer" based, not only on the payment of wages, but also on the degree of supervision or control exercised over the employee. This change would more

closely align this definition with the provisions of other labor law.

"Field" is a currently defined term. Forest products have been included to clarify their status as covered by these regulations consistent with the WPS. This definition impacts the application of the fieldworker safety requirements.

"Fieldworker" is a newly defined term. The term "worker" is used in the WPS to mean "fieldworker". There is a potential for confusion between the terms "worker" and the general term "employee". The term "fieldworker" has been used because it is more descriptive of the scope of the requirements. The definition is substantially similar to the WPS definition of "worker" and includes persons conducting cultural activities in fields for any compensation.

"Greenhouse" is a newly defined term. The definition is consistent with the WPS definition. It includes structures with a non-porous covering. Structures, such as lath or screen houses, with porous coverings are excluded by this definition. Most of these structures become "nurseries" by definition.

"Hand labor" is a newly defined term. The definition is generally consistent with the WPS and current provisions for prohibited activities in 3 CCR, section 6770. Other non-hand labor activities that still involve contact with treated surfaces are handled differently in the WPS than under current California requirements. Under the WPS they are allowed for only limited periods of time. This definition has impact on reentry restrictions.

"Handle" is currently defined. The changes incorporate WPS concepts into the definition. Performing the duties of a crop advisor during the REI is the most substantial change. These activities have not been previously considered to be "handling" a pesticide in California. This is a change in the current California position required by the WPS. This change in the definition required that an adjustment be made in the medical supervision requirements to avoid overly broad expansion of those provisions.

"Nursery" is a newly defined term. The definition is consistent with the WPS definition. It includes areas enclosed with porous coverings that may have, up to now, been more commonly thought of as a greenhouse

"Personal protective equipment" is a new term that replaces the term "protective clothing and equipment". The definition is consistent with the WPS. The most significant change is separating "work clothing" from other personal protective equipment. This is a change from the current California position required by the WPS.

"Private applicator" is a currently defined term. The proposed amendment is a technical change to allow the term to be used to refer to persons or firms who use any pesticide instead of only those that use restricted materials.

"Restricted entry interval" (REI) is a new term that replaces the current term reentry interval. The scope is changed from employees to persons to be consistent with the WPS which states that owners and families are subject to the reentry restrictions found on pesticide labeling. The extended California REIs would continue to be limited to employees.

"Treated field" is currently defined in policy and regulation (section 6761). The California definition (balance of the growing season or one year) exceeds the WPS requirement, which is 30 days after the expiration of the REI, in most situations. However, it has been determined by U. S. EPA that there could be isolated situations where the current California definition would not be as protective as the WPS definition. If an application takes place shortly before harvest employees conducting post harvest activities within 30 days may not be protected. The WPS definition has been proposed. This definition impacts requirements for decontamination facilities and display of application specific and general safety information. After the expiration of the period the similar field sanitation and Cal/OSHA requirements would replace the pesticide related requirements of these regulations.

"Use" is a newly defined term. The WPS definition is generally followed but management of the treated area and/or crop is extended beyond 30 days to address long standing California concerns. The lack of inclusion of these terms must be considered a deficiency in the WPS.

"Work clothing" is currently defined. The proposed definition more closely follows the WPS definition. This definition impacts the "dress code" for pesticide handlers and fieldworkers. Any additional protection is considered PPE and is required to be provided and maintained by the employer.

Section 6601. General Application of Standards.

Anyone who uses a pesticide product is subject to the statutory requirement to follow the labeling directions. This section would formally establish that when there is a labeling requirement that is defined or clarified in employee safety requirements, the same standards will be applied to other non-employed persons. This will avoid confusion that would be created by establishing and maintaining two different standards for the same labeling requirement.

Section 6618. Notice of Applications.

This section is amended to more clearly address the transfer of application required by the WPS. (a) addressed notice by the commercial pest control business to the operator of the property.

(b) addresses notice from the operator of the property to persons who may be on the property and includes employees who may walk within 1/4 mile of a treated agricultural field. It includes those specific items required by the WPS. This was determined to be necessary to clarify the current general wording. This notice, which may be either oral or written (but should not be confused with Field posting) can serve as the application specific information for 24 hours until the completion notice is received from the pest control business. Differences in the requirements for notice by the pest control business to the operator of the property and the operator of the property to persons who may enter have been clarified. The WPS option of posting fields, rather than identifying and noticing all persons who may approach the field, has been included. Additional information that must be given to early entry workers is included in section 6771. (c) covers notice in other non-agricultural situations. Reference to other notification procedures has been included.

Section 6701. Interpretation Consistent with Federal Standards. The WPS contains many specific examples that will have little if any impact in California. In addition, the U. S. EPA is continuing to issue interpretative guidance. This section is adopted to ensure that the California "default" position will be consistent with national interpretation of the WPS requirements. Where determined to be necessary, California continues to have the authority to adopt stricter requirements. If, and when, these additional requirements are adopted, it will be made clear that they are intended to be different and not confused with the WPS language. This section also states that once these amendments are adopted these regulations will be enforced in California rather than the WPS. This will help to avoid confusion and overlap, especially in those areas where State requirements differ from those of the U. S. EPA.

6720. Safety of Employed Persons.

Subsection (d) is necessary to implement the amendments to the WPS that exempt crop advisors from many provisions. This section is consistent with the provisions of the WPS. Licensed pest control advisors and their direct employees would be exempt if they are trained equivalent to pesticide handlers and other requirements are met.

Section 6723. Hazard Communication for Pesticide Handlers.

This section is amended to incorporate language, related to where records must be kept, that is more consistent with the WPS. This was determined by U. S. EPA to be necessary to meet the standards of the WPS. This section is also amended to provide for the display of general safety information required by the WPS. To reduce paperwork the U. S. EPA required safety information will be incorporated, by the Department, into existing documents that must be posted under current requirements (Pesticide Safety Information Series leaflet A-8).

Section 6723.1 Application-Specific Information.

This section is adopted to meet a new WPS requirement. Application information covering the previous 30 days must be displayed, within 24 hours of an application, in a central location at the workplace accessible to employees (when there are handler employees on the establishment). The current pesticide use report information will meet only part of this new WPS requirement. This section is written to allow the operator of the property maximum flexibility in complying with this requirement.

Section 6724. Employee (Handler) Training.

This section is rewritten to more specifically incorporate technical WPS requirements. This section applies to all users and is not limited to the scope of the WPS, therefore some of the specific criteria may not be applicable in all cases. To address this situation, language has been added to clarify that items that are clearly not applicable need not be addressed in the training. To meet the criteria content of the WPS, heat related illness, cautions about taking pesticides or containers home, and environmental concerns have been added. Other requirements have been reworded to be more consistent with the WPS.

A significant new requirement has been added to meet the standards of the WPS. This is the requirement that the person conducting the training meet one of several listed qualifying categories. This requirement is limited to training provided to employees handling pesticides for commercial or research production of agricultural plant commodities. Persons holding a license or certificate issued by the Department, county agricultural biologists, farm advisors, registered professional foresters, certified applicators, and persons who have completed a University of California "instructor training" course or other trainer course approved by the Director would be considered qualified trainers. Due to the significantly different requirements for pesticide handler training in California and the belief that 3 years is too long an interval before retraining of handlers, the U. S. EPA handler training verification cards will not be recognized or utilized in California.

Section 6728. Medical Supervision.

This section is amended to clarify the scope of coverage, and limit it to those most likely to be exposed to pesticides. Medical supervision was not intended to apply to employees not regularly handling pesticides. The changes in the definition of handle (to include crop advisors, for example) would have the effect of expanding the scope of medical supervision to persons and situations where the invasive requirements of medical supervision and blood testing are not warranted.

Section 6732. Change Area.

This section is amended to extend the provisions to all employees who handle pesticides for commercial or research production of agricultural plant commodities regardless of the hazard category

of the pesticide being handled to meet the requirements of the WPS. For non-agricultural uses, the requirement would continue to be limited to category one and two pesticides and only technical changes would be made.

Section 6734. (Handler) Decontamination Facilities.

This section has been substantially reworded to separate the general standards of the facilities from the requirements for providing them for both agriculture and non-agricultural situations. Technical language changes have been made to make the wording more consistent with the WPS. The provisions have also been extended to cover all commercial/research production handler employees to be consistent with the WPS. The specific quantity specifications have been deleted to be more flexible and because it was determined by U. S. EPA that 20 gallons may not be sufficient for a larger handler crew. The distance and location provisions have been amended to incorporate language of the WPS. The WPS requirement for one pint of eye flushing water to be "immediately available" for each handler has been included. This requirement applies only to the commercial or research production of agricultural plant commodities.

Section 6736. Work Clothing (Coveralls).

Adjustments have been made to this section to be consistent with the WPS use of the term "coveralls". This was discussed under the definitions. Since coveralls are considered personal protective equipment, the requirement for employer maintenance is unnecessary in this section and is proposed for repeal. It is covered in section 6738. Fumigants have been exempted from this section unless expressly required by product labeling. Most fumigant labeling does not specify dermal protection, preferring to let the material escape rather than be occluded against the skin.

Section 6738. Safety (Personal Protective) Equipment.

This section has been amended to incorporate specific provisions of the WPS relating to personal protective equipment standards and acceptable exceptions and substitutions to labeling required personal protective equipment. Generally the WPS has incorporated long standing California policy that recognizes the benefits of, and encourages the use of, engineering controls such as closed systems, water soluble packaging, and enclosed cabs. These provisions are being incorporated into the regulations to apply to all use situations. The WPS also recognized the California position that safety glasses that incorporate additional brow and temple protection are an acceptable form of eye protection when pesticide labeling specifies that protective eyewear must be worn. The WPS includes specific exemptions and substitutions that apply to aircraft applications. The exemptions and substitutions allowed by the WPS have been included in this section. There are also special provisions in the WPS for persons doing advisor work during a restricted entry interval. These provisions have been incorporated into the early entry requirements of section 6770.

Section 6742. Safe Equipment.

The WPS requires that equipment be inspected before each day of use. It also specifically includes reference to "transferring" pesticides. It has been determined by U. S. EPA that current California regulations are deficient in that these specific items are not included. This section is amended to include these items.

Section 6760. Employer Responsibility (and Exceptions).

Wording changes have been made to conform with the WPS. Exemptions contained in the WPS for area wide public pest control programs and direct injection into plants are incorporated into this section. An exemption for pest control advisors and others with similar exposure patterns is removed because these persons are included in the scope of the WPS and must be covered.

Section 6761. Hazard Communication for Field Workers.

It has been determined that this section must be amended to be consistent with requirements of the WPS relating to where and how information is kept and to more clearly state that employees must have unimpeded access to those records. This section is also amended to provide for the display of safety information. This information will be displayed at the worksite while fieldworkers are working in treated fields unless employees begin their workday at a central location, in which case the safety information may be displayed there. To reduce paperwork this U. S. EPA required information will be incorporated into existing documents that must be available under current requirements (Pesticide Safety Information Series leaflet A-9). Application specific information must be displayed within 24 hours of an whenever fieldworkers are working in a field and there is a treated field on property operated by that establishment within 1/4 mile of where they will be working. The pesticide use report information will meet only part of this requirement. Since the hygiene and other safety tips currently on the crop sheets are being incorporated into PSIS A-9 and accurate application specific information will be on display, the requirement for crop sheets has been deleted. Since crop sheets do not cover all crops they could not be used as the vehicle for the required safety information. Their deletion will eliminate duplication with revised PSIS A-9 which is required to cover all crops.

Section 6761.1. Application-Specific Information for Fieldworkers.

This section is adopted to meet a new WPS requirement. Information covering the previous 30 days applications must be displayed, within 24 hours of an application, in a central location at the workplace accessible to employees (when there are fieldworker employees on the establishment). The current pesticide use report information will meet only part of this new WPS requirement. This section is written to allow the operator of the property maximum flexibility in complying with this requirement.

Section 6762. Field Work During Pesticide Application.

This section is substantially rewritten to be consistent with specific distance requirements for nursery and greenhouse applications contained in the WPS. Protections for all persons, including employees, remain in section 6614. The Department's position is that the California flexible standard, based on reasonable hazard, is a stricter standard in that it is not limited to specific distances applicable in all cases as are the WPS standards. However, it has been determined by U. S. EPA that in order to meet the minimum WPS standards these specific situation distances must be included in California regulations.

Section 6764. (Field Worker) Training.

The WPS requires that every field worker, working in a treated field, be trained within the last 3 years. The content of the training is specified. The WPS also contains requirements for the qualifications of the trainer. This section is amended to replace the current limited field crew leader training requirements with requirements consistent with the WPS and covering all field workers. Persons holding a license or certificate issued by the Department, county agricultural biologists, farm advisors, registered professional foresters, certified applicators, and persons who have completed a University of California "instructor training" course or other trainer course approved by the director would be considered qualified trainers. California has entered into an agreement with the U. S. EPA to recognize and utilize the fieldworker training verification cards as evidence of prior training. An employer not wishing to become involved in training could hire only fieldworkers who possess a card.

Section 6768. (Field Worker Decontamination) Handwashing Facilities.

Technical changes in the wording of this section have been made to meet the requirements of the WPS. The standards for the availability and location of the washing facilities are clarified to be 1/4 mile or at the nearest point of vehicular access to be consistent with the WPS. It was determined by U. S. EPA that this section, in order to meet the specific standards of the WPS, had to expressly include language about soap, single use towels, and availability of the facility for eye flushing. This wording has been added. The decontamination facility may not be placed in a field that is under a restricted entry interval unless it is for employees working in that field.

Section 6769. Greenhouse Ventilation Criteria

This section is adopted to address respiratory concerns when pesticides are applied inside of non porous greenhouse structures. They cover all space treatments and other treatments if respiratory protection is required for application. Three basic procedures are outlined: If the product labeling has a numerical exposure standard, the air must be measured and found to meet that standard. Otherwise either ten calculated air

exchanges must have occurred; or timed ventilation procedures completed. These can be either with fans (active), doors and windows (passive), or no ventilation (doors and windows closed and any fans turned off). Combinations of the calculated and timed procedures are permitted as long as the percentages of each, when added together, total 100%. This is based on a positive response to a California request for equivalency.

Section 6770. Field Reentry After Pesticide Application.

This section has been substantially rewritten to be generally consistent with the WPS. Pest control advisors and others doing crop monitoring or pest survey work are specifically included within the scope of this section and limited by the restrictions. Although crop advisors are defined as pesticide handlers, they are permitted to utilize the same personal protective equipment as early entry fieldworkers in most cases. This section will also cover owners and their families if the REI is on the pesticide product labeling. The current basic reentry interval of spray dried/dust settled has been replaced with a fixed time of 4 hours. There are additional considerations for dealing with inhalation hazards. There are time limits on non-hand labor tasks that involve contact with treated surfaces. Irrigation, would be limited to 8 hours per worker per day. Harvesting of cut roses would be allowed by protected employees for up to 3 hours per day per worker. Certain other limited contact tasks would be permitted for 4 hours per day. These times are consistent with those permitted by the WPS.

Section 6771. Requirements for Early Entry Field Workers.

This section is adopted to incorporate WPS requirements that pertain to those employees who will conduct tasks in treated fields during a restricted entry interval. These provisions address information that must be made available, personal protective equipment to be provided and maintained by the employer, the immediate availability of eyeflush water, provisions for a change area, and measures to prevent heat stress.

Section 6772. (Restricted) Entry Intervals.

The WPS requires greatly expanded REIs on product labeling based on the dermal toxicity of the active ingredient. The minimum REI will be 4 hours, which will replace the "spray is dried/dust is settled" interval on labels and in the federal regulations. The extended intervals will be 12 hours for category 3, 24 hours for category 2, and 48 hours for category 1. There is a 72 hour REI for category 1 organophosphate based pesticides applied outdoors in dry areas, which are defined as areas that receive less than 25 inches of rainfall per year. Registrants have not been able to ship old labeled product since April of 1994 and all old labeled product must be cleared from the channels of trade as of October 1995. Users will be able to use old labeled product until it is gone but it is not anticipated that significant stocks of most common pesticides will remain. California has

adopted longer REIs for a number of pesticide chemicals. These intervals range upward to 42 days. California intends to maintain these extended REIs. However, different standards will apply during the balance of these intervals remaining after the expiration of the more restrictive pesticide product labeling specified REIs. This section has been amended to repeal the old U. S. EPA intervals of 2 days for certain pesticides in favor of the new stricter standard and to also repeal those intervals that are less than the new WPS REIs.

Section 6774. Restricted Entry Interval Adjustments.

Technical changes have been made to clarify that an REI cannot be shortened below the applicable labeling required REI in order to meet the standards set by the WPS. Wording is added to clarify that these adjustments apply only to California's extended REIs and not to those based only on pesticide product labeling. Additionally, it is proposed that the default position be that the entire state be treated as "dry" for the purpose of determining the application of the 24 hour, labeling required, extension for category 1 organophosphates used outdoors in areas of less than 25 inches of average annual rainfall. The county agricultural commissioner can exempt an area upon presentation of official data showing that an area receives 25 inches or more of average annual rainfall. When the pesticide use report data is laid over the state's geographical rainfall pattern there is an almost perfect mismatch, in addition, the seasonal rainfall pattern in California is predominantly in the winter, which means that during the summer months, when most pesticides are applied, the state is in a dry period and any advantage of heavy winter rains is diminished.

Section 6776. Field Posting.

California has required posting of treated fields in certain circumstances for over 20 years. The major impacts of the WPS are increased field posting and a difference in the format of the sign used. The WPS adopted a format showing a stern face and an upraised hand along with specified wording. The U. S. EPA expressly rejected the skull and crossbones symbol used by California on the basis that it overstates the hazard and is reserved for use on category 1 pesticides, while REIs also apply to all other categories. The U. S. EPA also feels that a uniform sign used across the country would be beneficial in promoting recognition among a migrant field worker work force. The U. S. EPA does require a sign incorporating the skull and crossbones symbol to be used for fumigations.

California has been authorized to retain the current field posting sign format, The California workforce is used to this format and it has a stronger impact than the U. S. EPA sign format. The U. S. EPA format does not convey any more information than the California format. This was a request for equivalency that was approved by the U. S. EPA.

It is proposed to adopt the U. S. EPA chemigation and field fumigation sign formats. The U. S. EPA chemigation sign format has the advantage of incorporating a symbol (a stop sign) to aid in recognition by illiterate persons. While the text used to convey the warnings is different from the California sign, the most significant difference is that the U. S. EPA sign is not required to be in Spanish. It is proposed to rectify this deficiency by requiring Spanish as a second language. This is felt to be necessary because of the large percentage of Spanish speaking employees in this workforce in California.

The U. S. EPA field fumigation sign format does show the skull and crossbones symbol and has wording that differs only technically from the current California fumigation sign format. There is also specific reference on pesticide product labels to both the chemigation and fumigation sign formats.

Section 6782. Fumigation of Enclosed Spaces.

This section is amended to resolve issues of technical clarity relating to immediate access to the personal protective equipment required by the second person. Changes are also made to clarify those situations that require a second trained person to be present. In structural fumigations there is a requirement for a final check to certify safe levels before releasing a dwelling for re occupancy. This check is made after clearing or aeration procedures have been completed using two trained employees. Under normal circumstances product labeling does not specify that personal protective equipment be worn due to the unlikely hood of unsafe levels and the use of immediate reading measuring devices.

ALTERNATIVES CONSIDERED:

The Department has considered alternatives that would lessen any possible adverse economic impact on businesses including small businesses, and has determined that this action results in the least impact on businesses of all sizes. The alternatives considered and rejected are those that would have been required had the U. S. EPA not granted specific requests for equivalency made by California. The WPS does not contain any provision that would allow special consideration based upon the size of the business. While this does not preclude alternatives, it does significantly hamper their application. While the Department has considered alternatives, it is recognized that there may be additional alternatives that have not been considered. The Department would welcome additional suggestions for the implementation of these federal mandated requirements that would be acceptable to the U. S. EPA and less disruptive to the California regulatory program or less burdensome on businesses. This action is not an appropriate forum to challenge the underlying federal requirement upon which these revisions are based. It is appropriate to suggest alternative methods of implementation that would still meet the requirements of the WPS.

EFFORTS TO AVOID UNNECESSARY DUPLICATION OF FEDERAL REGULATIONS:

These requirements are mandated by the U. S. EPA. California could have adopted the entire text of the federal regulations. Instead, It has elected to adopt a simplified version in the belief that this would make the requirements easier for pesticide users to understand and thereby improve compliance. Once adopted, these regulations would replace the federal regulations within California. By adopting these regulation changes, which will implement the WPS, California will be avoiding any duplication of federal regulations.

DOCUMENTS RELIED UPON:

1. Federal Register, August 21, 1992, Environmental Protection Agency, 40 CFR Parts 156 and 170, Worker Protection Standard, Hazard Information, Hand Labor Tasks on Cut Flowers and Ferns Exception; Final rule, and Proposed Rules.
2. Worker Protection Standards Workshop Questions and Comments (Specific concerns and comments expressed at a series of eight public workshops held by the Department throughout the state during 1993)
4. Regulatory Impact Analysis of Worker Protection Standard for Agricultural Pesticides, U. S. EPA Office of Pesticide Programs, August 11, 1992.
5. Economic Impacts of the Federal Worker Protection Standard on Production Agriculture in California, Department of Food And Agriculture, Office of Pesticide Consultation and Analysis, October, 1993.
6. Memo from Dennis Gibbons to Roy Rutz, April 18, 1994, Ventilation of Greenhouses and the Federal Worker Protection Standard.
7. Letters from James W. Wells to Kathy Taylor, August 31, 1994 and February 15, 1995, Requests for Regulatory Equivalency for State Requirements.
8. Letter from Felicia Marcus, May 11, 1995, Response to California's Requests for Regulatory Equivalency.
9. Federal Register Notice, April 27, 1995, Amendments and exceptions to the Worker Protection Standard.
10. Questions and answers provided by the U. S. EPA Worker Protection Standard Interpretive Guidance Work group.
11. U. S. EPA PR Notice number 93-7, April 20, 1993.
12. U. S. EPA PR Notice number 93-11, August 13, 1993.

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Titles 3 and 26 California Code of Regulations
Division 6. Pesticides and Pest Control Operations
Proposed changes in the Regulations
pertaining to
IMPLEMENTATION OF FEDERAL WORKER PROTECTION STANDARDS
FOR AGRICULTURAL PESTICIDE HANDLERS AND FIELDWORKERS

FINAL DRAFT 5/15/95

All Previous Editions Are Obsolete

New proposed wording is shown by underlining and existing wording proposed for deletion is shown by ~~strikeout~~. Existing wording that would be retained is shown in normal type.

This draft reflects the five U. S. EPA proposals to modify the WPS noticed on January 11, 1995 and finalized on April 12, 1995. It also reflects the May 11, 1995 positive response to the four equivalency requests.

Also included are editorial refinements reached by consensus of the Worker Safety Branch, the Enforcement Branch and the Legal Unit during discussions on 4/5/95, 4/28/95, and 5/10/95.

Amend section 6000 by amending or adding, in alphabetical order, the following definitions:

6000. Definitions.

"Assure" or "Ensure" means to take all reasonable measures so that the behavior, activity, or event in question occurs. When the behavior, activity, or event in question involves or concerns an employee, reasonable measures by an employer include having and enforcing a written employee disciplinary action policy covering the employer's supervision and training requirements, as well as other measures required by pesticide law or this division.

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

"Chemigation" means the application of pesticides through irrigation systems.

"Commercial applicator" means a person who uses or supervises the use of a ~~restricted material~~ pesticide for any purpose or on any property other than as provided by the definition of "private applicator."

"Coverall" means a one or two piece garment of closely woven fabric or equivalent that covers the entire body, except the head, hands and feet and must be provided by the employer as

personal protective equipment. Coverall differs from and should not be confused with work clothing that can be required to be provided by the employee.

"Display" means to make information available to the employee so that he or she may readily see and read the document without having to make a specific request of any person. An employee shall not be hindered or impeded from examining documents required to be displayed. This definition does not preclude using a binder or filing cabinet, that otherwise meets these criteria, to contain documents for display.

"Early entry" means entry into a treated field or area after the pesticide application is complete, but before all restrictions on entry for the pesticide have expired.

"Enclosed cab" means an chemical resistant barrier completely surrounding the occupant(s) of the cab enclosure made of any combination of metal, glass, plastic or other materials that prevents contact with pesticides spray, dust, or treated surfaces outside the cab leaves or branches from contacting the employee.

"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, and has been determined by the director to meet the following criteria:

(a) The cab shall provide equivalent respiratory protection as the type of respirator listed on the pesticide product labeling; and

(b) The interior of the cab shall provide for positive pressure, compared to the outside environment, during use.

"Employee" means any person who is hired for any kind of compensation to perform work, services, or activities covered by this Division hired by the employer or his agent; agent may include a labor contractor.

"Employer" means any person who hires exercises primary direction and control over the work, services, or activities of an employee and may include:

(a) The operator of the property,

(b) A labor contractor,

(c) A pest control business,

(d) Any other contractor, or

(e) The employer's agent. A foreman, crew leader, supervisor, or similarly situated person represents the employer when hiring an employee or when exercising, or having responsibility for exercising, the primary supervision, direction, or control, but is not considered the employee himself or herself.

"Field" means any area (including a greenhouse) upon which one or more agricultural plant crops commodities (including forest and

nursery products) are commercially grown for commercial or research production. Field does not include range or pasture harvested by grazing animals.

"Fieldworker" means any person who is hired to perform cultural activities in a field. Fieldworker does not include persons performing tasks as a crop advisor, including the duties of a field checker or scout, making observations of the well being of the plants, or taking samples, nor does it include local, state or federal officials performing inspection, sampling, or other similar official duties.

"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.

"Hand labor" means any cultural activity performed by hand or with hand tools that causes substantial contact with surfaces (such as plants or soil) that may have pesticide residues. These activities include hand harvesting, detasseling, thinning, hand weeding, topping, planting, sucker removal, pruning, disbudding, roguing, and packing produce into containers in the field. Hand labor does not include operating, moving, or repairing irrigation equipment or performing the duties of a crop advisor, field checker, or scout, making observations of the well being of the plants, or taking samples.

"Handle" means mixing, loading, transferring, or applying (including chemigation) or assisting with the application (including flagging) of pesticides, or servicing, repairing, or cleaning, or handling contaminated equipment used in these activities that may contain residues, working with opened (including emptied but not rinsed) containers of pesticides, adjusting, repairing, or removing treatment site coverings, incorporating pesticides into the soil, entering a treated area during any application or before the inhalation exposure level listed on pesticide product labeling has been reached or greenhouse ventilation criteria have been met, or performing the duties of a crop advisor, including the duties of a field checker or scout, making observations of the well being of the plants, or taking samples during an application or any restricted entry interval listed on pesticide product labeling.

"Nursery" means any operation engaged in the outdoor commercial or research production of cut flowers or ornamental cut greens or any plants that will be used in their entirety in another location.

"Personal protective clothing equipment" (PPE) means clothing which minimizes human body contact with pesticides and is separate from or in addition to normal wearing apparel. Protective clothing may include work clothing, chemical resistant

boots, gloves, hat, and chemical resistant apron. apparel and devices worn to minimize human body contact with pesticides or pesticide residues, that must be provided by an employer and are separate from or in addition to, work clothing. PPE may include, chemical resistant suits, chemical resistant gloves, chemical resistant footwear, respiratory protection devices, chemical resistant aprons, chemical resistant headgear, protective eyewear or a coverall (one or two piece garment).

"Private applicator" means:

(a) A person who uses or supervises the use of a restricted material pesticide for the purpose of producing an agricultural commodity on property owned or rented by him or her or his or her employer; or

(b) A householder who uses or supervises the use of a restricted material pesticide, outside the confines of a residential dwelling for the purpose of controlling ornamental, plant or turf pests on residential property owned or rented by such that householder; or

(c) A householder who uses or supervises the use of a restricted material pesticide not included in section 6400(ba) (federally restricted) within the confines of a residential dwelling owned or rented by such that householder.

"Restricted Reentry interval" (REI) means the period of time after a field is treated with a pesticide during which restrictions on entry are in effect to protect employees persons from potential exposure to hazardous levels of residues.

"Treated field" means a field that has been treated with a pesticide or had a restricted entry interval in effect within the last 30 days. A treated field includes roads, paths, ditches, borders, and headlands, if the pesticide was directed to those areas. A treated field does not include areas inadvertently contaminated by drift or over spray.

"Use" means any pesticide related activity including:

(a) Pre-application activities, including;

(1) Arranging for the application;

(2) Mixing or loading; and

(3) Making necessary preparations for the application, including responsibilities related to notification, handler training, decontamination, use and care of personal protective equipment, medical monitoring and assistance, and heat stress management;

(b) Application of the pesticide;

(c) Post-application activities, including;

(1) Control of the treated area to reduce exposure, including responsibilities for restricted entry intervals, warnings, decontamination facilities, medical assistance, and fieldworker training;

(2) Management of the treated area, crop, or crop by-products, including responsibilities for preharvest intervals and plant back restrictions;

(3) Transportation, storage, and disposal of excess pesticides, spray mix, equipment wash water, and pesticide containers; and

(4) Cleaning of application equipment and other pesticide containing materials.

"Work clothing" means a long sleeved shirt and long legged trousers or a coverall type garment all of closely woven fabric or equivalent covering the body, including the arms and legs. The clothing need not cover the head, hands, or feet. garments such as long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, and socks. Work clothing is not considered personal protective equipment although pesticide product labeling or regulations may require specific work clothing during some activities. Work clothing differs from and should not be confused with a coverall. While coveralls shall be provided by the employer, work clothing can be required to be provided by the employee.

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

Adopt section 6601 to read:

6601. General Application of Standards.

Whenever pesticide product labeling requires the use of personal protective equipment or specifies other restrictions or procedures be followed, the application of that labeling requirement to owners, operators of property, and their families shall be consistent with any applicable standards for employees in Subchapter 3, commencing with section 6700

NOTE: Authority cited: Section 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501, 12973 and 12980, Food and Agricultural Code.

Repeal and adopt section 6618 to read:

6618. Notice.

~~(a) Each person performing pest control shall give notice to the operator of the property to be treated before any pesticide is applied.~~

~~(b) The operator of the property shall give notice to all persons known to be on the property or likely to enter during the period of time that any restrictions on entry are in effect. Notice given to a farm labor contractor meets the requirements of this section as to the responsibility of the operator of the property to notify the contractor's employees. The labor contractor shall give notice to his or her employees.~~

~~(c) Each notice shall specifically state the date of the application and identify the pesticide by brand or common chemical name, and be adequate to advise of the precautions including any entry restrictions, to be observed as printed on~~

~~the registered label or included in applicable laws and regulations.~~

~~(d) Compliance with section 8538 of the Business and Professions Code meets the requirements of this section.~~

6618. Notice of Applications.

(a) Each person performing pest control shall give notice to the operator of the property to be treated before any pesticide is applied.

(1) The notice shall be in a manner the person can understand and include:

(A) The date of the scheduled application;

(B) The identity of the pesticide to be applied 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.

(2) If the scheduled application is for the commercial or research production of an agricultural plant commodity the notice shall also include:

(A) The time of the scheduled application;

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

(C) The applicable restricted entry interval;

(D) The product name, EPA registration number, and active ingredient; and

(E) If the pesticide product labeling requires the posting of treated fields.

(b) The operator of property for the commercial or research production of an agricultural plant commodity shall assure that notice, as specified below, is given to persons, except for the persons who applied or supervised the application for which the notice is intended.

(1) The notice shall be given:

(A) Prior to the application, to persons who may be in the field or enter (and employees who may walk within 1/4 mile of) the field during the application; and

(B) Before the scheduled entry, to persons who may enter (and employees who may walk within 1/4 mile of) the field during the restricted entry interval.

(2) The notice shall be given to any licensed pest control business or licensed labor contractor. The pest control business or labor contractor receiving notice shall give notice to his or her employees. This does not preclude the operator of the property from giving notice directly to the employees of a labor contractor or pest control business to meet the requirements of this subsection (b).

(3) The notice shall be in a manner the person can understand and include:

(A) The location and description of the treated area;

(B) The time during which entry is restricted; and

(C) Instructions not to enter the treated field, except as provided in section 6770, until the restricted entry interval has expired.

(4) The notice specified in this subsection (b) is not required when a field is posted as specified in section 6776

unless the pesticide product labeling requires both oral notification to fieldworkers and the posting of treated fields.

(c) The operator of any other property, not included in (b), shall assure that notice is given to all persons known to be on the property or likely to 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.

(1) The notice shall be in a manner the person can understand and include:

(A) The date of the application;

(B) The identity of the pesticide 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.

(2) 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 section.

(3) 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 section.

NOTE: Authority cited: Sections 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501, 12980, and 12981, Food and Agricultural Code; and Section 8538 of the Business and Professions Code.

Adopt section 6701 to read:

6701. Interpretation Consistent with Federal Standards.

Whenever the context will allow, the requirements of this subchapter should be interpreted at least as strict as and consistent with the Worker Protection Standards in Title 40 Code of Federal Regulations, Part 170. It is intended that these regulations, rather than those in Title 40 Code of Federal Regulations, Part 170, be enforced by the Department of Pesticide Regulation and county agricultural commissioners within the State of California. Any reference to Part 170, Code of Federal Regulations on pesticide product labeling shall be considered a reference to Title 3, Division 6, California Code of Regulations when use occurs within California.

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

Adopt subsection (d) in section 6720 to read:

6720. Safety of Employed Persons.

(d) The provisions of this subchapter do not apply to licensed pest control advisers or employees under their direct supervision while performing crop advisor tasks, including the duties of a field checker or scout, making observations of the well being of the plants, or taking samples, after the application is completed, provided:

(1) They have been trained equivalent to the requirements of section 6724; and

(2) The licensed pest control advisor responsible for the direct supervision has:

(A) Made specific determinations regarding appropriate personal protective equipment and how to safely conduct crop advisor tasks;

(B) Conveyed this information to each employee under his or her direct supervision;

(C) Informed each employee under his or her direct supervision of the pesticide product and active ingredient(S) applied, method and time of application, and the restricted entry interval; and

(D) Instructed each employee regarding which tasks to perform and how to contact him or her if the need arises.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 11501, 12973, 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 employers shall post and maintain display,~~ a copy of a completed written Hazard Communication Program Information for Employees Handling Pesticides (Pesticide Safety Information Series leaflet A-8) ~~in a prominent location at the locale where the employee usually starts the work day. If there is no locale where the employee usually starts the workday, the employer shall maintain the program at a central location at the workplace accessible to his or her employees.~~ Upon request, the employer shall read to the requesting employee, in a language understandable to that employee, Pesticide Safety Information Series leaflet A-8. Pesticide Safety Information Series leaflet A-8 shall be written by the Department in English and Spanish. Pesticide Safety 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 use records referred to in subsection (b) (1); and

(3) A Material Safety Data Sheet (MSDS), 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 MSDS is not provided by the registrant of a pesticide, the employer shall:

(A) Within seven working days of a request for a MSDS from an employee, employee representative or employee's physician, make written inquiry to the registrant of the pesticide, asking

that a MSDS be sent to the employer. If the employer has made written inquiry within the last twelve months as to whether the pesticide is subject to the requirement for a MSDS or the employer has made a written inquiry within the last six months requesting new, revised or later information on the MSDS, the employer need not make additional written inquiry. A copy of the written inquiry shall immediately be sent to the person requesting the MSDS;

(B) Notify the requester of the availability of the MSDS or provide a copy of the MSDS to the requester within fifteen days of receipt of the MSDS from the registrant; and

(C) If a response has not been received from the registrant within twenty-five 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 MSDS 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 ~~immediately~~ 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 ~~posted or~~ maintained pursuant to this chapter. Access shall be granted as soon as possible and not to exceed forty-eight hours from the date of the request.

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: Sections ~~407, and~~ 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code; and 29 Code of Federal Regulations, Part 1910.1200.

Adopt 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) Identification of the treated area;
- (2) Time and date of the application;
- (3) Restricted entry interval; and
- (4) Product name, EPA registration number, and active ingredients.

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

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

Repeal and adopt section 6724 to read:

~~6724. Employee Training.~~

~~(a) The employer shall have a written training program for employees who handle pesticides. The written program shall describe the materials (e.g., study guides, pamphlets, pesticide labels, Pesticide Safety Information Series leaflets, Material Safety Data Sheets, slides, video tapes) and information that will be provided and used to train his or her employees. The written program shall address each of the subjects specified in subsection (b). The employer shall maintain a copy of the training program for two years at a central location at the workplace accessible to employees.~~

~~(b) The employer shall provide training, so that each employee who handles any pesticide understands, for each pesticide, to be used:~~

~~(1) The immediate and long term hazards involved, including the hazards associated with exposure to pesticides with known or suspected, chronic effects, sensitization (e. g., tumors, cancer and other effects on parental reproductive performance), as identified in Material Safety Data Sheets, pesticide product labeling and/or Pesticide Safety Information Series leaflets;~~

~~(2) The safety procedures, to be followed, engineering controls (such as enclosed cabs and closed systems), to be used, and the clothing and protective equipment to be used;~~

~~(3) The procedures for handling non routine tasks or emergency situations, the ways poisoning or injury from pesticides can occur, the importance of immediate decontamination of skin and eyes when exposure occurs, the common symptoms of pesticide poisoning, and to obtain emergency medical treatment;~~

~~(4) Purposes and requirements of medical supervision, if toxicity category one or two organophosphate or carbamate pesticides are handled for production of an agricultural commodity;~~

~~(5) Applicable laws, regulations, Material Safety Data Sheets, Pesticide Safety Information Series leaflets and label requirements;~~

~~(6) The employee's rights, including the right:~~

~~(A) To personally receive information regarding pesticides to which they may be exposed;~~

~~(B) For the employee's physician or employee representative to receive information regarding pesticides to which the employee may be exposed; and,~~

~~(C) Against discharge or other discrimination due to their exercise of rights under this subchapter; and~~

~~(7) The location of the written Hazard Communication Program (Pesticide Safety Series leaflet A-8), pesticide use records, Pesticide Safety Information Series leaflets, Material Safety Data Sheets, employee exposure and monitoring records and training records.~~

~~(c) 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 is a certified commercial applicator, or submits a record that training was received within the last year and a letter from the previous employer documenting satisfactory work practices.~~

~~(d) The employer shall record the date and extent of initial and annually required training given to the employee and the job to be assigned. This record shall be verified by the employee's, employer's and trainer's signatures and retained by the employer for two years at a central location at the workplace accessible to employees.~~

6724. Handler Training.

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

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

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

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

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

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

(4) Signs and symptoms of overexposure;

(5) Emergency first aid for pesticide overexposure;

(6) How to obtain emergency medical care;

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

(8) Need for and appropriate use of personal protective equipment;

(9) Prevention, recognition, and first aid for heat related illness;

(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 pesticide containers home;

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

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

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

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

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

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

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

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

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

(e) The date and extent of initial and annually required training given to the employee and the job to be assigned shall be recorded. This record shall be verified by the employee's signature and retained by the employer for two years at a central location at the workplace accessible to employees.

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

- (1) A California certified commercial applicator
- (2) A California certified private applicator;
- (3) A person holding a valid County Biologist License in Pesticide Use Enforcement 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 Agricultural Pest Control Adviser;
- (7) A California Registered Professional Forester, or
- (8) Other trainer qualification approved by the Director.

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

Amend section 6728(a) to read:
6728. Medical Supervision.

(a) Whenever an employee handles mixes, loads, or applies a pesticide in toxicity category one or two with the signal word "DANGER" or "WARNING" that contains an organophosphate or carbamate, for the purpose of producing commercial or research production of an agricultural plant commodity, the employer shall maintain use records that identify the employee, the name of the pesticide, and the date of use. The original or copies of documents otherwise required to be maintained by this chapter may be used to meet the requirements of this section.

NOTE: Authority cited: Sections ~~407,~~ 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 in toxicity categories one or two 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 ensure assure that there is, at the place where employees complete their work day end their exposure period and remove their personal protective equipment, an area where employees may change clothes and wash themselves. Clean towels, soap and adequate sufficient water shall be available to allow for thorough washing. Employers shall instruct their employees to thoroughly shower with warm water and soap as soon as possible after the end of each work shift. 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: Sections ~~407,~~ and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

Amend section 6734 to read:

6734. Washing Handler Decontamination Facilities.

(a) The employer shall assure that sufficient clean water, soap and single use towel(s) for routine washing of hands and face and for emergency eye flushing and washing of the entire body shall be are available for all-employees as specified in this section at the work site where they mix or load pesticides in toxicity categories one or two. A minimum of ten gallons of water shall be present at the mix/load site at the beginning of each work day for one employee and a minimum of 20 gallons for two or more employees.

(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. -Any other easily available supply of clean water within 100 feet of the mixing and loading site is satisfactory for the purposes of this section.

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

(b) The decontamination site for employees handling pesticides for the commercial or research production of an agricultural plant commodity shall be 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. The decontamination site shall not be in an area being treated or under a restricted entry interval unless:

(1) The handlers for whom the site is provided are working in the area;

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

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

(c) One pint of water for emergency eye flushing shall be immediately available (carried by the handler or on the vehicle or aircraft the handler is using) to employees handling pesticides for the commercial or research production of an agricultural plant commodity if the pesticide product labeling requires protective eyewear.

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

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

Amend section 6736 to read:

6736. ~~Work Clothing Coveralls.~~

(a) ~~Each~~ The employer shall provide ~~clean work clothing coveralls~~ for each employee who handles any pesticide ~~in toxicity category one or two~~ with the signal word "DANGER" or "WARNING" on the label.

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

(1) employees start each work day wearing clean work ~~clothing coveralls~~ whenever they handle pesticides ~~in toxicity categories one or two~~ with the signal word "DANGER" or "WARNING";

(2) Employees wear coveralls whenever they handle pesticides with the signal word "DANGER" or "WARNING".

(~~2~~ 3) employees change out of their ~~work clothing coveralls~~ and wash at the end of the work day;

(~~3~~ 4) Potentially contaminated ~~work clothing coveralls~~ removed at the worksite or headquarters ~~is~~ are not taken home by employees; and

(~~4~~ 5) Employees whose work day does not involve return to the employer's headquarters, remove and store potentially contaminated ~~work clothing coveralls~~ in a sealable container outside their living quarters for later return to the employer, and.

(c) This section does not apply to employees using fumigants unless the pesticide product labeling expressly requires the use of coveralls ~~The employer shall provide for cleaning of work clothing and shall inform the person or firm doing the laundry that they will receive pesticide contaminated clothing that should be laundered separately.~~

(~~d~~) ~~The employer shall provide at the mixing and loading site at least one change of clean work clothing.~~

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

Amend section 6738 to read:

6738. ~~Safety Personal Protective Equipment.~~

(a) The employer shall:

(1) Provide all necessary safety required personal protective equipment, and provide for its daily inspection and cleaning (according to pesticide labeling instructions or, absent any instructions, washed in detergent and hot water), ~~repair,~~ and replacement when necessary and repair or replace any heavily contaminated, worn, or damaged personal protective equipment; for aluminum phosphide or magnesium phosphide only, leather gloves previously used to apply only these pesticides which have been aerated for 12 hours or more shall be considered cleaned;

(2) ~~The employer shall require~~ Assure that all clean personal protective equipment be, when not in use, is maintained and kept separate from personal clothing and in a clean,

~~specialy pesticide free, specifically designated place; or locker when not in use. This clothing and equipment shall remain the property of the employer.~~

(3) Assure that appropriate measures are taken, if necessary, to prevent heat related illness;

(4) Assure that personal protective equipment is used correctly for its intended purpose;

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

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

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

(8) Assure that personal protective equipment remain the property of the employer and that pesticide handlers are not allowed or directed to take potentially contaminated personal protective equipment into the home.

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

(b) ~~(1)~~ The employer shall assure that:

(1) ~~provide and require~~ Employees to wear eye protection protective eyewear when required by pesticide product labeling and when employees are engaged in:

(A) Mixing and or loading;

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

(C) Hand application ~~or~~, except when;

(i) Applying vertebrate pest control baits that are placed without being propelled from application equipment, or solid fumigants (including aluminum phosphide, magnesium phosphide, and smoke cartridges) to vertebrate burrows, baiting insect monitoring traps or applying non-insecticidal lures; or

(ii) Handling consumer products packaged for distribution to, and use by, the general public, provided that employee exposure to the product is not significantly greater than the consumer exposure occurring during the primary consumer use of the product and the product labeling does not require protective eyewear;

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

(i) Injecting or incorporating pesticides into soil using vehicle mounted or towed equipment; or

(ii) ~~vehicle mounted~~ Spray nozzles are located below the employee and the nozzles are pointed downward; or

(iii) Working in an enclosed cab; or

~~(iv) applying vertebrate pest control baits that are placed without being propelled from application equipment, or solid fumigants (including aluminum phosphide, magnesium phosphide, and~~

~~smoke cartridges) to vertebrate burrows, baiting insect monitoring traps or applying non-insecticidal lures;~~

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

~~(2) Whenever protective eyewear protection is required, but pesticide labeling does not specify any particular kind, it shall consist of is required, one of the following types of eyewear is worn:~~

~~(A) Safety glasses that provide front, brow and temple protection;~~

~~(B) Goggles or a;~~

~~(C) Face shield;~~

~~(D) Full face mask used in conjunction with respiratory protection; or~~

~~(E) Visor (for aircraft operation only).~~

~~(3) If respiratory protection is also required, a full-face respirator also meets the requirements of this subsection.~~

~~(c)(1) The employer shall assure that:~~

~~(1) provide gloves and require their use for all pesticides, except when the label specifies that gloves must not be worn, gloves are worn when required by the pesticide product labeling and, unless the pesticide product labeling specifies that gloves must not be worn, when employees are engaged in:~~

~~(A) Mixing and or loading;~~

~~(B) Adjusting, cleaning, or repairing contaminated mixing, loading, and or application equipment; and~~

~~(C) Hand application, including use of hand-held equipment, except when applying vertebrate pest control baits using long handled implements that avoid actual hand contact with the bait or potentially contaminated areas of equipment.~~

~~(2) If a specific type of glove is not specified on a product labeling for the pesticide being handled, gloves made of rubber, neoprene, or other chemical resistant material that provides equivalent or better protection shall be are used. Gloves or glove linings of leather, cotton, or other absorbent materials shall not be worn unless expressly permitted by pesticide product labeling. If chemical resistant gloves with sufficient durability and suppleness are not available, leather gloves may be worn over chemical resistant glove liners. Once leather gloves have been used for this purpose, they shall not be worn in any other situation.~~

~~(3) Whenever the use of gloves is required by this subsection, employees shall be provided with clean gloves each work day. Clean gloves shall be either:~~

~~(A) Unused gloves;~~

~~(B) Previously used gloves which have been thoroughly washed in soap and water, both inside and outside; or~~

~~(C) For aluminum phosphide or magnesium phosphide only, leather gloves previously used to apply only these pesticides which have been aerated for 12 hours or more.~~

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

~~(1) When chemical resistant footwear is specified by the pesticide product labeling, one of the following types of footwear is worn:~~

- (A) Chemical resistant shoes;
- (B) Chemical resistant boots; or,
- (C) Chemical resistant coverings worn over boots or shoes.

(2) For aircraft operation, chemical resistant footwear need not be worn.

(e) The employer shall assure that when chemical resistant headgear is specified by the pesticide product labeling, either a chemical resistant hood or a chemical resistant hat with a wide brim is worn. For aircraft operation, a helmet may be substituted for chemical resistant headgear.

(f) The employer shall assure that when a chemical resistant apron is specified by the pesticide product labeling, a garment that covers the front of the body from mid-chest to the knees is worn.

(g) The employer shall assure that:

(1) When pesticide product labeling or regulations specify a chemical resistant suit, waterproof or impervious pants and coat or a rain suit, the employer shall provide and require employees to wear full body a chemical resistant suit protective clothing that covers the torso, head, arms, hands, and legs and feet is worn.

~~(2) Employees working in the following situations are not required by this subsection to wear chemical resistant full body protective clothing, but this clothing shall be present at the work site:~~

~~(A) employees using a closed system, or sealed water soluble packets, while mixing, loading or transferring pesticides. These employees shall wear a chemical resistant apron, chemical resistant gloves and chemical resistant boots;~~

~~(B) employees working as applicators in enclosed cabs; and~~

~~(C) employees working as flaggers in enclosed vehicles.~~

~~(3) (2) If the ambient temperature exceeds 80° F during daylight hours or 85° F during nighttime hours (sunset to sunrise) pesticides requiring a chemical resistant suit are full body protective clothing shall not be handled by employees unless they are handled pursuant to (A)(B) or (C) above exceptions and substitutions permitted in (i) or employees use cooled chemical suits or other control methods to maintain an effective working environment at or below 80° F during daylight hours or 85° F during nighttime hours (sunset to sunrise).~~

~~(e-h) (i) The employer shall provide and ensure assure that~~

(1) Employees use of approved respiratory protective equipment when pesticide product labeling or regulations require respiratory protection or when respiratory protection is needed to maintain employee exposure below an applicable recognized exposure standard found in Title 8, California Code of Regulations, section 5155.

(2) Respiratory protection required by these regulations or labeling shall be is currently approved by the National Institute for Occupational Safety and Health (NIOSH) and/or the Mine Safety and Health Administration (MSHA) for the specific chemical and exposure condition. Proper selection of respirators shall be made following pesticide product labeling, or absent specific instruction, according to the guidance of National Standard

Practices for Respiratory Protection: Z88.2-1980, or the American National Standard Practices of Respiratory Protection During Fumigation: Z88.3-1983.

(3) ~~The employer shall adopt~~ Written operating procedures for selecting, fitting, cleaning and sanitizing, inspecting and maintaining respiratory protective equipment are adopted.

(4) ~~Employees shall be~~ are trained initially and at least every year annually in the need, use, sanitary care, and limitations of any respiratory equipment they are required to wear. ~~Respirators shall be inspected before each use and shall not be worn when conditions prevent proper operation. Every respirator wearer shall be trained in how to properly fit and test respiratory equipment.~~

(5) ~~Employees with facial hair that prevents an adequate seal shall~~ are not be assigned work requiring them to wear a respirator unless they are provided a respirator that does not rely on a face to face-piece seal for proper operation.

(6) ~~The employer shall provide means for adequately cleaning all respiratory protective equipment. Respiratory protective equipment shall not be used by another person until it has been cleaned and sanitized.~~

(67) (A) ~~The employer shall provide, repair, or replace respiratory protective equipment whenever required due to wear and deterioration.~~

(B) ~~When not in use, respiratory protective equipment shall be stored to protect against dust, sunlight, extreme temperatures, excessive moisture, or damaging chemicals.~~

(C) ~~Respirators maintained for stand-by or emergency use shall be~~ are inspected monthly or before use if occasions for possible use are more than one month apart. A record of the most recent inspection shall be maintained on the respirator or its storage container.

(78) (A) ~~The employer shall inform the~~ Employees are informed that certain medical conditions may interfere with wearing a respirator while engaged in hazardous potential exposure situations. A statement in substantially the following form shall be on file for each employee assigned to work that requires wearing a respirator.

To the best of my knowledge, I have _____, have no _____ medical conditions which would interfere with wearing a respirator while engaged in hazardous potential exposure situations. I understand that heart disease, high blood pressure, lung disease or presence of a perforated ear drum require specific medical evaluation by a physician before safe use of a respirator can be determined.

Name

Date

(B) If an employee checks that he or she has such a condition, a physician's report of evaluation and approval for respirator use ~~shall be~~ is on file before work requiring respirator use is allowed. The following or substantially similar statement from a physician is acceptable.

On _____, I examined _____.
Date Patient's name

At this time there is no medical contraindication to the employee named above wearing a respirator to allow working in hazardous potential exposure environments. (Other comments)

Physician

Date

(89) Compressed air used in Self Contained Breathing Apparatus (SCBA) or for air-line type respirators ~~shall~~ meet or exceed the requirements for Grade D breathing air as described in the Compressed Gas Association Commodity Specification G-7.1 (ANSI Z86.1-1973).

(910) When air purifying-type respirators are required for protection against pesticides, the air purifying elements ~~shall be~~ are replaced according to pesticide product labeling directions or respiratory equipment manufacturer recommendations, whichever is most frequent, at the first indication of odor, taste or irritation, or, absent any other instructions on service life, at the end of each day's work period.

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

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

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

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

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

(5) Persons mixing pesticides packaged in water soluble packets may substitute coveralls, chemical resistant gloves, a chemical resistant apron, and protective eyewear (if required by the pesticide product labeling) for personal protective equipment required by pesticide product labeling. All personal protective equipment required by pesticide product labeling shall be immediately available for use in an emergency, such as a broken packet;

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

(7) Persons occupying an enclosed cab acceptable for respiratory protection may substitute coveralls for personal protective equipment required by pesticide product labeling;

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

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

INFORMATIONAL NOTE FOR SECTION 6738(e): ANSI Z86.1 specifies in summary: Oxygen 19.5 to 23.5%, Hydrocarbons less than 5 mg/m³ at NTP, Carbon Monoxide less than 20 ppm, no pronounced odor, Carbon Dioxide less than 1000 ppm.

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

Amend section 6742(a) to read:

6742. Safe Equipment.

~~(a) The employer shall assure that equipment used for mixing, loading, transferring or applying pesticides shall be is inspected before each day of use and kept in good repair and safe to operate. The director or commissioner may inspect at any reasonable time, equipment used in mixing, loading and application of pesticides. and equipment with any safety defect shall be is repaired or altered to remove the hazard before further use.~~

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

Amend section 6760 to read:

6760. Employer Responsibility and Exceptions.

(a) Employers shall comply with the requirements of this article ~~for the safety of to protect~~ employees who may enter ~~treated fields when exposure to pesticides or their residues may reasonably be expected.~~

(b) ~~If only granular baits or non-insecticidal lures attractants or repellents in traps have been applied in a field,~~ the employer is exempt from the requirements of sections 6762 (Field Work During Application), 6764 (Fieldworker Training), 6766(a) and (b) (Emergency Medical Care), 6768 (Handwashing Decontamination Facilities), 6770 (ReEntry After Pesticide

Application), 6771 (Requirements for Early Entry Fieldworkers), 6772 (Restricted ReEntry Interval Adjustments), and 6776 (Warnings Field Posting) and ~~6778 (Records)~~.

(c) Pesticide applications for area wide public pest control programs sponsored by governmental agencies, such as for fruit fly eradication, and those made by vector control agencies operating under cooperative agreements with the State Department of Health Services pursuant to section 2426 of the Health and Safety Code, and contractors of those agencies, are exempt from the requirements of this article.

~~(d) Persons who have only limited and intermittent exposure to treated plants (such as management personnel, licensed pest control advisers, or federal, state, and county employees who need to enter treated fields during reentry intervals only briefly to make an observation or to collect a sample) shall be exempt from the provisions of this article. The employer shall require plasma and red cell cholinesterase determinations to be established on these specialized employees and verified every two years.~~

~~(e) If only algaecides have been applied through used to treat the irrigation system, the employer is exempt from the requirements of sections 6762 (Field Work During Application), 6764 (Fieldworker Training), 6766(a) and (b) (Emergency Medical Care), section 6768 (Handwashing Decontamination Facilities), 6770(b), (c), (d), (e) and (f) (Field ReEntry After Pesticide Application), 6771 (Requirements for Early Entry Fieldworkers), 6772 (Restricted ReEntry Intervals), 6774 (Restricted ReEntry Interval Adjustments), and 6776 (Warnings Field Posting) and 6778 (Records).~~

(e) If pesticides have been applied only by injection directly into plants the employer is exempt from the requirements of this article. Direct injection does not include "hack and squirt" methods.

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

Amend section 6761 to read:

6761. Hazard Communication for Field Workers.

~~For purposes of this article, "treated field" means a field treated with a pesticide in the production of an agricultural commodity during the current use season.~~

(a) Before Whenever employees may enter are working as field workers in a treated field, the employer, including a labor contractor, shall make assessable display at the worksite, a copy of a completed written Hazard Communication Program Information for Employees Working in Fields (Pesticide Safety Information Series leaflet A-9). In the event that fieldworkers gather at a central location prior to transportation to the worksite, the Pesticide Safety Information Series leaflet A-9 may instead be displayed at that central location. Pesticide Safety Information Series 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) and (e) for pesticides that have been applied to the field within the last two years;

~~(2) Copies of Pesticide Safety Information Series leaflets which are specific to the pesticides listed in the pesticide use records referred to in subsection (b)(1) or general information about pesticides;~~

~~(3)~~ 2) A Material Safety Data Sheet (MSDS), 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 MSDS is not provided by the registrant of a pesticide, the operator of the property shall:

(A) Within seven working days of a request for a MSDS from an employee, employee representative or employee's physician, make written inquiry to the registrant of the pesticide, asking that a MSDS be sent to the operator of the property. If the operator of the property has made a written inquiry within the last twelve months as to whether the pesticide is subject to the requirement for a MSDS or the operator of the property has made a written inquiry within the last six months requesting new, revised or later information on the MSDS, 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 MSDS;

(B) Notify the requester of the availability of the MSDS or provide a copy of the MSDS to the requester within fifteen days of receipt of the MSDS from the registrant; and

(C) If a response has not been received from the registrant within twenty-five working days of the date the inquiry was made, sent 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 MSDS utilizing other more expedient methods in lieu of those provided in this subsection; and

~~(4) If an MSDS is not available for the pesticide, the operator of the property shall keep a copy of the pesticide label or the following information,~~

~~(A) The product name used on the label;~~

~~(B) The chemical and/or common name of each chemical listed on the label;~~

~~(C) Physical and health hazards;~~

~~(D) The measures employees can take to protect themselves from these hazards including, safety precautions and protective work procedures and work clothing required by labeling and regulations and~~

~~(E) Statement of practical treatment (first aid).~~

(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 ~~the 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 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 ~~and information~~ changes, the operator of the property and the labor contractor shall promptly inform his or her employees ~~immediately~~ of the new location. The employer shall also inform employees that they, their physicians and their representatives have a right to 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 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 forty-eight hours from the date of the request.

~~(e) The employer shall have available, at each worksite that is a treated field, a crop sheet (when available from the director) appropriate to the crop at that worksite. The crop sheet shall be made accessible to employees for the duration of their activities in that crop. Upon request, the employer shall read the crop sheet to a requesting employee in a language understandable to that employee.~~

~~(f) The crop sheets shall be written in English and Spanish. The Department may provide crop sheets printed in other languages commonly used by employees. The crop sheets shall contain the following:~~

- ~~(1) A list of pesticides commonly applied to the crop;~~
- ~~(2) The month or season of year each pesticide is typically applied to the crop;~~
- ~~(3) Information concerning possible human health hazards from pesticides;~~
- ~~(4) Information concerning protective work procedures and clothing required by regulation or labeling;~~
- ~~(5) A list of symptoms of poisoning from pesticides; and~~
- ~~(6) Information concerning treatment for pesticide poisoning or injury.~~

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: Sections ~~407,~~ and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and agricultural Code; and 29 Code of Federal Regulations, Part 1910.1200.

Adopt 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 employees are employed to work in fields:

- (1) Identification of the treated area;
- (2) Time and date of the application;
- (3) Restricted entry interval; and
- (4) Product name, EPA registration number, and active ingredients.

(b) The information must 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 they will be working. The information shall remain displayed until the area no longer meets the definition of a treated field or fieldworker employees will no longer be on the establishment, whichever occurs earlier.

(c) The original or copies of documents otherwise required to be maintained by this chapter may be used to meet the requirements of this section.

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

Repeal and adopt section 6762 to read:

6762. Field Work During Pesticide Application.

~~(a) No person shall apply any pesticide in such manner that it contaminates the body or clothing of any employee during the application process, except for employees who are involved in the application process and who are wearing the appropriate protective clothing and/or equipment.~~

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 during the application.

(b) No person shall direct or allow any person, other than the persons making the application, to enter or remain in treated nurseries or greenhouses, as specified below. These are minimum requirements for nurseries and greenhouses established by the U. S. Environmental Protection Agency and do not assure compliance with the general standard in section 6614.

(1) If the pesticide is applied in a nursery:

(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.

(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.

(2) If the pesticide is applied in a greenhouse:

(A) 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) As a spray 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 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.

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

Repeal and adopt section 6764 to read:

6764. Fieldworker Training.

~~Field work supervisors shall be informed of what posting means, the activities prohibited during a reentry interval, where to go for emergency medical care and the usual symptoms of organophosphate and carbamate poisoning.~~

(a) The employer shall ensure that each employee assigned to work in a treated field has been trained within the last 5 years, in a manner the employee understands, before they enter 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, 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) The hazards of taking pesticides or pesticide containers home;

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

(10) Worker 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 United States 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 must be presented in a manner the employee can understand, orally from written materials or audio visually, using non technical terms. The trainer shall respond to employee questions

(e) The person conducting the training shall be qualified as one of the following:

(1) A California certified private applicator;

(2) A person holding a 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) 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 Use Enforcement issued by the California Department of Food and Agriculture;

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

(7) Other valid trainer qualification approved by the director.

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

Amend section 6768 to read:

6768. Handwashing Fieldworker Decontamination Facilities.

(a) 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 shall be reasonably accessible to all fieldworkers engaged in activities involving contact with treated surfaces in treated fields. The ~~hand washing decontamination~~ facilities shall be available 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 which are required by the provisions of section 5474.26 et seq. of the Health and Safety Code pursuant to Title 8, section 3457 (Field Sanitation), shall be considered adequate for the purposes of this section

(b) 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: Sections ~~407,~~ and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and agricultural Code.

Adopt section 6769 to read:

6769. Greenhouse 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, 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%.

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

Repeal and adopt section 6770 to read:

6770. Field ReEntry After Pesticide Application.

~~(a) Employees shall not be permitted to enter any field treated with a pesticide until the pesticide spray has dried or the pesticide dust has settled except in case of emergency. Production or harvesting operations, including those prohibited or permitted in (d), do not constitute an emergency under this prohibition. The waiting period for the drying or settling to occur need not exceed 24 hours.~~

~~(b) A treated field may be entered by an employee without restriction after the pesticide has dried or the pesticide dust has settled, except~~

~~(1) When the labeling of the pesticide specifies a longer reentry interval or~~

~~(2) When a longer reentry interval is specified in section 6772 after considering any adjustments as provided in section 6774. In case of inconsistency between the pesticide labeling and section 6772, the longer interval shall be followed. When more than one reentry interval in section 6772 is applicable in a given situation, the longer interval shall apply.~~

~~(c) No employer shall permit an employee to enter any part of a field treated with a pesticide included in section 6772(a) to engage in any activity that is prohibited in (d) or that may involve similar body contact with the treated plants unless the applicable reentry interval has expired. Employees may enter fields treated with other pesticides, after the spray has dried or the dust has settled, during a reentry interval included in 6772(b) or pesticide labeling if the employer ensures that they are:~~

~~(1) Informed of;~~

~~(A) The identity of the pesticides applied,~~

~~(B) The existence of the reentry interval, and~~

~~(C) The protective work procedures they are required to follow.~~

~~(2) Wearing the specific protective clothing required by regulations or labeling for early entry. In the absence of specific requirements, work clothing, gloves that are clean daily and are made of either cloth, rubber or plastic and shoes and socks shall be worn; and~~

~~(3) Instructed to thoroughly shower with warm water and soap as soon as possible after the end of the work shift.~~

~~(d) The following activities are prohibited in any field treated with a pesticide included in section 6772(a) while a reentry interval is in effect:~~

~~(1) Picking or otherwise hand harvesting;~~

~~(2) Thinning or weeding, except when all plants in the treated field are seedlings, i.e., they have no more than six true leaves; the work is done with tools that avoid hand contact with treated plants; and the employee is informed and protected as specified in (c)(1), (2) and (3);~~

~~(3) Tying, pruning, tree limb propping, disbudding or conducting other non harvest cultural practices that may involve worker contact with plants;~~

~~(4) Irrigating, except when the employee is informed and protected as specified in (c)(1), (2) and (3);~~

~~(5) Operating tractors or other machinery except when (A) an enclosed cab, (B) metal or plastic shields, or (C) operator placement or other control methods physically prevent contact of the employee with treated plants and the employee is informed and protected as specified in (c)(1), (2) and (3).~~

~~(e) Employees not then engaged in pesticide applications shall not be permitted to enter a field treated with a soil incorporated pesticide in toxicity category one, until the pesticide has been thoroughly incorporated into the soil. If incorporation is done as a separate operation by irrigation or mechanical methods the employees shall be considered applicators and are required to wear the same protective equipment as an applicator in a similar exposure situation.~~

~~(f) Employees not then engaged in pesticide applications shall not be permitted to enter fields treated using an irrigation process (other than one using drip or localized emitters) with a pesticide in toxicity category one until the incorporation is complete and 24 hours have elapsed since the completion of irrigation. Irrigation employees conducting applications shall be required to wear:~~

~~(1) Chemical resistant boots;~~

~~(2) Chemical resistant gloves whenever work may result in hand contact with treated soil, water or other materials in the field;~~

~~(3) Other chemical resistant clothing whenever work may result in body contact with treated soil, water, or other materials in the field.~~

~~(g) When a pesticide in toxicity category one, or a minimal exposure pesticide listed in section 6790 is being applied through an irrigation system, before the application starts, signs shall be posted that state in English and Spanish "Danger, Pesticides are applied in water through the irrigation system. Do not drink water from the irrigation system." These signs shall~~

~~be readable at 25 feet, shall be posted at all the usual points of field entry and shall be placed at intervals not exceeding 600 feet around the field. The use of an additional third language is permissible. Unless treatment occurs weekly or at more frequent intervals, signs shall be removed no later than five days after application. As an alternative there shall be on site a sufficient number of persons to prevent unauthorized employees from entering and any employee from drinking from the irrigation system.~~

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

(b) Employees may enter a treated field during a restricted entry interval to conduct pesticide handling activities, including soil incorporation, provided they are wearing the personal protective equipment specified on the pesticide product labeling for handling activities.

(c) An employee may enter a treated field during a restricted entry interval when there will be no contact with anything that has been treated, including soil, water, air, equipment, or plant surfaces, provided that inhalation exposure does not exceed any pesticide product labeling standard or, for greenhouses, the ventilation criteria in section 6769 have been met. 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.

(d) An employee 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 that:

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

(2) At least 4 hours have elapsed since the end of the application;

(3) Inhalation exposure does not exceed the applicable pesticide product labeling standard or the ventilation criteria in section 6769 have been met;

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

(5) The personal protective equipment specified on pesticide product labeling for early entry or the optional personal protective equipment of coveralls, socks, chemical resistant footwear, chemical resistant gloves, and protective eyewear (if required by the pesticide product labeling) is utilized;

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

(7) The employees are informed that this exception is being used and about the provisions of (2), (3), and (6) orally or by posting notice.

(8) This exception may not be used if the supporting exception granted by the U. S. Environmental Protection Agency is not in effect.

(e) An employee may enter a treated field that is a greenhouse, during a restricted entry interval specified on pesticide product labeling to conduct hand harvesting of cut roses, provided that;

(1) At least 4 hours have elapsed since the end of the application;

(2) Inhalation exposure does not exceed any pesticide product labeling standard or the ventilation criteria in section 6769 have been met;

(3) The personal protective equipment specified on pesticide product labeling for early entry is utilized;

(4) Entry does not exceed 3 hours in any 24 hour period for any employee; and

(5) The employees are informed of this exception orally and by posting notice about it.

(6) This exception may not be used if the supporting exception granted by the U. S. Environmental Protection Agency is not in effect.

(f) An employee may enter a treated field during a restricted entry interval specified on pesticide product labeling to conduct other activities, not included in (c) through (e), that do not involve hand labor provided that:

(1) At least 4 hours have elapsed since the end of the application;

(2) Inhalation exposure does not exceed any pesticide product labeling standard or the ventilation criteria in section 6769 have been met;

(3) The personal protective equipment specified on pesticide product labeling for early entry is used; and

(4) Entry within any pesticide product labeling specified restricted entry interval does not exceed 1 hour in any 24 hour period for any fieldworker.

(g) An employee may enter a treated field, after the expiration of the restricted entry interval specified on pesticide labeling and while a restricted entry interval specified in section 6772 is in effect as allowed by this subsection.

(1) Activities other than hand labor provided that employees are wearing work clothing with long sleeves and legs, shoes and socks, and gloves.

(2) The hand labor activities of thinning or weeding when all plants in the treated field are seedlings, i.e., they have less than six true leaves, and the work is done with tools that avoid hand contact with the treated plants provided that

employees are wearing work clothing with long sleeves and legs, shoes and socks, and gloves.

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

Adopt section 6771 to read:

6771. Requirements for Early Entry Field Workers.

(a) The employer shall inform all early entry workers of pesticide product labeling requirements related to human hazards or precautions, first aid, symptoms of poisoning, use and care of personal protective equipment required for early entry into treated fields, the prevention, recognition, and first aid for heat related illness, and the importance of washing thoroughly at the end of the exposure period.

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

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

(d) Cleaned personal protective equipment shall be dried or stored in a well ventilated place to dry. Contaminated personal protective equipment shall be kept and washed separately from other clothing or laundry.

(e) Personal protective equipment shall remain the property of the employer. Early entry fieldworkers 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, the hazards presented and how to properly handle and clean it.

(f) At least 1 pint of eyeflush water shall be immediately accessible (carried by the fieldworker or on the vehicle the fieldworker is using) to each fieldworker 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) Early entry fieldworkers engaged in tasks pursuant to section 6770(e) and (f) shall be provided, at the place where they remove personal protective equipment, sufficient water, soap and clean towels, so that they may wash thoroughly at the end of the exposure period.

(h) 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 shall be provided for early entry fieldworkers

(i) Measures shall be implemented, when appropriate, to prevent heat related illness.

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

Repeal and adopt section 6772 to read:

~~6772. Rentry Intervals.~~

~~When reference is made to pounds of pesticide in a reentry interval, the reference means pounds of active ingredient. The reentry intervals in days in the following table apply. A day is considered to be a 24 hour period beginning at the conclusion of the application to the identified field group or portion of a field.~~

(a) Pesticide Crop:	Apples	Citrus	Corn	Grapes	Peaches & Nectarines	Other Crops
Anilazine (Dyrene)	—	—	—	—	—	2
Azinphos methyl (Guthion)	14(k)	30	—	21	14(k)	(1)
Chlorpyrifos (Lorsban, Dursban)	—	2	—	—	—	—
Diazinon	—	5	—	5	5	—
Dicretophos (Bidrin)	—	—	—	—	—	2
Dimecron (Phosphamidon)	2	14	—	—	—	2
Dimethoate (Cygon)	—	2	—	2	—	—
Dioxathion (Delnav)	—	30	—	30	30	—
Disulfoton (Disyston)	—	—	2	—	—	2
Endosulfan	2	2	2	2	2	2
EPN	14	14	14	14	14	(h)
Ethion	2	30	2	14	14	2
Malathion	—	1	—	1	1	—
Methamidophos (Monitor)	—	—	—	—	—	2
Methidathion (Supracide)	2(n)	30(m)	—	—	2(n)	2
Methomyl (Lannate, Nudrin)	2	2	2	7(j)	2	—
Mevinphos (Phosdrin)	2	4	2	4	4	2
Monocrotophos (Azodrin)	—	7	—	—	—	2
Naled (Dibrom)	—	1	—	1	1	—
Oxamyl (Vydate)	2	2	—	—	2	—
Oxydemeton methyl (Metasystox R)	2	2	2	2	2	2

Parathion ethyl	14	30(a)(d) 45(b)(d) 60(e)(d)	14(e)	21	21	14(e)
Parathion methyl	14	14(g)	14(g)	14(f)	21	14(g)
Parathion methyl (encapsulated)	2	2	2	2	2	2
Phorate (Thimet)	-	-	7	-	-	2
Phosalone (Zolone)	-	-	-	-	-	1
Phosmet (Imidan)	-	-	-	5	5	-
Propargite (Omite, Comite)	21	42	7	30	21	21(g)(r)
Propargite (Omite-CR)	-	42	-	-	-	-
Sulfur	-	1	-	1(i)	1	-
All Category 1 Pesticides (p)	1	1	1	1	1	1

(b) Pesticide Crop:	Apple s	Citru s	Corn	Grape s	Peache s & Nectar ines	Flowe rs	Other Crops
Dodemorph Acetate (Milban)	-	-	-	-	-	1	-
Fenbutatin oxide (Vendex)	-	-	-	-	-	1	-
Folpet Methyl	-	-	-	-	-	30	30
Thiophanate/Etridiazole (Banrot)	-	-	-	-	-	1	-
Mexacarbate (Zectran)	-	-	-	-	-	1	-
Triforine (Funginex)	-	-	-	-	-	1	-

Footnotes:

(a) For all applications with spray mixtures containing 2 pounds or less of parathion ethyl per 100 gallons, with rates of 8 pounds or less per acre, and a total of no more than 10 pounds per acre in the previous 12 months.

(b) For all applications with spray mixtures containing 2 pounds or less of parathion ethyl per 100 gallons, with rates of more than 8 pounds per acre, or more than 10 pounds per acre in the previous 12 months.

(c) For all applications with spray mixtures containing more than 2 pounds of parathion ethyl per 100 gallons.

(d) Any reentry interval for parathion ethyl still in effect on May 15 in the counties of Fresno, Kern, Madera and Tulare is extended to 90 days from the application date. All applications made after May 15 shall have a 90 day reentry interval except for any reentry interval still in effect on September 15 which is reduced to 30, 45, or 60 days, respectively, from the date of application, in accord with footnotes (a), (b), and (c).

~~(e) For applications of 0.5-1.0 pound per acre of parathion-ethyl, there is a 7-day reentry interval. For applications of less than 0.5 pound per acre, the reentry interval is 2 days.~~

~~(f) The reentry interval for non-encapsulated parathion-methyl on grapes in Monterey County is six days.~~

~~(g) When one pound or less per acre of parathion-methyl is applied there is a 2-day reentry interval.~~

~~(h) When more than one pound of EPN is applied there is a 14-day reentry interval.~~

~~(i) For applications of sulfur in Riverside County during March and April, and in San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern Counties from May 15 through harvest, there is a 3-day reentry interval.~~

~~(j) All applications made after August 15 of each season shall have a 21-day reentry interval. This interval may be terminated after 10 days if leaf samples tested pursuant to 6774(c)(4) show 0.1 micrograms per square centimeter or less of dislodgeable foliar residue of methomyl.~~

~~(k) When a total of 1.0 pound or less of azinphos-methyl has been applied per acre to apples, peaches or nectarines in the current calendar year, thinning may be done after 7 days.~~

~~(l) For applications of azinphos-methyl on stone fruit (excluding almonds) there is a 14-day reentry interval. When a total of 1.0 pound or less of azinphos-methyl has been applied per acre in the current calendar year, thinning may be done after 7 days.~~

~~(m) Concentrate spray, of methidathion, as authorized by Special Local Need registration has a 40-day reentry interval.~~

~~(n) This reentry interval is established to provide protection from dormant use of methidathion only.~~

~~(o) (Reserved)~~

~~(p) In addition to the other reentry intervals included in this Table, all pesticides (including those listed in this Table) in toxicity category one have a minimum 1-day reentry interval on all crops (including those listed in this Table).~~

~~(q) The reentry interval for strawberries and field-grown roses treated with propargite is 3 days.~~

~~(r) The reentry interval for cotton treated with propargite is 7 days. After the termination of the reentry interval (7 days) and until the start of harvest, employees may enter cotton fields treated with propargite provided work clothing, gloves that are clean daily and are made of either cloth, rubber, or plastic, and shoes and socks are worn.~~

~~(1) Informed of:~~

~~(A) The identity of the pesticide applied,~~

~~(B) The existence of the reentry interval, and~~

~~(C) The protective work procedures they are required to follow.~~

~~(2) Wearing specific protective clothing as required by labeling for early reentry. In the absence of specific requirements, work clothing, gloves that are cleaned daily and are made of either cloth, rubber or plastic and shoes and socks shall be worn; and~~

~~(3) Instructed to thoroughly shower with warm water and soap as soon as possible after the end of the work shift.~~
 INFORMATIONAL NOTE FOR SECTION 6772: The inclusion of a reentry interval in this section does not imply that the use is currently registered. Consult product labeling for permitted registered uses and additional reentry requirements pursuant to section 12973 of the Food and Agricultural Code.

6772. Restricted Entry Intervals.

(a) The Restricted entry intervals specified in this section shall be applied according to the following:

(1) In case of an inconsistency between the pesticide product labeling and this section, the longer restricted entry interval shall be followed;

(2) If more than one restricted entry interval in this section is applicable to a given situation, the longer restricted entry interval shall apply, except as provided in section 6774;

(3) When reference is made to pounds of a pesticide in a restricted entry interval, the reference means pounds of active ingredient;

(4) A day is considered to be a 24- hour period beginning at the conclusion of the application to the identified field or portion of a field; and

(b) The restricted entry intervals in days in the following table apply to the pesticide/crop combinations listed.

Crop	Apples	Citrus	Corn	Grapes	Peaches/Nectarines	Other Crops
Azinphos-methyl	14(A)	30		21	14(B)	14(A) (B)
Chlorpyrifos		2				
Diazinon	5			5	5	
Dimecron (Phosphamidon)		14				
Dioxathion (Delnav)		30		30	30	
Endosulfan	2	2	2	2	2	2
Methidathion (Supracide)		30				
Methomyl (Lannate)				7(C)		
Parathion-methyl	14	14(D)	14(D)	14(E)	21	14(D)
Phorate (Thimet)			7			
Phosmet (Imidan)				5	5	
Propargite (Omite/Comite)	21	42	7	30	21	21(F)(G)
Sulfur				3(H)		

footnotes:

(A) If the total Azinphos-methyl applied in the current calendar year is 1.0 pounds per acre or less thinning may be done after 7 days.

(B) This restricted entry interval applies to stone fruit only. Stone fruit does not include almonds.

(C) Applications of methomyl made after August 15, of each year have a 21 day restricted entry interval. This interval may be terminated after 10 days if leaf samples tested pursuant to section 6774 (c)(4) show 0.1 micrograms per square centimeter or less of dislodgeable foliar residue of methomyl.

(D) This restricted entry interval applies only when more than one pound per acre of parathion-methyl is applied.

(E) The restricted entry interval for non-encapsulated parathion-methyl on grapes in Monterey County is 6 days.

(F) The restricted entry interval for strawberries and field grown roses treated with propargite is 3 days.

(G) The restricted entry interval for cotton fields treated with propargite is 7 days. However, from the end on the restricted entry interval until the beginning of harvest, employees entering propargite treated cotton fields shall wear work clothing and gloves.

(H) This restricted entry interval for sulfur applies from May 15 through harvest in the counties of: Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare; and during March and April in Riverside County

INFORMATIONAL NOTE FOR SECTION 6772: The inclusion of a reentry interval in this section does not imply that the use is currently registered. Consult the pesticide product labeling for permitted registered uses and additional reentry requirements.

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

Amend section 6774 to read:

6774. Restricted ReEntry Interval Adjustments.

(a) The adjustments in this section apply only to restricted entry intervals specified in section 6772.

(b) Whenever a mixture of two or more organophosphate pesticides ~~having a reentry interval~~ is applied, the restricted reentry interval shall be ~~prolonged~~ lengthened by adding to the longest applicable restricted reentry interval listed in 6772, 50 percent of the next longest applicable restricted reentry interval.

(bc) When there is no foliage on the plant that has been treated by a pesticide and crop or weed cover in the treated area is not over 4 inches in height, the restricted reentry interval shall be reduced by 50 percent, but in no case to less than ~~24 hours~~ the restricted entry interval specified on the pesticide product labeling. ~~The reentry interval for methidathion (Supracide) on almonds, apples, apricots, cherries, nectarines, peaches, pears, plums, prunes and walnuts shall not be reduced pursuant to this subsection.~~

~~(ed) With prior authorization from the commissioner, A restricted reentry interval may be shortened to not less than the restricted entry interval specified on the pesticide product labeling by upon verification by the county agricultural commissioner that one of the following procedures has occurred:~~

- ~~(1) Two inches of rainfall occurring within any seven-day period following the pesticide application;~~
- ~~(2) The equivalent of two inches of rainfall has been applied evenly above all plants by sprinkler irrigation equipment within any seven-day period following the pesticide application;~~
- ~~(3) For tree crops, at least 50 gallons of water has been applied at one time under pressure and evenly distributed to each tree; or~~
- ~~(4) The plants tested by a procedure acceptable to the director and determined to have no residues or residue levels that the director considers not to be hazardous.~~

~~(e) Whenever the pesticide product labeling specifies that a restricted entry interval be adjusted when outdoor applications are made in areas that receive less than 25 inches of average annual rainfall, the restricted entry interval specified for the dry areas shall apply to all outdoor applications in the State. A county agricultural commissioner may, upon presentation of valid rainfall data from an official governmental source, showing that an area within his or her county receives 25 inches or more of average annual rainfall, exempt that area from this requirement.~~

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

Repeal and adopt section 6776 to read:

6776. Warnings Field Posting.

~~(a) Employees who might reasonably be anticipated to enter an area being treated or which has been treated with a pesticide for which the reentry interval has not expired shall be orally warned by the employer as provided in Section 6618, including the provisions of Sections 6770 and 6772. Oral warnings shall be given in a language understood by employees.~~

~~(b) Posting of signs is required when any pesticide in toxicity category one, with a reentry interval of two days or more, is applied to the foliage of the following crops:~~

Broccoli
Cauliflower
Celery
Flowers
Lettuce
Ornamentals
Strawberries
Tomatoes, fresh market

~~(c) Postings of signs is required when any pesticide in toxicity category one, with a reentry interval of two days or more, is applied during the period April 15 through harvest to the following crops:~~

Grapes
Nectarines
Peaches
Plums
Prunes

~~(d) When any pesticide is applied and the application results in a reentry interval greater than seven days, the posting of warning signs, is also required.~~

~~(e) Whenever warning signs are required:~~

~~(1) The operator of the property or agent with written authorization shall post warning signs at the usual point or points of entry. When treated fields requiring posting are adjacent to a public right of way and are unfenced, warning signs shall be posted at each corner and at intervals not exceeding 600 feet in addition to the normal points of entry. Alternative posting requirements that provide equivalent protection and which are adopted pursuant to Section 11503 of the Food and Agricultural Code may be applied in lieu of the requirements of this paragraph and paragraph (2).~~

~~(2) Posted warning signs shall be of such durability and construction that they will remain clearly legible for the duration of the reentry interval, will be of such size so that the word "DANGER" is readable and two skull and crossbones symbols are clearly visible at a distance of 25 feet and will read in the English and Spanish languages substantially as follows:~~

~~When posting is required by (d) the following sign shall be used:~~

DANGER PELIGRO

~~Place skull and crossbones Place skull and crossbones
symbol here symbol here~~

~~(Name of Pesticide) PESTICIDA (VENENO)~~

~~DO NOT ENTER UNTIL NO ENTRE HASTA~~

~~DATE~~

~~(Grower's Name) (Field Identification, if any)~~

~~When posting is required by only (b) or (c), the following sign may be used in lieu of the above:~~

~~-DANGER PELIGRO~~

~~Place skull and crossbones~~

~~PESTICIDE symbol here PESTICIDA (VENENO)~~

~~-DO NOT ENTER NO ENTRE~~

~~The use of an additional third language on the sign is permissible.~~

~~(3) The signs shall be posted before an application begins. The signs shall not be posted unless a pesticide application is scheduled within the next 24 hours.~~

~~(4) The signs shall not be removed during the reentry interval.~~

~~(5) Warning signs shall be removed by the operator of the property or the agent with written authorization within 5 days after the end of reentry interval and before employees are~~

~~allowed to enter to engage in an activity prohibited by Section 6770(d).~~

(a) The operator of the property shall ensure 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 ensures 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 applications, unless access is controlled in a manner that ensures no employee (other than the handlers making the application) will enter, work in, remain in, or pass through the greenhouse during the application and the restricted entry interval; and

(3) Any application that results in a restricted entry interval of greater than 7 days (after adjustment pursuant to section 6774).

(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 and contain the following:

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

(2) The words "DANGER" and "PELIGRO" and "PESTICIDE" 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.

(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 3 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, including each road, footpath, walkway or aisle that enters the treated field, and each border with any labor camp adjacent to 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 and at intervals not exceeding 600 feet along the 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 8 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 instead of the specified in (b):

(1) Bear the skull and crossbones symbol; and

(2) Contain, 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: Sections ~~407,~~ and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and agricultural Code.

Amend section 6782 to read:

6782. Fumigation of Enclosed Spaces.

(a) Whenever a pesticide is used for fumigation inside of enclosed spaces, at least two trained employees shall be present at all times ~~when; during introduction of the fumigant, and entry into the enclosed space for purposes of facilitating aeration or determining the concentration of fumigants.~~

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

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

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

(b) 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 becomes necessary for rescue.

(c) 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 under fumigation and shall not be removed until fumigation and ventilation has been completed, and the premises is 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.

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

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

(ef) 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: Sections ~~407,~~ and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and agricultural Code.

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