

INITIAL STATEMENT OF REASONS AND PUBLIC REPORT
DEPARTMENT OF PESTICIDE REGULATION

Title 3. California Code of Regulations

Amend Sections 6720, 6724, 6732, 6734, 6738.4, 6771, and 6793

Pertaining to Safety of Employed Persons, Pesticide Decontamination Sites, Personal Protective
Equipment Exemptions, and Minimal Exposure Pesticide Safe Use Requirements

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

SUMMARY OF PROPOSED ACTION / PESTICIDE REGULATORY PROGRAM
ACTIVITIES AFFECTED

The Department of Pesticide Regulation (DPR) proposes to amend 3 CCR sections 6720, 6724, 6732, 6734, 6738.4, 6771, and 6793. This proposal will affect pesticide regulatory program activities pertaining to worker safety. In summary, the proposed action will amend decontamination requirements for employees handling pesticides, improve eyewash regulation compliance, and clarify language between sections that mention eyewash equipment or decontamination supplies. This proposed action will require that employees who mix and load pesticides having a high potential for eye injury have access to an eyewash station that meets the requirements found in the American National Standards Institute (ANSI) Z358.1-2014 standard. It will require that all employees who handle products that require protective eyewear on their labeling have access to a personal eyewash unit containing at least one pint of eyewash fluid. Additionally, it will require employers of employees handling pesticides for uses other than the commercial or research production of an agricultural plant commodity to provide a decontamination site within 100 feet of the mixing/loading site or fumigation site for employees, regardless of the pesticide signal word. The proposed action will also clarify language pertaining to decontamination equipment, remove duplicative requirements, and ensure standardization. Lastly, the proposed action will clarify a personal protective equipment (PPE) exemption that applies when handling liquid fumigants.

SPECIFIC PURPOSE AND FACTUAL BASIS

Background

DPR's mission is to protect human health and the environment by fostering sustainable pest management and regulating pesticides. DPR regulates pesticide product evaluation and

registration, statewide licensing of commercial and private pesticide applicators, pest control businesses, dealers, and advisers, and conducts environmental monitoring and pesticide residue testing of fresh produce. This statutory scheme is set forth primarily in Food and Agricultural Code (FAC) Divisions 6 and 7.

FAC sections 12980 and 12981 specifically require that DPR adopt regulations to ensure safe working conditions for persons handling pesticides and for employees working in and about pesticide-treated areas. DPR's current regulatory requirements for decontamination are designed to reduce the risk of pesticide exposure and injuries among employees who handle pesticides and other workers who may be exposed to pesticides in treated areas.

The U.S. Environmental Protection Agency (U.S. EPA) acts under the authority and mandate of the Federal Insecticide, Fungicide, and Rodenticide Act. U.S. EPA protects agricultural workers from exposure to pesticides through the Worker Protection Standard (WPS), which is in Title 40 of the Code of Federal Regulations (40 CFR), part 170, Agricultural WPS. These regulations went into effect on January 2, 2017 (Office of Administrative Law (OAL) File No. 2016-0902-02S).

Existing section 6734(b)(6) requires employers to provide access to an eyewash station at the mixing/loading site for employees handling pesticides used in the commercial or research production of an agricultural commodity if the product labeling requires protective eyewear or a closed mixing system is used. The existing regulation contains the following prescriptive requirements for eyewash stations: flow rate, water volume, and duration of water flow. The existing regulation does not require eyewash stations or personal eyewash units for non-agricultural handlers.

The proposed regulation incorporates by reference two privately-developed technical standards—ANSI Z358.1-2014 for eyewash stations and ANSI Z358.1-1981 for personal eyewash units. The American National Standards Institute, or “ANSI”, is a not-for-profit, non-governmental organization that convenes meetings of technical experts and stakeholders to develop standards for various equipment and processes. Its standards are regularly adopted as regulatory requirements by the state of California, other states, and the federal government. ANSI Z358.1-1981 and -2014 were developed to standardize safety requirements for emergency eyewash and shower equipment in occupational settings. The existing regulations’ eyewash station requirements for flow rate, water volume, and duration of water flow were derived from ANSI Z358.1-2014.

Summary of Issues and Proposed Changes

DPR has identified amendments to the decontamination regulations that would better facilitate enforcement of the eyewash station requirements by the County Agricultural Commissioners (CACs), improve the effectiveness of eyewash stations, improve access to decontamination sites, align DPR’s pesticide worker safety regulations with the decontamination requirements in Title 8 of the CCR, and clarify the text of the requirements. By modifying this section, DPR can ensure that employees will have access to decontamination sites that are effective, nearby, and well-

maintained, which will improve the health of those employees and minimize the risks associated with exposure in handling pesticide products.

Enforceability of Eyewash Station Requirements

Currently, verifying compliance with the prescriptive eyewash station requirements found in 3 CCR section 6734(b)(6), including flow rate, volume of water, and duration of water flow, is challenging and time consuming.

This regulation proposes to improve enforceability of the eyewash station requirements by requiring employers to make available eyewash stations that “bear evidence of compliance” with ANSI Z358.1-2014. Eyewash stations bear evidence of compliance with the standard by displaying a label or stamp that states the station is compliant with ANSI Z358.1-2014. Subject employers will not need to affix the label or stamp to the eyewash station themselves, as the label or stamp is affixed by the eyewash station’s manufacturer before purchase. Under the proposed regulation, CACs can verify compliance by looking for the label or stamp instead of measuring flow rate, water volume, and duration of water flow using specialized equipment. ANSI Z358.1-2014 requires the same flow rate, water volume, and water flow duration requirements as the existing regulation, so the proposed requirement to “bear evidence of compliance” with the standard does not change those specific technical requirements.

Other Technical Requirements of Eyewash Stations and Personal Eyewash Units

As discussed below, the proposed regulation shores up potential issues with the existing regulations by implementing new prescriptive requirements for eyewash stations through the text of the regulation, and through the requirements of ANSI Z358.1-2014, incorporated by reference.

As stated above, the proposed regulation does not alter the existing prescriptive requirements for flow rate, water volume, and water flow duration. Moreover, the proposed regulation continues to permit “self-contained” or portable, non-plumbed eyewash stations permitted by the existing regulation (stations that can be brought into fields, placed in the beds or hooked on the sides of trucks or any other environment where pesticides are being handled), provided they comply with the regulation and bear evidence of compliance with ANSI Z358.1-2014.

Use without hands – eyewash stations. Under the existing regulation, a compliant eyewash station could necessitate the use of the operator’s hands, which would not allow the operator to hold open their eyes to flush both eyes simultaneously in the event of an emergency. Because response time is critical to stop or slow progressive damage from ocular contact with a corrosive substance, a mechanism allowing both eyes to be flushed simultaneously could decrease the risk of permanent damage or prevent the transfer of pesticides from one eye into another if the person has to tilt their head to one side to use the eyewash station. ANSI Z358.1-2014, which the proposed regulation incorporates by reference, requires eyewash stations to be designed, manufactured, and installed such that they can be used without the use of the operator’s hands.

Activation in one second or less – eyewash stations. The existing regulation does not require eyewash stations to activate within a specific timeframe. A slow activation delays eye flushing

and could exacerbate ocular damage. ANSI Z358.1-2014, which the proposed regulation incorporates by reference, requires eyewash stations to be able to activate in one second or less. This proposed requirement ensures that eye damage is not exacerbated by a slow activation time.

Permissible eyewash fluid – eyewash stations and personal eyewash units. The existing regulation (3 CCR 6734(a)(1)) requires water to be of a “quality . . . that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed.” This quality requirement could be interpreted multiple ways and potentially result in the use of contaminated water that could exacerbate damage when used in the event of an emergency. The proposed regulation and the incorporated ANSI Z358.1-2014 and ANSI Z358.1-1981 standards require that all eyewash stations and personal eyewash units use “potable water, preserved buffered saline solution, or other medically acceptable solution, for emergency eye flushing”. Compliance with the proposed requirement prevents use of contaminated water in both eyewash stations and personal eyewash units.

Access to Decontamination Sites Generally

For employees handling pesticides for uses other than the commercial or research production of an agricultural commodity, including, but not limited to, structural pest control, landscape maintenance, applications to rights-of-way, vertebrate pest control, and fumigation of food and non-food commodities, 3 CCR section 6734(c) in its current form only requires employers to provide a decontamination site with an eyewash station near the mixing/loading site if the pesticide label bears the signal word (indicating the level of toxicity) “DANGER” (high toxicity) or “WARNING” (moderate toxicity). If an employee is accidentally exposed to a large volume (such as by a pressurized hose rupture) of pesticides labeled with a different signal word, including the signal word “CAUTION” (low toxicity) or no signal word, they may experience significant irritation to their skin and eyes. Between 2014 and 2023, 102 cases resulting in injury or illness from exposure to a pesticide product with the signal word “CAUTION” were reported to DPR’s Pesticide Illness Surveillance Program (<https://apps.cdpr.ca.gov/calpiq/>). To address this issue, the proposed regulations require decontamination sites to be within 100 feet of the mixing/loading site or fumigation site and for personal eyewash units to be immediately available to employees. This ensures employees have the ability to quickly decontaminate and change clothes after an accidental exposure to any pesticide, which should decrease the severity of injuries and illnesses for these workers.

Additionally, different requirements apply to decontamination sites at production agriculture and non-agricultural workplaces, even though employees may be handling similar types of pesticides and therefore need the same access to decontamination sites and eyewash fluid to avoid injury, in the event they are exposed. The proposed regulation makes access to decontamination sites consistent between production agriculture and non-agricultural employees by restructuring the text of 3 CCR section 6734. Currently, section 6734 is structured to specify decontamination site requirements for all employers of employees handling pesticides in subsection (a), with specific requirements for production agricultural use in subsection (b) and specific requirements for uses other than the commercial or research production of an agricultural plant commodity in subsection (c). The proposed regulation would move some requirements (including notification of the decontamination site location and standards for eyewash stations and personal eyewash

units) currently only applicable to production agriculture employees to subsection (a) and extend the requirements to all employees handling pesticides (in both production agricultural and non-agricultural workplaces, covered by subsections (b) and (c), respectively). This change will ensure protection to all employees in all industries handling pesticides by ensuring equal access to decontamination sites, regardless of signal word.

Access to Eyewash Stations at Fumigation Sites

Existing section 6734 only requires an eyewash station to be available for employees at mixing/loading sites. Some fumigant application scenarios do not involve mixing or loading, and thus, do not require an eyewash station. Similar to the pesticides that currently require an eyewash station in section 6734, ocular exposure to a liquid fumigant product may have the potential to cause significant eye injuries, such as corrosion, severe irritation, or permanent tissue damage.

The proposed regulation requires employers to ensure that an employee handling a liquid fumigant has access to an eyewash station at a fumigation site, even in the absence of a mixing/loading site. In addition to requiring an eyewash station that bears evidence of compliance with ANSI Z358.1-2014, some use requirements from the ANSI standard are being incorporated into the proposed regulations as examples to ensure those affected by the proposed regulations understand what is required under the ANSI standard, including what qualifies as eyewash fluid and what cannot be used as an eyewash station.

Alignment of Requirements with Title 8 of the California Code of Regulations

DPR and Cal/OSHA may have jurisdiction over different aspects of a workplace where pesticides are applied, including businesses that use or apply antimicrobial products. In these instances, different eyewash station requirements would apply. For example, eyewash stations that meet the requirements of the ANSI Z358.1 standard are already required at “general industry” workplaces (such as chemical manufacturing plants and refineries), and all other workplaces where the eyes of an employee may come into contact with a substance which can cause corrosion, severe irritation or permanent tissue damage or which is toxic by absorption.

By requiring eyewash stations bearing evidence of compliance with ANSI Z358.1-2014, DPR’s proposed regulation aligns 3 CCR section 6734 with the requirements of 8 CCR and ensures that employees handling pesticides have access to the same quality of eyewash station as general industry employees, when eyewash station are required.

In the same vein, the existing personal eyewash unit requirements in 3 CCR section 6734 do not reference an ANSI standard, while the personal eyewash unit requirements in 8 CCR section 5162 reference ANSI Z358.1-1981. The proposed regulation aligns the two regulations by including a reference to ANSI Z358.1-1981 in the personal eyewash unit section.

Clarifying the Text of the Requirements

Eyewash fluid temperature – eyewash stations and personal eyewash units. The existing regulation requires water to be of a “temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed.” Under the existing requirement, water must be approximately 60 to 100 degrees Fahrenheit, as that is the temperature range that does not cause illness or injury (ANSI, 2014). However, the requirement as currently written may be susceptible to misinterpretation. Therefore, DPR is proposing to clarify the language of this requirement. ANSI Z358.1-2014, which the proposed regulation incorporates by reference, requires that eyewash fluid be "tepid" and defines "tepid" as 60 to 100 degrees Fahrenheit.

Minor changes to clarify cross-references in text. The existing text of sections 6720, 6732, and 6793 include cross-references to section 6734 and lack clarity. The proposed changes to these sections will clarify language pertaining to decontamination equipment, remove duplicative requirements, and ensure standardization.

Regarding section 6738.4(a)(4), which permits PPE exemptions for handlers in specific application scenarios, there has been some concern that the current wording of section may create unintentional ambiguity and be misinterpreted as a broad exception. The proposed change to section 6738.4(a)(4) will remove such ambiguity and clarify the scope of the exemption.

Lastly, section 6771, which designates requirements for early-entry employees, will be reworded to align with proposed changes to section 6734 and the ANSI standard.

Proposed Amendments

The following proposed amendments apply to worker safety regulations. These protect workers who handle pesticides, and are at increased risk of exposure to pesticides, by ensuring that these employees have the appropriate decontamination site supplies available to them in the event of a pesticide exposure.

- **Section 6720.**

Section 6720(c) recognizes compliance with applicable sections in 8 CCR, under the authority of the California Department of Industrial Relations (DIR), as compliant with 3 CCR pesticide worker safety requirements, including section 6734. DPR proposes the addition of 8 CCR section 5162 as a corresponding requirement for 3 CCR section 6734 when employees handle antimicrobial agents, used only as sanitizers, disinfectants, or medical sterilants, or pool and spa chemicals. As described below, DPR is proposing to amend 3 CCR section 6734 to align with the ANSI-Z358.1 eyewash station requirement in 8 CCR section 5162. Proposed 3 CCR section 6734(a)(2)(B) will require an employer to provide employee access to an ANSI-Z358.1-2014-compliant eyewash station when certain criteria are met, which may include scenarios where employees handle antimicrobial agents or pool and spa chemicals. DPR has examined the

corresponding requirements in 8 CCR section 5162 and found them to align with the requirements proposed in 3 CCR section 6734(a)(2)(B). To ensure employers of employees handling antimicrobial agents, used only as sanitizers, disinfectants, or medical sterilants, or pool and spa chemicals, only need to comply with one set of requirements, it is necessary to add 8 CCR section 5162 as a corresponding requirement for 3 CCR section 6734.

- **Section 6724.**

Section 6724(b) lists the training topics that employees must be trained on before handling pesticides. Subsection (b)(13) is proposed to be amended to specify handler training topics on when and why eyewash stations and personal eyewash units are required, and for the employer to instruct the employee on their use if they are required by the employer. Additionally, subsection (b)(15) is proposed to be amended to include the indoor heat training required under 8 CCR section 3396. For subsection (b)(13), the new training requirements are for clarity with the existing broad training requirements and will ensure that employees understand the requirements for accessing an eyewash station and personal eyewash unit as well as how to operate and utilize the eyewash station and personal eyewash unit in case of an incident. For subsection (b)(15), the new requirement is necessary for consistency with the indoor Heat Illness Prevention DIR's regulations employers have had to comply with since July 2024. DIR will retain its authority to enforce 8 CCR sections 3395 and 3396, as applicable, for section 6724, as amended by this proposal. As mentioned above, there is jurisdictional overlap in many workplaces where pesticides are applied, and all workers, regardless of industry, deserve a safe work environment that provides adequate engineering controls to mitigate the hazards present.

- **Section 6732.**

Section 6732 currently requires the change area for employees who handle pesticides for the commercial or research production of an agricultural plant commodity with the signal words "Danger" or "Warning" to have a decontamination site at the employee change area which meets the requirements in section 6734, subsections(a), (b)(1), and (b)(2), including: sufficient water for routine washing and emergency decontamination, a clean pair of coveralls, soap, and single-use towels.

Due to the proposed restructuring of section 6734, DPR proposes to update the cross-references in section 6732 to reflect the correct corresponding code sections. Cross-references to section 6734, subsections (a), (b)(1), and (b)(2) will be updated to section 6734, subsections (a)(1) and (b)(1) to ensure that change areas for employees who handle pesticides for the commercial or research production of an agricultural commodity continue to meet the same decontamination site requirements, which include sufficient water for routine washing and emergency decontamination, a clean change of coveralls, soap, and single-use towels. The proposed change will ensure that the requirements of section 6732 are equivalent with the federal WPS

requirements in 40 CFR section 170.509(b). Lastly, the word, “assure” was replaced with “ensure” as the correct term for compliance.

- **Section 6734.**

The title of this section, “Handler Decontamination Facilities,” is being changed to “Decontamination Sites and Eye Flushing Supplies for Employees Handling Pesticides.” This is necessary to ensure that consistent wording is used throughout the regulations and more clearly identifies that the decontamination supplies must be stored together in one area, or a “site.” Additionally, the term “handler” lacks a definition in 3 CCR and the FAC. While there is a definition for the term in the federal WPS (40 CFR 170.305) for the commercial or research production of an agricultural commodity, California’s pesticide worker safety regulations are broader and cover all employees handling pesticides. The change from “handler” to “employee handling pesticides” throughout will bolster clarity, enforceability, and will be consistent with the broad scope of section 6734 and definitions in section 6000.

6734(a)(1). DPR proposes to delete and relocate the first sentence of existing subsection (a), which requires employers to assure that sufficient water, soap and single-use towels for routine washing of hands and face and for emergency eye flushing and washing of the entire body is provided to employees as specified in the section, to more pertinent areas in section 6734, and renumber the subsection to (a)(1). This change is necessary to avoid redundancy in the regulatory text and add clarity to the requirements for decontamination sites.

DPR proposes to establish in subsection (a)(1) that it is the employer’s responsibility to notify any employee handling pesticides of the location of the decontamination site prior to the employee handling pesticides and to provide the specified decontamination supplies. The notification requirement is being relocated from existing subsection 6734(b)(4) and is being expanded to include employers of employees handling pesticides for uses other than the commercial or research production of an agricultural plant commodity. This is necessary so that any employee handling pesticides can quickly locate and access the decontamination site if an incident occurs. The requirement to provide decontamination supplies is an existing requirement in current subsection (a).

6734(a)(1)(A). This subsection establishes that sufficient water for routine washing, and for washing of the entire body in case of emergency decontamination, be at the decontamination site. This is an existing requirement that is being relocated from existing subsection (a)(1) and is necessary to clarify decontamination site requirements by listing it underneath the language stating what an employer must provide.

Additionally, DPR proposes to make minor grammatical corrections. These corrections do not have any regulatory effect.

6734(a)(1)(B). DPR proposes to delete duplicative language as the requirement for specified materials to be available at the decontamination site is being incorporated into proposed section 6734(a)(1). This change is necessary to reduce duplication and redundancy.

6734(a)(1)(C). The proposed requirement for soap and single-use towels is being relocated from existing section 6734(a) to increase clarity, making it easier for employers to identify the supplies required at a decontamination site. Additionally, DPR proposes that soap and single-use towels be in quantities sufficient to meet employee needs. This is necessary to align with the federal WPS requirement in 40 CFR 170.509(b)(2).

The prohibition of hand sanitizing gels and wet towelettes satisfying the requirement for soap and single-use towels is being relocated from existing section 6734(b)(2) to make it a general requirement that applies to all employees handling pesticides, and not to production agriculture employees only. This change is necessary because pesticides used for production agriculture and for uses other than the commercial or research production of an agricultural plant commodity can have similar toxicities. It is imperative that employees working in settings where they are handling pesticides for production agriculture or for uses other than the commercial or research production of an agricultural plant commodity be provided the same decontamination supplies, including soap and single-use towels, in case of accidental exposure to pesticides.

6734(a)(2). This new paragraph is proposed to be added to make general requirements that apply to all employees handling pesticides, and not to production agriculture employees only as previously noted under existing section 6734(b). This paragraph provides requirements employers must follow when an eyewash station or personal eyewash unit is required by section 6734.

6734(a)(2)(A). The requirement establishing that sufficient water be available for emergency eye flushing at the decontamination site is being relocated from existing section 6734(a) to this subsection. At a decontamination site, this water is used with the eyewash system specified in existing subsection (b)(6) or as the one pint of water specified in existing subsection (b)(5). As a result, DPR proposes to clarify that eyewash fluid shall be provided by the employer in these scenarios (when an eyewash station is required by subsection (b)(3) or a personal eyewash unit is required by subsection (b)(4)). In addition, DPR proposes to specify what eyewash fluid consists of and how it must be stored and maintained. Currently, the fluid, as an existing requirement in section (a), must meet the quality requirement in existing (a)(1). “Quality” may be left up to interpretation; therefore, specifying what the eyewash fluid consists of will clarify the quality of water that will not cause injury to the user when used for washing, making this

requirement easier for employers to comply with and increasing enforceability. Specifying that the eyewash fluid, “includes potable water, preserved buffered saline solution or other medically acceptable solution,” is necessary to be consistent with the ANSI Z358.1-2014 standard definition of “flushing fluid.” Although ANSI uses the term “flushing fluid,” DPR proposes to use the term “eyewash fluid” to indicate that this fluid is only intended for use on eyes. The proposed text also retains language from existing section 6734(a), clarifying that the eyewash fluid is to be used for emergency eye flushing.

Additionally, this section specifies that this fluid must be stored separately from water used for mixing with pesticides. Currently, the fluid, as an existing requirement in subsection (a), must meet the storage requirements in existing subsection (a)(1). However, this fluid is different from the water that may be used for other decontamination, such as the water specified in proposed section 6734(a)(1)(A), because ocular tissue is especially sensitive, making it necessary for this fluid to be stored separately even if the tank holding the water has valves to prevent backflow. In new subparagraph (a)(2)(A), DPR proposes to specify that the eyewash fluid must “be of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes.” This is necessary for consistency with existing requirements in current subsection (a)(1) and will ensure that the fluid does not exacerbate the injury when used in the event of an emergency.

6734(a)(2)(B). In new subparagraph (B), the proposed changes in this subsection will relocate the eyewash station requirement from existing section 6734(b)(6) and require those eyewash stations to bear evidence of compliance with the American National Standards Institute (ANSI) Z358.1-2014 standard. Eyewash stations that have been certified as ANSI-compliant by accredited ANSI reviewers bear evidence of compliance by displaying a sticker or stamp on the exterior of the station. Additionally, the proposed changes will clarify that eyewash stations do not include water hoses, sink faucets, or showers. This change is necessary to make the proposed requirements at least as protective as DIR’s regulations, while maintaining equivalency with the 2015 federal WPS revisions (40 CFR, part 170). ANSI is a private, not-for-profit organization that supports U.S. standards, including the Standard for Emergency Eyewash and Shower Equipment (ANSI Z358.1-2014). The requirements currently listed in 3 CCR section 6734 are similar to ANSI Z358.1-2014 standards with some key differences. For example, the current regulation does not require an essential safety feature of an ANSI Z358.1-2014-compliant eyewash station: once activated, the eyewash station must be able to perform without the use of the operator’s hands. This function is necessary so that the operator can use their hands to hold their eyes open while flushing. Additionally, the ANSI standard has specific testing requirements to assure the eyewash equipment is functioning properly. While the current regulation describes the requirements of the eyewash equipment (e.g., 0.4 gallons per minute for at least 15 minutes), there is no requirement to test this equipment. In addition, this requirement is difficult to enforce without appropriate equipment to monitor the capabilities of an eyewash station. Eyewash stations that bear evidence of meeting the ANSI standard (a label, stamp, or product

documentation stating it is certified as ANSI compliant) will immediately remedy these issues. To obtain the ANSI approval, it must meet all aspects of the standard (e.g., flow rate, use without hands, testing, and performance). This will improve enforceability of the flow rate as the eyewash station can simply be checked for compliance with ANSI Z358.1-2014. Other regulatory agencies, including DIR, require all eyewash equipment to meet the requirements of the ANSI standard. This requirement can be found in 8 CCR section 5162 “Emergency Eyewash and Shower Equipment.”

6734(a)(2)(C). The proposed changes in this subsection will relocate the personal eyewash unit requirement from existing section 6734(b)(5) and require those personal eyewash units to meet the requirements of Section 6 of the ANSI Z358.1-1981 standard, which is being incorporated by reference. Existing 3 CCR section 6734(b)(5) specifies that one pint of water for emergency eye flushing is available to each employee when mixing or loading pesticides and if the product label requires protective eyewear. Existing section 6734(a)(1) requires that the “water shall be of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed.” ANSI Z358.1-1981 specifies a performance standard requiring capacity to flush eyes without injury using potable water or other acceptable solution, as well as maintenance, training on the proper use of personal eyewash equipment, and accessibility to ensure emergency treatment can be rendered immediately to minimize injury. To more closely align DPR’s regulations with DIR’s regulations in 8 CCR section 5162, which require personal eyewash units to meet the requirements of section 6 of ANSI Z358.1-1981, and to better protect employees handling pesticides, DPR proposes that personal eyewash units meet the requirements of this standard. According to that ANSI standard, personal eyewash units which have the capacity to deliver immediate flushing to the eyes for less than 15 minutes, without being injurious to the user, must deliver potable water or other medically accepted eye-flushing solution and must be tested, refilled, disposed, and maintained according to manufacturer’s instructions. The instructions and expiration date, if applicable, must be permanently affixed to the unit.

6734(b). DPR proposes to restructure and amend this subsection, which currently applies to employers with employees handling pesticides used for the commercial or research production of an agricultural commodity. The rulemaking proposes to expand applicability of this subsection to include employees handling pesticides used for commodity fumigation. Currently these employees are covered by the requirements of existing subsection (c), as the fumigants used are highly toxic and/or severely irritating (Category 1) pesticides.

6734(b)(1). The proposed changes are technical in nature to reflect proposed changes in subsection (a). The proposed changes also replace the term “handler” with “employee.” This clarifies the employee-employer relationship and is consistent with the language currently used in subsection (b). These corrections do not have any regulatory effect.

6734(b)(2). Current subsections (b)(2) and (b)(4) are proposed to be repealed and the requirements placed in section 6734(a)(1) in order for them to apply to all employees handling pesticides. Current subsection (b)(3) is proposed to be renumbered to subsection (b)(2). The proposed changes also replace the term “handler” with “employee.” This clarifies the employee-employer relationship and is consistent with the language currently used in subsection (b).

6734(b)(3). New subsection (b)(3) is proposed to be added. Currently, subsection (b)(6) requires agricultural employers to provide immediate employee access to an eyewash station at the mixing/loading site if the product labeling requires protective eyewear or a closed mixing system is used. The rulemaking action proposes to relocate the requirement in subsection (b)(6) to new subsection (b)(3) and require the eyewash station specified in proposed section 6734(a)(2). It also extends the eyewash station requirement to employers of employees handling a liquid fumigant because liquid fumigant application scenarios may not involve mixing and do not typically require a mixing/loading site. There is potential for eye injuries resulting from ocular exposure to a liquid fumigant product whose labeling requires protective eyewear or the use of a closed system. These eye injuries include corrosion, severe irritation, or permanent tissue damage. Therefore, the proposed addition of “fumigation site” and “handling a liquid fumigant” ensures that employees handling liquid fumigants will have the same access to eyewash stations at fumigation sites as employees handling non-fumigant products at mixing/loading sites.

6734(b)(4). Current subsection (b)(5) is proposed to be renumbered to new subsection (b)(4) and amended. This subsection requires the employer to provide a personal eyewash unit as specified in section 6734(a)(2) if the pesticide product labeling requires employees to wear protective eyewear. The water used for the personal eyewash unit is specified in existing subsection (b)(6) or as the one pint of water specified in existing subsection (b)(5). The redundant language in these subsections is being repealed since the requirements for the personal eyewash unit have been moved to section 6734(a)(2). The parenthetical statement in section 6734(b)(5), “carried by the employee or on the vehicle being operated by the employee” is being deleted as the statement, “immediately available,” is a reasonable standard by itself.

6734(c). This subsection currently applies to employers with employees using pesticides in settings other than for the commercial or research production of an agricultural commodity. A new introduction sentence is being added to indicate this subsection applies “for uses not covered by subsection (b)”. This is an editorial clarification which takes the place of the longer phrase “for uses other than the commercial or research production of an agricultural plant commodity” currently used in this subsection.

6734(c)(1). Under the current text of section 6734(c), these employers must have decontamination site within 100 feet of the mixing and loading site, consisting of sufficient water, soap, single use towels and a clean change of coveralls, if employees are handling

pesticides labeled with the signal word “Danger” or “Warning”. The proposed reorganization moves this decontamination site requirement to subsection (c)(1) and makes it applicable to all pesticides handled by employees in these settings, regardless of signal word.

Additionally, some fumigant handling scenarios for uses other than the commercial or research production of an agricultural plant commodity do not involve mixing, these types of application scenarios do not require a typical mix/load site. Therefore, the addition of “fumigation site” ensures that these types of handlers will have the same access to decontamination sites as non-fumigant handlers and is necessary for the same reasons described above regarding the proposed fumigant language in section 6734(b)(3).

For employees handling pesticides for uses other than the commercial or research production of an agricultural plant commodity, the current regulation does not require employers to provide a decontamination site near the mixing/loading site or fumigation site unless the pesticide label bears the signal word “DANGER” or “WARNING.” If an employee is accidentally exposed to a large volume (such as by a pressurized hose rupture) of pesticides, regardless of signal word, they may experience irritation to their skin and eyes. The proposed regulation requires that a decontamination site be located within 100 feet of the mixing/loading sites and fumigation sites so that employees have the ability to properly decontaminate and change clothes after an accidental exposure to any pesticide. This should decrease the severity of injuries and illnesses for these workers in the event of an exposure.

6734(c)(2). The proposed subsection (c)(2) will require employers to provide an ANSI Z358.1-compliant eyewash station at the mixing/loading site when pesticides with the signal words “Danger” or “Danger/Poison” are mixed or loaded by employees. Under 8 CCR section 5162, employers are required to provide eyewash stations that meet the requirements of the ANSI Z358.1 Section 5 at all work areas where the eyes of an employee may come into contact with a substance which can cause corrosion, severe irritation or permanent tissue damage or which is toxic by absorption, with the exception of agriculture which complies with the provisions of Title 3. Incorporating this standard in the proposed regulations will guarantee that workers handling concentrated products with similar risk of ocular damage receive protections comparable to workers in other industries.

6734(c)(3). Proposed subsection (c)(3) requires employers to have a personal eyewash unit, as specified in subsection (a)(2), immediately available to each employee handling a pesticide if the pesticide product labeling requires protective eyewear. This is necessary for consistency with the personal eyewash unit requirement in proposed section 6734(b)(4). By extending this requirement to employees handling pesticides for uses other than those covered in subsection (b), this will ensure that the same protections and equipment are provided to employees handling pesticides with the same potential hazards.

- **Section 6738.4.**

DPR proposes to reword the exemption for readability and clarify that the exemption in section 6738.4(a)(4) applies when the employee is handling a liquid fumigant and has no contact with the liquid fumigant. The current text may lead to a misinterpretation of the exemption as being applicable to handlers handling any pesticide, non-fumigants, where there is no anticipated liquid contact. As such, the current language is inconsistent with pesticide product labeling. Pesticides, including their product labeling, must be approved and registered by U.S. EPA before they are registered in California. All labels must bear a misuse statement (40 CFR section 156.10(i)(2)(ii)), which explains that the label is the law, and the use of any pesticide shall not conflict with labeling (FAC section 12973). Fumigant pesticide product labeling exempts handlers from wearing safety glasses and gloves when there is no "liquid contact potential." Furthermore, as established in 3 CCR section 6701, regulations in Division 6, Chapter 3, Subchapter 3, which includes section 6738.4, should be interpreted as at least as strict as and consistent with the federal WPS. This clarification is also necessary to maintain consistency with and not be less restrictive than 40 CFR 170.607. Overall, this change clarifies the intended applicability of the exemption and increases enforceability by aligning the exemption with sections 6738 through 6739, the federal WPS, and pesticide product labeling. Lastly, the word, "assure" was replaced with "ensure" as the correct term for compliance.

- **Section 6771.**

6771(a). DPR proposes to reword the sentence for readability. This change adds clarity and has no regulatory effect.

6771(b)-(c). The word, "assure" is being replaced throughout with "ensure" as the correct term for compliance.

6771(d)-(e). The proposed change moves the existing requirement for laundering personal protective equipment in subsection (e) to subsection (d) for clarity, as subsection (d) already discusses requirements for laundry. Non-substantive grammatical changes are also being made for better readability. These changes have no regulatory effect and do not impact jurisdiction. The word, "assure" was replaced with "ensure" as the correct term for compliance in subsection (d).

6771(f)-(h). DPR proposes to reword sentences and align these subsections with proposed changes to section 6734 and the ANSI standard by updating "eyeflush water" to "eyewash fluid," specifying what eyewash fluid includes, and that the eyewash unit must "have the capacity to deliver eyewash fluid without being injurious to the user." This is necessary to align with the requirements of eyewash stations and personal eyewash units specified under section 6734(a)(2).

These changes are necessary to align with the eyewash fluid changes proposed in section 6734 and to improve enforceability of the regulations by clarifying the employer's responsibilities. Non-substantive grammatical changes are also being made for better readability and consistency. The word, "assure" was replaced throughout with "ensure" as the correct term for compliance.

The parenthetical statement in section 6771(f), "carried by the employee or on the vehicle being operated by the employee" is being deleted as the statement, "immediately available," is a reasonable standard by itself. This change aligns with 40 CFR section 170.509(d)(2). 6771(j). The word, "assure" was replaced with "ensure" as the correct term for compliance.

- **Section 6793.**

Section 6793(b) requires washing facilities as specified in section 6734, where minimal exposure pesticides are mixed or loaded, regardless of the toxicity category of the product used. DPR proposes to remove section 6793(b) to avoid duplication, as the proposed changes to section 6734 will now require decontamination sites, which include washing facilities, for all employees handling pesticides, regardless of toxicity category. Additionally, as a result of this deletion, DPR proposes to renumber the other subsections accordingly. DPR also proposes to add a hyphen between "water" and "soluble" throughout the section to reflect the correct spelling, "water-soluble."

COLLABORATION WITH OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT (OEHHA) PURSUANT TO FAC SECTIONS 12980 AND 12981

As discussed above, 3 CCR sections 6720, 6724, 6732, 6734, 6738.4, 6771, and 6793 are regulations relating to pesticide worker safety. Therefore, DPR and the California Office of Environmental Health Hazard Assessment (OEHHA) jointly and mutually developed the proposed regulations as specified in FAC sections 12980 and 12981. DPR and OEHHA have set forth the rulemaking process used to meet these statutory requirements in a Memorandum of Agreement dated August 13, 2008.

CONSULTATION WITH OTHER AGENCIES

DPR consulted with the California Department of Food and Agriculture during the development of the text of the proposed regulations, as specified in FAC section 11454 and the January 15, 2019, Memorandum of Agreement developed per FAC section 11454.2.

DPR consulted with the University of California and the California Department of Industrial Relations.

DPR has also consulted with California’s county agricultural commissioners and the California Structural Pest Control Board.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION [GOVERNMENT CODE SECTION 11346.2(b)(4)]

DPR has not identified any feasible alternatives to the proposed regulatory action that would lessen any adverse impacts, including any impacts on small businesses, and invites the submission of suggested alternatives. Following feedback from multiple stakeholders, DPR has incorporated a targeted tiered approach for eyewash decontamination equipment based on the product signal word. The adoption of these regulations will bring California worker safety regulations into alignment with DIR’s eyewash regulations in 8 CCR section 5162, which requires an ANSI Z358.1 eyewash station, while maintaining equivalency with the federal WPS (40 CFR, part 170). This action also clarifies the existing eyewash equipment requirement and clarifies an exemption for PPE use.

DPR explored two alternatives for the proposed regulations. These alternatives similarly address the intent of the proposed regulation but are estimated to have higher economic impacts. Two brief analyses for the alternatives are presented in the subsequent subsections. For these analyses, DPR incorporated findings from CDFA’s analysis of the economic impact on agricultural operations (Mace, et al., 2026). Namely, DPR used their estimated costs and counts for Qualified Applicator Licenses (QALs), Qualified Applicator Certificates (QACs), Private Applicators, Aircraft Operators, and CDFA Sites; DPR combined the latter category with “State, UC, CSU” for this section. DPR rejected the two alternatives after determining they created an excessive economic and enforcement burden.

Alternative 1. Requiring Eyewash Stations for All Businesses Regardless of Pesticide Class.

This alternative would require all employers of employees handling Categories I, II, and III pesticides to purchase ANSI-compliant eyewash stations. Pesticide classes are associated with their respective signal text (e.g., “Danger” equates to a Category I pesticide). The proposed regulation only requires ANSI eyewash stations if employees mix and load Category I pesticides with the signal word Danger/Poison. Compared to the tiered approach of the proposed regulation, this alternative would additionally include businesses handling pesticides with ‘Warning’ and ‘Caution’ labels (i.e., Categories II and III, respectively). For completeness, we include the economic impact on agricultural operations estimate by CDFA. Combining the estimates, DPR estimates the total direct initial economic impact of this proposed alternative to be \$24.1 million. The summarized results are presented below.

Initial Economic Impact: Alternative 1

Entity Type	Number of Entities	Cost
Administrative Learning	19,172	\$2,010,380
Personal Eyewash Units	-	\$307,034
QALs	2,795	\$3,984,273
QACs	2,365	\$815,925

Private Applicators	8,119	\$2,801,055
Aircraft Operators	40	\$13,800
PCBs	1,837	\$2,381,854
SPCBs	3,061	\$6,998,481
Property Operators	1,695	\$2,197,737
School Districts	785	\$1,017,831
Local Agencies	846	\$1,096,924
State, UC, CSU	207	\$447,327
Total	21,765*	\$24,072,621

*The total number of entities is not the sum of individual categories as there is overlap.

The above costs account for one year of eyewash station refills and only increase the impact on non-agricultural operations (i.e., the bottom six rows). Each non-agricultural entity is assumed to purchase the same number of units as in the main analysis.

Annual Economic Impact: Alternative 1

Entity Type	Number of Entities	Cost
Businesses: Ag	13,334	\$1,065,920
Personal Eyewash Units	-	\$307,034
PCBs	1,837	\$520,569
SPCBs	3,061	\$1,529,561
Property Operators	1,695	\$480,329
School Districts	785	\$222,453
Local Agencies	846	\$239,739
State, UC, CSU	207	\$97,766
Total	21,765	\$4,463,371

In addition to the initial cost, the ongoing annual costs for this proposed alternative total \$4.5 million per year. Assuming a lifespan of five years, this alternative would have an economic impact of \$42.0 million. Using the Department of Finance's 2x multiplier to account for indirect costs, the total statewide cost over the five-year lifetime of the regulation is estimated to be \$83.9 million.

Pest Control Operators (PCOs) previously expressed disagreement with this alternative, as it would require them to retrofit each truck to accommodate a complete ANSI-compliant eyewash station. They had concerns that there was insufficient space on the trucks for such modifications, and that the associated costs would be prohibitively high. PCOs further argued that they did not transport significant amounts of pesticides to mix/load on their trucks, and the pesticides they did use were predominantly Categories II and III. These concerns, in addition to the higher economic impact, are reasons DPR rejected this alternative.

Alternative 2. Requiring Temperature-Controlled Eyewash Stations for All Businesses. Similar to Alternative 1, this alternative would require all employers of employees handling pesticides to purchase ANSI-compliant eyewash stations. Moreover, these stations would need to maintain eyewash fluid within a specific temperature range (between 60 and 100 degrees Fahrenheit) to be considered of a “temperature which will not cause injury or illness” when it touches the employee’s eyes. To comply with this requirement, employers would likely need to purchase an ANSI Z358.1-compliant temperature-controlled portable eyewash. This proposed alternative is based on a supplemental analysis conducted by CDFA.

For the cost of temperature-controlled and ANSI-compliant eyewash stations, DPR used CDFA’s estimate of \$2,426 for a pressure- and temperature-controlled unit. DPR also used CDFA’s estimate for the economic impact if all agricultural applicators purchase a pressure- and temperature-controlled eyewash station (Table 6 of the CDFA report); this may overestimate the economic impact. Combining the estimates for agricultural and non-agricultural operations, DPR estimates the total direct initial economic impact of this proposed alternative to be \$125.8 million. The summarized results are presented below.

Initial Economic Impact: Alternative 2

Entity Type	Number of Entities	Cost
Administrative Learning	19,172	\$2,010,380
Personal Eyewash Units	-	\$307,034
QALs	2,795	\$6,780,670
QACs	2,365	\$5,737,490
Private Applicators	8,119	\$31,513,740
Aircraft Operators	40	\$97,040
PCBs	1,837	\$13,369,686
SPCBs	3,061	\$39,283,466
Property Operators	1,695	\$12,336,210
School Districts	785	\$5,713,230
Local Agencies	846	\$6,157,188
State, UC, CSU	207	\$2,510,910
Total	21,765*	\$125,817,044

*The total number of entities is not the sum of individual categories as there is overlap.

To remain consistent with the CDFA analysis, the above costs only account for the direct economic impact and does not account for the annual costs to maintain said stations. However, these annual costs are identical to those of Alternative 1. These costs also do not reflect the additional enforcement burden associated with the alternative proposal (e.g., CACs inspecting temperature-controlled eyewash stations must determine/ensure that water is maintained within the specific temperature range). Assuming a lifespan of five years, this alternative would have an economic impact of \$143.7 million. Using the Department of Finance’s 2x multiplier to account for indirect costs, the total statewide cost over the 5-year

lifetime of the regulation is estimated to be \$287.3 million. DPR rejected this alternative as it was not sufficiently tailored and placed excessive economic burden on the private sector.

ECONOMIC IMPACT ON BUSINESS [GOVERNMENT CODE SECTION 11346.2(b)(5)(A)]

The proposed regulations will not have a significant economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. DPR is proposing to amend requirements for pesticide decontamination facilities, improve eyewash regulation compliance, clarify language between sections that mention eyewash equipment, and clarify an exemption for PPE use. In addition, the proposed action includes a requirement for employees handling specific categories of pesticides to have access to an eyewash station and requires a decontamination site to be available to all employees handling pesticides for uses other than the commercial or research production of an agricultural plant commodity.

Agricultural business impacted by the proposed action will need to update knowledge and training and purchase ANSI-compliant eyewash stations. Training is anticipated to be a one-time cost of \$108, ANSI-compliant eyewash stations are anticipated to be a one-time cost ranging from \$265-2470, and eyewash station refills are anticipated to cost \$80 annually per station. For agricultural businesses, the estimated total initial impact is \$8,803,391, with subsequent years incurring an annual cost of \$1,065,920. (CDFA, 2026)

Non-agricultural businesses will be impacted by five primary factors as a result of the proposed action: 1) administrative learning, 2) decontamination sites, 3) soap and paper towels, 4) ANSI-compliant eyewash stations, and 5) personal eyewash units. The average one-time cost for non-agricultural businesses to spend time understanding the new regulations and take corrective actions is estimated to be \$92 per business. The average cost of decontamination site supplies, including soap and paper towels, is \$165 per site. Additionally, if all decontamination supplies are replaced annually, with the exception of water containers, DPR estimates an equal cost of \$65.68 per decontamination site per year. On average, the cost of an ANSI Z358.1-compliant eyewash station is \$338. Regarding eyewash fluid, costs may be negligible if using potable water or may be an average of \$94 annually if using buffered saline solution. The assumption is that they will choose to use potable water, therefore the cost of preserved buffer saline solution is negligible. DPR anticipates employers will purchase a personal ANSI-compliant eyewash unit filled with buffered saline solution, which costs approximately \$14 on average. DPR estimates the total initial impact to non-agricultural businesses to be \$3.81 million, with subsequent years incurring an annual cost of \$1.35 million. (DPR, 2026)

Overall, the initial cost per business is estimated to be \$469-557, with recurring annual cost impacts of \$57-205 per business. The total initial direct cost to businesses is estimated to be \$12,609,207, with subsequent years incurring an annual total cost of \$2,415,698. Using the Department of Finance's 2x multiplier to account for indirect costs, the total initial cost to businesses is estimated to be \$25,218,414. This only accounts for the first year of costs

associated with the rulemaking. Assuming a lifespan of five years, the total direct economic impact of this rulemaking is \$22,271,999. Using the Department of Finance's 2x multiplier to account for indirect costs, the total statewide cost over the 5-year lifetime of the regulation is estimated to be \$44,543,998. The proposed amendments maintain equivalency with the federal WPS (40 CFR, part 170) and will align DPR's worker safety regulations with DIR's eyewash regulations in 8 CCR section 5162, which requires an ANSI-Z358.1 eyewash station.

The documents relied upon to make this determination are from the memorandum, "An Economic and Fiscal Impact Analysis on Employers in Non-Agricultural Settings Amending Title 3, California Code of Regulations Sections 6720, 6724, 6732, 6734, 6738.4, 6771, and 6793" dated July 24, 2026, and "Economic analysis of proposed changes to regulations regarding decontamination sites and eyewash stations" dated May 2026. These documents are listed as documents relied upon in the Initial Statement of Reasons.

ECONOMIC IMPACT ASSESSMENT PURSUANT TO SECTION 11346.3(b)

The proposed action would not create or eliminate jobs in California, result in the creation of new businesses or the elimination of existing businesses within the State of California or result in an expansion of businesses currently doing business with the State of California. This action clarifies the existing eyewash equipment requirement, aligns existing regulations with accepted standards and regulations that are currently in place for other similar industries, aligns decontamination site requirements for all pesticide handling scenarios, and clarifies an exemption for PPE use.

The Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

This proposal will result in more stringent regulations to protect workers from potential exposure to pesticides, including pesticides that can cause eye injury. The proposed regulations will enhance the 2015 federal WPS requirements for eye decontamination that were incorporated into 3 CCR in 2017 by requiring eyewash equipment that meets the ANSI Z358.1-2014 standard. Equipment meeting this standard provides additional worker protection measures including continuous performance of the equipment with no additional worker activity. Additionally, standardizing eyewash equipment will help ensure the safety and welfare of pesticide workers.

Employees who mix and load pesticides labeled with the signal word "CAUTION" or with no signal word for uses other than the commercial or research production of an agricultural plant commodity will benefit from these regulations by having access to a decontamination site. The ability to routinely decontaminate and change clothes after handling pesticides serves to minimize potential pesticide exposure. Additionally, the ability to decontaminate in the event of

an emergency or accidental exposure can also decrease the severity of injuries and illnesses of these workers should they be exposed. The proposed regulations will not affect the health and welfare of California residents or the state's environment.

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

The Secretary of Natural Resources determined that DPR's pesticide regulatory program, including the adoption, amendment, and repeal of pesticide regulations, qualifies as a certified regulatory program under Public Resources Code section 21080.5 and 14 CCR section 15251(i). This determination means DPR's pesticide regulatory program is functionally equivalent to CEQA requirements for preparing environmental impact reports (EIRs), negative declarations, and initial studies, and is therefore exempt from such requirements. This initial statement of reasons serves as the public report required under 3 CCR section 6110 and satisfies the requirements of DPR's CEQA certified regulatory program for rulemakings at 3 CCR sections 6110-6116.

DPR's public report, as the substitute document satisfying CEQA functional equivalency requirements, must include a description of the proposed activity, and either (A) alternatives to the activity and mitigation measures to avoid or reduce any significant effects that the project might have on the environment, or (B) a statement that DPR's review of the project showed that the project would not have any significant effects on the environment and therefore no alternatives or mitigation measures are proposed to avoid or reduce any significant effects on the environment. (3 CCR section 6110.) DPR shall not adopt a regulation that would cause a significant adverse environmental impact if there is a feasible alternative or mitigation measure that would substantially lessen those significant adverse environmental impacts. (3 CCR section 6116.)

Under existing law, DPR has established requirements to ensure and protect the safety of workers who handle, store, or transport pesticides, or may be exposed by working in fields treated with pesticides (3 CCR section 6700 et seq.). Existing law requires employers to provide decontamination facilities to these workers (3 CCR section 6734) and establishes requirements for early entry of a treated field (3 CCR section 6771). The proposed regulations modify these requirements in ways that will improve worker protections. Specifically, the proposed regulations require eyewash stations to meet the ANSI Z358.1-2014 standard, relocate eyewash station requirements from subsection (b) to subsection (a) so that they apply to all employees mixing and loading pesticides and not only those mixing and loading pesticides in production agricultural places of employment, specifying immediacy requirements for better clarity and enforceability, and expanding the decontamination site requirements to apply to all pesticides

regardless of signal word. The proposed regulations also make a number of editorial changes intended to clarify the meaning of the regulatory text, remove redundancies, add consistency, and improve enforceability.

The proposed regulations would have potentially beneficial environmental or human health effects. Specifically, DPR considered the following potential environmental or human health effects:

- ☒ Human Health
- ☐ Flora & Fauna, including protected species
- ☐ Water Quality
- ☐ Agriculture and Forestry Resources
- ☐ Air Quality, including greenhouse gas emissions

This proposal would have a potential benefit on human health. By improving the stringency and clarity of DPR's regulations for decontamination sites, employers will provide improved eye flushing equipment and access, which will lead to contaminated workers being able to rinse off pesticides to minimize adverse health effects. Additionally, requiring a consistent decontamination site location for all employees handling pesticides ensures that the same protections and equipment are available to employees handling pesticides for uses other than the commercial or research production of an agricultural plant commodity who may handle pesticides with the same potential hazards. Improving the clarity and enforceability of these regulations may also increase employer compliance with the regulations to the benefit of those workers.

DPR's proposed regulations will not have any effect on flora and fauna, water quality, agricultural or forestry resources, or air quality because they only involve requirements for decontamination sites and early entry workers, and do not increase or decrease the pesticides used, change how those pesticides are or may be used, or alter any other requirement that could possibly have an environmental impact.

Absent these proposed regulations, workers would be less protected from potential exposure to pesticides. Against this environmental and regulatory baseline, no possible significant adverse effect to human health or the environment can reasonably be expected to occur from implementing the proposed regulations because the proposed regulations increase the stringency of eyewash station requirements and make clarifying changes that will improve compliance with decontamination site and early entry worker requirements in existing law. This will likely have a positive benefit to human health. It will not have any effect on the surrounding environment. Therefore, the proposed regulations are categorically exempt from environmental review under 14 CCR section 15061(b)(3). Because no significant adverse effect to California's environment

can reasonably be expected to occur from implementing the proposed regulations, no alternatives or mitigation measures are proposed to lessen any significant adverse effects on the environment.

EFFORTS TO AVOID UNNECESSARY DUPLICATION WITH FEDERAL REGULATIONS

The proposed regulatory action does not conflict with federal regulations found in 40 CFR section 170 that contain requirements for production agricultural pesticide workers. The proposed changes offer additional protections beyond what is required in the federal WPS. Although there are some similarities in the regulatory requirements, California and DPR maintain a separate regulatory structure from the Federal standards. As such, what duplication may occur with the Federal regulations is unavoidable and necessary to allow California to have a fully operational and independent program of worker safety, when pesticides are used, that is enforceable under California law.

DOCUMENTS RELIED UPON

1. American National Standards Institute. (1981). *American National Standard for Emergency Eyewash and Shower Equipment* (ANSI Z358.1-1981).
2. American National Standards Institute. (2014). *American National Standard for Emergency Eyewash and Shower Equipment* (ANSI Z358.1-2014).
3. California Code of Regulations, Title 8, Subchapter 7: General Industry Safety Orders. Group 16: Control of Hazardous Substances. Article 109: Hazardous Substances and Processes. Subsection 5162: Emergency Eyewash and Shower Equipment.
<https://www.dir.ca.gov/title8/5162.html>
4. Department of Pesticide Regulation. (2026). *An Economic and Fiscal Impact Analysis on Employers in Non-Agricultural Settings Amending Title 3, California Code of Regulations Sections 6720, 6724, 6732, 6734, 6738.4, 6771, and 6793 (Pesticide Decontamination Site and Eyewash Rulemaking)* [Memorandum].
5. Mace, K., Goodhue, R., Comstock, H., Keeler, J. (2026). *Economic analysis of proposed changes to regulations regarding decontamination sites and eyewash station*. California Department of Food and Agriculture, Office of Pesticide Consultation and Analysis.
https://www.cdffa.ca.gov/oars/opca/docs/eir_on_updated_eyewash_stations_and_decontamination_sites.pdf