

TEXT OF PROPOSED REGULATIONS

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

TITLE 3. CALIFORNIA CODE OF REGULATIONS
DIVISION 6. PESTICIDES AND PEST CONTROL OPERATIONS
CHAPTER 3. PEST CONTROL OPERATIONS
SUBCHAPTER 3. PESTICIDE WORKER SAFETY
ARTICLE 2. GENERAL SAFETY REQUIREMENTS

Amend section 6720 to read:

6720. Safety of Employed Persons.

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

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

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

<i>Title 3, CCR</i>	<i>Title 8, CCR</i>
6700	3200 and 3202
6702	3200 and 3203
6720	As indicated in this Subsection
6723	3203, 3204, and 5194
6724	3203 and 5194
6726	3400
6732	3367
6734	3363, and 3366 , <u>and 5162</u>
6738-6738.4	3380 through 3385
6739	5144
6740	3317
6742	5141
6744	3203 and 5194

(d) The provisions of sections 6726, 6734, 6738.1-6738.4, 6739, 6766, 6768, and 6770 do not apply to licensed agricultural pest control advisers and registered professional foresters while performing, crop adviser tasks, after the application is completed, including field-checking or scouting, making observations of the well-being of the plants, or taking samples provided:

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

(2) The licensed agricultural pest control adviser or registered professional forester has made specific determinations regarding appropriate personal protective equipment, needed decontamination facilities, and how to safely conduct crop adviser tasks.

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

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

Amend section 6732 to read:

6732. Change Area.

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

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

Amend section 6734 to read:

6734. Handler Decontamination Facilities. Decontamination Sites for Employees Handling Pesticides.

~~(a)(1) The employer shall assure that sufficient water, soap and single use towels for routine washing of hands and face and for emergency eye flushing and washing of the entire body are available for employees as specified in this section. The employer shall notify any employee handling pesticides of the location of the decontamination site prior to the employee handling pesticides and shall provide the following decontamination supplies for employee use at each decontamination site:~~

~~(1A) Sufficient water for routine washing and for washing of the entire body in case of emergency decontamination. This water shall be of a quality and temperature (between 60 and 100 degrees Fahrenheit) that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed, and shall be stored separately from that water 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.~~

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

(C) Soap and single-use towels in quantities sufficient to meet employee needs. Hand sanitizing gels and liquids or wet towelettes do not meet the requirement for soap and single-use towels.

(2) When an eyewash station is required by subsection (a)(3) or a personal eyewash unit is required by subsection (b)(3), the employer shall provide eyewash fluid, which includes potable water, preserved buffered saline solution, or other medically acceptable solution, for emergency eye flushing. This eyewash fluid must be stored separately from water used for mixing with pesticides and maintained between 60 and 100 degrees Fahrenheit.

(3) If the pesticide product labeling requires employees who are mixing or loading pesticides or handling a liquid fumigant to wear protective eyewear, or if employees are using a closed system, the employer shall provide at the mixing/loading site or fumigation site immediate employee access to an eyewash station that meets the American National Standards Institute (ANSI) Z358.1-2014 standard. An eyewash station does not include water hoses, sink faucets, or showers.

(A) The eyewash station must be used and maintained in accordance with the manufacturer's instructions.

(B) The employer shall instruct employees on the proper use of the eyewash station at least annually.

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

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

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

~~(3)(2) The decontamination site is at the mixing/loading site and not more than 1/4 mile (or at the nearest point of vehicular access) from other handler employees handling pesticides, except that the decontamination site for pilots may be at the loading site regardless of distance from where the pilot is working. The decontamination site must not be in an area being treated or under a restricted entry interval unless:~~

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

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

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

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

~~(5)(3) If the pesticide product labeling requires employees to wear protective eyewear during an application, at least one pint of personal water eyewash fluid for emergency eye flushing is must be immediately available to each employee (carried by the handler employee or on in the vehicle or aircraft the handler employee is using), if the pesticide product labeling requires protective eyewear. When the handler is mixing or loading a pesticide then only the requirements in (6) apply.~~

(A) The employer shall ensure employees are trained on emergency eye flushing techniques and the proper use of the personal eyewash, pursuant to section 6724, including when and why the personal eyewash must be immediately available to the employee.

(6) At the mixing/loading site there is immediate employee access to at least one system capable of delivering gently running water at a rate of least 0.4 gallons per minute for at least 15

minutes, or at least six gallons of water in containers suitable for providing a gentle eye flush for about 15 minutes for emergency eye flushing, if the product labeling requires protective eyewear or a closed mixing system is used.

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

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

Amend section 6738.4 to read:

6738.4 Personal Protective Equipment Exemptions.

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

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

- (1) applying in an enclosed cab;
- (2) using vehicle-mounted or towed equipment with spray nozzles that are located below the employee and directed downward;
- (3) applying vertebrate pest control baits using long-handled implements that avoid actual hand contact with the bait or potentially contaminated areas of equipment;
- (4) ~~working~~handling liquid fumigants in situations where the handler has no ~~liquid~~ contact with ~~the liquid~~ fumigant. The handler may wear gloves, unless expressly prohibited by pesticide product labeling; or
- (5) using an application system approved by the Director that is engineered to provide a level of protection to the employee that is equivalent to, or better than, the required personal protective equipment.

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

ARTICLE 3. FIELD WORKER SAFETY

Amend section 6771 to read:

6771. Requirements for Early Entry Employees.

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

- (1) Location of early-entry area where work activities are to be performed;
- (2) Pesticide(s) applied;

- (3) Dates and times that the restricted-entry interval begins and ends;
 - (4) Specific restrictions and conditions pursuant to section 6770 about the work activity to be performed;
 - (5) Pesticide product labeling precautionary statements related to human hazards;
 - (6) Symptoms of poisoning;
 - (7) Emergency first aid and decontamination procedures for pesticide injuries or poisonings, including emergency eye flushing techniques;
 - (8) How to obtain emergency medical care;
 - (9) The prevention, recognition, and first aid for heat-related illness if personal protective equipment is used in accordance with Title 8 of the California Code of Regulations, section 3395;
 - (10) Location of the Pesticide Safety Information Series leaflets A-8 and A-9 as required by sections 6723 and 6761;
 - (11) The need for, use, and care of personal protective equipment required for early entry into treated fields;
 - (12) That clothing and personal protective equipment may be contaminated with pesticide residues;
 - (13) Instructions for removing and storing such clothing and equipment, and laundering such equipment; and
 - (14) The importance of washing thoroughly at the end of the exposure period.
- (b) The employer shall provide all required personal protective equipment and provide for its cleaning (according to pesticide labeling instructions or, absent any instructions, washed in detergent and hot water), repair and replacement when it cannot be adequately cleaned or properly repaired. The employer shall assure that all personal protective equipment is inspected before each day of use. The employer shall assure that all personal protective equipment is kept separate from personal clothing, in a pesticide free, specifically designated place, when not in use. All required personal protective equipment required for employees must meet the applicable standards in sections 6738 through 6739.
- (c) The employer shall assure that personal protective equipment is used correctly for its intended purpose.
- (d) The employer shall assure that cleaned personal protective equipment is dried or stored in a well-ventilated place to dry. The employer shall assure that contaminated personal protective equipment is kept and washed separately from other clothing or laundry. The employer shall inform any person, who cleans or launders personal protective equipment, that the equipment may be contaminated, on the hazards presented, and on how to properly handle and clean it.
- (e) Personal protective equipment must remain the property of the employer. Employees shall not be allowed or directed to take home pesticide contaminated personal protective equipment. ~~The employer shall inform any person who cleans or launders personal protective equipment that the equipment may be contaminated, about the hazards presented, and how to properly handle and clean it.~~
- (f) The employer shall assure that at least one pint of ~~eyeflush water~~ personal eyewash fluid, which includes potable water, preserved buffered saline solution or other medically acceptable solution, is immediately accessible (carried by the employee or on the vehicle being operated by the employee) to each employee who is performing, during any restricted entry interval specified on the pesticide product labeling, early entry activities in a treated field for which the pesticide product labeling requires protective eyewear.

(g) The employer shall ~~assure that~~provide employees engaged in tasks pursuant to section 6770(d) ~~are provided~~, at the place where they remove personal protective equipment, at least three gallons of water per employee, soap, and clean or single-use towels so that they may wash thoroughly at the end of the exposure period. The water shall be of a quality and temperature (between 60 and 100 degrees Fahrenheit) 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.

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

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

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

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

ARTICLE 5. MINIMAL EXPOSURE PESTICIDES

Amend section 6793 to read:

6793. Minimal Exposure Pesticide Safety Use Requirements.

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

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

~~(e)(b)~~ The employer shall provide and maintain coveralls and require them to be worn, regardless of the toxicity category.

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

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

(2) employees working as applicators in enclosed cabs;

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

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

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

- (1) Hand application or ground application of minimal exposure pesticides, except:
- (A) Reserved;
 - (B) applicators using vehicle-mounted or towed equipment to inject or incorporate these pesticides into the soil; and
 - (C) applicators using equipment with vehicle-mounted spray nozzles directed downward and located below the level of the employee;
- (2) Mixing or loading dry formulations of minimal exposure pesticides, except mixers or loaders using sealed water-soluble packets.
- ~~(f)~~(e) All protective clothing and equipment shall be cleaned inside and out or discarded at the end of the day's use.

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