

INITIAL STATEMENT OF REASONS AND PUBLIC REPORT
DEPARTMENT OF PESTICIDE REGULATION

Title 3. California Code of Regulations
Amend Sections 6000, 6619, 6724, 6764, 6768, 6769, and 6776
Pertaining to Worker Protection Standard

This is the Initial Statement of Reasons (ISR) 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.

SUMMARY OF PROPOSED ACTION/PESTICIDE REGULATORY PROGRAM
ACTIVITIES AFFECTED

The Department of Pesticide Regulation (DPR) proposes to amend 3 CCR sections 6000, 6619, 6724, 6764, 6768, 6769, and 6776. This proposal will affect pesticide regulatory program activities pertaining to pesticide worker safety. In summary, the proposed action will amend DPR's existing worker safety regulations to align with the recently revised federal Worker Protection Standard (WPS) [Title 40 Code of Federal Regulations (40 CFR), Part 170] that was noticed in the Federal Register, Vol. 80, No. 21 on November 2, 2015. The proposed action deletes the application exclusion zone definition and revises requirements for notice of completed applications, fieldworker training, fieldworker decontamination supplies, and field posting when a pesticide is used for the commercial or research production of an agricultural commodity. In addition, the proposed action revises the training program requirements for pesticide handlers working in production or non-production agriculture settings, or in non-agricultural settings.

SPECIFIC PURPOSE AND FACTUAL BASIS

DPR's mission is to protect public health and the environment from adverse effects of pesticide use. DPR regulates pesticide product evaluation and registration, statewide licensing of commercial and private pesticide applicators, pest control businesses, dealers, and advisers, 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.

The FAC also specifically requires that DPR adopt regulations to ensure safe working conditions for persons handling pesticides and working in and around pesticide-treated areas. DPR's current regulatory requirements for pesticide safety training, field posting, and notice of completed applications are designed to reduce the risk of pesticide exposure and injuries among pesticide handlers and workers exposed to pesticides.

In 1992, the U.S. Environmental Protection Agency (U.S. EPA) issued the federal WPS, which became final in 1995. U.S. EPA acts under the authority and mandate of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The federal WPS regulations are found at 40 CFR,

part 170, Agricultural WPS. The purpose of the federal WPS is to provide protection to pesticide agricultural workers and handlers through training, notification, pesticide safety and hazard communication information, use of personal protective equipment, and emergency decontamination requirements.

U.S. EPA granted DPR primacy for pesticide enforcement in California and, in 1997, after DPR made changes to its regulations to conform to the federal WPS, U.S. EPA determined California's worker safety program to be equivalent to the federal WPS. In addition to the requirements that U.S. EPA determined to be equivalent to the federal WPS, over the years, DPR has adopted several regulatory requirements that are stricter than those in the federal WPS through rulemaking.

On November 2, 2015, U.S. EPA revised portions of its federal WPS to enhance protections in its existing WPS. U.S. EPA noticed its revised federal WPS in the Federal Register, Vol. 80, No. 21. The purpose of its revisions is to further reduce occupational pesticide exposure and incidents or related illness among agricultural workers and pesticide handlers when using pesticides for the production of an agricultural commodity. These revisions included two sets of regulatory changes – one set was scheduled to go into effect on January 2, 2017, the second set is scheduled to go into effect on January 1, 2018.

In general, California's regulatory requirements are more stringent and U.S. EPA based many of its new requirements on those in California. While DPR's worker protection regulations were already consistent or more restrictive than most of the regulatory changes mandated by the revised federal WPS rules, DPR added regulations and revised some of its existing California worker safety regulations in 3 CCR to ensure that they are consistent with the revised federal WPS. These regulations went into effect on January 2, 2017 (Office of Administrative Law File No. 2016-0902-02S). U.S. EPA determined that those regulations achieved the same degree of protection of human health as the federal WPS, and in many ways were more stringent.

DPR proposes the following amendments to maintain at least the same level of protection as the remaining federal WPS revisions. In addition, DPR proposes to make some clarifying changes to the regulations it recently adopted. All of the proposed amendments are consistent with the revised WPS with the exception of requiring all employees, agricultural and nonagricultural, who handle pesticides to be trained under the new WPS handler training topics. DPR believes the proposed additional training topics will provide handlers and fieldworkers with information designed to reduce work-related pesticide exposures and illnesses.

PROPOSED AMENDMENTS

- 40 CFR 170.305 - Definitions

Recently amended 3 CCR section 6000, added the definition of "application exclusion zone" to specify the area that must be free of all persons other than trained and equipped handlers during pesticide applications as used in 3 CCR section 6762. However, this definition is unnecessary and redundant to section 6762, which specifically defines the application exclusion zone. In

addition, the definition has created uncertainty and confusion about whether one must comply with section 6000's or the actual protective measures in section 6762.

- 40 CFR 170.311- Display Requirements for Pesticide Safety Information and Pesticide Application and Hazard Information

In general, 40 CFR 170.311 requires employers to display application and hazard information for their employees, employee representatives, and treating medical personnel. 40 CFR 70.311(b)(6) requires the agricultural employer to retain the pesticide application and hazard information specified in 40 CFR 170.311(b)(1) for two years. DPR previously revised 3 CCR section 6619 to be equivalent to 40 CFR 170.311. Currently, 3 CCR section 6619(b) requires the operator of the treated property include the date(s) and time(s) of application(s) in the written record that must be retained for two years. For clarity, DPR proposes to amend section 6619(b) to specify which documents must be retained by the employer.

DPR proposes to amend section 6619(b) to clarify that, in addition to the date and time the application started and ended, the record must include: the location, including site identification number, and acreage treated; the pesticide product, including U.S. EPA registration number and active ingredient; the spray adjuvant product name and California registration number, if applicable; and the applicable reentry and pre-harvest intervals, unless a written copy of a properly completed written recommendation by a licensed agricultural pest control adviser was given to the operator of the property to be treated. This proposed amendment clarifies the information agricultural employers are required to retain to be consistent with 40 CFR 170.311(b)(1), with the exception of spray adjuvants. Spray adjuvants are not registered as pesticides by U.S. EPA; however they are recognized as a pesticide in California and are required to be registered as a pesticide by DPR. Also, in lieu of requiring the operator of the property to maintain information on applicable reentry and pre-harvest intervals, DPR proposes to allow the operator of the property to maintain a copy of a written recommendation since, pursuant to 3 CCR section 6556(c), the recommendation is required to have this same information.

- 40 CFR 170.501 - Training Requirements for Handlers

In general, 40 CFR 170.501 requires agricultural employers to ensure pesticide handlers receive safety training prior to conducting any handling activities and annually thereafter. 40 CFR 170.501(c)(3) outlines the new required handler training topics. DPR proposes to expand its current training content and amend existing training content in 3 CCR section 6724, as necessary, to be consistent with the WPS. 40 CFR 170.501(c)(3)(i) requires handler training include the fieldworker training topics outlined in 40 CFR 170.401(c)(3). Therefore, some of the proposed amendments discussed below are to be consistent with 40 CFR 170.401(c)(3).

As previously mentioned, the new federal WPS training topics apply to pesticide handlers using pesticides for the production of an agricultural commodity. Current 3 CCR section 6724 requires training for pesticide handlers working in production and non-production agricultural settings or non-agricultural settings. DPR proposes to revise section 6724(b) to add additional training

topics to be consistent with 40 CFR 170.501(c)(3). However, the proposed training topics will apply to all pesticide handlers working in agricultural and non-agricultural settings unless otherwise specified. Requiring non-production agricultural or non-agricultural handlers to be trained on these new topics will benefit these handlers by providing them with additional information on how to reduce work-related pesticide exposures and illnesses. It will also benefit the trainers, who will not need to determine which topics are applicable to which attendees when conducting training.

DPR proposes to restructure the existing training topics in section 6724 to improve clarity, and to make grammatical and editorial corrections. Proposed subsection (a) deletes reference to "video tapes." Using the term "video" is more inclusive of old and current technologies.

As part of reorganizing the existing training topics in section 6724, DPR proposes to move: subsection (b)(2) to proposed subsection (b)(6); subsection (b)(8) to proposed subsection (b)(3); subsection (b)(13) to proposed subsection (b)(16); and subsection (b)(14) to proposed subsection (b)(12). Also as part of the restructuring, the following subsections have been renumbered: subsection (b)(3) to proposed subsection (b)(7); subsection (b)(4) to proposed subsection (b)(8); subsection (b)(9) to proposed subsection (b)(15); and subsection (b)(11) to proposed subsection (b)(18).

DPR proposes to add subsection 6724(b)(2) to include training on the applicator's responsibility to protect persons, animals, and property while applying pesticides; and not to apply pesticides in a manner that results in contact with persons not involved in the application process. This proposed amendment is to be consistent with the training components required by 40 CFR 170.401(c)(3)(iii), 107.501(c)(3)(xi) and 170.501(c)(3)(ix).

DPR proposes to move subsection 6724(b)(10) that requires training on safety requirements and procedures, including engineering controls (such as closed mixing systems and enclosed cabs) for handling, transporting, storing, and disposing of pesticides to proposed subsection (b)(4). DPR also proposes to add "spill clean-up" to this topic to be consistent with 40 CFR 170.501(c)(3)(vii).

DPR proposes to add subsection 6724(b)(5) to require training on where and in what forms pesticides may be encountered and pesticide residues on clothing. This is consistent with 40 CFR 170.401(c)(3)(iv) and (xiii).

DPR proposes to add subsection 6724(b)(9) and renumber current subsection 6724(b)(7) to proposed subsection (b)(13) to add training topics on routine and emergency decontamination procedures when handling pesticides. Proposed subsection (b)(9) requires training on hand washing, thoroughly washing or showering with soap and water, and changing into clean clothes. This is consistent with 40 CFR 170.401(c)(3)(ix), (xi) and (xii). Proposed subsection 6724(b)(13) requires additional training on emergency decontamination training such as eye flushing techniques, washing immediately with decontamination supplies and, as soon as possible, wash or shower with soap and water and change into clean clothes. DPR also proposes to move subsection (b)(5) regarding the training topic of first aid, and include it in subsection (b)(13) with emergency decontamination information. Finally, DPR proposes to delete "spill clean-up" since,

as mentioned above, it will be addressed in proposed subsection (b)(4). All of these proposed amendments are consistent with 40 CFR 170.401(c)(3)(viii) and (ix).

DPR proposes to add subsection 6724(b)(9) (D) to require training pertaining to laundering work clothing to be consistent with 40 CFR 170.401(c)(3)(xiv).

DPR proposes to add subsection 6724(b)(10) to require training on the information in Safety Data Sheets to be consistent with 40 CFR 170.401(c)(3)(xvi).

Current subsection 6724(b)(15) requires training on the location of hazard communication information for employees handling pesticides. However, 40 CFR 170.501(c)(3)(x) more broadly requires training on the location of specific information about pesticide use and labeling information. DPR proposes to add subsection 6724(b)(11) to require training on the hazard communication program specified in 3 CCR section 6723, including providing hazard communication information, pesticide safety information, pesticide use information, and the responsibilities of the employer and all other hazard communication program requirements of section 6723. These amendments better align with the requirements of 40 CFR 170.501(c)(3)(x) and are consistent with the language in proposed subsection 6761(b)(8) for fieldworker training. This is consistent with 40 CFR 170.501(c)(3)(x) and 40 CFR 170.401(c)(3)(xvi).

DPR proposes to move subsection 6724(b)(6) to proposed subsection 6724(b)(14) requiring training on how to obtain emergency medical care. DPR proposes to add "when" to obtain emergency medical care to be consistent with 40 CFR 170.401(c)(3)(x).

DPR proposes to add subsection 6724(b)(17) to require that handlers of pesticides used in the commercial or research production of an agricultural commodity must be at least 18 years of age. This is consistent with 40 CFR 170.501(c)(3)(xii) and 40 CFR 170.401(c)(3)(xviii).

DPR proposes to add subsection 6724(b)(19) to require training on field posting requirements and restricted entry intervals when pesticides are applied for the commercial or research production of an agricultural commodity. This amendment is consistent with 40 CFR 170.401(c)(3)(ii) and (iii), and 170.501(c)(3)(xiv).

DPR proposes to renumber subsection 6724(b)(12), which requires training on not taking pesticides or pesticide containers used at work to your home, to proposed subsection (b)(20). DPR made several minor amendments to this section for clarity and succinctness. This is consistent with 40 CFR 170.401(c)(3)(xv).

DPR proposes to add subsection 6724(b)(21) to include training topics related to potential hazards to children and pregnant women from pesticide exposures such as keeping nonworking family members away from treated areas, removing work shoes before entering the home, and washing or showering before physical contact with children or family members to be consistent with 40 CFR 170.401(c)(3)(xix)-(xxi).

DPR proposes to add a training requirement on how to report suspected pesticide violations to subsection 6724(b)(22) to be consistent with 40 CFR 170.401(c)(3)(xxii).

DPR proposes to renumber subsection 6724(b)(16) to subsection (b)(23) and to add subsection (D) to subsection 6724(b)(23) to require training on the employee's right to report suspected violations to be consistent with 40 CFR 170.401(c)(3)(xxii). Additionally, DPR proposes to amend subsection 6724(b)(23)(B) to state that an employee representative designated in writing may receive information about pesticides to which the handler may be exposed. This is consistent with the amendment made to section 6723(d) in the previous rulemaking.

DPR proposes to amend subsection 6724(f)(4) to correct terminology of a farm adviser employed by the University of California Cooperative Extension.

- 40 CFR 170.401 – Training Requirements for Fieldworkers

In general, 40 CFR 170.401 requires agricultural employers to ensure that workers in agricultural establishments have received safety training prior to working in a treated area and annually thereafter. DPR previously received equivalency on all of 40 CFR 170.401 except subsection (c)(3). Many of these requirements are already addressed in 3 CCR section 6764. However, DPR proposes to expand its current content and amend existing content, as necessary, to be consistent with the newly revised WPS. DPR also proposes to restructure the fieldworker training section, so many of the subsections will be moved and numerically reassigned.

As part of restructuring the existing training topics in section 6764, DPR proposes to move subsection 6764(b)(2) to proposed subsection (b)(12) and renumber subsection (b)(9) to proposed subsection (b)(11).

DPR proposes to move subsection 6764(b)(3) to proposed subsection (b)(1) and to expand the training topic to require training on where and in what forms pesticides may be encountered to be consistent with 40 CFR 170.401(c)(3)(iv). The current training topic on the routine decontamination procedures has been moved to proposed subsection (b)(5).

DPR proposes to renumber subsection 6764(b)(4) to proposed subsection (b)(3) and to clarify the training topic regarding routes by which pesticides can enter the body to be consistent with 40 CFR 170.401(c)(3)(iv).

DPR proposes to renumber subsection 6764(b)(6), which requires training to address signs and symptoms of overexposure, to proposed subsection (b)(4). DPR deleted “common” to be more consistent with 40 CFR section 170.401(c)(3)(vii).

DPR proposes to add subsection 6764(b)(5) and to renumber current subsection 6724(b)(7) to proposed subsection (b)(9) to add training topics on routine and emergency decontamination procedures when handling pesticides. The content pertaining to proposed subsection (b)(5) should include hand washing, thoroughly washing or showering with soap and water, and changing into clean clothes, as well as stating that it is the employer's responsibility to provide decontamination supplies for the fieldworkers. This is consistent with 40 CFR 170.401(c)(3)(i), (ix), (xi), and (xii). Proposed subsection 6724(b)(9) requires additional information for

emergency decontamination training such as eye flushing techniques, washing immediately with decontamination supplies and, as soon as possible, wash or shower with soap and water and change into clean clothes. These proposed amendments are to be consistent with 40 CFR 170.401(c)(3)(viii) and (ix).

DPR proposes to add subsection 6764(b)(6) to require training on wearing protective work clothing and washing work clothing separately from other laundry to be consistent with 40 CFR 170.401(c)(3)(xi) and (xiv).

DPR proposes to add subsection 6764(b)(7) to require training on Safety Data Sheets, which provide hazard, emergency medical treatment, and other information about the pesticides to which workers may come in contact to be consistent with 40 CFR 170.401(c)(3)(i) and (xvi).

DPR proposes to move subsection 6764(b)(10) to proposed subsection 6764(b)(8) that requires training on the hazard communication program requirements of 3 CCR section 6761. Section 6761 covers displaying Safety Data Sheets, providing workers information about the location of the Safety Data Sheets, and providing access to the Safety Data Sheets. DPR also proposes to require training on 3 CCR section 6761.1 requirements, which includes employer's responsibility to make available hazard and safety information, emergency medical information, pesticide use information, and entering treated areas. This is consistent with 40 CFR 170.401(c)(3)(i) and (xvi).

DPR proposes to add subsection 6764(b)(10) to require training on how and when to obtain medical care to be consistent with 40 CFR 170.401(c)(3)(x).

DPR proposes to renumber subsection 6764(b)(8), which requires training on prohibiting employees from taking pesticides or pesticide containers home from work, to subsection (b)(16). DPR made a minor amendment to this section for clarity and succinctness. This is consistent with 40 CFR 170.401(c)(xv).

DPR proposes to add subsection 6764(b)(13) to require training on the employer's responsibility to keep workers out of application exclusion zones to be consistent with 40 CFR 170.401(c)(3)(iii).

DPR proposes to add subsection 6764(b)(14) to require training on early-entry activity information, including minimum age requirements and employer's responsibility to provide specific information to the employees before directing them to perform early-entry activities to be consistent with 40 CFR 170.401(c)(3)(xviii).

DPR proposes to add subsection 6764(b)(15) to require training on the employer allowing or directing any employee to handle pesticides unless the employee is trained as a handler to be consistent with 40 CFR 170.401(c)(3)(xvii).

DPR proposes to add subsection 6764(b)(17) to include training topics related to potential hazards to children and pregnant women from pesticide exposures such as keeping nonworking family members away from treated areas, removing work shoes before entering the home, and

washing or showering before physical contact with children or family members to be consistent with 40 CFR 170.401(c)(3)(xix)-(xxi).

DPR proposes to add subsection 6764(b)(18) to include a training topic on how to report suspected violations to be consistent with 40 CFR 170.401(c)(3)(xxii).

DPR proposes to renumber subsection 6764(b)(11) to subsection (b)(19) and to add subsection (D) to subsection 6764(b)(19) to require training on the employee's right to report suspected violations to be consistent with 40 CFR 170.401(c)(3)(xxii). Additionally, DPR proposes to amend subsection 6764(b)(19)(B) to state that an employee representative designated in writing may receive information about pesticides to which the fieldworker may be exposed. This is consistent with the amendment made to section 6761(d) in the previous rulemaking.

DPR proposes to amend subsection 6764(f)(6) to correct terminology of a farm adviser employed by the University of California Cooperative Extension.

- 40 CFR 170.411 Decontamination Supplies for Workers

Recently amended 3 CCR section 6768(a) clarified that decontamination supplies must be located together at the decontamination site in accordance with 40 CFR 170.411(d). However, this revision inadvertently deleted the requirement that an employer assure sufficient water is accessible at all times for fieldworkers engaged in activities involving contact with treated surfaces in treated fields. DPR proposes to add back the term "sufficient" as it should not have been deleted in the amendments that went into effect on January 2, 2017. Also, this proposal is consistent with the decontamination site requirements for handlers in 3 CCR section 6734.

- 40 CFR 170.405 Entry Restriction Associated with Pesticide Applications

40 CFR 170.405(b) restricts workers not involved in a pesticide application from entering or remaining in either part of or the entire enclosed space during an application and for a period of time after the application. In order for these workers to re-enter the area, the ventilation criteria specified in 40 CFR 170.405(b)(3) must be met. The equivalent California regulations are found in 3 CCR section 6762(c)(2)(B), which outlines the restrictions for working in an enclosed space, and in 3 CCR section 6769, which contains the ventilation criteria. To be consistent with 40 CFR 170.405(b), the Department recently amended subsection 6762(c)(2)(B) to prohibit workers from entering or remaining in an enclosed space when a pesticide has been applied as a fine spray. Workers can re-enter the enclosed space after the ventilation criteria in section 6769 have been met. However, the current section 6769 does not specify ventilation criteria for fine spray pesticide applications. DPR proposes to amend section 6769 to add ventilation criteria for fine spray applications that is consistent with 40 CFR 170.405(b)(3). This revision was an oversight and should have been included in the amendments that went into effect on January 2, 2017.

- 40 CFR 170.409 Oral and Posted Notification of Worker Entry Intervals

Recently amended 3 CCR section 6776 requires the operator of the property to post a field treated with a pesticide when the field has a restricted entry interval greater than 48 hours. However, 40 CFR 170.409(a)(1)(ii) requires posting if the restricted entry interval is greater than 48 hours on the product label. DPR proposes to amend subsection 6776(a)(4) to require property operators to post fields treated with a pesticide that has a restricted entry interval greater than 48 hours on the product label to be in alignment with 40 CFR 170.409(a)(1)(ii).

EFFECTIVE DATE

DPR is proposing an implementation date of March 1, 2018 in order to allow employers to prepare for their annual pesticide safety training before the typical growing season begins.

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

DPR and OEHHA jointly and mutually developed the proposed regulations as specified in FAC sections 12980 and 12981, utilizing OEHHA's health-based recommendations as a factor in setting DPR's regulatory target level related to pesticides and worker safety. 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 August 20, 2013, Memorandum of Agreement developed per FAC section 11454.2.

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

DPR has also consulted with the several county agricultural commissioners.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION

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. The adoption of this regulation will bring California worker safety regulations into alignment with the recently revised federal WPS 40 CFR Part 170 that was noticed in the Federal Register, Vol. 80, No. 21 on November 2, 2015.

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 business in other states. DPR is proposing amendments to California worker safety regulation to include additional training topics required for pesticide handler and fieldworker trainings. The proposed regulatory

requirements will bring California worker safety regulations into alignment with the recently revised federal WPS 40 CFR Part 170 that was noticed in the Federal Register, Vol. 80, No. 21 on November 2, 2015.

ECONOMIC IMPACT ASSESSMENT PURSUANT TO SECTION 11346.3(b)

Creation or Elimination of Jobs within the State of California: The proposed action is not likely to create or eliminate jobs in California because the regulation is designed to align with the new federal WPS rules by expanding the training content required for pesticide handlers and fieldworkers.

Creation of New Business or the Elimination of Existing Businesses within the State of California: This proposal is not likely to create new businesses or eliminate existing businesses within the State of California. The proposed regulation is designed to align with the new federal WPS rules by expanding the training content required for pesticide handlers and fieldworkers.

The Expansion of Businesses Currently Doing Business within the State of California: This proposal is not likely to result in an expansion of businesses currently doing business within the State of California since the proposed regulation is designed to align with the new federal WPS rules by expanding the training content required for pesticide handlers and fieldworkers.

The Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment: The proposed regulatory requirements will bring California worker safety regulations into alignment with the recently revised federal WPS (40 CFR Part 170 that was noticed in the Federal Register, Vol. 80, No. 21 on November 2, 2015). Expanding the required training content will improve worker safety by providing a more comprehensive description of rights and protections and how to reduce risks and behaviors associated with accidental exposure to pesticide handlers and fieldworkers.

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

DPR's review of the proposed action showed that no significant adverse effect to California's environment can reasonably be expected to occur from implementing the proposal. Therefore, 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 agricultural pesticide workers. Though 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, but necessary to allow California to have a fully operational and independent program of worker safety when using pesticides.

DOCUMENTS RELIED UPON

1. Federal Register Volume 80, No. 211, 40 CFR Part 170 Pesticides; Agricultural Worker Protection Standard Revisions; Final Rule. November 2, 2015. Environmental Protection Agency.
2. Ogawa, J., Economic and Fiscal Impacts of Proposed Worker Protection Standard Regulations. Memorandum June 13, 2017.