

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 2. PESTICIDE REGULATORY PROGRAM
SUBCHAPTER 1. DEFINITION OF TERMS
ARTICLE 1. DEFINITIONS FOR DIVISION 6

Amend section 6000 to read:

6000. Definitions.

...

~~"Application exclusion zone" means the area surrounding the application equipment that must be free of all persons other than appropriately trained and equipped handlers during pesticide applications.~~

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NOTE: Authority cited: Sections 11456, 11502, 12111, 12781, 12976, 12981, 13145, 14001, and 14005, Food and Agricultural Code. Reference: Sections 11401.2, 11408, 11410, 11501, 11701, 11702(b), 11704, 11708(a), 12042(f), 12103, 12971, 12972, 12973, 12980, 12981, 13145, 13146, and 14006, Food and Agricultural Code.

CHAPTER 3. PEST CONTROL OPERATIONS
SUBCHAPTER 2. WORK REQUIREMENTS
ARTICLE 1. PEST CONTROL OPERATIONS GENERALLY

Amend section 6619 to read:

6619. Notice of Completed Applications.

(a) Any person applying pesticides for the commercial or research production of an agricultural plant commodity shall assure that the operator of the property treated receives notice, orally or in writing, and within 24 hours of completion of the pesticide application. This notice must include the following information:

- (1) The location of the property, including the site identification number, and acreage treated;
- (2) The pesticide product name(s), U.S. EPA registration number(s), and active ingredient(s);
- (3) Spray adjuvant product name(s) and California registration number(s), if applicable;
- (4) The date(s) and time(s) the application started and ended; and
- (5) The applicable reentry and pre-harvest intervals, unless a copy of a written recommendation for the subject application made by a licensed agricultural pest control adviser, properly completed, was given to the operator of the property treated.

(b) The operator of the treated property shall maintain a written record of the application(s) on their property. These records must include the ~~date(s) and time(s) the application started and ended~~ notice information specified in (a)(1-5).

(c) The operator of the property shall assure that notice of completed application is given to employees covered under section 6700 (which includes fieldworkers) and their employers except as provided in (e). The operator of the property is not required to provide notice to persons who will apply the pesticide(s) or supervise the application for which the notice is intended.

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NOTE: Authority cited: Sections 11456, 12796, and 12981, Food and Agricultural Code.
Reference: Sections 11501 and 12981, Food and Agricultural Code.

SUBCHAPTER 3. PESTICIDE WORKER SAFETY ARTICLE 1. GENERAL SCOPE AND PURPOSE

Amend section 6724 to read:

6724. Handler Training.

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

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

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

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

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

(3) Need for limitations, appropriate use, removal, and sanitation; of, any required personal protective equipment;

(4) Safety requirements and procedures, including engineering controls (such as closed mixing systems and enclosed cabs) for handling, transporting, storing, disposing of pesticides, and spill clean-up;

(5) Where and in what forms pesticides may be encountered, including treated surfaces, residues on clothing, personal protective equipment, application equipment, and drift;

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

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

(48) Signs and symptoms of overexposure;

(9) Routine decontamination procedures when handling pesticides, including that employees should:

(A) Wash hands before eating, drinking, using the toilet, chewing gum, or using tobacco;

(B) Thoroughly wash or shower with soap and water;

(C) Change into clean clothes as soon as possible; and

(D) Wash work clothes separately from other laundry before wearing them again.

(5) Emergency first aid for pesticide overexposure;

(10) How Safety Data Sheets provide hazard, emergency medical treatment, and other information about the pesticides with which employees may come in contact;

(11) The hazard communication program requirements of section 6723;

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

(6) How to obtain emergency medical care;

(713) Routine First aid and emergency decontamination procedures, including spill clean-up and emergency eye flushing techniques; and if pesticides are spilled or sprayed on the body to wash immediately with decontamination supplies and as soon as possible, wash or shower with soap and water and change into clean clothes; the need to thoroughly shower with soap and warm water after the exposure period;

(14) How and when to obtain emergency medical care;

(8) Need for, limitations, appropriate use, and sanitation, of, any required personal protective equipment;

(915) Prevention, recognition, and first aid for heat-related illness in accordance with Title 8 of the California Code of Regulations, section 3395;

(1016) Safety requirements and procedures, including engineering controls (such as closed systems and enclosed cabs) for handling, transporting, storing, and disposing of pesticides Requirements of this chapter and chapter 4 relating to pesticide safety, Safety Data Sheets, and Pesticide Safety Information Series leaflets;

(17) The requirement that handlers of pesticides used in the commercial or research production of an agricultural commodity must be at least 18 years of age;

(118) Environmental concerns such as drift, runoff, and wildlife hazards;

(19) Field posting requirements and restricted entry intervals when pesticides are applied for the commercial or research production of an agricultural commodity;

(1220) Warnings about That employees should not take pesticides or pesticide containers home from work;

(21) Potential hazards to children and pregnant women from pesticide exposures, including that:

(A) Children and nonworking family members should keep away from treated areas;

(B) After performing handling activities or after working in a treated area, employees should remove boots or shoes before entering the home and remove work clothes; and

(C) Employees should wash or shower before physical contact with children or family members.

(22) How to report suspected pesticide use violations; and

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

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

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

~~(16)~~(23) The employee's rights, including the right;

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

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

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

(D) To report suspected use violations to the Department or county agricultural commissioner.

(c) The training shall be in a manner the employee can understand, be conducted pursuant to the written training program, and include response to questions. Training for employees handling pesticides used for the commercial or research production of an agricultural commodity must be at a location reasonably free from distraction and trainers must be present throughout the entire presentation.

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

(e) The date and extent of initial and annually required training given to the employee and the job to be assigned shall be recorded. This record shall be verified by the employee's signature and retained by the employer for two years at a central location at the workplace accessible to employees. For an employee handling pesticides used for the commercial or research production of an agricultural commodity, the record must also include employee's printed name; the title(s) and source(s) of the training materials used; employer's name; and trainer's name and qualifications as specified in (f).

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

(1) A California certified commercial applicator;

(2) A California certified private applicator;

(3) A person holding a valid County Biologist License in Pesticide Regulation or Investigation and Environmental Monitoring issued by the Department of Food and Agriculture;

(4) A ~~farm advisor employed by the~~ University of California Extension Office Advisor;

(5) A person who has completed an "instructor trainer" program presented by one of the following:

(A) the University of California, Integrated Pest Management Program; or

(B) other instructor training program approved by the Director;

(6) A California licensed Agricultural Pest Control Adviser;

- (7) A California Registered Professional Forester; or
- (8) Other trainer qualification approved by the Director.

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

Amend section 6764 to read:

6764. Fieldworker Training.

(a) The employer shall assure that each employee assigned to work in a treated field has been trained within the last 12 months, in a manner the employee understands, before beginning work in the treated field.

(b) The training shall include the following information:

~~(1) Importance of routine decontamination and washing thoroughly after the exposure period; Where and in what forms pesticides may be encountered, including treated surfaces in the field, residues on clothing, personal protective equipment, application and chemigation equipment, irrigation water, and drift;~~

~~(2) Restricted entry intervals and what posting means, including both California and federal field posting sign formats; Potential hazards that pesticides present to fieldworkers and their families including acute, chronic, and delayed effects, and sensitization effects;~~

~~(3) Where pesticides are encountered, including treated surfaces in the field, residues on clothing, chemigation and drift;~~

~~(4) Routes of exposure by which pesticides can enter the body;~~

~~(5) The hazards of pesticides, including acute effects, chronic and delayed effects, and sensitization effects;~~

~~(6) Common signs and symptoms of overexposure;~~

~~(5) Routine decontamination procedures when working in a treated field and the employer's responsibility to provide decontamination supplies:~~

~~(A) Wash hands before eating, drinking, using the toilet, chewing gum, or using tobacco;~~

~~(B) Thoroughly wash or shower with soap and water; and~~

~~(C) Change into clean clothes as soon as possible.~~

~~(6) Wear work clothing that protects the body from pesticide residues when working in treated fields, and wash work clothes separately from other laundry before wearing them again;~~

~~(7) How Safety Data Sheets provide hazard, emergency medical treatment, and other information about the pesticides with which they may come in contact;~~

~~(8) The hazard communication program requirements of sections 6761 and 6761.1;~~

~~(7) First aid including and emergency decontamination; procedures including emergency eye flushing techniques, and if pesticides are spilled or sprayed on the body to wash immediately with decontamination supplies and as soon as possible, wash or shower with soap and water and change into clean clothes obtaining emergency medical care;~~

~~(10) How and when to obtain emergency medical care;~~

~~(8) Warnings about taking pesticides or pesticide containers home;~~

~~(9) Prevention, recognition, and first aid for heat-related illness in accordance with Title 8 of the California Code of Regulations, section 3395;~~

~~(10) The hazard communication program requirements of section 6761; and~~

(12) Restricted entry intervals and what posting means, including both California and federal field posting sign formats;

(13) Employer responsibility to keep workers out of application exclusion zones;

(14) Employees must be at least 18 years old to perform early-entry activities. The responsibility of the employer to provide specific information to the employees before directing them to perform early-entry activities;

(15) Employers are prohibited from allowing or directing any employee to handle pesticides unless the employee has been trained as a handler;

(16) Do not take pesticides or pesticide containers home from work;

(17) Potential hazards to children and pregnant women from pesticide exposures, including that:

(A) Children and nonworking family members should keep away from pesticide-treated fields;

(B) After working in pesticide-treated fields, remove boots or shoes before entering the home and remove work clothes; and

(C) Employees should wash or shower before physical contact with children or family members.

(18) How to report suspected pesticide use violations; and

~~(19)~~ Employee rights, including the right:

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

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

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

(D) To report suspected use violations to the Department or county agricultural commissioners.

(c) An employee who holds a valid personal pesticide license or certificate issued by the department, current documented pesticide handler training pursuant to section 6724, or other valid certificate of pesticide training approved by the director is considered to be trained for the purposes of this section.

(d) The information shall be presented in a manner the employee can understand, orally from written materials or audio visually, using nontechnical terms in a location reasonably free from distraction. The trainer shall be present throughout the training and shall respond to employee questions.

(e) The record of initial and annually required training given to the employee must include the date; employee's printed name and signature; the title(s) and source(s) of the training materials used; employer's name; and trainer's name and qualifications as specified in (f). This record shall be retained by the employer for two years at a central location at the workplace accessible to employees. The record must be provided to the employee upon request.

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

(1) A California certified applicator;

(2) A person holding any other valid license or certificate of personal pesticide qualification issued by the department;

(3) A person who has completed an "instructor training" program presented by one of the following:

(A) The University of California, Integrated Pest Management Program;

(B) Other instructor training program approved by the director;

(4) A California Registered Professional Forester;

(5) A person holding a valid County Biologist License in Pesticide Regulation or Investigation and Environmental Monitoring issued by the California Department of Food and Agriculture;

- (6) A ~~farm adviser employed by the University of California Extension Office~~ Advisor; or
- (7) Other valid trainer qualification approved by the director.

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

Amend section 6768 to read:

6768. Fieldworker Decontamination Facilities.

(a) The employer shall assure that sufficient water and the following are located together at the decontamination site and reasonably accessible for washing of hands and face and for emergency eye flushing to all fieldworkers engaged in activities involving contact with treated surfaces in treated fields:

(1) at least one gallon of water per employee, or three gallons of water per employee for employees engaged in early entry activities pursuant to section 6770(d). The water must be provided at the start of the work day and 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. The water 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;

(2) Soap (hand sanitizing gels and liquids or wet towelettes do not meet the requirement for soap); and

(3) Single use towels (wet towelettes do not meet the requirement for single-use towels).

(b) The decontamination facilities shall be not more than 1/4 mile from the fieldworkers (or at the nearest point of vehicular access). Employees must be notified of the location of the decontamination site prior to working in a treated field.

(c) The decontamination facilities shall not be in an area under a restricted entry interval unless the fieldworkers for whom the site is provided are performing early entry activities. The facilities shall not be in an area under treatment.

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

Amend section 6769 to read:

6769. Enclosed Space Ventilation Criteria.

When a pesticide with product labeling requiring respiratory protection for application is applied by any method, or when any pesticide is applied as a fumigant, smoke, mist, fine spray, fog, or aerosol inside an enclosed space, ventilation shall continue until:

(a) The concentration is measured and found not to exceed any pesticide product labeling standard; or

(b) One of the following has occurred if there is no labeling standard:

(1) Ten air exchanges are complete;

(2) Two hours of mechanical ventilation, such as with fans;

(3) Four hours of passive ventilation, such as opening vents, windows, or doors;

(4) Twenty-four hours with no ventilation; or

(5) Any combination of percentage portions of (1), (2), (3), and (4) the sum of which equals 100 percent.

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

Amend section 6776 to read:

6776. Field Posting.

(a) The operator of the property shall assure that signs are posted around treated fields in the following circumstances:

(1) Whenever required by pesticide product labeling, unless access to the treated field is controlled in a manner that assures no employee (other than the handlers making the application) will enter, work in, remain in, or walk within 1/4 mile during the application and the restricted entry interval.

(2) Applications in an entirely enclosed space, unless access is controlled in a manner that assures no employee (other than the handlers making the application) will enter, work in, remain in, or pass through the enclosed space during the application and the restricted entry interval.

(3) All other applications made in an enclosed space not specified in (2) that result in a restricted entry interval of greater than four hours, unless access to the enclosed space is controlled in a manner that assures no employee (other than the handlers making the application) will enter, work in, remain in, or walk within 1/4 mile during the application and the restricted entry interval.

(4) Any application that results in a restricted entry interval greater than 48 hours as specified on the product label ~~(after adjustment pursuant to section 6774)~~ unless access to the treated field is controlled in a manner that assures no employee (other than the handlers making the application) will enter, work in, remain in, or walk within 1/4 mile during the application and the restricted entry interval.

(b) The signs shall be of a size so that the wording specified in (2) and (3) is readable and the skull and crossbones symbol is clearly visible, to a person with normal vision, from a distance of 25 feet. Signs complying with the size requirements of Title 40 Code of Federal Regulations, Part 170.409 are considered to be readable at 25 feet. The signs shall contain the following:

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

(2) The words "DANGER" and "PELIGRO" and "PESTICIDES" and "PESTICIDAS" in the upper portion of the sign;

(3) The words "KEEP OUT" and "NO ENTRE" in the lower portion on the sign;

(4) Whenever the sign is used to indicate a restricted entry interval of more than 7 days, the following information in the lower portion of the sign:

(A) The date of unrestricted entry;

(B) The name of the operator of the property; and

(C) The field identification, (if any); ~~and~~

(5) All letters and the symbol shall be of a color which sharply contrasts with their immediate background; and

(6) The Spanish portion of the sign may be replaced with another non-English language which is read by a majority of workers who do not read English. The replacement sign must be in the same format and meet the same size and other requirements as the original.

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