

TEXT OF PROPOSED REGULATION

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

Amend section 6000 to read:

6000. Definitions.

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"**Handle**" means:

(a) ~~M~~ixing, loading, transferring, applying (including chemigation), or assisting with the application (including flagging) of pesticides;

(b) ~~M~~aintaining, servicing, repairing, cleaning, or handling equipment used in these activities that may contain residues;

(c) ~~W~~orking with opened (including emptied but not rinsed) containers of pesticides;

(d) ~~A~~adjusting, repairing, or removing treatment site coverings;

(e) ~~I~~ncorporating (mechanical or watered-in) pesticides into the soil;

(f) ~~E~~ntering a treated area during any application or before the inhalation exposure level listed on pesticide product labeling has been reached or ~~greenhouse~~enclosed space ventilation criteria have been met; ~~or~~

(g) ~~P~~performing the duties of a crop advisor, including field checking or scouting, making observations of the well-being of the plants, or taking samples during an application or any restricted entry interval or entry restricted period listed on pesticide product labeling; or

(h) ~~O~~ther handling activities specified by the label.

Handle does not include inspection, sampling, or other similar official duties performed by local, state, or federal officials.

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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 2. PESTICIDES
SUBCHAPTER 4. RESTRICTED MATERIALS
ARTICLE 5. USE REQUIREMENTS

Amend section 6470 to read:

6470. Cotton Harvest Aids.

S,S,S-tributyl phosphorotrithioate (DEF), tributyl phosphorotrithioite (Folex), or paraquat when used as cotton harvest aids, singly or in combination, shall be used only in accordance with the following restrictions:

(a) (1) ~~A~~ Closed systems ~~as specified in section 6000~~ shall be used for all mixing and transfers conducted by an employee.

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NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

CHAPTER 3. PEST CONTROL OPERATIONS
SUBCHAPTER 3. PESTICIDE WORKER SAFETY
ARTICLE 2. GENERAL SAFETY REQUIREMENTS

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, e~~Employers shall assure ~~that~~ all exempted personal protective equipment is ~~present and available for use at the worksite. When an employee is using a closed system or an enclosed cab, employers shall assure all personal protective equipment specified on the labeling is within reach of the employee operating the equipment. and~~ All exempted personal protective equipment must be 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 in situations where the handler has no liquid contact with a 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.

(b) Protective eyewear is not required when:

- (1) applying non-insecticidal lures or baiting insect monitoring traps;

(2) applying solid fumigants (including, but not limited to, aluminum phosphide, magnesium phosphide, and smoke cartridges) to vertebrate burrows; or,

(3) applying vertebrate pest control baits that are placed without being propelled from application equipment.

(c) Protective eyewear, coveralls, chemical-resistant gloves, and a chemical-resistant apron may be worn instead of personal protective equipment required by pesticide product labeling when using a closed system to handle pesticide products with the signal word “DANGER” or “WARNING”. This also applies when using a closed system to handle dry pesticide product formulations provided the requirements in section 6746(d) and (g) are met. For purposes of this subsection and subsection (d), persons mixing pesticides packaged in sealed and intact water-soluble packets are considered to be using a closed system.

(d) Protective eyewear and work clothing may be worn instead of personal protective equipment required by pesticide product labeling when using a closed system to handle pesticide products with the signal word “CAUTION”.

(e) Work clothing may be worn instead of personal protective equipment, including when required by pesticide product labeling, when occupying an enclosed cab as defined in section 6000. If a filtering facepiece respirator (NIOSH approval number prefix TC-84A) or dust/mist filtering respirator is required by the pesticide product labeling, then no respirator is required to be worn inside the enclosed cab if the enclosed cab has a properly functioning air ventilation system that is used and maintained in accordance with the manufacturer's written operating instructions. If any other type of respirator is required by the pesticide labeling, then the respirator must be worn inside the enclosed cab during handling activities. If personal protective equipment is contaminated by use in a treated area, it shall be removed and stored in a chemical-resistant container, such as a plastic bag, before reentering the cab.

(f) Work clothing may be worn instead of personal protective equipment, including when required by pesticide product labeling, when occupying an enclosed aircraft cockpit. Respiratory protection is not required to be worn when occupying an enclosed aircraft cockpit.

(g) A helmet may be worn instead of chemical-resistant headgear when operating an aircraft.

(h) A helmet with the face shield lowered to cover the face may be worn instead of protective eyewear when operating an aircraft.

Note: Authority cited: Sections 11456 and 12981, Food and Agricultural Code.

Reference: Sections 12980 and 12981, Food and Agricultural Code.

ARTICLE 3. FIELD WORKER SAFETY

Amend section 6776 to read:

6776. Field Postings.

(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 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);

(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.

(c) The signs shall:

(1) Be posted before the application begins but shall not be posted unless a pesticide application is scheduled within the next 24 hours;

(2) Remain posted and clearly legible throughout the application and the restricted entry interval; and,

(3) Be removed within three days after the end of the restricted entry interval and before any entry prohibited during a restricted entry interval.

(d) The signs shall be posted so that they are visible at all usual points of entry to the treated area, including each road, footpath, walkway, or aisle that enters the treated field, and each border with any worker housing area within 100 feet of the treated field. If there are no identified usual points of entry to the treated field, signs shall be posted at the corners of the treated field. When a treated field is adjacent to an unfenced public right-of-way, such as a road, trail, or path, additional signs shall be posted at each end of the treated field and at intervals not exceeding 600 feet along the treated field's border with the right-of-way.

(e) When a pesticide product with the signal word "DANGER" on the label, or a minimal exposure pesticide listed in section 6790, is being applied to a field through an irrigation system, signs shall be posted in the manner specified in (d). These signs shall contain the following:

(1) An octagon stop sign symbol at least eight inches in diameter containing the word "STOP" in English;

(2) The words "KEEP OUT" and "NO ENTRE" above the symbol and the words "PESTICIDES IN IRRIGATION WATER" and "PESTICIDAS EN AGUA de RIEGO" below the symbol;

(3) All letters shall be at least 2-1/2 inches tall; and

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

(f) When a fumigant is applied to a field, ~~signs~~the operator of the property shall be assure:

(1) Fields are posted with field fumigation warning signs in the manner specified in (d).

(2) These Field fumigation warning signs shall containing the following information instead of the information specified in (b) are used:

~~(1A)~~ The skull and crossbones symbol; and

~~(2B)~~ The following statements:

~~(A)1.~~ "DANGER/PELIGRO";

~~(B)2.~~ "Area under fumigation, DO NOT ENTER/NO ENTRE";

~~(C)3.~~ "(Name of Fumigant) Fumigant in use";

~~(D)4.~~ The date and time of the fumigation; and

~~(E)5.~~ The name, address, and telephone number of the applicator; and

(C) Other information as specified by the pesticide product labeling.

(3) Field fumigation warning signs:

(A) Are posted prior to application and no sooner than 24 hours before the application begins;

(B) Remain posted and clearly legible for the duration of the entry restricted period; and

(C) Are removed within three days after the end of the entry restricted period and before any entry prohibited during the entry restricted period.

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

ARTICLE 4. FUMIGATION

Amend section 6784 to read:

6784. Field Fumigation.

(a) ~~Signs required to be posted in accordance with section 6776(f) shall remain in place until aeration is complete.~~ (Reserved)

(b) The provisions of this subsection pertain to field soil fumigations using methyl bromide applied pursuant to the fumigation methods described in section 6447.3.

(1) Employer Recordkeeping. The employer shall maintain records for all employees performing fumigation-handling activities. The records must identify the person, work activity(ies), date(s), duration of handling, the U.S. Environmental Protection Agency Registration Number, and the brand name of the methyl bromide product handled. The employer shall maintain these use records at a central location for two years.

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