

WPS Regulations Updates for 2017

Regulation Changes - Worker Protection Standards Effective January 2, 2017

Changes were made to Title 3, California Code of Regulations (CCR) to be in alignment with newly revised federal Worker Protection Standard regulations (Title 40 Code of Federal Regulations, Part 170). The complete regulation sections can be found at: <http://www.cdpr.ca.gov/docs/legbills/rulepkgs.htm> (DPR 16-001). Changes to requirements include: training, notification, pesticide safety and hazard communication information, use of personal protective equipment, and emergency decontamination when using a pesticide for the commercial or research production of an agricultural commodity.

The purpose of the revisions is to further reduce occupational pesticide exposure and incident related illness among agricultural workers and pesticide handlers, when using pesticides for the production of an agricultural commodity.

Listed below are summaries of changes in the worker safety regulations, please see the above website for the complete regulations:

1. Application Exclusion Zone (3CCR 6000): This is an area surrounding the application that must be free of all persons other than trained and equipped handlers during pesticide applications.
Other definitions revised or added (3CCR 6000): Enclosed cab, Enclosed space (formerly Greenhouse), Field, Worker housing area.
2. Notice of Applications (3 CCR 6618) Must also now include: Start and estimated end times; whether the pesticide requires oral notification, posting of the field, or both; adjuvant name and registration number; instructions not to enter the field to be treated; and the application exclusion zone pursuant to section 3 CCR 6762. The person performing pest control is required to assure that the property operator receives notice of any changes prior to the application.
3. Notice of Completed Applications (3CCR 6619) Must also now include: The date(s) and time(s) the application started and ended; the property operator must maintain a written record of date(s) and time(s) applications on their property, started and ended.
4. Safety of Employed Persons 3CCR 6720: Pest control adviser and registered professional forester employees are no longer exempt from worker safety regulations.
5. Minimum Age Requirements (3CCR 6722): Prohibits an employer from allowing an employee under the age of 18 years old to handle pesticides used in the commercial or research production of an agricultural commodity or to enter a field under a restricted entry interval.
6. Hazard Communication for Pesticide Handlers A-8 (3CCR 6723): In addition to displaying the Hazard Communication for handlers at a central location in the workplace, it must also be posted at all permanent decontamination facilities and decontamination facilities servicing 11 or more handlers. Changes to the A-8 must be updated within 24 hours of the change.

If information is being requested from an employee representative, it must be in writing and include: name of employee being represented, specific information of – dates of employment of employee and for which the records are requested, type of work conducted by employee during the period requested. There must also be a written statement designating the employee representative on the employee's behalf which includes the employee's printed name, signature, date of designation and printed contact information for the employee representative, directions where to send the requested information.
7. Application-Specific Information for Handlers (3CCR 6723.1) Must also now include: Crop or site treated and identification of treated area, date(s) and time(s) the application started and ended, copy of the Safety Data Sheet(s) for the applied pesticide(s), records must be kept for 2 years.

8. Handler Training (3CCR 6724) New requirements include: Training for employees must be at a location free of distractions and trainer(s) must be present throughout the entire training; training records must include the employee's printed name, titles/sources of training materials used, employer's name, trainer's name and qualifications.
9. Emergency Medical Care for Handlers (3CCR 6726) New requirements: Employers shall provide medical personnel treating an employee for a suspected pesticide exposure: each product name and active ingredient, safety data sheet(s), and circumstances that could have resulted in exposure to the pesticide and the circumstances regarding the application/use of the pesticide.
10. Change Area (3CCR 6732): The change area must now include a minimum 3-gal water per handler (start of day), soap, single use towels (sanitizing gel/liquids and wet towelettes do not meet this requirement), water for emergency eye flushing.
11. Handler Decontamination Facilities (3CCR 6734) New requirements include: Decontamination facilities must be at the mix/load site and not more than ¼ mile away from handlers and have a minimum 3-gal water (start of day) per handler for washing, soap, single use towels (sanitizing gel/liquids and wet towelettes do not meet this requirement). Each handler must have immediately available 1 pint of water for emergency eyewash (may be carried by handler or on the vehicle/aircraft being used). When handler is mix/loading and label requires protective eyewear or a closed mixing system is used – handler must have immediate access to at least one system with enough water capable to deliver .4-gal/minute for at least 15 minutes (6-gal minimum) for gentle eye flushing. Employees must be notified of the decontamination facility location prior to handling.
12. Selection of Gloves (3CCR 6738.3) New: Chemical-resistant gloves brought into the cockpit of an aircraft applying pesticides must be stored in a chemical-resistant container.
13. Personal Protective Equipment Exemptions (3CCR 6738.4) New: Certain exemptions to personal protective equipment are now allowed when handling dry pesticide product formulations, providing specific closed system requirements are met; water-soluble packets must be sealed and intact to be considered a closed mixing system. When occupying an enclosed cab, if a filtering face piece respirator (NIOSH TC-84A) or dust/mist filtering respirator is required by pesticide product labeling, then no respirator is required to be worn inside the enclosed cab if it has a properly functioning/maintained air ventilation system; however, if any other type of respirator is required by the pesticide product labeling then the respirator must be worn inside the enclosed cab during handling activities.

New for aircraft pilots: 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. A helmet may be worn instead of chemical-resistant headgear when operating an aircraft. A helmet with the face shield lowered to cover the face may be worn instead of protective eyewear when operating an aircraft.

The employer shall assure that all exempted personal protective equipment is present and available for use at the worksite and stored in a chemical-resistant container.

14. Equipment Maintenance (3CCR 6744) New: Persons who own or operate pesticide mixing, loading or application equipment shall inform the person in charge of performing services which includes, cleaning, servicing or repair of that equipment, of the hazards of the pesticides that a person may encounter and methods to protect against personal injury. The owner or operator of the equipment shall also notify the person in charge of performing these services of the following: pesticide application equipment may be contaminated with pesticides, procedures for handling pesticide application equipment and limiting exposure to pesticide residues, personal hygiene/decontamination procedures for preventing pesticide exposure/removal of residues.

15. Hazard Communication for Fieldworkers A-9 (3CCR 6761): In addition to displaying the Hazard Communication for fieldworkers (PSIS A-9) at the worksite or central location (wherever they start work), it must also be posted at all permanent decontamination facilities and decontamination facilities servicing 11 or more fieldworkers. Changes to the PSIS A-9 must be updated within 24 hours of the change.

If information is being requested from an employee representative, it must be in writing and include: name of employee being represented, specific information of – dates of employment of employee and for which the records are requested, type of work conducted by employee during the period requested. There must also be a written statement designating the employee representative on the employee's behalf which includes the employee's printed name, signature, date of designation and printed contact information for the employee representative, directions where to send the requested information.

16. Application-Specific Information for Fieldworkers (3CCR 6761.1) Must also now include: Crop or site treated and identification of treated area, date(s) and time(s) the application started and ended, copy of the Safety Data Sheet(s) for the applied pesticide(s), records must be kept for 2 years.
17. Field Work During Pesticide Application (3CCR 6762): No employer shall direct or allow any person, other than the persons (handlers) making the application to enter or remain in a treated area or application exclusion zone (AEZ). Application exclusion zones are determined by method of application and is the area surrounding application equipment in which all non-handler persons must keep out of.

For outdoor production, if the pesticide is applied:

- a. Aerial applications, air blast, fumigant, smoke, mist, fog, fine spray = 100 ft. AEZ
- b. Applied in a manner not specified in "a." and is medium spray at a height greater than 12 inches from the soil or planting medium = 25 ft. AEZ
- c. No AEZ when the pesticide is applied in a manner other than those in "a." or "b." for outdoor production

For enclosed space production, if the pesticide is applied:

- a. As a space treatment (fumigant, smoke, fog, aerosol, mist), or the label requires respiratory protection, until the ventilation criteria have been met, the AEZ = the entire enclosed space plus any adjacent area that is not sealed (sufficient to prevent pesticide transfer) from the treatment site.
- b. Using a fine spray, until the ventilation criteria has been met = entire enclosed space
- c. Spray from a height greater than 12 inches from the soil or other planting medium or as medium or larger size spray droplets = 25 ft AEZ within the enclosed space
- d. No AEZ when the pesticide is applied in a manner other than "a., b., c." for enclosed space production

For interpretation of spray quality (fine, medium or large), refer to American Society of Agricultural and Biological Engineers (ASABE) S572.1.

18. Fieldworker Training (3CCR 6764) New: Training must be conducted annually and documented (U.S. EPA training cards are NO longer valid). Training for employees must be at a location free of distractions, and trainer(s) must be present throughout the entire training; training records must include the employee's printed name, titles/sources of training materials used, employer's name, trainer's name and qualifications. Records must be kept 2 years and accessible to employees upon request.

19. Emergency Medical Care for Fieldworkers (3CCR 6776) New requirements: Employers shall provide medical personnel treating an employee for a suspected pesticide exposure: each pesticide product name and active ingredient, safety data sheet(s), and circumstances that could have resulted in exposure to the pesticide and the circumstances regarding the application/use of the pesticide.
20. Fieldworker Decontamination Facilities (3CCR 6768) New requirements include: For washing of hands, face and emergency eye flushing, the following must be located together at the decontamination site and not more than ¼ mile away from fieldworkers - minimum 1-gal water per employee (start of day) or minimum 3-gal water per employee for early entry activities (start of day), soap, and single use towels (sanitizing gel/liquids and wet towelettes do not meet this requirement). Employees must be notified of the decontamination facility location prior to working in a treated field.
21. Field Entry After Scheduled or Completed Pesticide Applications (3 CCR 6770) Changes: The operator of the property and any hired employer shall not allow or direct any of his or her employees to enter a treated field before the REI has expired, except as provided:
No contact activities: Employees may enter a treated field during a REI provided the employer assures that there will be no contact with anything that has been treated, including soil, water, air, equipment or plant surfaces. (Refer to complete regulations for other restrictions.)
Short-term, limited-contact activities: Employees may enter a treated field during a REI to conduct limited contact activities (i.e. irrigation) that are necessary and unforeseen, provided the employer assures that: No hand labor activities are performed. (Refer to complete regulations for other restrictions.)
22. Requirements for Early Entry Employees (3CCR 6771) Must now include: Before entering a field under a restricted entry interval (REI), the employer shall inform the employee orally of the following: location of the early entry area where work activities are to be performed, the pesticides that were applied and date(s) and time(s) the REI began and ends, location of PSIS A-8 and A-9. Employer must provide (for washing at the end of the exposure period) a minimum of 3-gal water per employee, soap, single use towels, and include at least one clean change of coveralls.
23. Field Postings (3CCR 6776) Changes include: Unless access to the treated field is controlled in a manner that assures no employee (other than handlers making the application) will enter, work in, remain in, or walk within ¼ mile during the application and the REI, then posting around treated fields is required in the following circumstances:
Property Operators are now required to post fields treated with a pesticide that has a REI greater than 48 hours.
Posting is required during the application and REI for entirely enclosed spaces and enclosed spaces that have a REI of more than 4 hrs.
Signs must include (color of letters/symbols that sharply contrast with the immediate background):
REI 48 hours: Words (in upper portion of sign) DANGER, PELIGRO, PESTICIDES, PESTICIDAS
Near center of sign – Skull & Crossbones
Words (in lower portion of sign) KEEP OUT, NO ENTRE
When REI is more than 7 days, signs must also include:
Date when REI expires
Name of the operator of the property
Field identification (site number, field name, etc)
24. Fumigation of Enclosed Areas (3CCR 6782) New: When using a fumigant for the commercial or research production of an agricultural commodity, any employee in an enclosed area during a fumigant application shall maintain continuous visual or voice contact with another employee stationed immediately outside of the enclosed area.