

Overview of what's new in California regulations to comply with 2017 federal Worker Protection Standard (WPS)

Enclosed Space – a new term that replaces greenhouse and includes more structures [3CCR 6000 defines it]; deleted greenhouse definition [3CCR 6000]; affected sections replaced with new term [3CCR 6769-6770].

Application Exclusion Zone (AEZ) – the area surrounding application equipment during an application which must exclude persons [3CCR 6000 defines]; no employer shall direct or allow non-handler into the AEZ [3CCR 6762(c)]; specifies 100ft or 25ft distance for outdoor production [3CCR 6762(c)(1)]; and specifies distance for enclosed space (including greenhouse) production including spray quality [3CCR 6762(c)(2)].

Fieldworker training required annually; employer must maintain record for two years [3CCR 6764].

Post treated field for any restricted entry interval (REI) greater than 48 hours or, if entirely enclosed space (i.e. greenhouse) an REI greater than 4 hours, with some exceptions [3CCR 6776 (a)(3) and (a)(4)]; and specifies posting each field border that is within 100 feet of worker housing area [3CCR 6776(d)]. The term Worker Housing Area is defined in 3CCR 6000.

Decontamination sites and supplies and work-specific decontamination water quantities for applicators, mixer/loaders, fieldworkers and early entry workers. Additional eye wash system requirements for mix/load sites. Cannot substitute with hand sanitizers, gels or moist towelettes. Employee must be informed of location prior to beginning their work [3CCR 6734 handlers, 3CCR 6768 fieldworkers, 3CCR 6732 handler change area]. Deleted the reference to Title 8 field sanitation [3CCR 6771(g)(i)].

Notice to property operator must now include application start time and estimated end time, any changes to the notice, and instruction not to enter AEZ [3CCR 6618(a)]. The notice of completion to property operator must now include start and end time and must maintain the record [3CCR 6619(a)(b)].

Age minimum 18 years for handler or early entry worker [3CCR 6722].

Hazard communication for handlers [3CCR 6723(b)] and for fieldworkers [3CCR 6761]. Requires the Pesticide Safety Information Series (PSIS) A-8 posting at all permanent decontamination facilities and at those servicing 11 or more handlers. Requires PSIS A-9 posting at all permanent decontamination facilities and at those servicing 11 or more fieldworkers. Changes to emergency medical care info on the A-8 or A-9 must be updated within 24 hours of the change.

Pest Control Advisor (PCAs) and foresters must now comply with emergency medical posting, decontamination facilities, and PPE requirements for their employees [3CCR 6720(d) removed exemptions].

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Enclosed Cabs – Revised definition(s) by removing ASAE reference and replaced with “prevents dermal contact” [3CCR 6000] and expanded the respirator PPE requirements [6738.4(e)].

Training handlers [3CCR 6724(c)] or fieldworkers [3CCR 6764] – Location of training must be “reasonably free from distraction”; trainer must be present throughout the training; record must now include employee name, info about the trainer and their materials; employer must provide the record to fieldworker upon request; deleted reference to fieldworker EPA verification card because it no longer exists.

Application-specific display for handlers [3CCR 6723.1] or fieldworkers [3CCR 6761.1] must now include crop/site treated, start and end time of application, and safety data sheets (SDS). Employer must retain these records for two years.

Field reentry, early entry employees – The tractor or enclosed cab description of “no contact” was deleted; a previous EPA-granted exception was deleted and replaced with “no hand labor activities are performed” [3CCR 6770(d)]. Prior to early entry, employee must now be informed orally of several items, including location of their work activities, pesticide(s) applied, date and time the REI begins and ends, and location of required PSIS A-8 and A-9 [3CCR 6771(a)].

Fumigating an Enclosed Area – Employee in the enclosed area during a fumigation must maintain continuous visual or voice contact with another stationed immediately outside the enclosed area [3CCR 6782]. Replaced the term Enclosed Spaces with Enclosed Areas to not conflict with new definition in 3CCR 6000 for Enclosed Space.

Emergency medical care information for Handlers [3CCR 6726(d)] and for Fieldworkers [3CCR 6766(d)] must be provided by the employer to medical care personnel.

Equipment maintenance – Expands the owner/operator information to be given to a cleaning, servicing, or repairing service [3CCR 6744].

Closed systems personal protective equipment (PPE) exemption is allowed for dry pesticide product formulations in certain circumstances [3CCR 6738.4(c)].

Aircraft PPE – If chemical-resistant gloves are brought into cockpit, they must be stored in container [3CCR 6738.3]. Certain PPE exemptions and substitutions are specified for gloves, eyewear, work clothing, headgear, and faceshield [3CCR 6738.4(a)(f)(g)(h)].

An employee (handler or fieldworker) representative requesting records must do so in writing and follow specific procedures [3CCR 6723(d), 6761(d)].