FARM LABOR CONTRACTOR REGISTRATION PACKET



Your signature below acknowledges that you have received a summary of requirements provided by the Yuba County Department of Agriculture. A civil penalty may be levied for each violation.

Print Name

Signature

Registration Number

Date

Stephen M. Scheer
Agricultural Commissioner

Agricultural Specialist

Subchapter 7. General Industry Safety Orders
Group 2. Safe Practices and Personal Protection
Article 10. Personal Safety Devices and Safeguards

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§3395. Heat Illness Prevention

(a) Scope and Application.

(1) This standard applies to all outdoor places of employment.

EXCEPTION: If an industry is not listed in subsection (a)(2), employers in that industry are not required to comply with subsection (e), High-heat procedures.

(2) List of industries subject to all provisions of this standard, including subsection (e):

(A) Agriculture

(B) Construction

(C) Landscaping

(D) Oil and gas extraction

(E) Transportation or delivery of agricultural products, construction materials or other heavy materials (e.g. furniture, lumber, freight, cargo, cabinets, industrial or commercial materials), except for employment that consists of operating an air-conditioned vehicle and does not include loading or unloading.

(3) This section applies to the control of risk of occurrence of heat illness. This is not intended to exclude the application of other sections of Title 8, including, but not necessarily limited to, sections 1512, 1524, 3203, 3363, 3400, 3439, 3457, 6251, 6512, 6969, 6975, 8420 and 8602(e).

NOTE NO. 1: The measures required here may be integrated into the employer's written Injury and Illness Program required by section 3203, or maintained in a separate document.

NOTE NO. 2: This standard is enforceable by the Division of Occupational Safety and Health pursuant to Labor Code sections 6308 and 6317 and any other statutes conferring enforcement powers upon the Division. It is a violation of Labor Code sections 6310, 6311, and 6312 to discharge or discriminate in any other manner against employees for exercising their rights under this or any other provision offering occupational safety and health protection to employees.

(b) Definitions.

“Acclimatization” means temporary adaptation of the body to work in the heat that occurs gradually when a person is exposed to it. Acclimatization peaks in most people within four to fourteen days of regular work for at least two hours per day in the heat.

“Heat Illness” means a serious medical condition resulting from the body's inability to cope with a particular heat load, and includes heat cramps, heat exhaustion, heat syncope and heat stroke.

“Environmental risk factors for heat illness” means working conditions that create the possibility that heat illness could occur, including air temperature, relative humidity, radiant heat from the sun and other sources, conductive heat sources such as the ground, air movement, workload severity and duration, protective clothing and personal protective equipment worn by employees.
“Landscaping” means providing landscape care and maintenance services and/or installing trees, shrubs, plants, lawns, or gardens, or providing these services in conjunction with the design of landscape plans and/or the construction (i.e., installation) of walkways, retaining walls, decks, fences, ponds, and similar structures, except for employment by an employer who operates a fixed establishment where the work is to be performed and where drinking water is plumbed.
“Oil and gas extraction” means operating and/or developing oil and gas field properties, exploring for crude petroleum or natural gas, mining or extracting of oil or gas or recovering liquid hydrocarbons from oil or gas field gases.
“Personal risk factors for heat illness” means factors such as an individual's age, degree of acclimatization, health, water consumption, alcohol consumption, caffeine consumption, and use of prescription medications that affect the body's water retention or other physiological responses to heat.
“Shade” means blockage of direct sunlight. One indicator that blockage is sufficient is when objects do not cast a shadow in the area of blocked sunlight. Shade is not adequate when heat in the area of shade defeats the purpose of shade, which is to allow the body to cool. For example, a car sitting in the sun does not provide acceptable shade to a person inside it, unless the car is running with air conditioning. Shade may be provided by any natural or artificial means that does not expose employees to unsafe or unhealthy conditions and that does not deter or discourage access or use.
“Temperature” means the dry bulb temperature in degrees Fahrenheit obtainable by using a thermometer to measure the outdoor temperature in an area where there is no shade. While the temperature measurement must be taken in an area with full sunlight, the bulb or sensor of the thermometer should be shielded while taking the measurement, e.g., with the hand or some other object, from direct contact by sunlight.
(c) Provision of water. Employees shall have access to potable drinking water meeting the requirements of Sections 1524, 3363, and 3457, as applicable, including but not limited to the requirements that it be fresh, pure, suitably cool, and provided to employees free of charge. The water shall be located as close as practicable to the areas where employees are working. Where drinking water is not plumbed or otherwise continuously supplied, it shall be provided in sufficient quantity at the beginning of the work shift to provide one quart per employee per hour for drinking for the entire shift. Employers may begin the shift with smaller quantities of water if they have effective procedures for replenishment during the shift as needed to allow employees to drink one quart or more per hour. The frequent drinking of water, as described in subsection (h)(1)(C), shall be encouraged.

(d) Access to shade.
(1) Shade shall be present when the temperature exceeds 80 degrees Fahrenheit. When the outdoor temperature in the work area exceeds 80 degrees Fahrenheit, the employer shall have and maintain one or more areas with shade at all times while employees are present that are either open to the air or provided with ventilation or cooling. The amount of shade present shall be at least enough to accommodate the number of employees on recovery or rest periods, so that they can sit in a normal posture fully in the shade without having to be in physical contact with each other. The shade shall be located as close as practicable to the areas where employees are working. Subject to the same specifications, the amount of shade present during meal periods shall be at least enough to accommodate the number of employees on the meal period who remain onsite.

(2) Shade shall be available when the temperature does not exceed 80 degrees Fahrenheit. When the outdoor temperature in the work area does not exceed 80 degrees Fahrenheit employers shall either provide shade as per subsection (d)(1) or provide timely access to shade upon an employee's request.

(3) Employees shall be allowed and encouraged to take a preventative cool-down rest in the shade when they feel the need to do so to protect themselves from overheating. Such access to shade shall be permitted at all times. An individual employee who takes a preventative cool-down rest (A) shall be monitored and asked if he or she is experiencing symptoms of heat illness; (B) shall be encouraged to remain in the shade; and (C) shall not be ordered back to work until any signs or symptoms of heat illness have abated, but in no event less than 5 minutes in addition to the time needed to access the shade.

(4) If an employee exhibits signs or reports symptoms of heat illness while taking a preventative cool-down rest or during a preventative cool-down rest period, the employer shall provide appropriate first aid or emergency response according to subsection (f) of this section.

Exceptions to subsections (d)(1) and (d)(2):
(1) Where the employer can demonstrate that it is infeasible or unsafe to have a shade structure, or otherwise to have shade present on a continuous basis, the employer may utilize alternative procedures for providing access to shade if the alternative procedures provide equivalent protection.

(2) Except for employers in the agricultural industry, cooling measures other than shade (e.g., use of misting machines) may be provided in lieu of shade if the employer can demonstrate that these measures are at least as effective as shade in allowing employees to cool.

(e) High-heat procedures. The employer shall implement high-heat procedures when the temperature equals or exceeds 95 degrees Fahrenheit. These procedures shall include the following to the extent practicable:
(1) Ensuring that effective communication by voice, observation, or electronic means is maintained so that employees at the work site can contact a supervisor when necessary. An electronic device, such as a cell phone or text messaging device, may be used for this purpose only if reception in the area is reliable.

(2) Observing employees for alertness and signs or symptoms of heat illness. The employer shall ensure effective employee observation/monitoring by implementing one or more of the following:
(A) Supervisor or designee observation of 20 or fewer employees, or

(B) Mandatory buddy system, or

(C) Regular communication with sole employee such as by radio or cellular phone, or

(D) Other effective means of observation.

(3) Designating one or more employees on each worksite as authorized to call for emergency medical services, and allowing other employees to call for emergency services when no designated employee is available.

(4) Reminding employees throughout the work shift to drink plenty of water.

(5) Pre-shift meetings before the commencement of work to review the high heat procedures, encourage employees to drink plenty of water, and remind employees of their right to take a cool-down rest when necessary.

(6) For employees employed in agriculture, the following shall also apply:

When temperatures reach 95 degrees or above, the employer shall ensure that the employee takes a minimum ten minute net preventative cool-down rest period every two hours. The preventative cool-down rest period required by this paragraph may be provided concurrently with any other meal or rest period required by Industrial Welfare Commission Order No. 14 (8 CCR 11140) if the timing of the preventative cool-down rest period coincides with a required meal or rest period thus resulting in no additional preventative cool-down rest period required in an eight hour workday. If the workday will extend beyond eight hours, then an additional preventative cool-down rest period will be required at the conclusion of the eighth hour of work; and if the workday extends beyond ten hours, then another preventative cool-down rest period will be required at the conclusion of the tenth hour and so on. For purposes of this section, preventative cool-down rest period has the same meaning as “recovery period” in Labor Code Section 226.7(a).

(f) Emergency Response Procedures. The Employer shall implement effective emergency response procedures including:
(1) Ensuring that effective communication by voice, observation, or electronic means is maintained so that employees at the work site can contact a supervisor or emergency medical services when necessary. An electronic device, such as a cell phone or text messaging device, may be used for this purpose only if reception in the area is reliable. If an electronic device will not furnish reliable communication in the work area, the employer will ensure a means of summoning emergency medical services.

(2) Responding to signs and symptoms of possible heat illness, including but not limited to first aid measures and how emergency medical services will be provided.
(A) If a supervisor observes, or any employee reports, any signs or symptoms of heat illness in any employee, the supervisor shall take immediate action commensurate with the severity of the illness.

(B) If the signs or symptoms are indicators of severe heat illness (such as, but not limited to, decreased level of consciousness, staggering, vomiting, disorientation, irrational behavior or convulsions), the employer must implement emergency response procedures.

(C) An employee exhibiting signs or symptoms of heat illness shall be monitored and shall not be left alone or sent home without being offered onsite first aid and/or being provided with emergency medical services in accordance with the employer's procedures.

(3) Contacting emergency medical services and, if necessary, transporting employees to a place where they can be reached by an emergency medical provider.

(4) Ensuring that, in the event of an emergency, clear and precise directions to the work site can and will be provided as needed to emergency responders.

(g) Acclimatization.

(1) All employees shall be closely observed by a supervisor or designee during a heat wave. For purposes of this section only, “heat wave” means any day in which the predicted high temperature for the day will be at least 80 degrees Fahrenheit and at least ten degrees Fahrenheit higher than the average high daily temperature in the preceding five days.

(2) An employee who has been newly assigned to a high heat area shall be closely observed by a supervisor or designee for the first 14 days of the employee's employment.

(h) Training.
(1) Employee training. Effective training in the following topics shall be provided to each supervisory and non-supervisory employee before the employee begins work that should reasonably be anticipated to result in exposure to the risk of heat illness:
(A) The environmental and personal risk factors for heat illness, as well as the added burden of heat load on the body caused by exertion, clothing, and personal protective equipment.

(B) The employer's procedures for complying with the requirements of this standard, including, but not limited to, the employer's responsibility to provide water, shade, cool-down rests, and access to first aid as well as the employees' right to exercise their rights under this standard without retaliation.

(C) The importance of frequent consumption of small quantities of water, up to 4 cups per hour, when the work environment is hot and employees are likely to be sweating more than usual in the performance of their duties.

(D) The concept, importance, and methods of acclimatization pursuant to the employer's procedures under subsection (i)(4).

(E) The different types of heat illness, the common signs and symptoms of heat illness, and appropriate first aid and/or emergency responses to the different types of heat illness, and in addition, that heat illness may progress quickly from mild symptoms and signs to serious and life threatening illness.

(F) The importance to employees of immediately reporting to the employer, directly or through the employee's supervisor, symptoms or signs of heat illness in themselves, or in co-workers.

(G) The employer's procedures for responding to signs or symptoms of possible heat illness, including how emergency medical services will be provided should they become necessary.

(H) The employer's procedures for contacting emergency medical services, and if necessary, for transporting employees to a point where they can be reached by an emergency medical service provider.

(I) The employer's procedures for ensuring that, in the event of an emergency, clear and precise directions to the work site can and will be provided as needed to emergency responders. These procedures shall include designating a person to be available to ensure that emergency procedures are invoked when appropriate.

(2) Supervisor training. Prior to supervising employees performing work that should reasonably be anticipated to result in exposure to the risk of heat illness effective training on the following topics shall be provided to the supervisor:
(A) The information required to be provided by section (h)(1) above.

(B) The procedures the supervisor is to follow to implement the applicable provisions in this section.

(C) The procedures the supervisor is to follow when an employee exhibits signs or reports symptoms consistent with possible heat illness, including emergency response procedures.

(D) How to monitor weather reports and how to respond to hot weather advisories.

(i) Heat Illness Prevention Plan. The employer shall establish, implement, and maintain, an effective heat illness prevention plan. The plan shall be in writing in both English and the language understood by the majority of the employees and shall be made available at the worksite to employees and to representatives of the Division upon request. The Heat Illness Prevention Plan may be included as part of the employer's Illness and Injury Prevention Program required by section 3203, and shall, at a minimum, contain:
(1) Procedures for the provision of water and access to shade.
(2) The high heat procedures referred to in subsection (e).
(3) Emergency Response Procedures in accordance with subsection (f).
(4) Acclimatization methods and procedures in accordance with subsection (g).
Note: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

FARM LABOR CONTRACTOR, *Extracts*

6618. Notice of Applications.

(a) This subsection applies to the use of any pesticide for the commercial or research production of an agricultural plant commodity. Notifications required by this subsection must be given orally or in writing and completed prior to the use of any pesticide and in ample time for all subsequent notifications to be made and for all persons notified to take appropriate action. This time will differ depending on the circumstances of each notification.

(1) Each person performing pest control shall assure that the operator of the property to be treated receives notice of the scheduled application. The notice must be in a manner the person can understand and include:

(A) The date of the scheduled application;

(B) The location and description of the field to be treated;

(C) The pesticide product name(s), U.S. EPA registration number(s), and active ingredient(s);

(D) Spray adjuvant product name(s) and California registration number(s), if applicable;

(E) The applicable restricted entry interval;

(F) If the pesticide product labeling requires the posting of treated fields-and

(G) Any other precautions printed on the pesticide product labeling, or included in applicable laws and regulations, related to the protection of employees or other persons during or after application.

(2) If there is a change in the date of the scheduled application specified in (a)(1)(A), each person performing pest control shall assure that the operator of the property receives notice of this change prior to the application.

(3) The operator of the property shall assure that notice of the scheduled application is given to employees covered under section 6700 (which includes fieldworkers) and their employers working on the operator's property except as provided in (a)(5). 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.

(4) Any employer notified of a scheduled application by the operator of the property shall assure that notice of the scheduled application is given to his or her employees working on the operator's property except as provided in (a)(5).

(5) The notice specified in subsections (a)(3) and (4) is not required to be given to an employee covered under section 6700 (which includes fieldworkers) or their employer if the operator of the property can assure that:

(A) The field to be treated is posted pursuant to section 6776(b-f), unless the pesticide product labeling requires both oral notification and the posting of treated fields; or

(B) From the start of the application and until the notice of completion pursuant to section 6619(c) is received, the employee or employer will not enter or walk within ¼ mile of the field to be treated.

(6) The operator of the property shall assure that notice is given to persons, other than those specified in subsection (a)(3), whom the operator of the property has prior knowledge that he or she will likely enter the field to be treated on the date of the application or while the restricted entry interval is in effect. This notice is not required when a field to be treated is posted as specified in section 6776(b-f).

(7) The notices specified in subsection (a)(3), (4), and (6) must be in a manner the person can understand and include:

(A) The date of the scheduled application;

(B) The location and description of the field to be treated: and

(C) Instructions not to enter the field to be treated until authorized by the operator of the property.

(8) If there is a change in the date of the scheduled application specified in (a)(7)(A), then a new notice must be provided to persons specified in (a)(3), (4), and (6) prior to the application.

6768. Fieldworker Decontamination Facilities.

(a) The employer shall assure that sufficient water (of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed), soap, and single use towels for washing of hands and face and for emergency eye flushing are reasonably accessible to all fieldworkers engaged in activities involving contact with treated surfaces in treated fields. The decontamination facilities shall be not more than 1/4 mile from the fieldworkers (or at the nearest point of vehicular access). Handwashing facilities provided in conjunction with toilet facilities pursuant to Title 8 California Code of Regulations, Section 3457 (Field Sanitation), shall be considered adequate for the purposes of this Section.

(b) 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

6761. Hazard Communication for Field Workers.

(a) Whenever employees are working as field workers in a treated field, the employer shall display at the worksite, a copy of a completed written Hazard Communication Information for Employees Working in Fields (Pesticide Safety Information Series leaflet A-9). In the event that fieldworkers gather at a central location prior to transportation to the worksite, the Pesticide Safety Information Series leaflet A-9 may instead be displayed at that central location. Pesticide Safety Information Series leaflet A-9 shall be written by

the department in English and Spanish. Upon request, the employer shall read to the requesting employee, in a language understandable to that employee, Pesticide Safety Information Series leaflet A-9. Pesticide Safety Information Series leaflets are available from the department.

(b) The operator of the property shall maintain in a central location at the workplace accessible to employees, including the employees of labor contractors, who enter a treated field, the following:

(1) Pesticide use records specified in Section 6624(b), (c), (d) and (e) for pesticides that have been applied to the field within the last two years;

(2) A Material Safety Data Sheet (MSDS), as specified in Title 8, California Code of Regulations, Section 5194, for each pesticide listed in the pesticide use records referred to in subsection (b)(1). If the MSDS is not provided by the registrant of a pesticide, the operator of the property shall:

(A) Within seven working days of a request for a MSDS from an employee, employee representative or employee's physician, make written inquiry to the registrant of the pesticide, asking that a MSDS be sent to the operator of the property. If the operator of the property has made a written inquiry within the last twelve months as to whether the pesticide is subject to the requirement for a MSDS or the operator of the property has made a written inquiry within the last six months requesting new, revised or later information on the MSDS, the operator of the property need not make additional written inquiry. A copy of the written inquiry shall immediately be sent to the person requesting the MSDS;

(B) Notify the requester of the availability of the MSDS or provide a copy of the MSDS to the requester within fifteen days of receipt of the MSDS from the registrant; and

(C) If a response has not been received from the registrant within twenty-five working days of the date the inquiry was made, send the department a copy of the inquiry with a notation that no response has been received. The operator of the property is not precluded from obtaining and providing the MSDS utilizing other more expedient methods in lieu of those provided in this subsection.

(c) The operator of the property shall inform his or her employees, before they are allowed to enter a treated field, of the location and availability of any records and other documents required by subsections (a) and (b). If the employees are employed by a labor contractor, the operator of the property shall inform the labor contractor of the location or changed location, of the records and other documents. The labor contractor shall provide that information to his or her employees. If the location of the records and other documents changes, the operator of the property and the labor contractor shall promptly inform his or her employees of the new location. The employer, including the labor contractor, shall also inform their employees that they, their physicians and their representatives have a right of access to the information and that the employees are protected against discharge or other discrimination due to the exercise of their rights under this Section.

(d) The operator of the property shall provide, upon request of his or her employee, an employee of a labor contractor, employee representative, or an employee's physician, access to any records, documents and information required to be maintained by this chapter. Access shall be granted as soon as possible and not to exceed forty-eight hours from the date of the request.

INFORMATIONAL NOTE: Other requirements relating to hazard communication can be found in sections 6602, 6618, 6619, 6724, 6726, 6738, 6744, 6764, 6766, 6770, 6771, and 6776.

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

Reference: Sections 12980 and 12981, Food and Agricultural Code; and 29 Code of Federal Regulations, Part 1910.1200.

6761.1. Application-Specific Information for Fieldworkers.

(a) The operator of property used for the commercial or research production of an agricultural plant commodity shall display at a central location the following application-specific information, while fieldworkers are employed to work in treated fields on the operator’s property:

(1) Identification of the treated field;

(2) Time and date of the application;

(3) Restricted entry interval;

(4) Product name(s), U.S. EPA registration number(s), and active ingredient(s); and

(5) Spray adjuvant product name(s) and California registration number(s) if applicable.

(b) The information must be displayed when the operator of the property receives notice of the completion of an application and before any fieldworkers are allowed to enter the treated field. The information must include all applications that have been made to any field on the operator’s property. The information must remain displayed until the area no longer meets the definition of a treated field or fieldworkers will no longer be on the operator’s property, whichever occurs earlier.

(d) The operator of the property and any employer with fieldworkers hired to work on the operator's property, shall display, at the worksite or at a central location where fieldworkers gather, a description of the location of the application-specific information display

whenever their fieldworkers are working in a treated field. The description of the location must be specific enough for fieldworkers to find and have unimpeded access to the displayed application-specific information. The location description must be included in the appropriate section of, or as an attachment to, the Hazard Communication Information for Employees Working in Fields (Pesticide Safety Information Series leaflet A-9) pursuant to section 6761(a).

(c) The original or copies of documents otherwise required to be maintained by this chapter may be used to meet the requirements of this Section, provided they contain the information required by this Section.

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

Reference: Sections 11501, 12973, 12980, and 12981, Food and Agricultural Code.

6762. Field Work During Pesticide Application.

(a) The requirements of this Section are minimum requirements established by the U. S. Environmental Protection Agency and do not assure compliance with the general standard in Section 6614.

(b) No employer shall direct or allow any person, other than the persons making the application, to enter or remain in a treated area of a farm or forest during the application.

(c) No employer shall direct or allow any person, other than the persons making the application, to enter or remain in treated nurseries or greenhouses, as specified below.

(1) If the pesticide is applied in a nursery:

(A) By aircraft, in an upward direction, or at a pressure of more than 150 pounds per square inch, or is applied as a fumigant, smoke, fog, or aerosol, the prohibited area is the treatment site plus 100 feet in all directions within the confines of the property.

(B) If the pesticide is applied downward from a height greater than 12 inches from the soil or other planting medium, as a fine spray, or using a pressure of more than 40 pounds per square inch, but not more than 150 pounds per square inch, or which requires respiratory protection on the product labeling, the prohibited area is the treatment site plus 25 feet in all directions within the confines of the property.

(2) If the pesticide is applied in a greenhouse:

(A) As a space treatment (fumigant, smoke, fog, aerosol or mist) or is a pesticide for which the product labeling requires respiratory protection, the prohibited area, until ventilation criteria have been met, is the entire enclosed area plus any adjacent area that is not sealed (sufficient to prevent pesticide transfer) from the treatment site.

(B) As a spray from a height greater than 12 inches from the soil or other planting medium, as a fine spray, or using a pressure of more than 40 pounds per square inch, the prohibited area is the treatment site plus 25 feet in all directions within the enclosed area.

(3) Otherwise, in both nurseries and greenhouses, the prohibited area is the treatment site.

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

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

6764. Fieldworker Training.

(a) The employer shall assure that each employee assigned to work in a treated field has been trained within the last 5 years, 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;

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

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

(4) Routes of exposure;

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

(6) Common signs and symptoms of overexposure;

(7) First aid including decontamination, eye flushing, and obtaining emergency medical care;

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

(9) The hazard communication program requirements of Section 6761; and

(10) 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 employee representative 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.

(c) An employee who holds a valid personal pesticide license or certificate issued by the department, a valid verification of training card issued under the authority of the U. S. Environmental Protection Agency, 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. The trainer shall respond to employee questions.

(e) 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, after January 1, 1993;

(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; 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.

6766. Emergency Medical Care.

(a) Emergency medical care for employees who enter fields that have been treated with pesticides shall be planned for in advance. The employer shall locate a facility where emergency care is available for employees who will be working in treated fields.

(b) The employees, or their supervisor in the field, shall be informed of the name and location of a physician or medical facility where emergency medical care is available, and if the identified facility is not reasonably accessible from that work location, the procedures to be followed to obtain emergency medical care.

(c) When there are reasonable grounds to suspect that an employee has a pesticide illness, or when an exposure to a pesticide has occurred that might reasonably be expected to lead to an employee's illness, the employer shall ensure that the employee is taken to a physician immediately.

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

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

6769. Greenhouse 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, fog, or aerosol inside a greenhouse, 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%.

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

Reference: Sections 12980 and 12981, Food and Agricultural Code

6770. Field Entry After Scheduled or Completed Pesticide Application.

(a) The operator of the property shall not allow or direct employees covered under section 6700 (which includes fieldworkers) or their employers (except for those persons who were scheduled to apply the pesticide(s) or supervise the application) to enter a field on the date of the scheduled application unless the operator assures that:

(1) the application has not occurred; and

(2) the application will not occur during the time the employees are in the field to be treated.

(b) The operator of the property shall not allow or direct employees covered under section 6700 (which includes fieldworkers) or their employer to enter a treated field until the operator has received the notice of completion as specified in section 6619(c), and the restricted entry interval has expired or the operator of the property has assured that the restrictions and exceptions pursuant to section 6770(d) have been met.

(c) Any employer hired by the operator of the property shall not allow or direct any of his or her employees to enter a treated field until the employer has received confirmation from the operator of the property that the notice of completion as specified in section 6619(c) has been received, and the restricted entry interval has expired or the operator of the property has assured that the restrictions and exceptions pursuant to section 6770(d) have been met.

(d) The operator of the property and any hired employer shall not allow or direct any of his or her employee(s) to enter a treated field before the restricted entry interval stated on pesticide product labeling or listed in Section 6772 has expired except as below or otherwise expressly authorized by the director pursuant to Title 40 Code of Federal Regulations, Part 170.112 (d) or (e).

(1) Pesticide handling activities. Employees may enter a treated field during a restricted entry interval to conduct pesticide handling activities, including soil incorporation (mechanical or watered-in), provided the employer assures that they are wearing the personal protective equipment specified on the pesticide product labeling for handling activities.

(2) No contact activities. Employees may enter a treated field during a restricted entry interval provided the employer assures that:

(A) There will be no contact with anything that has been treated, including soil, water, air, equipment, or plant surfaces. Operating tractors or other equipment from inside an enclosed cab or when shields or other control methods, such as operator placement, physically prevent contact of the employee with anything that has been treated is considered to be a "no contact" activity for the purposes of this section provided the required personal protective equipment is immediately available to use if the employee leaves the tractor or other equipment.

(B) Inhalation exposure does not exceed any pesticide product labeling standard or, for greenhouses, the ventilation criteria in section 6769 have been met.

(3) Short-term, limited-contact activities. Employees may enter a treated field during a restricted entry interval specified on pesticide product labeling to conduct limited contact activities (including limited contact irrigation) that are necessary and unforeseen, provided the employer assures that:

(A) The restricted entry interval is not for a pesticide product with the requirement on the labeling for both oral notification and the posting of treated fields (double notification);

(B) At least four hours have elapsed since the end of the application;

(C) Inhalation exposure does not exceed the applicable pesticide product labeling standard or, for greenhouses, the ventilation criteria in Section 6769 have been met;

(D) Exposure is minimal and limited to the feet, legs (below the knees), hands, and forearms (below the elbows);

(E) The personal protective equipment required for early entry is used by the employees. The personal protective equipment and/or work clothing must conform with the label requirements for early entry PPE or consist of at least coveralls, socks, chemical resistant footwear, chemical resistant gloves, and protective eyewear (if eyewear is required by the pesticide product labeling for early entry workers), whichever is more protective;

(F) The time in treated fields under a restricted entry interval does not exceed 8 hours in any 24-hour period for each employee entering under this exception; and

(G) The exception granted by the U.S. Environmental Protection Agency for short-term, limited-contact activities is in effect.

(4) Short-term, high-contact activities. Employee may enter a treated field during a restricted entry interval specified on pesticide product labeling to conduct other activities, not included in (d)(1), (2), and (3) that do not involve hand labor provided the employer assures that:

(A) At least four hours have elapsed since the end of the application;

(B) Inhalation exposure does not exceed any pesticide product labeling standard or, for greenhouses, the ventilation criteria in Section 6769 have been met;

(C) The personal protective equipment specified on pesticide product labeling for early entry is used by the employees. The personal protective equipment and/or work clothing must either conform with the label requirements for early entry PPE; or consist of at least coveralls, socks, chemical resistant footwear, chemical resistant gloves, and protective eyewear (if eyewear is required by the pesticide product labeling for early entry workers), whichever is more protective; and

(D) Entry does not exceed one hour in any 24-hour period for any employee.

(E) Employees may enter a treated field after the expiration of the restricted entry interval specified on pesticide product labeling and while a restricted entry interval specified in Section 6772 is in effect to conduct activities, other than hand labor, provided that employees are wearing work clothing with long sleeves and legs, shoes with socks, and gloves.

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

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

6771. Requirements for Early Entry Employees.

(a) Before any employee may enter a field under restricted entry as permitted by section 6770, the employer shall assure that the employee has been informed of the following in a manner that he or she can understand.

(1) Specific restrictions and conditions pursuant to section 6770 about the work activity to be performed;

(2) Pesticide product labeling precautionary statements related to human hazards;

(3) Symptoms of poisoning;

(4) Emergency first aid and decontamination procedures for pesticide injuries or poisonings, including emergency eye flushing techniques;

(5) How to obtain emergency medical care;

(6) The prevention, recognition, and first aid for heat-related illness if personal protective equipment is used;

(7) The need for, use, and care of personal protective equipment required for early entry into treated fields;

(8) That clothing and personal protective equipment may be contaminated with pesticide residues;

(9) Instructions for removing and storing such clothing and equipment, and laundering such equipment; and

(10) The importance of washing thoroughly at the end of the exposure period.

(b) The employer shall provide all required personal protective equipment and provide for its cleaning (according to pesticide labeling instructions or, absent any instructions, washed in detergent and hot water), repair and replacement when it cannot be adequately cleaned or properly repaired. The employer shall assure that all personal protective equipment is inspected before each day of use. The employer shall assure that all personal protective equipment is kept separate from personal clothing, in a pesticide free, specifically designated place, when not in use. All required personal protective equipment required for employees must meet the applicable standards in Section 6738 and 6739.

(c) The employer shall assure that personal protective equipment is used correctly for its intended purpose.

(d) The employer shall assure that cleaned personal protective equipment is dried or stored in a well-ventilated place to dry. The employer shall assure that contaminated personal protective equipment is kept and washed separately from other clothing or laundry.

(e) Personal protective equipment must remain the property of the employer. Employees shall not be allowed or directed to take home pesticide contaminated personal protective equipment. The employer shall inform any person who cleans or launders personal protective equipment that the equipment may be contaminated, about the hazards presented, and how to properly handle and clean it.

(f) The employer shall assure that at least one pint of eyeflush water is immediately accessible (carried by the employee or on the vehicle being operated by the employee) to each employee who is performing, during any restricted entry interval specified on pesticide product labeling, early entry activities in a treated field for which the pesticide product labeling requires protective eyewear.

(g) The employer shall assure that employees engaged in tasks pursuant to Section 6770(d)(3) and (4) are provided, at the place where they remove personal protective equipment, sufficient water (of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed), soap, and clean or single use towels so that they may wash thoroughly at the end of the exposure period. When provided at the place where employees remove personal protective equipment, handwashing facilities provided in conjunction with toilet facilities pursuant to Title 8 California Code of Regulations, section 3457 (Field Sanitation), shall be considered adequate for the purposes of this section.

(h) The employer shall assure that a clean, pesticide-free place for storing personal clothing and putting on personal protective equipment at the start of work and taking off personal protective equipment at the end of the exposure period is provided for employees.

(i) The employer shall take appropriate measures to prevent heat related illness, when necessary.

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

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

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) All greenhouse applications, unless access is controlled in a manner that assures no employee (other that the handlers making the application) will enter, work in, remain in, or pass through the greenhouse during the application and the restricted entry interval; and

(3) Any application that results in a restricted entry interval of greater than seven days (after adjustment pursuant to Section 6774).

(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 170.120 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
(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 labor camp adjacent to 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 shall be posted in the manner specified in (d). These signs shall contain the following information instead of the information specified in (b):

(1) The skull and crossbones symbol; and

(2) The following statements:

(A) "DANGER/PELIGRO";

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

(C) "(Name of Fumigant) Fumigant in use";

(D) The date and time of the fumigation; and

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

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

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

FOOD AND AG CODE:

12973. The use of any pesticide shall not conflict with labeling registered pursuant to this chapter which is delivered with the pesticide or with any additional limitations applicable to the conditions of any permit issued by the director or commissioner.

LABOR CODE:

1695.(a) (8) Register annually with the agricultural commissioner of the county or counties in which the labor contractor has contracted with a grower.

PSIS-A9 PESTICIDE SAFETY RULES FOR PESTICIDE HANDLERS ON FARMS

http://www.cdpr.ca.gov/docs/whs/psisenglish.htm