

Dec. 2, 1993 Contact: Standards & Technical Resources, 378-3272

DEPARTMENT OF
CONSUMER AND
BUSINESS SERVICES

OR-OSHA ADOPTS EPA'S WORKER PROTECTION STANDARD FOR AGRICULTURAL PESTICIDES INTO DIV. 81

On August 21, 1992, The U.S. Environmental Protection Agency (EPA) published final regulations governing the protection of employees on farms, forests, nurseries, and greenhouses from occupational exposures to agricultural pesticides. The Worker Protection Standard covers both workers in areas treated with pesticides, and employees who handle (mix, load, apply, etc.) pesticides for use in these areas.



The Oregon Department of Agriculture (ODA) has the primary responsibility for enforcing the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Because Oregon OSHA already enforces all other worker protection rules, we entered into a cooperative agreement under which Oregon OSHA will adopt and enforce the Worker Protection portion of the EPA rules, and ODA will continue to be responsible for the enforcement of the labeling portion of the rules. Both agencies will cooperate with Oregon State University Extension Service to provide training and outreach to both employers and workers on the implementation of this standard.

OR-OSHA had proposed to adopt this standard into Div. 2/Z, Toxic and Hazardous Substances. However, after more consideration, it was determined that it was more appropriately located in Div. 81, Agricultural Operations and Farming. **Therefore, it has been adopted by reference into Div. 81, EFFECTIVE 1/1/94.**

AVAILABLE TRAINING:

A **National Satellite Videoconference** entitled, "**How to Conduct Worker Protection Training**", will be transmitted by EPA and the Extension Service-USDA. This 3-hour program will feature an introduction to the Worker Protection Standard, a replay of the videotape training program and an opportunity for call-in questions and comments. **The program will be seen in ten Oregon cities on December 16, 1993 between 9am and 12 noon.** To participate in a session, contact the following people in the city near you:

Albany	Mark McIlbye	967-3871
Aurora	Diane Kaufmann	678-1264
Baker City	Jay Carr	523-6418
Corvallis	Terry Miller	737-1811
Enterprise	John Williams	426-3143
Grants Pass	Jerome Magnuson	476-6613
Hood River	Gene Mielke	386-2030
La Grande	Gordon Cook	963-1010
Madras	Clint Jacks	475-3808
Medford	Phil VanBuskirk	776-7371

(continued on reverse)

AFFECTED EMPLOYEES:

The provisions in the revised Worker Protection Standard (WPS) are directed toward the **working conditions of two types of employees:**

- **Agricultural workers** -- those who perform tasks related to the cultivation and harvesting of plants on farms or in greenhouses, nurseries, or forests, and
- **Pesticide handlers** -- those who handle agricultural pesticides (mix, load, apply, clean or repair equipment, act as flaggers, etc.).

SOME EXCEPTIONS TO THE STANDARD:

This standard does **NOT** apply when any pesticide is applied in the following circumstances:

- (1) For mosquito abatement, Mediterranean fruit fly eradication, or similar wide-area public pest control programs sponsored by governmental entities.
- (2) On livestock or other animals, or in or about animal premises.
- (3) On plants grown for other than commercial or research purposes, which may include plants in habitations, home fruit and vegetable gardens, and home greenhouses.
- (4) On plants that are in ornamental gardens, parks, and public or private lawns and grounds that are intended only for aesthetic purposes or climatic modification.
- (5) By injection directly into agricultural plants. Direct injection does not include "hack and squirt", "frill and spray", chemigation, soil-incorporation, or soil-injection.
- (6) In a manner not directly related to the production of agricultural plants, including, but not limited to, structural pest control, control of vegetation along rights-of-way and in other noncrop areas, and pasture and rangeland use.
- (7) For control of vertebrate pests.
- (8) As attractants or repellents in traps.
- (9) On the harvested portions of agricultural plants or on harvested timber.
- (10) For research uses of unregistered pesticides.

IMPLEMENTATION SCHEDULE:

Pesticide Users' Compliance Schedule

The Worker Protection Standard for pesticide users is being implemented in two phases:

- **Whenever you use a pesticide which has WPS labeling, PPE, REIs, and the notification/posting requirements for treated areas must be followed.**
- **On or after April 15, 1994, generic WPS requirements for training, decontamination, duties related to PPE, general notification, emergency assistance, etc., will be in effect.**

New Label Schedule

- **No labeling without the WPS-required statements may be sold or distributed by registrants after April 21, 1994.**
- **No labeling without the WPS-required statements may be sold or distributed by ANYONE after October 23, 1995.**

For more information, contact Ron Preece or Marilyn Schuster, Standards and Technical Resources, at (503) 378-3272.

NOTE 1: Copies of the adopted standard are **available upon request** by calling (503) 378-3272 (or tollfree 1-800-922-2689 to leave message); or by written request to OR-OSHA, Department of Consumer & Business Services, Labor & Industries Building, Salem, OR 97310. To pick up a copy, the street address of the Labor & Industries Building is 350 Winter St NE, Salem.

NOTE 2: In compliance with the Americans with Disabilities Act (ADA), this publication is available in alternate formats by calling Jan Wagner at (503) 378-3272.

EXHIBIT "A"

NOTE: The following new EPA Standard on Worker Protection has been adopted by reference into Division 81, Agricultural Operation and Farming, by OR-OSHA Admin. Order 18-1993, filed 11/24/93, EFFECTIVE 1/1/94. (Initially, this standard was proposed to be adopted into Division 2/Z, Toxic and Hazardous Substances, but it more correctly belongs in the Agricultural Codebook.)

Oregon-initiated Rule 437-81-3010 adopts by reference the Federal EPA Standard. This standard will appear at the end of Division 81 codebook.

NOTE: All wording is new; therefore, no underscoring is used.

OAD 437, DIVISION 81
AGRICULTURAL OPERATIONS AND FARMING

40 CFR 170

WORKER PROTECTION STANDARD

ADOPTION BY REFERENCE OF FEDERAL STANDARD

437-81-3010 In addition to, and not in lieu of, any other safety and health codes contained in OAR Chapter 437, the Department adopts by reference the following federal regulations printed as part of the Code of Federal Regulations, 40 CFR 170, in the Federal Register on 8/12/92, vol. 57, no. 163:

Subpart A - GENERAL PROVISIONS

- (1) 40 CFR 170.1 **Scope and purpose**, published 8/21/92, Federal Register, vol. 57, no. 163, pp. 38102-38176.
- (2) 40 CFR 170.3 **Definitions**, published 8/21/92, Federal Register, vol. 57, no. 163, pp. 38102-38176.
- (3) 40 CFR 170.5 **Effective date and compliance dates**, published 8/21/92, Federal Register, vol. 57, no. 163, pp. 38102-38176.
- (4) 40 CFR 170.7 **General duties and prohibited actions**, published 8/21/92, Federal Register, vol. 57, no. 163, pp. 38102-38176.
- (5) 40 CFR 170.9 **Violations of this part**, published 8/21/92, Federal Register, vol. 57, no. 163, pp. 38102-38176.

Subpart B - STANDARD FOR WORKERS

- (6) 40 CFR 170.102 **Applicability of this subpart**, published 8/21/92, Federal Register, vol. 57, no. 163, pp. 38102-38176.
- (7) 40 CFR 170.110 **Restrictions associated with pesticide applications**, published 8/21/92, Federal Register, vol. 57, no. 163, pp. 38102-38176.

(8) 40 CFR 170.112 **Entry restrictions**, published 8/21/92, Federal Register, vol. 57, no. 163, pp. 38102-38176.

(9) 40 CFR 170.120 **Notice of applications**, published 8/21/92, Federal Register, vol. 57, no. 163, pp. 38102-38176.

(10) 40 CFR 170.122 **Providing specific information about applications**, published 8/21/92, Federal Register, vol. 57, no. 163, pp. 38102-38176.

(11) 40 CFR 170.124 **Notice of applications to handler employers**, published 8/21/92, Federal Register, vol. 57, no. 163, pp. 38102-38176.

(12) 40 CFR 170.130 **Pesticide safety training**, published 8/21/92, Federal Register, vol. 57, no. 163, pp. 38102-38176.

(13) 40 CFR 170.135 **Posted pesticide safety information**, published 8/21/92, Federal Register, vol. 57, no. 163, pp. 38102-38176.

(14) 40 CFR 170.150 **Decontamination**, published 8/21/92, Federal Register, vol. 57, no. 163, pp. 38102-38176.

(15) 40 CFR 170.160 **Emergency assistance**, published 8/21/92, Federal Register, vol. 57, no. 163, pp. 38102-38176.

Subpart C - STANDARD FOR PESTICIDE HANDLERS

(16) 40 CFR 170.202 **Applicability of this subpart**, published 8/21/92, Federal Register, vol. 57, no. 163, pp. 38102-38176.

(17) 40 CFR 170.210 **Restrictions during applications**, published 8/21/92, Federal Register, vol. 57, no. 163, pp. 38102-38176.

OREGON ADMINISTRATIVE RULES
CHAPTER 437 - DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

(18) 40 CFR 170.222 **Providing specific information about applications**, published 8/21/92, Federal Register, vol. 57, no. 163, pp. 38102-38176.

(19) 40 CFR 170.224 **Notice of applications to agricultural employers**, published 8/21/92, Federal Register, vol. 57, no. 163, pp. 38102-38176.

(20) 40 CFR 170.230 **Pesticide safety training**, published 8/21/92, Federal Register, vol. 57, no. 163, pp. 38102-38176.

(21) 40 CFR 170.232 **Knowledge of labeling and site-specific information**, published 8/21/92, Federal Register, vol. 57, no. 163, pp. 38102-38176.

(22) 40 CFR 170.234 **Safe operation of equipment**, published 8/21/92, Federal Register, vol. 57, no. 163, pp. 38102-38176.

(23) 40 CFR 170.235 **Posted pesticide safety information**, published 8/21/92, Federal Register, vol. 57, no. 163, pp. 38102-38176.

(24) 40 CFR 170.240 **Personal protective equipment**, published 8/21/92, Federal Register, vol. 57, no. 163, pp. 38102-38176.

(25) 40 CFR 170.250 **Decontamination**, published 8/21/92, Federal Register, vol. 57, no. 163, pp. 38102-38176.

(26) 40 CFR 170.260 **Emergency assistance**, published 8/21/92, Federal Register, vol. 57, no. 163, pp. 38102-38176.

These standards are available at the Oregon Occupational Safety and Health Division, Oregon Department of Consumer and Business Services, and the United States Government Printing Office.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist: OR-OSHA Admin. Order 18-1993, f. 11/24/93, ef. 1/1/94.

OREGON ADMINISTRATIVE RULES
CHAPTER 437 - DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

SUBPART A
GENERAL PROVISIONS

Authority: 7 U.S.C. 136w.

§170.1 SCOPE AND PURPOSE.

This part contains a standard designed to reduce the risks of illness or injury resulting from workers' and handlers' occupational exposures to pesticides used in the production of agricultural plants on farms or in nurseries, greenhouses, and forests and also from the accidental exposure of workers and other persons to such pesticides. It requires workplace prac-

tices designed to reduce or eliminate exposure to pesticides and establishes procedures for responding to exposure-related emergencies.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist.: OR-OSHA Admin. Order 18-1993, f. 11/24/93, ef. 1/1/94.

§170.3 DEFINITIONS.

Terms used in this part have the same meanings they have in the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. In addition, the following terms, when used in this part, shall have the following meanings:

Agricultural employer means any person who hires or contracts for the services of workers, for any type of compensation, to perform activities related to the production of agricultural plants, or any person who is an owner of or is responsible for the management or condition of an agricultural establishment that uses such workers.

Agricultural establishment means any farm, forest, nursery, or greenhouse.

Agricultural plant means any plant grown or maintained for commercial or research purposes and includes, but is not limited to, food, feed, and fiber plants; trees; turfgrass; flowers, shrubs; ornamentals; and seedlings.

Chemigation means the application of pesticides through irrigation systems.

Commercial pesticide handling establishment means any establishment, other than an agricultural establishment, that:

- (1) Employs any person, including a self-employed person, to apply on an agricultural establishment, pesticides used in the production of agricultural plants.

- (2) Employs any person, including a self-employed person, to perform on an agricultural establishment, tasks as a crop advisor.

Crop advisor means any person who is assessing pest numbers or damage, pesticide distribution, or the status or requirements of agricultural plants. The term does not include any person who is performing hand labor tasks.

Early entry means entry by a worker into a treated area on the agricultural establishment after a pesticide application is complete, but before any restricted-entry interval for the pesticide has expired.

Farm means any operation, other than a nursery or forest, engaged in the outdoor production of agricultural plants.

Forest means any operation engaged in the outdoor production of any agricultural plant to produce wood fiber or timber products.

Fumigant means any pesticide product that is a vapor or gas, or forms a vapor or gas on application, and whose method of pesticidal action is through the gaseous state.

Greenhouse means any operation engaged in the production of agricultural plants inside any structure or space that is enclosed with nonporous covering and that is of sufficient size to permit worker entry. This term includes, but is not limited to, polyhouses, mushroom houses, rhubarb houses, and similar

OREGON ADMINISTRATIVE RULES
CHAPTER 437 - DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

structures. It does not include such structures as malls, atriums, conservatories, arboretums, or office buildings where agricultural plants are present primarily for aesthetic or climatic modification.

Hand labor means any agricultural activity performed by hand or with hand tools that causes a worker to have substantial contact with surfaces (such as plants, plant parts, or soil) that may contain pesticide residues. These activities include, but are not limited to, harvesting, detasseling, thinning, weeding, topping, planting, sucker removal, pruning, disbudding, roguing, and packing produce into containers in the field. Hand labor does not include operating, moving, or repairing irrigation or watering equipment or performing the tasks of crop advisors.

Handler means any person, including a self-employed person:

(1) Who is employed for any type of compensation by an agricultural establishment or commercial pesticide handling establishment to which subpart C of this part applies and who is:

(i) Mixing, loading, transferring, or applying pesticides.

(ii) Disposing of pesticides or pesticide containers.

(iii) Handling opened containers of pesticides.

(iv) Acting as a flagger.

(v) Cleaning, adjusting, handling, or repairing the parts of mixing, loading, or application equipment that may contain pesticide residues.

(vi) Assisting with the application of pesticides.

(vii) Entering a greenhouse or other enclosed area after the application and before the inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria established by this part (§170.110(c)(3)) or in the labeling has been met:

(A) To operate ventilation equipment.

(B) To adjust or remove coverings used in fumigation.

(C) To monitor air levels.

(viii) Entering a treated area outdoors after application of any soil fumigant to adjust or remove soil coverings such as tarpaulins.

(ix) Performing tasks as a crop advisor:

(A) During any pesticide application.

(B) Before the inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria established by this part (§ 170.110(c)(3)) or in the labeling has been met.

(C) During any restricted-entry interval.

(2) The term does not include any person who is only handling pesticide containers that have been emptied or cleaned according to pesticide product labeling instructions or, in the absence of such instructions, have been subjected to triple-rinsing or its equivalent.

Handler employer means any person who is self-employed as a handler or who employs any handler, for any type of compensation.

Immediate family includes only spouse, children, stepchildren, foster children, parents, stepparents, foster parents, brothers, and sisters.

Nursery means any operation engaged in the outdoor production of any agricultural plant to produce cut flowers and ferns or plants that will be used in their entirety in another location. Such plants include, but are not limited to, flowering and foliage plants or trees; tree seedlings; live Christmas trees; vegetable, fruit, and ornamental transplants; and turfgrass produced for sod.

Owner means any person who has a present possessory interest (fee, leasehold, rental, or other) in an agricultural establishment covered by this part. A person who has both leased such agricultural establishment to another person and granted that same person the right and full authority to manage and govern the use of such agricultural establishment is not an owner for purposes of this part.

Restricted-entry interval means the time after the end of a pesticide application during which entry into the treated area is restricted.

Treated area means any area to which a pesticide is being directed or has been directed.

Worker means any person, including a self-employed person, who is employed for any type of compensation and who is performing activities relating to the production of agricultural plants on an agricultural establishment to which subpart B of this part applies. While persons employed by a commercial pesticide handling establishment are performing tasks as crop advisors, they are not workers covered by the requirements of subpart B of this part.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist.: OR-OSHA Admin. Order 18-1993, f. 11/24/93, ef. 1/1/94.

OREGON ADMINISTRATIVE RULES
CHAPTER 437 - DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

§170.5 EFFECTIVE DATE AND COMPLIANCE DATES.

(a) **Effective date.** The effective date for this part, including §170.112(e), shall be October 20, 1992.

NOTE: In Oregon, this effective date will be upon adoption by OR-OSHA.

(b) **Accelerated provisions.** The compliance date shall be April 21, 1993, for:

- (1) Section 170.112(a) through (c)(3);
- (2) Section 170.112(d)(1) through (d)(2)(ii);

(3) The requirement of §170.112(c)(3) as referenced in §170.112(d)(2)(iii);

(4) The requirement of §170.112(c)(3) as referenced in §170.112(e)(5);

(5) Section 170.120(a)(3); and

(6) Section 170.120(b)(3).

(c) All other provisions. The compliance date for all other provisions of this part shall be April 15, 1994.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist : OR-OSHA Admin. Order 18-1993, f. 11/24/93, ef. 1/1/94.

§170.7 GENERAL DUTIES AND PROHIBITED ACTIONS.

(a) **General duties.** The agricultural employer or the handler employer, as appropriate, shall:

(1) Assure that each worker subject to subpart B of this part or each handler subject to subpart C of this part receives the protections required by this part.

(2) Assure that any pesticide to which subpart C of this part applies is used in a manner consistent with the labeling of the pesticide, including the requirements of this part.

(3) Provide, to each person who supervises any worker or handler, information and directions sufficient to assure that each worker or handler receives the protections required by this part. Such information and directions shall specify which persons are responsible for actions required to comply with this part.

(4) Require each person who supervises any worker or handler to assure compliance by the worker or handler with the provisions of this part and to assure that the worker or handler receives the protections required by this part.

(b) **Prohibited actions.** The agricultural employer or the handler employer shall not take any retaliatory action for attempts to comply with this part or any action having the effect of preventing or discouraging any worker or handler from complying or attempting to comply with any requirement of this part.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist : OR-OSHA Admin. Order 18-1993, f. 11/24/93, ef. 1/1/94.

§170.9 VIOLATIONS OF THIS PART.

NOTE: Federal Standard 40 CFR 170.9 on Violations will **NOT** be adopted by OR-OSHA. In Oregon, violations of this standard will be subject to OR-OSHA penalties as established in OAR 437, Division 1, General Administrative Rules.

SUBPART B

STANDARD FOR WORKERS

§170.102 APPLICABILITY OF THIS SUBPART.

(a) **Requirement.** Except as provided by paragraph (b) of this section, this subpart applies when any pesticide product is used on an agricultural establishment in the production of agricultural plants.

(b) **Exceptions.** This subpart does not apply when any pesticide is applied on an agricultural establishment in the following circumstances:

(1) For mosquito abatement, Mediterranean fruit fly eradication, or similar wide-area public pest control programs sponsored by governmental entities.

(2) On livestock or other animals, or in or about animal premises.

(3) On plants grown for other than commercial or research purposes, which may include plants in habitations, home fruit and vegetable gardens, and home greenhouses.

(4) On plants that are in ornamental gardens, parks, and public or private lawns and grounds that are intended only for aesthetic purposes or climatic modification.

(5) By injection directly into agricultural plants. Direct injection does not include "hack and squirt," "frill and spray," chemigation, soil-incorporation, or soil-injection.

(6) In a manner not directly related to the production of agricultural plants, including, but not limited to, structural pest control, control of vegetation along rights-of-way and in other noncrop areas, and pasture and rangeland use.

(7) For control of vertebrate pests.

(8) As attractants or repellents in traps.

(9) On the harvested portions of agricultural plants or on harvested timber.

(10) For research uses of unregistered pesticides.

(c) **Exemptions.** For the purposes of this subpart, the owners of agricultural establishments need not assure that the protections in §170.112(c)(5) through (9); §170.112(c)(5) through (9) as referenced in §§170.112(d)(2)(iii) and 170.112(e); and §§170.120, 170.122, 170.130, 170.135, 170.150 and 170.160 are provided to themselves and members of their immediate family while they are performing tasks related to the production of agricultural plants on their own agricultural establishment. However, they must provide any protections required by these sections to other workers and other persons who are not members of their immediate family and are encouraged to provide the protections to themselves and members of their families.

Stat. Auth.: ORS 654.025(2) and 656.726(3).
Hist.: OR-OSHA Admin. Order 18-1993, f. 11/24/93, ef. 1/1/94.

§170.110 RESTRICTIONS ASSOCIATED WITH PESTICIDE APPLICATIONS.

(a) **Farms and forests.** During the application of any pesticide on a farm or in a forest, the agricultural employer shall not allow or direct any person, other than an appropriately trained and equipped handler, to enter or to remain in the treated area.

(b) **Nurseries.** In a nursery, during any pesticide application described in column A of Table 1 of this

paragraph, the agricultural employer shall not allow or direct any person, other than an appropriately trained and equipped handler, to enter or to remain in the area specified in column B of Table 1 of this paragraph. After the application is completed, until the end of any restricted-entry interval, the entry-restricted area is the treated area.

OREGON ADMINISTRATIVE RULES
CHAPTER 437 - DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

Table 2. – Greenhouse Entry Restrictions Associated With Pesticide Applications

A. When a Pesticide is Applied:	B. Workers are Prohibited in:	C. Until:	D. After the Expiration of Time in Column C Until the Restricted-Entry Interval Expires, the Entry-Restricted Area is:
(1) As a fumigant	Entire greenhouse plus any adjacent structure that cannot be sealed off from the treated area	The ventilation criteria of paragraph (c)(3) of this section are met	No entry restrictions after criteria in column C are met
(2) As a	Entire enclosed area	The ventilation criteria of paragraph (c)(3) of this section are met	Entire enclosed area is the treated area
(i) Smoke, or (ii) Mist, or (iii) Fog, or (iv) Aerosol	Entire enclosed area	The ventilation criteria of paragraph (c)(3) of this section are met	Treated area
(3) Not in 1 or 2 above, and for which a respiratory protection device is required for application by the product labeling	Entire enclosed area	The ventilation criteria of paragraph (c)(3) of this section are met	Treated area
(4) Not in 1, 2, or 3 above, and:	Treated area plus 25 feet in all directions in the enclosed area	Application is complete	Treated area
(i) From a height of greater than 12 in. from the planting medium, or (ii) As a fine spray, or (iii) Using a spray pressure greater than 40 psi	Treated area plus 25 feet in all directions in the enclosed area	Application is complete	Treated area
(5) Otherwise	Treated area	Application is complete	Treated area

Stat. Auth.: ORS 654.025(2) and 656.726(3).
 Hist: OR-OSHA Admin. Order 18-1993, f. 11/24/93, ef. 1/1/94.

§170.112 ENTRY RESTRICTIONS.

(a) General restrictions.

(1) After the application of any pesticide on an agricultural establishment, the agricultural employer shall not allow or direct any worker to enter or to remain in the treated area before the restricted-entry interval specified on the pesticide labeling has expired, except as provided in this section.

(2) Entry-restricted areas in greenhouses are specified in column D in Table 2 under §170.110(c)(4).

(3) When two or more pesticides are applied at the same time, the restricted-entry interval shall be the longest of the applicable intervals.

(4) The agricultural employer shall assure that any worker who enters a treated area under a restricted-entry interval as permitted by paragraphs (c), (d), and (e) of this section uses the personal protective equipment specified in the product labeling for early-entry workers and follows any other requirements on the pesticide labeling regarding early entry.

NOTE: In Oregon, to the extent that the Personal Protective Equipment requirements contained in OAR 437, Division 2/K. (1910.132-.136), Division 6 (Forest Activities), or other provisions in Division 81 (Agriculture), are more stringent than the label requirements, they will apply.

(b) Exception for activities with no contact. A worker may enter a treated area during a restricted-entry interval if the agricultural employer assures that both of the following are met:

(1) The worker will have no contact with anything that has been treated with the pesticide to which the restricted-entry interval applies, including, but not limited to, soil, water, air, or surfaces of plants; and

(2) No such entry is allowed until any inhalation exposure level listed in the labeling has been reached or any ventilation criteria established by §170.110(c)(3) or in the labeling have been met.

(c) Exception for short-term activities. A worker may enter a treated area during a restricted-entry interval for short-term activities if the agricultural employer assures that the following requirements are met:

(1) No hand labor activity is performed.

(2) The time in treated areas under a restricted-entry interval for any worker does not exceed 1 hour in any 24-hour period.

(3) No such entry is allowed for the first 4 hours following the end of the application, and no such entry is allowed thereafter until any inhalation exposure level listed in the labeling has been reached or any ventilation criteria established by §170.110(c)(3) or in the labeling have been met.

(4) The personal protective equipment specified on the product labeling for early entry is provided to the worker. Such personal protective equipment shall conform to the following standards:

(i) Personal protective equipment (PPE) means devices and apparel that are worn to protect the body from contact with pesticides or pesticide residues, including, but not limited to, coveralls, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear, respiratory protection devices, chemical-resistant aprons, chemical-resistant headgear, and protective eyewear.

(ii) Long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, socks, and other items of work clothing are not considered personal protective equipment for the purposes of this section and are not subject to the requirements of this section, although pesticide labeling may require that such work clothing be worn during some activities.

(iii) When "chemical-resistant" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of the pesticide being used through the material during use.

(iv) When "waterproof" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of water or aqueous solutions through the material during use.

(v) When a "chemical-resistant suit" is specified by the product labeling, it shall be a loose-fitting, one- or two-piece, chemical-resistant garment that covers, at a minimum, the entire body except head, hands, and feet.

(vi) When "coveralls" are specified by the product labeling, they shall be a loose-fitting, one- or two-piece garment, such as a cotton or cotton and polyester coverall, that covers, at a minimum, the entire body except head, hands, and feet. The pesticide product labeling may specify that the coveralls be worn over a layer of clothing. If a chemical-resistant suit is substituted for coveralls, it need not be worn over a layer of clothing.

OREGON ADMINISTRATIVE RULES
CHAPTER 437 - DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

(vii) Gloves shall be of the type specified by the product labeling. Gloves or glove linings made of leather, cotton, or other absorbent materials must not be worn for early-entry activities unless these materials are listed on the product labeling as acceptable for such use. If chemical-resistant gloves with sufficient durability and suppleness are not obtainable for tasks with roses or other plants with sharp thorns, leather gloves may be worn over chemical-resistant liners. However, once leather gloves have been worn for this use, thereafter they shall be worn only with chemical-resistant liners and they shall not be worn for any other use.

(viii) When "chemical-resistant footwear" is specified by the product labeling, it shall be one of the following types of footwear: chemical-resistant shoes, chemical-resistant boots, or chemical-resistant shoe coverings worn over shoes or boots. If chemical-resistant footwear with sufficient durability and a tread appropriate for wear in rough terrain is not obtainable for workers, then leather boots may be worn in such terrain.

(ix) When "protective eyewear" is specified by the product labeling, it shall be one of the following types of eyewear: goggles; face shield; safety glasses with front, brow, and temple protection; or a full-face respirator.

NOTE: See also the requirements in Division 2/I, 1910.133; Division 6 (Forest Activities); or other provisions in Division 81 (Agriculture).

(x) When "chemical-resistant headgear" is specified by the product labeling, it shall be either a chemical-resistant hood or a chemical-resistant hat with a wide brim.

(5) The agricultural employer shall assure that the worker, before entering the treated area, either has read the product labeling or has been informed, in a manner that the worker can understand, of all labeling requirements related to human hazards or precautions, first aid, symptoms of poisoning, personal protective equipment specified for early entry, and any other labeling requirements related to safe use.

(6) The agricultural employer shall assure that:

(i) Workers wear the personal protective equipment correctly for its intended purpose and use personal protective equipment according to manufacturer's instructions.

(ii) Before each day of use, all personal protective equipment is inspected for leaks, holes, tears, or worn places, and any damaged equipment is repaired or discarded.

(iii) Personal protective equipment that cannot be cleaned properly is disposed of in accordance with any applicable Federal, State, and local regulations.

(iv) All personal protective equipment is cleaned according to manufacturer's instructions or pesticide product labeling instructions before each day of reuse. In the absence of any such instructions, it shall be washed thoroughly in detergent and hot water.

(v) Before being stored, all clean personal protective equipment is dried thoroughly or is put in a well-ventilated place to dry.

(vi) Personal protective equipment contaminated with pesticides is kept separately and washed separately from any other clothing or laundry.

(vii) Any person who cleans or launders personal protective equipment is informed that such equipment may be contaminated with pesticides, of the potentially harmful effects of exposure to pesticides, and of the correct way(s) to handle and clean personal protective equipment and to protect themselves when handling equipment contaminated with pesticides.

(viii) All clean personal protective equipment is stored separately from personal clothing and apart from pesticide-contaminated areas.

(ix) Each worker is instructed how to put on, use, and remove the personal protective equipment and is informed about the importance of washing thoroughly after removing personal protective equipment.

(x) Each worker is instructed in the prevention, recognition, and first aid treatment of heat-related illness.

(xi) Workers have a clean place(s) away from pesticide-storage and pesticide-use areas for storing personal clothing not in use; putting on personal protective equipment at the start of any exposure period; and removing personal protective equipment at the end of any exposure period.

(7) When personal protective equipment is required by the labeling of any pesticide for early entry, the agricultural employer shall assure that no worker is allowed or directed to perform the

OREGON ADMINISTRATIVE RULES
CHAPTER 437 - DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

early-entry activity without implementing, when appropriate, measures to prevent heat-related illness.

(8) During any early-entry activity, the agricultural employer shall provide a decontamination site in accordance with §170.150.

(9) The agricultural employer shall not allow or direct any worker to wear home or to take home personal protective equipment contaminated with pesticides.

(d) Exception for an agricultural emergency.

(1) An "agricultural emergency" means a sudden occurrence or set of circumstances which the agricultural employer could not have anticipated and over which the agricultural employer has no control, and which requires entry into a treated area during a restricted-entry interval, when no alternative practices would prevent or mitigate a substantial economic loss. A substantial economic loss means a loss in profitability greater than that which would be expected based on the experience and fluctuations of crop yields in previous years. Only losses caused by the agricultural emergency specific to the affected site and geographic area are considered. The contribution of mismanagement cannot be considered in determining the loss.

(2) A worker may enter a treated area under a restricted-entry interval in an agricultural emergency to perform tasks, including hand labor tasks, necessary to mitigate the effects of the agricultural emergency, if the agricultural employer assures that all the following criteria are met:

(i) A State, Tribal, or Federal Agency having jurisdiction declares the existence of circumstances that could cause an agricultural emergency on that agricultural establishment.

(ii) The agricultural employer determines the agricultural establishment is subject to the circumstances declared under paragraph (d)(2)(i) of this section that result in an agricultural emergency meeting the criteria of paragraph (d)(1) of this section.

(iii) The requirements of paragraphs (c)(3) through (9) of this section are met.

(e) **Exception requiring Agency approval.** The Agency may, in accordance with paragraphs (e)(1) through (3) of this section, grant an exception from the requirements of this section. An exception may be withdrawn in accordance with paragraph (e)(6) of this section.

NOTE: These exceptions will continue to be handled by the federal Environmental Protection Agency.

(1) Requesting an exception. A request for an exception must be submitted to the Director, Office of Pesticide Programs (H-7501C), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 and must be accompanied by two copies of the following information:

(i) The name, address, and telephone number of the submitter.

(ii) The time period for which the exception is requested.

(iii) A description of the crop(s) and specific crop production task(s) for which the exception is requested. Such a description must include an explanation as to the necessity of applying pesticides of a type and at a frequency such that the restricted-entry interval would interfere with necessary and time-sensitive hand labor tasks for the period for which the exception is sought.

(iv) A description of the geographic area for which the exception is requested. If the exception request is for a limited geographic area, the explanation must include a description as to why the circumstances of exposure or economic impact resulting from the prohibition of routine hand labor tasks during the restricted-entry interval are unique to the geographic area named in the exception.

(v) An explanation as to why, for each requested crop-task combination, alternative practices would not be technically or financially viable. Such alternative practices might include: rescheduling the pesticide application or hand labor activity; using a non-chemical pest control alternative; using an alternative to the hand labor tasks, such as machine cultivation; or substituting a pesticide with a shorter restricted-entry interval. This information should include estimates or data on per acre revenue and cost of production for the crop and area for which the exception is requested. These estimates or data should include: the situation prior to implementation of this final rule, the situation after implementation of this final rule if the exception is not granted, the situation after implementation of this final rule if the exception is granted, and specific information on individual factors which cause differences in revenues and costs among the three situations.

(vi) A description or documentation of the safety and feasibility of such an exception, including, but not limited to, the feasibility of performing the necessary hand labor activity while wearing the personal protective equipment required for early entry for the pesticide(s) expected to be applied, the means of mitigating heat-related illness concerns, the period of time required daily per worker to perform the hand labor activity, any suggested methods of reducing the worker's exposure, and any other mitigating factors, such as the availability of running water for routine and emergency decontamination and mechanical devices that would reduce the workers' contact with the treated surfaces. The information should include the costs associated with early-entry, such as decontamination facilities, special information and training for the workers, heat stress avoidance procedures, and provision, inspection, cleaning, and maintenance of personal protective equipment. EPA will not grant exceptions where the costs of early entry equal or exceed the expected loss in value of crop yield or quality.

(2) Notice of receipt.

(i) When a request for an exception is submitted to the Agency along with all of the information required in paragraph (e)(1) of this section, the Agency shall issue a notice in the **Federal Register** stating that an exception is being considered, describing the nature of the exception, and allowing at least 30 days for interested parties to comment.

(ii) If a request for an exception is submitted to the Agency without all of the information required in paragraph (e)(1) of this section, the Agency shall return the request to the submitter.

(3) Exception decision. EPA will publish in the **Federal Register** its decision whether to grant the request for exception. EPA will base its decision on whether the benefits of the exception outweigh the costs, including the value of the health risks attributable to the exception. If the exception is granted, the notice will state the nature of and reasons for the exception.

(4) Presumptive denial.

(i) Except as provided in paragraph (e)(4)(ii) of this section, persons requesting an exception may assume that the exception has been

denied if EPA has not issued its decision whether to grant the exception within 9 months from the comment-closure date specified in the Federal Register notice in which the Agency announced, in accordance with paragraph (e)(2) of this section, that it would consider the exception.

(ii) Persons requesting an exception may not assume that the request has been denied as provided by paragraph (e)(4)(i) of this section if the Agency has taken action to extend its review period for a specified time interval due to the complexity of the exception request or to the number of exception requests concurrently under Agency review. EPA shall state the reason(s) for the delay in issuing a decision on the exception request. A notice of such an action may be published in the Federal Register or persons who requested the exception may be directly notified of the action.

(5) Agricultural employer duties. When a worker enters a treated area during a restricted-entry interval under an exception granted under paragraph (e) of this section, the agricultural employer shall assure that the requirements of paragraphs (c)(3) through (9) of this section are met, unless the notice granting the exception specifically indicates otherwise.

(6) Withdrawing an exception. An exception may be withdrawn by the Agency at any time if the Agency receives poisoning information or other data that indicate that the health risks imposed by this early-entry exception are unacceptable or if the Agency receives other information that indicates that the exception is no longer necessary or prudent. If the Agency determines that an exception should be withdrawn, it will publish a notice in the Federal Register, stating the basis for its determination. Affected parties would then have 30 days to request a hearing on the Agency's determination. The exception, however, would be discontinued as of the date specified by EPA in the notice, which may include any of the 30-day period and the time required for any subsequent hearing process. Thereafter the Agency will decide whether to withdraw the exception and will publish a notice in the Federal Register stating its decision.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist: OR-OSHA Admin. Order 18-1993, I. 11/24/93, ef. 1/1/94.

§170.120 NOTICE OF APPLICATIONS.

(a) Notification to workers of pesticide applications in greenhouses. The agricultural employer shall notify workers of any pesticide application in the greenhouse in accordance with this paragraph.

(1) All pesticide applications shall be posted in accordance with paragraph (c) of this section.

(2) If the pesticide product labeling has a statement requiring both the posting of treated areas and oral notification to workers, the agricultural employer shall also provide oral notification of the application to the worker in accordance with paragraph (d) of this section.

(3) Notice need not be given to a worker if the agricultural employer can assure that one of the following is met:

(i) From the start of the application until the end of the application and during any restricted-entry interval, the worker will not enter, work in, remain in, or pass through the greenhouse; or

(ii) The worker applied (or supervised the application of) the pesticide for which the notice is intended and is aware of all information required by paragraphs (d)(1) through (3) of this section.

(b) Notification to workers on farms, in nurseries, or in forests of pesticide applications. The agricultural employer shall notify workers of any pesticide application on the farm or in the nursery or forest in accordance with this paragraph.

(1) If the pesticide product labeling has a statement requiring both the posting of treated areas and oral notification to workers, the agricultural employer shall post signs in accordance with paragraph (c) of this section and shall provide oral notification of the application to the worker in accordance with paragraph (d) of this section.

(2) For any pesticide other than those for which the labeling requires both posting and oral notification of applications, the agricultural employer shall give notice of the application to the worker

either by the posting of warning signs in accordance with paragraph (c) of this section or orally in accordance with paragraph (d) of this section, and shall inform the workers as to which method of notification is in effect.

(3) Notice need not be given to a worker if the agricultural employer can assure that one of the following is met:

(i) From the start of the application until the end of the application and during any restricted-entry interval, the worker will not enter, work in, remain in, or pass through on foot the treated area or any area within 1/4 mile of the treated area; or

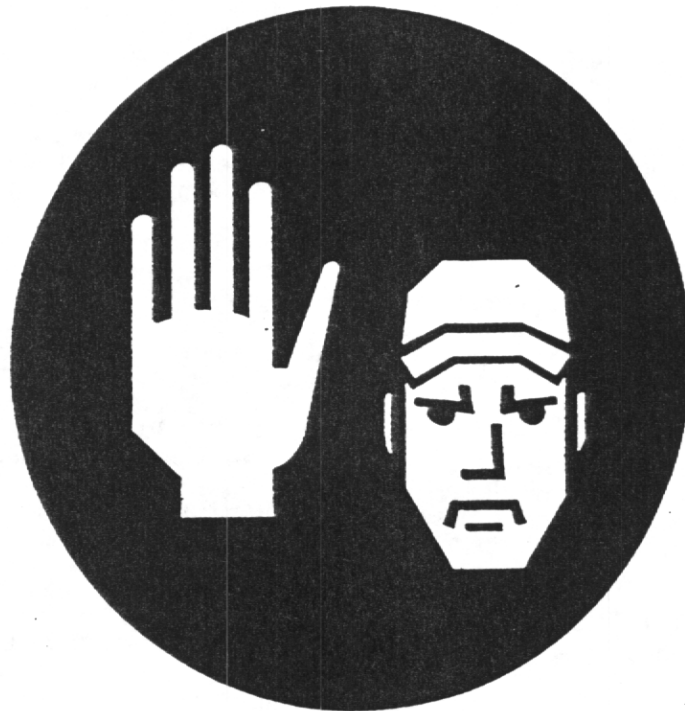
(ii) The worker applied (or supervised the application of) the pesticide for which the notice is intended and is aware of all information required by (d)(1) through (3) of this section.

(c) **Posted warning signs.** The agricultural employer shall post warning signs in accordance with the following criteria:

(1) The warning sign shall have a background color that contrasts with red. The words "DANGER" and "PELIGRO," plus "PESTICIDES" and "PESTICIDAS," shall be at the top of the sign, and the words "KEEP OUT" and "NO ENTRE" shall be at the bottom of the sign. Letters for all words must be clearly legible. A circle containing an upraised hand on the left and a stern face on the right must be near the center of the sign. The inside of the circle must be red, except that the hand and a large portion of the face must be in a shade that contrasts with red. The length of the hand must be at least twice the height of the smallest letters. The length of the face must be only slightly smaller than the hand. Additional information such as the name of the pesticide and the date of application may appear on the warning sign if it does not detract from the appearance of the sign or change the meaning of the required information. A black-and-white example of a warning sign meeting these requirements, other than the size requirements, follows:

**DANGER
PESTICIDES**

**PELIGRO
PESTICIDAS**



**KEEP OUT
NO ENTRE**

BILLING CODE 6560-50-C

OREGON ADMINISTRATIVE RULES
CHAPTER 437 - DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

(2) The sign shall be at least 14 inches by 16 inches in size, and the letters shall be at least 1 inch in height unless a smaller sign and smaller letters are necessary because the treated area is too small to accommodate a sign of this size. If a smaller sign is used, it must meet the proportions and other requirements described in paragraph (c)(1) of this section.

(3) On farms and in forests and nurseries, the signs shall be visible from all usual points of worker entry to the treated area, including at least each access road, each border with any labor camp adjacent to the treated area, and each footpath and other walking route that enters the treated area. When there are no usual points of worker entry, signs shall be posted in the corners of the treated area or in any other location affording maximum visibility.

(4) In greenhouses, the signs shall be posted so they are visible from all usual points of worker entry to the treated area including each aisle or other walking route that enters the treated area. When there are no usual points of worker entry to the treated area, signs shall be posted in the corners of the treated area or in any other location affording maximum visibility.

(5) The signs shall:

(i) Be posted no sooner than 24 hours before the scheduled application of the pesticide.

(ii) Remain posted throughout the application and any restricted-entry interval.

(iii) Be removed within 3 days after the end of the application and any restricted-entry interval and before agricultural-worker entry is permitted, other than entry permitted by §170.112.

(6) The signs shall remain visible and legible during the time they are posted.

(7) When several contiguous areas are to be treated with pesticides on a rotating or sequential basis, the entire area may be posted. Worker entry, other than entry permitted by §170.112, is prohibited for the entire area while the signs are posted.

(d) **Oral warnings.** The agricultural employer shall provide oral warnings to workers in a manner that the worker can understand. If a worker will be on the premises during the application, the warning shall be given before the application takes place. Otherwise, the warning shall be given at the beginning of the worker's first work period during which the application is taking place or the restricted-entry interval for the pesticide is in effect. The warning shall consist of:

(1) The location and description of the treated area.

(2) The time during which entry is restricted.

(3) Instructions not to enter the treated area until the restricted-entry interval has expired.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist.: OR-OSHA Admin. Order 18-1993, f. 11/24/93, ef. 1/1/94.

§170.122 Providing specific information about applications.

When workers are on an agricultural establishment and, within the last 30 days, a pesticide covered by this subpart has been applied on the establishment or a restricted-entry interval has been in effect, the agricultural employer shall display, in accordance with this section, specific information about the pesticide.

(a) **Location, accessibility, and legibility.** The information shall be displayed in the location specified for the pesticide safety poster in §170.135(d) and shall be accessible and legible, as specified in §170.135(e) and (f).

(b) **Timing.**

(1) If warning signs are posted for the treated area before an application, the specific application information for that application shall be posted at the same time or earlier.

(2) The information shall be posted before the application takes place, if workers will be on the establishment during application. Otherwise, the information shall be posted at the beginning of any worker's first work period.

(3) The information shall continue to be displayed for at least 30 days after the end of the restricted-entry interval (or, if there is no restricted-entry interval, for at least 30 days after the end of the application) or at least until workers are no longer on the establishment, whichever is earlier.

(c) **Required information.** The information shall include:

(1) The location and description of the treated area.

(2) The product name, EPA registration number, and active ingredient(s) of the pesticide.

(3) The time and date the pesticide is to be applied.

(4) The restricted-entry interval for the pesticide.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist: OR-OSHA Admin. Order 18-1993, f. 11/24/93, ef. 1/1/94.

§170.124 NOTICE OF APPLICATIONS TO HANDLER EMPLOYERS.

Whenever handlers who are employed by a commercial pesticide handling establishment will be performing pesticide handling tasks on an agricultural establishment, the agricultural employer shall provide to the handler employer, or assure that the handler employer is aware of, the following information concerning any areas on the agricultural establishment that the handler may be in (or may walk within 1/4 mile of) and that may be treated with a pesticide or that may be under a restricted-entry

interval while the handler will be on the agricultural establishment:

(a) Specific location and description of any such areas; and

(b) Restrictions on entering those areas.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist: OR-OSHA Admin. Order 18-1993, f. 11/24/93, ef. 1/1/94.

§170.130 PESTICIDE SAFETY TRAINING.

(a) General requirement.

(1) **Agricultural employer assurance.** The agricultural employer shall assure that each worker, required by this section to be trained, has been trained according to this section during the last 5 years, counting from the end of the month in which the training was completed.

(2) **Requirement for workers performing early-entry activities.** Before a worker enters a treated area on the agricultural establishment during a restricted-entry interval to perform early-entry activities permitted by §170.112 and contacts anything that has been treated with the pesticide to which the restricted-entry interval applies, including but not limited to, soil, water, or surfaces of plants, the agricultural employer shall assure that the worker has been trained.

(3) **Requirement for other agricultural workers.**

(i) **Training before the 6th day of entry.** Except as provided in paragraph (a)(2) of this section, before the 6th day that a worker enters any areas on the agricultural establishment where, within the last 30 days a pesticide to which this subpart applies has been applied or a restricted-entry interval for such pesticide has been in effect, the agricultural employer shall assure that the worker has been trained.

(ii) **Exception for first 5-year period.** Until October 20, 1997, and except as provided in paragraph (a)(2) of this section, before the 16th day that a worker enters any areas on the agricultural establishment where, within the last 30 days a pesticide to which this subpart applies has been applied or a restricted-entry interval for such pesticide has been in effect, the agricultural employer shall assure that the worker has been trained. After October 20, 1997, this exception no longer applies.

OREGON ADMINISTRATIVE RULES
CHAPTER 437 - DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

(b) Exception. A worker who is a currently certified as an applicator of restricted-use pesticides under part 171 of this chapter or who satisfies the training requirements of part 171 of this chapter or who satisfies the handler training requirements under §170.230(c) need not be trained under this section.

NOTE: The specific requirements of OAR 437, Division 2/Z, 1910.1200, Hazard Communication, where more stringent than these provisions, including the exceptions, will apply.

(c) Training programs.

(1) General pesticide safety information shall be presented to workers either orally from written materials or audiovisually. The information must be presented in a manner that the workers can understand (such as through a translator) using nontechnical terms. The presenter also shall respond to workers' questions.

(2) The person who conducts the training shall meet at least one of the following criteria:

(i) Be currently certified as an applicator of restricted-use pesticides under part 171 of this chapter; or

(ii) Be currently designated as a trainer of certified applicators or pesticide handlers by a State, Federal, or Tribal agency having jurisdiction; or

(iii) Have completed a pesticide safety train-the-trainer program approved by a State, Federal, or Tribal agency having jurisdiction; or

(iv) Satisfy the training requirements in part 171 of this chapter or in §170.230(c).

(3) Any person who issues an EPA-approved Worker Protection Standard worker training certificate must assure that the worker who receives the training certificate has been trained in accordance with (c)(4) of this section.

(4) The training materials shall convey, at a minimum, the following information:

(i) Where and in what form pesticides may be encountered during work activities.

(ii) Hazards of pesticides resulting from toxicity and exposure, including acute and chronic effects, delayed effects, and sensitization.

(iii) Routes through which pesticides can enter the body.

(iv) Signs and symptoms of common types of pesticide poisoning.

(v) Emergency first aid for pesticide injuries or poisonings.

(vi) How to obtain emergency medical care.

(vii) Routine and emergency decontamination procedures, including emergency eyeflushing techniques.

(viii) Hazards from chemigation and drift.

(ix) Hazards from pesticide residues on clothing.

(x) Warnings about taking pesticides or pesticide containers home.

(xi) Requirements of this subpart designed to reduce the risks of illness or injury resulting from workers' occupational exposure to pesticides, including application and entry restrictions, the design of the warning sign, posting of warning signs, oral warnings, the availability of specific information about applications, and the protection against retaliatory acts.

(d) Verification of training.

(1) Except as provided in paragraph (d)(2) of this section, if the agricultural employer assures that a worker possesses an EPA-approved Worker Protection Standard worker training certificate, then the requirements of paragraph (a) of this section will have been met.

(2) If the agricultural employer is aware or has reason to know that an EPA-approved Worker Protection Standard worker training certificate has not been issued in accordance with this section, or has not been issued to the worker bearing the certificate, or the training was completed more than 5 years before the beginning of the current month, a worker's possession of that certificate does not meet the requirements of paragraph (a) of this section.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist.: OR-OSHA Admin. Order 18-1993, f. 11/24/93, ef. 1/1/94.

§170.135 POSTED PESTICIDE SAFETY INFORMATION.

(a) **Requirement.** When workers are on an agricultural establishment and, within the last 30 days, a pesticide covered by this subpart has been applied on the establishment or a restricted-entry interval has been in effect, the agricultural employer shall display, in accordance with this section, pesticide safety information.

(b) **Pesticide safety poster.** A safety poster must be displayed that conveys, at a minimum, the following basic pesticide safety concepts:

(1) Help keep pesticides from entering your body. At a minimum, the following points shall be conveyed:

(i) Avoid getting on your skin or into your body any pesticides that may be on plants and soil, in irrigation water, or drifting from nearby applications.

(ii) Wash before eating, drinking, using chewing gum or tobacco, or using the toilet.

(iii) Wear work clothing that protects the body from pesticide residues (long-sleeved shirts, long pants, shoes and socks, and a hat or scarf).

(iv) Wash/shower with soap and water, shampoo hair, and put on clean clothes after work.

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

(vi) Wash immediately in the nearest clean water if pesticides are spilled or sprayed on the body. As soon as possible, shower, shampoo, and change into clean clothes.

(vii) Follow directions about keeping out of treated or restricted areas.

(2) There are Federal rules to protect workers and handlers, including a requirement for safety training.

(c) **Emergency medical care information.**

(1) The name, address, and telephone number of the nearest emergency medical care facility shall be on the safety poster or displayed close to the safety poster.

(2) The agricultural employer shall inform workers promptly of any change to the information on emergency medical care facilities.

(d) **Location.**

(1) The information shall be displayed in a central location on the farm or in the nursery or greenhouse where it can be readily seen and read by workers.

(2) The information shall be displayed in a location in or near the forest in a place where it can be readily seen and read by workers and where workers are likely to congregate or pass by, such as at a decontamination site or an equipment storage site.

(e) **Accessibility.** Workers shall be informed of the location of the information and shall be allowed access to it.

(f) **Legibility.** The information shall remain legible during the time it is posted.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist.: OR-OSHA Admin. Order 18-1993, f. 11/24/93, ef. 1/1/94.

§170.150 DECONTAMINATION.

(a) **Requirement.** If any worker on an agricultural establishment performs any activity in an area where, within the last 30 days, a pesticide has been applied or a restricted-entry interval has been in effect and contacts anything that has been treated with the pesticide, including, but not limited to, soil, water, or surfaces of plants, the agricultural employer shall provide, in accordance with this section, a decontamination site for washing off pesticide residues.

(b) **General conditions.**

(1) The agricultural employer shall provide workers with enough water for routine washing and emergency eyeflushing. At all times when the water is available to workers, the employer shall assure that it is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed.

OREGON ADMINISTRATIVE RULES
CHAPTER 437 - DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

(2) When water stored in a tank is to be used for mixing pesticides, it shall not be used for decontamination or eyeflushing, unless the tank is equipped with properly functioning valves or other mechanisms that prevent movement of pesticides into the tank.

(3) The agricultural employer shall provide soap and single-use towels at each decontamination site in quantities sufficient to meet workers' needs.

(4) To provide for emergency eyeflushing, the agricultural employer shall assure that at least 1 pint of water is immediately available to each worker who is performing early-entry activities permitted by §170.112 and for which the pesticide labeling requires protective eyewear. The eyeflush water shall be carried by the early-entry worker, or shall be on the vehicle the early-entry worker is using, or shall be otherwise immediately accessible.

(c) Location.

(1) The decontamination site shall be reasonably accessible to and not more than 1/4 mile from where workers are working.

(2) For worker activities performed more than 1/4 mile from the nearest place of vehicular access:

(i) The soap, single-use towels, and water may be at the nearest place of vehicular access.

(ii) The agricultural employer may permit workers to use clean water from springs, streams, lakes, or other sources for decontamination at the remote work site, if such water is more accessible than the water at the decontamination site located at the nearest place of vehicular access.

(3) The decontamination site shall not be in an area being treated with pesticides.

(4) The decontamination site shall not be in an area that is under a restricted-entry interval, unless the workers for whom the site is provided are performing early-entry activities permitted by §170.112 and involving contact with treated surfaces and the decontamination site would otherwise not be reasonably accessible to those workers.

(d) Decontamination after early-entry activities. At the end of any exposure period for workers engaged in early-entry activities permitted by §170.112 and involving contact with anything that has been treated with the pesticide to which the restricted-entry interval applies, including, but not limited to, soil, water, air, or surfaces of plants, the agricultural employer shall provide, at the site where the workers remove personal protective equipment, soap, clean towels, and a sufficient amount of water so that the workers may wash thoroughly.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist: OR-OSHA Admin. Order 18-1993, f. 11/24/93, ef. 1/1/94.

§170.160 EMERGENCY ASSISTANCE.

If there is reason to believe that a person who is or has been employed on an agricultural establishment to perform tasks related to the production of agricultural plants has been poisoned or injured by exposure to pesticides used on the agricultural establishment, including, but not limited to, exposures from application, splash, spill, drift, or pesticide residues, the agricultural employer shall:

(a) Make available to that person prompt transportation from the agricultural establishment, including any labor camp on the agricultural establishment, to an appropriate emergency medical facility.

(b) Provide to that person or to treating medical personnel, promptly upon request, any obtainable information on:

(1) Product name, EPA registration number, and active ingredients of any product to which that person might have been exposed.

(2) Antidote, first aid, and other medical information from the product labeling.

(3) The circumstances of application or use of the pesticide on the agricultural establishment.

(4) The circumstances of exposure of that person to the pesticide.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist: OR-OSHA Admin. Order 18-1993, f. 11/24/93, ef. 1/1/94.

SUBPART C

STANDARD FOR PESTICIDE HANDLERS

§170.202 APPLICABILITY OF THIS SUBPART.

(a) **Requirement.** Except as provided by paragraph (b) of this section, this subpart applies when any pesticide is handled for use on an agricultural establishment.

(b) **Exceptions.** This subpart does not apply when any pesticide is handled for use on an agricultural establishment in the following circumstances:

(1) For mosquito abatement, Mediterranean fruit fly eradication, or similar wide-area public pest control programs sponsored by governmental entities.

(2) On livestock or other animals, or in or about animal premises.

(3) On plants grown for other than commercial or research purposes, which may include plants in habitations, home fruit and vegetable gardens, and home greenhouses.

(4) On plants that are in ornamental gardens, parks, and public or private lawns and grounds and that are intended only for aesthetic purposes or climatic modification.

(5) In a manner not directly related to the production of agricultural plants, including, but not limited to, structural pest control, control of vegetation

along rights-of-way and in other noncrop areas, and pasture and rangeland use.

(6) For control of vertebrate pests.

(7) As attractants or repellents in traps.

(8) On the harvested portions of agricultural plants or on harvested timber.

(9) For research uses of unregistered pesticides.

(c) **Exemptions.** For the purposes of this subpart, owners of agricultural establishments need not assure that the protections in §§170.210(b) and (c), 170.222, 170.230, 170.232, 170.234, 170.235, 170.240(e) through (g), 170.250, and 170.260 are provided to themselves or to members of their immediate family who are performing handling tasks on their own agricultural establishments. However, they must provide any protections required by these sections to other handlers and other persons who are not members of their immediate family, and are encouraged to provide the protections to themselves and members of their families.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist.: OR-OSHA Admin. Order 18-1993, f. 11/24/93, ef. 1/1/94.

§170.210 RESTRICTIONS DURING APPLICATIONS.

(a) **Contact with workers and other persons.** The handler employer and the handler shall assure that no pesticide is applied so as to contact, either directly or through drift, any worker or other person, other than an appropriately trained and equipped handler.

(b) **Handlers handling highly toxic pesticides.** The handler employer shall assure that any handler who is performing any handling activity with a product that has the skull and crossbones symbol on the front panel of the label is monitored visually or by voice communication at least every 2 hours.

(c) **Fumigant applications in greenhouses.** The handler employer shall assure:

(1) That any handler who handles a fumigant in a greenhouse, including a handler who enters the greenhouse before the acceptable inhalation exposure level or ventilation criteria have been met to monitor air levels or to initiate ventilation, maintains continuous visual or voice contact with another handler.

(2) That the other handler has immediate access to the personal protective equipment required by the fumigant labeling for handlers in the event entry into the fumigated greenhouse becomes necessary for rescue.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist.: OR-OSHA Admin. Order 18-1993, f. 11/24/93, ef. 1/1/94.

§170.222 PROVIDING SPECIFIC INFORMATION ABOUT APPLICATIONS.

When handlers (except those employed by a commercial pesticide handling establishment) are on an agricultural establishment and, within the last 30 days, a pesticide covered by this subpart has been applied on the establishment or a restricted-entry interval has been in effect, the handler employer shall display, in accordance with this section, specific information about the pesticide.

(a) Location, accessibility, and legibility. The information shall be displayed in the same location specified for the pesticide safety poster in §170.235(d) of this part and shall be accessible and legible, as specified in §170.235(e) and (f) of this part.

(b) Timing.

(1) If warning signs are posted for the treated area before an application, the specific application information for that application shall be posted at the same time or earlier.

(2) The information shall be posted before the application takes place, if handlers (except those employed by a commercial pesticide handling establishment) will be on the establishment during

application. Otherwise, the information shall be posted at the beginning of any such handler's first work period.

(3) The information shall continue to be displayed for at least 30 days after the end of the restricted-entry interval (or, if there is no restricted-entry interval, for at least 30 days after the end of the application) or at least until the handlers are no longer on the establishment, whichever is earlier.

(c) Required information. The information shall include:

(1) The location and description of the treated area.

(2) The product name, EPA registration number, and active ingredient(s) of the pesticide.

(3) The time and date the pesticide is to be applied.

(4) The restricted-entry interval for the pesticide.

Stat. Auth.: ORS 654.025(2) and 656.726(3).
Hist: OR-OSHA Admin. Order 18-1993, f. 11/24/93, ef. 1/1/94.

§170.224 NOTICE OF APPLICATIONS TO AGRICULTURAL EMPLOYERS.

Before the application of any pesticide on or in an agricultural establishment, the handler employer shall provide the following information to any agricultural employer for the establishment or shall assure that any agricultural employer is aware of:

(a) Specific location and description of the treated area.

(b) Time and date of application.

(c) Product name, EPA registration number, and active ingredient(s).

(d) Restricted-entry interval.

(e) Whether posting and oral notification are required.

(f) Any other product-specific requirements on the product labeling concerning protection of workers or other persons during or after application.

Stat. Auth.: ORS 654.025(2) and 656.726(3).
Hist: OR-OSHA Admin. Order 18-1993, f. 11/24/93, ef. 1/1/94.

§170.230 PESTICIDE SAFETY TRAINING.

(a) **Requirement.** Before any handler performs any handling task, the handler employer shall assure that the handler has been trained in accordance with this section during the last 5 years, counting from the end of the month in which the training was completed.

(b) **Exception.** A handler who is currently certified as an applicator of restricted-use pesticides under part 171 of this chapter or who satisfies the training requirements of part 171 of this chapter need not be trained under this section.

NOTE: The specific requirements of OAR 437, Division 2/Z, 1910.1200, Hazard Communication, where more stringent than these provisions, including the exceptions, will apply.

(c) **Training programs.**

(1) General pesticide safety information shall be presented to handlers either orally from written materials or audiovisually. The information must be presented in a manner that the handlers can understand (such as through a translator). The presenter also shall respond to handlers' questions.

(2) The person who conducts the training shall meet at least one of the following criteria:

(i) Be currently certified as an applicator of restricted-use pesticides under part 171 of this chapter; or

(ii) Be currently designated as a trainer of certified applicators or pesticide handlers by a State, Federal, or Tribal agency having jurisdiction; or

(iii) Have completed a pesticide safety train-the-trainer program approved by a State, Federal, or Tribal agency having jurisdiction.

(3) Any person who issues an EPA-approved Worker Protection Standard handler training certificate must assure that the handler who receives the training certificate has been trained in accordance with paragraph (c)(4) of this section.

(4) The pesticide safety training materials must convey, at a minimum, the following information:

(i) Format and meaning of information contained on pesticide labels and in labeling, including safety information such as precautionary statements about human health hazards.

(ii) Hazards of pesticides resulting from toxicity and exposure, including acute and chronic effects, delayed effects, and sensitization.

(iii) Routes by which pesticides can enter the body.

(iv) Signs and symptoms of common types of pesticide poisoning.

(v) Emergency first aid for pesticide injuries or poisonings.

(vi) How to obtain emergency medical care.

(vii) Routine and emergency decontamination procedures.

(viii) Need for and appropriate use of personal protective equipment.

(ix) Prevention, recognition, and first aid treatment of heat-related illness.

(x) Safety requirements for handling, transporting, storing, and disposing of pesticides, including general procedures for spill cleanup.

(xi) Environmental concerns such as drift, runoff, and wildlife hazards.

(xii) Warnings about taking pesticides or pesticide containers home.

(xiii) Requirements of this subpart that must be followed by handler employers for the protection of handlers and other persons, including the prohibition against applying pesticides in a manner that will cause contact with workers or other persons, the requirement to use personal protective equipment, the provisions for training and decontamination, and the protection against retaliatory acts.

(d) **Verification of training.**

(1) Except as provided in paragraph (d)(2) of this section, if the handler employer assures that a handler possesses an EPA-approved Worker Protection Standard handler training certificate, then the requirements of paragraph (a) of this section will have been met.

(2) If the handler employer is aware or has reason to know that an EPA-approved Worker Protection Standard handler training certificate has not been issued in accordance with this section, or has not been issued to the handler bearing the certificate, or the handler training was completed more than 5 years before the beginning of the current month, a handler's possession of that certificate does not meet the requirements of paragraph (a) of this section.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist.: OR-OSHA Admin. Order 18-1993, f. 11/24/93, ef. 1/1/94.

§170.232 KNOWLEDGE OF LABELING AND SITE-SPECIFIC INFORMATION.

(a) Knowledge of labeling information.

(1) The handler employer shall assure that before the handler performs any handling activity, the handler either has read the product labeling or has been informed in a manner the handler can understand of all labeling requirements related to safe use of the pesticide, such as signal words, human hazard precautions, personal protective equipment requirements, first aid instructions, environmental precautions, and any additional precautions pertaining to the handling activity to be performed.

(2) The handler employer shall assure that the handler has access to the product labeling information during handling activities.

(b) Knowledge of site-specific information. Whenever a handler who is employed by a commercial pesticide handling establishment will be performing pesticide handling tasks on an agricultural establishment, the handler employer shall assure that the handler is aware of the following information concerning any areas on the agricultural establishment that the handler may be in (or may walk within 1/4 mile of) and that may be treated with a pesticide or that may be under a restricted-entry interval while the handler will be on the agricultural establishment:

- (1) Specific location and description of any such areas; and
- (2) Restrictions on entering those areas.

Stat. Auth.: ORS 654.025(2) and 656.726(3).
Hist: OR-OSHA Admin. Order 18-1993, f. 11/24/93, ef. 1/1/94.

§170.234 SAFE OPERATION OF EQUIPMENT.

(a) The handler employer shall assure that before the handler uses any equipment for mixing, loading, transferring, or applying pesticides, the handler is instructed in the safe operation of such equipment, including, when relevant, chemigation safety requirements and drift avoidance.

(b) The handler employer shall assure that, before each day of use, equipment used for mixing, loading, transferring, or applying pesticides is inspected for leaks, clogging, and worn or damaged parts, and any damaged equipment is repaired or is replaced.

(c) Before allowing any person to repair, clean, or adjust equipment that has been used to mix, load, transfer, or apply pesticides, the handler employer shall assure that pesticide residues have been removed from the equipment, unless the person

doing the cleaning, repairing, or adjusting is a handler employed by the agricultural or commercial pesticide handling establishment. If pesticide residue removal is not feasible, the handler employer shall assure that the person who repairs, cleans, or adjusts such equipment is informed:

- (1) That such equipment may be contaminated with pesticides.
- (2) Of the potentially harmful effects of exposure to pesticides.
- (3) Of the correct way to handle such equipment.

Stat. Auth.: ORS 654.025(2) and 656.726(3).
Hist: OR-OSHA Admin. Order 18-1993, f. 11/24/93, ef. 1/1/94.

§170.235 POSTED PESTICIDE SAFETY INFORMATION.

(a) **Requirement.** When handlers (except those employed by a commercial pesticide handling establishment) are on an agricultural establishment and, within the last 30 days, a pesticide covered by this subpart has been applied on the establishment or a restricted-entry interval has been in effect, the handler employer shall display, in accordance with this section, pesticide safety information.

(b) **Pesticide safety poster.** A safety poster must be displayed that conveys, at a minimum, the following basic pesticide safety concepts:

(1) Help keep pesticides from entering your body. At a minimum, the following points shall be conveyed:

(i) Avoid getting on your skin or into your body any pesticides that may be on plants and soil, in irrigation water, or drifting from nearby applications.

(ii) Wash before eating, drinking, using chewing gum or tobacco, or using the toilet.

(iii) Wear work clothing that protects the body from pesticide residues (long-sleeved shirts, long pants, shoes and socks, and a hat or scarf).

(iv) Wash/shower with soap and water, shampoo hair, and put on clean clothes after work.

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

(vi) Wash immediately in the nearest clean water if pesticides are spilled or sprayed on the body. As soon as possible, shower, shampoo, and change into clean clothes.

(vii) Follow directions about keeping out of treated or restricted areas.

(2) There are Federal rules to protect workers and handlers including a requirement for safety training.

(c) **Emergency medical care information.**

(1) The name, address, and telephone number of the nearest emergency medical care facility shall be on the safety poster or displayed close to the safety poster.

(2) The handler employer shall inform handlers promptly of any change to the information on emergency medical care facilities.

(d) **Location.**

(1) The information shall be displayed in a central location on the farm or in the nursery or greenhouse where it can be readily seen and read by handlers.

(2) The information shall be displayed in a location in or near the forest in a place where it can be readily seen and read by handlers and where handlers are likely to congregate or pass by, such as at a decontamination site or an equipment storage site.

(e) **Accessibility.** Handlers shall be informed of the location of the information and shall be allowed access to it.

(f) **Legibility.** The information shall remain legible during the time it is posted.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist: OR-OSHA Admin. Order 18-1993, f. 11/24/93, ef. 1/1/94.

§170.240 PERSONAL PROTECTIVE EQUIPMENT.

(a) **Requirement.** Any person who performs tasks as a pesticide handler shall use the clothing and personal protective equipment specified on the labeling for use of the product.

NOTE: In Oregon, to the extent that the Personal Protective Equipment requirements contained in OAR 437, Division 2/I (1910.132-.136), Division 6 (Forest Activities), or other provisions in Division 81 (Agriculture), are more stringent than the label requirements, they will apply.

OREGON ADMINISTRATIVE RULES
CHAPTER 437 - DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

(b) Definition.

(1) Personal protective equipment (PPE) means devices and apparel that are worn to protect the body from contact with pesticides or pesticide residues, including, but not limited to, coveralls, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear, respiratory protection devices, chemical-resistant aprons, chemical-resistant headgear, and protective eyewear.

(2) Long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, socks, and other items of work clothing are not considered personal protective equipment for the purposes of this section and are not subject to the requirements of this section, although pesticide labeling may require that such work clothing be worn during some activities.

(c) Provision. When personal protective equipment is specified by the labeling of any pesticide for any handling activity, the handler employer shall provide the appropriate personal protective equipment in clean and operating condition to the handler.

(1) When "**chemical-resistant**" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of the pesticide being used through the material during use.

(2) When "**waterproof**" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of water or aqueous solutions through the material during use.

(3) When a "**chemical-resistant suit**" is specified by the product labeling, it shall be a loose-fitting, one- or two-piece chemical-resistant garment that covers, at a minimum, the entire body except head, hands, and feet.

(4) When "**coveralls**" are specified by the product labeling, they shall be a loose-fitting, one- or two-piece garment, such as a cotton or cotton and polyester coverall, that covers, at a minimum, the entire body except head, hands, and feet. The pesticide product labeling may specify that the coveralls be worn over another layer of clothing.

(5) Gloves shall be of the type specified by the product labeling. Gloves or glove linings made of leather, cotton, or other absorbent material shall not be worn for handling activities unless such materials are listed on the product labeling as acceptable for such use.

(6) When "**chemical-resistant footwear**" is specified by the product labeling, one of the following types of footwear must be worn:

(i) Chemical-resistant shoes.

(ii) Chemical-resistant boots.

(iii) Chemical-resistant shoe coverings worn over shoes or boots.

(7) When "**protective eyewear**" is specified by the product labeling, one of the following types of eyewear must be worn:

(i) Goggles.

(ii) Face shield.

(iii) Safety glasses with front, brow, and temple protection.

(iv) Full-face respirator.

NOTE: See also the requirements in Division 2/I, 1910.133, Eye and Face Protection; Division 6 (Forest Activities); or other provisions in Division 81 (Agriculture).

(8) When a "**chemical-resistant apron**" is specified by the product labeling, an apron that covers the front of the body from mid-chest to the knees shall be worn.

(9) When a respirator is specified by the product labeling, it shall be appropriate for the pesticide product used and for the activity to be performed. The handler employer shall assure that the respirator fits correctly.

(10) When "**chemical-resistant headgear**" is specified by the product labeling, it shall be either a chemical resistant hood or a chemical-resistant hat with a wide brim.

(d) Exceptions to personal protective equipment specified on product labeling.

(1) Body protection.

(i) A chemical-resistant suit may be substituted for "**coveralls**," and any requirement for an additional layer of clothing beneath is waived.

(ii) A chemical-resistant suit may be substituted for "**coveralls**" and a chemical-resistant apron.

(2) **Boots.** If chemical-resistant footwear with sufficient durability and a tread appropriate for wear in rough terrain is not obtainable, then leather boots may be worn in such terrain.

(3) **Gloves.** If chemical-resistant gloves with sufficient durability and suppleness are not obtainable, then during handling activities with roses or other plants with sharp thorns, leather gloves may be worn over chemical-resistant glove liners. However, once leather gloves are worn for this

use, thereafter they shall be worn only with chemical-resistant liners and they shall not be worn for any other use.

(4) Closed systems. If handling tasks are performed using properly functioning systems that enclose the pesticide to prevent it from contacting handlers or other persons, and if such systems are used and are maintained in accordance with that manufacturer's written operating instructions, exceptions to labeling-specified personal protective equipment for the handling activity are permitted as provided in paragraphs (d)(4)(i) and (ii) of this section.

(i) Persons using a closed system to mix or load pesticides with a signal word of DANGER or WARNING may substitute a long-sleeved shirt, long pants, shoes, socks, chemical-resistant apron, and any protective gloves specified on the labeling for handlers for the labeling-specified personal protective equipment.

(ii) Persons using a closed system to mix or load pesticides other than those in paragraph (d)(4)(i) of this section or to perform other handling tasks may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment.

(iii) Persons using a closed system that operates under pressure shall wear protective eyewear.

(iv) Persons using a closed system shall have all labeling-specified personal protective equipment immediately available for use in an emergency.

(5) Enclosed cabs. If handling tasks are performed from inside a cab that has a nonporous barrier which totally surrounds the occupants of the cab and prevents contact with pesticides outside of the cab, exceptions to personal protective equipment specified on the product labeling for that handling activity are permitted as provided in paragraphs (d)(5)(i) through (iv) of this section.

(i) Persons occupying an enclosed cab may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If a respiratory protection device is specified on the pesticide product labeling for the handling activity, it must be worn.

(ii) Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer or by a governmental agency to provide respiratory protection equivalent to or greater than a dust/mist filtering respirator

may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If a respiratory protection device other than a dust/mist-filtering respirator is specified on the pesticide product labeling, it must be worn.

(iii) Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer or by a governmental agency to provide respiratory protection equivalent to or greater than the vapor- or gas-removing respirator specified on pesticide product labeling may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If an air-supplying respirator or a self-contained breathing apparatus (SCBA) is specified on the pesticide product labeling, it must be worn.

(iv) Persons occupying an enclosed cab shall have all labeling-specified personal protective equipment immediately available and stored in a chemical-resistant container, such as a plastic bag. They shall wear such personal protective equipment if it is necessary to exit the cab and contact pesticide-treated surfaces in the treated area. Once personal protective equipment is worn in the treated area, it must be removed before reentering the cab.

(6) Aerial applications.

(i) **Use of gloves.** Chemical-resistant gloves shall be worn when entering or leaving an aircraft contaminated by pesticide residues. In the cockpit, the gloves shall be kept in an enclosed container to prevent contamination of the inside of the cockpit.

(ii) **Open cockpit.** Persons occupying an open cockpit shall use the personal protective equipment specified in the product labeling for use during application, except that chemical-resistant footwear need not be worn. A helmet may be substituted for chemical-resistant headgear. A visor may be substituted for protective eyewear.

(iii) **Enclosed cockpit.** Persons occupying an enclosed cockpit may substitute a long-sleeved shirt, long pants, shoes, and socks for labeling-specified personal protective equipment.

(7) Crop advisors. Crop advisors entering treated areas while a restricted-entry interval is in effect may wear the personal protective equipment specified on the pesticide labeling for early-entry activities instead of the personal protective equipment specified on the pesticide labeling for handling activities, provided:

OREGON ADMINISTRATIVE RULES
CHAPTER 437 - DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

(i) Application has been completed for at least 4 hours.

(ii) Any inhalation exposure level listed in the labeling has been reached or any ventilation criteria established by §170.110(c)(3) or in the labeling have been met.

(e) Use of personal protective equipment.

(1) The handler employer shall assure that personal protective equipment is used correctly for its intended purpose and is used according to the manufacturer's instructions.

(2) The handler employer shall assure that, before each day of use, all personal protective equipment is inspected for leaks, holes, tears, or worn places, and any damaged equipment is repaired or discarded.

(f) Cleaning and maintenance.

(1) The handler employer shall assure that all personal protective equipment is cleaned according to the manufacturer's instructions or pesticide product labeling instructions before each day of reuse. In the absence of any such instructions, it shall be washed thoroughly in detergent and hot water.

(2) If any personal protective equipment cannot be cleaned properly, the handler employer shall dispose of the personal protective equipment in accordance with any applicable Federal, State, and local regulations. Coveralls or other absorbent materials that have been drenched or heavily contaminated with an undiluted pesticide that has the signal word DANGER or WARNING on the label shall be not be reused.

(3) The handler employer shall assure that contaminated personal protective equipment is kept separately and washed separately from any other clothing or laundry.

(4) The handler employer shall assure that all clean personal protective equipment shall be either dried thoroughly before being stored or shall be put in a well ventilated place to dry.

(5) The handler employer shall assure that all personal protective equipment is stored separately from personal clothing and apart from pesticide-contaminated areas.

(6) The handler employer shall assure that when dust/mist filtering respirators are used, the filters shall be replaced:

(i) When breathing resistance becomes excessive.

(ii) When the filter element has physical damage or tears.

(iii) According to manufacturer's recommendations or pesticide product labeling, whichever is more frequent.

(iv) In the absence of any other instructions or indications of service life, at the end of each day's work period.

(7) The handler employer shall assure that when gas- or vapor-removing respirators are used, the gas- or vapor-removing canisters or cartridges shall be replaced:

(i) At the first indication of odor, taste, or irritation.

(ii) According to manufacturer's recommendations or pesticide product labeling, whichever is more frequent.

(iii) In the absence of any other instructions or indications of service life, at the end of each day's work period.

(8) The handler employer shall inform any person who cleans or launders personal protective equipment:

(i) That such equipment may be contaminated with pesticides.

(ii) Of the potentially harmful effects of exposure to pesticides.

(iii) Of the correct way(s) to clean personal protective equipment and to protect themselves when handling such equipment.

NOTE: The requirements for a respirator program as required under OAR 437, Division 2/I, 1910.134, Respiratory Protection, would also apply.

(9) The handler employer shall assure that handlers have a clean place(s) away from pesticide storage and pesticide use areas where they may:

(i) Store personal clothing not in use.

(ii) Put on personal protective equipment at the start of any exposure period.

(iii) Remove personal protective equipment at the end of any exposure period.

(10) The handler employer shall not allow or direct any handler to wear home or to take home personal protective equipment contaminated with pesticides.

(g) **Heat-related illness.** When the use of personal protective equipment is specified by the labeling of any pesticide for the handling activity, the handler

employer shall assure that no handler is allowed or directed to perform the handling activity unless appropriate measures are taken, if necessary, to prevent heat-related illness.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist: OR-OSHA Admin. Order 18-1993, f. 11/24/93, ef. 1/1/94.

§170.250 DECONTAMINATION.

(a) **Requirement.** During any handling activity, the handler employer shall provide for handlers, in accordance with this section, a decontamination site for washing off pesticides and pesticide residues.

(b) **General conditions.**

(1) The handler employer shall provide handlers with enough water for routine washing, for emergency eyeflushing, and for washing the entire body in case of an emergency. At all times when the water is available to handlers, the handler employer shall assure that it is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed.

(2) When water stored in a tank is to be used for mixing pesticides, it shall not be used for decontamination or eye flushing, unless the tank is equipped with properly functioning valves or other mechanisms that prevent movement of pesticides into the tank.

(3) The handler employer shall provide soap and single-use towels at each decontamination site in quantities sufficient to meet handlers' needs.

(4) The handler employer shall provide one clean change of clothing, such as coveralls, at each decontamination site for use in an emergency.

(c) **Location.** The decontamination site shall be reasonably accessible to and not more than 1/4 mile from each handler during the handling activity.

(1) Exception for mixing sites. For mixing activities, the decontamination site shall be at the mixing site.

(2) Exception for pilots. The decontamination site for a pilot who is applying pesticides aerially shall be in the airplane or at the aircraft's loading site.

(3) Exception for handling pesticides in remote areas. When handling activities are performed more than 1/4 mile from the nearest place of vehicular access:

(i) The soap, single-use towels, clean change of clothing, and water may be at the nearest place of vehicular access.

(ii) The handler employer may permit handlers to use clean water from springs, streams, lakes, or other sources for decontamination at the remote work site, if such water is more accessible than the water at the decontamination site located at the nearest place of vehicular access.

(4) Decontamination site in treated areas. The decontamination site shall not be in an area being treated with pesticides or in an area under a restricted-entry interval, unless:

(i) The decontamination site is in the area where the handler is performing handling activities;

(ii) The soap, single-use towels, and clean change of clothing are in enclosed containers; and

(iii) The water is running tap water or is enclosed in a container.

(d) **Emergency eyeflushing.** To provide for emergency eyeflushing, the handler employer shall assure that at least 1 pint of water is immediately available to each handler who is performing tasks for which the pesticide labeling requires protective eyewear. The eyeflush water shall be carried by the handler, or shall be on the vehicle or aircraft the handler is using, or shall be otherwise immediately accessible.

(e) **Decontamination after handling activities.** At the end of any exposure period, the handler employer shall provide at the site where handlers remove personal protective equipment, soap, clean towels,

and a sufficient amount of water so that the handlers may wash thoroughly.

Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist.: OR-OSHA Admin. Order 18-1993, f. 11/24/93, ef. 1/1/94.

§170.260 EMERGENCY ASSISTANCE.

If there is reason to believe that a person who is or has been employed by an agricultural establishment or commercial pesticide handling establishment to perform pesticide handling tasks has been poisoned or injured by exposure to pesticides as a result of that employment, including, but not limited to, exposures from handling tasks or from application, splash, spill, drift, or pesticide residues, the handler employer shall:

(a) Make available to that person prompt transportation from the place of employment or the handling site to an appropriate emergency medical facility.

(b) Provide to that person or to treating medical personnel, promptly upon request, any obtainable information on:

(1) Product name, EPA registration number, and active ingredients of any product to which that person might have been exposed.

(2) Antidote, first aid, and other medical information from the product labeling.

(3) The circumstances of handling of the pesticide.

(4) The circumstances of exposure of that person to the pesticide.

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Stat. Auth.: ORS 654.025(2) and 656.726(3).

Hist.: OR-OSHA Admin. Order 18-1993, f. 11/24/93, ef. 1/1/94.