



## New Respirator Regulations

*Big Changes to the Regulations!*



Gone are the days of a simple medical condition statement on a training form and using the respirator’s instruction manual as the training program outline. The new respirator changes are finalized and become effective in January 2008. If your company uses pesticides that require the use of a respirator, or if you have employees that voluntarily use respirators, there are significant changes you must implement to stay in compliance.

We will outline some of the major changes, but it is impossible to relay all of them in a newsletter article. You should visit the following website and read the new code section. When you visit this website, type in “ 3 ” for the Title, and 6739 for the Section. When it brings up the code section, you will have to click on the “ 1 ” to read the text of the regulation:

<http://government.westlaw.com/linkedslice/search/default.asp?tempinfo=find&RS=GVT1.0&VR=2.0&SP=CCR-1000>

## Change to Title 3, California Code of Regulations:

There have been a few section updates that correspond with the new respirator code changes. Section 6000 has several new definitions, Section 6720 has been updated, Section 6738(h) has been re-written, and the new respiratory code section can be found in Section 6739.

## Written Respiratory Protection Program

Employers must have a written respiratory program if their employees wear a respirator required by regulation, label, or restricted material permit condition. You cannot just use the pamphlet that comes with the respirator as your program! Your program must address very specific topics outlined in the code. For your convenience, we have posted a PDF file of a written respiratory protection program on our website under “Pesticide Training”. (In order to protect the document, we cannot post WORD documents on our website.)

## Medical Evaluations

Another regulation change is the need for employees to fill out a medical questionnaire and to have this questionnaire evaluated by a medical professional. This questionnaire is found in Section 6739(q). (There is a user-friendly version of this questionnaire with the respiratory document on our website under “Pesticide Training”.) This questionnaire must be administered confidentially during the employee’s normal working hours or at a time convenient for the employee. You have the option of mailing the questionnaire form to a licensed health care professional to have it evaluated, or you can send the employee for a medical examination that obtains the same information as the medical questionnaire.

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## Information Required to be Given to the Evaluating Medical Professional

Before an employee is evaluated, the employer must provide the following information to the evaluating medical professional:

- 1) A copy of your written respiratory protection program and a copy of Section 6739.
- 2) The type and weight of the respirator to be worn by the employee
- 3) The duration and frequency of respirator use
- 4) Expected physical work effort
- 5) Additional protective clothing and equipment to be worn.
- 6) Temperature and humidity extremes that may be encountered.

The employer must obtain a written medical recommendation from the medical professional regarding the employee's ability to use the respirator. The medical recommendation form is found in Section 6739(s). – (Or in Appendix 3 in the respiratory document we have posted on our website.)

## Voluntary Respirator Use

If employees choose to wear a respirator, or if the company supplies respirators when they are not required by regulation or label requirements; employers are still required to have a written respirator protection program. This voluntary respiratory program shall include the provisions necessary to assure the employee using a respirator is medically able to do so, and shall cover cleaning, storing, and maintaining the respirator. Employers are also required to post 6739(r). (Appendix 4 in the respiratory document we have posted on our website.)

There is a provision in the new regulation that exempts employers from creating a written respiratory protection program if the only use of respirators involves the voluntary use of filtering facepieces (dust masks).

## Where to Find Training Forms, a Written Respiratory Protection Program, and Respirator Questionnaire?

We have updated the pesticide training form and have an outline for a written respirator program. This outline also has the medical questionnaire. Our website address is: <http://sccagriculture.org>

Once you're at our website, click on "Pesticide Safety, Forms & Education" on the left side of the page. You then click on the second article titled: "Pesticide Training Forms, Use Reports, Structural NOI, Permit Applications, Restricted Materials List." We have PDF files for each of these forms available to download.

If you would like a WORD version of the written respirator protection program so you can easily type in your company's information, contact your district biologist and they can e-mail a copy to you. Another option is to e-mail our website e-mail at: [scc.agriculture@aem.sccgov.org](mailto:scc.agriculture@aem.sccgov.org) and request a copy of the respiratory protection program.

## Air-Gaps with Hand-Held Equipment

*Backpack and Hand-Can Sprayers*



We were recently asked: "Do hand-held sprayers need an air-gap when filling with water?"

The answer to this question is "Yes"! The requirements for backflow prevention are found in California Code of Regulations Section 6610:

*Each service rig and piece of application equipment that handles pesticides and draws water from an outside source shall be equipped with an air-gap separation, reduced pressure principle backflow prevention device or double check valve assembly..."*

All application equipment must have an air-gap. For backpack and hand-can sprayers, it is impractical to attach a device to these containers to provide a mechanical air-gap. Therefore, it is acceptable to hold a hose and manually create an air-gap when filling this type of equipment.

It is not acceptable to set the end of the hose into a backpack sprayer and walk away! About a year ago, we observed an applicator filling a backpack sprayer with water and he left the hose inside the backpack sprayer while he walked yards away to turn off the water. (The company was fined for this violation.) Make sure your applicators know this practice is unacceptable!

# CDFA Pest Ratings

## *Pest Rating System*

The California Department of Food and Agriculture (CDFA) has an extensive pest rating system, which encompasses insects, plants, animals, and diseases. Thousands of organisms have been assigned a rating, and the State uses this rating system to rank pests by their known or potential destructive capability. Having this pre-set rating system helps the State act quickly when a destructive pest is found in the State.

There are 5 pest ratings: A, B, C, D, and Q.

- "A" is a rating given to well-known destructive pests that do not occur in California. Quarantine regulations are established for most "A-rated" pests and the State will take immediate control actions if they are detected in California. Examples of A-rated pests are Mediterranean fruit fly, Japanese beetle, gypsy moth, and burrowing nematode. In addition to quarantines, the State has an extensive detection trapping system monitoring for the presence of these pests.
- "B" is a rating given to pests with a limited distribution in the State. B-rated pests are controlled at the discretion of the county agricultural commissioner. A good example of a B-rated pest is the glassy-winged sharpshooter.
- "C" is given to pests of general distribution in the State. Argentine ants are an example of a C-rated pest.
- "D" is given to beneficials. Spiders and ladybugs are examples of organisms in this rating.
- "Q" is a rating given to pests with the potential to be destructive, but there is not enough research to know what kind of damage they could do in this State. Q-rated pests are usually treated like an "A" and will be immediately evaluated if they are discovered in this State. A few examples of Q-rated pests our County has intercepted in shipments are big-headed ants, Jack Beardsley mealy bug, fig wax scale, trilobe scale, croton white fly, and a tortricid moth.

# Exotic Pests Finding Their Way to Santa Clara County

*Unprecedented Number of Exotic  
Pests in 2007*



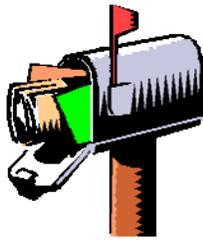
Spring 2007 began with the detection of the Light Brown Apple Moth in the northern portion of Santa Clara County. In August, two Oriental Fruit Flies (OFF) in Cupertino prompted an eradication project. A second OFF outbreak in Gilroy in September necessitated yet another eradication project. In October, State trappers found seven Mediterranean Fruit Flies in San Jose prompting a quarantine and a massive eradication project.

How are these pests finding their way into the County? California has many points of entry – highways, airports, seaports, post office, and commercial carriers. Inspections are conducted at these locations, but it's particularly difficult to intercept shipments of mis-manifested or contraband plants, fruits, or vegetables.

The State operates border stations to inspect car and truck shipments as they enter California. However, budget reductions have affected inspections at these facilities in recent years and attention is now focused on commercial shipments. Has the scaling back of personal vehicle inspections rippled down to our recent exotic pest problems? It's tough to say. The border inspections of personal vehicles have definitely shown their value in the past. In fact, the State conducted a pilot program to run the Needles Inspection Station at full staff and when the inspectors stopped personal vehicles, the number of interceptions of serious pests was astounding. From 7-5-2006 to 4-30-2007, the Needles Inspection Station stopped just over 1 million private vehicles. Over 167,000 vehicles were inspected and inspectors found 2,218 pests! Of these pests, 77 were A-rated, 21 were B-rated, 403 were Q-rated, and there were 57 animals rejected. These inspection findings definitely lend credence to the value of quarantine inspections.

The recent pest outbreaks in Santa Clara County could be a result of a commercial fruit smuggler, or residents unwittingly transporting pests into California with the fruits and plants brought back from their travels. In any case, we hope the recent outbreaks will serve to educate the public on the importance of complying with quarantine restrictions and the need to exclude non-native invasive pests from California.

Are you tired of paying  
for postage to mail  
your use reports to the  
Agricultural  
Commissioner's office?



Well, we have a solution for you!  
Santa Clara County Agriculture  
Introduces:

**\*On-Line Pesticide Use Reporting\***

Do away with envelopes, postage,  
and running out to the post office by  
the 10<sup>th</sup> of the month. Just log on to  
our website and electronically post  
your pesticide use reports!

It's FAST

It's EASY

AND, we will personally help you set  
up your on-line reporting!

Call today to set up your FREE  
appointment with our On-Line Use  
Reporting expert.

We will set you up with a log in  
name, password, and details of how  
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For information about On-Line Use  
Reporting, Please contact Kristian  
Barbeau at (408) 465-2910  
or E-mail:

[Kristian.Barbeau@aem.sccgov.org](mailto:Kristian.Barbeau@aem.sccgov.org)

## Continuing Education Seminar

**When:** December 11, 2007

**Where:** San Martin Lions Club  
12415 Murphy Avenue  
San Martin

**Time:** 8:00 a.m. – 12:00 noon

**C.E.:** 2.0 Hours for Certified Private  
Applicators, QAL, QAC, PCA  
(1 hour of "Laws and Regs." and  
1 hour of "Other")

**RSVP:** Please call (408) 465-2900 to  
reserve your seat today!

**Agenda:** To see a copy of the agenda,  
you can visit our website and  
click on: "Pesticide Safety,  
Forms & Education"

For questions or comments about this  
newsletter, please contact:

Santa Clara County Division of  
Agriculture: "Growing Times"

1553 Berger Drive

San Jose, CA 95112

Or, e-mail:

[scc.agriculture@aem.sccgov.org](mailto:scc.agriculture@aem.sccgov.org)

\* This newsletter is available on-line on  
our website:

<http://www.sccagriculture.org>