

Pages 112-137

- (1) Any pesticide for agricultural use, excluding those for use only on livestock, and
- (2) any pesticide for industrial use as a post-harvest commodity treatment.

## Pest Control Business Operations

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Each person engaged for hire in the business of pest control shall keep each ground rig, service rig, and similar equipment used for mixing or applying pesticides conspicuously and legibly marked with either the business' name or with "Licensed Pest Control Operator," "Fumigation Division," "Licensed Fumigator" or substantially similar wording and the pest control operator license number of the person or firm. The markings shall be large enough to be readable at a distance of 25 feet.

Each person engaged for hire in the business of pest control shall have available a copy of both the written recommendation and the use permit covering each agricultural use application of a pesticide that requires a permit. Each person engaged for hire in the business of pest control shall report to the commissioner as soon as practicable, by the most expedient method, any forced landing, or emergency or accidental release of pesticides. Such report shall include the location, the pesticide, and estimated amount. Each person engaged for hire in the business of pest control shall maintain records of and report on each pesticide use, in the manner prescribed in the Food and Agriculture Code and shall identify the qualified person who made or supervised the application.

## ***Training & Practices***

### Worker Safety Responsibilities

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Both the employer and each employee shall comply with each pesticide regulation which is applicable to his own action and conduct. The employer is responsible for knowing about the applicable safe use requirements specified in state and federal regulations and on the pesticide label, and the employer shall inform the employee in the language he/she understands of the specific pesticide being used and the protective clothing, equipment and work procedures to be followed.

The employer shall supervise employees so that safe work practices including all applicable regulations and label requirements are complied with, and the Employer requires employees to follow safe work practices. The Employer shall inform employees of pesticide safety hazards and pesticide safety regulations applicable to all activities they may perform, and employees must handle and use pesticides in accordance with the requirements of law, regulations, and label requirements.

### Employee Pesticide Training

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The employer shall have a written training program for employees who handle minimal exposure to pesticides. The written program describes the materials (e.g., study guides,

## Closed Systems

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Closed systems shall be provided for employees that mix or load liquid pesticides in toxicity category one or load diluted liquid mixes derived from dry pesticides in toxicity category one, for the production of an agricultural commodity. No employee shall transfer, mix, or load these pesticides except through a closed system. These requirements do not apply to employees who handle a total of one gallon or less of pesticides in the toxicity category one per day exclusively in original containers of one gallon or less.

## Working Alone with Pesticides

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An employee mixing, loading, or applying a pesticide in toxicity category one for production of an agricultural commodity may not work alone during daylight hours unless personal, radio, or telephone contact is made to a responsible adult at intervals not exceeding two hours. An employee mixing, loading, or applying a pesticide in toxicity category one for production of an agricultural commodity may not work alone during nighttime hours unless personal, radio, or telephone contact is made to a responsible adult at intervals not exceeding one hour. A pilot, mixer-loader, and/or flagger team is considered as working together. In the case of two ground applicators working in the safe field, no additional person is necessary if they can see each other or each other's application vehicles.

## Field Worker Safety

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No person shall apply any pesticide in such manner that it contaminates the body or clothing of any employee during the application process, except for employees who are involved in the application process and who are wearing the appropriate protective clothing and/or equipment. Fieldwork supervisors shall be informed of what posting means, the activities prohibited during a reentry interval, where to go for emergency medical care, and the usual symptoms of organophosphate and carbamate poisoning. Emergency medical care for employees that enter fields that have been treated with pesticides shall be planned for in advance.

## Field Reentry After Application

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Employees shall not be permitted to enter any field treated with a pesticide until the pesticide spray has dried or the pesticide dust has settled except in case of emergency. Production or harvesting operations do not constitute an emergency. The waiting period

for the drying or settling to occur need not exceed 24 hours. A treated field may be entered by an employee without restriction after the pesticide has dried or the pesticide dust has settled, except: (1) when the labeling of the pesticide specifies a longer reentry interval or, (2) when a longer re-entry interval is specified in the regulations of the Food & Agriculture Code.

## Work Clothing

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The employer shall provide clean work clothing for each employee who handles any pesticide in toxicity category one or two. Employees shall:

- Start each workday wearing clean work clothing whenever then handle pesticides in toxicity categories one or two;
- Change out of their work clothing and wash at the end of the workday;
- Not take home potentially contaminated work clothing;
- Remove and store contaminated work clothing in a sealable container outside of their own living quarters for later return to the employer,

The employer shall:

- Provide for cleaning of work clothing and
- Inform the person or firm doing the laundry that they will receive pesticide-contaminated clothing which should be laundered separately.
- Provide at the mixing and loading site at least one change of clean work clothing.

## Safety Equipment:

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The employer shall provide all necessary safety equipment and provide for its cleaning, repair, and replacement when necessary. The employer shall require that all personal protective equipment be maintained and kept in a clean, specially designated place or locker when not in use. This clothing and equipment shall remain the property of the employer. Safety equipment shall be provided and maintained in accordance with the regulations of the Food and Agriculture Code.

## Equipment Safety:

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Equipment used for mixing, loading, or applying pesticides shall be kept in good repair and shall be safe to operate. Equipment with any safety defect shall be repaired or altered to remove the hazard before further use.

All openings on tanks used for mixing or applying pesticides shall be equipped with covers that will prevent splashes and spills. Fixable hoses carrying liquid pesticides in toxicity categories one or two under pressure shall not pass unshielded through the cockpit of an airplane or helicopter. Shut-off devices shall be installed on the exit end of all hoses carrying liquid pesticides in toxicity categories one or two from mixing tanks that are adequate to prevent splashes onto the employee doing the loading when filling operations are stopped and the filler hose is removed from the inlet to the tank of the

application vehicle. As an alternative, a reversing action pump or a similar system may be used that will empty the hose and will eliminate dripping of liquid from the end of the hose when the filling operation is stopped. Each tank with a capacity of more than 49 gallons that is used to mix or apply any liquid mixture derived from a pesticide in toxicity categories one or two, shall have either, A properly functioning means to indicate



suspect that an employee has a pesticide illness or when exposure to a pesticide has occurred that might reasonably be expected to lead to an employee's illness, the employee shall be taken to a physician immediately.

### Medical Supervision

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Whenever an employee handles a pesticide in toxicity category one or two that contains an organophosphate or carbamate, for the purpose of producing an agricultural commodity, the employer shall maintain use records that identify the employee, name of the pesticide, and the date. An employee that regularly handles pesticides shall have a written agreement signed by a physician, that includes the names and addresses of both the physician providing the medical supervision and the employer responsible for the employees, stating that the physician has agreed to provide medical supervision and that the physician possesses a copy of, and is aware of the contents of the document "*Medical Supervision of Pesticide Workers-Guidelines for Physicians*" (available from the Department of Health Services). A copy of this agreement shall be given to the commissioner by the employer no later than when an employee begins to regularly handle pesticides. All covered employees shall have a baseline red cell and plasma cholinesterase determinations. Baseline values shall be verified every two years. For new employees, the medical supervisor may accept previously established baseline values if they are obtained in accordance with these regulations by the same laboratory methodology and are acceptable to the laboratory which will analyze the new employee's blood samples.

Each employee, not previously under medical supervision associated with the employer, must have his red cell and plasma cholinesterase determinations within three working days after the conclusion of each 30-day period in which pesticides are regularly handled. After three tests at 30-day intervals, further periodic monitoring shall be at intervals specified in writing by the medical supervisor except for verification of baseline as specified above. Where the medical supervisor has made no written recommendation for continued periodic monitoring, the testing interval shall be 60 days. Records of the agreement to provide medical supervision, use records, all recommendations received from the medical supervisor, and all results of cholinesterase tests required to be made, shall be maintained for three years. The name, address, and telephone number of the medical supervisor shall be posted in a prominent place at the locale where the employee usually starts the workday or, if there is no locale where the employee usually starts the workday, at each work site or in each work vehicle.

There shall be an investigation of the work practices of any employee whose red cell or plasma cholinesterase levels fall below 80% of the baseline. The investigation of work practices shall include a review of the safety equipment used and its condition; and the employee's work practices which included employee sanitation, pesticide handling

procedures, and equipment usage. The employer shall maintain a written record of the findings, any changes in equipment or procedures, and any recommendations made to the employee. The employer shall remove an employee from exposure to organophosphate or carbamate pesticides if the employee's plasma cholinesterase level falls to 60% or less of baseline, or if red cell cholinesterase falls to 70% or less of baseline.

## Container Requirements

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Except as provided in the Food and Agricultural Code pertaining to service containers, any container which holds or has held any pesticide, when stored or transported, shall carry the registrant's label. All lids or closures shall be securely tightened except for measuring devices that are not used to store or transport a pesticide. In no case shall a pesticide be placed or kept in any container of a type commonly used for food, drink, or household products.

## Service Container Labeling

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Service containers, other than those used by a person engaged in the business of farming when the containers are used on the property that the person is farming, shall be labeled with: The name and address of the person or firm responsible for the container, The identity of the poison in the container, and, The word "Danger," "Warning," or "Caution" in accordance with the label on the original container.

## Transportation of Pesticides

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Pesticides shall not be transported in the same compartment with food or feed. Pesticide containers shall be secured to vehicles during transportation in a manner that will prevent spillage onto the vehicle or off the vehicle. Paper, cardboard, and similar containers shall be covered when necessary to protect them from moisture.

## Container Rinse/Drain Procedures

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Each emptied container that has held less than 28 gallons of a liquid pesticide that is diluted for use shall be rinsed and drained by the user at the time of use by either of the following methods:

### METHOD A:

(1) Use the following amount of water or other designated spray carried for each rinse. If the size of the container is less than 5 gallons, then the amount of rinse medium should be 5 gallons. If the size of the container is over 5 gallons, then the amount of rinse medium is  $\frac{1}{5}$  the container volume.

(2) Place required a minimum amount of rinse medium in the container, replace closure securely, and agitate.

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(3) Drain rinse solution from the container into tank mix. Allow container to drain 30 seconds after normal emptying.

(4) Repeat (2) and (3) above a minimum of two times so as to provide a total of three rinses; or

**DANGER!**



**[Name of Pesticide]**  
**DO NOT ENTER DATE:**  
**[Grower's Name]**

[Field Identification, if any]

When posting is required without field identification, the following sign may be used in lieu of the above:

**DANGER!**



**PESTICIDE!**  
**DO NOT ENTER**

The signs shall be posted before an application begins. The signs shall not be posted unless a pesticide application is scheduled within the next 24 hours. The signs shall not be removed during the reentry interval. Warning signs shall be removed by the operator of the property or the agent with written authorization within 5 days after the end of reentry interval and before employees are allowed to enter.

## ***Fumigation***

### **Safe-Use Requirements**

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When fumigant concentrations cannot be controlled and an employee's exposure exceeds the Permissible Exposure Limit (PEL) as specified by a state agency for Airborne Contaminants, or more stringent requirements by product labeling, the employer shall provide and require the employee to wear approved respiratory protective equipment. Whenever an employee may be exposed above an exposure standard to methyl bromide, sulfuryl fluoride, or any other fumigant for which only air-supplied respirator equipment is approved, the employer shall either: Require the use of air-supplied respirator equipment or employ continuous monitoring to warn employees before the PEL is

reached. The employer shall have an accident responses plan at the worksite. The plan shall provide instructions to protect employees during situations such as spills, fire, and leaks. Employees shall be trained in accident management procedures based on the plan.



if used. Pesticide warning signs shall be posted and shall remain in place until aeration is complete.

## Water & Food

### Potable Water

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Potable water shall be provided in all places of employment, for drinking, washing of the person, cooking, washing of foods, washing of cooking or eating utensils, washing of food preparation or processing premises, and personal service rooms. Portable drinking water dispensers shall be designed, constructed, and serviced so that sanitary conditions are maintained, shall be capable of being closed, and shall be equipped with a tap. Open containers such as barrels, pails, or tanks for drinking water from which the water must be dipped or poured, whether or not they are fitted with a cover, are prohibited. A common drinking cup and other common utensils are prohibited.

### Non-Potable Water

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Outlets for non-potable water, such as water for industrial or firefighting purposes shall be posted or otherwise marked in a manner that will indicate clearly that the water is unsafe and is not to be used for drinking, washing of the person, cooking, washing of food, washing of cooking or eating utensils, washing of food preparation or processing premises, or personal service rooms, or for washing clothes. Construction of non-potable water systems or systems carrying any other non-potable substance shall be such as to prevent backflow or back-siphonage into a potable water system. Non-potable water shall not be used for washing any portion of the person, cooking or eating utensils, or clothing.

Non-potable water may be used for cleaning work premises, other than food processing and preparation premises and personal service rooms: Provided, That this non-potable water does not contain concentrations of chemicals, fecal coliform, or other substances which could create unsanitary conditions or be harmful to employees.

### Toilet Facilities

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Except as otherwise indicated in this section, toilet facilities, in toilet rooms separate for each sex, are provided in all places of employment. The number of facilities to be provided for each sex shall be based on the number of employees of that sex for whom the facilities are furnished. Where toilet rooms will be occupied by no more than one person at a time,

can be locked from the inside, and contain at least one water closet, separate toilet rooms for each sex need not be provided.

Where toilet facilities will not be used by women, urinals may be provided instead of water closets. This requirement does not apply to mobile crews or to normally unattended work



**Sanitary storage**

No food or beverages shall be stored in toilet rooms or in an area exposed to a toxic material.

**Food handling**

All employee food service facilities and operations shall be carried out in accordance with sound hygienic principles. In all places of employment where all or part of the food service is provided, the food dispensed shall be wholesome, free from spoilage, and shall be processed, prepared, handled, and stored in such a manner as to be protected against contamination.

See also "Heat Illness Prevention" under "Safe Work Practices" above.

## **Powder Actuated Tools**

The employees using powder-actuated tools must be properly trained and will be issued a card as proof of that training. Some of the powder-actuated tools being used have

certify site employees in the proper use and maintenance of the stud gun.

- A current certification card for the powder-actuated tool being used must be in the operator's possession while tool is being used.

The powder actuated tool shall not be used where the stud is to be driven into surface hardened steel, cast iron, glazed brick or tile, marble, granite, live rock or similar brittle materials.

Tools must not be used in any location where explosives, flammable gasses, vapors or dusts are present.

The tool operator and nearby workers must wear safety glasses or goggles when the tool is being used. Ear protection shall be used 100% of the time when this tool is used. Other workers in the near vicinity shall wear ear protection.

The utmost care must be exercised to insure that ammunition, studs, nails, etc., are of the proper specification.

The tool must at all times be equipped with the proper ricochet or spall guard.

Signs shall be posted warning of the use of powdered-actuated tools in use.

## **HIGH VELOCITY GUNS**

Only the "captive stud" type gun should be used. Guns capable of firing a stud into free flight at high velocity are prohibited.

No stud is to be driven closer than three inches to the edge of brick, concrete or masonry surfaces because of their tendency to split or crack. Exception to this rule may be made where steel safety shields are placed on the sides of the surfaces as in the case of concrete curbs to prevent flying spalls.

In case of misfire, the tool shall be kept in operating position for one full minute and then placed in vertical position, muzzle down while the charge is removed.

The tool shall never be pointed at anyone. The line of fire, whether up, down, or across, must be clear of personnel. Do not assume the stud will not shoot all the way through something.

Studs shall never be driven through pre-drilled or pre-punched holes in fixtures or material without a special guard designed for this type of operation.

## **LOW VELOCITY, HIGH INERTIA GUNS**

Where stud or fastener velocity does not exceed 300 FPS at 6.5 feet from muzzle – "Powder-Actuated Tool Manufacturer's Institute, Inc." code:

Follow these tips to prevent slips, trips and falls.

- Clean up spills immediately.
- Install warning signs for wet floor areas (including freshly mopped floors and outside surfaces affected by weather (rain, snow, sleet, etc.)
- Wear shoes with good support and slip-resistant soles appropriate for the job task.
- Remove tripping hazards in walkways, doorways, and stairs.
- Keep drawers and cabinet doors closed when possible.
- Keep frequently used items in easy to reach areas.
- Obtain step stools to access items too high to reach when standing on the floor.
- Utilize handrails when ascending and descending stairs.
- Utilize carts to transport large items.
- Walk in designated paths when available.
- Ensure adequate lighting is available.
- Reduce walking pace when approaching corners, intersections, or walking surface changes.
- Stay alert when walking and address any new hazards before proceeding. • Report identified hazards to prevent a possible injury.
- When walking on icy or slippery areas:
  - Wear shoes or boots with soles that provide extra traction.
  - Use special care when entering and exiting vehicles. (Use the vehicle for support.)
  - Walk with feet spread out slightly and toes pointed outward.
  - Extend arms out to the sides to maintain balance.
  - Take short steps or shuffle for stability.

## Safety Inspections

### Purpose

To provide a guide for conducting regular site safety inspections to ensure that corporate and regulatory standards are being adhered to, and to ensure the safety of all workers and visitors on the jobsite.

### Types of Inspections

There are several types of jobsite safety inspections S.C. Swiderski, LLC will use. A description of each along with the areas of responsibility for personnel, are as follows:

**1) Periodic Inspections** - These types of inspections shall be made on a weekly basis by jobsite supervisors and quarterly by the project manager.

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**2) Intermittent Inspections** - These inspections shall be unannounced and will be made by the Safety & Compliance Manager.

**3) Continuous Inspections** - Each jobsite supervisor shall make daily inspections of their work areas as part of their everyday duties. These inspections should be designed

## Exhibit B

### SITE SAFETY CHECKLIST COMPLETION GUIDE

#### **Excavation**

- Trench Collapse - >5' deep. Soil classification; proper shoring, sloping, benching, trench box; spoil pile >2' from excavation edge. Wet conditions, vibration from vehicles/equipment.
- Overhead Power Lines - Excavation equipment kept minimum clearance of 10' from power lines; De-energized or insulate electric lines.
- Fall Protection/Open Trench - Backfill, when possible, cover or barricade, visual identification with caution tape.
- Trench Means of Egress - > 4' deep. Ladders or ramps located so that maximum lateral travel distance is <25' to reach them. Ladders extend 3' above surface.

#### **Mechanized Equipment**

- Mechanized Equipment - Earth moving equipment, backhoes, skid loaders, forklifts, trucks, etc. Good operating condition; condition of operator access (steps & hand grabs); seat belts, roll over protection; blades, buckets, forks fully lowered when not in use.
- Back Up Alarms - All vehicles or equipment with obstructed view shall have a backup alarm. All bi-directional equipment shall be equipped with a horn.
- Certified Equipment Operators - Only certified/qualified individuals shall operate any motorized vehicles or mechanized equipment.
- Cranes & Hoist Equipment - Inspection before each use; operators and signalmen properly trained; lifting chart in cab; high wind restrictions; outriggers fully extended; swing radius barricaded; power lines clearance or de-energized.
- Rigging - Condition of chokers, chains, slings and shackles; tag lines used. Check load weight and load capacity of rigging equipment.

#### **Scaffolds**

- Guardrails, Toe boards - Policy is 6' rule, OSHA is 10' rule. Top rail 42", mid-rail 21" and toe boards minimum of 3 ½" in vertical height from working/walking surface.
- Platform / Working Surface - Working platform must be planked 100%. Condition of platforms and planks. Scaffold grade planks only.
- Base Plates / Mudsills / Casters - Base plates are required for all surfaces. Mudsills are required for any surfaces which subsidence could occur (stone, dirt). On mobile scaffold, caster and wheels shall be locked while scaffold is in use. No riders on manual mobile scaffolds.

- Bracing, Locking Pins - Tubular welded frame scaffold shall be braced 100% on front and rear sides of scaffold. Scaffold frames shall be pinned 100% of upper and lower sections of coupler posts. Mobile scaffold shall have horizontal - diagonal bracing at base and every 20' in height.
- Tied-off/ Secured - Supported scaffolds need to be secured by guys, ties or braces



- Temporary Lighting (Hanging and Protection) - Lights shall not be suspended by their cords unless cords and lights are designed for this means of suspension. Bulbs need to be protected to prevent accidental contact or breakage. Sockets without bulbs are not permitted.
- Adequate Amount of Temporary Lighting - General construction area lighting is 5 foot -candles.
- Exposed Energized Components - Energized panels / live parts need to be guarded to prevent accidental contact. Rooms/ vaults should be accessible to only qualified persons. Partitions and screens can be used with warning signs displayed.
- Electrical / Lockout / Tagout - Equipment or circuits that are de-energized shall be rendered inoperative and have tags attached.
- Color Coded Inspection System – Quarterly inspection and documentation of extension cords and all corded tools and devices with color coded tape system by Safety Coordinator.

## **Fall Protection**

- Walking / Working Surfaces >6' -Guardrail systems that include top-rail, mid-rail, toe board; safety nets: fall arrest equipment or OSHA accepted alternatives such as warning lines, safety monitor, controlled access zone.
- Fall Arrest Equipment - Improper use of equipment; use of damaged equipment or obsolete equipment that does not meet OSHA standards (locking snap hooks and shock absorbing lanyards, body belts).
- Exposed Rebar / Impalement -All protruding reinforcing steel, conduit, pipes, pins which workers could fall onto need to be guarded to eliminate the impalement hazard. No mushroom caps.
- Floor Hole / Edge Falling Object Protection - Holes >2" in dimension must be covered. Protection from falling objects includes covers, toe boards, screens, guardrails, canopy, or barricade the area below prohibiting workers from entering the area.
- Walking / Working Surfaces <6' - Workers shall be protected from tripping in or stepping into or through holes by covers or guardrails regardless of the depth of the hole.
- Exposed Rebar / Scratch -Any horizontal protruding rebar or vertical rebar 3' to 5' in height needs to be guarded to eliminate scratch hazard of employees working adjacent to the rebar (mushroom caps are acceptable).

## **General**

- General Public Protection - Keeping the general public from entering the job site or construction area. Use of fencing, barricades, warning signs.

- Signs, Signals, Barricades - Used to control individual access to hazardous work areas or areas where hazardous operations or situations are taking place. Example: surface openings, overhead work, hazardous atmosphere; mechanized equipment.
- Housekeeping - Building materials neatly stockpile. Regular disposal of waste and

- Shoes / Clothing / Gloves – Closed toe / hard sole shoes / boots are required. Rubber boots must be worn when working with wet concrete. No sneakers. No tank tops. No shorts. Wear gloves suited to the type of work involved (leather, neoprene, or rubber to handle chemicals).
- Respirators - Use of respirator appropriate for the hazard. Airborne contaminants such as fibers, dust, smoke, vapors, fumes, mists.
- Hearing Protection - Use of hearing protection when subject to sound levels exceeding 90 dba. Informal indicator - when you must shout to speak to the person beside you, the noise level is probably exceeding 90 dba.

## Safety Equipment & Clothing

### Safety Equipment

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#### [8 Ways to Get Workers to Wear Their PPE](#)

Proper safety equipment is necessary for your protection. S.C. Swiderski, LLC provides the best personal protective equipment possible to obtain. You must use all safeguards, safety appliances, or devices furnished for your protection and comply with all regulations that may concern or affect your safety.

Wear your gear properly — all snaps and straps fastened, cuffs not cut or rolled. Your supervisor will advise you as to what protective equipment is required for your job. Certain jobs require standard safety apparel and appliances for the protection of the employee.

Your supervisor is aware of the requirements and will furnish you with the necessary approved protective appliances. These items must be worn and effectively maintained as a condition of your continued employment and part of our mutual obligation to comply with the Occupational Safety and Health Act (OSHA). Safety goggles, glasses, and face shields must correspond to the degree of hazard, i.e., chemical splashes, welding flashes, impact hazard, dust, etc.

Do not alter or replace an approved appliance without permission from your supervisor. Rubber gloves and rubber aprons must be worn when working with acids, caustics, or other corrosive materials. Specified footwear must be worn. No jewelry may be worn around power equipment. Hearing protection appliances (approved muffs or plugs) must be worn by all employees working within any area identified as having excess noise levels. Your supervisor will instruct you in the proper use of the appliance.

S.C. Swiderski, LLC and its Affiliates reserves the right to select and/or approve all personal protective equipment to be issued and used by its employees, visitors, sub-contractors, inspectors, and others on its construction sites.

- Inspect PPE prior to each use.
- **Do not** use damaged PPE.

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