

**Synopsis of Regulations Concerning Respiratory Protection
California Code of Regulations (CCR) Section 6739
Effective January 1, 2008**

This regulation was adopted by the California Department of Pesticide Regulation to bring respirator requirements for pesticides in line with Federal OSHA requirements for other industries. This synopsis is intended to help pesticide users identify areas where their respirator program needs to be updated. The full regulation should be consulted and can be found at www.cdpr.ca.gov under "Regulations" in the Quick Finder.

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Section 1 - Introduction

- A. If employees handling pesticides wear a respirator because it is required by the label or employer, you will need:
 - Medical Evaluation
 - Written Respiratory Protection Program
 - Specific Fit Testing (for tight-fitting facepiece respirators only)

- B. If employees handling pesticides wear a respirator because they feel safer but it is not required by label or employer, you will need to:
 - Post information in CCR 6739 (r)
 - If employer supplied (except dust-mask type), must have:
 - Medical Evaluation
 - Minimal written program (see section 5)

Section 2 - Medical Evaluation

- Must be completed before an employee is required to use a respirator or fit tested to wear a tight-fitting facepiece respirator.

- Employer must find a physician or other licensed health care professional (PLHCP) to perform the medical evaluations
 - Definition: "PLHCP" means an individual whose legally permitted scope of practice allows him or her to independently provide, or be delegated

the responsibility to provide, some or all of the health care services required by these regulations.

- Employer can have the employee visit a PLHCP and get cleared for respirator use **OR** have the employee complete the following questionnaire process.
- Administrator must ask employee if they can read and understand the questionnaire
 - If not, the employer must provide a copy of the questionnaire in a language understood by the employee or a confidential reader.
 - Definition: “Confidential reader” is a person chosen by the employee: Can be a coworker, friend, family or independent translator. Cannot be the employer or the employer’s direct agent i.e. Supervisor, manager, secretary, foreman.
- Employer must allow the employee to complete the questionnaire during normal working hours and tell the employee how to deliver/send it to the PLHCP.
- The employer shall ensure that a follow-up medical exam is provided when a PLHCP determines the need for one.
 - It shall include any medical tests, consultations, or diagnostic procedures that the PLHCP deems necessary for final determination.
- The employer shall provide the employee the opportunity to discuss the questionnaire and results with the PLHCP.
- The employer must provide the following information to the PLHCP:
 - 1) The type and weight of the respirator to be used
 - 2) The duration and frequency of use
 - 3) The expected physical work effort
 - 4) Additional protective clothing and equipment to be worn
 - 5) Temperature and humidity extremes that may be encountered
 - 6) A copy of the written respiratory protection program
 - 7) A copy of this code section
- The employer shall obtain a written medical recommendation from the PLHCP regarding the employee’s ability to use the respirator.
 - A copy must be provided to the employee
 - Must be retained by employer for as long as the employee uses a respirator and for 3 years after the employee stops wearing a respirator
- Additional medical evaluations are needed only when a substantial change occurs in workplace conditions or the employee or administrator feels a reevaluation is necessary.

Section 3 - Written Respiratory Protection Program

In any workplace where respirators are required by label, restricted material permit condition, regulation or employer, a written respiratory protection program with work site-specific procedures must be established. This must include, as applicable:

- Procedures for selecting respirators i.e. label requirement, company policy etc.
 - Must be NIOSH certified
 - Must provide sufficient number of respirator models and sizes to get a good fit
 - Fumigant-confining structures shall be considered Immediately Dangerous to Life or Health (IDLH) until proven not to be by the appropriate test device.
 - Employer must provide a self-contained breathing apparatus (SCBA) with a minimum service life of 30 minutes
- Procedures to ensure adequate air quality (SCBA)
- Procedures and schedules for cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respirators. Employer shall ensure:
 - That respirators are cleaned and disinfected using the manufacturer's recommendations.
 - Respirators used for multiple employees are cleaned and disinfected after each use.
 - Respirators are stored to prevent deformation and are protected from damage, dust, sunlight, etc.
- Procedures for evaluating the effectiveness of the program:
 - Employer shall periodically check the respirators to ensure they are being properly maintained and stored.
 - The employer shall annually consult with employees to identify any problems
 - Must document employee's name, date and findings
- Employee training must be conducted before a respirator is worn and at least annually thereafter. Training must include:
 - Information on respiratory hazards to which they are potentially exposed to
 - The limitations and capabilities of the respirator
 - The proper use of the respirator, including putting on and removing, limitations in their use and maintenance
 - All records must be retained for at least 3 years.

Section 4 - Fit Testing

- All employees that are required to use a tight-fitting facepiece respirator must be fit tested prior to use
- A new test is required when a new style, model or make of respirator is used, or when physical changes occur in the employee that may affect fit and at least annually thereafter.
- Specific tests must now be conducted (must choose one):
 - Qualitative
 - Iso-amyl acetate test (“Banana oil”)
 - Saccharin test
 - Bitrex ® test
 - Irritant smoke test
 - Quantitative
 - Generated Aerosol
 - Condensation Nuclei Counter (PortaCount)
 - Controlled Negative Pressure (Dynatech FitTester 3000)
- All Records must be retained for as long as the employee uses a respirator and for 3 years after the employee stops wearing a respirator including:
 - Employee’s name or identification
 - Type of fit test performed
 - Specific make, model, style, and size of respirator tested
 - Date of test
 - Pass/fail results

Section 5 - Voluntary Respirator Provision

An employer may provide respirators at the request of employees or permit employees to use their own respirators for use on a voluntary basis, if the employer determines that such respirator use will not in itself create a hazard.

- Must post information in CCR 6739 subsection (r) and display it next to Pesticide Safety Information Series leaflet A-8 or N-8.
- If Employer-supplied, must:
 - Establish and implement the provisions of a written respiratory protection program necessary to ensure:
 - Employee is medically able to use the respirator
 - Questionnaire or medically cleared if using a tight-fitting facepiece respirator
 - Respirator is cleaned, stored and maintained so that its use does not present a health hazard to the user.
- Voluntary use of NIOSH approved filtering facepieces (resemble dust masks): Only need to post CCR 6739 subsection (r). No written training program or medical evaluation needed.