



About the *Voluntary Respiratory Provisions* of the Department of Pesticide Regulation Respiratory Protection Regulation Section 6739

New respiratory protection requirements from the Department of Pesticide Regulation (DPR) went into effect in 2008. These requirements, found in Title 3 of the California Code of Regulations Section (CCR) 6739, are a major overhaul of the respiratory regulations. The major portions of the regulation are not new requirements, but clarifications and explanations of the previous regulation, Section 6738 (h). There are a few completely new elements, such as the medical evaluation and program evaluation. One new subsection in particular, concerning the voluntary use of respirator protection (subsection [b]), has generated many questions. The following Q&A should answer most questions about this part of the new regulation.

Q: When does the Voluntary Respirator Provision (VRP) apply?

A: When there are no explicit requirements for respiratory protection, either on the product label, from permit conditions, in regulation or as an employer policy.

Q: What's an employer policy?

A: If the employer requires the use of respiratory protection, even when not required by label, permit condition or regulation, this is not a voluntary use and all requirements of Section 6739 are in effect.

Q: Okay, the employer (that's me) does not require it, nor is there any label requirement, permit condition or regulation requiring the use of respiratory protection. However, my employee want to wear a respirator. Is this when the VRP would come into play?

A: Yes, since there is no legal or regulatory requirement to wear respiratory protection.

Q: So what am I required to do under the VRP?

A: Well, it depends. Are you providing the respiratory protection (employer provided)?

Q: Let's say I am providing my employees with respiratory protection. What do I have to do?

A: It depends on the kind you are providing. Respiratory protection is a general term that can be broken down into two types. The first type are "tight fitting" masks such as rubber masks (technically known as elastomerics), that come in the half-face and full-face style. These can be equipped with organic vapor cartridges or filter pads or canisters. Another type of tight fitting mask is the filtering facepiece respirator (a.k.a. "paper masks", though they really are not paper, they are a material called electrostatic felt). Both the rubber masks and the paper masks are considered tight fitting since they both press against the sealing surfaces of the face and depend on a tight fit on the face to function. A "loose-fitting" respirator would be a hood or helmet type using a powered air-purifying respirator (PAPR).



Q: Okay, I'm providing rubber masks for voluntary use. What do I do?

A: The VRP requires you to have a written program (what is informally called a minimum program) that addresses the cleaning, storing and maintaining of the respirators. In addition, the program must describe the procedures for medical evaluation of the employee. This medical evaluation requirement is found in Section 6739(d). Just like in a regular program, you will have to have the employee medically evaluated and you will need to obtain a medical recommendation form (see Section 6739[s]) for your files.

Q: That sounds like almost a full program!

A: Pretty much.

Q: What if I'm providing paper masks instead? Do I have to do all that stuff?

A: No, you don't. In the VRP there is an exemption from "all that stuff" if you are only providing paper masks. No written program required, no medical evaluations, no medical recommendation forms.

Q: What if my employees bring in a rubber mask? Do I have to do all that stuff then?

A: No. If your employees are bringing that type of mask in, you are not responsible for the cleaning, storage, etc. No minimum program, no medicals.

Q: What if my employees bring in a paper mask?

A: Ditto. If your employees are bringing that type of mask in, once again you are not responsible.

Q: So it's only if I provide a rubber mask that triggers all the additional requirements.

A: Yes.

Q: Are there any other requirements I need to know under the VRP?

A: Yes. In all cases (you provide, employees provide, rubber mask, paper mask, etc.) you must display the "subsection [r]" posting in the same area you display PSIS A-8 or N-8.

Q: What about fit testing?

A: Not required under VRP.

Q: Training?

A: Training is required for only those employees that you, as the employer, are providing with a rubber mask. Those employees must be trained on the minimum program (storing, cleaning, maintaining) so that they can follow those requirements. For all other employees under VRP, no training is required.

Q: What about change-out schedules and cartridge/filter replacement, do I have to follow Section 6739 (o): End of Service Life?

A: Nope.

February 25, 2008

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Q: Can I charge my employees for masks I provide, since they are not required by label?

A: No, see Section 6739 [b][3][A].

Q: Anything else about VRP I should know?

A: As the employer, you may permit or prohibit the voluntary use of respiratory protection equipment at your workplace.

Q: Whom do I call if I have questions about VRP or any other parts of the respirator regulation?

A: If it's a technical question about the regulation, start with me, Harvard Fong,
at DPR: (916) 445-4211, or hfong@cdpr.ca.gov.

Developed by:

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