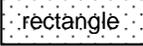
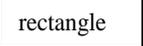


NOTE:

Sections regulating the agricultural industry are proposed for transfer/relocation to new Subchapter 3, Agricultural Safety Orders, without substantive changes.

This  in the left margin identifies the section/subsection number where the number is proposed for transfer/relocation to.

This  in the left margin identifies the section/subsection number where this number “within” the section is proposed for transfer/relocation to.

Relocate Sections regulating the agricultural industry from the General Industry Safety Orders into Subchapter 3 as follows:

Article 13. Agricultural Operations

§1150

§3436. Application.

~~The orders in this article shall apply to agricultural operations. Agricultural machinery and equipment are subject to all applicable Safety Orders except where they are inconsistent with the orders in this article.~~

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§1151

§3437. Definitions.

~~Agricultural Equipment. Tractors or implements, including self-propelled implements, and stationary equipment which are used in agricultural operations.~~

~~Agricultural Operations. All operations necessary to farming in all of its branches, including maintenance of machinery or other facilities, and the planting, cultivating or growing, keeping for sale, harvesting, transporting on the farm or to the place of first processing, any tree, plant, animal, fowl, fish, insect or products thereof.~~

~~Fronde. As used in Section 3458, the large connected leaf of a date palm tree.~~

~~Ground Driven Components. Components which are powered by the turning motion of a wheel driven by ground contact as the equipment travels over the ground.~~

~~Guard or Shield. See Article 37, Section 3941.~~

~~Guarded by Location. See Article 37, Section 3941.~~

~~Long-handled hand tool. Any hand-held tool with a handle of four (4) feet or more in length.~~

~~Nip Point. The mesh or pinch point of in-running surfaces such as gears, belts, sprockets, rolls, etc.~~

~~Power Take-Off (PTO) Drivelines. The shafts and universal joints between the tractor, or other power source, and the first gear set, pulley, or sprocket. Power Take-Off (PTO)~~

~~Shaft. The power output shaft protruding from the drive unit of the agricultural~~

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equipment.

~~Self-Propelled Agricultural Equipment. Mobile equipment which is provided with locomotive power as an integral part of the unit.~~

~~Short-handled hand tool. Any hand-held tool with a handle of less than four (4) feet in length.~~

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§1165

§3438. Communications.

~~Where employees do not understand English, safety instructions and warnings shall be presented in a language the employees understand.~~

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§1170

§3439. First-Aid Kit.

~~(a) There shall be adequate first aid materials immediately available at the farm headquarters and/or on worker transportation buses. Such materials shall be kept in a sanitary and usable condition. A frequent inspection shall be made of all first aid materials, which shall be replenished as necessary. In the case of employers whose workers are widely scattered in small crews that are contacted by a traveling foreman, adequate protection may be accomplished by having a first aid kit in the foreman's car or vehicle.~~

~~(b) At remote locations, provisions must be made in advance for prompt medical attention in case of serious injuries. This may be accomplished by on-the-site facilities or proper equipment for prompt transportation of the injured person to a physician or communication system for contacting a doctor or combinations of these that will avoid unnecessary delay in treatment. There shall be at least 1 employee for every 20 employees at any remote location with training for the administering of emergency first aid.~~

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§1215

§3440. Agricultural Equipment.

~~(a) All tractors shall be equipped with fenders or equivalent protection between the tractor operator and the tracks or rear wheels. On wheel tractors a minimum distance of 64 inches from the centerline of one driving wheel to the centerline of the opposite wheel will be considered equivalent protection. See Article 25 for ROPS and overhead protection.~~

~~(b) Tractor brake locking or parking device shall be of the positive type, designed and maintained in such a manner that tractor vibration will not release the device.~~

~~(c) Power Take-Off Guarding.~~

~~(1) All PTO shafts shall be guarded. If the guard can be used as a step it shall be capable~~

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of supporting a 250 pound person.

~~EXCEPTION: Where PTO driven equipment is of a design requiring removal of the PTO shaft guard, the driven equipment shall incorporate guarding of the PTO shaft.~~

~~(2) PTO drivelines shall be guarded.~~

~~(3) Signs, decals, etc., shall be placed at prominent locations on agricultural equipment specifying that power drive system guards shall be kept in place.~~

~~(d) Other Power Transmission Components.~~

~~(1) The mesh or nip point of all power driven gears, belts, chains, sheaves, pulleys, sprockets, and idlers shall be guarded.~~

~~(2) All revolving shafts, including projections such as bolts, keys or set screws, shall be guarded, except smooth shaft ends protruding less than one half the outside diameter of the shaft and its locking means.~~

~~(e) Ground driven components shall be guarded if any employee is exposed to those components while they are in motion.~~

~~(f) Access to Moving Parts.~~

~~(1) Guards, shields, and access doors shall be in place when the equipment is in operation.~~

~~(2) Where removal of a guard or access door will expose an employee to any component which continues to rotate after the power is disengaged, the employer shall provide, in the immediate area, the following:~~

~~(A) A readily visible or audible warning of rotation (on all agricultural equipment manufactured after June 1, 1977).~~

~~(B) A safety sign warning the employee to look and listen for evidence of rotation, and not to remove the guard or access door until all components have stopped.~~

~~(g) Functional components of agricultural equipment not specifically addressed in this article, such as snapping or husking rolls, straw spreaders, cutter bars, flail rotors, rotary beaters, mixing augers, feed rolls, rotary tillers, and similar units, which must be exposed for proper function, shall be guarded so as not to interfere with normal functioning of the component.~~

~~(h) Sweep arm material gathering mechanisms shall be guarded when used on the top surface of materials within silo structures. The lower or leading edge of the guard shall be located no more than 12 inches above the material surface and no less than six inches in front of the leading edge of the rotating member of the gathering mechanism.~~

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§1225(a)
and (b)

§3441. Operation of Agricultural Equipment.

~~(a) Operating Instructions and Safe Work Practices.~~

~~(1) At the time of initial assignment and at least annually thereafter, the employer shall instruct every employee in the safe operation and servicing of all equipment with which the employee is, or will be involved including, instruction on the safe work practices and operating rules provided in subsection (a)(2).~~

~~(2) Agricultural equipment shall be operated in accordance with the following safe work practices and operating rules:~~

~~(A) Keep all guards in place when the machine is in operation;~~

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~~(B) Permit no riders on agricultural equipment other than persons required for instruction or assistance in machine operation;~~

~~(C) Stop engine, disconnect the power source, and wait for all machine movement to stop before servicing, adjusting, cleaning, or unlogging the equipment, except where the machine must be running to be properly serviced or maintained, in which case all steps and procedures which are necessary to safely service or maintain the equipment shall be taken;~~

~~(D) Make sure everyone is clear of machinery before starting the engine, engaging power, or operating the machine;~~

~~(E) Lock out electrical power before performing maintenance or service on agricultural equipment. (See Article 3 of the Low Voltage Electrical Safety Orders.)~~

~~NOTE: For overhead electrical hazards see Section 3455 of this article.~~

~~(b) All self-propelled equipment shall, when under its own power and in motion, have an operator stationed at the vehicular controls. This shall not prohibit the operator occupying or being stationed at a location on the vehicle other than the normal driving position or cab if controls for starting, accelerating, decelerating and stopping are provided adjacent and convenient to the alternate position. If the machine requires steering other than ground or furrow steering or operates at ground speeds in excess of two miles per hour, steering controls shall also be provided at the alternate location. Seedling planters and other similar equipment traveling at a speed of two miles an hour or less where a control that will immediately stop the machine is located at the operator's work station will satisfy this requirement.~~

~~(1) Furrow guided self-propelled mobile equipment may be operated by an operator not on the equipment provided that all of the following are complied with:~~

~~(A) The operator has a good view of the course of travel of the equipment and any employees in the immediate vicinity.~~

~~(B) The steering controls, when provided, and the brake and throttle controls are extended within easy reach of the operator's station.~~

~~(C) The operator is not over 10 feet away from such controls and does not have to climb over or onto the equipment or other obstacles to operate the controls.~~

~~(D) The equipment is not traveling at over two miles per hour ground speed.~~

~~(e) Safe access to a safe place for all personnel riding on mobile equipment shall be provided.~~

~~(d) All self-propelled equipment shall be equipped with a braking device controlled from the operator's station, capable of preventing the vehicle from moving while parked.~~

~~(e) Where mobile farm equipment is towed by a tractor or truck and the tractor or truck driver cannot see the employees on the towed equipment, a positive signaling device shall be installed on the towed equipment, or there shall be a device on the towed equipment that can be actuated to stop the towing equipment in case of an emergency.~~

~~(f) Engine exhaust systems shall not be piped into or through an enclosed cab on tractors or other equipment.~~

~~(g) All tractors or self-propelled farm equipment used between an hour after sunset or an hour before sunrise shall be equipped with at least one headlight that will illuminate the area in front of the equipment at least 50 feet. There shall be at least one rear light to illuminate equipment at the rear. Additional lighting shall be provided where the operation requires field adjustment or the operator's attention.~~

~~(h) Adequate means of access shall be provided so that employees can safely reach the~~

§1215(i) –
(n)

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~~top of the load for manual loading or unloading of high loads.~~

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§1216

§3442. Horizontal Rotary Spreaders.

~~The spinner shall be guarded to prevent accidental contact. The guard shall consist of a bar, rail, or similar structure beyond the periphery of the spinner.~~

NOTE: Authority cited: Section 142.3 Labor Code. Reference: Section 142.3, Labor Code.

§1217

§3444. Beet Trucks.

~~In no case shall the entire side door hinge from the bottom on manually operated beet truck sides. Split doors may be used, providing the bottom hinged portion does not exceed its practical value as a locking device or discharge lip and is not over 18 inches high.~~

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§1218

§3445. Choppers.

~~(a) Every power driven cutter, chopper, or grinder shall be guarded to prevent accidental contact with revolving parts or access to hazardous parts of the machine.~~

~~Access doors or covers shall be identified by an appropriate warning sign.~~

~~(b) Every manually fed power driven cutter, chopper, or grinder shall be guarded to prevent accidental contact with the feed rolls or other hazardous processing parts of the machine.~~

~~Note: Guarding may be accomplished by extending the feed chute or hopper to provide a minimum accessible distance of not less than 88 inches from the working level to the point of operation, or a distance of 36 inches from the edge of the chute or hopper to the point of operation, or other effective means.~~

~~(c) Stationary machines which are equipped with feed rolls or other feed assisting mechanisms shall be provided with a safety bar or trapeze bar which will stop the machine.~~

~~(d) Rotary choppers with horizontal blades shall have side shields extending below the plane of the lowest blade. Front and rear guards shall be provided to guard against accidental contact with the revolving blades.~~

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

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§1219

§3446. Conveyors and Elevators.

~~(a) Portable screw conveyors located seven feet or less above the work level shall be covered or guarded to prevent accidental contact with any portion of the screw. Augers shall be guarded with either grating type guards or solid baffle style covers as follows: (1) The largest dimensions or openings in grating type guards through which materials are required to flow shall be 4 3/4 inches. The area of each opening shall be no larger than 10 square inches. The opening shall be located no closer than 2 1/2 inches to the rotating flighting.~~

~~(2) Slotted openings in solid baffle style covers shall be no wider than 1 1/2 inches, or closer than 3 1/2 inches to the exposed flighting.~~

~~EXCEPTION: Portable material transfer augers which cannot be guarded as above due to the nature of the process or material being transferred shall not be permitted to rotate unless they are in contact with the material to be transferred. The top and rear of the rotating auger shall be guarded. The leading edge of the guard shall extend at least six inches beyond the leading edge of the auger flight. Employees shall not be required or permitted in front of an auger while it is rotating.~~

~~(b) Portable sack loader, auger, elevator, or drag conveyor drive systems shall contain only one starting control. The starting control shall be located within ready access of the operator.~~

~~(c) Shear points created by portions of the conveyor passing structural or other fixed parts shall be guarded.~~

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§1220

§3447. Vegetable-Trimming Saws.

~~(a) The unused portion of the saw blades shall be enclosed.~~

~~(b) A barrier shall be installed to prevent employees from reaching the saw blades.~~

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§1255

§3448. Water Hazards.

~~Where and when employees are required to work in or about farm structures such as permanent pools, ponds, water tanks, or reservoirs 4 feet or more in actual depth and where the slope and construction would make exit difficult, ladder, steps or other suitable climbing means extending to the low water level shall be provided.~~

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§1230

§3450. Formulation and Application of Restricted Materials.

~~(Organophosphates and carbamates, Toxicity Categories I and II).~~

~~Medical requirements relating to the formulation and application of restricted materials~~

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shall be as required by ~~Title 3, Article 23 of the California Administrative Code.~~

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§1235

§3451. Decontamination of Equipment Used for Restricted Materials.

~~(a) Machines, aircraft, or applicators shall be decontaminated before they are overhauled or placed in storage.~~

~~(b) Decontamination shall be done in a safe area by washing with water, neutralization, or by means recommended by the manufacturer of the restricted material.~~

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§1280

§3452. Aircraft Crop Dusting and Spraying.

~~(a) All hoppers on crop dusting aircraft shall have dust tight covers, and shall have lids so secured that they will not readily open in case of a flipover.~~

~~(b) Safety precautions to be followed when using aircraft for crop dusting and spraying shall be as required by Title 3, Article 23 of the California Administrative Code.~~

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§1221

§3453. Applicator Rigs, Tanks, and Vessels Used for Fertilizer, Insecticide, Pesticide, and Other Chemical Solutions of a Hazardous Nature.

~~(a) All closed tanks over 100 gallons in capacity shall have an effective means to indicate the liquid level.~~

~~(b) Fittings, hose, and tubing connections of the proper strength for the maximum pressure encountered in the system shall be used. All hose connections shall be clamped or otherwise safely secured.~~

~~Anhydrous ammonia (NH₃) connections shall be in accordance with the Unfired Pressure Vessel Safety Orders.~~

~~(c) All storage tanks shall have a legend attached, painted, or stenciled on them indicating the type of solution stored in them. The legend shall be in letters at least 2 inches high of a color contrasting with the color of the tank. A notice with precautionary instructions equivalent to the label prescribed by the labeling orders of the Division for the material being used shall also be attached to the tank.~~

~~(d) When positive displacement pumps are used and a stop valve is located between the outlet side of the pump and the discharge end of the hose, pipe, or tubing, there shall be installed a relief device which will bypass the liquid back to the low pressure side of the system to prevent rupturing of the discharge hose, pipe, tubing, or pump.~~

~~(e) Controls for applicator tanks shall be placed in such a manner that the employee will receive the least possible exposure from ruptured or breaking lines at the controls.~~

~~The distributing manifold (Christmas Tree) if in the immediate vicinity of the operator~~

shall be located to the rear and below the seat level of the operator or completely shielded.

~~(f) When two or more tanks under gas or liquid pressure are connected by means of a hose, tubing, or pipe blocked at both ends by stop valves, there shall be a device installed in the line to bleed off the pressure before the line is disconnected.~~

§1240(a)
and New (b)

~~(g) Where aqua ammonia operations are conducted, each bulk tank, mobile applicator, or nurse tank, shall have immediately available from a safe and accessible source, or shall be supplied with sufficient clean water (5 gallons) to enable an employee to wash his eyes in case of accidental sprays or spillage.~~

~~(h) All pressure vessels shall be designed and constructed in accordance with the Unfired Pressure Vessel Safety Orders.~~

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§1275

§3454. Sheepshearing.

~~(a) Canvas or other fabric material used for floors shall be stretched tight and properly pegged at regular 4 foot intervals around the outer edge to prevent them from gathering or bunching. The floor shall be maintained tight at all times.~~

~~(b) Hobbles shall be installed one third of the way down on each hanger arm. These hobbles shall be secured to the main hanger, and the leather thongs passed through an eyelet on the turn out side of the shearing floor. On each end of the thongs there shall be a weight adequate enough to pull the hanger arm back to a neutral position in case the clippers are dropped or kicked free.~~

~~(c) The catch pen and turn out pen shall be provided with proper gates or other barriers to prevent sheep from dashing across the shearing floor while shearers are at work.~~

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§1250

§3455. Overhead Electrical Hazards.

~~(a) Where high voltage electrical lines pass over, through or along planted areas or orchards, the supervisor or person in charge of work crews shall inspect the work area to determine if the high voltage lines are located in areas that may expose employees to electrical hazards.~~

~~(b) Electrically conductive poles shall not be used for fruit picking or nut knocking. Employees using other conductive tools or equipment to perform duties such as pruning, harvesting and the handling of irrigation pipe in areas where such tools or equipment could come into contact with overhead high voltage electrical lines shall not be assigned such work until they are instructed in the hazards associated with working in proximity to energized high voltage electrical lines (i.e., serious bodily injury or death from accidental contact or near contact with energized electrical lines). The instruction shall include the use of tools, equipment and work practices necessary to perform work safely and maintain the appropriate clearances specified in subsection (c).~~

~~(c) The clearance distances contained in Article 37, Tables 1 and 2 of the High Voltage~~

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~~Electrical Safety Orders shall be maintained when placing or moving irrigation piping, and when employees use tools, ladders, machinery, or other equipment and materials that could come into contact with high-voltage lines.~~

~~NOTE: Article 37, Table 1 pertains to general clearances required from energized overhead conductors and Table 2 pertains to boom-type lifting or hoisting equipment clearances.~~

~~NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.~~

§1213

§3456. Hand-Held Tools.

~~(a) Hand-held tools shall be kept in good condition and be safely stored.~~

~~(b) The use of a short-handled hoe or any other short-handled hand tool is prohibited in agricultural operations, as that term is defined in Section 3437, for weeding, thinning or hot-capping when such hoe or short-handled hand tool is used in a stooped, kneeling or squatting position. A long-handled hand tool used for these operations shall not be used as a short-handled hand tool in a stooped, kneeling or squatting position.~~

~~(c)(1) Hand-weeding, hand-thinning, and hand hot-capping in a stooped, kneeling or squatting position shall not be permitted in agricultural operations as defined in Section 3437, unless there is no readily available, reasonable alternative means of performing the work that is suitable and appropriate to the production of the agricultural or horticultural commodity.~~

~~(2) Upon inquiry made by the Division of Occupational Safety and Health personnel, the employer shall bear the burden of justifying that the use of hand-weeding, hand-thinning, or hand hot-capping was required due to the unsuitability of the use of a long-handled tool or other alternative means of performing the work.~~

~~(3) Nothing in this subsection shall be construed as prohibiting occasional or intermittent hand-weeding, hand-thinning or hand hot-capping in a stooped, squatting, or kneeling position that is incidental to a non-hand-weeding operation. For purposes of this subsection, occasional or intermittent means an employee is devoting 20 percent or less of his or her weekly work time to hand-weeding, hand-thinning and hand hot-capping.~~

~~(4) Every employer shall provide employees engaged in hand-weeding, hand-thinning and hand hot-capping, not determined to be occasional or intermittent as defined in subsection (3), an additional five (5) minutes of rest period time, which insofar as practicable, shall be in the middle of each work period. The authorized rest period time shall be based on the total hours worked daily at the rate of fifteen (15) minutes net rest time per four (4) hours of work, or major fraction thereof. Authorized rest time shall be counted as hours worked for which there shall be no deduction from wages.~~

~~(5) Employees engaging in hand-weeding, hand-thinning, or hand hot-capping shall be provided gloves and knee pads, as necessary, and training required to perform the job in accordance with all guidelines of Section 3203, Injury and Illness Prevention Program.~~

~~(6) The employer shall, in accordance with Title 8, Section 11140, provide any hand tool that may be used under subsection (c)(1).~~

~~(d) The provisions of subsection (c)(1) and (c)(2) shall not apply to the following situations:~~

~~(1) High density plants spaced less than 2 inches apart when planted;~~

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- ~~(2) Any agricultural or horticultural commodity grown in fields or greenhouses which have been registered with the County Agricultural Commissioner as organic;~~
- ~~(3) All agricultural or horticultural commodities when they are seedlings; and~~
- ~~(4) Horticultural commodities grown in tubs or planter containers with an opening not to exceed fifteen (15) inches.~~

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§1151

§1200(a)

§1151

§3457. Field Sanitation.

(a) Scope: This section shall apply to all agricultural employers.

(b) Definitions:

"Agricultural employer" means any person, corporation, association, or other legal entity that: ment;

B. Contracts with the owner or operator of an

A. Owns or operates an agricultural establish agricultural establishment in advance of production for the purchase of a crop and exercises substantial control over production; or

C. Recruits and supervises employees or is responsible for the management and condition of an agricultural establishment.

"Agricultural establishment" is a business operation that uses paid employees in agricultural operations.

"Agricultural operation" means any operation necessary to farming pursuant to Section 3437.

"Hand labor operations" means agricultural activities or agricultural operations performed by hand or with hand tools in the production of food, fiber, or other materials such as seed, seedlings, plants, or parts of plants. "Hand labor operations" also include other activities or operations performed in conjunction with hand labor in the field. Some examples of "hand labor operations" are the hand manipulation of irrigation pipes and other irrigation equipment by irrigators; the hand cultivation, hand weeding, hand planting and hand harvesting of vegetables, nuts, fruits, seedlings or other crops, including mushrooms; and the hand packing of produce into containers, whether done on the ground, on a moving machine or in a temporary packing shed located in the field.

"Hand labor" does not include such activities as logging operations, the care or feeding of livestock, or hand labor operations in permanent structures (e.g., canning facilities or packing houses).

"Handwashing facility" means a facility providing either a basin, container, or outlet with an adequate supply of potable water, soap or other suitable cleansing agent and single-use towels.

"Potable water" means water that meets the primary standards for drinking purposes found in Title 22, California Code of Regulations, Division 4, Chapter 15.

"Toilet facility" means a fixed or portable facility designed for the purpose of adequate collection and containment of the products of both defecation and urination which is supplied with toilet paper adequate to employee needs. Toilet facility includes biological, chemical, flush and combustion toilets and sanitary privies, in portable or mixed form.

(c) Requirements.

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§1200(b)	→	Agricultural operations not involving hand labor operations shall meet the requirements of Sections 3360-3368.
§1200(c)	→	All other agricultural operations shall meet the following requirements:
§1201	→	(1) Potable drinking water. (A) Potable water shall be provided during working hours and placed in locations readily accessible to all employees. Access to such drinking water shall be permitted at all times. (B) The water shall be fresh and pure, suitably cool, and in sufficient amounts, taking into account the air temperature, humidity, and the nature of the work performed, to meet the needs of all employees. (C) The water shall be dispensed in single use drinking cups or by fountains. The use of common drinking cups or dippers is prohibited. NOTE: For the purposes of this section, the term "common use," when applied to a drinking receptacle, is defined as its use for drinking purposes by, or for, more than one person without its being thoroughly cleansed and sterilized between consecutive uses thereof by methods prescribed by or acceptable to the State Department for Health Services. (D) Drinking water containers shall be constructed of materials that maintain water quality, and shall be provided with a faucet, fountain, or other suitable device for drawing the water.
§1202	→	(2) Toilet and handwashing facilities. (A) Separate toilet facilities for each sex shall be provided for each twenty (20) employees or fraction thereof. One handwashing facility shall be provided for each twenty (20) employees or fraction thereof. Where there are less than five employees, separate toilet rooms for each sex are not required provided toilet rooms can be locked from the inside and contain at least one water closet. Urinals may be installed instead of water closets in toilet rooms to be used only by men provided that the number of water closets shall not be less than two-thirds the minimum number of toilet facilities. EXCEPTION: An employer may provide transportation to toilet and handwashing facilities, as an alternative means of compliance if: 1. employees perform field work for a period of less than two (2) hours (including transportation time to and from the field), 2. fewer than five (5) employees in any agricultural establishment are engaged in hand labor operations on any given day, or 3. employees are not engaged in hand labor operations. (B) Toilet and hand washing facilities shall at all times meet the following standards: 1. Toilet facilities shall be appropriately screened to keep flies and other vermin away from the excreta. 2. Units housing toilet and handwashing facilities shall be ventilated and provided with self-closing doors, lockable from the inside, and shall be otherwise constructed to ensure privacy. 3. Toilet facilities shall provide a minimum area of eight (8) square feet, with a minimum width of two and one half (2 1/2) feet for each toilet seat. A minimum area of ten (10) square feet, with a minimum width of two and one half (2 1/2) feet, shall be required when a urinal is included. Sufficient additional space shall be included if handwashing facilities are within the facility. 4. The wastewater tank on chemical toilets shall be constructed of durable, easily cleanable material and have a minimum tank capacity of forty (40) gallons. Construction shall be such as to prevent splashing on the occupant, field, or road. 5. The handwashing water tank shall provide a minimum capacity of fifteen (15) gallons.

~~6. Units housing toilet and handwashing facilities shall be rigidly constructed and their inside surfaces shall be of nonabsorbent material, smooth, readily cleanable, and finished in a light color.~~

~~7. Water flush toilets and handwashing facilities shall conform to Title 24, California Code of Regulations, Part 5, California Plumbing Code.~~

~~(C) Toilet and handwashing facilities shall be accessibly located and in close proximity to each other.~~

~~(D) The facilities shall be located within a one-quarter (1/4) mile walk or within five (5) minutes, whichever is shorter.~~

~~(E) Where due to terrain it is not feasible to locate facilities as required above, the facilities shall be located at the point closest to vehicular access.~~

§1203

~~(3) Maintenance standards: Potable drinking water facilities, toilet facilities, and handwashing facilities, which are under the control of the employer, shall be serviced and maintained by the employer at all times in accordance with appropriate public health sanitation practices, including the following:~~

~~(A) Drinking water containers shall be regularly cleaned, shall be refilled daily or more often as necessary, and shall be kept covered and protected to prevent persons from dipping the water by hand or otherwise contaminating it.~~

~~(B) Toilet facilities shall be, at all times, operational, maintained in a clean and sanitary condition, and kept in good repair. Written records of service and maintenance shall be maintained and retained for two years.~~

~~(C) Toilet paper shall be provided in a suitable holder in each toilet unit.~~

~~(D) Effective odor control and solid-liquefying chemicals shall at all times be used in chemical toilet waste holding tanks.~~

~~(E) Contents of chemical tanks shall be disposed of by draining or pumping into a sanitary sewer, an approved septic tank of sufficient capacity to handle the wastes, a suitably sized and constructed holding tank approved by the local health department, or by any other method approved by the local health department.~~

~~(F) Privies shall be moved to a new site or taken out of service when the pit is filled to within two (2) feet of the adjacent ground surface. The pit contents shall be covered with at least two (2) feet of well-compacted dirt when the privy is moved.~~

~~(G) Handwashing facilities shall at all times meet the following standards:~~

~~1. Pure, wholesome, and potable water shall be available for handwashing.~~

~~2. Handwashing facilities shall be refilled with potable water as necessary to ensure an adequate supply.~~

~~3. Soap or other suitable cleansing agent and single-use towels shall be provided.~~

~~4. Signs shall be posted, indicating that the water is only for handwashing purposes.~~

~~5. Handwashing facilities shall be provided at the toilet unit or in the immediate vicinity.~~

~~6. Handwashing facilities shall be maintained in a clean and sanitary condition.~~

~~(H) The disposal of wastes from toilet or handwashing facilities shall not cause unsanitary conditions, nuisance, or contamination.~~

~~(4) Reasonable use: The employer shall notify each employee of the location of the sanitation facilities and potable water and shall allow each employee reasonable~~

§1204

~~opportunities during the workday to use these facilities. The employer shall ensure that employees use the sanitation facilities provided and shall inform each employee of the importance of each of the following good hygiene practices to minimize exposure to the hazards in the field of heat, communicable diseases, retention of urine, and agrichemical~~

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residues:

- ~~(A) Use the water and facilities provided for drinking, handwashing, and elimination;~~
- ~~(B) Drink water frequently, especially on hot days;~~
- ~~(C) Urinate as frequently as necessary;~~
- ~~(D) Wash hands both before and after using the toilet; and~~
- ~~(E) Wash hands before eating and smoking.~~

§1205 →

~~(d) Required Reports: Employers cited under this section shall provide to the Division annually for a period of five (5) years following the final order of a citation a written statement under penalty of perjury giving the following information: the estimated peak number of employees; the toilets, washing, and drinking water facilities to be provided by the employer; and any rental and maintenance agreements related to the requirements of this subsection.~~

NOTE: Authority cited: Sections 142.3 and 6712, Labor Code. Reference: Sections 142.3, 2441 and 6712, Labor Code.

§1270

§3458. Fall Protection for Date Palm Operations.

~~(a) Employees working in or on date palm trees shall be protected from falling at heights greater than 7 1/2 feet by the use of approved equipment/devices such as, but not limited to, elevating work platforms or aerial devices, or fall protection as provided in accordance with this Section.~~

~~(1) Fall protection systems used to meet the requirements of subsection (a) (i.e., approved personal fall arrest, fall restraint, or work positioning device system) shall meet the requirements of Section 1670 of the Construction Safety Orders, except as modified by subsection (b), (c) and (d) of this section.~~

~~(b) Lanyards used in a fall protection system shall be constructed of wire rope or chain when there is a hazard of cutting or damaging the lanyard by the use of tools or knives.~~

~~(1) Wire rope lanyards shall meet the minimum strength requirements provided in Section 1670 of the Construction Safety Orders.~~

~~(2) Chains used in a fall protection system shall maintain a safety factor of at least 10.~~

~~NOTE: The term "safety factor" is defined as the ratio of the ultimate breaking strength of a member or piece of material or equipment to the actual working stress or safe load when in use.~~

~~(c) Date palm saddles shall be designed by a competent person and shall be used in accordance with the following:~~

~~(1) Date palm saddles are permitted for use only as part of positioning device systems and must incorporate the use of an approved body belt;~~

~~(2) Lanyard(s) shall be attached to at least two fronds; and~~

~~(3) Dead, decayed, or damaged fronds shall not be used for anchorage.~~

~~(d) Positioning device systems used in the crown of date palm trees are permitted for fall protection provided the following conditions are met:~~

~~(1) Lanyard(s) shall be attached to at least two fronds;~~

~~(2) Lanyard(s) shall have a maximum length of 8 feet and be rigged in such a manner that an employee cannot free fall more than 2 feet;~~

~~(3) Dead, decayed, or damaged fronds shall not be used for anchorage; and~~

~~(4) When changing work positions, at least one lanyard remains attached to provide fall~~

protection at all times.

~~(e) A job briefing shall be conducted by a qualified person before each work assignment begins. Such job briefing shall include the description of the hazards unique to a specific job, appropriate work procedures to be followed, and other items to ensure that the work can be accomplished safely.~~

~~(f) Prior to each use, fall protection equipment shall be inspected by a qualified person and any found to be defective shall be immediately removed from service.~~

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

Article 27. Transportation of Employees and Materials

§3700. Definitions.

* * * * *

§1151

~~Farm Labor Vehicle. Any motor vehicle designed, used, or maintained for the transportation of the driver and nine or more farm workers to or from a place of employment or employment related activities.~~

~~EXCEPTION: (1) any vehicle carrying only members of the owner's or driver's immediate family, (2) any vehicle while being operated under specific authority granted by the Public Utilities Commission or under specific authority granted to a transit system by an authorized city or county agency, (3) any flat bed truck, pickup, or dump truck operated in accordance with Section 3702(r).~~

* * * * *

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§3701. Licensing of Drivers.

§1211(a)

~~(a) Only persons who possess a valid school bus drivers certificate or the appropriate class drivers license and a certificate issued by the Department of Motor Vehicles to permit the operation of farm labor vehicles shall operate a farm labor truck or farm labor bus.~~

~~(b) No person shall be required or permitted to operate any motor vehicle while used for the transportation of employees unless they hold a valid operator's license.~~

NOTE: Authority and reference cited: Section 142.3, Labor Code. Reference: Section 142.2, Labor Code.

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§3702. Transporting Employees.

* * * * *

§1210

~~(h) Farm Labor Vehicles shall be equipped at each passenger position with a Type 1 or Type 2 seatbelt assembly, conforming to the specifications set forth in Section 571.209 of Title 49 of the Code of Federal Regulations, which is hereby incorporated by reference. Each seatbelt assembly shall be anchored to the vehicle in a manner that conforms to the specifications set forth in Section 571.210 of Title 49 of the Code of Federal Regulations, which is hereby incorporated by reference. The driver and each passenger shall be properly restrained while the vehicle is operated.~~

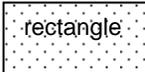
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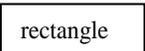
NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

NOTE:

All Sections identified are proposed for transfer/relocation to Subchapter 3, Agricultural Safety Orders, without substantive changes.

The gray highlighting indicates proposed non-substantive change(s) to original section language.

This  in the left margin identifies the section number of origin.

This  in the left margin identifies the section/subsection of origin within the section.

Amend Subchapter 3 and the following Sections, as follows:

Subchapter 3. ~~Compressed Air Safety Orders (Governing Work in Compressed Air)~~
Agricultural Safety Orders

Article 1. ~~Application~~ Introduction

§3436

New
Introduction
added per Title
8 Reform
Element
3

§1150. Scope and Application.

The orders in this ~~article~~ subchapter establish minimum occupational safety and health standards and shall apply to agricultural operations. Agricultural machinery and equipment are subject to all applicable Safety Orders except where they are inconsistent with the orders in this article. Operations, conditions, machinery and equipment not specifically covered by the safety orders in this subchapter are subject to all applicable orders contained in other subchapters of Chapter 4.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§3437

§3457(b)

§3437

§1151. Definitions.

Agricultural Employer. Any person, corporation, association, or other legal entity that:

- A. Owns or operates an agricultural establishment;
- B. Contracts with the owner or operator of an agricultural establishment in advance of production for the purchase of a crop and exercises substantial control over production; or
- C. Recruits and supervises employees or is responsible for the management and condition of an agricultural establishment.

Agricultural Equipment. Tractors or implements, including self-propelled implements, and stationary equipment which are used in agricultural operations.

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§3457(b)	→	<u>Agricultural Establishment. A business operation that uses paid employees in agricultural operations.</u>
§3437	→	<u>Agricultural Operations. All operations necessary to farming in all of its branches, including maintenance of machinery or other facilities, and the planting, cultivating or growing, keeping for sale, harvesting, transporting on the farm or to the place of first processing, any tree, plant, animal, fowl, fish, insect or products thereof.</u>
Also Contained in §3649	→	<u>Agricultural Tractor. A two or four-wheel drive type vehicle, or track vehicle, of more than 20 engine horsepower, designed to furnish the power to pull, carry, propel, or drive implements that are designed for agriculture. All self-propelled implements are excluded.</u>
§3700	→	<u>Farm Labor Vehicle. Any motor vehicle designed, used, or maintained for the transportation of the driver and nine or more farm workers to or from a place of employment or employment-related activities.</u> <u>EXCEPTION: (1) any vehicle carrying only members of the owner's or driver's immediate family, (2) any vehicle while being operated under specific authority granted by the Public Utilities Commission or under specific authority granted to a transit system by an authorized city or county agency, (3) any flat-bed truck, pickup, or dump truck operated in accordance with Section 3702(r) of the General Industry Safety Orders.</u>
§3437	→	<u>Fronde. As used in Section 34581240, the large connected leaf of a date palm tree.</u>
§3437	→	<u>Ground Driven Components. Components which are powered by the turning motion of a wheel driven by ground contact as the equipment travels over the ground.</u>
§3437	→	<u>Guard or Shield. See Article 37, Section 3941.</u>
§3437	→	<u>Guarded by Location. See Article 37, Section 3941.</u>
§3457(b)	→	<u>Hand-Labor Operations. Agricultural activities or agricultural operations performed by hand or with hand tools in the production of food, fiber, or other materials such as seed, seedlings plants, or parts of plants. Hand-labor operations also include other activities or operations performed in conjunction with hand-labor in the field. Some examples of hand-labor operations are the hand-manipulation of irrigation pipes and other irrigation equipment by irrigators; the hand-cultivation, hand-weeding, hand-planting and hand-harvesting of vegetables, nuts, fruits, seedlings or other crops, including mushrooms; and the hand packing of produce into containers, whether done on the ground, on a moving machine or in a temporary packing shed located in the field. "Hand-labor" does not include such activities as logging operations, the care or feeding of livestock, or hand-labor operations in permanent structures (e.g., canning facilities or packing houses).</u>
§3457(b)	→	<u>Handwashing Facility. A facility providing either a basin, container, or outlet with an adequate supply of potable water, soap or other suitable cleansing agent and single-use towels.</u>
§3437	→	<u>Long-Handled Hand Tool. Any hand-held tool with a handle of four (4) feet or more in length.</u>
§3437	→	<u>Nip Point. The mesh or pinch point of in-running surfaces such as gears, belts, sprockets, rolls, etc.</u>
§3457(b)	→	<u>Potable Water. Water that meets the primary standards for drinking purposes found in Title 22, California Code of Regulations, Division 4, Chapter 15.</u>

- §3437** → Power Take-Off (PTO) Drivelines. The shafts and universal joints between the tractor, or other power source, and the first gear set, pulley, or sprocket.
→ Power Take-Off (PTO) Shaft. The power output shaft protruding from the drive unit of the agricultural equipment.
- Also Contained in §3207 → Qualified Person. A person designated by the employer who by reason of his training and experience has demonstrated his ability to safely perform his duties and, where required, is properly licensed in accordance with federal, state, or local laws and regulations.
- §3437** → Self-Propelled Agricultural Equipment. Mobile equipment which is provided with locomotive power as an integral part of the unit.
→ Short-Handled Hand Tool. Any hand-held tool with a handle of less than four (4) feet in length.
- §3457(b)** → Toilet Facility. A fixed or portable facility designed for the purpose of adequate collection and containment of the products of both defecation and urination which is supplied with toilet paper adequate to employee needs. Toilet facility includes biological, chemical, flush and combustion toilets and sanitary privies, in portable or fixed form.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

Article 2. Definitions General Requirements

- Also Contained in §3203 → **§1160. Injury and Illness Prevention Program.**
Every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program in accordance with Section 3203 of the General Industry Safety Orders.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

- §3438** → **§1165. Communications.**
Where employees do not understand English, the employer shall provide safety instructions and warnings ~~shall be presented~~ in a language the employees understand.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

- §3439** → **§1170. First-Aid Kit and Medical Response.**
(a) There shall be adequate first-aid materials immediately available at the farm headquarters and/or on worker transportation buses. Such materials shall be kept in a sanitary and usable condition. A frequent inspection shall be made of all first-aid materials, which shall be replenished as necessary. In the case of employers whose workers are widely scattered in small crews that are contacted by a traveling foreman,

adequate protection may be accomplished by having a first-aid kit in the foreman's car or vehicle.

(b) At remote locations, provisions must be made in advance for prompt medical attention in case of serious injuries. This may be accomplished by:

(1) on-the-site medical treatment facilities, or

(2) proper equipment for prompt transportation of the injured person to a physician, or

(3) a communication system for contacting a doctor, or

(4) combinations of these subsections (1), (2) and (3), that will avoid unnecessary delay in treatment.

(c) There shall be at least 1 employee for every 20 employees at any remote location with training for the administering of trained to administer emergency first aid.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

Article 3. General Provisions Field Sanitation Requirements

§1200. Scope and Application for Field Sanitation.

§3457(a) → (a) This section Article shall apply to all agricultural employers.

§3457(c) → (b) ~~(e)~~ Requirements. Agricultural operations not involving hand-labor operations shall meet the requirements of Sections 3360-3368 in the General Industry Safety Orders.

§3457(c) → (c) All other agricultural operations shall meet the following field sanitation requirements: in Sections 1200 through 1205.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§3457(c)(1) → §1201. Potable Drinking Water Requirements for Field Sanitation.

§3457(c)(1)(A)-(D) → (a) Potable water shall be provided during working hours and placed in locations readily accessible to all employees. Access to such drinking water shall be permitted at all times.

(b) The water shall be fresh and pure, suitably cool, and in sufficient amounts, taking into account the air temperature, humidity, and the nature of the work performed, to meet the needs of all employees.

(c) The water shall be dispensed in single-use drinking cups or by fountains. The use of common drinking cups or dippers is prohibited.

NOTE: For purposes of this section, the term "common use," when applied to a drinking receptacle, is defined as its use for drinking purposes by, or for, more than one person without its being thoroughly cleansed and sterilized between consecutive uses thereof by methods prescribed by or acceptable to the State Department for of Health Services.

(d) Drinking water containers shall be constructed of materials that maintain water quality, and shall be provided with a faucet, fountain, or other suitable device for

drawing the water.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§3457(c)(2)

§1202. Toilet and Handwashing Facilities for Field Sanitation.

(a) Separate toilet facilities for each sex shall be provided for each twenty (20) employees or fraction thereof. One handwashing facility shall be provided for each twenty (20) employees or fraction thereof. Where there are less than five employees, separate toilet rooms for each sex are not required provided toilet rooms can be locked from the inside and contain at least one water closet. Urinals may be installed instead of water closets in toilet rooms to be used only by men provided that the number of water closets shall not be less than two-thirds the minimum number of toilet facilities.

EXCEPTION: An employer may provide transportation to toilet and handwashing facilities, as an alternative means of compliance if:

(1) Employees perform field work for a period of less than two (2) hours (including transportation time to and from the field),

(2) Fewer than five (5) employees in any agricultural establishment are engaged in hand-labor operations on any given day, or

(3) Employees are not engaged in hand-labor operations.

(b) Toilet and hand-washing facilities shall at all times meet the following standards:

(1) Toilet facilities shall be appropriately screened to keep flies and other vermin away from the excreta.

(2) Units housing toilet and handwashing facilities shall be ventilated and provided with self-closing doors, lockable from the inside, and shall be otherwise constructed to ensure privacy.

(3) Toilet facilities shall provide a minimum area of eight (8) square feet, with a minimum width of two and one-half (2 1/2) feet for each toilet seat. A minimum area of ten (10) square feet, with a minimum width of two and one-half (2 1/2) feet, shall be required when a urinal is included. Sufficient additional space shall be included if handwashing facilities are within the facility.

(4) The wastewater tank on chemical toilets shall be constructed of durable, easily cleanable material and have a minimum tank capacity of forty (40) gallons.

Construction shall be such as to prevent splashing on the occupant, field, or road.

(5) The handwashing water tank shall provide a minimum capacity of fifteen (15) gallons.

(6) Units housing toilet and handwashing facilities shall be rigidly constructed and their inside surfaces shall be of nonabsorbent material, smooth, readily cleanable, and finished in a light color.

(7) Water flush toilets and handwashing facilities shall conform to Title 24, California Code of Regulations, Part 5, California Plumbing Code.

(c) Toilet and handwashing facilities shall be accessibly located and in close proximity to each other.

(d) The facilities shall be located within a one-quarter (1/4) mile walk or within five (5) minutes, whichever is shorter.

(e) Where due to terrain it is not feasible to locate facilities as required above, the facilities shall be located at the point closest to vehicular access.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§3457(c)(3)

§1203. Maintenance standards of Field Sanitation Facilities.

Potable/drinking water facilities, toilet facilities, and handwashing facilities, which are under the control of the employer, shall be serviced and maintained by the employer at all times in accordance with appropriate public health sanitation practices, including the following:

(a) Drinking water containers shall be regularly cleaned, shall be refilled daily or more often as necessary, and shall be kept covered and protected to prevent persons from dipping the water by hand or otherwise contaminating it.

(b) Toilet facilities shall be, at all times, operational, maintained in a clean and sanitary condition, and kept in good repair. Written records of service and maintenance shall be maintained and retained for two years.

(c) Toilet paper shall be provided in a suitable holder in each toilet unit.

(d) Effective odor control and solid-liquefying chemicals shall at all times be used in chemical toilet waste holding tanks.

(e) Contents of chemical tanks shall be disposed of by draining or pumping into a sanitary sewer, an approved septic tank of sufficient capacity to handle the wastes, a suitably sized and constructed holding tank approved by the local health department, or by any other method approved by the local health department.

(f) Privies shall be moved to a new site or taken out of service when the pit is filled to within two (2) feet of the adjacent ground surface. The pit contents shall be covered with at least two (2) feet of well-compacted dirt when the privy is moved.

(g) Handwashing facilities shall at all times meet the following standards:

(1) Pure, wholesome, and potable water shall be available for handwashing.

(2) Handwashing facilities shall be refilled with potable water as necessary to ensure an adequate supply.

(3) Soap or other suitable cleansing agent and single-use towels shall be provided.

(4) Signs shall be posted, indicating that the water is only for handwashing purposes.

(5) Handwashing facilities shall be provided at the toilet unit or in the immediate vicinity.

(6) Handwashing facilities shall be maintained in a clean and sanitary condition.

(h) The disposal of wastes from toilet or handwashing facilities shall not cause unsanitary conditions, nuisance, or contamination.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§3457(c)(4)

§1204. Reasonable Use of Field Sanitation Facilities.

(a) The employer shall notify each employee of the location of the sanitation facilities and potable water and shall allow each employee reasonable opportunities during the workday to use these facilities.

(b) The employer shall ensure that employees use the sanitation facilities provided and shall inform each employee of the importance of each of the following good hygiene practices to minimize exposure to the hazards in the field of heat, communicable diseases, retention of urine, and agrichemical residues:

- (1) Use the water and facilities provided for drinking, handwashing, and elimination;
- (2) Drink water frequently, especially on hot days;
- (3) Urinate as frequently as necessary;
- (4) Wash hands both before and after using the toilet; and
- (5) Wash hands before eating and smoking.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§3457(d)

§1205. ~~Required Reports~~ Reporting Requirements for Field Sanitation.

Employers cited under this section Article shall provide to the Division annually for a period of five (5) years following the final order of a citation a written statement under penalty of perjury giving the following information: the estimated peak number of employees; the toilets, washing, and drinking water facilities to be provided by the employer; and any rental and maintenance agreements related to the requirements of this subsection.

NOTE: Authority cited: Sections 142.3 and 6712, Labor Code. Reference: Sections 142.3, 2441 and 6712, Labor Code.

Article 4. ~~Compression~~ Employee Transportation Safety Requirements

§3702(h)

§1210. ~~Vehicle~~ Seatbelt Requirements for Farm Labor Vehicles.

Farm Labor ~~V~~ehicles shall be equipped at each passenger position with a Type 1 or Type 2 seatbelt assembly, conforming to the specifications set forth in Section 571.209 of Title 49 of the Code of Federal Regulations, which is hereby incorporated by reference. Each seatbelt assembly shall be anchored to the vehicle in a manner that conforms to the specifications set forth in Section 571.210 of Title 49 of the Code of Federal Regulations, which is hereby incorporated by reference. The driver and each passenger shall be properly restrained while the vehicle is operated.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§1211. Vehicle Operating Requirements.

§3701(a)

(a) Only persons who possess a valid school bus drivers certificate or the appropriate class drivers license and a certificate issued by the Department of Motor Vehicles to permit the operation of farm labor vehicles shall operate a farm labor truck or farm labor bus.

Article 27 of
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(b) Transportation of employees shall comply with Article 27 of the General Industry Safety Orders.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

Article 5. Decompression Tool Safety Requirements

§1213. Hand-Held Tools.

§3456

(a) Hand-held tools shall be kept in good condition and be safely stored.

(b) The use of a short-handled hoe or any other short-handled hand tool is prohibited in agricultural operations, as that term is defined in Section 3437 1151, for weeding, thinning or hot-capping when such hoe or short-handled hand tool is used in a stooped, kneeling or squatting position. A long-handled hand tool used for these operations shall not be used as a short-handled hand tool in a stooped, kneeling or squatting position.

(c)(1) Hand weeding, hand thinning, and hand hot-capping in a stooped, kneeling or squatting position shall not be permitted in agricultural operations as defined in Section 3437 1151, unless there is no readily available, reasonable alternative means of performing the work that is suitable and appropriate to the production of the agricultural or horticultural commodity.

(2) Upon inquiry made by the Division of Occupational Safety and Health personnel, the employer shall bear the burden of justifying that the use of hand weeding, hand thinning, or hand hot-capping was required due to the unsuitability of the use of a long-handled tool or other alternative means of performing the work.

(3) Nothing in this subsection shall be construed as prohibiting occasional or intermittent hand weeding, hand thinning or hand hot-capping in a stooped, squatting, or kneeling position that is incidental to a non-hand weeding operation. For purposes of this subsection, occasional or intermittent means an employee is devoting 20 percent or less of his or her weekly work time to hand weeding, hand thinning and hand hot-capping.

(4) Every employer shall provide employees engaged in hand weeding, hand thinning and hand hot-capping, not determined to be occasional or intermittent as defined in subsection (c)(3), an additional five (5) minutes of rest period time, which insofar as practicable, shall be in the middle of each work period. The authorized rest period time shall be based on the total hours worked daily at the rate of fifteen (15) minutes net rest time per four (4) hours of work, or major fraction thereof. Authorized

rest time shall be counted as hours worked for which there shall be no deduction from wages.

(5) Employees engaging in hand weeding, hand thinning, or hand hot-capping shall be provided gloves and knee pads, as necessary, and training required to perform the job in accordance with all guidelines of Section 3203, Injury and Illness Prevention Program, of the General Industry Safety Orders.

(6) The employer shall, in accordance with Title 8, Section 11140, provide any hand tool that may be used under subsection (c)(1).

(d) The provisions of subsections (c)(1) and (c)(2) shall not apply to the following situations:

(1) High density plants spaced less than 2 inches apart when planted;

(2) Any agricultural or horticultural commodity grown in fields or greenhouses which have been registered with the County Agricultural Commissioner as organic;

(3) All agricultural or horticultural commodities when they are seedlings; and

(4) Horticultural commodities grown in tubs or planter containers with an opening not to exceed fifteen (15) inches.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

Article 6. Air Locks and Special Decompression Chamber Equipment Safety Requirements

§3440

§1215. Agricultural Equipment.

(a) All tractors shall be equipped with fenders or equivalent protection between the tractor operator and the tracks or rear wheels. On wheel tractors a minimum distance of 64 inches from the centerline of one driving wheel to the centerline of the opposite wheel will be considered equivalent protection. See Article 25 of the General Industry Safety Orders for ROPS, and overhead protection, and other safety requirements regarding agricultural tractors.

(b) Tractor brake-locking or parking device shall be of the positive type, designed and maintained in such a manner that tractor vibration will not release the device.

(c) Power Take-Off (PTO) Guarding.

(1) All PTO shafts shall be guarded. If the guard can be used as a step it shall be capable of supporting a 250 pound person.

EXCEPTION: Where PTO driven equipment is of a design requiring removal of the PTO shaft guard, the driven equipment shall incorporate guarding of the PTO shaft.

(2) PTO drivelines shall be guarded.

(3) Signs, decals, etc., shall be placed at prominent locations on agricultural equipment specifying that power drive system guards shall be kept in place.

(d) Other Power Transmission Components.

(1) The mesh or nip-point of all power driven gears, belts, chains, sheaves, pulleys, sprockets, and idlers shall be guarded.

(2) All revolving shafts, including projections such as bolts, keys or set screws, shall be guarded, except smooth shaft ends protruding less than one-half the outside diameter of the shaft and its locking means.

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(e) Ground driven components shall be guarded if any employee is exposed to those components while they are in motion.

(f) Access to Moving Parts.

(1) Guards, shields, and access doors shall be in place when the equipment is in operation.

(2) Where removal of a guard or access door will expose an employee to any component which continues to rotate after the power is disengaged, the employer shall provide, in the immediate area, the following:

(A) A readily visible or audible warning of rotation (on all agricultural equipment manufactured after June 1, 1977).

(B) A safety sign warning the employee to look and listen for evidence of rotation, and not to remove the guard or access door until all components have stopped.

(g) Functional components of agricultural equipment not specifically addressed in this subchapter article, such as snapping or husking rolls, straw spreaders, cutter bars, flail rotors, rotary beaters, mixing augers, feed rolls, rotary tillers, and similar units, which must be exposed for proper function, shall be guarded so as not to interfere with normal functioning of the component.

(h) Sweep arm material gathering mechanisms shall be guarded when used on the top surface of materials within silo structures. The lower or leading edge of the guard shall be located no more than 12 inches above the material surface and no less than six inches in front of the leading edge of the rotating member of the gathering mechanism.

§3441(c) –
(h)

(i) ~~(e)~~ Safe access to a safe place for all personnel riding on mobile equipment shall be provided.

(j) ~~(d)~~ All self-propelled equipment shall be equipped with a braking device controlled from the operator's station, capable of preventing the vehicle from moving while parked.

(k) ~~(e)~~ Where mobile farm equipment is towed by a tractor or truck and the tractor or truck driver cannot see the employees on the towed equipment, a positive signaling device shall be installed on the towed equipment, or there shall be a device on the towed equipment that can be actuated to stop the towing equipment in case of an emergency.

(l) ~~(f)~~ Engine exhaust systems shall not be piped into or through an enclosed cab on tractors or other equipment.

(m) ~~(g)~~ All tractors or self-propelled farm equipment used between an hour after sunset or an hour before sunrise shall be equipped with at least one headlight that will illuminate the area in front of the equipment at least 50 feet. There shall be at least one rear light to illuminate equipment at the rear. Additional lighting shall be provided where the operation requires field adjustment or the operator's attention.

(n) ~~(h)~~ Adequate means of access shall be provided so that employees can safely reach the top of the load for manual loading or unloading of high loads.

NOTES: 1. Specific standards for tractors are in Article 25 of the General Industry Safety Orders.

2. Specific standards for orchard man-lifts (Pruning Tower) are in Section 3641 of the General Industry Safety Orders.

New
NOTES
Added

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§3442

§1216. Horizontal Rotary Spreaders.

The spinner shall be guarded to prevent accidental contact. The guard shall consist of a bar, rail, or similar structure beyond the periphery of the spinner.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§3444

§1217. Beet Trucks.

In no case shall the entire side door hinge from the bottom on manually operated beet truck sides. Split doors may be used, providing the bottom hinged portion does not exceed its practical value as a locking device or discharge lip and is not over 18 inches high.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§3445

§1218. Choppers.

(a) Every power-driven cutter, chopper, or grinder shall be guarded to prevent accidental contact with revolving parts or access to hazardous parts of the machine. Access doors or covers shall be identified by an appropriate warning sign.

(b) Every manually fed power-driven cutter, chopper, or grinder shall be guarded to prevent accidental contact with the feed rolls or other hazardous processing parts of the machine.

NOTE: Guarding may be accomplished by extending the feed chute or hopper to provide a minimum accessible distance of not less than 88 inches from the working level to the point of operation, or a distance of 36 inches from the edge of the chute or hopper to the point of operation, or other effective means.

(c) Stationary machines which are equipped with feed rolls or other feed-assisting mechanisms shall be provided with a safety bar or trapeze bar which will stop the machine.

(d) Rotary choppers with horizontal blades shall have side shields extending below the plane of the lowest blade. Front and rear guards shall be provided to guard against accidental contact with the revolving blades.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§3446

§1219. Conveyors and Elevators.

(a) Portable screw conveyors located seven feet or less above the work level shall be covered or guarded to prevent accidental contact with any portion of the screw.

Augers shall be guarded with either grating type guards or solid baffle style covers as follows:

(1) The largest dimensions or openings in grating type guards through which materials are required to flow shall be 4 3/4 inches. The area of each opening shall be no larger than 10 square inches. The opening shall be located no closer than 2 1/2 inches to the rotating flighting.

(2) Slotted openings in solid baffle style covers shall be no wider than 1 1/2 inches, or closer than 3 1/2 inches to the exposed flighting.

EXCEPTION: Portable material transfer augers which cannot be guarded as above due to the nature of the process or material being transferred shall not be permitted to rotate unless they are in contact with the material to be transferred. The top and rear of the rotating auger shall be guarded. The leading edge of the guard shall extend at least six inches beyond the leading edge of the auger flight. Employees shall not be required or permitted in front of an auger while it is rotating.

(b) Portable sack loader, auger, elevator, or drag conveyor drive systems shall contain only one starting control. The starting control shall be located within ready access of the operator.

(c) Shear points created by portions of the conveyor passing structural or other fixed parts shall be guarded.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§1220. Vegetable-Trimming Saws.

§3447

(a) The unused portion of the saw blades shall be enclosed.

(b) A barrier shall be installed to prevent employees from reaching the saw blades.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§1221. Applicator Rigs, Tanks, and Vessels Used for Fertilizer, Insecticide, Pesticide, and Other Chemical Solutions of a Hazardous Nature.

§3453

(a) All closed tanks over 100 gallons in capacity shall have an effective means to indicate the liquid level.

(b) Fittings, hose, and tubing connections of the proper strength for the maximum pressure encountered in the system shall be used. All hose connections shall be clamped or otherwise safely secured.

Anhydrous ammonia (NH₃) connections shall be in accordance with the Unfired Pressure Vessel Safety Orders.

(c) All storage tanks shall have a legend attached, painted, or stenciled on them indicating the type of solution stored in them. The legend shall be in letters at least 2 inches high of a color contrasting with the color of the tank. A notice with precautionary instructions equivalent to the label prescribed by the labeling orders of the Division for the material being used shall also be attached to the tank.

(d) When positive displacement pumps are used and a stop valve is located between the outlet side of the pump and the discharge end of the hose, pipe, or tubing, there shall be installed a relief device which will bypass the liquid back to the low-pressure side of the system to prevent rupturing of the discharge hose, pipe, tubing, or pump.

(e) Controls for applicator tanks shall be placed in such a manner that the employee will receive the least possible exposure from ruptured or breaking lines at the controls. The distributing manifold (Christmas Tree) if in the immediate vicinity of the operator shall be located to the rear and below the seat level of the operator or completely shielded.

(f) When two or more tanks under gas or liquid pressure are connected by means of a hose, tubing or pipe blocked at both ends by stop valves, there shall be a device installed in the line to bleed off the pressure before the line is disconnected.

(g) All pressure vessels shall be designed and constructed in accordance with the Unfired Pressure Vessel Safety Orders.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

Article 7. Temperature, Illumination, Sanitation and Ventilation **Equipment Operating Requirements**

§1225. Operation of Agricultural Equipment.

(a) Operating Instructions and Safe Work Practices.

(1) At the time of initial assignment and at least annually thereafter, the employer shall instruct every employee in the safe operation and servicing of all equipment with which the employee is, or will be involved including, instruction on the safe work practices and operating rules provided in subsection (a)(2).

(2) Agricultural equipment shall be operated in accordance with the following safe work practices and operating rules:

(A) Keep all guards in place when the machine is in operation;

(B) Permit no riders on agricultural equipment other than persons required for instruction or assistance in machine operation;

(C) Stop engine, disconnect the power source, and wait for all machine movement to stop before servicing, adjusting, cleaning, or unclogging the equipment, except where the machine must be running to be properly serviced or maintained, in which case all steps and procedures which are necessary to safely service or maintain the equipment shall be taken;

(D) Make sure everyone is clear of machinery before starting the engine, engaging power, or operating the machine;

(E) Lock out electrical power before performing maintenance or service on agricultural equipment. (See Article 3 of the Low-Voltage Electrical Safety Orders.)

NOTE: For overhead electrical hazards, see Section ~~3455~~1250 of this article.

(b) All self-propelled equipment shall, when under its own power and in motion, have an operator stationed at the vehicular controls. This shall not prohibit the operator occupying or being stationed at a location on the vehicle other than the normal driving position or cab if controls for starting, accelerating, decelerating and

§3441

stopping are provided adjacent and convenient to the alternate position. If the machine requires steering other than ground or furrow steering or operates at ground speeds in excess of two miles per hour, steering controls shall also be provided at the alternate location. Seedling planters and other similar equipment traveling at a speed of two miles an hour or less where a control that will immediately stop the machine is located at the operator's work station will satisfy this requirement.

(1) Furrow guided self-propelled mobile equipment may be operated by an operator not on the equipment provided that all of the following are complied with:

(A) The operator has a good view of the course of travel of the equipment and any employees in the immediate vicinity.

(B) The steering controls, when provided, and the brake and throttle controls are extended within easy reach of the operator's station.

(C) The operator is not over 10 feet away from such controls and does not have to climb over or onto the equipment or other obstacles to operate the controls.

(D) The equipment is not traveling at over two miles per hour ground speed.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

Article 8. Compressor Plant, Air Supply, and Telephone Communication Restricted and Hazardous Material Safety Requirements

§3450

§1230. Formulation and Application of Restricted Materials.

(Organophosphates and eCarbamates, Toxicity Categories I and II).

Medical requirements relating to the formulation and application of restricted materials shall be as required by Title 3, Article 23 of the California Administrative Code of Regulations.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§3451

§1235. Decontamination of Equipment Used for Restricted Materials.

(a) Machines, aircraft, or applicators shall be decontaminated before they are overhauled or placed in storage.

(b) Decontamination shall be done in a safe area by washing with water, neutralization, or by means recommended by the manufacturer of the restricted material.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§1240. Employee Decontamination Means Required for Aqua Ammonia Operations.

§3453(g)

(a) Where aqua ammonia operations are conducted, each bulk tank, mobile applicator, or nurse tank, shall have immediately available from a safe and accessible source, or the employer shall provide a be supply supplied with sufficient clean of water (5 gallons) at each bulk tank, mobile applicator, or nurse tank, to enable an employee to wash his/her eyes in case of accidental sprays or spillage.

§3453(g)

(b) The supplied water required in subsection (a) shall meet the following:

(1) The water shall be accessible and immediately available;

(2) There shall be a minimum of 5 gallons of water; and;

(3) The water shall be clean and safe.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

Article 9. Bulkheads and Screens Site Safety Requirements

§3455

§1250. Overhead Electrical Hazards.

(a) Where high-voltage electrical lines pass over, through or along planted areas or orchards, the supervisor or person in charge of work crews shall inspect the work area to determine if the high-voltage lines are located in areas that may expose employees to electrical hazards.

(b) Electrically conductive poles shall not be used for fruit picking or nut-knocking. Employees using other conductive tools or equipment to perform duties such as pruning, harvesting and the handling of irrigation pipe in areas where such tools or equipment could come into contact with overhead high-voltage electrical lines shall not be assigned such work until they are instructed in the hazards associated with working in proximity to energized high-voltage electrical lines (i.e., serious bodily injury or death from accidental contact or near-contact with energized electrical lines). The instruction shall include the use of tools, equipment and work practices necessary to perform work safely and maintain the appropriate clearances specified in subsection (c).

(c) The clearance distances contained in Article 37, Tables 1 and 2 of the High-Voltage Electrical Safety Orders shall be maintained when placing or moving irrigation piping, and when employees use tools, ladders, machinery, or other equipment and materials that could come into contact with high-voltage lines.

NOTE: Article 37, Table 1 of the High-Voltage Electrical Safety Orders pertains to general clearances required from energized overhead conductors and Table 2 pertains to boom-type lifting or hoisting equipment clearances.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§3448

§1255. Water Hazards.

Where and when employees are required to work in or about farm structures such as permanent pools, ponds, water tanks, or reservoirs 4 feet or more in actual depth and where the slope and construction would make exit difficult, ladders, steps or other suitable climbing means extending to the low water level shall be provided.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

Also
Contained
in §5156
and §5158

§1260. Confined Space Hazards.

All agricultural operations (including cotton gins) as defined in Section 1151, where and when employees are required to work within such spaces as silos, tanks, vats, vessels, boilers, compartments, ducts, sewers, pipelines, vaults, bins, tubs, and pits, the employer shall prevent employee exposure to confined space hazards by complying with the confined space requirements of Section 5158.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

Article 10. Fire Prevention Operation Specific Safety Requirements

§3458

§1270. ~~Fall Protection for~~ Date Palm Operations.

(a) Fall Protection.

Employees working in or on date palm trees shall be protected from falling at heights greater than 7 ½ feet by the use of approved equipment/devices such as, but not limited to, elevating work platforms or aerial devices, or fall protection as provided in accordance with this Section.

(1) Fall protection systems used to meet the requirements of subsection (a) (i.e., approved personal fall arrest, fall restraint, or work positioning device system) shall meet the requirements of Section 1670 of the Construction Safety Orders, except as modified by subsections (b), (c) and (d) of this section.

(b) Lanyards used in a fall protection system shall be constructed of wire rope or chain when there is a hazard of cutting or damaging the lanyard by the use of tools or knives.

(1) Wire rope lanyards shall meet the minimum strength requirements provided in Section 1670 of the Construction Safety Orders.

(2) Chains used in a fall protection system shall maintain a safety factor of at least 10.

NOTE: The term "safety factor" is defined as the ratio of the ultimate breaking strength of a member or piece of material or equipment to the actual working stress or safe load when in use.

(c) Date palm saddles shall be designed by a competent person and shall be used in accordance with the following:

(1) Date palm saddles are permitted for use only as part of positioning device systems and must incorporate the use of an approved body belt;

- (2) Lanyard(s) shall be attached to at least two fronds; and
- (3) Dead, decayed, or damaged fronds shall not be used for anchorage.
- (d) Positioning device systems used in the crown of date palm trees are permitted for fall protection provided the following conditions are met:
 - (1) Lanyard(s) shall be attached to at least two fronds;
 - (2) Lanyard(s) shall have a maximum length of 8 feet and be rigged in such a manner that an employee cannot free fall more than 2 feet;
 - (3) Dead, decayed, or damaged fronds shall not be used for anchorage; and
 - (4) When changing work positions, at least one lanyard remains attached to provide fall protection at all times.
- (e) A job briefing shall be conducted by a qualified person before each work assignment begins. Such job briefing shall include the description of the hazards unique to a specific job, appropriate work procedures to be followed, and other items to ensure that the work can be accomplished safely.
- (f) Prior to each use, fall protection equipment shall be inspected by a qualified person and any found to be defective shall be immediately removed from service.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§3454

§1275. Sheepshearing Operations.

- (a) Canvas or other fabric material used for floors shall be stretched tight and properly pegged at regular 4 foot intervals around the outer edge to prevent them from gathering or bunching. The floor shall be maintained tight at all times.
- (b) Hobbles shall be installed one-third of the way down on each hanger arm. These hobbles shall be secured to the main hanger, and the leather thongs passed through an eyelet on the turn-out side of the shearing floor. On each end of the thongs there shall be a weight adequate enough to pull the hanger arm back to a neutral position in case the clippers are dropped or kicked free.
- (c) The catch pen and turn-out pen shall be provided with proper gates or other barriers to prevent sheep from dashing across the shearing floor while shearers are at work.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

§3452

§1280. Aircraft Crop Dusting and Spraying Operations.

- (a) All hoppers on crop-dusting aircraft shall have dust-tight covers, and shall have lids so secured that they will not readily open in case of a flipover.
- (b) Safety precautions to be followed when using aircraft for crop dusting and spraying shall be as required by Title 3, Article 23 of the California Administrative Code of Regulations.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

STANDARDS PRESENTATION TO
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
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CSO

§1285. Helicopter Operations.

All helicopter operations shall comply with the requirements of Article 35 of the Construction Safety Orders.

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.