

New Respirator Regulations Effective January 1, 2008

New respiratory protection regulations have been recently adopted by the California Department of Pesticide Regulation (DPR). County Agricultural Commissioners (CAC) will begin enforcing the new regulations starting January 1, 2008. This handout outlines the major changes in the regulations and the requirements that growers and businesses must meet to be in compliance.

Please refer to our department website for valuable links related to the new regulations. You can find our site at www.cdpr.ca.gov. The complete text of the new regulations (Title 3 California Code of Regulations, Section 6739), as well as a generic DPR guidance document (HS-1513) for developing a respirator program, are both available as links for you to review.



Following are some of the most important requirements in the new regulations and the subsection of Section 6739 in which they can be found:

(a) General Requirements. The employer shall assure that employees use respirators when required by label, restricted material permit condition or regulation. This subsection also discusses the components of a written respiratory protection program.

(b) Voluntary Respirator Provision. An employer may provide respirators to employees or allow employees to use their own respirators on a voluntary basis. The employer must provide to employees information outlined in subsection (r) about the proper use of respirators and their limitations. Under an *employer-supplied* voluntary respirator provision, the employer must implement a minimal written respiratory protection program. A written program is *not* required when a voluntary respirator program only involves the use of filtering facepiece.



Note: Filtering facepieces ARE respirators and are subject to all provisions of Section 6739 when used for protection from pesticides.

(d) Medical Evaluation. The employer shall identify a physician or other licensed health care professional to conduct medical evaluations to determine an employee's ability to wear a respirator. The physician shall perform the medical evaluation using the medical questionnaire in subsection (q), or by direct medical examination. The medical questionnaire and examinations shall be administered confidentially. The employer shall obtain a written medical recommendation from the physician regarding the employee's ability to use a respirator. Though only required to have the employee evaluated once, the employer shall provide additional evaluations if certain regulatory triggers are met involving the ability of the worker to wear the respirator without adverse health effects.

(e) Fit Testing. The employer shall assure that employees using tight-fitting facepieces pass an appropriate Cal/OSHA compliant fit test prior to initial use of a respirator, and at least annually thereafter.

(m) Training and Information. Training shall be conducted prior to an employee using a respirator. Retraining shall be done annually and when the following situations occur: (1) changes in the workplace or respirator render previous training obsolete; (2) inadequacies in the employee's knowledge or use of the respirator indicate retraining is necessary; or (3) any other situation arises in which retraining appears necessary. Among other things, the employer shall ensure that the employee can demonstrate knowledge concerning why the respirator is necessary; what the limitations and capabilities of the respirator are; how to inspect and maintain the respirator; and how to recognize medical signs and symptoms that may limit or prevent the effective use of respirators.

(n) Program Evaluation. The employer shall conduct evaluations of the workplace as necessary to ensure that the provisions of the current program are effective. The employer shall also annually consult employees required to use respirators regarding their views on program effectiveness and to identify any problems. Any deficiencies identified during this assessment shall be corrected within 30 days. A written documentation of these evaluations and consultations shall be maintained.

(p) Recordkeeping. The employer shall retain written information regarding medical recommendations, fit testing, and the respirator program. Records shall be maintained while the employee is required to use a respirator, and for three years after the end of employment conditions requiring the use of a respirator. A written copy of the current respirator program shall be retained by the employer, and previous versions shall be retained for three years.

Other requirements in Section 6739 not specifically discussed here include the following topics: selection of respirators; facepiece seal protection; procedures for Immediately Dangerous to Life or Health (IDLH) atmospheres; cleaning and disinfecting; storage of emergency respirators; inspection and repair; breathing air quality and use; identification of filters, cartridges, and canisters; and cartridge/filter service life.

It is the employer's responsibility to understand the respirator regulations and to implement the applicable portions at the worksite. DPR's guidance document HS-1513 mentioned earlier was designed as a template to assist respirator program administrators in developing a written respirator program. Employers may want to check with their insurance carriers or with respirator manufacturer representatives for additional help in developing a respiratory protection program, including respirator selection and fit testing. As always, the CACs will provide direction and advice to help individuals and businesses comply with these and all other pertinent regulations.

HS-1513: <http://www.cdpr.ca.gov/docs/whs/pdf/hs1513.pdf>

Section 6739: http://www.cdpr.ca.gov/docs/legbills/rulepkgs/06-002/final_text.pdf (until 1/1/08); after 1/1/08 at: <http://www.cdpr.ca.gov/docs/legbills/calcode/030302.htm#a6739>

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