

NOTE: Oregon OSHA proposed the following rule language in October, 2016:
170.405(a) Outdoor production pesticide applications, OAR 437-004-6405, or OAR 437-004-6406 Spray Drift. However, it was not adopted with the other *Division 4W, Worker Protection Standard* rules on 2/14/2017.

(170.405 Entry restrictions associated with pesticide applications.)

“(a) Outdoor production pesticide applications.

(1) The application exclusion zone is defined as follows:

(i) The application exclusion zone is the area that extends 100 feet horizontally from the application equipment in all directions during application when the pesticide is applied by any of the following methods:

(A) Aerially.

(B) Air blast application.

(C) As a spray using a spray quality (droplet spectrum) of smaller than medium (volume median diameter of less than 294 microns).

(D) As a fumigant, smoke, mist, or fog.

(ii) The application exclusion zone is the area that extends 25 feet horizontally from the application equipment in all directions during application when the pesticide is applied not as in Sec. 170.405

(a)(1)(i)(A)-(D) and is sprayed from a height of greater than 12 inches from the planting medium using a spray quality (droplet spectrum) of medium or larger (volume median diameter of 294 microns or greater).

(iii) There is no application exclusion zone when the pesticide is applied in a manner other than those covered in paragraphs (a)(1)(i) and (a)(1)(ii) of this section.

(2) During any outdoor production pesticide application, the agricultural employer must not allow or direct any worker or other person, other than an appropriately trained and equipped handler involved in the application, to enter or to remain in the treated area or an application exclusion zone that is within the boundaries of the establishment until the application is complete.

(3) After the application is complete, the area subject to the labeling specified restricted-entry interval and the post-application entry restrictions specified in Sec. 170.407 is the treated area.”

“OAR 437-004-6405 Compliance Alternative for Protected Spaces.

(1) As an alternative to the requirement for evacuation of the application exclusion zone during outdoor production pesticide applications described in 170.405(a)(2), agricultural employers may instruct occupants of protected spaces under their control to remain within that protected space during nearby crop applications.

(a) Protected space is defined as a sheltered area that protects occupants from exposure to pesticide drift. Examples of protected spaces include fully enclosed residential structures and fully-enclosed agricultural-use structures.

(b) Fully-enclosed means that walls, ceilings, and floors of the spaces are tightly constructed to minimize the entry of outside air when doors and windows are closed.

(2) To use this alternative, employers must notify the occupants of the protected spaces, as specified in 170.409(c) of the Worker Protection Standard, about any pesticide application that would place the structure within an Application Exclusion Zone. The notification must include:

(a) How to close up and secure indoor areas used as protected spaces during nearby pesticide applications.

(b) Instructions to remain within the protected space and to maintain all feasible measures to minimize exposure to the outside air until the application equipment moves beyond the AEZ range.

(3) The requirements of 170.505(b) to suspend application apply if anyone exits a protected space while the AEZ as defined in 170.405(a)(1) also applies to this exception.”

“OAR 437-004-6406 Spray Drift. In accordance with the pesticide product label, agricultural employers and handler employers must ensure that pesticide spray applied within an Application Exclusion Zone does not drift and make contact with worker housing areas and other occupied structures, including protected spaces.”