

WAC 16-233-211 Requirements during applications to protect handlers, workers, and other persons—40 C.F.R., § 170.505. (1) *Prohibition from contacting workers and other persons with pesticides during application.* The handler employer and the handler must ensure that no pesticide is applied so as to contact, directly or through drift, any worker or other person, other than an appropriately trained and equipped handler involved in the application.

(2) *Suspending applications.*

(a) Any handler performing a pesticide application must immediately suspend the pesticide application if any worker or other person is in the application exclusion zone described in WAC 16-233-111 (1)(a) or the area specified in column 2 of the table in WAC 16-233-111 (2)(d), except for:

(i) Appropriately trained and equipped handlers involved in the application; and

(ii) The owner(s) of the agricultural establishment and members of their immediate families who remain inside closed buildings, housing, or shelters, provided that the handlers have been expressly instructed by the owner(s) of the agricultural establishment that only immediate family members remain inside those closed buildings, housing, or shelters and that the application should proceed despite the presence of the owner(s) or their immediate family members inside those closed buildings, housing, or shelters.

(b) A handler must not resume a suspended pesticide application while any workers or other persons remain in an application exclusion zone described in WAC 16-233-111 (1)(a) or the area specified in column 2 of the table in WAC 16-233-111 (2)(d) except for:

(i) Appropriately trained and equipped handlers involved in the application; and

(ii) The owner(s) of the agricultural establishment and members of their immediate families who remain inside closed buildings, housing, or shelters, provided that the handlers have been expressly instructed by the owner(s) of the agricultural establishment that only immediate family members remain inside those closed buildings, housing, or shelters and that the application should proceed despite the presence of the owner(s) or their immediate family members inside those closed buildings, housing, or shelters.

(3) *Handlers using highly toxic pesticides.* The handler employer must ensure that any handler who is performing any handler activity with a pesticide product that has the skull-and-crossbones symbol on the front panel of the pesticide product label is monitored visually or by voice communication at least every two hours.

(4) *Fumigant applications in enclosed space production.* The handler employer must ensure all of the following:

(a) Any handler in an enclosed space production area during a fumigant application maintains continuous visual or voice contact with another handler stationed immediately outside of the enclosed space.

(b) The handler stationed outside the enclosed space has immediate access to and uses the personal protective equipment required by the fumigant labeling for applicators in the event that entry becomes necessary for rescue.

[Statutory Authority: RCW 17.21.030(2), 17.21.440, and 15.58.040(2). WSR 26-09-109, s 16-233-211, filed 4/21/26, effective 6/1/26. Statutory Authority: RCW 15.58.040, 17.21.030 and chapter 34.05 RCW. WSR 18-01-054, § 16-233-211, filed 12/13/17, effective 1/13/18.]