

**REVISED PROPOSAL FOR DISCUSSION
HAND WEEDING ADVISORY COMMITTEE**

PROPOSED STATE STANDARD,
TITLE 8, CHAPTER 3.5, SUBCHAPTER 1, ARTICLE 3
Section 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 or Title 8, California Administrative Code, for weeding, thinning or hot-capping when such hoe or short-handled hand tool is used in a stooped, kneeling or squatting position. <i>The use of a short-handled hoe or any other short-handled hand tool, as defined in Section 3437, 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. Employees engaged in weeding, thinning or hot-capping shall use a long-handled hand tool, as defined in Section 3437, provided by the employer, except when one or more of the following conditions applies:</i>
(1) The work is performed in a manner that does not require an employee to stoop, squat or kneel;
(2) <i>Employees are weeding or thinning crops that are grown under continuous plastic mulch or woven cloth sheets and the employer can demonstrate that use of a long-handled hand tool can reasonably be expected to damage the mulch or sheets is not possible; The exception provided herein does not apply to the space between crop beds; the space within the transplant circle, when it is feasible to use a long handled tool in this space; or any other space where continuous plastic mulch or woven cloth sheets are not present.</i>
(3) The employer can demonstrate that use of a long-handled hand tool can reasonably be expected to significantly damage the crop at the crop's current stage of development;
(4) The crops are certified organic vegetables or berries, are grown by a registered organic producer, and use of a long-handled hand tool is not possible. [Subsection proposed for deletion]
(c) A long-handled hand tool used for these operations to weed, thin or hot-cap shall not be used as a short-handled hand tool in a stooped, kneeling or squatting position.
(d) When the conditions described in (b)(2), (b)(3) or (b)(4) prevent use of a long handled hand tool, the employer shall:
(1) prohibit employees from using a short-handled hand tool, as defined in Section 3437, if use of the tool requires an employee to stoop, squat or kneel;
(2) implementing available administrative and/or engineering controls to minimize the degree of hand weeding, thinning or hot-capping required, performed by; and. Nothing in this subsection is intended to require the use of genetically engineered crops.
(3e) When the administrative and/or engineering controls required by subsection (d) fail to eliminate hand weeding, thinning or hot-capping, the employer shall provide gloves and other appropriate

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personnel protective equipment, including ~~gloves, if requested, and~~ knee pads if work is performed in a kneeling position. ~~Prior to each shift, employers shall inform employees, in a language understood by the employees, of their right to protective equipment.~~

~~(e)(f) Nothing in this section is intended to prohibit occasional hand weeding, thinning or hot-capping that is incidental to the use of a long handled hand tool.~~