

(4) The circumstances of exposure of that person to the pesticide.

**Subpart C—Standard for Pesticide Handlers**

**§ 170.202 Applicability of this subpart.**

Except as provided by §§170.203 and 170.204, this subpart applies when any pesticide is handled for use on an agricultural establishment.

[60 FR 21952, May 3, 1995]

**§ 170.203 Exceptions.**

*Exceptions.* This subpart does not apply when any pesticide is handled for use on an agricultural establishment in the following circumstances:

- (a) For mosquito abatement, Mediterranean fruit fly eradication, or similar wide-area public pest control programs sponsored by governmental entities.
- (b) On livestock or other animals, or in or about animal premises.
- (c) On plants grown for other than commercial or research purposes, which may include plants in habitations, home fruit and vegetable gardens, and home greenhouses.
- (d) On plants that are in ornamental gardens, parks, and public or private lawns and grounds and that are intended only for aesthetic purposes or climatic modification.
- (e) In a manner not directly related to the production of agricultural plants, including, but not limited to, structural pest control, control of vegetation along rights-of-way and in other noncrop areas, and pasture and rangeland use.
- (f) For control of vertebrate pests.
- (g) As attractants or repellents in traps.
- (h) On the harvested portions of agricultural plants or on harvested timber.
- (i) For research uses of unregistered pesticides.

[57 FR 38151, Aug. 21, 1992. Redesignated at 60 FR 21952, May 3, 1995]

**§ 170.204 Exemptions.**

The handlers listed in this section are exempt from the specified provisions of this subpart.

- (a) *Owners of agricultural establishments.* (1) The owner of an agricultural

establishment is not required to provide to himself or members of his immediate family who are performing handling tasks on their own agricultural establishment the protections of:

- (i) Section 170.210(b) and (c).
- (ii) Section 170.222.
- (iii) Section 170.230.
- (iv) Section 170.232.
- (v) Section 170.234.
- (vi) Section 170.235.
- (vii) Section 170.240(e) through (g).
- (viii) Section 170.250.
- (ix) Section 170.260.

(2) The owner of the agricultural establishment must provide the protections listed in paragraphs (a)(1) (i) through (ix) of this section to other handlers and other persons who are not members of his immediate family.

(b) *Crop advisors.* (1) Provided that the conditions of paragraph (b)(2) of this section are met, a person who is certified or licensed as a crop advisor by a program acknowledged as appropriate in writing by EPA or a State or Tribal lead agency for pesticide enforcement, and persons performing crop advising tasks under such qualified crop advisor's direct supervision, are exempt from the provisions of:

- (i) Section 170.232.
- (ii) Section 170.240.
- (iii) Section 170.250.
- (iv) Section 170.260.

A person is under the direct supervision of a crop advisor when the crop advisor exerts the supervisory controls set out in paragraphs (b)(2)(iv) and (v) of this section. Direct supervision does not require that the crop advisor be physically present at all times, but the crop advisor must be readily accessible to the employees at all times.

(2) *Conditions of exemption.* (i) The certification or licensing program requires pesticide safety training that includes, at least, all the information in §170.230(c)(4).

- (ii) No entry into the treated area occurs until after application ends.
- (iii) Applies only when performing crop advising tasks in the treated area.
- (iv) The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination supplies, and how to conduct the tasks safely. The crop advisor must convey this information to each