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February 3, 1958.

Commonwealth of Puerto Rico
DEPARTMENT OF AGRICULTURE AND COMMERCE
DEPARTMENT OF HEALTH
San Juan, Puerto Rico

RULES AND REGULATIONS

TO REGULATE THE USE AND APPLICATION OF THE HERBICIDE KNOWN AS 2,4-D, OF RELATED HERBICIDES AND ANY OTHER HERBICIDE

Section 1.- Definitions

For the purposes of these Rules and Regulations, the following terms shall, wherever used or wherever reference is made thereto, be defined as follows, unless the text clearly indicates otherwise.

a. 2,4-D herbicide and related herbicides - shall include the following:

   (1) 2,4-Dichlorophenoxyacetic acid, its salts, esters, amine and other derivatives and formulations thereof;

   (2) The free acids, salts, amines, esters and other derivatives of other halogenated phenoxyacetic acids or of phenylacetic acid; and

   (3) Other herbicides having plant hormone characteristics.

b. Plant hormone characteristics - means those characteristics possessed by, and typical of certain substances which cause modified plant growth or physiological activities not directly associated with plant nutrition.

c. Susceptible crops - means those crops, plants and plantings of economic value which become adversely affected by herbicides possessing plant hormone characteristics.

d. Herbicide - means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any weed.

e. Weed - means any plant which grows where not wanted.

f. Person - means any individual, public or private corporation, association, cooperative association, society, or any other form of legal organization.

g. Forms extremely hazardous to crops susceptible to 2,4-D or related herbicides, include the following:

(1) The methyl, ethyl, propyl, butyl, and amyl or pentyl esters of 2,4-Dichlorophenoxyacetic acid, other halogenated phenoxyacetic acids, phenylacetic acid, or other herbicides having plant hormone characteristics, or formulations thereof, which under field conditions might become volatile, or any other such form as the Secretary of Agriculture and Commerce may declare to be a form extremely hazardous to susceptible crops, and

(2) The dust forms or any formulations containing 2,4-D or related herbicides for dusting applications.

Section 2.- Words in singular form

Words used in the singular form in these Rules and Regulations shall include the plural, and vice versa, as the case may require.

Section 3.- The use or application of the forms extremely hazardous to crops susceptible to 2,4-D and the related herbicides included under clause (g) of Section 1 hereof is hereby prohibited whenever there are susceptible crops within a radius of 5 miles from the site in which said herbicide is to be applied.

Section 4.- Storage, handling and use of herbicides

a. In warehouses where fertilizing materials, seeds, plants, or pesticides other than herbicides are stored, no 2,4-D or related herbicides shall be stored or handled, nor shall there be stored or handled any container or equipment that has been used with 2,4-D or related herbicides. Warehouse shall, for the purposes of this provision, mean either any separate structure or any compartment which provides complete physical separation within the same structure in such manner as will preclude the contamination of any other

material stored within the same structure.

b. Only persons authorized by the employer shall have access to the places where toxic herbicides are kept in their concentrated form.

c. Disposing of herbicides of proven toxicity, or of the containers or vessels of said herbicides, in any manner other than by burying them is hereby prohibited. For the purposes of this provision, toxicity shall mean the inherent capacity of a substance to produce bodily injury by other than physical means.

d. Equipment used for applying 2,4-D and related herbicides shall be washed in such a manner that no residue remains before being used for other purposes in which such residues might come in contact with susceptible crops, or before being stored in some place where susceptible crops might be affected.

Section 5.- Aircraft application

a. No spraying of 2,4-D or related herbicides shall be done with aircraft equipment when the wind velocity exceeds six miles per hour or at a height greater than ten feet above the ground or five feet above the crop.

b. No aircraft application of 2,4-D or related herbicides shall be made at operating pressures exceeding 45 pounds per square inch nor at a rate of less than three gallons of mixed material per acre. The spray nozzle orifice openings shall not be less than 0.125 inches in diameter, and no constriction behind the orifice shall be more constrictive than the orifice itself. The Secretary of Agriculture and Commerce and the Secretary of Health may authorize the use of combinations of orifice nozzle openings and pressures equivalent to those above-mentioned.

c. Each operator shall have a portable anemometer at the operating field to determine the wind velocity.

Section 6.- Inspection

The Secretary of Agriculture and Commerce or the Secretary of Health or the authorized representatives thereof shall have the power to inspect all aircraft or ground equipment used in the application of 2,4-D, related herbicides and any other herbicide, whenever they may deem it fitting.

Section 7.- Application by means of ground equipment

a. No application of 2,4-D or related herbicides shall be made with ground equipment when the wind velocity exceeds ten miles per hour. The herbicide should be sprayed always with the wind.

b. No ground-equipment application of 2,4-D or related herbicides shall be made at operating pressures exceeding fifty (50) pounds per square inch, nor at a rate less than eighteen (18) gallons of the mixed material per acre. The spray nozzle orifice openings shall not be less than 0.059 inches in diameter.

Section 8.- For the application of 2,4-D or related herbicides, the use of turbine blowers or other equipment causing excessive atomization is hereby prohibited.

For the purposes of this provision, excessive atomization shall mean a dispersion of the liquid resulting in particles smaller in size than the particles produced by the combination of pressures and nozzle orifice openings prescribed under these Rules and Regulations for the application of herbicides with ground equipment.

Section 9.- All knapsack sprayers or similar equipment used for the application or spraying of herbicides shall, before the start of work each day, be duly inspected by the employer, foreman or such other person as may be in charge, to ascertain that such equipment does not have leaks which might affect the user thereof by bringing him into direct contact with the herbicide.

Section 10.-

a. All persons in charge of diluting the concentrate, as well as any person assigned to the spraying of herbicides, shall be instructed by the employer or the authorized representative thereof, as to the risks involved in the spraying of herbicides, the safety measures to be taken, and the proper treatment in the event that the herbicide causes either internal or external injuries to the person.

b. The dilution of the herbicide concentrate and the filling of knapsack sprayers shall be done in such manner as to expose the fewest workers.

Section 11.- It is hereby prohibited to keep, store or eat food, or to chew or smoke in places where herbicide solutions are stored, prepared or sprayed. The employer, foreman or such other person as may be responsible shall instruct the workers handling herbicides to wash their hands and face with soap and water before eating any food, and to wash any part of the body which might have come in contact with the herbicide.

The employer shall provide facilities enabling the workers to wash their hands and face with soap and water before eating any food.

Section 12.- All employers shall provide rubber gloves or gloves of any other impermeable material, and goggles, for the personal protection of the workers engaged in diluting herbicide concentrates or in the spraying of herbicides.

When herbicides of proven toxicity or herbicides which are irritant to man are used, it shall be the duty of the employer to provide additional protective equipment, such as chemical respirators of the type approved by the Bureau of Mines of the Department of the Interior of the United States for the conditions under which the operation is carried out, and protective clothing and rubber boots, in order to prevent both inhalation of the herbicide and direct contact thereof with the skin, and shall comply with any other requirement or requirements which the Secretary of Labor may deem fitting.

The personal protective equipment shall be used by the same person. When the equipment has to be used by other persons, same shall be disinfected.

For the purposes of this section, toxicity shall mean the inherent capacity of a substance to produce bodily injury by other than physical means.

For the purposes of this section, irritant agent shall mean an agent which in contact with living tissue will either immediately or after prolonged or repeated contact induce a more or less severe local tissue reaction not leading directly to destruction of tissue.

The employer or the authorized representative thereof shall frequently inspect the spraying and protective equipment to determine the physical state and condition thereof.

Section 13.- All persons spraying herbicides shall be 21 years old or older and shall have a health certificate issued by a Public Health Unit of the Department of Health.

Section 14.- Penalties

Any person who shall fail to comply in whole or in part with any of the provisions of these Rules and Regulations shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than twenty-five (25) dollars nor more than five hundred (500) dollars or by imprisonment for not more than ninety (90) days, or by both penalties in the discretion of the court.

Section 15.- Date of Effectiveness

These Rules and Regulations shall take effect after approval thereof by the Governor of Puerto Rico and after publication thereof at least twice in the course of a month in a newspaper of general circulation.

These Rules and Regulations are hereby promulgated by the Secretary of Agriculture and Commerce and by the Secretary of Health pursuant to

the powers and faculties vested in them under Act No. 6, approved September 6, 1955.

Approved at San Juan, Puerto Rico, this 13 day of November A.D. 1957.

Signed
Héctor Zayas Chardón
Acting Secretary of Agriculture and Commerce

Approved at San Juan, Puerto Rico, this 13 day of November A.D. 1957.

Signed
Manuel A. Torres Aguiar
Acting Secretary of Health

Approved at San Juan, Puerto Rico, this 26 day of November A.D. 1957.

Signed
Luis Muñoz Marín
Governor
Commonwealth of Puerto Rico