



# **EPA's Agricultural Worker Protection Standard 40 CFR 170**

**Pesticide Program Dialogue Committee  
October 21, 2015**



# Outline

- Overview of WPS Revisions
- Outreach & Implementation Plan
- Discussion: opportunities for outreach and implementation assistance that can be provided



# Who is Covered by the Rule

- Who is responsible for providing the protections?
  - Agricultural employers on crop-producing establishments
  - Commercial pesticide handling establishment employers
- Who is protected?
  - Farmworkers – work in the fields to harvest and cultivate
  - Pesticide handlers – mix, load, and apply pesticides for use on crops
  - Other persons during pesticide applications



# Relationship Between Pesticide Labeling & WPS

- The labeling has product-specific requirements to protect workers and handlers
- WPS has instructions on how to implement the requirements
- WPS also has general protections too lengthy to place on every label, e.g., requirements for pesticide safety training, hazard communication materials, decontamination, and emergency assistance

## Pesticide Labeling

- Length of the restricted entry interval (REI)
- What PPE must be worn

## WPS

- How to notify workers about the REI (oral or field posting)
- Providing, maintaining, and ensuring proper fit of PPE



# Goals of the Revised WPS

- Improve occupational protections for agricultural workers and handlers to make them comparable to those for workers in all other industries covered by OSHA
- Reduce acute occupational pesticide exposures and incidents
- Reorganize and streamline rule to make it easier to understand and follow, which should improve compliance
- Address concerns raised through years of stakeholder engagement through EPA's Federal Advisory Committee, the National Assessment process, and in meetings with regulatory partners

# Key Points Contained In Revisions

- Retained and expanded exemption for farm owners and immediate family members - over 520,000 agricultural establishments largely unaffected by most WPS provisions
- Delayed compliance dates to give farmers and States time to become familiar with new requirements and prepare for implementation
  - Compliance is not required with any of the new requirements until 14 months after publication of the final rule in the *Federal Register*
  - Compliance with certain requirements delayed for 26 months (training content, pesticide safety information display and handlers having to suspend applications)



# Pesticide Safety Training

## Current

- Pesticide safety training every 5 years
- Allow brief 5 point training prior to entering treated area and delay full pesticide safety training for up to 5 days (“grace period”)

## Revision

- Pesticide training every year *[same as proposed]*
- Expand training content *[same]*
- Require recordkeeping of training for 2 years *[same]*
- No “grace period” *[changed from proposal]*
- Keep certified applicators as trainers *[changed]*

# Notification

## Current

- Oral or posted notification of outdoor treated areas unless labeling requires both
- Workers entering when restricted-entry interval (REI) in effect (early-entry workers) must receive PPE

## Revision

- Post outdoor treated areas when REI is greater than 48 hours [same]
- Early-entry workers must be provided PPE & oral notification of: [same]
  - information about the pesticide application
  - specific task to be performed
  - amount of time that the worker is allowed to remain in the treated area
  - the PPE required by the label



# Hazard Communication

## Current

- Post application-specific information at central display until 30 days after REI expires
- Access available to only worker or handler during display period

## Revision

- Hazard information is the application-specific information and Safety Data Sheets *[changed]*
- Post hazard information at central display for 30 days after REI expires and retain for 2 years *[same]*
- Access available from display period through retention to:
  - Employee access upon oral or written request *[same]*
  - Treating medical personnel and persons working under their supervision (oral or written request) *[changed]*
  - Designated representative (written request only) *[similar]*



# Minimum Age for Handlers and Early-Entry Workers

## Current

- No minimum age

## Revision

- Requires a minimum age of 18 for pesticide handlers and early entry workers (entering during REI) *[changed]*
  - Members of owner's immediate family would be exempt from this requirement *[same but expanded definition of immediate family]*



# Respirators

## Current

- Employers must provide Personal Protective Equipment (PPE) required by labeling & ensure respirator fits correctly

## Revision

- Adopts by reference a subset of OSHA's standard for respirators (including filtering facepieces) - fit test, evaluation, training [*same requirement; scope changed*]

# Application Exclusion Zones in Outdoor Production

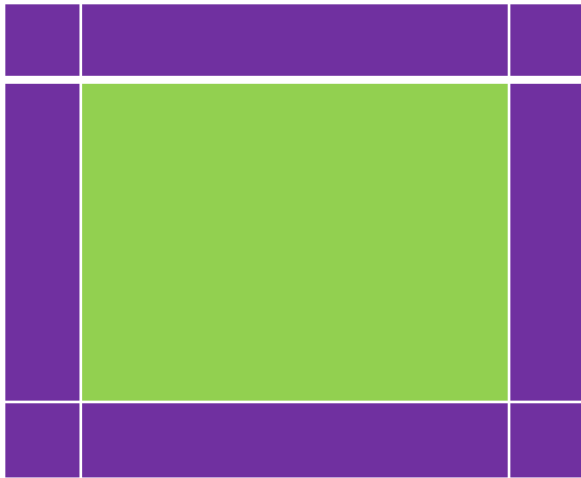
## Current

- During pesticide applications, workers and others are prohibited from being in:
  - The treated area - for farms and forests
  - The treated area and areas adjacent to treated areas (entry-restricted areas) – for nurseries

## Revision

- Establishes application exclusion zones (AEZ) based on distance from the application equipment for farms and forests, also applies in nurseries [*changed*]
- Agricultural employers must keep workers and other persons out of the AEZ that are **WITHIN** the boundary of the establishment owner's property [*same*]
- Handler must suspend application if persons are in AEZ. Requirement to suspend application is **NOT** limited by the boundary of the establishment owner's property [*similar*]

# Application Exclusion Zones in Outdoor Production



Proposal: Entry-restricted area is in purple



Final: Application exclusion zone is in purple



# Outreach and Implementation

# Implementation Timeline

Date	Milestone
September 28, 2015	Revised WPS final rule signed and announced.
October ??, 2015	Revised WPS final rule published in the <i>Federal Register</i> .
December ??, 2015 (60 days after publication of revised WPS final rule in the <i>Federal Register</i> )	Revised WPS final rule becomes effective. [Compliance dates for revised WPS requirements delayed one year from this date, but full compliance is required with existing WPS during this time.]
December ??, 2016 (One year and 60 days after publication of revised WPS final rule in the <i>Federal Register</i> )	Compliance is required with most of the revised WPS requirements.
December ??, 2017 (Two years and 60 days after publication of revised WPS final rule in the <i>Federal Register</i> )	Compliance is required with all of the revised WPS requirements. [Last requirements: Cover new content in worker and handler training; include new content on pesticide safety information display; and handlers suspend applications if anyone is in the application exclusion zone.] <sup>5</sup>



# Implementation Materials: Outreach

- Overview fact sheet, presentation
- Comparison tables
- More details on key topics, e.g., respirator fit test, medical evaluation & training; application exclusion zone; others
  - Presentations, fact sheets, etc.
- How to Comply Manual (or equivalent)
- What other general education materials are needed?





# Implementation Materials: Compliance and Enforcement

- Implementation guidance (EPA, States and Tribes)
  - Regional NPM guidance, cooperative agreement grant guidance, compliance monitoring strategy
- Update WPS Inspection Guidance
- Update WPS Interpretive Q&As
- Inspector pocket guidance (or equivalent)



# Implementation Materials: Worker and Handler Training

- Update worker pesticide safety training materials (manual, video, flip chart, other?)
  - Develop materials for different sectors (greenhouses, nurseries, specialty crops, etc.)
- Update handler pesticide safety training materials (manual, video, flip chart, other?)
- Train-the-trainer materials



# Training: Regions, States & Tribes

- Regions: Nov 3-5 in Atlanta
- 2015 WPS PREP: Dec 1-3 in San Diego
- 2016 WPS PIRT: Spring in Asheville
- 2016 WPS PREP: TBD
- Regional-based trainings for States/Tribes
- Webinars
  - Overview presentations
  - Specific topic presentations – any suggestions?



# Training: Regulated Community

- Need help reaching growers, commercial pesticide handling establishments and others covered by WPS
- Reaching out using EPA Regions, SLAs, Tribes and pesticide safety educators
- Identify key conferences and meetings
- Provide webinars, resources
- Other ideas?



# Discussion: Opportunities for outreach and implementation assistance

- What other outreach materials are needed?
- How can you help us reach growers?
- Webinars – specific topics of interest?
- Opportunities to partner?



# Questions?

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