How to Comply With the 2015 Revised Worker Protection Standard For Agricultural Pesticides

What Owners and Employers Need To Know
How to Comply with the 2015 Revised Worker Protection Standard for Agricultural Pesticides: What Owners and Employers Need to Know

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HOW TO COMPLY WITH THE 2015 REVISED WORKER PROTECTION STANDARD FOR AGRICULTURAL PESTICIDES

What Owners and Employers Need To Know
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Separate from the pesticide safety training, employers must tell workers and handlers where to find the following on the worksite: EPA WPS safety poster (or equivalent), application information, SDSs and decontamination supplies.

### Duties for ALL Employers

#### Minimum Age Requirements

1. Ensure that only workers and all handlers are at least 16 years old.

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#### Anti-Retribution

- Employers must not retaliate against a worker or handler who attempts to comply with the WPS, files a complaint, or provides information in an investigation of alleged WPS noncompliance.
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#### Pesticide Safety, Application and Hazard Information

- An agricultural employer must display or make certain information available on the establishment.
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### Exceptions (general)

- Exemptions to PPE required on pesticide labels.
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### Exemptions for early-entry workers

- Exemptions for workers.
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### Pesticide Safety Training

- Pesticide safety training.
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### Emergency Assistance

- Emergency assistance.
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This is a summary of the requirements. It does not contain all the information to comply with the revised WPS. Refer to the regulations where indicated for complete details.
These requirements apply to agricultural employers who employ workers.

Restrictions During Applications

<table>
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<tr>
<th>Section</th>
<th>Description</th>
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</table>
| 170.405 (a)-(b) | Handlers must suspend applications when anyone other than appropriately trained and equipped handlers enters the application exclusion zone (AEZ).
| 170.507 (d)(3) | Handlers must maintain constant voice or visual contact with any handler in an enclosed-space production site (e.g., greenhouses, high tunnels, indoor grow houses) while applying a fumigant.

Care of PPE

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</table>
| 170.505 (b) | Store and wash used PPE separately from other clothing and laundry. Used PPE will be reused, cleaned, and stored before each day of reuse, according to the manufacturer’s instructions.
| 170.507 (d)(2) | Discard, do not clean, coveralls and other absorbent materials that cannot be cleaned correctly.

Replacing Respiratory Protecting Elements

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</table>
| 170.507 (d)(5) | Replace particulate filters or filtering facepiece respirators when any of the following conditions are met:
| 170.507 (d)(7) | Replace vapor-removing cartridges/canisters when any of the following conditions are met:

Instructions for People Who Clean PPE

<table>
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| 170.507 (g) | Reinspect respirators periodically, including every 8 total hours of use and more frequently if required by instructions or indications of service life.

Disposal of PPE

<table>
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| 170.509 (b) | Dispose of respirators and PPE according to local, state, and federal regulations.

Appropriate Personal Protective Equipment

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| 170.609 (a) | Before each application, tell workers who are on the establishment (in a language they can understand) of all pesticide labeling instructions and indications of service life.

Before allowing persons not directly employed by the establishment to clean, repair, or adjust pesticide application equipment, provide the following information:

<table>
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| 170.309 (l) | Before allowing persons not directly employed by the establishment to clean, repair, or adjust pesticide application equipment, provide the following information:
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| 170.409 (b) | Before allowing persons not directly employed by the establishment to clean, repair, or adjust pesticide application equipment, provide the following information:
| 170.409 (c) | Before allowing persons not directly employed by the establishment to clean, repair, or adjust pesticide application equipment, provide the following information:
| 170.409 (d) | Before allowing persons not directly employed by the establishment to clean, repair, or adjust pesticide application equipment, provide the following information:

Equipment Safety

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Handling of Equipment

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| 170.507 (d)(1) | Inspect product labeling during the entire handling task. Provide handlers with the PPE required by the pesticide labeling.

Personal Protective Equipment (PPE) Handlers Must Use

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| 170.507 (d)(8) | Before allowing persons not directly employed by the establishment to clean, repair, or adjust pesticide application equipment, provide the following information:

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Posting Warning Signs

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Notice About Applications

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| 170.503 (a)(1) | After 8 total hours of use, in the absence of any other instructions, wash in detergent and hot water.
| 170.507 (d)(1) | Wash in detergent and hot water. 170.507 (d)(1)

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PREAMBLE

WHY IS THE INFORMATION IN THIS MANUAL IMPORTANT?

It is a violation of federal law to use a pesticide product in a manner inconsistent with its labeling. When you use a pesticide product with labeling that refers to the Worker Protection Standard (WPS), you must comply with the requirements of the federal WPS (Code of Federal Regulations (CFR), Title 40, Part 170). If you do not comply with the WPS requirements, you will be using a pesticide product in a manner inconsistent with its labeling and will be in violation of federal law.

This manual provides information to help you comply with the requirements of the federal WPS for agricultural pesticides as originally published in 1992, amended in 1995, 1996 and 2004, and revised in 2015. The U.S. Environmental Protection Agency (EPA) may issue additional guidance about the WPS and may amend the WPS in the future. Check with your state or tribal agency responsible for pesticide enforcement for further information and current amendments.

This updated manual, “How to Comply With the 2015 Revised Worker Protection Standard for Agricultural Pesticides,” EPA 735-B-16-001 supersedes the EPA 735-B-05-002 manual and all previous versions. Changes to the Worker Protection Standard have made the 2005 version obsolete. Any continued use of outdated manuals may lead an employer to be out of compliance with this regulation.

DO YOU NEED TO READ THIS MANUAL?

The WPS may apply to you if you use a WPS-labeled pesticide product on an agricultural establishment in the production of agricultural plants and you are any one of the following:

- The owner or a person responsible for the management of an agricultural establishment that employs workers or handlers.
- The owner of a family-owned agricultural establishment where you and/or your immediate family members are the only people who work on the establishment.
- The owner or a person responsible for the management of a commercial (for-hire) pesticide handling establishment.
- A pesticide handler.
- A crop advisor.
THIS WPS “HOW TO COMPLY” MANUAL WILL:

- Help you determine whether you need to comply with the WPS.
- Give you detailed information on how to comply with the WPS requirements, including exemptions, exceptions, restrictions, options and examples.
- Provide you with a “Quick Reference Guide” — a simplified route to compliance that focuses on the basic WPS requirements (excluding exemptions, exceptions, etc.).
- Explain how important definitions affect your WPS responsibilities.
- Provide other special notes to help you better understand the WPS requirements and how they apply to you.

ORGANIZATION OF THE “HOW TO COMPLY” MANUAL

This WPS How to Comply Manual is organized based upon the WPS responsibilities for each type of employer. There are three primary types of employers that are responsible for WPS compliance; agricultural employer of workers, agricultural employer of pesticide handlers, and the commercial pesticide handler employer (employers of for-hire pesticide handlers or crop advisors). Most likely, users of this manual will not need to read all of the chapters as it would be unlikely for a person to meet all three categories of a WPS employer.

Each section contains a reference to the Code of Federal Regulations (40 CFR Part 170) for more information on the revised WPS. (www.ecfr.gov)

Read Chapter 1 to help you determine which type of employer you are and what pesticide uses are covered by the WPS and which ones are not.

The following chart identifies the chapters in this manual that include relevant information for each type of WPS employer:

<table>
<thead>
<tr>
<th>WPS Employer Type</th>
<th>Most Relevant Chapters</th>
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<tbody>
<tr>
<td>Agricultural Employer of Workers</td>
<td>Chapters 2 &amp; 3</td>
</tr>
<tr>
<td>Agricultural Employer of Handlers</td>
<td>Chapters 2 &amp; 4</td>
</tr>
<tr>
<td>Commercial Pesticide Handler Employer</td>
<td>Chapters 4 &amp; 5</td>
</tr>
<tr>
<td>Crop Advisors</td>
<td>Chapter 6</td>
</tr>
<tr>
<td>Owner of an Agricultural Establishment and Immediate Family</td>
<td>Chapter 6</td>
</tr>
</tbody>
</table>

Chapter 7 applies to everyone subject to this federal regulation and provides information on WPS compliance.

The appendices provide a wide range of definitions, checklists, procedures and resources to provide assistance with WPS compliance.
ADDITIONAL WORKER PROTECTION REQUIREMENTS

Some states, tribes, or local governments with jurisdiction over pesticide enforcement may have additional worker protection requirements beyond the requirements described in this federal manual. Check with these agencies to obtain the information you need to comply with all applicable state, tribal, or local requirements.

REPRODUCTION OF THE MANUAL

This manual may be reproduced, but if this manual is altered it may no longer provide the information employers need to comply with the requirements of the federal Worker Protection Standard.

MATERIAL APPENDED TO THE MANUAL

States, tribes, or local governments with jurisdiction over pesticide enforcement may elect to append additional worker protection requirements to this federal manual. These additions may only be appended at the end of this federal manual. Any additional material should be clearly identified as state, tribal, or local requirements.