



Worker Protection Standard Update and Certification Regulations for Applicators

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Agenda

- Worker Protection Standard (WPS)
 - Background
 - Key revisions
 - WPS requirements - commercial applicators
 - WPS requirements – crop advisors
 - Outreach and implementation
- Applicator Certification Regulations



Background: Goals of WPS

- **Inform** workers and handlers about potential exposure to pesticides
- **Protect** workers, handlers and other people from exposure to pesticide
- **Mitigate** any pesticide exposures that workers or handlers receive





Background: Who is Covered by WPS?

Who is responsible for providing the protections?

- Agricultural employers on crop-producing establishments
- Commercial pesticide handler 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



Key Goals of the Revised WPS

- Improve **occupational protections for agricultural workers and handlers** to make them comparable to those for workers in other industries covered by OSHA
- Reduce **acute occupational pesticide exposures** and incidents



Implementation Timeline

Date	Milestone
September 28, 2015	Revised WPS final rule signed and announced.
November 2, 2015	Revised WPS final rule published in the <i>Federal Register</i> .
January 1, 2016	Revised WPS final rule becomes effective. [Compliance is required with <u>existing</u> WPS during 2016.]
January 2, 2017	Compliance is required with <u>most</u> of the <u>revised</u> WPS requirements.
January 2, 2018	Compliance is required with <u>all</u> of the <u>revised</u> WPS requirements. Last three requirements: <ul style="list-style-type: none">• Cover new content in worker and handler training• Include new content on pesticide safety information display• Handlers suspend applications if anyone is in the application exclusion zone.



Key Revisions to the WPS



Key Revisions to WPS

Inform workers and handlers about potential exposure to pesticides

- Annual training + adjust how training is done
- Display & provide application information and safety data sheets (*agricultural employer only*)
 - Keep records for 2 years
 - Can be requested by worker/handler, treating medical personnel or designated representative
- Post signs if REI > 48 hours (outdoor applications) (*agricultural employer only*)



Key Revisions to WPS

Protect workers, handlers and other people from exposure to pesticide

- If labeling requires respirator for handler, provide medical evaluation, fit testing and respirator training
- Handlers and early-entry workers must be 18 years old
- Application exclusion zone during applications



Key Revisions to WPS

Mitigate any pesticide exposures that workers or handlers receive

- Provide routine decontamination supplies for workers, handlers and early-entry workers
- Provide eyewash system for mixers/loaders if labeling requires protective eyewear



Pesticide Safety Training

- Pesticide training every year (within past 12 months)
- No “grace period”
- EPA must approve training materials and train-the-trainer (TTT) programs
- Trainer must be a certified applicator or complete an EPA-approved TTT program or be designated by state/tribe
- Require recordkeeping of training for 2 years
 - Provide worker or handler a copy upon request
- Expand training content *[After Jan 2, 2018]*
- Workers & handlers don't need WPS training if:
 - Certified applicator of restricted use pesticides
 - Licensed or certified crop advisor by program acknowledged as appropriate by EPA/State/Tribe and that has pesticide training that covers all WPS handler training content



Existing Protections During Applications

WPS Label statement:

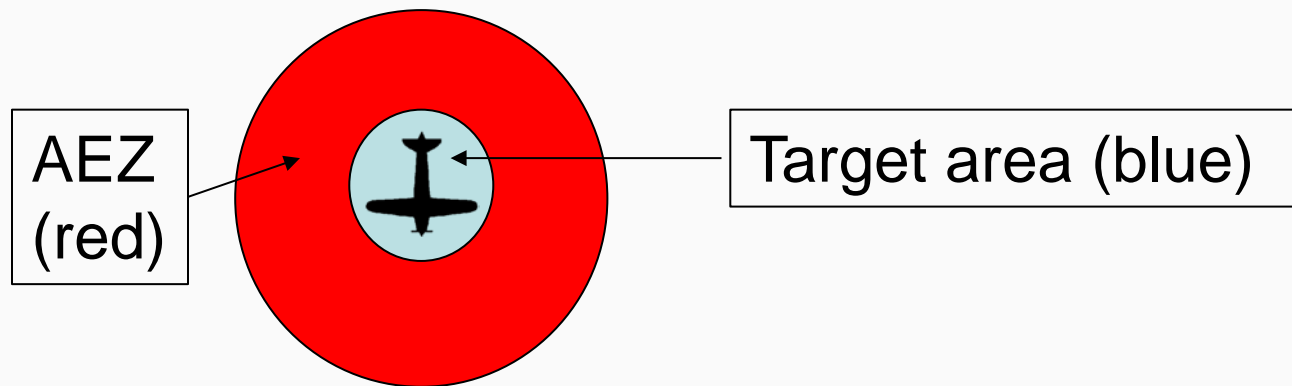
- Requirement: “Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application.”
 - Who is responsible for compliance: Applicator (handler)
 - Who is protected: Workers & other persons (besides protected handlers)
 - Is the protection limited to the boundaries of the ag establishment? No, it extends beyond boundaries



New Protections During Applications in Outdoor Production

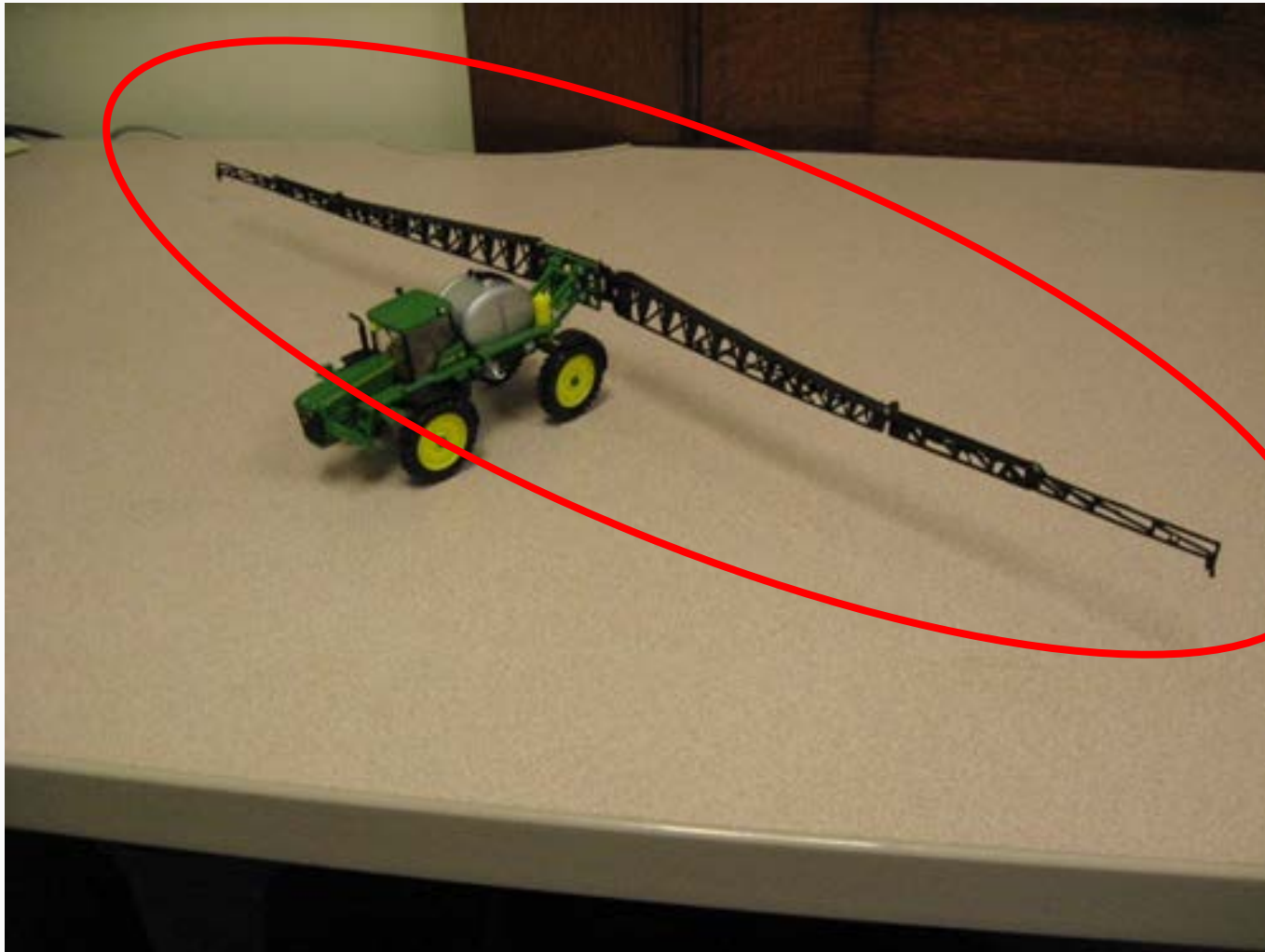
Application Exclusion Zone (AEZ):

- Requirement (170.405(a)(1))
 - The WPS establishes AEZ distances in outdoor production of 25 or 100 feet around the application equipment based on application method



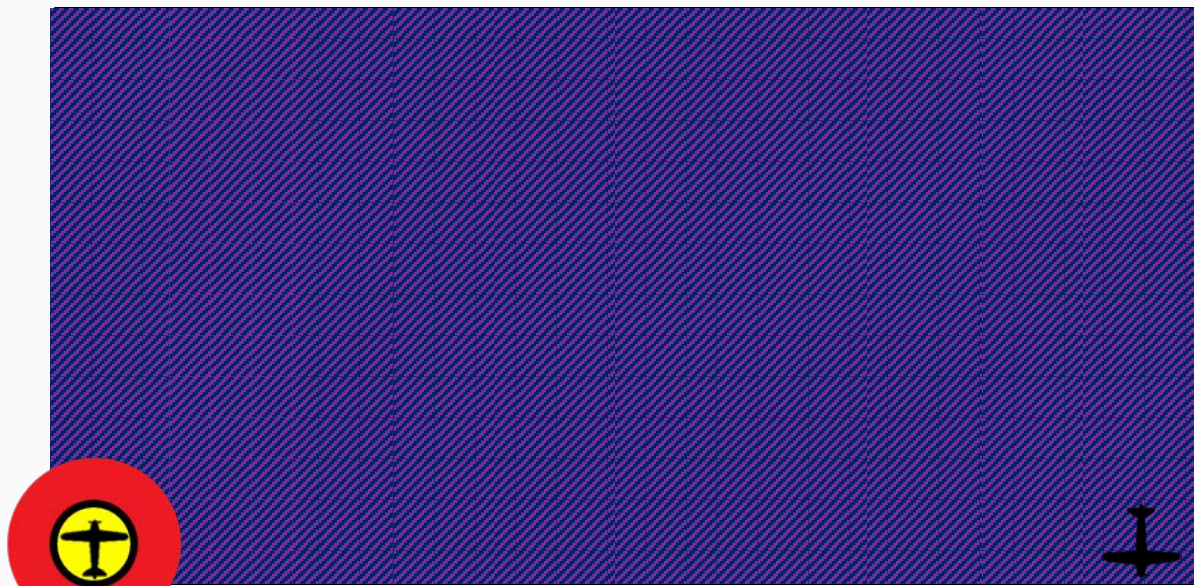


AEZs in Outdoor Production (170.405(a)(1))





Application Exclusion Zone in Outdoor Production



When the application is concluded, the AEZ no longer exists.





AEZs in Outdoor Production (170.405(a)(1))

- 100 foot AEZ
 - Applied aerially, by air blast or with a spray quality smaller than medium
 - Applied as a fumigant, smoke, mist or fog
- 25 foot AEZ
 - Applied other than above & sprayed from a height of >12 inches from planting medium with spray quality of medium or larger
- No AEZ
 - Applied otherwise



Two New Protections During Applications in Outdoor Production

(1) Ag Employer's AEZ responsibilities:

Requirement (170.405(a)(2)): During an application, the agricultural employer must keep workers and other persons out of the treated area and AEZ that is WITHIN the boundary of the establishment owner's property



Two New Protections During Applications in Outdoor Production

(2) Handler's AEZ responsibilities:

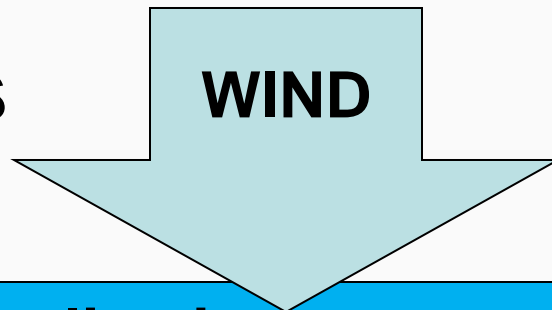
Requirement (170.505(b)): Handlers must immediately ***suspend a pesticide application*** if any worker or other person (other than handler) is in AEZ (170.505(b))

[After Jan 2, 2018]



AEZs on Field Borders

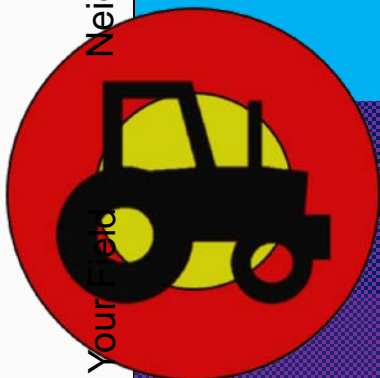
WIND



Neighboring Field

WIND DIRECTION Application.

Yes, the wind is blowing away from the workers in the other field and I can ensure that my application will not be rejected through an AEZ draft contact the workers in the other field.





AEZ Requirements in a Nutshell

- Ensure that **everyone** (other than trained equipped handlers involved in the application) is always an appropriate distance away from the area being treated during pesticide applications
- When applying a pesticide near establishment borders where other persons may be in the proximity of the ongoing application, do the following:
 - Suspend: If people are present, pause the application
 - Evaluate: Evaluate conditions and ensure you can continue the application safely
 - Resume: Resume the application only if you are confident you can continue the application without it resulting in contact with **any nearby workers or other persons**



AEZ “Suspend Application” Requirement in a Nutshell

**THINK TWICE
BEFORE YOU SPRAY**



Emergency Eye-Flush

Current WPS

- If handler is using a product that requires eye protection, one pint of water must be immediately available to each handler

Revised WPS: 170.509(d)

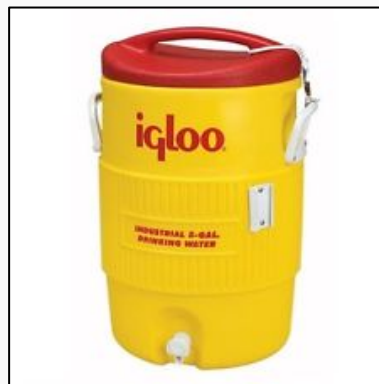
- If handler is using a product that requires eye protection or using closed system under pressure, eyeflush water must be immediately available at each mix/load site for handler eye flushing
- If applicator is using a product that requires eye protection, one pint of water must be immediately available to each applicator

Emergency Eye Flush

- One system per mix/load site (not based on # handlers); immediately available to handler
- Eye flush must be:
 - System capable of delivering gently running water at 0.4 gal/min for at least 15 min OR
 - At least 6 gallons of water in containers suitable for providing a gentle eye flush for about 15 min



9-gallon portable
eye wash station



10-gallon cooler



Wall-mounted eye
wash station



WPS Requirements that Apply to Commercial Applicators



WPS: Commercial Pesticide Handling Establishments (CPHEs)

- Minimum age
- Pesticide safety training
- Decontamination supplies
- During applications: Do not contact, AEZ
- Emergency assistance
- PPE: provide, clean, maintain + respirators
- Monitor handlers in certain situations
- Equipment safety
- Instruct handlers
- Employer information exchange



Additional WPS Requirements for Handler Employers

- Monitor handlers - skull & crossbones on label
- Equipment safety
 - Pesticide handling equipment inspected/good shape
 - People who repair, clean or adjust pesticide application equipment
- Instructions for handlers
 - Relevant label instructions, access to label, how to use equipment



- **Question:** A grower hires a commercial applicator to apply pesticides. How does the grower comply with the requirements to display pesticide application information and notify workers if he/she doesn't have the pesticide label?
- **Answer:** The commercial pesticide handler employer provided the necessary info before the application (information exchange).



Information Exchange

170.309 and 170.313

Both agricultural employers and commercial pesticide handler employers are responsible for relaying information about pesticide applications to each other – and in turn to their own handler employees.



Information Exchange: Ag Employer Duties [170.309(k)]

- **No change from current WPS** -- Ag employer must ensure that if handlers employed by a commercial pesticide handling establishment will be on an agricultural establishment, the handler employer is provided information about, or is aware of:
 1. the specific location and description of any treated areas on the ag establishment where an REI is in effect that the handler may be in (or may walk within $\frac{1}{4}$ mile of), and
 2. any restrictions on entering those areas.



Information Exchange: Commercial Pesticide Handler Employer Duties

Revised rule [170.313(i)]: **Before the application** of any pesticide on or in an ag establishment, the commercial pesticide handler employer must provide the following information to any ag employer:

- The specific location and description of the treated area
- Date and start + estimated end time
- Product name, EPA Reg No., and active ingredient(s)
- REI
- Whether posting and/or oral notification are required
- Any other labeling protections for workers or other persons during or after application.



WPS Requirements that Apply to Crop Advisors

Applicable requirements depend on:

- Whether crop advisor is a worker or handler
- Whether the crop advisor is a licensed/certified crop advisor & program acknowledged by EPA, state or tribe



WPS Definition of Crop Advisor

Crop advisor means any person who is assessing pest numbers, damage, pesticide distribution, or the status or requirements of agricultural plants.





WPS Definition of Handler

Handler means any person, including a self-employed person, who is employed by an agricultural employer or commercial pesticide handler employer and performs any of the following activities:

1. Mixing, loading, or applying pesticides.
2. Disposing of pesticides.
- ...



9. Performing tasks as a crop advisor **during any pesticide application or restricted-entry interval (REI)**, or before the inhalation exposure level listed in the pesticide product labeling has been reached...



Summary: Handler vs Worker

- Under WPS, a crop advisor is a:
 - **Handler** if he/she does crop advising tasks during the REI
 - **Worker** if he/she does crop advising tasks after the REI
- Some WPS requirements apply to both but differ - training, decon supplies
- Other requirements apply only to one or the other; e.g., PPE = handlers only



Licensed or Certified Crop Advisors

- Several WPS exemptions apply if a crop advisor is certified or licensed as a crop advisor by a program acknowledged as appropriate in writing by EPA or a State or Tribal agency responsible for pesticide enforcement
 - The certification or licensing program requires pesticide safety training that includes all the information required in the WPS training for handlers
- Exemptions
 - WPS safety training
 - PPE, decon supplies, emergency assistance, others



Licensed/Certified Crop Advisor (CCA)

- Exempt from pesticide safety training requirement
- Self-determine PPE for entry during REI
- Exempt from decontamination supply requirement
- Exempt from emergency assistance
- CCA organization must have approval from SLA to be WPS exempt.

Uncertified Crop Advisor

- Must have/receive pesticide safety training
- Must wear required PPE during REI*
- Must have/receive decontamination supplies
- Must receive emergency assistance
- Can be considered a worker or handler depending on REI

* **WPS PPE exception for crop advisors**



PPE Exception for Crop Advisors

- Uncertified crop advisors **MUST** wear label-required PPE for handlers when conducting crop advising activities during the REI
- Crop advisor exception for PPE allows crop advisors conducting crop advising activities during the REI to select least restrictive set of PPE by choosing from:
 - Label-required PPE for handlers
 - Label-required PPE for early entry
 - Universal set of PPE for crop advisors:
 - Coveralls; shoes plus socks; waterproof gloves
 - Protective eyewear (only if required by label for handlers)



WPS Outreach and Implementation



EPA's Outreach and Implementation

Educate Regulators

- Develop broad understanding of WPS revisions among OPP & regional staff and state/tribal inspectors & program leads

Stakeholder Outreach

- Ensure stakeholders understand the WPS revisions, impacts and the timeline for implementation: regulated community, farmworker advocates and other NGOs; coordinate with other federal agencies

Materials Development

- Ensure that regulators, the regulated community and other stakeholders have the information they need to implement the WPS revisions: presentations, webinars, FAQs, fact sheets, How to Comply Manual, Inspector Guidance

Implement Pesticide Safety Training

- Ensure that updated pesticide safety training materials are available by June 2017 and that we have processes in place to approve train-the-trainer programs and pesticide safety training material



WPS Resources

- EPA web site: <http://www2.epa.gov/pesticide-worker-safety>
 - How to Comply Manual
 - Quick Reference Guide (2 pages)
 - Training information & more
- PERC web site: www.pesticideresources.org
 - Train-the-trainer program
 - Lots of other info: training materials, fact sheets, etc.
- Iowa State Train-the-Trainer Program:
 - <http://www.extension.iastate.edu/workerprotection/>



Applicator Certification Regulations



Certification Rule

- Proposed on Aug 24, 2015
- Comment period ended Jan 22, 2016
 - Extended several times
- Final rule plan
 - To OMB in August 2016
 - Finalized (signed) late 2016



Key Issues

- **Minimum Age**
 - Establish minimum age for certified & noncertified applicators
- **Certified Applicators**
 - Competency gauge for private applicators
 - Application method-specific categories
 - Standards for applicator recertification
- **Noncertified Applicators Under Direct Supervision**
 - Competency of noncertified applicators
 - Standards for supervision of noncertified applicators



Comments on Certification Rule

- There are different ways to accomplish many of the goals of the proposal, including:
 - Ensuring continued competency of applicators through recertification
 - Ensuring the competency of applicators working under the supervision of a certified applicator
 - Establishing standards for adequate supervision by a certified applicator
- Based on comments, we considered more flexible options for final rule
- Phase in will be over several years
 - State plans/programs will be adjusted to meet new federal standards (if necessary)



For More Information

- Web site: <http://www2.epa.gov/pesticide-worker-safety>
- Carolyn Schroeder, schroeder.carolyn@epa.gov
 - 703-308-2961
- Richard Pont, pont.richard@epa.gov
 - 703-305-6448
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 - 703-305-7385