

Revised Worker Protection Standard Regulation (Rev. 2015)

What you need to know.....

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EPA's Worker Protection Standard - WPS

The WPS was implemented in 1995 to protect agricultural workers from pesticide exposures in the agricultural workplace.

It's requirements are based on potential exposures to those engaged in the application of pesticides - *Ag Handlers*, and those who may be exposed to pesticide residues when then work on an ag establishment - *Ag Workers*.

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EPA's Worker Protection Standard - WPS

The WPS applies to agricultural establishments engaged in the **production of agricultural plants**.

The worker protection requirements of the WPS are to be fulfilled by agricultural employers to protect their employees.

The Revised WPS (2015) introduces some new and more rigorous safety requirements. With this comes some new terminology that you must understand.

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The WPS is designed to

Inform

- ❖ Training
- ❖ Pesticide safety information
- ❖ Notification of pesticide applications
- ❖ Information exchange



The WPS is designed to

Protect

- ❖ Restricted entry intervals - REIs
- ❖ Personal protective equipment - PPE
- ❖ Application exclusion zones – AEZs *new*
- ❖ Suspend applications *new*



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The WPS is designed to Mitigate

- ❖ Routine decontamination supplies
- ❖ Emergency eyewash
- ❖ Emergency assistance




Nearest Emergency Medical Facility is located at:

Name Farmhand Health Center
 Street 49510 Farmhand Drive
 City Farmhand
 Phone 999-555-1212



WPS 101: Scope and Applicability

Who is responsible for providing WPS protections?

- ❖ **Agricultural employers** on crop-producing agricultural establishments
- ❖ **Commercial pesticide handling establishment employers**

Who is protected?

- ❖ **Workers** – people employed to perform work activities related to production of agricultural plants
- ❖ **Pesticide handlers** – people employed to mix, load or apply pesticides for use on agricultural establishments in the production of agricultural plants
- ❖ **Other persons** during pesticide applications

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Pesticide Labeling and WPS

Relationship Between Pesticide Labeling & WPS

Under *FIFRA (section 12(a)(2)(G)), it is unlawful for any person “to use any registered pesticide in a manner inconsistent with its labeling”

When this part is referenced on a label, users must comply with all of its requirements, *except* those that are inconsistent with product-specific instructions on the pesticide product labeling.



*FIFRA: Federal Insecticide Fungicide and Rodenticide Act

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When do you have to comply with the Worker Protection Regulation?

Ag Use Requirements Box on product states "Use this product only in accordance with its Labeling and with the Worker Protection Standard..."



AGRICULTURAL USE REQUIREMENTS
In accordance with its labeling and with the Worker Protection Standard, the use of this product must be made in accordance with the requirements for the protection of agricultural workers from agricultural pesticides. It contains instructions and safety assistance. It also contains specific instructions about personal protective equipment (PPE) and restrictions on uses of this product that are covered by the Worker Protection Standard. It also contains instructions about entry into treated areas during the restricted-entry period. Entry into treated areas that is permitted under the Worker Protection Standard, such as plants, soil, or water, is not to treated areas that have been treated, such as plants, soil, or water.

Revised WPS Compliance Deadlines

January 2, 2017:

- ❖ Annual training for workers and handlers. *There is no longer a no grace period.*
- ❖ New qualifications for trainers
- ❖ Training record keeping *(This was always a good idea!)*
- ❖ Minimum age for handlers and early entry workers (18)
- ❖ Medical evaluation, fit testing and training *before* use of respirators *(Product labels calling for respiratory protection)*
- ❖ Amounts of water available for decontamination & eyewash
- ❖ All requirements *EXCEPT FOR:* →



Revised WPS Compliance Deadlines

January 2, 2018:

- ❖ Handler suspend applications if a person is in the application exclusion zone [40CFR§170.505(b)]
- ❖ Additional training content for workers and handlers [40CFR§170.401(c)(3); 40CFR§170.501(c)(3)]
- ❖ New content for safety poster [40CFR§170.331(a)(3)]



Changes to WPS Rule Structure

40 CFR 170



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Implementation Dates: 2017

170.2 Implementation and expiration dates.

(a) Implementation date. Beginning January 2, 2017 requirements of §170.301 through §170.609 of this part shall apply to any pesticide product that bears the statement “Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170”.

(b) Expiration date. Sections 170.1 through 170.260 of this part shall expire on, and will no longer be effective after January 2, 2017 – the “old” WPS requirements.

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Implementation Dates: 2018

❖ Sections 170.311(a)(3), 170.401(c)(3), 170.501(c)(3), and 170.505(b):

- ❖ The implementation date for these provisions is delayed until January 2, 2018
- ❖ The implementation date for ALL other WPS requirements is January 2, 2017

❖ Requirements in listed sections:

- ❖ Revised content of pesticide safety information
- ❖ New content for worker & handler training
- ❖ Handler *must* suspend application if worker(s) or other person(s) is in Application Exclusion Zone (AEZ)

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WPS 101: Scope and Applicability

Keys to applicability of the WPS

- ❖ Use of a WPS-labeled pesticide product on an “agricultural establishment” directly related to the production of an “agricultural plant”
- ❖ Employment of workers or handlers
- ❖ Definitions of “agricultural establishment,” “agricultural plant,” and “employ” apply (these are important definitions to establishing the scope of rule)

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Definitions 170.305

Key Definitions & Revisions

- ☐ Agricultural establishment and agricultural plant
- ☐ Application exclusion zone (AEZ)
- ☐ Commercial pesticide handler employer
- ☐ Designated representative
- ☐ Employ
- ☐ ‘Enclosed space production’ and ‘outdoor production’
- ☐ Immediate family
- ☐ Safety data sheet-SDS – formerly called MSDSs
- ☐ Use - as in “to use a pesticide”


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Definitions 170.305


• Application exclusion zone – a new concept

– *Application exclusion zone* means the area surrounding the application equipment that must be free of all persons other than appropriately trained and equipped handlers during pesticide applications.










Application Exclusion Zone in Outdoor Production



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

 Field
  AEZ
  Spray Area
  Treated Area (REI Area)




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



Protections During Applications in Outdoor Production

 **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
 - Who is responsible for compliance: **Ag employer**
 - Who is protected: Workers & other persons (besides protected handlers)
 - Is the protection limited to the boundaries of the ag establishment?
Yes *Effective Date for AEZ compliance 1/2/2017*



New Protections During Applications in Outdoor Production

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))
 - Who is responsible for compliance: **Handler/applicator**
 - Who is protected: Workers & other persons (besides protected handlers)
 - Is the protection limited to the boundaries of the ag establishment? **No** Effective 1/2/2018



Definitions 170.305

- Safety data sheet (SDS)** (formerly MSDS)
 - Safety data sheet** has the same meaning as the definition at 29 CFR 1900.1200(c).
 - OSHA definition: Safety data sheet (SDS)** means written or printed material concerning a hazardous chemical that is prepared in accordance with paragraph (g) of this section.



WPS Training Requirements



Revised Training and Mitigation

- **Inform workers & handlers**
 - Training; establishment-specific info; knowledge of labeling & applications
- **Mitigate exposures**
 - Decontamination supplies including eyewash; emergency assistance
- **Protect workers & handlers**
 - Minimum age, PPE requirements



Training Interval and Grace Period

Workers 170.401(a) **and Handlers** 170.501(a)

Key Changes

- Annual training for Workers and Handlers
- No grace period

Implementation timing

- **January 2017** all new training requirements will be fully enforceable – *EXCEPT new content*.
- **January 2018** new content required.



Content of Training


❖ Existing content kept and expanded

- Worker training has 23 items
- Handler training has 36 items
- Training on new content required
2 years from date of final rule
→ projected date: January 2018




Minimum Age Requirement

- The WPS minimum age is 18 for Handlers and early entry workers





Minimum age provisions are found at:
170.309(c) Ag employer duties
170.333(c) Commercial pesticide handler duties
170.605(a) Ag employer responsibilities to protect early entry workers



WPS PPE Requirements {170.507}

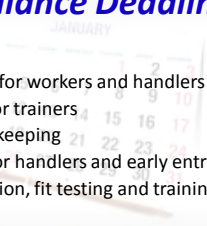

- General
- Chemical resistant PPE
- Contaminated PPE
- Respirator medical evaluation, fit testing, training & recordkeeping

Review of WPS Revised Compliance Deadlines

January 2, 2017:

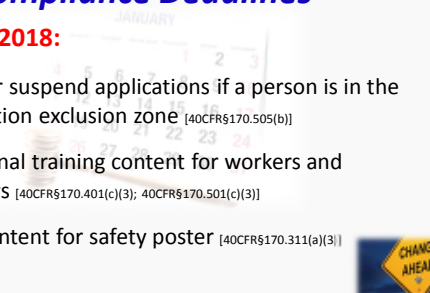
- Annual training for workers and handlers - *no grace period*
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- Training record keeping
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- New content for safety poster [40CFR§170.311(a)(3)]





So.....Did You Get All That?!

Contact Us!

For more information on the revised WPS contact

Dept. of Pesticide Regulation

864-646-2150

www.clemson.edu/public/regulatory/pesticide_regulation/