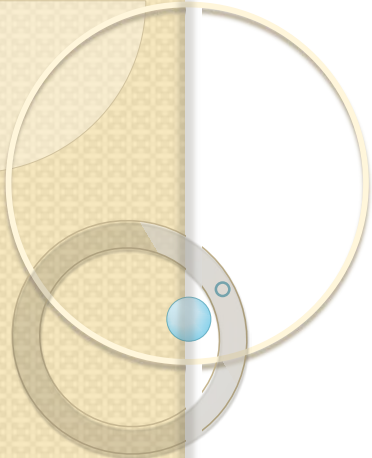


US EPA ARCHIVE DOCUMENT



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]*



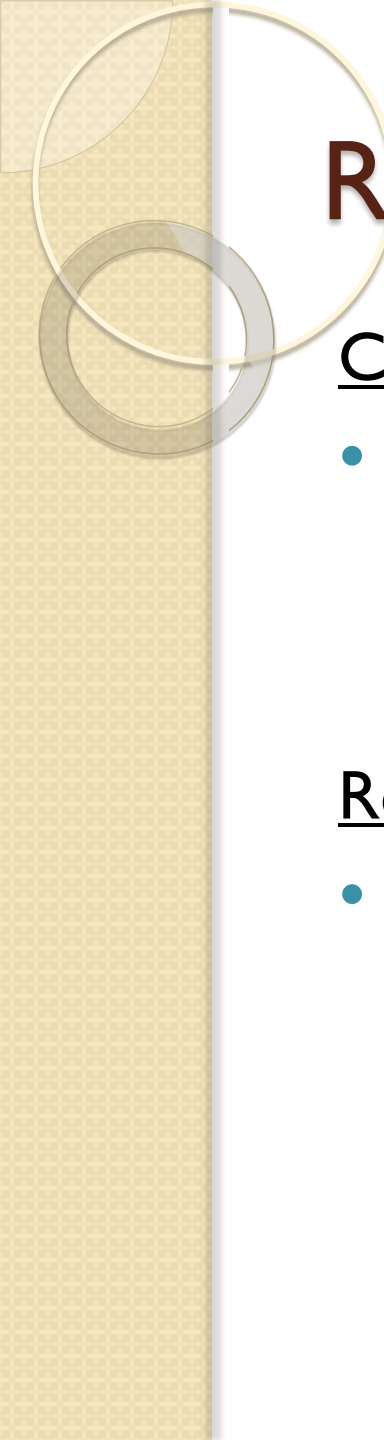
Minimum Age for Handlers and Early-Entry Workers

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

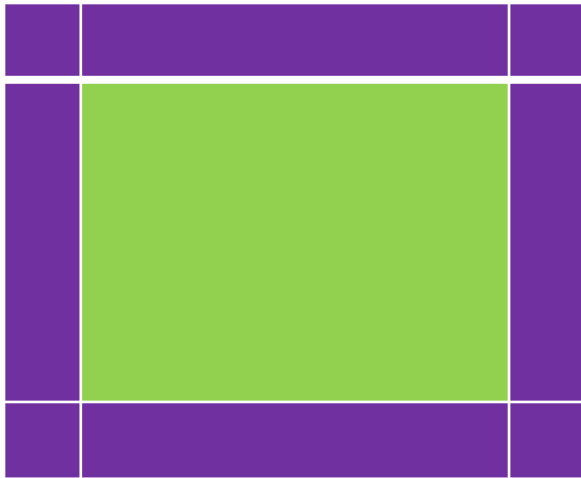
Current

- 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*]

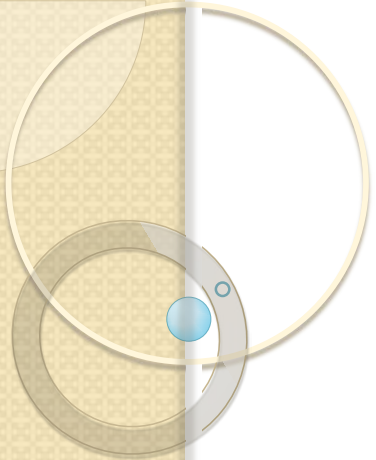
Application Exclusion Zones in Outdoor Production



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.] ⁵



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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