

US EPA ARCHIVE DOCUMENT



Worker Safety Program: Enhancements in Protections



Goals of the Pesticide Worker Safety Program

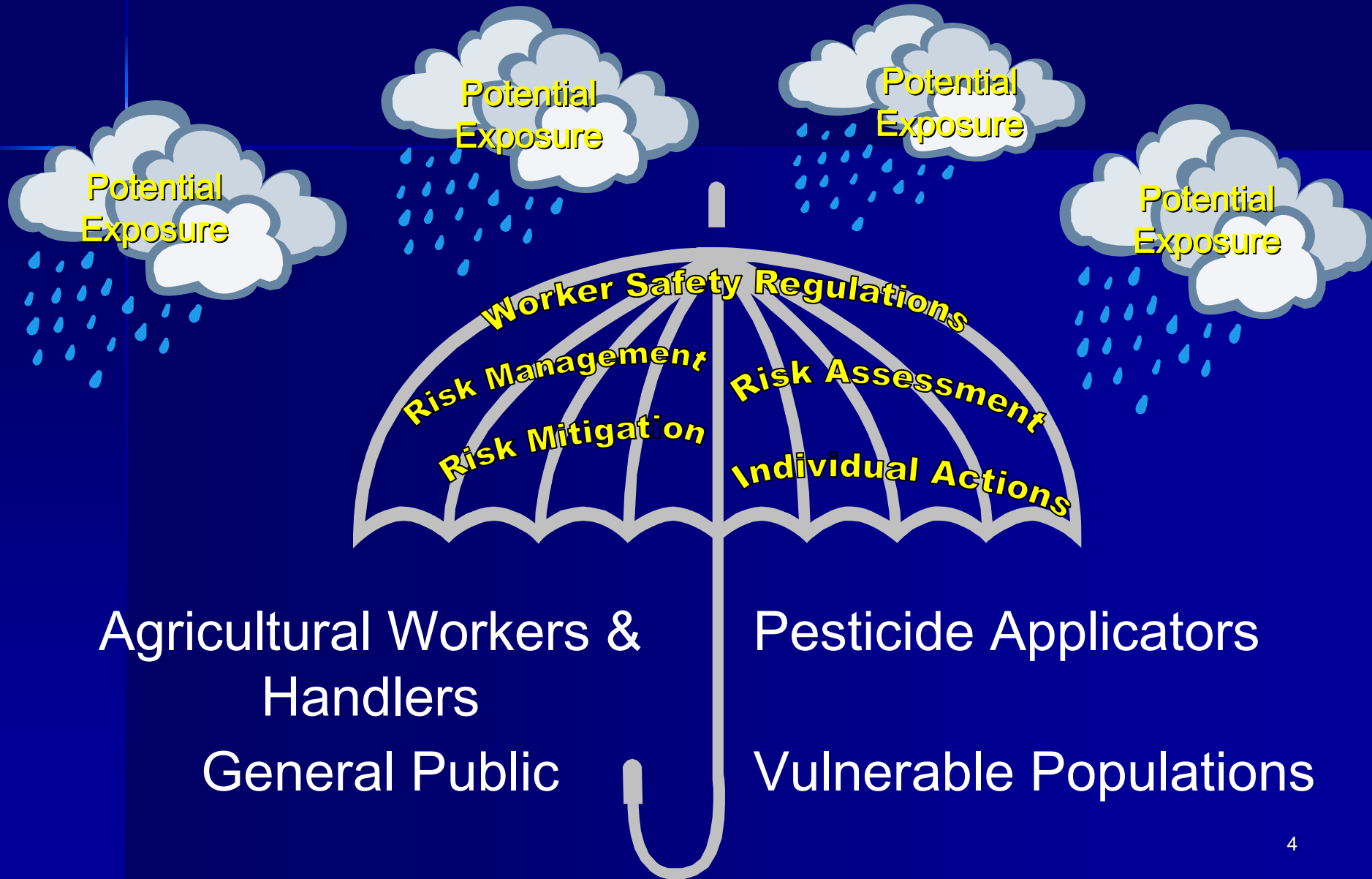
- Protect human health and the environment by ensuring the competency of pesticide applicators.
- Minimize pesticide exposure to occupational users (handlers and applicators) and agricultural field workers
- Assure proper containment, storage and disposal of pesticides
- Engage health care providers in improving the recognition and management of pesticide poisonings

The Components of Worker Risk Management

The agency's approach to pesticide risk management is multi-faceted, involving several areas of protection.

- Risk Assessment
 - Risk Management
 - Risk Mitigation
 - Individual Actions
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- The Pesticide Worker Safety Program is a means to help accomplish the Office of Pesticide Programs' goals, employing a variety of tools, such as regulations, training, outreach and guidance.
 - In order to better protect human health and the environment, updated regulations are needed to reduce risk, ensure competency, promote national consistency and to raise the federal program to the level of many states.

Current Protections



Proposed Expanded Protections



Background

- **Agricultural Worker Protection (WP) Regulation**
Promulgated in 1992, implementation delayed until 1995. Intended to protect agricultural workers from the effects of exposure to pesticides on farms, forests, nurseries and greenhouses. This regulation is aimed at reducing the risk of pesticide poisonings and injuries among agricultural workers and handlers of agricultural pesticides.
- **Pesticide Applicator Certification Regulation**
Promulgated in 1974. The regulation requires pesticide applicators to meet certain competency requirements before they use or supervise the use of restricted pesticide products (RUPs).

Background to Date

- Presentation of two reports at the last meeting
 - Report on the National Assessment of the Pesticide Worker Safety Program
 - Strategic Assessment of the Pesticide Safety Education Program
- Reports demonstrated significant stakeholder involvement throughout both assessments
- Stakeholders identified deficiencies, needs and gaps in protection for pesticide applicators, agricultural workers, and the general public
 - Regulatory change was one of several suggested changes for many identified needs, deficiencies and gaps

Impetus for Change

- Both internal and external assessments have acknowledged that pesticide use and knowledge of associated risks are evolving, and that there are gaps in protections.
- Stakeholders, including states, advocacy groups, growers, extension, and the Certification and Training Assessment Group (CTAG), have identified gaps in protection and suggested changes to the regulations
- States have taken extra steps to provide additional protections to fill these gaps.
- To fill gaps in protection at the national level, the federal regulations must be amended.

Guiding Principles for Agency Action

Why is action necessary?

- Reduce risk to public and vulnerable populations
- Good government requires periodic assessments and actions
- Clarity and transparency in national programs and guidelines
- Improve program efficiency

Regulatory Development Principles

- Move quickly to accomplish change
- Previous assessments have included significant stakeholder involvement, building a strong foundation.
- Regulatory amendments would be the culmination of the assessment processes.
- Process has been and will continue to be open and transparent.
- Meet statutory requirements in balance with economic and risk analyses.

Examples of Gaps in Protection Applicator Certification of Competency



“Under the Supervision”

The original intent was to provide adequate supervision for the safe application of pesticides. A detailed definition of supervision was precluded by the implementation realities.

- Employees may apply restricted use pesticides under the supervision of a certified applicator. Under the current regulation, a company with 500 employees can all apply pesticides under the supervision of a single certified applicator.
- The definition of under-the-supervision varies nationwide. In one state, the supervising certified applicator can be up to 5 hours from the application site while another allows the certified applicator to be within 150 miles of the site. Other states, however, do not allow any use under the supervision.

Examples of Gaps in Protection Applicator Certification of Competency



- A recent NIOSH report reveals that “Pesticide use in or near US schools sickened more than 2,500 children and school employees over a 5-year period.” There is no nationally required certification of competency for those applying pesticides in schools, presenting risk to this vulnerable population.
- Dealers have access to large quantities of high risk pesticides. In recognition of this risk, over half of the states and territories already require pesticide dealers to be certified as competent.

Proposed Areas for Change

Applicator Certification of Competency



Ensure competency for occupational users of pesticides

- * Ensure those who present a potential risk to the public are required to demonstrate set standards of competency
- * Raise competency standards appropriate to level of risk

Establish national consistency & improve program administration to ensure efficient, cost-effective use of government resources.

- * Implement accountability plans and standardize some categories to allow for development of national exams and resources.



Examples of Gaps in Protection Agricultural Worker Protection

- Specific risk information is not required to be available to agricultural field workers through training or materials. To effectively help protect themselves, agricultural field workers need to know the risks they face in doing their work.
- Meaningful training is the cornerstone of effective worker protections. The five year re-training interval is inadequate, which reduces the likelihood that workers will retain the safety principles to better protect themselves.

In addition:

- Complex regulatory language undermines protection and should be simplified to promote understanding and, thereby, improve protections.



Proposed Areas for Change Agricultural Worker Protection

Equip agricultural workers with the most appropriate information on self-protective measures and risks

Simplify complex regulatory language and clarify coverage requirements

Improve administration of worker protection program to ensure efficient, cost-effective use of government resources and for purposes of accountability

Current Process and Schedule

- June 2005 – 1st draft of regulatory blueprint complete. The regulatory blueprint outlines the extent of the proposed changes and is used to guide the workgroup.
- September 2005 - Tiering complete. Tiering determines extent of cross-Agency involvement based on potential impacts to the regulated community.
- November 2005 – Convene Agency Workgroup. Representatives from OPEI, ORD, OECA, OGC, Regions, States, Tribes will serve on a workgroup related to both actions.
- November 2005 – Publish in the regulatory agenda (FR Notice).
- December 2005 – Finalize blueprint, the regulatory action plan.
- February 2007 – Publish draft rule for public comment.

PPDC Involvement

How does PPDC want to be engaged?

Establish a PPDC subgroup on Worker Safety Regulations

- Coordinate with the regulation development team
- Provide input at critical points
 - Drafts of rules
 - Notice and comments on draft rules

Periodic updates to the full PPDC

Next Steps

OPP

- Continue with regulatory development process

PPDC

- Indicate willingness to participate in subgroup to Kevin Keaney or Bill Diamond by November 18th