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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

October 13, 2005

OFFICE OF ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Worker Protection Standard Program Review

FROM: Michael M. Stahl, Director /s/ *Lisa Lund* for
Office of Compliance

TO: Regional Pesticide Program Directors

I am pleased to provide you with the final Worker Protection Standard (WPS) Program Review Report. The WPS compliance and enforcement program was selected for review primarily because of two significant events. First, in May 1998, the Children's Health Protection Advisory Committee (CHPAC) recommended that the EPA Administrator review the WPS regulation to assure that it adequately accounted for the risk to children from exposure to pesticides. Second, in March 2000, the General Accounting Office (GAO) issued a final report titled, "Pesticides: Improvements Needed to Ensure the Safety of Farm Workers and Their Children", in which the GAO recommended that EPA take actions to improve its oversight of the states' implementation and enforcement of the WPS. The WPS Program Review, at first called the Program Element Review, had two goals. The first was to assess the effectiveness of EPA headquarters, regional offices and state efforts to ensure compliance with WPS provisions that protect workers who are exposed to pesticides in fields, forests, nurseries or greenhouses where pesticides are used. Second, the WPS Program Review was to assess the implementation of the WPS program and to determine what steps could be taken to improve the program.

I want to thank Dan Palmer who developed and managed the WPS Program Review process, including the initial preparation of this Report. Beginning in 2001, Dan led a series of teams comprised of Office of Enforcement and Compliance Assurance (OECA) staff, both headquarters and regional, collaboratively with Office of Pesticide Programs (OPP) staff and state co-regulators, that focused on EPA headquarters, regional and state implementation of the enforcement and compliance components of the FIFRA WPS program. These teams performed admirably, as demonstrated by the findings and recommendations in the Report.

The WPS Program Review Report suggests, in its findings and recommendations, that seven areas of WPS implementation need attention in order to promote a more nationally

consistent and effective compliance and enforcement program. These are: 1) a clear strategic vision is needed, 2) accountability at all levels should be improved, 3) communications between EPA and states and with workers and growers should be enhanced, 4) more training for co-regulators is needed to enhance implementation, 5) better information for measuring the success of the Program is needed, 6) the level of and the utilization of resources are issues, and 7) implementation at all levels should be strengthened.

The Report also documents the significant progress in improving the efficiency and effectiveness of the WPS compliance and enforcement program that has been made since the Review was concluded. Although those familiar with WPS implementation can attest to widespread positive changes in implementation, undoubtedly more can be done to improve upon this program. OECA remains committed to continually monitoring and analyzing the WPS enforcement program. For all recommendations, there will be ongoing efforts to improve and strengthen the WPS program. OECA will also work with OPP to address similar recommendations arising out their Worker Safety Assessment, issued in May 2005. Both of these Reports were the subject of discussions with regional pesticide supervisors at the June Pesticide Enforcement National meeting. In addition, OECA, along with OPP, and regions, took these recommendations to the states that attended the September 12- 16 session of the Pesticide Residential Education Program that was dedicated to worker protection. The purpose of the meeting was to develop a strategy and action plan to implement the recommendations. We look forward to working with all of you in setting the future direction of this important program.

Attachment

cc: Regional Pesticide Supervisors
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