

# Upcoming Changes to the Federal Worker Protection Standard (WPS)

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# Presentation Overview

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- ❑ The Worker Protection Standard (WPS)
- ❑ Recent WPS revisions
- ❑ ISDA's role in regulating the WPS

# Worker Protection Standard

Designed to reduce the risk of pesticide poisoning and injury among agricultural workers and pesticide handlers.



- Nationally administered by the EPA
- 40 CFR Part 170
- Implemented in 1992

The WPS requires that owners and employers on agricultural establishments:

- Provide protections to workers and handlers from potential pesticide exposure.
- Train them about pesticide safety.
- Provide mitigations in case exposures occur.

## **Agricultural Establishments**

**Farms**



**Forests**



**Nurseries**



**Greenhouses**



# The WPS is limited to agricultural pesticide use



## READ THE LABEL!

### AGRICULTURE USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), and restricted-entry intervals. The requirements in this box only apply to users of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 12 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as, plants, soil, or water is:

- Coveralls
- Chemical-resistant gloves, such as barrier laminate or butyl rubber or nitrile rubber or neoprene rubber or polyvinyl chloride or viton.
- Shoes plus socks

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# ***EPA Revision Process***

**No revisions have been made to the WPS in over 20 years.**

**March 2014** - EPA releases proposed WPS changes and opens comment period until June 2014.

**May 2014** - EPA extends comment period until August 2014.

**September 2015** - EPA announces finalized WPS revisions.

**November 2015** – Revised WPS published in CFR (40 CFR Part 170).

**Nearly 2,400 comments received from:**

- farmworker advocacy;
- pesticide manufacturers;
- grower groups;
- applicators;
- state and tribal lead agencies; and
- the general public (e.g. write in campaigns)

# Goals of the Revised WPS

- Improve occupational protections for agricultural workers and handlers
- Reduce acute occupational pesticide exposures and incidents
- Reorganize and streamline rule



## WHICH PESTICIDE USES ARE NOT COVERED BY THE WPS?

Some pesticide uses are not covered by the WPS, even when the “AGRICULTURAL USE REQUIREMENTS” section is on the labeling. For example, if the pesticide labeling bears an “AGRICULTURAL USE REQUIREMENTS” section, but the product can also be applied to rights-of-way, the rights-of-way use is not covered by the WPS.

The WPS does not apply when a pesticide product label requires compliance with the WPS and is applied on an agricultural establishment in the following circumstances:

- **As part of government-sponsored public pest control programs over which the owner, agricultural employer and handler employer have no control (e.g., mosquito abatement and Mediterranean fruit fly eradication).**
- On plants other than agricultural plants, which may include plants in home fruit and vegetable gardens, home greenhouses, and permanent plantings for ornamental purposes (e.g., plants that are in ornamental gardens, parks, public or private landscaping, lawns or other grounds that are intended only for aesthetic purposes or climatic modification).+
- For control of vertebrate pests such as rodents, **unless directly related to the production of an agricultural plant.**
- As an attractant or repellent in traps.
- On the harvested portions of agricultural plants or on harvested timber.
- For research uses of unregistered pesticides.
- **On pasture or rangeland where the forage will not be harvested for hay or for any use.**
- In a manner not directly related to the production of agricultural plants, including, but not limited to, livestock pest control (e.g., pesticide applications on livestock or other animals, or in or about animal premises), structural pest control and control of vegetation in non-crop areas.

# Compliance Dates

- Compliance is not required with any of the **new** requirements until **January 2017**.
- Compliance with certain requirements delayed until **January 2018**.
  - training content, pesticide safety information display and handlers having to suspend applications

# *Training*

Original	Revised
Every 5 years for workers and handlers.	Annual training. <b>(2017)</b>
5-day grace period with abbreviated training.	<i>No grace period.</i> <b>(2017)</b>
Handlers, certified applicators, State/Tribal/Federal approved trainers, and persons completing an approved train-the-trainer course.	<i>Certified applicators, State / Tribal /Federal approved trainers, and persons who have completed an EPA-approved train-the-trainer course.</i> <b>(2017)</b>

# *Training*

Original	Revised
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13 or less training topics.  
Minimal training on take-home exposure, reporting violations, and employer retaliation.

Expand content to 23 topics for workers and 36 topics for handlers.  
**(2018)**

No recordkeeping of training. Voluntary verification card system.

Recordkeeping for 2 years.  
Copy of training records to workers and handlers *upon their request.* **(2017)**

# *Hazard Communication*

Original	Revised
Central location - display <i>application information</i> before application occurs.	Central location - display <i>application information</i> + SDS within 24 hours of end of application and before workers enter that treated area. <b>(2017)</b>
Central location - Display for 30 days after REI expires. No recordkeeping.	Central location - Display for 30 days after REI expires and keep <i>application information</i> + SDS for 2 years from end of REI. Must be made available to workers, handlers, <i>their designated representatives</i> and medical personnel. <b>(2017)</b>

# *Notification of Treated Areas*

Original

Revised

**Farms, forests and nurseries:**  
Post warning sign or give oral notification for any REI, unless label requires both.  
**Greenhouses:** all applications require signs to be posted

Notify if... **Outdoor:** REI is greater than 48 hours.  
**Enclosed Space:** REI is greater than 4 hours. **(2017)**

# *Minimum Age*

Original

Revised

No minimum age

Handlers and early-entry workers must be at least 18 years old.

Members of immediate family are exempt. **(2017)**

# *Entry Restrictions (Outdoor)*

Original

Revised

**Farms and forests:** No entry into treated area.

**Nurseries:** No entry into treated area or a 0-100 foot area around the treated area during pesticide application.

No entry into treated area or the *application exclusion zone*. Size of the application exclusion zone depends on type of application  
**(2017)**



# *Suspend Application*

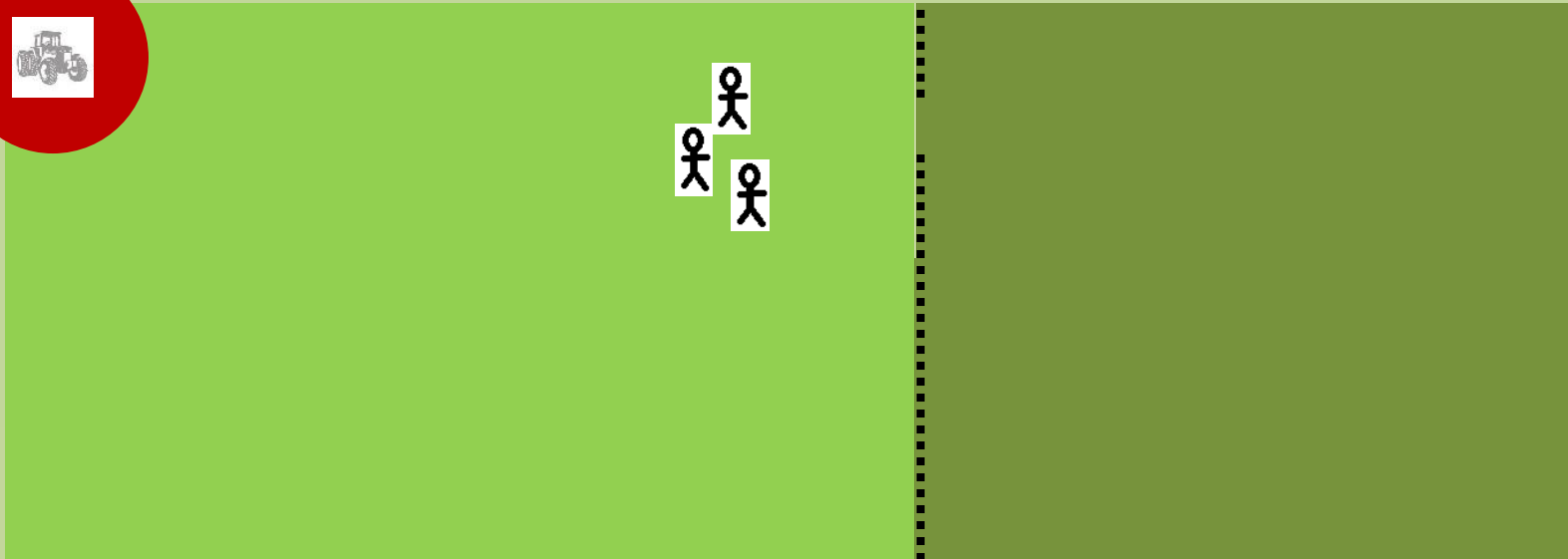
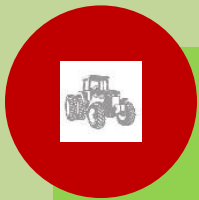
Original

Revised

Handler must apply pesticides in a way to not contact workers or other persons.

Handler must apply pesticides in a way to not contact workers or other persons AND must suspend the application if a person is within the application exclusion zone (AEZ). **(2018)**

# Application Exclusion Zones in Outdoor Production



An Application Exclusion Zone is an area 0-100 ft. around the application equipment during application.

# *Basic Pesticide Safety Information*

Original

Revised

Display a safety poster at central location.

Display pesticide safety information at central location and with decontamination supplies. **(2017)**

# *Basic Pesticide Safety Information*

## Original

The safety poster must include:

- Concepts of preventing pesticides from entering your body;
- an explanation of federal rules to protect workers and handlers; and
- contact information of the nearest emergency medical care facility.

## Revised

All previous items, plus:

- instructions for employees to seek medical attention as soon as possible;
- contact information of pesticide regulatory agency (such as ISDA); and
- *“emergency medical facility” becomes “nearby operating medical care facility”. (2018)*

# ***PPE – Enclosed Equipment Cabs***

## **Original**

Label exceptions for enclosed cab. No specific criteria for enclosed cab.

Exceptions to the labeling-required respiratory protection are allowed only if the cab has been certified by the manufacturer.

## **Revised**

Label exceptions for enclosed cabs still exist, but an enclosed cab must meet standards. **(2017)**

**Applicators in enclosed cabs must wear the labeling-specified respiratory protection** except when the only labeling-specified respiratory protection is a particulate filtering face piece respirator. **(2017)**

# *PPE – Aerial Applicators*

## Original

If product label requires eye protection, pilots in open cockpits may wear visor instead of label-required eye protection.

Gloves are optional when entering and leaving aircraft unless required by product label.

## Revised

If product label requires eye protection, pilots in open cockpits may wear a helmet with lowered face shield instead of label-required eye protection. **(2017)**

Gloves are optional when entering and leaving aircraft unless required by product label. **(2017)**

# *PPE – Crop Advisor*

Original

Crop advisors must wear defined REI PPE when entering a field during the early-entry interval.

Revised

Crop advisors may wear a standard set of PPE (coveralls, shoes plus socks and chemical-resistant gloves, and eye protection, OR the PPE specified on the pesticide labeling for early-entry activities.  
***(2017)***

# *PPE – Respirators*

Original

Revised

Employer must provide respirator listed on label and ensure it fits.  
No recordkeeping required

Employer must provide respirator, fit testing, training, and medical evaluation that conforms to OSHA. Recordkeeping of these items is also required. **(2017)**



# *Decontamination Supplies*

Original	Revised
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Provide enough water for routine washing and emergency eye flushing for workers and handlers. For handlers also provide enough water to wash the entire body.

Provide 1 gallon for each worker and 3 gallons for each handler and each early entry worker. **(2017)**

Provide enough water for emergency eye flushing.

*Provide a system capable of delivering a particular amount of water for set amount of time depending on the eye protection requirements of the product being used. **(2017)***

# *Emergency Assistance*

Original

Provide prompt transportation to medical facility and provide any obtainable information about the product, antidote, first aid, and circumstances of exposure.

Revised

**Transportation:** Provide prompt transportation to medical facility.

**Information:** Promptly provide the SDS, product information and circumstances of exposure to treating medical personnel.  
**(2017)**

# *Exemptions – Family*

Original

Revised

Family exemptions required the establishment to be **wholly** owned by immediate family members.

Family exemptions apply to establishments where at least a **majority** of the establishment is owned by immediate family members. **(2017)**

# *Exemptions – Crop Advisor*

Original

Revised

Certified crop advisor choose PPE in a field during an REI. Exempted from providing decontamination supplies and emergency assistance for themselves and employees.

Only certified crop advisors are exempt. Employees must use label-required PPE while working in a field during an REI, and employer must provide all required protections.  
**(2017)**

# *Exception – Early Entry Workers*

Original

Revised

Inform early-entry workers of hazard information from the pesticide label.

Notify early-entry workers of application specifics, tasks to be performed, conditions of the early-entry exception, and hazard information from the pesticide label. No recordkeeping requirement. **(2017)**

# *Definitions - Family*

## Original

Includes spouse, parents, stepparents, foster parents, children, stepchildren, foster children, brothers, and sisters.

## Revised

Expanded to include:

- in-laws (parents, siblings, and children),
- grandparents,
- grandchildren,
- aunts and uncles,
- nieces and nephews, and
- first cousins. **(2017)**

# *Definitions – Enclosed Space/Outdoor Production*

Original	Revised
Farms, forests, nurseries and greenhouses.	Enclosed space production and outdoor space production. <b>(2017)</b>
Greenhouse means an operation inside any structure or space that is enclosed with nonporous covering and that is of sufficient size to permit worker entry	<u>Enclosed space production</u> that is indoors or in a structure or space that is covered in whole or in part by any nonporous covering and that is large enough to permit a person to enter. <b>(2017)</b>

# *Definitions – Enclosed Space/Outdoor Production*

## Agricultural Establishments

~~Farms~~

~~Forests~~

~~Nurseries~~

~~Greenhouses~~



Outdoor Production Space

Indoor Production Space



# Definitions – Employ

Original

Revised

No definition of “employ”  
in existing rule.

*Employ* means to obtain, directly or through a labor contractor, the services of a person **in exchange for a salary or wages**, including piece-rate wages, without regard to who may pay or who may receive the salary or wages. **(2017)**

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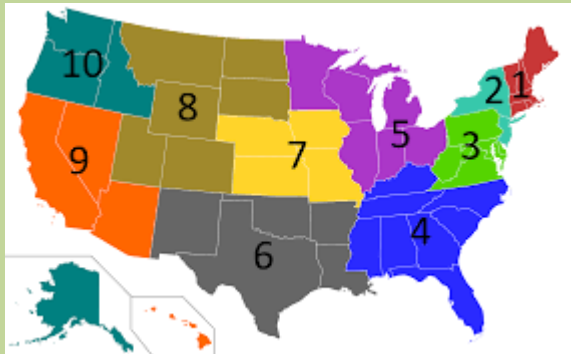
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# The WPS is Federal Law



Nationally administered  
by the United States EPA.



Cooperative agreement  
allows ISDA to administer  
the WPS in Idaho.



# ISDA's WPS Program

## Division of Agricultural Resources

- Certification & Licensing
- Chemigation
- Pesticide Disposal (PDP)
- Pesticide Registration
- Pesticide Enforcement
- Water Quality
- **Worker Protection**

- WPS Inspections
- Worker & Handler Training
- Train-the-Trainer Training

**WPS Specialist**  
Luis Urias  
Located in Boise

## 11 Agricultural Investigators

- Boise
- Coeur d'Alene
- Idaho Falls
- Pocatello
- Twin Falls
- Lewiston

# WPS Contacts & Information



**Derrick Terada**

US EPA-Region 10

206-553-4768

[terada.derrick@epa.gov](mailto:terada.derrick@epa.gov)

[www.epa.gov/pesticide-worker-safety](http://www.epa.gov/pesticide-worker-safety)



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# Spanish Pesticide Safety Training Day

- Tuesday, February 21, 2017
  - 8:00 am – 4:30 pm
- U of I Research Center – Caldwell
  - Funding Provided By:
- Canyon County Farm Bureau and U of I Canyon County Extension
  - Sponsored by ISDA

For more information: Jerry Neufeld – (208) 459-6003

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