



# The Revised Worker Protection Standard (WPS)

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# The Worker Protection Standard

- ▶ The Worker Protection Standard (WPS) is a regulation issued by the U. S. Environmental Protection Agency (EPA) in 1992 and most recently revised in 2015.
- ▶ This regulation is primarily intended to reduce the risks of illness or injury to workers resulting from occupational exposure to pesticides used in the production of agricultural plants on ag. establishments (farms, forests, nurseries, and enclosed space production facilities, such as greenhouses).



# The Worker Protection Standard

- ▶ **The WPS requires agricultural employers and commercial pesticide handler employers** to provide specific information and protections to workers, handlers and other persons when WPS-labeled pesticide products are used on agricultural establishments in the production of agricultural plants



# Does The WPS Apply to You?

- ▶ **YES**, if you use a WPS-labeled pesticide product to produce agricultural plants on farms, forests, nurseries, and enclosed production areas (greenhouses) and you.....
- ▶ Own or operate an agricultural establishment directly related to the production of an agricultural plant
- ▶ Hire or contract for the services of agricultural workers to do tasks related to the production of agricultural plants on an agricultural establishment
- ▶ Employ researchers who help produce agricultural plants



# Which Pesticides Uses ARE Covered?

## ► **Agricultural 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, notification of workers, and restricted-entry intervals



# Which Pesticides Uses **ARE NOT** Covered?

Some pesticide uses are not covered by the WPS, even when the Agricultural Use Requirements section is on the labeling

## **THE WPS DOES NOT COVER PESTICIDES APPLIED TO:**

Pastures or rangelands, for control of vertebrate pests such as rodents **(UNLESS DIRECTLY RELATED TO THE PRODUCTION OF AN AGRICULTURAL PLANT)**, as attractants or repellents in traps, on livestock or other animals, portions of agricultural plants that have been harvested, mosquito abatement, on livestock or other animals, for research uses of unregistered products.



# General Responsibilities of Ag. Employers

- ▶ If ag. employer employs supervisors of workers / handlers, or hires workers / handlers through a labor contractor, employer **MUST** provide sufficient instructions to supervisor/labor contractor to ensure workers/handlers receive all required WPS protections
- ▶ Instructions must specify which tasks the labor contractor and / or supervisors are responsible for in order to comply with the WPS
- ▶ Even if ag. employer assigns a supervising employee or labor contractor to carry out the duties required by the WPS, **the ag. employer is ultimately responsible for making sure that all those duties are performed**



# The Worker Protection Standard

- ▶ Training for workers and handlers and establishment-specific information
- ▶ Central location
- ▶ Information exchange
- ▶ Minimum age (handlers / early-entry workers)
- ▶ Early-entry restrictions
- ▶ Decontamination supplies
- ▶ Emergency assistance
- ▶ Personal protective equipment (PPE)
- ▶ Knowledge of labeling, application and establishment information
- ▶ Pesticide handling equipment
- ▶ Application, entry restrictions and handler protections
- ▶ Notification, entry restrictions and posting





# Training...

- ▶ Current workers/handlers trained in the last 12 months
- ▶ Handlers must receive training before performing handling tasks
- ▶ Workers must receive training before entering treated areas on the establishment where within the last 30 days a WPS-labeled pesticide product has been used or an REI has been in effect
- ▶ Early-entry workers must receive additional training before performing early-entry tasks
- ▶ Training records retained on the establishment for 2 years
- ▶ Owners and immediate family members exempt from training
- ▶ Establishment-specific information
  - ▶ Pesticide safety information, pesticide hazard information, and decontamination supplies



# Training Records...

- ▶ The worker's or handler' printed name and signature
- ▶ The date of training
- ▶ Trainer's name
- ▶ Trainer's qualification
- ▶ Employer's name, and
- ▶ Information identifying which EPA-approved training materials were used for the training
  
- ▶ Who can conduct WPS training?
  - ▶ Certified applicator of RUPs (in any category)
  - ▶ Designated as trainer of certified applicators, handlers/workers by EPA, state or tribal agency
  - ▶ EPA-approved TTT for training of worker/handlers



# Central Location...

## ▶ Pesticide Application Information

- ▶ Location and description of the treated areas
- ▶ Crop or site treated
- ▶ Product name, EPA registration number and active ingredient(s) of the pesticide(s)
- ▶ Date(s) and times application started and ended
- ▶ Restricted-entry interval for the pesticide

## ▶ Hazard Information

- ▶ Safety Data Sheet (SDS) for each pesticide applied

## ▶ Pesticide Safety Information

- ▶ Safety poster

## ▶ Pesticide application records and SDSs retained on the establishment for two years



# Central Location...

In addition, **ONLY** pesticide safety information **MUST** be displayed at:

- ▶ Any permanent decontamination site, and
- ▶ Any location where decontamination supplies are required in quantities for 11 or more workers



# Information Exchange...

- ▶ Prof. Applicator ▶ Ag. employer
- ▶ Specific location and description of the area(s) to be treated
- ▶ Date and start and estimated end times of the application
- ▶ Product name, EPA Reg. #, active ingredient(s)
- ▶ REI, notification (posting, oral or both) and **any special WPS label requirements**
- ▶ If the pesticide product information changes or there are other changes to the date, start and end time, Prof. Applicator must provide the updated information to the agricultural employer within 2 hours after completing the application
- ▶ Changes to the estimated application end time of less than one hour do not need to be reported to the agricultural employer



# Information Exchange...

## Echo® 720 Agricultural Fungicide

### AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard (WPS), 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.

**DO NOT enter or allow worker entry into treated areas during the REI of 12 hours.**

PPE required for early entry to treated areas that is permitted under the WPS and that involves contact with anything that has been treated, such as plants, soil, or water, is: coveralls, chemical resistant gloves made of any waterproof materials, shoes plus socks, and protective eyewear.

**Special Eye Irritation Provisions:** This product is a severe eye irritant. Although the REI expires after 12 hours, for the next 6 ½ days entry is permitted only when the following safety measures are provided:

At least one container designed specifically for flushing eyes must be available in operating condition at the WPS-required decontamination site intended for workers entering the treated area.

Workers must be informed, in a manner they can understand:

- that residues in the treated area may be highly irritating to their eyes;
- that they should take precautions, such as refraining from rubbing their eyes, to keep the residues out of their eyes;
- that if they do get residues in their eyes, they should immediately flush their eyes using the eyeflush container that is located at the decontamination site or using other readily available clean water; and
- how to operate the eyeflush container.

**NOTE TO PHYSICIAN:** Probable mucosal damage may contraindicate the use of gastric lavage. Persons having a temporary allergic reaction respond to treatment with antihistamines or steroid creams and/or systemic steroids.

EPA Reg. No. 60063-7  
Formulated in the United States of America,  
with U.S. and imported ingredients.

EPA Est. No. 070989-AR-001 (Lot No. begins with OS)  
EPA Est. No. 70815-GA-001 (Lot No. begins with CB)  
EPA Est. No. 60063-GA-001 (Lot No. begins with VL)  
EPA Est. No. 086555-MO-001 (Lot No. begins with AF)

MANUFACTURED FOR: SipcamAgro USA, Inc.  
2525 Meridian Parkway, Suite 350, Durham, NC 27713



# Minimum Age...

Pesticide Handlers and Early-Entry workers:

Must be 18 years old

Family members under C & T:

16 years old if RUPs are used  
(NOT FINAL YET)



# Early-entry restrictions and decontamination supplies...

- ▶ Establishment specific information
- ▶ PPE for early-entry tasks
- ▶ Decontamination supplies for early-entry tasks (on site / where workers remove PPE)
- ▶ At least three (3) gallons of water per early-entry worker at the beginning of each early-entry work period for routine washing and potential emergency decontamination
- ▶ Soap
- ▶ Single-use towels, and
- ▶ Clean change of clothing, such as coveralls, for use in an emergency
- ▶ One pint of water (only if label requires eye protection for early-entry tasks)





# Decontamination Supplies for Workers...

- ▶ When must decontamination supplies be provided for workers
  - ▶ If REI > 4 hours: provide decontamination supplies until 30 days after end of REI
  - ▶ If REI < or = to 4 hours: provide decontamination supplies until 7 days after REI expires
- ▶ What supplies must be provided to workers
  - ▶ Water = provide at least 1 gallon of water for each worker at the beginning of the work period
- ▶ Soap and single use towels
  - ▶ Enough for worker's needs - **Hand sanitizers or wet towelettes do not meet the requirements for soap or towels**
- ▶ Location - within a ¼ mile of workers and outside of treated area or an area under REI



# Decontamination Supplies for Handlers...

- ▶ When must the supplies be provided for handlers
  - ▶ For the duration of the handling task and until PPE is removed
- ▶ What supplies must be provided to handlers
  - ▶ Water = provide at least 3 gallons of water per each handler at the beginning of the work period
- ▶ Soap and single use towels
  - ▶ Enough for handler's needs - **Hand sanitizers or wet towelettes do not meet the requirements for soap or towels**
  - ▶ Clean change of clothes



# Decontamination Supplies for Handlers...

## ▶ Emergency eye flushing station

- ▶ Must be provided at any site where handlers are mixing-loading a pesticide that requires protective eyewear or are mixing or loading any pesticide using a closed system operating under pressure (**written operating instructions must be available at mixing or loading site**)
- ▶ A system capable of delivering gently running water at a rate of at least 0.4 gallons per minute for at least 15 minutes, or
- ▶ At least 6 gallons of water in containers suitable for providing gently running water for eye flushing for 15 minutes - container(s) must be able to dispense a gentle steady flow of water
- ▶ 1 pint of water (if label requires eye protection)



# Emergency Assistance...

The agricultural employer must provide transportation and emergency information promptly for their workers after learning of the possible poisoning or injury if:

- ▶ There is a reason to believe that a worker / handler experienced a potential pesticide exposure (ag establishment)
- ▶ they show symptoms similar to those associated with acute exposure to pesticides during or within 72 hours after his/her employment on the ag establishment and needs emergency medical treatment



# Personal Protective Equipment (PPE)...

- ▶ Handler employer and handler responsibilities
  - ▶ Handler employer **MUST** provide the PPE that is required by the pesticide label for the handler to use
- ▶ PPE must be clean and in proper working condition
- ▶ Handler employer is not required to provide handlers with long-sleeved shirts, short-sleeved shirts, long pants - standard clothing
- ▶ Handlers are individually responsible for following the pesticide labeling directions and wearing the clothing and PPE required by the pesticide label
- ▶ The “use” of any pesticide product must be consistent with the label directions or it is a violation of federal law



# PPE exception allowed for enclosed cabs...

If a handler applies a pesticide from inside a vehicle's enclosed cab and all of the PPE required by the label for applicators is immediately available and stored in a sealed container to prevent contamination, **handlers may substitute** a long-sleeved shirt, long pants, shoes and socks for the labeling-specified PPE for skin and eye protection



# PPE exception allowed for enclosed cabs...

- ▶ Handlers must wear the applicator PPE required by the pesticide product labeling if they exit the cab within a treated area during an application or when an REI is in effect
- ▶ Once PPE is worn in a treated area, it must be removed before reentering the cab to prevent contamination of the cab



# PPE - Respirators...

- ▶ If a particulate filtering respirator (NIOSH approval number prefix TC-84A) (including a particulate filtering face piece respirator, which used to be called a dust/mist or particulate filtering respirator) is required by the pesticide product labeling for applicators, the applicator does not have to wear that respirator inside the enclosed cab if the enclosed cab has a properly functioning air ventilation system which is used and maintained in accordance with the manufacturer's written operating instructions
- ▶ If any other type of respirator is required by the pesticide labeling for applicators, then that respirator must be worn inside the enclosed cab





# PPE - Respirators...

- ▶ The 2015 revised Worker Protection Standard (WPS) defines specific requirements for the use of respirators when using WPS-labeled pesticide products. This information focuses on what pesticide handlers and employers of handlers (as defined by the WPS) must do to be in compliance with the WPS and to protect themselves from the respiratory hazards of pesticide exposures



# PPE - Respirators...

## *WHAT ARE THE REQUIREMENTS FOR RESPIRATORY PROTECTION IN THE 2015 REVISED WORKER PROTECTION STANDARD?*

- ▶ Handler employers must provide the following protections for handlers when using agricultural pesticide products that require the use of a respirator:
  - ▶ **A medical evaluation by a physician or other licensed health care professional** that conforms to the provisions of 29 CFR 1910.134(e) for each handler – to ensure the handler’s physical ability to safely wear the respirator specified on the pesticide product labeling
  - ▶ **Annual fit-test for each type of respirator required by the pesticide product(s) label** that the handler will be using. The fit-testing must be done in a manner that conforms to the provisions of 29 CFR 1910.134
  - ▶ **Annual training on how to properly use the respirator(s)** specified on the labeling of the pesticide products the handler will be using. The training must conform to the provisions of 29 CFR 1910.134(k)(1)(i) through (vi)
- ▶ The handler employer must maintain records that document the completion of the requirements in the WPS – for at least two years from the dates conducted.



# PPE - Respirators...

## *IMMEDIATE FAMILY EXEMPTION...*

- ▶ Owners of agricultural establishments **must do** the following for themselves and/or employed handlers who are immediate family members:
  - ❖ Wear a respirator if required by the pesticide product label
  - ❖ Provide a respirator that is clean and in good working condition
  - ❖ Provide a medical evaluation before wearing a respirator
  - ❖ Provide fit-testing
  - ❖ Provide respirator training
  - ❖ Maintain records of medical evaluation, fit-testing, and/or respirator training



# PPE - Respirators...

- ▶ *A written record of the **fit test** must be maintained for 2 years and it must contain:*
  - ▶ Name of handler tested
  - ▶ Type of test performed
  - ▶ Make, model and size of the respirator tested
  - ▶ Date of the fit test, and
  - ▶ Results of the fit test:
    - ▶ Pass/fail for qualitative test
    - ▶ Fit factor and strip chart recording or other record of the test results for a quantitative fit test



# PPE - Respirators...

- ▶ A written record of the **respirator training** must be maintained for 2 years and it should contain:
  - ▶ Name and signature of handler trained
  - ▶ Date of training
  - ▶ Trainer's name, and
  - ▶ Training topics

## LEVELS OF RESPIRATORY PROTECTION

– Most protective from top to bottom



NIOSH Approval #TC-13F Self-Contained Breathing Apparatus (SCBA)  
Air supplied from a pressurized tank to a full-face mask.



NIOSH Approval #TC-19C Supplied Air Respirator\* (SAR)  
Air supplied through an air hose from a source such as an air compressor.



NIOSH Approval #TC-14G Air Purifying full-face respirator with a canister specified for a type of chemical contaminant such as organic vapors (OV) (gas mask).



NIOSH Approval #TC-84A Air Purifying full-face respirator with combination OV cartridge and N-type particulate filter.



NIOSH Approval #TC-23C Powered Air Purifying Respirator (PAPR) with OV and combination HE filters.



NIOSH Approval #TC-21C Powered Air Purifying Respirator (PAPR) with particulate HE filter.



NIOSH Approval #TC-84A Air purifying half-face (elastomeric) respirator with combination OV cartridge and N-type particulate filters.



NIOSH Approval #TC-84A Air purifying half-face (elastomeric) respirator with P-100 (magenta) particulate filters.



NIOSH Approval #TC-84A Filtering face-piece respirator (May be an N-, R-, or P-type particulate filter.) This is also known as a 'disposable' respirator because none of its parts are replaceable.



# Pesticide Handlers...

- ▶ **Monitor handlers using highly toxic pesticides**
  - ▶ Skull-and-crossbones pesticides / check handler visually or by voice communication at least every 2 hours
- ▶ **Constant communication with handlers using fumigants in enclosed spaces**



# Notification of Entry Restrictions...

- ▶ Double Notification
  - ▶ Some pesticides requires posting and oral notification
- ▶ Post warning signs - outdoor production area
  - ▶ REI > than 48 hours
- ▶ Enclosed space production
  - ▶ REI > than 4 hours
- ▶ Warning signs or oral warning
  - ▶ Outdoor - REI =< than 48 hours
  - ▶ Enclosed - REI =< than 4 hours



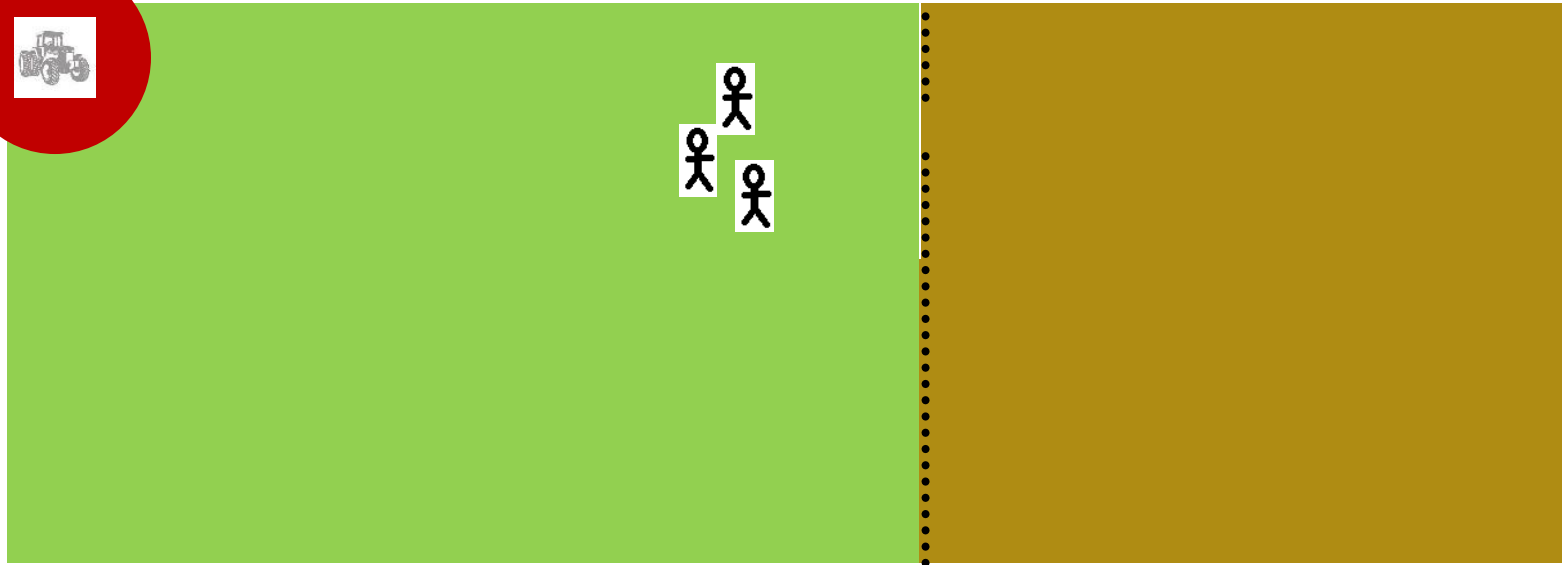
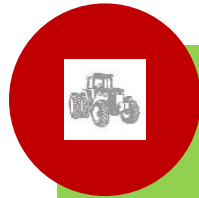


# Notification of Entry Restrictions...





# Application Exclusion Zones in Outdoor Production



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



# Proposed Updates to AEZ...

- ▶ On November 1, 2019, EPA proposed narrow updates to the Worker Protection Standard regulation to improve the long-term success of the agency's Application Exclusion Zone (AEZ) provisions. EPA will accept public comments on the proposed revisions in docket [EPA-HQ-OPP-2017-0543](#) through January 30, 2020
- ▶ The targeted updates would improve enforceability for state regulators and reduce regulatory burdens for farmers. It would also maintain public health protections for farm workers and other individuals near agricultural establishments that could be exposed to agricultural pesticide applications.



# Proposed Updates to AEZ...

## *Proposed Changes...*

- ▶ Modify the AEZ so it is applicable and enforceable only on a farm owner's property, where a farm owner can lawfully exercise control over employees and bystanders who could fall within the AEZ
- ▶ Exempt immediate family members of farm owners from all aspects of the AEZ requirement. This will allow farm owners and their immediate family members to decide whether to stay in their homes or other enclosed structures on their property during certain pesticide applications, rather than compelling them to leave even when they feel safe remaining
- ▶ Add clarifying language that pesticide applications that are suspended due to individuals entering an AEZ may be resumed after those individuals have left the AEZ
- ▶ Simplify the criteria for deciding whether pesticide applications are subject to the 25- or 100-foot AEZ

**U.S. Environmental Protection Agency  
Comparison of Proposed Revisions to EPA’s Worker Protection Standard Application Exclusion Zone (40 CFR 170)**

On November 1, 2019, EPA proposed revisions to the existing Worker Protection Standard (WPS) ([40 CFR 170](#)) provisions related to the Application Exclusion Zone (AEZ).

Note that this document provides general guidance to EPA, certifying authorities, agricultural employers, applicators and the public. This document is not binding on EPA or any outside parties, and EPA may depart from the guidance where circumstances warrant and without prior notice. The full text of the proposed rule, including the proposed regulatory text, and more information on the proposed changes to the regulation are available at [www.regulations.gov](http://www.regulations.gov) using Docket ID [EPA-HQ-OPP-2017-0543](#).

Current WPS reg citation	2015 WPS requirement	Proposed change	Why
170.405(a)(1)	The application method, spray height, and spray quality droplet size and volume median diameter (diameter of 294 microns) must be used by pesticide applicators and handlers to determine the size of the AEZ for outdoor production pesticide applications.	Maintain application method and spray heights as criteria for determining the AEZ; eliminate spray quality and droplet size and volume median diameter as criteria.  Instead: <ul style="list-style-type: none"> <li>Limit AEZ to 100 ft distances for aerial applications, air blast or air-propelled applications and fumigant, smoke, mist or fog outdoor applications.</li> <li>Limit AEZ to 25 ft during applications using a spray method not previously listed and when sprayed at a height greater than 12 inches from the soil surface or planting medium.</li> </ul>	<ul style="list-style-type: none"> <li>Spray sizes are no longer appropriate based on information from American Society of Agricultural &amp; Biological Engineers.</li> <li>The criteria in the current regulation can be confusing and difficult to comply with and enforce.</li> </ul>
170.405(a)(2)	Agricultural employers must not allow or direct anyone other than appropriately trained and equipped handlers/applicators to enter or remain in the treated area or AEZ during application.	Adds exception to allow persons working on or in easements to remain within the AEZ during an application so that the handler does not have to suspend the application.	<ul style="list-style-type: none"> <li>Persons working on/in easements (e.g., utility workers) are not employed by the agricultural establishment and are not within the agricultural employer’s control; this proposal provides regulatory relief to handlers and agricultural employers and may prevent pesticide applications from being disrupted.</li> <li>Even though persons could remain working in an easement within the AEZ, they are still protected by the “do not contact” provision.</li> </ul>

170.501(c)(3)(xi)	Handler training states: "Handlers must suspend a pesticide application if workers or other persons are in the application exclusion zone."	Train handlers to suspend an application when persons are in the AEZ within the boundaries of the agricultural establishment; train handlers on the proposed exceptions in 170.405(a)(2) for (1) trained and equipped handlers and (2) persons working on or within easements.	Updates the handler training requirements to reflect the proposed changes to 170.405 and 505.
170.505(b)	Handlers must suspend pesticide applications if workers or other persons* are in the AEZ, which includes outside boundaries of agricultural establishment.	Handlers must suspend the application if workers or other persons* are in the AEZ within the boundaries of the agricultural establishment (does not include outside the boundaries of the agricultural establishment).	<ul style="list-style-type: none"> <li>• Makes the handlers' duty to suspend an application consistent with the agricultural employers' duty to exclude persons from AEZ.</li> <li>• Employer lacks control over persons not within the boundary of establishment.</li> <li>• Handlers are still subject to complying with the "do not contact" provision.</li> </ul>
170.505(b)	Handlers must suspend pesticide applications if workers or other persons* are in the AEZ.	Includes exception for persons working on or in easements within the AEZ so that the handler does not have to suspend application.	<ul style="list-style-type: none"> <li>• Persons working on/in easements are not employed by agricultural establishments and are not within the agricultural employer's control.</li> <li>• Even though easement workers could remain within the AEZ, they are still protected by the "do not contact" provision.</li> </ul>
170.601(a)	Owners of agricultural establishments and their immediate families are exempt from many but not all WPS requirements. Owners/families would have to leave their home if the home is within the AEZ during application.	Exempt owners of agricultural establishments and their immediate families from the AEZ requirements so they can stay in their own home during pesticide applications if the home is within the AEZ.	The current requirement poses an unnecessary burden on farm owners. Family members will take appropriate steps to protect others in the family to ensure they will not be contacted by spray during pesticide applications.

\*Exception: trained and equipped handlers/applicators are allowed to remain in AEZ during application.



# WPS TRAINING MATERIALS

<http://pesticideresources.org//index.html>





# WPS COMPLIANCE ASSISTANCE AUDITS

[WPS@isda.Idaho.gov](mailto:WPS@isda.Idaho.gov)





# WPS Contacts & Information



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*Questions  
or  
Comments?*

***Thank you!!!***