SECTION V - WORKER PROTECTION STANDARD FOR AGRICULTURAL PESTICIDES

This section will help you determine whether you are covered by or exempt from the Worker Protection Standard and provides information on how to comply. It includes the following sections.

- Key terms
- Who are the affected employers?
- Agricultural owner exemptions
- Requirements of agricultural owners and their families
- Duties for employers of pesticide handlers and ag workers
- Employer/commercial applicator information exchange
- Additional duties for worker employers
- Additional duties for handler employers
- Reference

An EPA manual entitled *The Worker Protection Standard for Agricultural Pesticides - How to Comply* provides detailed information on the WPS. Employers will find this manual to be a valuable resource for compliance. For a copy of this manual contact your local County Extension office.

The U. S. Environmental Protection Agency (EPA) issued the Worker Protection Standard (WPS) governing the protection of employees on farms, forests, nurseries and greenhouses from exposure to agricultural pesticides (general or restricted use). The standard covers workers in areas treated with pesticides and employees who handle pesticides for use in the production of agricultural plants or commodities. WPS requires employers to protect two types of agricultural employees: *agricultural workers* and *pesticide handlers* (see definitions). The standard is enforceable when a WPS-labeled agricultural pesticide is in use.

Understanding key terms used in the WPS are important for proper implementation. Here are definitions for some of them:

**Key Terms**

*Agricultural establishment* - any farm, forest, nursery or greenhouse.

*Agricultural owner* - any person who possesses or has interest (fee, leasehold, rental or other) in an agricultural establishment. Anyone who has leased an agricultural establishment to someone else and who has granted that person full authority to manage the use of that establishment is not an agricultural owner under the Standard.

*Agricultural plants* - Crops or plants grown or maintained for commercial or research purposes. Examples: food, feed or fiber plants, trees, turf grass, flowers, shrubs, ornamentals and seedlings.

*Agricultural workers* - those who perform tasks related to the cultivation and harvesting of plants or crops on agricultural establishments.
Immediate family - includes spouse, children, stepchildren, foster children, parents, stepparents, foster parents, brothers and sisters. It does not include nieces and nephews.

Pesticide handlers - those who mix, load, and apply agricultural pesticides or clean or repair pesticide application equipment, or act as flaggers, etc.

Who are the affected employers?

- Managers or owners of an agricultural establishment.
- Labor contractors for an agricultural establishment.
- Custom pesticide applicators or independent crop consultants hired by the owner or manager or an agricultural establishment.

Most WPS provisions are protections that employers must provide to their employees and, in some instances, to themselves. The task being performed will determine whether or not an employee is a worker or a handler; their task will determine the amount of protection the employer must provide. Owners of agricultural establishments and their immediate families are exempt from many of the WPS requirements (Refer to the How to Comply manual for details). While owners are not required to provide certain protections to themselves or their immediate families, they are required to follow the label and are strongly encouraged to protect themselves from needless exposure to pesticides. They must also wear personal protective equipment and follow reentry intervals into treated areas whenever listed on the pesticide label.

Incorporated agricultural establishments: If your establishment is incorporated, all stockholders of the corporation must be members of your immediate family to qualify for agricultural owner exemptions. If any stockholders are not members of your immediate family, then the corporation is the “owner” for the purposes of the WPS and you may not take advantage of the agricultural owner exemptions.

The following pesticide applications are exempt from the WPS:

- Pastures, range land or livestock.
- The harvested portions of plants or on harvested timber.
- Control of vertebrate pests, such as rodents.
- Plants grown in home gardens and home greenhouses.
- Plants that are in golf courses (except those areas set-aside for plant production), or right-of-way areas.
- Public or private lawns (sod farms are covered by the WPS).
- Plants intended only for decorative or ornamental use (trees and shrubs in lawns).
- Mosquito abatement, or similar wide-area public pest control programs.
- Structural pest control, such as termite control.
- Research uses of unregistered pesticides.

Agricultural Owner Exemptions

Owners of agricultural establishments and members of their immediate family are exempt from some of the WPS requirements while performing tasks related to the production of agricultural plants on their own establishment. The following WPS requirements do not need to be provided to owners or members of their immediate family but must be provided to any worker or handler they may hire:
• Pesticide information at a central location.
• Pesticide safety training.
• Decontamination sites.
• Emergency assistance.
• Notice about pesticide applications.
• Monitoring of handler’s actions and health.
• Specific handling instructions.
• Duties related to early entry:
  - Training and instructions
  - Decontamination sites

• All the specific duties related to the need, use, management and inspection of personal protective equipment.

Requirements of Agricultural Owners and Their Families

The following requirements do apply to agricultural owners and to their immediate families:

1. Wear Appropriate Personal Protective Equipment (PPE)

The PPE and other work attire required for each pesticide are listed on the pesticide label for the tasks being performed. The required PPE for a specific compound is listed under the Hazards to Humans section on the label. PPE requirements may be different for applicators and mixer/handlers. If you’re using a closed system or if you’re working in an enclosed cab, some PPE exceptions are allowed unless expressly prohibited by the product labeling. Required PPE must be within the cab, however, to protect the person if the rig were to break down. If in doubt, use the PPE recommended on the label (refer to the How to Comply manual for details on exceptions).

2. Restrictions during applications

When applying pesticides make sure that:

• They are applied so that they do not contact anyone either directly or through drift.
• Everyone is kept out of areas being treated.
• You check and follow the label requirement for each pesticide.

In most cases, handlers who have been trained and are equipped with the appropriate PPE are allowed to be in treated areas. Those handlers who are certified applicators of restricted-use pesticides or who have completed an approved training course meet the WPS training requirements.

3. Restrictions during restricted entry intervals (REIs)

The standard has established more specific restricted reentry intervals for all pesticides covered by the standard. The REI is the time immediately following a pesticide application when entry into a treated area is restricted. The amount of time required is based on the toxicity of the compound and the tasks involved during the product’s use. In most cases, REIs are in 4, 12, 24, 48 or 72 hour intervals. During the REI, do not enter or allow any members of your family to enter a treated area or contact anything treated with the pesticides to which the interval applies.
When the pesticide formulation or application is a “mixture” of active ingredients, the REIs are based on the active ingredient that requires the longest restricted reentry period.

**Exceptions to REIs:** In general, you and your family members must stay out of a treated area during the restricted-entry interval. This restriction has two exceptions:

- Early entry with no pesticide contact.
- Early entry with contact for short-term, emergency, or specially exempted tasks.

**No-contact** early entry means just that: no contact! You or your family members may enter a treated area during an REI if you do not touch or are not touched by any pesticide residues, and if you are wearing the early entry PPE. Wearing PPE does not mean “contact” can be resumed.

Early entry with contact allows you or members of your family to enter a treated area during a restricted-entry interval in only three work situations:

1. Short-term tasks that last less than 1 hour per 24-hour period and do not involve hand labor.
2. Emergency tasks that take place because of an agricultural emergency.
3. Specific tasks approved by EPA through a formal exception process.

For early entry short term tasks with no hand labor, one must:

- Wait at least 4 hours after the pesticide application is completed before entering.
- Enter and work for only 1 hour during a 24 hour period.
- Wear the PPE specified on the pesticide label for early entry tasks.
- Follow any other restrictions specified on the pesticide label or in any special exception under which the early entry takes place.

**Nurseries and greenhouses:** There are many special requirements for greenhouse and nursery owners or operators. These include special application restrictions, ventilation criteria, early entry restrictions and additional handler protection. Consult the WPS, *How to Comply* manual and the pesticide label for specifics.

### 4. WPS labeling

All pesticide products affected by the WPS will carry a statement in the new Agricultural Use Requirements section on the label. This statement will inform users that they must comply with all provisions of the WPS. If you are using a pesticide product with WPS labeling, the WPS requirements must be followed.

**Duties for employers of pesticide handlers and agricultural workers:**
Some of the WPS requirements for employers are the same whether the employees are workers or handlers. The following are descriptions of some requirements:

**Information at a central location:** Employers must provide current and specific information about the pesticides being applied for the benefit of their employees (handlers and workers). The following information must be displayed and made accessible at a central location on the agricultural establishment where it can be easily seen and read:
• WPS Safety Poster.
• Name, address and telephone number of the nearest emergency medical facility.
• Facts about each pesticide application, including:
  - Product name.
  - EPA registration number and active ingredients.
  - Location and description of the treated areas.
  - Time and date of the application.
  - Restricted-entry interval (REI) for the pesticide.

**Pesticide safety training:** Certified pesticide applicators do not need WPS safety training. Uncertified workers and handlers must have periodic pesticide safety training. Handlers and early entry workers must be trained before they begin work and at least once every 5 years after that. Training may be conducted by a certified pesticide applicator or by someone who has completed a train-the-trainer program. The training must be conducted in a manner and language that the employees can understand using EPA approved WPS training materials or the equivalent. The trainer must also be on hand and able to answer questions following completion of training.

**Decontamination site:** Employers must provide a site where workers and handlers can wash pesticide residue from their hands and body. A decontamination site should supply:

• Enough water for routine and emergency whole-body washing and for eye flushing.
• Plenty of soap and single-use towels.
• A clean change of coveralls for use by each handler (this is not required for workers).

Water for emergency eye flushes must be immediately available if the pesticide label calls for protective eye wear. Employers also must provide water that is safe and cool enough for washing, eye flushing and drinking. Employers may not use tank-stored water that also is used for mixing or diluting pesticides.

A decontamination site must be within 1/4 mile of the employees’ work site. If the work site is more than 1/4 mile from the nearest point of vehicular access, the decontamination site may be located at the nearest access point. Clean water from springs, streams, lakes or other sources may be used for decontamination if such water is more readily available than the water at the decontamination site.

Employers must provide handlers with the previously mentioned supplies at each mixing site and at the place where PPE is removed at the end of a task. Worker decontamination sites may not be in areas being treated or under an REI. Handler decontamination sites may be in the treated area in which the handler is working, as long as the materials are stored in enclosed containers.

**Employer/commercial applicator information exchange**

A commercial applicator must inform an agricultural owner/operator when a pesticide is applied on their agricultural establishment. The commercial applicator must provide the owner/operator with the following information:

• Location and description of area to be treated.
• Time and date of application.
• Product name, EPA registration number, active ingredients and REI.
• Whether oral warnings and/or treated area posting are required.
• Entry restrictions and other safety requirements for treated areas.

Agricultural owner/operators must provide information to the commercial applicator employers that they hire. The ag owner/operator must inform the commercial applicator employer of any treated areas under an REI, if the commercial applicator will be present or walk within 1/4 mile of that area. The agricultural owner/operator is responsible for providing all WPS protections to their employees.

Emergency medical assistance: When there is a possibility that a handler or worker has been poisoned or injured by a pesticide, an employer must promptly make transportation available to an appropriate medical facility. Additionally, the employer must provide to the victim and medical personnel the following information:

• The product name, EPA number and active ingredients.
• All first aid and medical information from the label.
• A description of how the pesticide was used.
• Information about the victim’s exposure.

Additional duties for worker employers

Restrictions during application: Employers must prohibit worker entry into treated areas and only allow entry by appropriately trained and equipped handlers. Some REIs may be extended if annual rainfall is less than 25 inches.

Notice about applications: Employers must notify workers about pesticide applications on the establishment if they will be on or within 1/4 mile of the treated area. In most cases, employers may choose between oral warnings or posted warning signs, but they must tell workers which warning method is in effect. Some pesticide labels may require both oral and posted sign warnings. Pesticides requiring both oral and posted warnings will state this on the label. Warning signs must be:

• Posted 24 hours or less before application and removed within three days after the end of the REI.
• Posted so they can be seen at all normal entrances to treated areas, including borders adjacent to labor camps.

If no employees were involved with treatment, or the employees do not come within the 1/4 mile, no posting is required.

Oral warnings must be delivered in a manner understood by workers, using an interpreter if necessary. Oral warnings must contain the following information:

• Location and description of the treated area.
• The length of the REI.
• Specific directions not to enter during the REI.
Additional duties for handler employers

**Application restrictions and monitoring:** Employers must not allow handlers to apply a pesticide so that it contacts anyone, directly or through drift, other than trained and properly equipped handlers. Employers also must make visual or voice contact at least every 2 hours with anyone handling pesticides labeled with a skull and crossbones.

**Specific instructions for handlers:** Employers must inform handlers of all pesticide labeling instructions for safe use before they perform any handling tasks. In addition, employers must keep pesticide labels accessible to each handler during the entire handling task and inform handlers of how to use any assigned handling equipment safely before they use it.

**Equipment safety:** Employers of handlers must make sure that equipment used for mixing, loading, transferring or applying pesticides is inspected and repaired or replaced as needed. Only appropriately trained and equipped handlers may repair, clean or adjust pesticide handling equipment that contains pesticides or pesticide residues.

**Personal protective equipment (PPE):** Employers must provide handlers with the PPE as required by the pesticide labeling. Employers must provide handlers with a pesticide-free work area for storing personal clothing not in use, to put on and remove PPE for each task. They must not allow any handler to wear or take home any used PPE.

**PPE cleaning and maintenance:** The employer must make sure that:

- PPE to be reused is cleaned, inspected and repaired before each use.
- PPE that is non-reusable or cannot be cleaned is disposed of properly.
- PPE should be washed and stored separately from personal clothing.

**Maintenance of respirators:** Dust/mist filters must be replaced when breathing becomes difficult, if the filter is damaged or torn, when the respirator label or pesticide label requires it, or at the end of each day’s work period in the absence of any other instructions. Vapor-removing cartridges or canisters must be replaced when odor, taste or irritation is noticed, when respirator label or pesticide label requires it, or at the end of each day’s work period in the absence of any other instructions.

**Disposal of PPE:** Coveralls and other clothing that are heavily contaminated with an undiluted pesticide having a *DANGER* or *WARNING* signal word must be discarded. Federal, state and local laws must be adhered to when disposing of PPE that cannot be cleaned correctly.

**Instructions for people who clean PPE:** Employers must inform people who clean or launder PPE that it may be contaminated with pesticides. They must inform them of the potentially harmful effects of exposure to pesticides, show them how to protect themselves and how to clean PPE correctly. Further information is available in the *How to Comply* manual.
Reference


**WPS and the law:** The Worker Protection Standard is considered part of the pesticide label and labeling. The Standard has substantial fines and penalties for violations. Any violation of the Worker Protection Standard is considered the same as the penalty for using a pesticide in a manner inconsistent with its labeling.