

# REVISED WORKER PROTECTION STANDARD COMPLIANCE REQUIREMENTS

## January 2017

### Training

- Annual training is required for workers and handlers
- Worker training grace period is eliminated. Workers must be trained before they work in an area where a pesticide has been used or a restricted-entry interval has been in effect in the past 30 days.
- Trainers of workers must be Certified applicators, or State/Tribal/Federal approved trainers, or persons who have completed an EPA-approved train-the-trainer course.
- Keep training records for 2 years. Give copy of record of training to workers and handlers upon request.

### Hazard Communication

- Employers must display application information and safety data sheets (SDS) at a central location within 24 hours of end of application and before workers enter that treated area. Display both for 30 days after REI expires. Keep application information and SDS for 2 years from end of REI and make available to workers, handlers, designated representatives (identified in writing) or medical personnel upon request.

### Notification of Treated Areas

- Post warning sign if REI is greater than 48 hours (outdoor applications) or 4 hours (enclosed space applications, otherwise option for posting or oral notification unless label requires both.
- Agricultural employer must provide application information on treated areas the handler may be in (or walk within ¼ mile of). Handler employer must notify before the application begins for certain changes and within 2 hours of end of application for most other changes, unless only change was less than 1-hour difference in application time.

### Minimum Age

- Handlers and early-entry workers must be at least 18 years old. (Members of owner's immediate family are exempt from this and most other requirements of the WPS.)

### Entry Restrictions during Application for Outdoor Production

- Ag employers must not allow entry into treated area or the application exclusion zone, which is an area up to 100 feet area around the application equipment during pesticide application on farms, forests, and nurseries. Size of the application exclusion zone depends on type of application. Revised descriptions of application methods.

### Exemptions and Exceptions

- Only certified crop advisors are exempt from labeling PPE and WPS requirements as specified. Certified crop advisor employees must use label-required PPE while working in a field during an REI, and employer must provide all required WPS protections, or rely on allowed the PPE substitutions.
- REI exception and notification requirements for early-entry workers: Notify early-entry workers of application specifics, tasks to be performed, conditions of the early-entry exception, and hazard information from the pesticide label.

### Basic Pesticide Safety Information

- Display pesticide safety information at a central location and at sites where decontamination supplies are located, if the decontamination supplies are at a permanent site or location with at a location with 11 or more workers or handlers.

### Personal Protective Equipment

- **Respirators** - Employer must provide respirator and fit testing, training, and medical evaluation that conforms to OSHA standards for any handler required to wear any respirator by the labeling. Require recordkeeping of completion of fit test, training, and medical evaluation.
- **PPE exception for closed systems** - Exceptions to labeling-specified PPE allowed for handlers when using closed systems. A closed system must meet a broad performance-based standard and basic operating standards (written operating instructions and training of handlers in use of the system) must be provided.

- **PPE exception for crop advisors and their employees** - Crop advisors and their employees entering treated areas while a REI is in effect to conduct crop-advisor tasks may wear a standard set of PPE (coveralls, shoes plus socks and chemical-resistant gloves made of any waterproof material, and eye protection if the labeling of the pesticide product applied requires protective eyewear for handlers, as outlined in rule), OR the PPE specified on the pesticide labeling for early-entry activities instead of the PPE specified on the pesticide labeling for handling activities, provided certain conditions are met.
- **PPE exception from eyewear for pilots in open cockpits** - If product label requires eye protection, pilots in open cockpits may wear a helmet with lowered face shield instead of label-required eye protection.
- **PPE exception for enclosed cabs** - Maintain exception for dermal PPE as in existing rule with same conditions, but handlers 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 (NIOSH approval number prefix TC-84A), previously called a dust/mist filtering respirator.

#### Decontamination Supplies

- **Quantity of water** - Provide 1 gallon for each worker and 3 gallons for each handler and each early entry worker as measured at beginning of workers' or handlers' work period.
- **Use of natural waters** - There is no reference to, or prohibition from, using natural waters in addition to decontamination water provided. Workers and handlers are trained to use any nearest clean water source in case of emergency.
- **Eye wash for handlers** - Provide a system capable of delivering 0.4 gallons/minute for 15 minutes, or 6 gallons of water able to flow gently for about 15 minutes at a mix/load site if handlers use products requiring eye protection or use a pressurized closed system. One pint of water in a portable container must be available to each handler applying pesticides if eye protection is required.

#### Emergency Assistance

- Provide prompt transportation to medical facility. Promptly provide the SDS, product information (name, EPA Reg. No., active ingredient) and circumstances of exposure to treating medical personnel.

#### Definitions

- **Immediate Family** - Includes all in-laws, grandparents, grandchildren, aunts, uncles, nieces, nephews, and first cousins.
- **Enclosed space production** - 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.
- **Employ** - 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. It includes obtaining the services of a self-employed person, an independent contractor, or a person compensated by a third party.

### January 2018 (or later)

#### Training

- **Expand existing training content for workers and handlers.** Worker training topics expanded to 23 items, and handler training expanded to 36 items. ***NOTE THAT THIS REQUIREMENT HAS BEEN DELAYED. EXPANDED TRAINING IN NOT REQUIRED IN 2018 BUT DATCP ENCOURAGES AG EMPLOYERS TO COVER THESE EXTRA TOPICS BECAUSE THE TRAINING MATERIALS ARE CURRENTLY AVAILABLE.***

#### Handler Suspend Application

- Handlers must apply pesticides so as not to contact workers or other persons. Handlers must suspend application if a worker or other person is in the application exclusion zone, an area up to 100 feet around the application equipment. EPA will send out further guidance in 2018.

#### Basic Pesticide Safety Information

- **Content of pesticide safety information** - Information can be displayed in any format (doesn't have to be a poster); keep the 7 concepts about preventing pesticides from entering your body; delete the point that there are federal rules to protect workers and handlers; add instructions for employees to seek medical attention as soon as possible if they have been poisoned, injured or made ill by pesticides; add name, address and telephone number of state or tribal pesticide regulatory authority; revise "emergency medical facility" to "a nearby operating medical care facility."