

Worker Protection Standard Requirements for Commercial Pesticide Handler Employers

Wisconsin Department of Agriculture, Trade and Consumer Protection

Owners, managers and employees of commercial pesticide handling establishments such as agricultural cooperatives, custom pesticide applicators or aerial applicators are covered by the federal Worker Protection Standard when applying WPS-labeled pesticide products on agricultural establishments. **Agricultural establishment** is a general term for farms, forests, greenhouses, forests or other enclosed or open space production areas. Commercial pesticide application businesses are included in WPS even if some of the pesticide handling tasks such as mixing, loading, container disposal or cleaning equipment, take place somewhere other than the agricultural establishment. Owners and managers of commercial pesticide handling establishments have WPS responsibilities as commercial pesticide handler employers.

The worker protection rule uses the acronym **CPHE** or commercial pesticide handler employer to describe the owner/operator/manager who employs a pesticide handler to perform handler activities on an agricultural establishment. An example is an agricultural cooperative or farm supply business that applies pesticides on a for-hire basis for farms, forests, greenhouses and nurseries. The ag co-op or farm supply business is the CPHE.

This handout provides resources, revisions to note and a checklist for commercial pesticide handler employers on page 4.

Rule Revisions to Note (see page 2)

- Annual training unless certified applicator
- Age 18 is minimum age for pesticide handlers
- Application Exclusion Zone (AEZ)
- Decontamination supplies and emergency eyewash for handlers
- Respirator requirements

Resources

How to Comply Manual

- In the 2015 Revised Worker Protection Standard for Agricultural Pesticides [manual](#), *Chapter 5* focuses on Requirements for Commercial Pesticide Handler Employers. Commercial handler employers should also read *Chapter 4* for other applicable WPS requirements.
- After you become familiar with the information in Chapter 5, the How to Comply manual has a checklist in Appendix C, page 121 to guide you through the requirements of WPS employers of commercial pesticide handlers. The checklist is also reprinted in this handout starting on page 2.

- Copies of the manual can be downloaded from multiple sources including the DATCP website at https://datcp.wi.gov/Pages/Programs_Services/WorkerProtection.aspx. There is a link on the right side of the page.

Pesticide Educational Resources Collaborative or PERC

- PERC is a new cooperative agreement between the EPA's Office of Pesticide Programs and University of California Davis Extension, in collaboration with Oregon State University. <http://pesticideresources.org/>.
- The PERC website is your resource for training videos, handouts and other key information with new materials frequently added.
- You can also sign up for emails to be notified when new information becomes available on the website.

Reminders

Information Exchange – page 83-84 How to Comply manual

When a commercial pesticide applicator will apply pesticides on an agricultural establishment, the commercial pesticide business must provide the owner/manager of the agricultural establishment with certain information related to the pesticide application. In addition, the owner/manager must supply certain information to the commercial application business so the applicator can take necessary steps to protect themselves from exposure.

Prior to the applications, the commercial business and the agricultural employer should agree on how to communicate any changes that might occur with the pesticide application. The information can be shared electronically (text or e-mail), phone call, or voice mail message.

Rule Revisions to Note

Annual Handler Training – page 81-82, How to Comply manual

- There is no grace period for handler training.
- All handlers must be trained every 12 months unless they are a currently certified pesticide applicator.
- EPA now requires training records for trained handlers (those who are not certified applicators) to be kept for two years. Wisconsin always required training records but some of the elements are slightly different. A new training form is attached.

Minimum Age – page 79, How to Comply manual

- Each pesticide handler or worker that conducts early entry tasks, must be at least 18 years of age.
- ***There is no family exemption for family-owned commercial pesticide handling businesses that employ immediate family members.***
- The family exemption only applies to agricultural establishments like farms, forests, greenhouses, nurseries or other enclosed or open space production.

Application Exclusion Zone (AEZ) – page 60, How to Comply manual

- Effective January 2, 2018, pesticide handlers making pesticide applications must temporarily suspend applications if workers or other persons are in the AEZ. This includes AEZs that extend onto neighboring property.
- The EPA will provide additional AEZ guidance in 2018 which DATCP will distribute.

Decontamination Supplies and Emergency Eyewash – page 74-75 and page 84, How to Comply manual

- Each handler must have at least 3 gallons of water for decontamination
- If a pesticide requires protective eyewear, emergency eye flush supplies must be at the mixing and loading site.
 - Provide at least six gallons of water that can provide a gentle eye flush for 15 minutes or a system that can deliver running water at a rate of at least 0.4 gallons per minute for 15 minutes.
 - Additionally, each handler must have at least 1 pint of water on their person or in the application equipment.

Respirators page – page 68-73, How to Comply manual

- WPS has adopted certain OSHA requirements for respirators.
- Handler employers must provide medical evaluations, annual fit testing and annual training to handlers when using pesticide products that require a respirator.

For more information

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WPS REQUIREMENTS FOR COMMERCIAL PESTICIDE HANDLER EMPLOYERS (Chapter 5 How to Comply)

- Ensure handlers are a minimum of 18 years old.
- Complete WPS handler training before conducting handler tasks.
- Keep records of WPS handler training and provide record to handlers if requested.
- Provide handler with training/instruction on safe operation of pesticide equipment and all application equipment is inspected daily for leaks, etc. and repaired if necessary.
- Read to, or inform, handlers of pesticide label statements related to human hazards, first aid & safety, in a manner they can understand.
- Have pesticide label available to handler at all times during application.
- Provide tasks and instructions to handler supervisors to ensure compliance with WPS requirements.
- Ensure supervisors give directions to handlers for WPS compliance.
- Provide information (Information Exchange) to agricultural employer (customer) prior to application.
- Give your handler the information about treated areas that the agricultural employer (customer) provided to the CPHE (Information exchange).
- Ensure handlers do not work on pesticide equipment without receiving handler training (ensure any individual not directly employed receives information on pesticides before using, cleaning, repairing, etc. pesticide equipment).
- Provide clean PPE in operating condition to handlers.
- Only exceptions to handler PPE are those allowed by WPS.
- Provide decontamination supplies (and eye flushing supplies if required) at required locations.
- Follow restrictions DURING applications to keep workers and other persons out of certain areas (treated area and AEZ or enclosed space production area).
- Follow relevant restrictions DURING applications (do not contact workers or other persons directly or through drift; and applicator temporarily suspends the application if workers or other persons are in the AEZ or enclosed space production area).
- Monitor handler every 2 hours visually or by voice communication for applications of pesticides with skull & crossbones on label.
- Fumigant applications in enclosed space production facilities – have a second handler outside of the enclosed space to continuously monitor (voice or visual), or rescue the applicator if necessary. Must have second set of required PPE outside of application space.
- If a respirator is required, follow respirator requirements (i.e., medical evaluation, fit testing, respirator training) and ensure that all records of completion of these tasks kept for 2 years.
- Make emergency assistance available (information and transportation).