

UGA's Pesticide Safety Education Program

Contact Information:
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Update on the 2015 Federal Worker Protection Standard



PERC Pesticide Educational
Resources Collaborative

www.pesticideresources.org

“How to Comply” Manual Availability

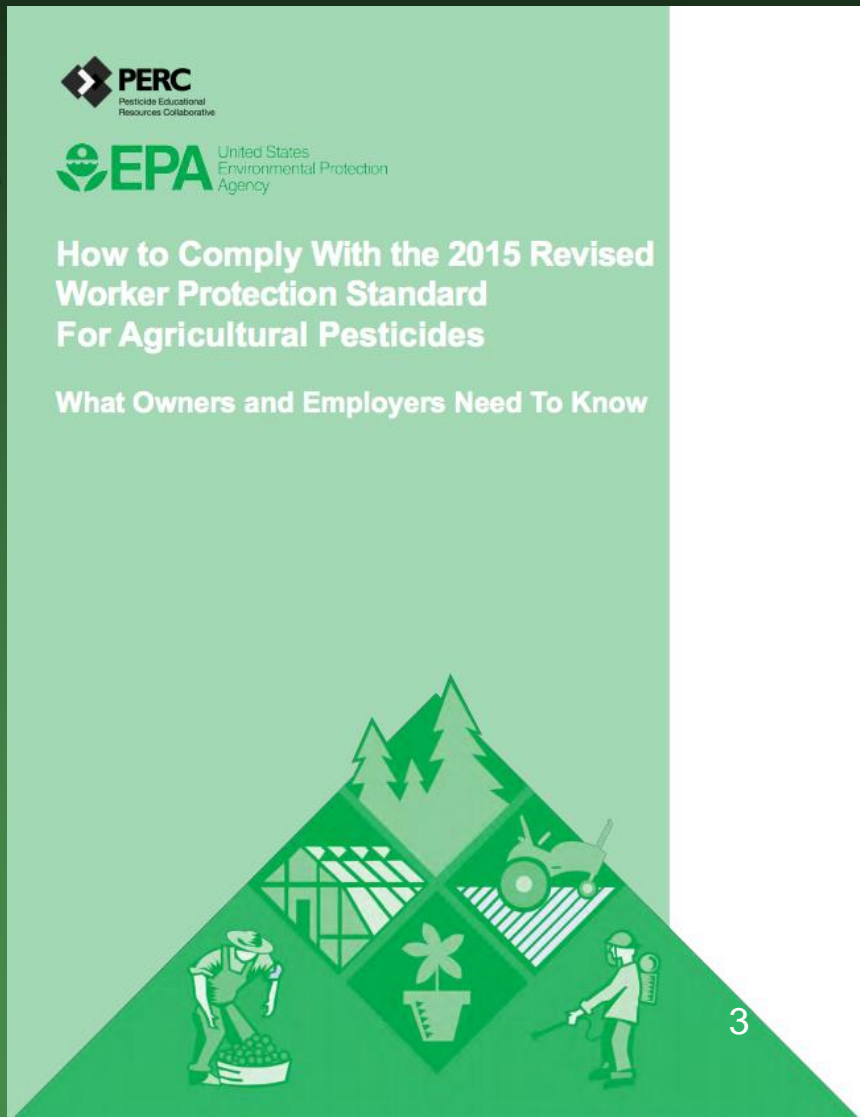
- UGA Extension Publication Store
https://estore.uga.edu/C27063_ustores/web/product_detail.jsp?PRODUCTID=5193&SINGLESTORE=true
- \$5.50 shipping included

NOTE: for slides with solid green background...

Yellow font indicates new rule's changes

White font is used for additional information

Light blue color indicates same provision as in 1999/2005 WPS revision



UGA's Pesticide Safety Education Program

- <http://extension.uga.edu/programs/pesticide-safety/index.cfm>

Home page (overview, what license, WPS)

Commercial Applicators page (what & when, how long, how to get it)

Private Applicators page (who, what, when, how long, how to get it)

Recertification info. page (overview, how to renew, how to search courses, how many)

Publications page (UGA PMH, PSEP manuals, fact sheets, related info)

FAQs & Related Links pages (UGA, Georgia, Federal)

EPA's Goals for the 2015 Revised Worker Protection Standard

- ▶ Improve farmworker protections
- ▶ Reduce acute farmworker pesticide exposures and incidents
- ▶ Reorganize and streamline the rule
- ▶ Address concerns related to first WPS law
 - ▶ Definition of “family members”
 - ▶ Age of farmworkers

Principles Guiding EPA's Revision of the 1999 (revised 2005) Worker Protection Standard



Inform

- about pesticide safety



Protect

- from potential pesticide exposure



Mitigate

- pesticide exposures when they do occur

Rules Meant to Inform:

page 1

**Expand pesticide
safety training**

**Expand pesticide
application
notification
requirements**

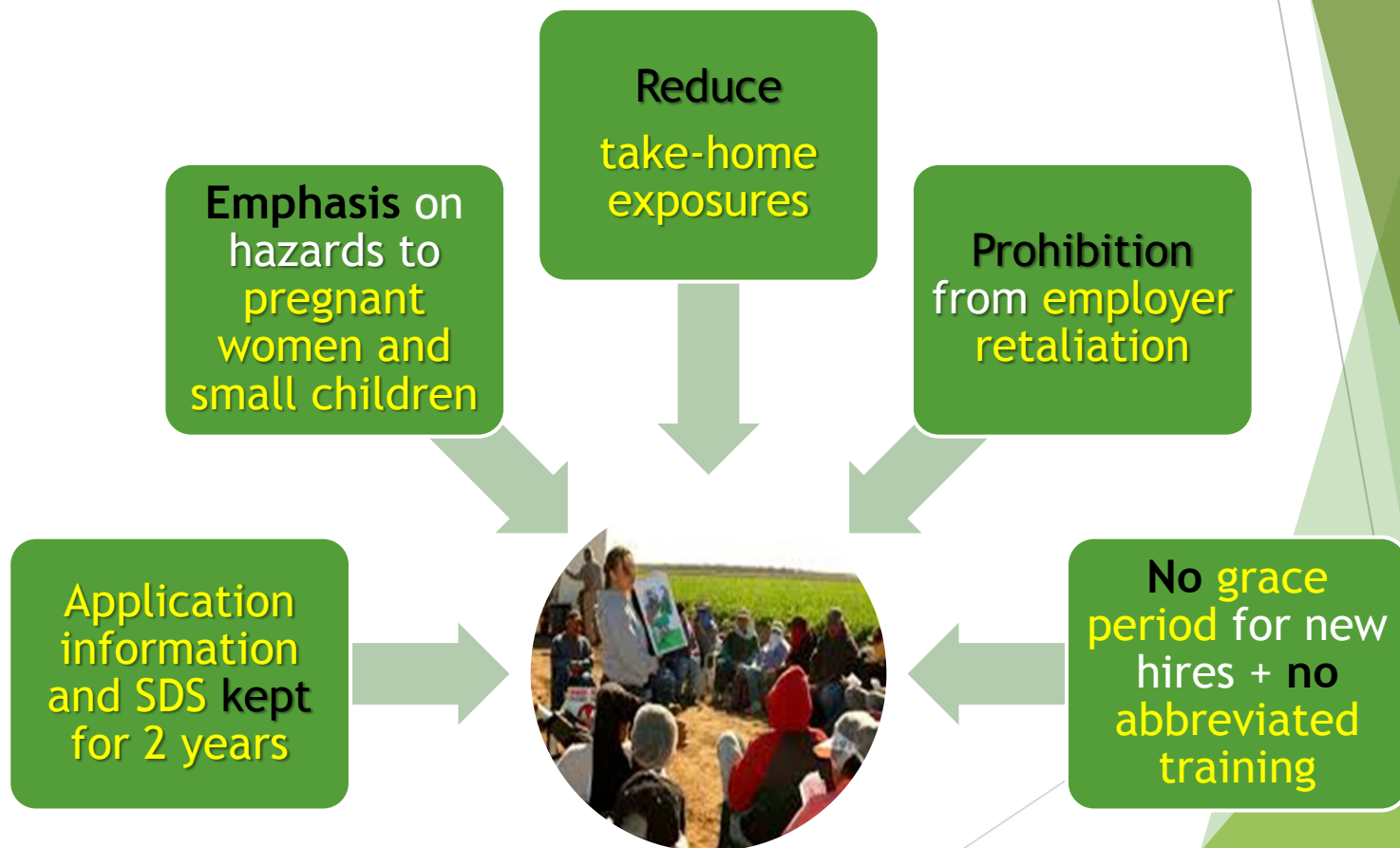
**Expand posted
pesticide safety
information**

**Update pesticide
application
recordkeeping**

**Set requirements
for trainers and
training material**

Rules Meant to Inform:

page 2



2015 WPS Training Provisions

- Annual training required (from a 5-yr cycle)
- No grace period for newly hired workers (5 day)
 - Train before they work in an area where an RUP was used or a REI was in effect in last 30 days
 - Training for new handlers must be EPA-approved handler WPS training
 - Training for new farm laborers must be EPA-approved worker WPS training

2015 WPS Training Provisions

- **Expanded training content (compliance required starting 1 Jan 2018)**
 - Handler training expanded to 36 topics (from 13)
 - Worker training expanded to 23 topics (from 11)
 - Increased training on reducing take-home exposure, reporting use violations, employer retaliation
 - Trainer present throughout training! (even videos)
- **Recordkeeping of training (from none)**
 - Keep written records minimum of 2 years
 - Give copy to workers and handlers upon request

2015 WPS Training Provisions

- **Qualifications for trainers of workers (handlers)**
 - State designated trainer(s)
 - State certified (private and commercial) applicators
 - Those completing an EPA Train-the-Trainer course
 - **Handlers may no longer train workers!**
- **Trainer MUST BE present throughout training to answer questions**

Train the Trainer Course

- <http://www.extension.iastate.edu/workerprotection/>
- Takes approx. 1 to 2 hours to complete course
 - Guides you through procedures to provide agricultural workers with required information on how to avoid exposure to pesticides and pesticide residues
 - On successful completion, you get a numbered certificate



Rules Meant to Inform: Updates to Posted Safety Information

- ▶ SDS for all pesticides applied must be kept in a location accessible to workers and handlers
- ▶ Kept for 2 years



Rules Meant to Inform: Updates to Pesticide Recordkeeping (more about accessibility)

- ▶ Workers/Handlers must be able to obtain information about pesticide applications (and the applicable SDS sheets) that occurred when they are/were employed
- ▶ Worker/Handler may also designate a person in writing to have access to this information
- ▶ Facilities must now keep pesticide application records, SDS, and training records for two years

Hazard Communication

- Display application info and SDSs at central location within 24 hours of end of application or before workers enter treated area (used to be prior to application)
- Display both for 30 days after REI expires
- Keep application information and SDS for 2 years from end of REI (no recordkeeping)
- Make avail. to workers, treating medical persons, or worker's designated rep. (all new!)
 - Representative identified in writing

Basic Pesticide Safety Information

Compliance Required Starting 1 Jan 2018

- Safety information can be displayed in any format
- Must retain 7 concepts about preventing pesticides from entering the body
- Deletes point that there are federal rules to protect workers and handlers
- Adds name, address, and telephone number of state pesticide regulatory authority

Basic Pesticide Safety Information

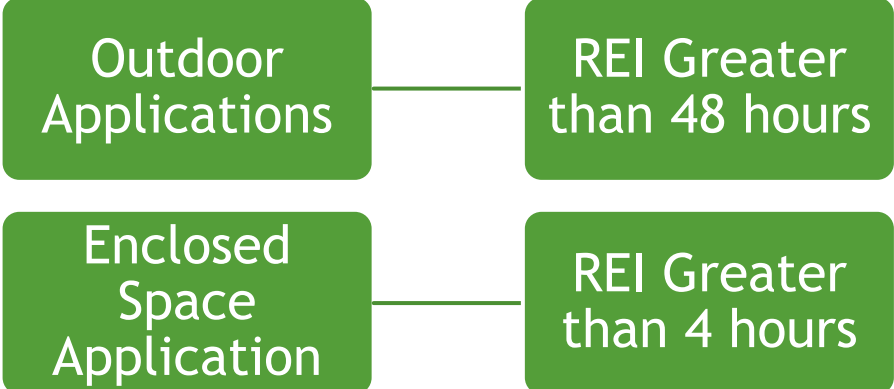
Compliance Required Starting 1 Jan 2018

- Must display at a central location (same as old rule)
- **Plus** display at sites where decontamination supplies are located (permanent site or where 11 or more workers or handlers are located)
- **Additional safety information content**
 - Add instructions to seek medical help ASAP
 - “Emergency medical facility” changed to “a nearby operating medical care facility”

Rules Meant to Inform: Updates to Pesticide Application Posting



Sign unchanged!



Notification of Treated Areas

Oral, Posting, and Double

- Warning sign must be posted if REI > 48 hrs. for outdoor applications or 4 hours for enclosed space application (old rule was post for any REI or oral notification if label allowed)
- No change in Warning Sign!
- Outdoor REI < 48 hrs. Workers notified of application by either posting warning signs or giving an oral warning that includes:
 - Location and description of treated area
 - Date and time when entry is restricted
 - Instructions not to enter treated area or AEZ

Notification of Treated Areas

- Post sign on the border of any worker housing within 100 feet of the treated area
- Must post prior to but no earlier than 24 hours before application (not a change)
- Signs must be removed or covered within three (3) days of the end of the application or REI, unless workers are kept out

Rules Meant to Protect:

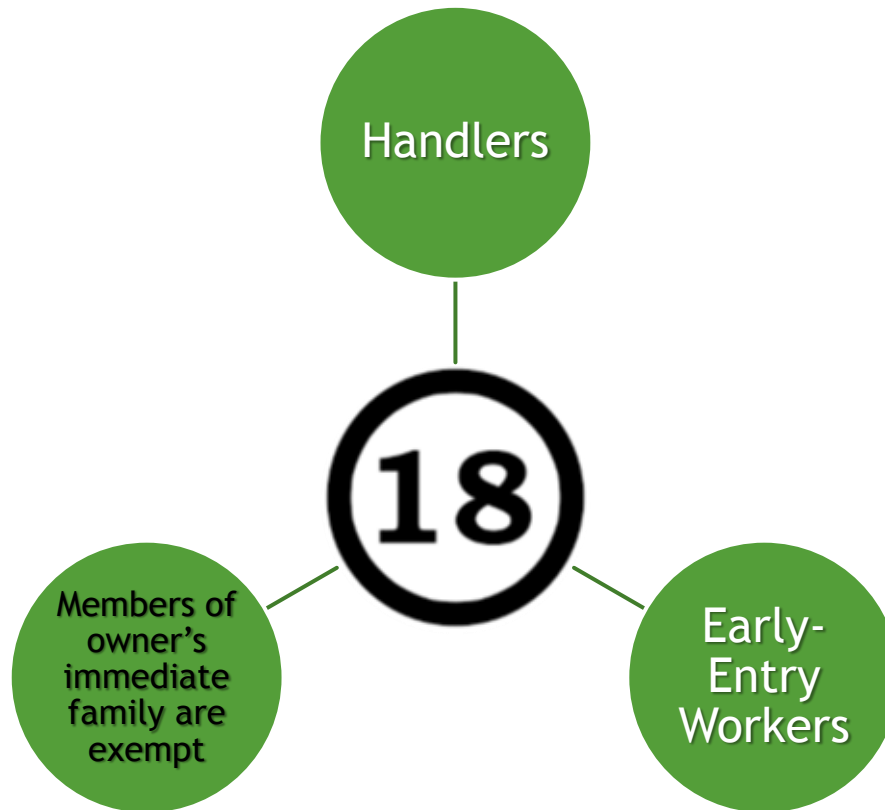
Minimum age
rule

Application
Exclusion
Zone (AEZ)

Instructions
for early-
entry workers

Respiratory
protection
changes

Updates to Rules Meant to Protect: Minimum Age



Immediate Family Expanded

- Has always included: spouse, parents, stepparents, foster parents, children, stepchildren, foster children, brothers, and sisters
- Now includes all in-laws, grandparents, grandchildren, aunts, uncles, nieces, nephews, and first cousins

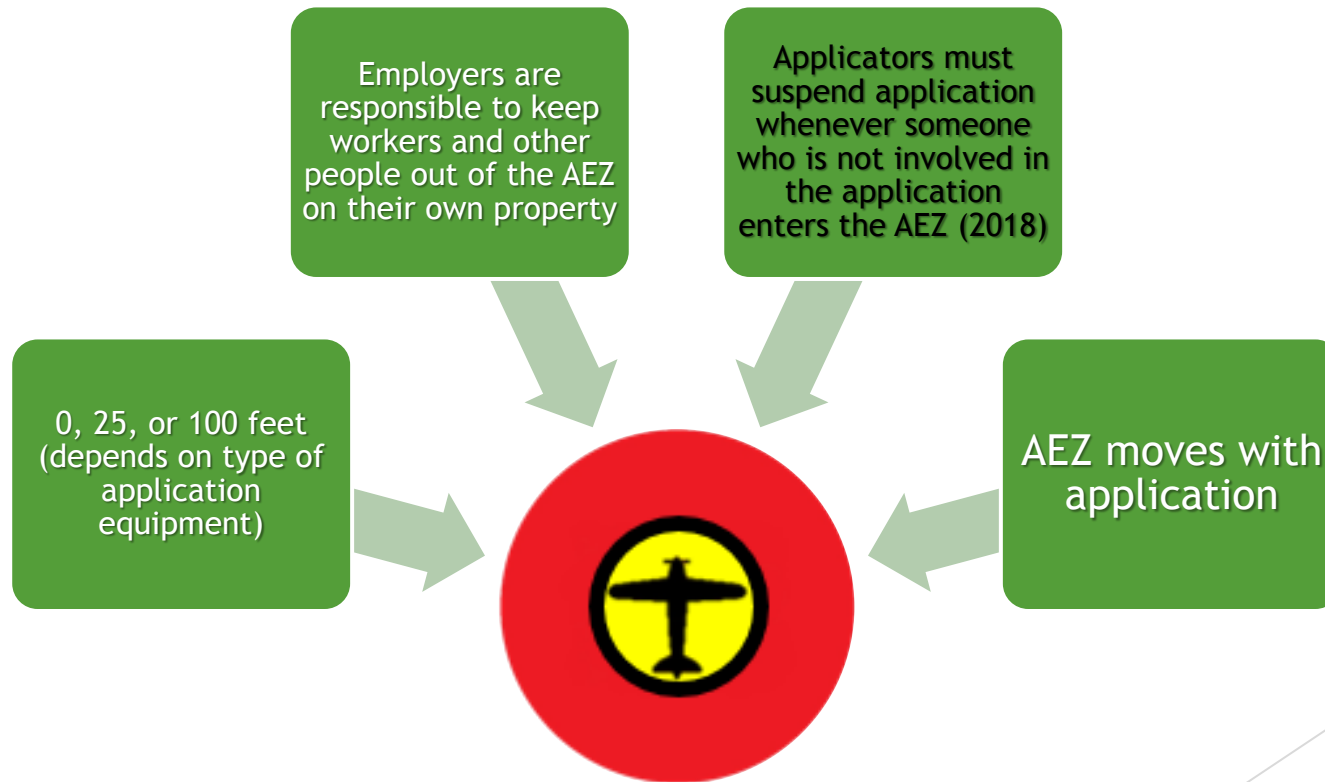
Updates to Rules Meant to Protect:

Application Entry Restrictions

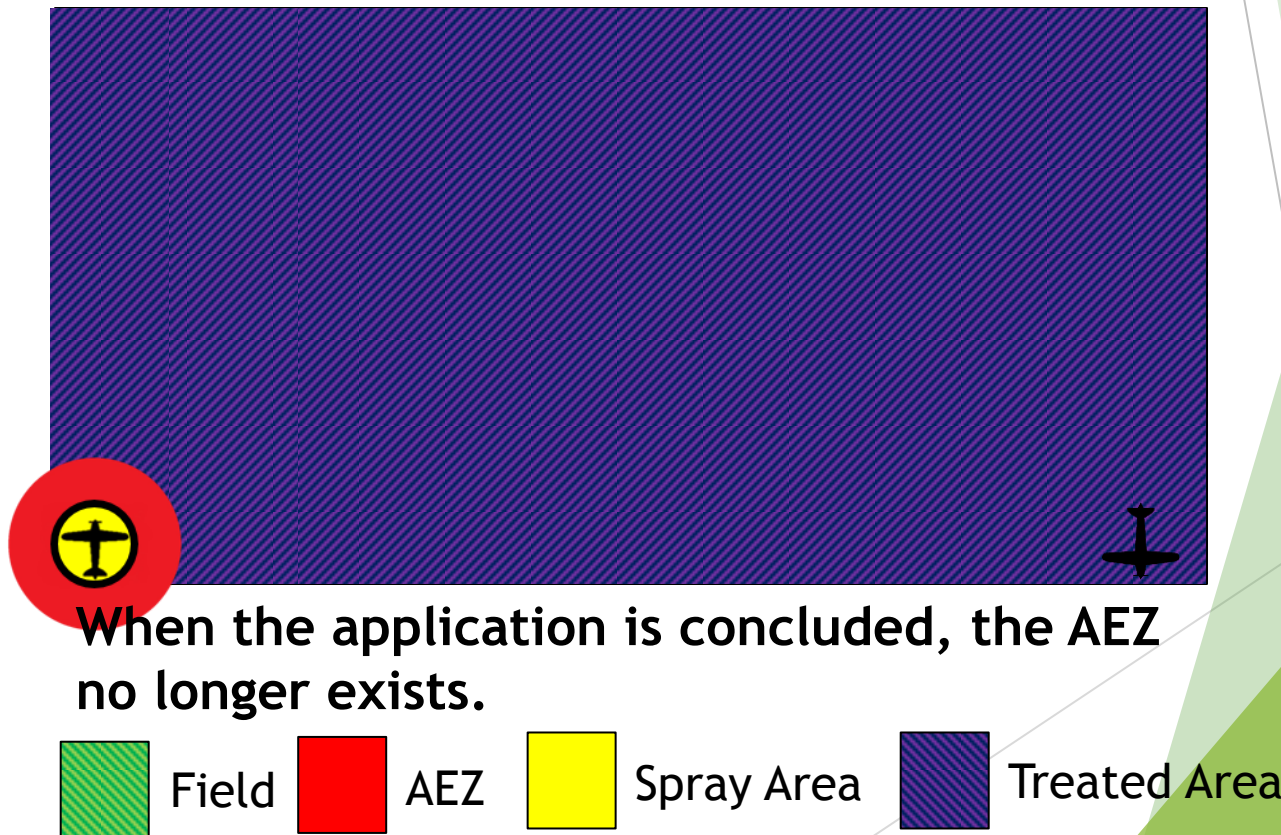
Entry Restrictions During Application

- Applies to all outdoor production on farms, forests, nurseries
- New concept: Application Exclusion Zone
- AEZ size depends on type of application but up to 100 ft around the application equipment
- Apply pesticides so as not to contact workers or other persons
- Starting in Jan 2018, applicator/handler **must suspend** application if anyone is in the AEZ

Updates to Rules Meant to Protect: Application Exclusion Zone



Updates to Rules Meant to Protect: Application Exclusion Zones in Outdoor Production



Updates to Rules Meant to Protect: Application Exclusion Zones On Field Borders

Neighboring Field

WAS THE APPLICATION.

Has anyone ever used the AFEZ to
for your neighbor's field until you
field on the AFEZ? The application?



Your Field



Updates to Rules Meant to Protect: Application Exclusion Zones Over Field Borders

WIND

Neighboring Field

Your Field

WIND DRAFT Application.
Yes, the wind is blowing away from the workers in my field, but I can ensure that my application will not contact the workers in the other field.



Updates to Rules Meant to Protect: Early Entry Worker Notification

- ▶ Early-Entry Workers must now be informed of:
 - ▶ information about the pesticide application
 - ▶ specific task(s) to be performed
 - ▶ amount of time that the worker is allowed to remain in the treated area
 - ▶ the PPE required by the label and how to use that PPE
 - ▶ Informed of the hazard information from the pesticide label (same as the old rule)

Updates to Rules Meant to Protect: Respiratory Protection

Respirator Medical Evaluation
Questionnaire



Be medically
cleared

Fit Test Record form



PASS
FAIL

Fit tested for
each type +
model, record
result

Respirator Inspection Checklist



Instructed on
use and
maintenance

EMPLOYER: Respirator Program
Checklist

Respirator Rule Changes

- Employer provides respirator, fit testing, training, and medical evaluation (not monitoring) conforming to OSHA standards
- Recordkeeping of completion of fit test, training, and medical evaluation required (none required before)
- PERC website has approved forms (<http://pesticideresources.org//index.html>)

PPE Exceptions

- **For closed mix/load systems** (a system that meets performance and operating standards with written operating instructions and handler training)
- **Aerial applicators:** pilots in open cockpits may wear helmet with lowered face shield vice label-required protection
- **Applicators in enclosed cabs** must wear label-specified respiratory protection (unless only a NIOSH TC-84A [formerly, a dust/mist filter respirator] is on label)

Rules Meant to Mitigate:

**Decontamination
supplies**

**Information for
medical
personnel**

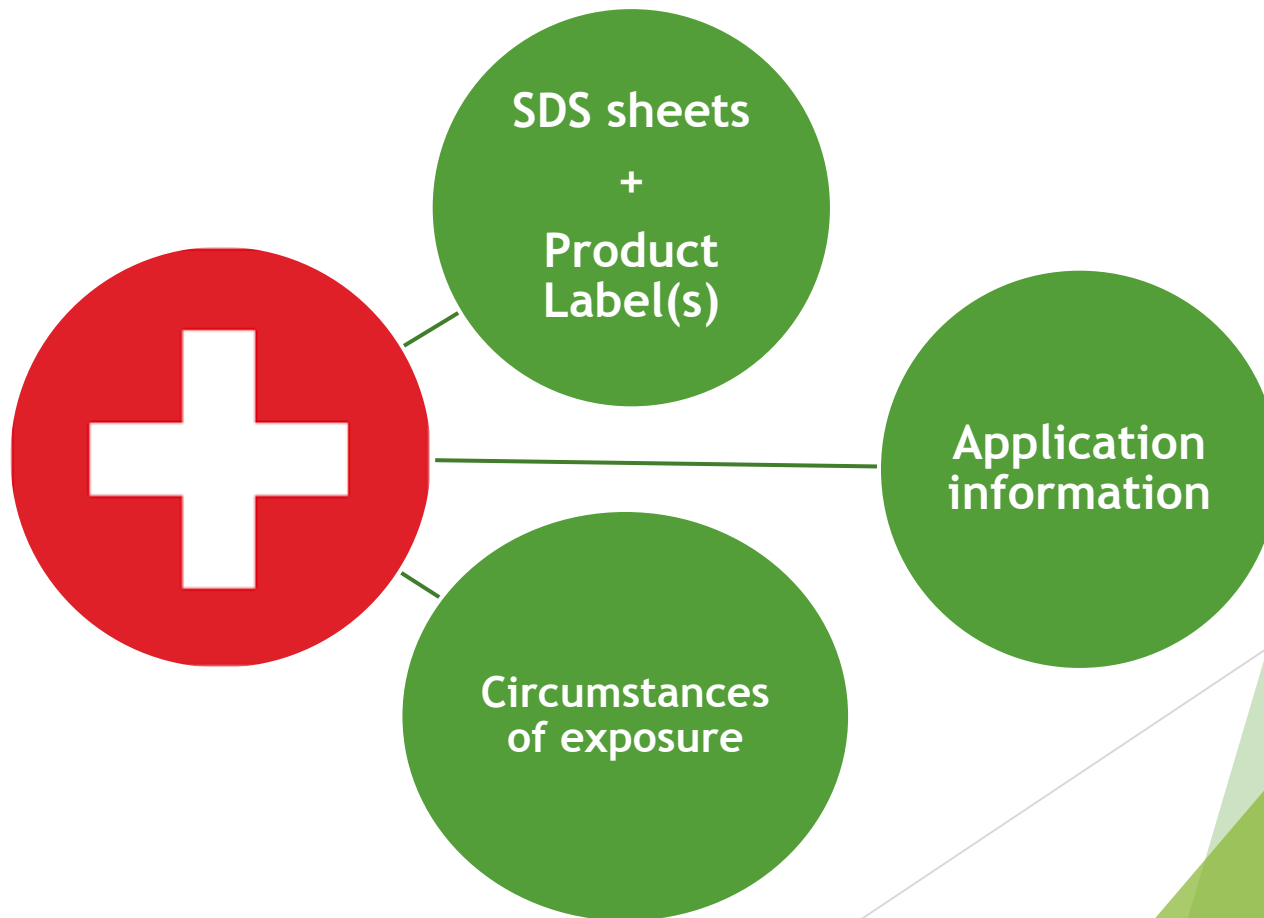
Decontamination Supplies

- **Quantity:** 1 gal per worker and 3 gal per handler or early entry worker
 - Measured at beginning of work period
- **Use of natural waters: still allowed**
 - Workers or handlers must be trained to use any nearest clean water source in an emergency

Decontamination Supplies

- **Eye-wash for handlers:**
 - Provide a system capable of delivering 0.4 gpm for 15 min or 6 gallons of water able to flow gently for 15 min if handlers are using a products requiring eye protection
 - Eyeflush water must be immediately available at the mix/load site
 - If applicator is using a product that requires eye protection, one pint of water in a portable container must be immediately available to each handler

Updates to Rules Meant to *Mitigate:* Information to *Medical Personnel*



Emergency Assistance Changes

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

New Definitions in the WPS

- **Enclosed space production** (replaces “greenhouse”)
 - Indoors or a space covered in whole or in part by any nonporous covering that a person can enter
- **Employ** (none in previous rule)
 - To obtain directly or through a labor contractor the services of a person in exchange for salary or wages (doesn't matter who pays or receives pay)
 - Includes self-employed, independent contractors, persons compensated by a third party

Question: If farm employees are given proper PPE, instructed in how to use it, and then, when they reach the field where they'll be working, decide they don't want to use the respirator, the eye protection, or other pieces of PPE, is the employer still liable for the violation of WPS?

Ga. Dept. of Ag. Answer: It depends on who you ask. EPA would emphatically say that the employer is responsible no matter what. EPA would probably say “terminate” the employee for not using required PPE. That might work in some cases but is unrealistic in most.

GDA's approach is not so rigid. If the employer/grower makes sure the workers/handlers are properly trained it then becomes a shared responsibility. Not using PPE comes up often in other pesticide application situations.

During a WPS or any other inspection our inspectors generally make sure the PPE is available and in good working order. Every situation is slightly different but obviously if someone does not want to don the PPE, and no one is there standing over them, it would be unfair to hold the employer totally responsible.

Question: If all the farm employees that handle or work around pesticides have their private applicator's license, is annual training still required?

Ga. Dept. of Ag. Answer: This is a very important question. The way I read it is that any certified applicator, private or commercial, is exempt from annual training. I verified that in the new How to Comply Manual.

Here's what happened during the first implementation of WPS. Growers became aware of this exemption and rather than do handler/worker training themselves they started sending workers, including migrant workers, to county extension offices to get a private applicator's license. We noticed a huge increase in private applicator applications. Some county offices were sending as many as 50-60 applications in at one time. Also, we noticed many of the applicants to be Limited English Proficiency (LEP).

Once we explained to growers and agents that we could not have a large number of private applicators out there that didn't really need the license and were LEP the practice stopped. Since then, Extension agents have been tremendously helpful making sure only those individuals really needing a private license to purchase and use a Restricted Use Pesticide go through the process.

Where does someone out in the very rural counties go to get respirator fit testing (physician's approval for using a respirator and other required tests)? This was a big deal to a lot of the farmers!

Ga. Dept. of Ag. Answer: We're going to work on this one and develop a list of OSHA-authorized companies that can do the required testing.

Obviously there were a lot of concerns about enforcement, especially with the respirator training issue. What's GDA's plan for WPS inspections?

Ga. Dept. of Ag. Answer: I met with our inspectors this week and we all agree that we have a long way to go before any formal enforcement action needs to take place. Our team has attended a regional WPS training for inspectors but that's been it.

We have some new guys out there that are overwhelmed by all of this. We told our folks to continue WPS inspections just as they have been doing them. If a complaint is reported to us then we will have to dig deeper and abide by any of the new revisions, if applicable. Let's hope we don't get any complaints for a while.

I see us in a major compliance assistance mode right now. We have to get our guys up to speed and you need time to work with agents and the grower community.

Implementation Timeline

9/28/2015
Revised WPS
final rule
signed

11/2/2015
Revised WPS final
rule published in
the Federal
Register.

1/2/2017
Compliance
Required with
Most Revised
WPS
Requirements
Except:

- New content in Worker and Handler Training
- New content in Pesticide Safety Information Display
- Responsibility for Handlers related to the Application Exclusion Zone

1/1/2018
Compliance
Required with
All WPS
Requirements

Resources

- ▶ www2.epa.gov/pesticide-worker-safety
- ▶ www.pesticideresources.org PERC
- ▶ [Georgia PSEP website](#)
- ▶ Georgia Department of Agriculture's [Pesticide Program](#)

Contacts

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