

# CHAPTER 3

## ADDITIONAL WORKER EMPLOYER REQUIREMENTS

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**All WPS requirements are effective January 2, 2017 unless identified for a delayed implementation of January 2, 2018.**

Chapter 2: Requirements for Agricultural Employers of Workers or Handlers presented the WPS protections agricultural employers must provide to workers and handlers. This chapter describes the additional protections that agricultural employers are required to provide to their workers.



## TRAINING AGRICULTURAL WORKERS

Owners of agricultural establishments and their immediate families are exempt from worker training requirements of the WPS. See Chapter 6: Exemptions and Exceptions. In addition, certified crop advisors (acknowledged as appropriate in writing by the EPA, or a State or Tribal agency responsible for pesticide enforcement) and currently certified applicators are exempt from worker and handler training. Any worker who is trained as a handler does not need to receive worker training.



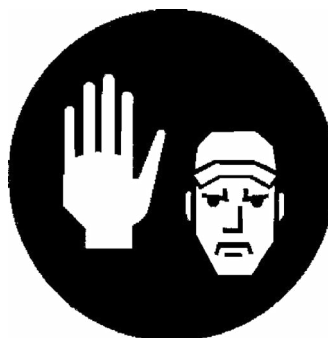
### Review key requirements of worker training 170.401

The annual training requirements for workers and handlers are presented in Chapter 2: Requirements for Agricultural Employers of Workers or Handlers. The following is a review of the key requirements of WPS training for workers:

- **There is no grace period for WPS training!** Before any worker enters a treated area on an agricultural establishment where, within the last 30 days, a WPS-labeled pesticide product has been used or a REI for such pesticide has been in effect, the agricultural employer must ensure that each worker has completed WPS training within the last 12 months, unless the worker is currently:
  - Certified as an applicator of restricted-use pesticides,
  - Trained as a WPS handler within the last 12 months, or
  - Certified as a crop advisor by a program acknowledged as appropriate in writing by EPA, or a State or Tribal agency responsible for pesticide enforcement. 170.401(b)
- Train workers every 12 months. 170.401(a)
- Only qualified trainers (described in Chapter 2) may provide training and must be present during the entire training program to respond to questions. 170.401(c)(1) & (4)
- Provide training in a language or manner the workers can understand, such as using a translator. 170.401(c)(1)
- Present training using EPA-approved materials either orally from written materials or audio-visually. 170.401(c)(1)
- Keep training records for 2 years. 170.401(d)(1)
- Provide training records to worker employees upon request. 170.401(d)(2)
- All training requirements are effective January 2, 2017 EXCEPT the expanded training content, which is effective six months after EPA announces the availability of training materials, **but not earlier than January 2, 2018.** 170.401(c)(3)

## AGRICULTURAL EMPLOYER REQUIREMENTS DURING PESTICIDE APPLICATIONS <sup>170.405</sup>

The WPS includes several provisions to prevent workers, unprotected handlers and other persons from pesticide exposure during applications. Some of these requirements are for agricultural employers and are described in the following sections of this chapter. Chapter 4: Additional Handler Employer Requirements covers other requirements specifically for handler employers and/or handlers.



*No one other than an appropriately trained and equipped handler involved in the application may be in the AEZ during an application of WPS-labeled pesticide products.*

### Entry restrictions for outdoor production - application exclusion zone (AEZ)

The “Application Exclusion Zone” or AEZ is a zone or area surrounding pesticide application equipment that exists **only during** outdoor production pesticide applications. When applications of WPS-labeled pesticide products are in progress on their establishments, agricultural employers must not allow or direct any worker or other person, to enter or to remain in the treated area or the AEZ that is within the boundaries of the establishment. <sup>170.405(a)(2)</sup>

After the application is complete, the AEZ no longer exists and the treated area is subject to the REI specified on the pesticide product labeling and to the relevant WPS restrictions after applications. <sup>170.405(a)(2) & (3)</sup>

The requirement for the agricultural employer to keep persons out of the AEZ only applies within the boundaries of the establishment because the agricultural employer cannot be expected to control persons off the establishment. There is a WPS provision to suspend applications (discussed in Chapter 4: Additional Handler Employer Requirements) that does apply beyond the boundaries of the establishment because the handler (applicator) and handler employer do have control over the pesticide application.

***Remember: If the pesticide product labeling contains specific instructions or requirements that conflict with the requirements of the Worker Protection Standard, follow the instructions or requirements on the labeling.***

*Basically, the AEZ requires that agricultural employers keep workers and other persons a specified distance away from the pesticide application equipment when pesticide applications are taking place.*

*Effective January 2, 2017:*

- *The agricultural employer must not allow any workers or other persons in the AEZ that is within the boundaries of the agricultural establishment when the application is occurring.*

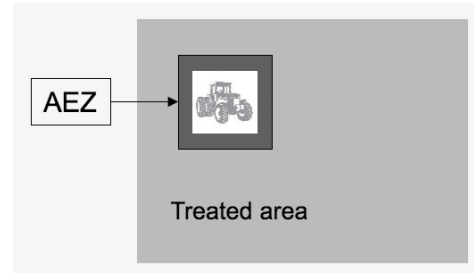
*Effective January 2, 2018:*

- *Handlers must suspend pesticide applications if any person enters or is in the AEZ.*

Measure the AEZ starting from each dispersion point or nozzle on the pesticide application equipment and extend horizontally in all directions.

## Measuring the application exclusion zone (AEZ)

Measure the AEZ from the application equipment horizontally in all directions. The AEZ moves with the application equipment like a halo around the application equipment. **Once the application is over, the AEZ does not exist.**



## Size of the application exclusion zone (AEZ)

The size of the AEZ is determined by the application method and spray quality.

Spray quality (defined by the American Society of Agricultural and Biological Engineers Standard S-572.1) considers several factors including the nozzle design, system pressure, and speed of the application equipment. The eight spray quality categories (referenced in nozzle charts) include:

- Smaller than medium:
  - Extra fine (XF)
  - Very fine (VF)
  - Fine (F)
- Medium or larger:
  - Medium (M)
  - Coarse (C)
  - Very coarse (VC)
  - Extra coarse (XC)
  - Ultra coarse (UC)

**The AEZ must be a minimum of 100 feet** when the pesticide is applied:

- By air (fixed wing or helicopter),
- By air blast,
- As a spray using a spray quality smaller than medium (i.e., fine, very fine or extra fine), or
- As a fumigant, smoke, mist, or fog.

Situations where no AEZ is required include applications of granular pesticides, soil-incorporated pesticides (not fumigants); pre-plant, at-plant, and spot-spray pesticide applications as long as they are less than 12 inches from the soil and use a medium or larger spray quality.

**The AEZ must be a minimum of 25 feet** when the pesticide is:

- NOT applied in a manner that would require a 100 foot AEZ, and
- Sprayed from a height of greater than 12 inches from the planting medium (soil) using a spray quality of medium or larger (i.e., medium, coarse, very coarse, extra coarse and ultra-coarse).

**No AEZ** is required when the pesticide is applied in a manner other than those covered above (i.e., less than 12 inches from the soil with medium or larger spray quality).

**Entry restrictions - enclosed space production**

Enclosed space production pesticide applications also have precautions and restrictions during applications of WPS-labeled pesticide products.

During pesticide applications in enclosed space production areas, the agricultural employer must not allow or direct any worker or other person, other than an appropriately trained and equipped handler involved in the application, to enter or to remain in specific areas for specified times and/or conditions. 170.405(b)(1)

The following table (Table 1. Entry Restrictions During Enclosed Space Production Pesticide Applications) identifies the entry restrictions when applying pesticides for enclosed space production to ensure workers and other persons are not exposed to the pesticide(s) being applied. The restrictions depend on the types of pesticides or application methods used.

**Table 1. Entry Restrictions During Enclosed Space Production Pesticide Applications (ventilation criteria)**

A. When a pesticide is applied:	B. Workers and other persons, other than appropriately trained and equipped handlers, are prohibited in:	C. Until:	D. After the expiration of time specified in column C, the area subject to the restricted-entry interval is:
(1) As a fumigant.	Entire enclosed space plus any adjacent structure or area that cannot be sealed off from the treated area.	*The ventilation criteria are met.	No post-application entry restrictions required after criteria in column C are met.
(2) As a smoke, mist, or fog, or as a spray using a spray quality of smaller than medium.	Entire enclosed space.	*The ventilation criteria are met.	Entire enclosed space.
(3) Not as in (1) or (2), and for which a respirator is required for application by the pesticide product labeling.	Entire enclosed space.	*The ventilation criteria are met.	Treated area.
(4) Not as in (1), (2) or (3), and: <ul style="list-style-type: none"> <li>• from a height of greater than 12 inches from the planting medium, or</li> <li>• as a spray using a spray quality of medium or larger.</li> </ul>	Treated area plus 25 feet in all directions of the treated area, but not outside the enclosed space.	Application is complete.	Treated area.
(5) Otherwise.	Treated area.	Application is complete.	Treated area.

\* When column C of the Table specifies that ventilation criteria must be met, ventilation must continue until the air concentration is measured to be equal to or less than the inhalation exposure level required by the labeling. If no inhalation exposure level is listed on the labeling, ventilation is complete when one of the following conditions is met:

- i. Ten air exchanges are completed.
- ii. Two hours of ventilation using fans or other mechanical ventilating systems.
- iii. Four hours of ventilation using vents, windows, or other passive ventilation.
- iv. Eleven hours with no ventilation followed by one hour of mechanical ventilation.
- v. Eleven hours with no ventilation followed by two hours of passive ventilation.
- vi. Twenty-four hours with no ventilation.

*Measuring air exchanges requires specific equipment. If you do not have that equipment, rely on other options based on time, mechanical ventilation (such as fans) and/or passive ventilation.*

## AGRICULTURAL EMPLOYER REQUIREMENTS AFTER PESTICIDE APPLICATIONS 170.407 & 170.309(l)



After any WPS pesticide application is made on an agricultural establishment, the agricultural employer must not allow or direct any worker to enter or to remain in the treated area during the REI specified on the pesticide product labeling.

When two or more pesticides are applied to a treated area at the same time, the enforceable REI is the longest of all applicable REIs.

### Worker entry restrictions after pesticide application is complete – outdoor production

When an application of a WPS-labeled pesticide product to an area of outdoor production is complete, the agricultural employer must keep any worker out of the treated area:

- Until the REI specified on the pesticide product labeling has expired,
- All treated area warning signs have been removed or covered, and
- The applicable pesticide application information and safety data sheet is displayed at the central location.

### Worker entry restrictions after pesticide application is complete – enclosed space production 170.407(b)

After the application of a WPS-labeled pesticide product to an area of enclosed space production, the agricultural employer must keep any worker out of the area specified in column D of Table 1. Entry Restrictions During Enclosed Space Production Pesticide Applications until:

- The REI specified on the pesticide product labeling has expired,
- All treated area warning signs have been removed or covered, and
- The pesticide application information and safety data sheet is displayed at the central location.

*The agricultural employer's responsibilities with respect to the REI are limited to keeping workers – but not other persons – out of the treated area. However, there may be other factors – such as liability or state/local restrictions – for agricultural employers to want to keep “other persons” out of treated areas during the REI.*

*Do not allow any workers to enter a treated area until:*

- *The REI has expired,*
- *All no-entry warning signs that have been posted are removed or covered, and*
- *The application information and hazard information is posted.*

## NOTIFICATION OF ENTRY RESTRICTIONS 170.409

To inform workers of where pesticide applications have taken place on an agricultural establishment and of the entry restrictions for each situation, the agricultural employer must notify workers of restrictions to keep workers out of a treated area for a specified period of time. There are different ways to notify workers (oral, posting, and double notification) and different situations when to use one method or another.

### When is worker notification of entry restrictions required?

#### **Double notification** 170.409(a)(1)(i)

Some pesticide products have a labeling statement that requires both the posting of warning signs to treated areas **AND** oral notification to workers. This is known as double notification. The agricultural employer must notify workers **BOTH** orally and by posting when labeling requires double notification. Any pesticide product labeling that requires double notification must be followed as it is more stringent than the WPS notification requirements.

#### **Post warning signs:**

##### **Outdoor production areas – with REIs greater than 48 hours** 170.409(a)(1)(ii)

If a pesticide is applied to an outdoor production area and the product labeling requires a REI greater than 48 hours, then workers must be notified of the application by posting warning signs.

##### **Enclosed space production areas – REIs greater than 4 hours** 170.409(a)(1)(iv)

If a pesticide is applied to an enclosed space production area and the product labeling requires a REI greater than 4 hours, then workers must be notified of the application by posting warning signs.

#### **Post warning signs or give oral warning to workers:**

##### **Outdoor production areas – with REIs equal to or less than 48 hours**

170.409(a)(1)(iii)

If a pesticide is applied to an outdoor production area and the product labeling requires a REI equal to or less than 48 hours, then workers must be notified of the application by either posting warning signs or giving them an oral warning.

Double notification can apply to outdoor production and enclosed space production areas.



**Enclosed space production areas – REIs equal to or less than 4 hours**

170.409(a)(1)(v)

If a pesticide is applied to an enclosed space production area and the product labeling requires a REI equal to or less than 4 hours, then workers must be notified of the application by either posting warning signs or giving them an oral warning.

Below is a summary of the posting and notification requirements for pesticide products with labeling that do not require double notification.

**Table 2. Posting and Notification Requirements for Pesticide Products without Double Notification**

Treated Site	Restricted-Entry Interval (REI)	Post Warning Sign	Post Warning Sign or Oral Notification
Outdoor	>48 hours	X	
Outdoor	≤48 hours		X
Enclosed Space	>4 hours	X	
Enclosed Space	≤4 hours		X

**When is worker notification of entry restrictions not required?** 170.409(a)(2)  
**Notification of a worker** is not required (oral or posted warning signs) if the agricultural employer can ensure to meet one of the following:

- **For Enclosed Space Production:** The worker will not enter any part of the entire enclosed structure or space from the beginning of the application until the end of any REI.
- **For Outdoor Production:** The worker will not enter, work in, remain in, or pass on foot through the treated area or any area within 1/4 mile of the treated area on the agricultural employer’s establishment, from the beginning of the application until the end of any REI.
- **For Enclosed Space Production or Outdoor Production:** The worker was involved in the application of the pesticide as a handler, and is fully aware of the location of the treated area, timing of the entry restrictions and restrictions on entering that area.

**Oral notification** 170.409(c)

Oral notification of the entry restrictions of a pesticide application provided to workers on an agricultural establishment must be in a language or manner that the workers can understand.

The oral warning must be given to the worker:

- Before the application begins if a worker will be on the agricultural establishment at the time of the application.
- At the beginning of the worker’s work period if a worker arrives while an application is taking place or a REI for a pesticide application is in effect.

The oral warning must include:

- The location(s) and description of any treated area(s) subject to the entry restrictions either during or after the application,
- The dates and times when entry is restricted, and
- Instructions not to enter the treated area or an AEZ during an application and that entry to the treated area is not allowed until the REI has ended and all posted warning signs are removed or covered. Early-entry workers are allowed to enter a treated site under a REI only under specific conditions (see page 49).

### **Posted warning signs** 170.409(b)(1)

Posted warning signs advising workers of entry restrictions into treated areas must meet all of the criteria regarding the content, size, timing and location of posted warning signs.

- Worker entry into treated areas is not allowed while the signs are posted – even if the REI has expired - unless under special “early-entry” provisions (see page 49).
- If there are several contiguous areas that are treated with pesticides on a rotating or sequential basis, the entire area may be posted. However, workers are prohibited from the entire posted area except for those that meet the criteria and conditions as early-entry workers.

### **When is the warning sign to be posted or taken down?** 170.409(b)(1)

- Post warning signs prior to but no earlier than 24 hours before the scheduled application of the pesticide.
- Warning signs are to remain posted throughout the application and any REI.
- Remove or cover warning signs within three days after the end of the REI (or end of the application if there is no REI). Signs may remain posted only if the posted area is treated as if it were under a REI by:
  - Instructing any workers on the agricultural establishment that may come within 1/4 mile of the treated area not to enter the treated area, and
  - Ensuring workers do not enter the treated area, other than permitted early-entry activities.

*All posted signs must remain visible and legible during the time they are required to be posted.*

**What must be on the warning sign?** 170.409(b)(2)

The warning sign must have:

- A white background,
- The words “DANGER” and “PELIGRO”, “PESTICIDES” and “PESTICIDAS” at the top of the sign,
- The words “KEEP OUT” and “NO ENTRE” at the bottom of the sign,
- All letters clearly legible, and
- A circle containing an upraised hand on the left and a stern face on the right must be near the center of the sign. The inside of the circle must be red with the hand and a large portion of the face must be in white. The length of the hand must be at least twice the height of the smallest letters. The length of the face must be only slightly smaller than the hand.



*Additional information such as the name of the pesticide and the date of application may be added to the warning sign if it does not detract from the size and appearance or change the meaning of the information.*

**What size should the sign be?** 170.409(b)(3)

The standard sign must be at least 14 inches by 16 inches with letters one inch high.

The WPS allows smaller warning signs to be used to provide flexibility in situations where a smaller sign is more appropriate or practical, such as where the treated area is too small to accommodate the larger sign. Smaller warning signs may be used as long as the following conditions are met:

If the warning sign has 7/8 inch high letters for “DANGER” and “PELIGRO,” then the sign must have:

- All remaining letters at least 1/2 inch high, and
- A red circle that is at least 3 inches in diameter with the upraised hand and stern face.

If the warning sign has 7/16 inch high letters for “DANGER” and “PELIGRO,” then the sign must have:

- All remaining letters at least 1/4 inch high, and
- A red circle that is at least 1 1/2 inches in diameter with the upraised hand and stern face.

**Signs any smaller are not allowed under any circumstances.**

*The words on the warning sign in Spanish may be replaced with equivalent terms in a different language (non-English) if that language is read by the largest group of workers at your agricultural establishment who do not read English. No other changes may be made to the format of the sign.*

The revised WPS did not change the specifications for the warning sign.

**Table 3. Warning Sign Requirements**

Minimum Height in Inches					
Overall size of sign	Size of Hand	Red Circle Graphic	Lettering for Words "DANGER" & "PELIGRO"	Lettering for Other Words	Posting Locations
14" x 16"	2"	>3"	1"	1"	Visible from points of entry, including access roads, border of worker housing within 100 feet, footpaths
7" x 8" (approx.)*	1"	3"	7/8"	1/2"	Same as standard sign and every 50 feet around perimeter
4 1/2" x 5" (approx.)*	1/2"	1 1/2"	7/16"	1/4"	Same as standard sign and every 25 feet around perimeter

\*The overall sizes of the smaller signs are not actually specified in the WPS. These are the approximate sizes of signs needed to accommodate the smaller sizes of the letters and red circle graphic that are specified.

*Worker housing area is defined as any place or area of land on or near an agricultural establishment where housing or space for housing is provided for workers or handlers by an agricultural employer, owner, labor contractor, or any other person responsible for the recruitment or employment of agricultural workers.*

### Where to post warning signs 170.409(b)(3)(ii) & (iii)

#### Standard sign in outdoor production areas

When using the standard sign (14" x 16"), post the signs so they are visible from all reasonably expected points of worker entry to the treated area. This includes at least each access road, each border with any worker housing area within 100 feet of the treated area, and each footpath and other walking routes that enter the treated area. Where there are no reasonably expected points of worker entry, signs must be posted in the corners of the treated area or in any other location that gives maximum visibility.

**Standard sign in enclosed space production areas**

When using the standard sign (14" x 16") and the entire structure or space is subject to a REI or WPS ventilation criteria, post the signs so they are visible from all reasonably expected points of worker entry to the structure or space. If the treated area is a subsection of the structure or space, post the signs so they are visible from all reasonably expected points of worker entry to treated area including each aisle or other walking route that enters the treated area. Where there are no reasonably expected points of worker entry, signs must be posted in the corners of the treated area or in any other location that gives maximum visibility.

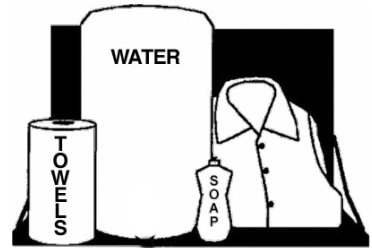
**Smaller signs in outdoor and enclosed space production areas**

When using smaller signs, post signs in the locations required for the standard sign and:

- No farther than 50 feet apart around the perimeter of the treated area if the letters for DANGER and PELIGRO are at least 7/8 inch in height, or
- No farther than 25 feet apart around the perimeter of the treated area if the letters for DANGER and PELIGRO are at least 7/16 inch in height.

## DECONTAMINATION SUPPLIES FOR WORKERS

**Agricultural employers of workers** must make sure that decontamination supplies are provided to **workers** who are working in a pesticide-treated area where, within the last 30 days, a WPS-labeled pesticide product has been used or a REI for such pesticide has been in effect, and are doing tasks that involve contact with anything that has been treated with the pesticide, including soil, water, or plants. 170.411(a)



### When must decontamination supplies be provided for workers?

- If the REI is greater than 4 hours, provide the decontamination supplies until 30 days after the end of the REI.
- If the REI is less than or equal to 4 hours, provide the decontamination supplies until 7 days after the REI expires.

### What supplies must be provided to workers?

- **Water** — The agricultural employer must provide at least 1 gallon of water for each worker at the beginning of the work period. The water must be a quality and temperature that will not cause injury or illness if it contacts skin or eyes, or is swallowed. If a water source is used for mixing pesticides, it **cannot** be used for decontamination without taking additional precautions to prevent contamination of the water by pesticides (e.g., back-flow prevention device, air gap, etc.).
- **Soap and single use towels** — enough for workers' needs. **Hand sanitizers or wet towelettes do not meet the requirement for soap or towels.**

### Where must decontamination supplies be located?

All decontamination supplies for workers must be located together and be reasonably accessible to where the workers are working (generally within 1/4 mile of the workers) and be outside of any treated area or an area under a REI.

For worker tasks performed more than 1/4 mile from the nearest point reachable by vehicles (cars, trucks, or tractors) or more than 1/4 mile from a non-treated area, the decontamination supplies may be at the nearest vehicular access point outside any treated area or area under a REI.

**EARLY-ENTRY WORKERS** 170.603

**Early-entry workers must be a minimum of 18 years old.**

The agricultural employer may direct workers to enter treated areas when a REI is in effect to perform certain activities (e.g., moving irrigation equipment, driving a tractor in the treated area, responding to agricultural emergencies, performing short-term or limited contact tasks, etc.) provided that all of the conditions for the specific exception are met. In addition to meeting the WPS requirements for worker training and being provided the protections of a worker under the WPS, this section explains what additional conditions must be met to allow workers to be “early-entry” workers.

An early-entry worker may only enter a treated area during a REI under the following limited situations and must meet all applicable conditions for each “exception.”

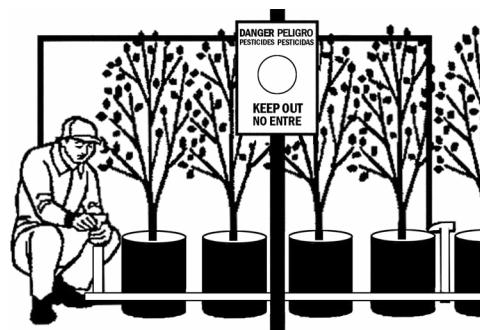
**EXCEPTIONS FOR EARLY ENTRY****Exception for activities with no-contact** 170.603(a)

- The early-entry worker must not touch anything treated by the pesticide to which the REI applies. This means no contact with things like soil, water, air, or surfaces of plants. There must be no contact with anything that may have pesticide residues on it even if the worker wears PPE.
- No early-entry worker is allowed in the treated area under the “no-contact” exception until any inhalation exposure level listed on the pesticide product labeling has been reached or any ventilation criteria established by WPS (Chapter 3, Table 1. Entry Restrictions During Enclosed Space Production Pesticide Applications) or on the pesticide product labeling has been met.

**Exception for short-term activities** 170.603(b)

Early-entry workers may enter into a treated area where a REI is in effect for short-term activities if all of the following requirements are met:

- No hand labor activity is performed.
- The time in treated areas, where a REI is in effect, does not exceed one hour in any 24-hour period for any early-entry worker.
- No early-entry worker is allowed in the treated area during the first 4 hours after the application ends.
- No early-entry worker is allowed in the treated area until any inhalation exposure level listed on the pesticide product labeling has been reached or any ventilation criteria established by WPS (Chapter 3, Table 1. Entry Restrictions During Enclosed Space Production Pesticide Applications) or on the pesticide product labeling has been met.



*Employers should make every effort to schedule pesticide applications and worker tasks in a way that will avoid the necessity of early entry of workers into treated areas.*

*Anyone doing crop advisor tasks during an REI, such as assessing pest pressure or the status of plants, is a handler under WPS and must receive the protections for handlers. See Chapter 4: Handlers and Chapter 6: Exemptions and Exceptions for crop advisors.*

*The definition of hand labor does NOT include operating, moving or repairing irrigation or watering equipment.*

State/Tribal pesticide authorities may declare, through regulation or policy, conditions that constitute an agricultural emergency in your state or area of Indian country rather than identifying an agricultural emergency on a case-by-case basis. Check with the appropriate pesticide regulatory authority to find out if there are general conditions or scenarios that are considered to be agricultural emergencies that could apply to your agricultural establishment.

**Hand labor** means any agricultural activity performed by hand or with any hand tool that causes a worker to have substantial contact with plants, plant parts, or soil and other surfaces that may contain pesticide residues, except that hand labor does not include operating, moving, or repairing irrigation or watering equipment or performing crop advisor tasks.

Examples of hand labor tasks include: harvesting, detasseling, thinning, weeding, topping, planting, girdling, caning, sucker removal, pruning, disbudding, roguing, and packing product into containers in the field.

**Exception for an agricultural emergency** 170.603(c)

- An agricultural emergency is a sudden occurrence or set of circumstances that the agricultural employer could not have anticipated and could not have had any control over. This emergency requires entry into a treated area during a REI when no alternative practices would prevent or mitigate a substantial economic loss. A substantial economic loss means a loss in profitability greater than would be expected based on the experience and fluctuations of crop yields in previous years. Only losses caused by the agricultural emergency specific to the affected site and geographic area are considered. Losses from mismanagement are not included when determining whether a loss is substantial.
- An agricultural emergency must be declared by the state department of agriculture, or the state or tribal agency responsible for pesticide enforcement that applies to the treated area. The agricultural employer determines if the emergency will result in a substantial economic loss to the agricultural establishment.
- If the labeling of any pesticide product applied to the treated area affected by the emergency requires double notification to workers, no early-entry worker is allowed to spend more than 4 hours out of any 24-hour period in treated areas.
- No early-entry worker is allowed in the treated area during the first 4 hours after the application ends.
- No early-entry worker is allowed in the treated area until any inhalation exposure level listed on the pesticide product labeling has been reached or any ventilation criteria established by WPS (Chapter 3, Table 1. Entry Restrictions During Enclosed Space Production Pesticide Applications) or on the pesticide product labeling has been met.



**Exception for limited contact and irrigation activities** 170.603(d)

For early entry into a treated area where a REI is in effect to conduct irrigation activities or unforeseen activities that have limited contact with treated materials (plants or soil), all of the following requirements must be met:

- No hand labor activity is performed.
- The time in treated areas, where a REI is in effect, does not exceed 8 hours in any 24-hour period for any early-entry worker.
- No early-entry worker is allowed in the treated area during the first 4 hours after the application ends.
- No early-entry worker is allowed in the treated area until any inhalation exposure level listed on the pesticide product labeling has been reached or any ventilation criteria established by WPS (Chapter 3, Table 1. Entry Restrictions During Enclosed Space Production Pesticide Applications) or on the pesticide product labeling has been met.
- The task to be performed must be one that if not performed before the REI expires, would cause substantial economic loss and there are no alternative tasks that would prevent the loss.
- **Except for irrigation tasks**, the need for the task could not have been foreseen.
- The early-entry worker has no contact with pesticide-treated surfaces other than minimal contact with feet, lower legs, hands and forearms.
  - The labeling of the pesticide product applied does not require double notification.

**Limited-Contact Tasks**

Tasks where early-entry workers' only contact with treated surfaces—including soil, water, surfaces of plants, crops—is minimal and is limited to their feet, lower legs, hands, and forearms. Hand labor tasks are not limited-contact tasks.

Examples of limited-contact tasks include operating or repairing weather monitoring and frost protection equipment; repairing greenhouse heating, air conditioning, and ventilation equipment; repairing non-application field equipment; maintaining and moving beehives. Limited-contact activities are those tasks that are not anticipated.

Irrigation related activities are generally anticipated and are not included in the limited-contact definition; however, they have the same requirements for early entry.

*Only appropriately trained and equipped pesticide handlers may operate, move, or repair the parts of chemigation equipment that may contain pesticide residues. Chemigation equipment is equipment used to apply pesticides with irrigation water.*

## Agricultural employer responsibilities to protect early-entry workers

170.605(a) & (b)

For an agricultural employer to direct a worker to perform activities in a treated area where a REI is in effect, they must:

- **Ensure that any early-entry worker is at least 18 years old.** 170.605(a)
- **Give instructions to early-entry workers.** Prior to early entry, give each early-entry worker all of the following information orally and in a manner that the worker can understand: 170.605(b)
  - Location of early-entry area where work activities are to be performed.
  - Pesticide(s) applied.
  - Dates and times that the REI begins and ends.
  - Which exception is the basis for the early entry, and a description of tasks that may be performed under that exception.
  - Whether contact with treated surfaces is permitted under the exception.
  - Amount of time the worker is allowed to remain in the treated area.
  - PPE required by the pesticide product labeling for early entry.
  - Location of the pesticide safety information (poster).
  - Location of the decontamination supplies required for early-entry workers.
- **Read the pesticide label.** Ensure that each early-entry worker either has read the applicable pesticide product labeling or has been informed, in a manner that the worker can understand, of all labeling requirements and statements related to human hazards or precautions, first aid and user safety. 170.605(c)

**PPE FOR EARLY-ENTRY WORKERS** 170.605(d) & (e)

It is the agricultural employer's responsibility to provide each early-entry worker with the PPE specified in the pesticide product labeling for early entry and ensure that the early-entry worker uses the PPE as intended according to manufacturer's instructions and follow any other applicable requirements on the pesticide product labeling.

PPE for early entry must meet the standards required for handlers and be maintained as such. Chapter 4: Additional Handler Employer Requirements describes PPE standards for handlers. 170.507(b)(1)-(9) and 170.507(c) & (d)

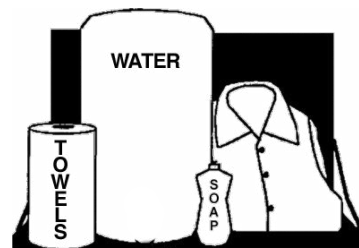
The agricultural employer must:

- Not allow or direct any early-entry worker to wear PPE unless they have received instruction in the prevention, recognition, and first aid treatment of heat-related illness. The worker must know and understand how to implement measures sufficient to prevent heat-related illness. 170.605(f)
- Provide each early-entry worker with instruction on the proper use and removal of the PPE, and as appropriate, on its cleaning, maintenance and disposal.
- Not allow or direct any early-entry worker to wear home or to take home employer-provided PPE contaminated with pesticides. 170.605(g)

*PPE for early-entry activities is listed on the pesticide label in the "Directions for Use" section in the "Agricultural Use Requirements" box.*

## DECONTAMINATION SUPPLIES FOR EARLY-ENTRY WORKERS

170.509 and 170.605(h)-(j)



During any early-entry activity, the agricultural employer must provide all of the following decontamination supplies:

- At least three 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.

*Hand sanitizers or wet towelettes do not meet the requirement for soap or towels.*

*Decontamination and emergency eye flush water must, at all times when it is available to workers, be of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed.*

Additionally, if the pesticide product applied requires protective eyewear, 1 pint of water in a portable container must be immediately available to each early-entry worker (i.e., be on the worker's person or within immediate reach).

### Where should the decontamination supplies for early-entry workers be located? 170.605(h)

Decontamination supplies for early-entry workers:

- Must **not** be in an area being treated with pesticides.
- Must **not** be in an area under a REI, **unless** that location is necessary for the supplies to be reasonably accessible to early-entry workers.
- Must be reasonably accessible to and generally not more than 1/4 mile from early-entry workers.
- May be located at the nearest vehicular access point if tasks being performed are more than 1/4 mile from the nearest point reachable by vehicle (car, truck, or tractor).

### Decontamination at the end of early-entry period 170.605(j)

Provide at the site where the early-entry workers remove their PPE:

- Soap,
- Single-use towels, and
- At least three gallons of water per early-entry worker so that the worker may wash thoroughly after removing PPE.

**TABLE 4. SUMMARY OF EARLY-ENTRY REQUIREMENTS** 170.603 and 170.605

WPS Provision or Requirement	Type of Early Entry Exception					
	No Contact	Short-Term	Limited Contact (unforeseen event)	Irrigation	Agricultural Emergency	
Enter during application?	No	No	No	No	No	No
Enter before inhalation exposure level or WPS ventilation criteria are met?	Yes	No	No	No	No	No
Enter during first 4 hours after application is complete?	Yes	No	No	No	No	No
Conditions on anticipating the need for early entry?	No	No	Yes. The need for the task could NOT have been anticipated.	No	Yes. Must be agricultural emergency*	
Conditions on economic necessity	No	No	Only to prevent substantial economic loss	No	Only to prevent substantial economic loss	
Hours of entry permitted per day?	No limit	1 hour	8 hours	8 hours	No limit except if pesticide applied has double notification requirement, then 4 hours.	
Hand labor tasks permitted?	Yes**	No	No	No	Yes	
WPS Worker Training required?	Yes	Yes	Yes	Yes	Yes	
Central Posting information provided?	Yes	Yes	Yes	Yes	Yes	
Emergency assistance provided?	Yes	Yes	Yes	Yes	Yes	
Information on pesticides applied?	Yes	Yes	Yes	Yes	Yes	
Instructed on PPE required. PPE provided, used, cleaned, and maintained properly?	Yes	Yes	Yes	Yes	Yes	
Labeling information and statements related to human hazards or precautions, first aid, and user safety provided?	Yes	Yes	Yes	Yes	Yes	
Early entry decontamination supplies provided?	Yes	Yes	Yes	Yes	Yes	

\*An agricultural emergency means a sudden occurrence or set of circumstances the agricultural employer could not have anticipated and over which the agricultural employer has no control, that requires entry into a treated area during a REI, and when no alternative practices would prevent or mitigate a substantial economic loss.

\*\*Hand labor is only allowed if the hand labor will not result in any contact with any pesticide treated surfaces. For example, if the pesticide is incorporated into the soil during the application (and is not a fumigant) or if it is a soil-drench application in a nursery or enclosed space production, it may be possible to do hand labor and not contact any pesticide treated surfaces.

Workers cannot enter a treated area during an application; this is never allowed.

