How to Comply With the 2015 Revised Worker Protection Standard For Agricultural Pesticides

What Owners and Employers Need To Know
How to Comply with the 2015 Revised Worker Protection Standard for Agricultural Pesticides: What Owners and Employers Need to Know

CONTRIBUTORS

Pesticide Educational Resources Collaborative (PERC)
Director – Suzanne Forsyth, University of California Davis Extension
Deputy Director – Kaci Buhl, Oregon State University
Principal Investigator – Jeff Loux, University of California Davis Extension
Project Officer – Jeanne Kasai, U.S. EPA, Office of Pesticide Programs

Primary Author
Janet Fults

Manual Production/Layout Team
Cameron Hughes, Oregon State University
Sean Ross, Oregon State University

PERC Advisory Board Content Reviewers
Amy Bamber, Association of American Pesticide Control Officials
Candace Bartholomew, University of Connecticut
Betsy Buffington, Iowa State University
Irene Calderon-King, New Mexico Department of Agriculture
Perry Cervantes, Texas Department of Agriculture
Juan Concha, The Farmworker Association of Florida
Garnet Cooke, Oregon Occupational Health and Safety Administration
Linda Johns, Montana Department of Agriculture
Tony McCandless, Gila River Indian Community
Derrick Terada, U.S. EPA Region 10
Thia Walker, Colorado State University

U.S. EPA Content Reviewers
Nancy Fitz, U.S. EPA, Office of Pesticide Programs
Richard Pont, U.S. EPA, Office of Pesticide Programs
Carol Galloway, U.S. EPA, Office of Enforcement and Compliance Assurance

This manual was developed through a cooperative agreement between the U.S. EPA, Office of Pesticide Programs and the University of California Davis Extension, in cooperation with Oregon State University (#X8-83616301).
HOW TO COMPLY WITH THE 2015 REVISED WORKER PROTECTION STANDARD FOR AGRICULTURAL PESTICIDES

What Owners and Employers Need To Know
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Duties for ALL Employers

Separate from the pesticide safety training, employers must tell workers and handlers where to find the following on the pesticide: EPA WPS safety poster for employees, application information, SDGs, and decomposition supplies. (175.209(a) and (b))

Decontamination Supplies
1. Establish accessible decontamination supplies located within 1/4 mile of all workers (when required). (175.411(a) and (b))
2. A gallon of water per person and 3 gallons of water per pail at the beginning of each shift period for routine and emergency decontamination.
3. If the use of soap and shampoo bowls, hand washing and wet towel stations are feasible. (175.411(a) and (b))
4. A clean rewash for other decontamination of clothing for handlers.

Provide water that is safe and sweet for drinking, cooking and washing. Do not use for washing clothes or for other decontamination.
5. Provide decontamination supplies in each affecting and feeding area. (175.411(b))
6. Provide decontamination supplies at each calibrating and feeding area. (175.411(c))
7. When a product requires protective overalls for handlers, also when using a closed system under pressure, provide the following in each calibrating and feeding area: a system that can deliver gently braking water at 8-10 gallons per minute for at least 10 minutes of 3 gallons of water in containers available for providing a gentle spray for about 15 minutes. (175.410(c))
8. When using a product that requires protective overalls, provide 1/2 gallon of water per person to be in contact with that are immediately available to each handler. (175.411(a))
9. Do not use personal decontamination supplies in areas being treated or under an REI. (175.411(d))
10. For handlers, decontamination supplies must be kept equal to the treated area, or, if not under an REI, they are stored from contamination in closed containers. (175.411(e))

Employer Information Exchange
1. Before any application, commercial pesticide handler employers must make sure the employee of all equipment used in the establishment a pesticide will be applied, to assure employees: location and description of each tool to be used, date of application, estimated start time and estimated end time of the application, product name, EPA registration number, active ingredients, and REI.
2. Also, the product label requires both use instructions and treated area warning.
3. All other safety requirements are listed for all tools, and for all other. (175.215(c))
4. Consequence of an equipment check ensures that all pesticide commercial pesticide handler employers have access to.
   - Safety Data Sheet
   - Product name, EPA registration number, and active ingredients.
5. Description of how the pesticide was used on the agricultural establishment.
6. consciously that would have resulted in exposure. (175.412(b))

Emergency Assistance
If there is reason to believe a worker or handler has been exposed to pesticides, within 1/4 hour of exposure, and these emergency medical treatment, employers must do the following:
1. Promptly make transportation available to an appropriate emergency medical facility.
2. Promptly provide to the employee all medical information about each pesticide product to which the person may have been exposed.
   - Safety Data Sheet
   - Product name, EPA registration number, and active ingredients.
   - Description of how the pesticide was used on the agricultural establishment.
   - Consequences that would have resulted in exposure. (175.412(b))
Additional Duties for Worker Employers

Three requirements apply to agricultural employers who employ workers.

Prohibitions During Applications 176.129 (4)(4)

During possible applications, keep workers and everyone else at least approximately ten feet away from the treated area, for all types of applications used out of:

1. The application exclusion zone (AEZ) for outdoor production, or
2. A specified area that varies by the type of application until the ventilation effectiveness is used for enclosed space production.

Prohibited Entry Interval (PCI) 176.139 (8) and 176.147

Do not open do not allow anyone to enter or remain in the treated area until the PII has expired and all posted warning signs are removed or covered. Keep the exceptions in 176.148 (4).

Notice About Applications 176.149 (3)

1. Clearly warn workers and post treated areas if required by the pesticide labeling.
2. If not, post warning signs if the PII is greater than:
   - 48 hours for outdoor production or
   - 4 hours for enclosed space production.
3. For all other applications, whether or not workers or post warning signs.

Post Warning Signs 176.149 (4)

1. Post signs 1/4" x 1/6" PPE-design warning sign no more than 1/4 mile prior to an application; keep posted during PII, rescue or cover露天 workers enter and within 5 hours after the end of the PII. 176.149 (4)(10)(b)
2. Post signs so they can be seen at all reasonable expected entrances to treated areas. 176.149 (4)(10)(b)
3. Warning signs can be smaller than 1/4" x 1/6" under certain conditions. All warning signs must meet specific requirements. 176.149 (4)

Oral Warnings 176.159 (3)

1. Before each application, tell workers who are on the establishment (the same day or not) about what they can understand:
   - Location and description of treated area,
   - Date and time entry is restricted,
   - AEZ, PCI, and not to enter during PII.
2. Where work is performed, the establishment before application, state must receive the same warning at the start of their work period.

Additional Duties for Handler Employers

Three requirements apply to commercial pesticide handlers and agricultural employers who employ handlers.

Application Restrictions and Monitoring 176.169

1. Do not allow handlers to apply a pesticide on that contains, directly or through drift, anyone other than appropriately trained and equipped handlers.
2. Handlers must re-enter applications when anyone other than appropriately trained and equipped handlers enter the application exclusion zone (AEZ). This goes into effect on January 1, 2018. 176.169 (5)(3)
3. When anyone is handling a high-to-toxicity pesticide with a skull and crossbones, wash hands or wash or cover every two hours.
4. Make sure a trained handler equipped with labeling-specific PPE maintains constant visual contact with any handler in an enclosed-space production site (e.g., greenhouse, high tunnel, testor grow house) while applying a fungicide.

Specific instructions for Handlers

1. Before handlers do any handling task, inform them, in a manner they can understand, of all possible labeling instructions for use.
2. Ensure that the handler has access to product labeling during the entire handling task. 176.169 (6)(5)

Equipment Safety

1. Impact possible handling equipment between each day of use, and repair or replace as needed. 176.169 (7)(5)
2. Keep all equipment and equipment that is subject to replacement, clean, or subject to equipment that contains possible pesticides or residues, unless they are not employed on the establishment. 176.169 (7)(5) and 176.179 (5)
3. New Agricultural Handler OSHA for instruction regarding not employed personnel.

Personal Protective Equipment (PPE) Handler Meet Use

1. Provide handlers with the PPE required by the pesticide labeling, and ensure it is: 176.179 (5)
   - Clean and properly designed,
   - Wear and used according to the manufacturer's instructions,
   - Inspected before each day of use, 176.169 (7)(5)
   - Required and replaced as needed. 176.169 (7)(5)
2. When a respirator is required by product handling, provide respirators with:
   - A medical evaluation to ensure the user is physically able to safely wear their respirator,
   - A test to ensure the respirator is properly used,
   - Records in the establishment for three years after two years. 176.169 (7)(5)
3. Take steps to avoid heat-related illness when handling that requires the use of PPE or a transfer activity. 176.169 (7)(5)
4. Provide handlers a suitable free area for:
   - Staying new or off duty,
   - Cleaning PPE at end of task,
   - Taking off PPE or end of task. 176.169 (7)(5)
5. Do not allow unsaved PPE to be worn. 176.169 (7)(5)

Care of PPE

1. Store and wash used PPE separately from other clothing and laundry. 176.169 (7)(5)
2. If PPE will be reused, clean it before each use, according to the instruction from the PPE manufacturer, unless the pesticide labeling requires other instructions.
3. Before the use, wash in detergent and hot water. 176.169 (7)(5)
4. Store clean PPE away from personal clothing and items that are not applicable or contaminated. 176.169 (7)(5)

Regulating Respirator Purifying Elements

1. Replace particulate filters or filtering facepieces respirators when any following condition is met:
   - Breathing becomes difficult,
   - The filter is damaged or torn,
   - The respirator or filter is damaged or torn,
   - After 80 hours of use, or the presence of any other instructions or indications service life. 176.169 (7)(5)

2. Replace disposable or post-production respirators when any following condition is met:
   - Breathing becomes difficult,
   - The respirator is damaged or torn,
   - The respirator or filter is damaged or torn,
   - After 80 hours of use, or the presence of any other instructions or indications service life. 176.169 (7)(5)

Disposal of PPE

1. Clean, do not clean, and other relevant materials that are heavily contaminated with pesticide using a dry clean or other materials that are not used. 176.169 (7)(5)
2. Follow federal, state, and local laws with respect to disposal of PPE that cannot be cleaned correctly. 176.169 (7)(5)

Instructions for People Who Clean PPE 176.169 (7)(5)

The employer must inform people who clean or transfer PPE:

1. That PPE may be contaminated with pesticides,
2. Of the potential for harmful effects of exposure to pesticides,
3. How to protect themselves when handling PPE,
4. How to clean PPE properly,
5. Determination procedures to follow after handling contaminated PPE.

Addtional Agricultural Employer Duties

Before applying, lenders must not directly employ the establishment to clean, repair, or subject protective equipment, provide the following information:

1. The equipment, may be contaminated with pesticides.
2. The potentially harmful effects of possible exposure.
3. How to handle equipment to limit exposure to persons.
4. How to wash themselves, their clothes to remove and prevent exposure to possible residues. 176.189 (5) and 176.191 (5)

EPA

United States Environmental Protection Agency

This was developed under cooperative agreement w03969901. EPA-935-B-19-001

PERC

Pesticide Educational Research Collaborative
PREAMBLE

WHY IS THE INFORMATION IN THIS MANUAL IMPORTANT?

It is a violation of federal law to use a pesticide product in a manner inconsistent with its labeling. When you use a pesticide product with labeling that refers to the Worker Protection Standard (WPS), you must comply with the requirements of the federal WPS (Code of Federal Regulations (CFR), Title 40, Part 170). If you do not comply with the WPS requirements, you will be using a pesticide product in a manner inconsistent with its labeling and will be in violation of federal law.

This manual provides information to help you comply with the requirements of the federal WPS for agricultural pesticides as originally published in 1992, amended in 1995, 1996 and 2004, and revised in 2015. The U.S. Environmental Protection Agency (EPA) may issue additional guidance about the WPS and may amend the WPS in the future. Check with your state or tribal agency responsible for pesticide enforcement for further information and current amendments.

This updated manual, “How to Comply With the 2015 Revised Worker Protection Standard for Agricultural Pesticides,” EPA 735-B-16-001 supersedes the EPA 735-B-05-002 manual and all previous versions. Changes to the Worker Protection Standard have made the 2005 version obsolete. Any continued use of outdated manuals may lead an employer to be out of compliance with this regulation.

DO YOU NEED TO READ THIS MANUAL?

The WPS may apply to you if you use a WPS-labeled pesticide product on an agricultural establishment in the production of agricultural plants and you are any one of the following:

- The owner or a person responsible for the management of an agricultural establishment that employs workers or handlers.
- The owner of a family-owned agricultural establishment where you and/or your immediate family members are the only people who work on the establishment.
- The owner or a person responsible for the management of a commercial (for-hire) pesticide handling establishment.
- A pesticide handler.
- A crop advisor.
THIS WPS “HOW TO COMPLY” MANUAL WILL:

- Help you determine whether you need to comply with the WPS.
- Give you detailed information on how to comply with the WPS requirements, including exemptions, exceptions, restrictions, options and examples.
- Provide you with a “Quick Reference Guide” — a simplified route to compliance that focuses on the basic WPS requirements (excluding exemptions, exceptions, etc.).
- Explain how important definitions affect your WPS responsibilities.
- Provide other special notes to help you better understand the WPS requirements and how they apply to you.

ORGANIZATION OF THE “HOW TO COMPLY” MANUAL

This WPS How to Comply Manual is organized based upon the WPS responsibilities for each type of employer. There are three primary types of employers that are responsible for WPS compliance; agricultural employer of workers, agricultural employer of pesticide handlers, and the commercial pesticide handler employer (employers of for-hire pesticide handlers or crop advisors). Most likely, users of this manual will not need to read all of the chapters as it would be unlikely for a person to meet all three categories of a WPS employer.

Each section contains a reference to the Code of Federal Regulations (40 CFR Part 170) for more information on the revised WPS. (www.ecfr.gov)

Read Chapter 1 to help you determine which type of employer you are and what pesticide uses are covered by the WPS and which ones are not.

The following chart identifies the chapters in this manual that include relevant information for each type of WPS employer:

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Chapter 7 applies to everyone subject to this federal regulation and provides information on WPS compliance.

The appendices provide a wide range of definitions, checklists, procedures and resources to provide assistance with WPS compliance.
ADDITIONAL WORKER PROTECTION REQUIREMENTS

Some states, tribes, or local governments with jurisdiction over pesticide enforcement may have additional worker protection requirements beyond the requirements described in this federal manual. Check with these agencies to obtain the information you need to comply with all applicable state, tribal, or local requirements.

REPRODUCTION OF THE MANUAL

This manual may be reproduced, but if this manual is altered it may no longer provide the information employers need to comply with the requirements of the federal Worker Protection Standard.

MATERIAL APPENDED TO THE MANUAL

States, tribes, or local governments with jurisdiction over pesticide enforcement may elect to append additional worker protection requirements to this federal manual. These additions may only be appended at the end of this federal manual. Any additional material should be clearly identified as state, tribal, or local requirements.