



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

What Owners and Employers Need To Know





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

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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

QUICK REFERENCE GUIDE TO THE WORKER PROTECTION STANDARD (WPS) AS REVISED IN 2015

The WPS is a federal regulation designed to protect agricultural workers employed in the production of agricultural plants and pesticides/herbicides (pesticide mixing, loading, or applying pesticides or other materials involving direct contact with pesticides). Each section links to the Code of Federal Regulations (www.ecfr.gov) for more information on the revised WPS. (www.ecfr.gov)

The guide summarizes the minimum requirements under the revised WPS. It does not include exceptions and exceptions that may allow you to do less. See the referenced sections below.

Employers (general) www.ecfr.gov and www.ecfr.gov

Employers for workers www.ecfr.gov and www.ecfr.gov

Employers for early-entry workers doing a restricted-entry interval www.ecfr.gov

Employers for handlers www.ecfr.gov

Employers to PPE required on pesticide labels www.ecfr.gov

Employer Responsibilities for Supervisors and Labor Contractors

- Employers must provide sufficient information to supervisors and labor contractors to ensure compliance with the revised WPS. Specify:
 - The toxic supervisory contractors must do, and
 - The information they must provide to workers/owners.

Employers are liable for a penalty under FIFRA if a supervisor or labor contractor selling for them fails to comply with the revised WPS requirements. www.ecfr.gov and www.ecfr.gov

These requirements apply to agricultural employers and commercial pesticide handler employees except the pesticide safety, application and hazard information requirements apply only to agricultural employees.

Audit-Ratification
Employers must not retaliate against a worker or handler who attempts to comply with the WPS, files a complaint, or provides information in an investigation of alleged WPS non-compliance. www.ecfr.gov

Minimum Age Requirements
1. Ensure that early-entry workers and all handlers are at least 19 years old. www.ecfr.gov and www.ecfr.gov

Pesticide Safety, Application and Hazard Information
An agricultural employer must display or make certain information available on the establishment. Commercial pesticide handler employees do not have to comply with information display requirements.

- Display or make available all of the information listed in its entirety in an easily accessible (owners) location on the agricultural establishment. www.ecfr.gov and www.ecfr.gov
- The information includes:
 - EPA WPS safety poster or equivalent information, which must include some additional information by January 2, 2016, and must be kept current. www.ecfr.gov
 - Application information that includes:
 - Pesticide name, EPA registration number, and active ingredients
 - Crop or site treated, location and description of the treated area
 - Date, start and end times of the application, and duration of restricted-entry interval (REI). www.ecfr.gov
 - A copy of the safety data sheet (SDS) for the formulated product for each WPS-labeled pesticide applied. www.ecfr.gov and www.ecfr.gov

3. In addition, display the EPA WPS safety poster (or equivalent) where decantation supplies are located in permanent sites and where decantation supplies are provided for 11 or more workers. www.ecfr.gov

4. Allow workers and handlers to be provided access to all of the information and keep all of the displayed information current and legible. www.ecfr.gov and www.ecfr.gov

5. Display the EPA WPS safety poster or equivalent information before an application takes place and for 30 days after the REI expires. www.ecfr.gov

6. Display the SDS and application information within 24 hours of the application and before workers enter treated areas. This information must be displayed for 30 days after the REI expires and kept in records on the agricultural establishment until 18 years after the REI expires. www.ecfr.gov and www.ecfr.gov

7. Provide the SDS and application information upon request of a worker, handler, designated representative or medical personnel, within 15 days. www.ecfr.gov

Pesticide Safety Training
Ensure that workers are trained before performing tasks in a pesticide treated area (PEA) in effect within the last 30 days. www.ecfr.gov Ensure that handlers are trained before performing any handler activity. www.ecfr.gov There is no grace period for worker or handler training.

- Train workers and handlers annually. www.ecfr.gov and www.ecfr.gov
- Present training using EPA-approved materials either orally from within a pesticide or audio-visual. After January 2, 2016, the training must cover additional topics. www.ecfr.gov and www.ecfr.gov
- Training must be certified applicable or have completed an EPA-approved train-the-trainer program or be documented by the State or Tribal pesticide enforcement agency. www.ecfr.gov and www.ecfr.gov
- Training must be delivered in a manner the employees can understand, and the trainer must be present and respond to questions. www.ecfr.gov and www.ecfr.gov
- Maintain training records on the establishment for five years from the training date for each worker and handler required to be trained on the agricultural establishment. www.ecfr.gov and www.ecfr.gov

Continued on next column

Separate from the pesticide safety training, employers must tell workers and handlers where to find the following on the variable EPA WPS safety poster (or equivalent), application information, SDSs and decantation supplies. www.ecfr.gov and www.ecfr.gov

Decantation Information Requirements

- Establish accessible decantation supplies located together within 1/4 mile of all workers (when required) www.ecfr.gov and www.ecfr.gov
 - 1 gallon of water per worker and 3 gallons of water per handler at the beginning of each work period for routine and emergency decantation.
 - Purity of temp and single-use towels, clean hand sanitizers and wet towels are required. www.ecfr.gov and www.ecfr.gov
 - A clean covered for other clean change of clothing for handlers
- Provide water that is safe and cool enough for washing, eye-flushing, and drinking. Do not use water that is also used for filling pesticides unless steps are taken to ensure safety. www.ecfr.gov
- Provide handlers with decantation supplies where personal protective equipment (PPE) is removed at the end of a task. www.ecfr.gov
- Provide handlers with decantation supplies at each mixing and loading site. www.ecfr.gov
- When a product requires protective equipment for handlers, and/or when using a closed system under pressure, provide the following in mixing and loading areas: a system that can deliver gently running water at 0.4 gallons per minute for at least 10 minutes or 3 gallons of water in containers suitable for providing a gentle splash for about 15 minutes. www.ecfr.gov
- When applying a product that requires protective equipment, provide 1 job of water per handler in portable containers that are immediately available to each handler. www.ecfr.gov
- Control put water decantation supplies in areas being treated or under an REI. www.ecfr.gov
- For handlers, decantation supplies must be kept outside the treated area, or any area under an REI, unless they are protected from contamination in closed containers. www.ecfr.gov

Employer Information Exchanges

- Before any application, commercial pesticide handler employers must make sure the owner/ operator of an agricultural establishment at risk is notified in the case of:
 - Location and description of area to be treated,
 - Date of application, estimated start time and estimated end time of the application,
 - Product name, EPA registration number, active ingredients, and REI,
 - Whether the product label requires both wet weather and treated area pending,
 - All other safety requirements on labeling for workers or other people. www.ecfr.gov
- Overseers of agricultural establishments must make sure any commercial pesticide handler employer they hire is aware of:
 - Specific location and description of any treated areas where an REI is in effect and the commercial handler may be in or work within 1/4 mile of, and
 - Pesticides an existing treated areas. www.ecfr.gov

The commercial pesticide employer must pass the information along to the handler doing the work. www.ecfr.gov

Emergency Assistance

If there is reason to believe a worker or handler has been exposed to pesticides, during or within 72 hours of employment, and needs emergency medical treatment, employers must do the following:

- Promptly make the information available to an appropriate emergency medical facility.
- Employers provide to the treating medical personnel, information related to 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.
 - Circumstances that would have resulted in exposure to the pesticide. www.ecfr.gov

This is a summary of the requirements. It does not contain all the information to comply with the revised WPS. Refer to the regulations where indicated for complete details.

Additional Duties for Worker Employers

These requirements apply to agricultural employees who employ workers.

Restrictions During Applications [173.509.64-64](#)

During pesticide applications, keep workers and workers other than applicators trained and equipped handlers out of the treated area for all types of applications and out of:

1. The application exclusion zone (AEZ) for worker protection, or
2. A specified area that varies by the type of application and the verification criteria set out for enclosed space production.

Restricted-Entry Intervals (REI) [173.509.64-64](#) and [173.507](#)

Do not enter or allow any worker to enter or remain in the treated area until the REI has expired and all posted warning signs are removed or corrected. Read the exceptions in [173.509](#).

Notice About Applications [173.509.64-64](#)

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

Posted Warning Signs [173.509.64-64](#)

1. Post highly visible 14" x 10" high-contrast warning signs no more than 104 hours prior to an application; keep posted during REI; remove or cover before workers enter and within 2 days after the end of the REI. [173.509.64-64](#) and [173.507](#)
2. Post signs so they can be seen at all reasonably expected entrances to treated areas. [173.509.64-64](#) and [173.507](#)
3. Warning signs can be smaller than 14" x 10" under certain conditions. All warning signs must meet specific requirements. [173.509.64-64](#)

Oral Warnings [173.509.64-64](#)

1. Before each application, tell workers who are on the establishment (in a manner they can understand):
 - Location and description of treated area.
 - Date and time entry is restricted.
 - AEZ, REI, and not to enter during REI.
2. Workers who enter the establishment after application should read warning signs before entering at the start of their work period.

Additional Agricultural Employer Duties

Before allowing persons not directly employed by the establishment to clean, repair, or adjust pesticide application equipment, provide the following information:

1. The equipment may be contaminated with pesticides.
2. The potential harmful effects of pesticide exposure.
3. How to handle equipment to limit exposure to pesticides.
4. How to wash themselves under their clothes to remove and prevent exposure to pesticide residues. [173.509.64-64](#) and [173.509.64-64](#)

Additional Duties for Handler Employers

These requirements apply to commercial pesticide handler employers and agricultural employees who employ handlers.

Application Restrictions and Monitoring [173.509](#)

1. Do not allow handlers to apply a pesticide as that it occurs, directly or through drift, anyone other than appropriately trained and equipped handlers.
2. Handlers must wear and use protective equipment when anyone other than appropriately trained and equipped handlers enter the application exclusion zone (AEZ). This goes into effect on January 2, 2018. [173.509.64-64](#)

3. When anyone is handling a highly toxic pesticide with a signal word of extreme, restricts entry or uses contact every two hours.
4. Make sure a trained handler equipped with labeling-specific PPE maintains contact, verbal or visual contact with any handler in an enclosed-space production site (e.g., greenhouses, high tunnels, and/or green houses) 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 pesticide labeling instructions for safe use. [173.509.64-64](#)
2. Ensure that the handler has access to product labeling during the entire handling task. [173.509.64-64](#)

Equipment Safety

1. Inspect pesticide handling equipment before each day of use, and repair or replace as needed. [173.509.64-64](#) and [173.509.64-64](#)
2. Allow only appropriately trained and equipped handlers to repair, clean, or adjust pesticide equipment that contains pesticides or residues, unless they are not employed on the establishment. [173.509.64-64](#) and [173.507.64-64](#) See Additional Agricultural Employer Duties for information regarding non-employed persons.

Personal Protective Equipment (PPE) Handlers Must Use

1. Provide handlers with the PPE required by the pesticide labeling, and be sure it is: [173.507.64-64](#)
 - Clean and in good working condition. [173.507.64-64](#)
 - Worn and used according to the manufacturer's instructions. [173.507.64-64](#)
 - Inspected before each day of use. [173.507.64-64](#)
 - Replaced or repaired as needed. [173.507.64-64](#)
2. When a respirator is required by product labeling, provide handlers with:
 - A medical evaluation to ensure the handler is physically able to safely wear the respirator.
 - Training in respirator use, and
 - A fit test to ensure the respirator fits correctly.
 - Keep records on the establishment of these items for two years. [173.507.64-64](#)
3. This step to avoid insect-related illness when labeling requires the use of PPE for a handler activity. [173.507.64-64](#)
4. Provide handlers a pesticide-free area for:
 - Storing personal clothing not in use.
 - Putting on PPE at start of task.
 - Taking off PPE at end of task. [173.507.64-64](#)
6. Do not allow used PPE to be taken home. [173.507.64-64](#)

Care of PPE

1. Store and wash used PPE separately from other clothing and laundry. [173.507.64-64](#)
2. If PPE will be reused, clean it before each day of reuse, according to the instructions from the PPE manufacturer unless the pesticide labeling specifies other requirements. If there are no other instructions, wash in detergent and hot water. [173.507.64-64](#)
3. Dry the clean PPE before storing. [173.507.64-64](#)
4. Store clean PPE away from personal clothing and apart from pesticide-contaminated areas. [173.507.64-64](#)

Respirator Protective PPE Requirements

1. Replace particulate filters or filter media respirators when any following condition is met:
 - When breathing becomes difficult.
 - When the filter is changed or torn.
 - When the respirator label or pesticide label requires it.
 - After a total frame of use, in the absence of any other instructions or indications of service life. [173.507.64-64](#)
2. Replace vapor-removing canisters when any following condition is met:
 - When canister indicator is visible.
 - When the respirator label or pesticide label requires it (whichever is earlier).
 - When breathing resistance becomes noticeable.
 - After a total frame of use, in the absence of any other instructions or indications of service life. [173.507.64-64](#)

Disposal of PPE

1. Clean, do not clean, cover, or use other abandoned materials that are heavily contaminated with pesticide having a signal word "DANGER" or "WARNING." When discarding PPE, ensure that it is unusable as reported or made unusable by further use.
2. Follow federal, state, and local laws when disposing of PPE that cannot be cleaned correctly. [173.507.64-64](#)

Instructions for People Who Clean PPE [173.507.64-64](#)

- The handler employer must train people who clean or launder 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 correctly; and
 6. Decontamination procedures to follow after handling contaminated PPE.



This was developed under cooperative agreement #20-65976801. EPA-205-8-19-021

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:

WPS Employer Type	Most Relevant Chapters
Agricultural Employer of Workers	Chapters 2 & 3
Agricultural Employer of Handlers	Chapters 2 & 4
Commercial Pesticide Handler Employer	Chapters 4 & 5
Crop Advisors	Chapter 6
Owner of an Agricultural Establishment and Immediate Family	Chapter 6

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.

