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FIFRA - the Federal Statute

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) governs the registration, sale, and use of pesticide products in the United States. The federal agency that regulates pesticides is U.S. Environmental Protection Agency (EPA).

A pesticide product must be registered by EPA before it can be legally marketed in the United States. A pesticide registrant must submit to EPA an application for registration, along with a significant amount of data and information in support of the application. EPA reviews the information and determines whether the proposed use of the product meets the safety standards. If the application is sufficient to make the safety finding, EPA registers the product with conditions of use provided on the label. In most cases, FIFRA requires EPA to balance the risks of using a pesticide with its benefits to society.

Some of FIFRA's provisions require the EPA to

- make registration decisions about pesticides and their uses and to approve product labeling for registered products,
- establish acceptable tolerance levels for residues that may remain in or on raw agricultural products,
- make it illegal to use any pesticide except as directed by the label requirements, and
- assess civil and criminal penalties for misuse of pesticides.



Photo courtesy of Penn State Extension, The Pennsylvania State University

FIFRA also gives EPA the authority to write regulations, such as the Worker Protection Standard (WPS) to achieve the protections outlined in the statute.

The Agricultural Worker Protection Standard (WPS)

The WPS was established by EPA to reduce risks associated with occupational exposure of pesticides to agricultural workers and pesticide handlers. It was also designed to protect other people from risks of pesticides used in agricultural production.

The federal WPS was adopted into the Code of Federal Regulations in 1992. Since 1992, there were several minor changes to the regulation, but major revisions were published on November 2, 2015. Enforcement for most of the 2015 revised requirements begins January 2, 2017.

The WPS covers agricultural workers and pesticide handlers who are employed on farms, forestry operations, or in nurseries and enclosed space production areas when pesticide products, that contain an Agricultural Use Requirements section that references the WPS, are used on the establishment. The WPS requires agricultural employers to provide protections under the rule.

State and Tribal Pesticide Laws and Ordinances

Pesticide laws developed at the federal level are the minimum national requirements that agricultural employers and pesticide handlers must follow to protect people and the environment when using pesticides. A state or tribe may enact additional rules, laws, or ordinances governing pesticide use that are more stringent than the federal regulations.

What is a Pesticide?

A pesticide is any substance used to prevent, destroy, repel, or reduce the effects of pests. Agricultural pests may include insects, rodents, nematodes (microscopic worms), fungi (fungus), and weeds.

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By law, a pesticide is any substance "intended for preventing, destroying, repelling, or mitigating any pest."

There are many types of pesticides. Some are well known, such as insect repellents, while others are not, including defoliants and desiccants that facilitate harvest by removing leaves or drying out the plants.

Fertilizers are substances that serve as nutrients to help plants grow. Since they do not control pests, they are not pesticides. Therefore, hazards associated with the use of fertilizers are not covered under the WPS.



Photo courtesy of Ed Crow, Penn State Pesticide Education Program

Why are Pesticides Used in Agriculture?

Agricultural pesticides are used to manage weeds, insects, and crop diseases to increase crop yield and quality. The use of agricultural pesticides helps growers provide consumers with abundant, and affordable supplies of food and fiber. Because pesticides are intended to control pests, their use may present risks to people, wildlife, and the environment. These risks and ways to reduce them are presented throughout this manual.

Who is an Agricultural Employer?

An agricultural employer is any person who owns, or is responsible for the management or working conditions of an establishment, and who employs a worker or handler.



Photo courtesy of Chazzbo Media

Who is an Agricultural Worker?

An agricultural worker, or worker, is a person who is employed (including self-employed) on an agricultural establishment and is doing work such as harvesting, weeding, pruning, or irrigating for the production of agricultural plants on farms, forests, and in nurseries or enclosed space production areas, such as greenhouses.

Who is a Pesticide Handler?

A pesticide handler, or handler, is a person who is employed (including self-employed) on an agricultural establishment and who

- mixes, loads, or applies agricultural pesticides;
- assists with the pesticide application;
- disposes of pesticides or opened pesticide containers that have not been cleaned;
- handles opened containers of pesticides when emptying, triple rinsing, or cleaning pesticide containers according to pesticide product labeling;
- cleans, adjusts, handles or repairs the parts of mixing, loading, or pesticide application equipment that may contain pesticide residues;
- works as a flagger;
- enters an enclosed space after the application of a pesticide and before the inhalation exposure level listed on the labeling has been reached or the ventilation criteria has been met to operate ventilation equipment, monitor air levels, or adjust or remove coverings used for fumigation; or
- enters a treated area outdoors after application of any soil fumigant during the label-specified entry-restriction period to adjust or remove coverings used in fumigation, or to perform tasks as a crop advisor during any pesticide application, restricted-entry interval (REI), or before the inhalation exposure level listed on the pesticide product labeling has been reached or one of the ventilation criteria has been met.



Photo courtesy of Chazzbo Media

Who is an Early-Entry Worker?

An early-entry worker is an agricultural worker who enters an area after the pesticide application is complete but before the REI has expired. Early entry is only allowed under certain narrow circumstances. Early-entry workers must receive the personal protective equipment (PPE), decontamination supplies, and additional information about the pesticide product and the early-entry restrictions to protect themselves before entering the treated area.

Are There Age Restrictions for Certain Activities?

Under the WPS, pesticide handlers and early-entry workers must be at least 18 years old, with the exception of immediate family members.

Who is an Immediate Family Member?

The WPS exempts the owner and their immediate family from certain WPS requirements. The exemption applies on agricultural establishments where a majority of the establishment is owned by one or more members of the same immediate family. The owner and the immediate family members must follow the label instructions and a few WPS requirements, but are exempt from many of the provisions of the WPS. Immediate family members include the owner's



Photo courtesy of Chazzbo Media

- spouse
- parents
- children
- stepparents and stepchildren
- foster parents and foster children
- most in-laws (parents, children, siblings)
- grandparents
- grandchildren
- brothers and sisters
- aunts and uncles
- nieces and nephews
- first cousins

What are the Goals of the Worker Protection Standard?

The WPS has three major goals, which are described in further detail throughout this manual:

1. Inform - To provide workers and handlers information to minimize occupational pesticide exposure for themselves and their families.
2. Protect - To protect agricultural workers and pesticide handlers from pesticide exposure while they are working.
3. Mitigate - To mitigate or reduce the effects of any pesticide exposure that might occur.

Goal 1 – Inform

Agricultural employers must provide workers and handlers with pesticide safety and product use information needed to protect themselves, other people, and the environment from exposure to pesticides. This is accomplished by providing

- annual pesticide safety training,
- pesticide safety information display at the central location,
- pesticide application and hazard information in the form of a safety data sheet (SDS) at the central location, and
- access to pesticide product labeling for handlers.



Photo courtesy of Chazzbo Media

Goal 2 – Protect

The WPS requires agricultural employers to provide protections for workers and handlers to limit their risk of exposure to pesticides at work. These protections include

- notifying workers when pesticide applications will take place,
- informing workers, either through oral notification or by posting warning signs, of pesticide-treated areas under an REI that they should avoid entering,
- maintaining and providing PPE for handlers and early-entry workers, and
- keeping workers and other persons out of pesticide treated areas and application exclusion zones (AEZ) during applications.



Photo courtesy of Jennifer Weber, Arizona Department of Agriculture

Goal 3 – Mitigate

The WPS is intended to minimize the effect of pesticide exposures by requiring agricultural employers to provide

- routine and emergency decontamination supplies and eyewash water,
- information about a potential exposure for work-related pesticide illnesses and injuries, and
- transportation to a nearby medical facility, if necessary, for a suspected pesticide illness or injury.



Photo courtesy of Chazzbo Media

Why is WPS Pesticide Safety Training Important?

Pesticides are substances used to target and manage pests. However, they may also be toxic to nontarget organisms, such as people. Workers, unlike handlers, do not apply or work directly with pesticide products, and may be unaware there are pesticides on treated plants or equipment. Workers in or near recently pesticide-treated areas and areas where pesticides are stored or handled need information on how to limit their exposure to pesticides.

Limiting exposure to pesticides is very important, because even a brief exposure to a pesticide may result in a short-term or acute illness. Low level, long term or chronic pesticide exposure can also cause illness or injury. Handlers may be likely to experience chronic exposure from frequent mixing, loading, or other handling activities with concentrated pesticides, and acute injuries from a single spill or splash.

What are the Benefits of WPS Training for Employees?

Workers and handlers benefit from pesticide safety training by receiving information on the potential risks of working in areas where pesticides have been used and pesticide residues may be found. During training, they learn how to protect themselves and their families from being exposed to pesticides and pesticide residues.

What are the Benefits of WPS Pesticide Safety Training for Employers?

Employers benefit when their employees protect themselves from pesticide exposure and act to minimize the effects should exposure occur. A worker or handler who has received effective pesticide safety training is less likely to have a pesticide-related workplace accident that could result in lost work time, increased workers' compensation insurance rates, and possible legal action.

