

Chapter 11.

The Worker Protection Standard

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INTRODUCTION

What Is the WPS?

The Worker Protection Standard (WPS) is a set of regulations issued by the U. S. Environmental Protection Agency (EPA). These regulations are designed to protect agricultural workers and pesticide handlers from exposure to pesticides used in the production of agricultural plants on farms, forests, nurseries, and greenhouses.

Who Is Affected?

The WPS applies to all agricultural employers who have employees performing tasks related to the production of agricultural plants on a farm, forest, nursery, and greenhouse. The employers include owners or managers of farms, forests, nurseries and greenhouses as well as commercial (custom) applicators and crop advisors who provide services for the production of agricultural plants on these sites.

The WPS requires specific protections be provided to protect agricultural workers and pesticide handlers from pesticide exposure. Some protections are nearly the same whether the employee is an agricultural worker or pesticide handler. Other protections are specific for workers and still others are specific for handlers. The agricultural employer is responsible for providing these required protections to their employees.

PROTECTIONS FOR BOTH AGRICULTURAL WORKERS AND PESTICIDE HANDLERS

Information at a Central Location

If a pesticide has been recently used or if a restricted entry interval (REI) has been in effect within the last 30 days on the agricultural establishment, the agricultural employer must display certain information whenever pesticide handlers or workers are on the agricultural establishment. The display must be located in a place where the agricultural workers and pesticide handlers can have access to it. This display must include the following information:

- an approved EPA safety poster that shows how to keep pesticides from getting on or entering the body, and how to clean up if you come in contact with pesticides

- the name, address, and telephone number of the nearest emergency medical facility
- information about each pesticide application on the establishment, including a description of each treated area, the product name, the EPA registration number, and the active ingredient for each pesticide, the time and date of application, and the REI for the pesticide.

Pesticide Safety Training

Agricultural employers must provide pesticide safety training for pesticide handlers and agricultural workers, unless the agricultural worker or pesticide handler is a certified applicator. Agricultural workers must receive training within 5 days of beginning work on the agricultural establishment. Agricultural workers who begin work before receiving safety training must be given pesticide safety information. Pesticide handlers must be trained before being assigned handler tasks.

Certified applicators and persons who have attended WPS train-the-trainer programs may provide the pesticide safety training. Trainers must use training materials for agricultural workers and pesticide handlers that have been developed or approved by EPA. Training must be done in a manner understood by the agricultural worker or pesticide handler, using a translator if necessary. The Florida Department of Agriculture and Consumer Services (FDACS) requires persons training agricultural workers to provide a Pesticide Safety Sheet at the time of training. The safety sheets may be obtained from FDACS.

Emergency Assistance

Agricultural employers must provide emergency assistance for pesticide handlers and agricultural workers involved in a pesticide accident or exposure that occurred on the agricultural establishment. This assistance includes providing transportation to the nearest medical facility and providing specific information about the pesticide product and the circumstances involved in the exposure or accident.

Decontamination Areas

Agricultural employers must provide decontamination areas for agricultural workers and pesticide handlers within a quarter mile of where they are working. The decontamination areas for agricultural workers must be available for 30 days after the expiration of REIs for pesticides applied to fields or sites where they are working. Decontamination

sites for pesticide handlers must be available while they are doing handling tasks. A decontamination area must provide:

- water for routine washing and eye flushing
- soap
- single use towels
- water for emergency whole-body washing (pesticide handler sites only)
- clean coveralls (pesticide handler sites only).

In addition, each pesticide handler also must have at least one pint of water immediately available for flushing eyes. To avoid accidental contamination, all decontamination supplies must be kept in enclosed containers in areas where pesticides are being applied.

PROTECTIONS FOR AGRICULTURAL WORKERS

Restrictions During Restricted Entry Intervals and Applications.

In general, an agricultural employer must make sure that agricultural workers employed by the establishment are kept out of treated areas during the REI. Exception: agricultural workers may enter treated areas during an REI if there will be no contact with treated plants or soil. The agricultural employer must also keep everyone, except appropriately trained and equipped handlers, out of areas being treated with pesticides.

Notice of Applications

Agricultural employers must orally inform all of their agricultural workers who will be within a quarter-mile of any field or area on the establishment that is either being treated with a pesticide or has an REI currently in effect. For certain pesticides, an agricultural employer must both post the treated field or area with a WPS specified posting sign and provide oral notification to the agricultural workers employed by the establishment.

As a point of clarification: An agricultural employer has no WPS obligation to provide any notification of any kind to persons that are not his (or her) employees, such as farm visitors, passers-by and the general public.

PROTECTIONS FOR PESTICIDE HANDLERS

Restrictions During Handling Tasks

The agricultural employer and the pesticide handler must make sure that no pesticide is applied so as to contact, either directly or through drift, any person other than a trained and protected pesticide handler.

Personal Protective Equipment

Agricultural employers must provide pesticide handler employees with all of the Personal Protective Equipment (PPE) listed on the pesticide label and have them follow certain safety practices. These practices include the following.

- All PPE must be clean and in operating condition, worn and used correctly, inspected before each day of use, and repaired or replaced as needed.
- Respirators must fit correctly. Dust/mist filters and vapor-removing cartridges or canisters must be replaced as recommended on the label.
- Pesticide handlers must be told about symptoms of heat illness that can occur when wearing PPE, and encouraged to avoid heat illness.
- Pesticide handlers must be provided with a pesticide-free area to store personal clothing not in use, and to put on and take off PPE before and after use.
- An agricultural employer must not allow contaminated PPE to be worn or taken home. Also, contaminated PPE must be stored and washed separate from other laundry.
- An agricultural employer must inform people who clean or launder PPE that the equipment or clothes may be contaminated with pesticides which could result in potentially harmful effects of exposure, and advise them about ways to protect themselves when handling soiled PPE and about proper ways to clean it.
- If PPE will be reused, the agricultural employer is responsible to have it clean and dry before each day of reuse, according to manufacturer's instructions. If instructions are not listed on either the pesticide product label or by the PPE manufacturer, the equipment should be washed in detergent and hot water.
- Coveralls contaminated with undiluted pesticide that bears a DANGER or WARNING signal word on its labeling must be discarded. They may not be cleaned and re-used.

Knowledge of Pesticide Labeling

The agricultural employer must make sure that before pesticide handlers do any handling task pesticide handlers are given information from the pesticide labeling and have access to the labeling itself.

Safe Operation of Equipment

The agricultural employer must make sure that each pesticide handler is instructed in the safe operation of handling equipment and that all handling equipment is inspected and in good operating condition before each use.

EMPLOYER INFORMATION EXCHANGE

Agricultural employers must provide the following information to any commercial pesticide applicator or crop consultant they hire:

- the specific location and description of all areas on the agricultural establishment being treated with a pesticide by the agricultural employer that are within a quarter-mile of where the commercial applicator or crop consultant will be working
- the specific location and description of all areas currently under an REI that are within a quarter-mile of where the commercial applicator or crop consultant will be working
- any restrictions for entering areas where pesticides are either being applied or are under an REI.

A commercial applicator must provide an agricultural employer with the following information before applying pesticides on an agricultural establishment:

- the location and description of the area to be treated
- the time and date of the pesticide application
- the product name, EPA registration number and active ingredient(s) used
- the pesticide's REI
- whether the product label requires posted warnings in addition to verbal warnings after application
- any other specific requirements on the product label concerning protection of workers and others during or after application.

AGRICULTURAL OWNERS AND THEIR IMMEDIATE FAMILIES

Owners of agricultural establishments and members of their immediate families are exempt from many WPS requirements. However, they must comply with four sections of the standard:

- restrictions during applications
- restrictions during handling tasks
- restrictions during restricted-entry intervals
- employer information exchange.

The WPS does NOT allow any exemptions for owners of commercial pesticide applicator establishments or for persons who operate or manage, but do not own, an agricultural establishment.

Note:

Taken together, the information provided in the preceding sections is only a brief overview of the complete Worker Protection Standard (WPS). Agricultural employers

seeking more detailed information about the WPS should obtain a copy of the publication:

The Worker Protection Standard for Agricultural Pesticides -- How to Comply.

This Publication was developed by the U. S. Environmental Protection Agency (EPA) to provide detailed information about the Standard and how to comply with its many requirements.

The publication is available from a variety of sources, including: UF/IFAS Publications, the U. S. Government Printing Office, and various marketplace vendors (such as Gempler's, Inc., and others.) Prices vary, depending on vendor, quantity ordered and bookbinding quality, but typically cost only a few dollars per copy.

GLOSSARY OF TERMS

Agricultural Employer: Any person who:

- employs or contracts for the services of agricultural workers (including themselves and members of their families) for any type of compensation to perform tasks relating to the production of agricultural plants
- owns or operates an agricultural establishment that uses such workers
- employs pesticide handlers (including members of their family) for any type of compensation
- is self-employed as a pesticide handler.

Agricultural Establishment: Any farm, greenhouse, nursery, or forest that produces agricultural plants.

Agricultural Establishment Owner: Any person who owns, leases or rents an agricultural establishment covered by the Worker Protection Standard (WPS).

Immediate Family: The spouse, children, stepchildren, foster children, parents, stepparents, foster parents, brothers and sisters of an agricultural employer.

Restricted Entry Interval (REI): The time immediately after a pesticide application when entry into the treated area is limited. Lengths of restricted entry intervals range between 4 and 72 hours. The exact amount of time is product-specific and is indicated on the pesticide label.

Personal Protective Equipment (PPE): Clothing and equipment such as goggles, gloves, boots, aprons, coveralls and respirators, that provides protection from exposure to pesticides.

Pesticide Handler: Any person employed by an agricultural establishment to mix, load, transfer or apply pesticides; or do other tasks that bring them into direct contact with pesticides.

Agricultural Worker: Any person employed by an agricultural employer to do tasks such as harvesting, weed-

ing, or watering related to the production of agricultural plants on a farm, forest, nursery, or greenhouse. By definition, “agricultural workers” do not apply pesticides or handle pesticide containers or equipment. Any employee can be an “agricultural worker” while performing one task and a “pesticide handler” while performing a different task.

A SUMMARY OF REVISIONS TO THE WORKER PROTECTION STANDARD

This highlights the changes to the WPS since it became a federal regulation in 1992 and became fully implemented in 1995. The following summarizes those changes through November, 2005.

BACKGROUND

In 1992 the U.S. Environmental Protection Agency (EPA) issued a comprehensive regulation called the Worker Protection Standard for Agricultural Pesticides (WPS). The WPS covers pesticides used in the production of plants on farms, forests, nurseries, and greenhouses. The WPS requires agricultural employers to take steps to reduce pesticide-related risks when agricultural workers and pesticide handlers are exposed to these pesticides. Several changes have been made to the WPS by EPA since the Standard was fully implemented in 1995. General information about the Worker Protection Standard is available online at: <http://www.epa.gov/pesticides/health/worker.htm> (accessed November 2005). The full text of the WPS and recent amendments at <http://www.epa.gov/oppfead1/safety/workers/amendmnt.htm> (accessed November 2005).

1. Grace Period for Providing Worker Safety Training

Agricultural workers must now receive pesticide safety training **within five days of the first day of employment** on the agricultural establishment instead of 15 days, which was the original requirement. In addition, agricultural employers must assure that **untrained workers are given basic pesticide safety information before they enter a pesticide treated area** on the establishment. An employer must be able to verify compliance with this requirement. EPA suggests a system which involves the employee’s signature acknowledging receipt of the information. The information must be provided to workers in a language that they can understand, such as by providing written materials or oral communication. At a minimum, employers must provide the following information:

1. Pesticides may be on or in plants, soil, and irrigation water, or drifting from nearby applications.
2. Prevent pesticides from entering your body by:
 - o Following directions and/or signs about keeping out of restricted areas.
 - o Washing before eating, drinking, using chewing gum or tobacco, or using the toilet.

- o Wearing work clothing that protects the body from pesticide residues.
- o Washing work clothes separately from other clothes before wearing them again.
- o Washing immediately in the nearest clean water if pesticides are spilled or sprayed on the body. As soon as possible, shower, shampoo, and change into clean clothes.

3. Further training must be provided within 5 days, and a minimum of every 5 years thereafter.

Both EPA and the Florida Department of Agriculture and Consumer Services (FDACS) have developed pesticide safety sheets containing this basic safety information in English, Spanish, and Creole. Safety sheets are available online at: <http://flaes.org/pdf/pesticideSafetySheet.pdf> ; in Spanish at: <http://flaes.org/pdf/pesticideSafetySheet-sp.pdf> . You can also contact FDACS for free copies or for more information. Phone (352) 392-4721 or write the Florida Department of Agriculture and Consumer Services, Bureau of Compliance Monitoring, 3125 Conner Blvd., Tallahassee, FL 32399-1650. (*Published May 3, 1995 Federal Register.*)

2. Exemption of Crop Advisors from Certain Provisions of the WPS

Persons, who are certified as crop advisors by a program approved by EPA or State pesticide enforcement agency, and persons performing crop-advising tasks under their direct supervision, are exempt from the following WPS provisions, provided certain conditions are met:

- Knowledge of all labeling requirements related to safe use of the pesticide;
- The specific location and description of areas on the agricultural establishment that may be treated with a pesticide, or that may be under a restricted entry interval while the crop advisor is on the establishment, and the restrictions on entering those areas.
- Personal Protective Equipment (PPE);
- Decontamination requirements; and
- Emergency assistance requirements.

The conditions that must be met include:

1. Certification and licensing programs for crop advisors must require pesticide safety training that includes, at a minimum, all the information required for WPS handler training.
2. No entry into the treated area until application ends.
3. The exemption applies **only when performing crop advising tasks** in the treated area.
4. The crop advisor must determine the appropriate PPE and decontamination supplies needed for the tasks, and how to conduct the tasks safely. The crop advisor must convey this information to each person under his/her direct supervision in a language the person understands.
5. Before entering a treated area, the certified or licensed crop advisor must inform each person under his direct supervision of the pesticide product and active ingredient(s) applied, method of application, time of application, the restricted entry interval, which tasks to undertake, and how to contact the crop advisor.

A person is under the direct supervision of a crop advisor when the crop advisor exerts the controls listed in (4) and (5) above. The crop advisor does not have to be physically present, but must be readily accessible to employees at all times.

FDACS has established an EPA-approved certification program for crop advisors, which permits crop advisors in Florida to use the WPS crop advisor exemption. Under this program, crop advisors can meet the certification requirement for the WPS crop advisor exemption through the Certified Crop Advisor (CCA) program conducted by the American Society of Agronomy; through the voluntary professional certification program conducted by the National Alliance of Independent Crop Consultants; or by certifying in the WPS Crop Advisor category established by FDACS. (*Published May 3, 1995 Federal Register. Change effective May 1, 1996*)

3. Exceptions to WPS Early Entry Prohibition for Irrigation and Limited Contact Activities

Unless early entry is expressly prohibited by product labeling, trained agricultural workers may enter a treated area during an REI to perform tasks related to operating, moving, or repairing irrigation/watering equipment or to perform limited-contact activities as long as the label instructions for the REI is followed and proper PPE is worn. These exceptions allow workers to perform tasks during an REI for up to 8 hours per 24 hour period that result in minimal contact with pesticide-treated surfaces and which, if delayed, would result in significant economic loss.

A “limited contact task” is a **non-hand-labor task** performed by workers that result in minimal contact with treated surfaces, such as soil, water, plants, and equipment, and where the contact with treated surfaces is limited to the forearms, hands, lower legs, and feet. Examples of limited contact tasks include, but are not limited to the operation and repair of weather monitoring and frost protection equipment; the repair of greenhouse heating, cooling and ventilation equipment; the repair of non-application field equipment; the maintenance and moving of beehives.

Trained workers may enter a treated area during an REI to perform irrigation and/or limited contact tasks, if the agricultural employer ensures that the following requirements are met:

1. The need for the task could not have been foreseen and cannot be delayed until after the REI expires.
2. **No hand labor** is performed, i.e. picking, pruning, weeding, etc. that would cause a worker to have direct contact with plants or soil that may contain pesticide residues.
3. The worker’s contact with treated soil, water, plants, crops, and irrigation equipment is minimal and is limited to feet, lower legs, hands, and forearms.
4. PPE for early entry conforming to the label requirements must be provided to the worker.
5. The pesticide label does not require both the posting of treated areas and oral notification to workers (double notification), or prohibit any person other than an appropriately trained and equipped handler from entering during the REI.
6. The time in the treated area during the REI for any worker does not exceed 8 hours in any 24-hour period.
7. The WPS requirements for early entry that involves contact with treated surfaces must be met. These include:
 - o **No entry during the first 4 hours after pesticide application and until label specified ventilation criteria and inhalation exposure levels have been met.**
 - o Informing workers of safety information on the product labeling.
 - o Provide, manage, and care for PPE.
 - o Prevention of Heat-related illness.
 - o Provide decontamination facilities.
 - o Do not permit PPE to be taken home.

8. Workers must be notified in a language that they understand before entering a treated area, that:
- o The agricultural establishment is relying on this exception to allow workers to enter treated areas to complete irrigation and limited contact tasks.
 - o No entry is allowed for the first 4 hours following an application, and until:
 1. applicable ventilation criteria have been met and
 2. any label-specified inhalation exposure level has been reached.
 - o The time in the treated area for the worker cannot exceed 8 hours in any 24-hour period.

(Published May 3, 1995 Federal Register. Change effective May 3, 1995)

4. Reduced Restricted Entry Intervals for Some Pesticides

EPA permits pesticide registrants to reduce the REIs for certain low-risk pesticides from 12 hours to 4 hours. Products with active ingredients meeting the low-risk criteria will have a 4-hour REI indicated on the label. EPA has developed and distributed a list of end use products having reduced 4-hour REIs. This list is available from the University of Florida, IFAS, Pesticide Information Office, county extension offices or the Florida Department of Agriculture and Consumer Services. *(Published May 3, 1995 Federal Register. Change effective May 3, 1995)*

5. Reduced Time for Decontamination Supplies

EPA has decreased from 30 days to seven days, the time during which decontamination supplies (soap, water, and single use towels) must be available to workers, only when low toxicity pesticides are used. Low toxicity pesticides are those **products which have REIs of 4 hours or less.** Pesticide products that have REIs greater than 4 hours must have decontamination supplies available for 30 days whenever a worker performs any activity in the pesticide-treated field or area. *(Published July 26, 1996 Federal Register. Change effective August 26, 1996)*

6. Changes in Size and Language for Field Posting Signs

EPA now permits the use of smaller signs to post treated areas when the treated area is too small to accommodate the standard 14- by 16-inch sign. Farms and forests must still use the standard size sign unless a smaller sign is necessary because the treated area is too small to accommodate a sign of this size. The agricultural employer may use a smaller size sign in nurseries and greenhouses. Signs of approximately 4-1/2 by 5 inches may be used if the distance between signs is 25 feet or less; signs of approximately 7 by 8 inches can be used if the distance between signs is 50 feet or less.

Agricultural employers may replace the Spanish portion of the field posting sign with a non-English language read by the largest group of workers who do not read English. The replacement sign must be in the same format as the original sign and be visible and legible. *(Published July 26, 1996 Federal Register. Change effective August 26, 1996)*