

## A Summary of Revisions to the Worker Protection Standard (WPS)<sup>1</sup>

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*This document highlights the changes to the Worker Protection Standard (WPS) since it became a federal regulation in 1992 and became fully implemented in 1995. This fact sheet 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:

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1. This document is PI-25, one of a series of the Pesticide Information Office, Food Science and Human Nutrition Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida. For additional information, contact the Pesticide Information Office, University of Florida, P.O. Box 110710, Gainesville, FL 32611-0710, (352) 392-4721. Published: April, 1998. Revised November 2005. Reviewed December 2008. Please visit the EDIS Web site at <http://edis.ifas.ufl.edu>.
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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:
  - Following directions and/or signs about keeping out of restricted areas.
  - Washing before eating, drinking, using chewing gum or tobacco, or using the toilet.
  - Wearing work clothing that protects the body from pesticide residues.
  - Washing work clothes separately from other clothes before wearing them again.
  - 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 (REI) 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 (REI), 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.*)

### 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 a restricted entry interval (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 results 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:
  - **No entry during the first 4 hours after pesticide application and until label specified ventilation criteria and inhalation exposure levels have been met.**
  - Informing workers of safety information on the product labeling.
  - Provide, manage, and care for PPE.
  - Prevention of Heat-related illness.
  - Provide decontamination facilities.
  - 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:
  - The agricultural establishment is relying on this exception to allow workers to enter treated areas to complete irrigation and limited contact tasks.

- 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.
- The time in the treated area for the worker cannot exceed 8 hours in any 24-hour period.

*(Published May 3, 1995 Federal Register.)*

#### 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.)*

#### 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.)*

#### 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.)*

#### Additional Information

EPA Worker Protection Standard:

How to Comply with the Worker Protection Standard for Agricultural Pesticides: What Employers Need to Know. United States Environmental Protection Agency. Revised 2005:

<http://www.epa.gov/agriculture/epa-735-b-05-002.pdf> (accessed December, 2008).

Florida Department of Agriculture and Consumer Services, Division of AES, Bureau of Compliance Monitoring: Worker Safety:

<http://flaes.org/complimonitoring/workersafety/index.html#flagworkersafetyact> (accessed November 2005).

UF/IFAS EDIS database:

[http://edis.ifas.ufl.edu/TOPIC\\_WPS](http://edis.ifas.ufl.edu/TOPIC_WPS) (accessed November 2005).