WPS Label Statement

*“AGRICULTURAL USE REQUIREMENTS - Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR, Part 170.”
Revisions to EPA’s Agricultural Worker Protection Standard
(Long Version)

December 18, 2015
Delayed compliance dates to give farmers and States time to become familiar with new requirements and prepare for implementation

- Compliance with most new requirements
  - by Jan 2, 2017
- Compliance with all requirements
  - by Jan 1, 2018
Relationship Between Pesticide Labeling & WPS

- The labeling has product-specific requirements to protect workers and handlers
- WPS has instructions on how to implement the requirements
- WPS also has general protections too lengthy to place on every label, e.g., requirements for pesticide safety training, hazard communication materials, decontamination, and emergency assistance

**Pesticide Labeling**
- Length of the restricted entry interval (REI)
- What PPE must be worn

**WPS**
- How to notify workers about the REI (oral or field posting)
- Providing, maintaining, and ensuring proper fit of PPE
Pesticide Safety Training

**Current**
- Pesticide safety training every 5 years
- Allow brief 5 point training prior to entering treated area and delay full pesticide safety training for up to 5 days (“grace period”)

**Revision**
- Pesticide training every year
- **Expand training content** [Delayed implementation]
- Require recordkeeping of training for 2 years
  - Provide worker or handler a copy upon request
- No “grace period”
- Keep certified applicators as trainers
- Train-the-trainer programs must be approved by EPA
Notification

**Current**

- Oral or posted notification of outdoor treated areas unless labeling requires both

- Workers entering when restricted-entry interval (REI) in effect (early-entry workers) must receive PPE
Revision

* Post outdoor treated areas when REI is greater than 48 hours
* Early-entry workers must be provided PPE & oral notification of:
  - information about the pesticide application
  - specific task to be performed
  - amount of time that the worker is allowed to remain in the treated area
  - the PPE required by the label

• No recordkeeping of info provided to early-entry workers
Hazard Communication

**Current**
- Post application-specific information at central display until 30 days after REI expires
- Available to worker or handler only during display period

**Revision**
- Hazard information includes the application-specific information and the pesticide safety data sheets (SDSs)
- Post hazard information at central display for 30 days after REI expires and retain for 2 years
- Access available from display period through retention to:
  - Employee (upon oral or written request)
  - Treating medical personnel and persons working under their supervision (oral or written request)
  - Designated representative (written request only)
Pesticide Safety Information

Current
- Safety poster displayed at central location
- Certain safety information specified

Revision
- Safety information displayed at central location and certain decontamination sites
- Additional information required on display [Delayed implementation]
Minimum Age for Handlers and Early-Entry Workers

**Current**
- No minimum age

**Revision**
- Requires a minimum age of 18 for pesticide handlers and early entry workers (who enter field during restricted-entry interval (REI))
  - Members of owner’s immediate family are exempt from this requirement
- No minimum age in WPS for workers entering field after REI expires
Respirators

**Current**
- Employers must provide Personal Protective Equipment (PPE) required by labeling & ensure respirator fits correctly

**Revision**
- Adopts by reference a subset of OSHA’s standard for respirators (including filtering facepieces) - fit test, medical evaluation, training
Application Exclusion Zones in Outdoor Production

Current

- During pesticide applications, workers and others are prohibited from being in:
  - The treated area - for farms and forests
  - The treated area and areas adjacent to treated areas (entry-restricted areas) – for nurseries
### Application Exclusion Zones in Outdoor Production

#### Revision

- Establishes application exclusion zones (AEZ) based on distance from the application equipment for farms and forests, also applies in nurseries.

- Agricultural employers must keep workers and other persons out of the treated area & AEZ that are WITHIN the boundary of the establishment owner’s property.

- Handler must suspend application if persons are in AEZ. Requirement to suspend application is NOT limited by the boundary of the establishment owner’s property. *(Delayed implementation)*

![Diagram](image-url)
Decontamination Supplies

**Current**
- Employers must provide “sufficient amount of water so that the workers/handlers may wash thoroughly”

**Revision**
- Provide 1 gallon of water for each worker and 3 gallons for each handler and each early-entry worker; measured at the beginning of the work period
Decontamination Supplies

Current

▶ If handler is using a product that requires eye protection, one pint of water must be immediately available to each handler.

Revision

▶ If handler is mixing/loading a product that requires eye protection, eyeflush water must be immediately available at the mix/load site for handler eye flushing.
▶ If applicator is using a product that requires eye protection, one pint of water must be immediately available to each applicator.
Emergency Assistance

Current

- Employers must provide “prompt” transportation to an emergency medical facility for workers or handlers who may have been exposed to pesticides.
- Upon request, employers must provide certain information, if available, to the exposed person or medical personnel.

Revision

- Retain “prompt” for provision of transportation.
- Require employers to provide for each product the SDS and specific information about the product, as well as the circumstances of the application and exposure, to treating medical personnel.
Definitions

**Immediate family** is limited to the spouse, parents, stepparents, foster parents, father-in-law, mother-in-law, children, stepchildren, foster children, sons-in-law, daughters-in-law, grandparents, grandchildren, brothers, sisters, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and first cousins. “First cousin” means the child of a parent’s sibling, i.e., the child of an aunt or uncle.
Key Changes between Proposed and Revised Final Rule

**Proposed rule**
- Grace period for training: 2 days
- Certified applicator can’t train workers
- Minimum age: 16
- Entry restricted area
- Eyewash water for handlers at permanent mixing loading sites
- Hazard communication: application information, product labels and SDS
- Central location eliminated for hazard communication
- Immediate family: add in-laws, grandparents & grandchildren
- Authorized representative identified orally or in writing: no requirements
- Equivalency granted on a case-by-case basis by policy

**Revised rule**
- Eliminate grace period
- Certified applicator can train workers
- Minimum age: 18
- Application exclusion zone
- Eyewash water for handlers at all mix/load sites
- Hazard communication: application information and SDS
- Central location retained for hazard communication
- Immediate family: also add aunts, uncles, nephews, nieces & first cousins
- Designated representative identified in writing; other requirements
- Equivalency option for states and tribes
No Major Changes between Proposed and Revised Final Rules

- Safety training – annual
- Recordkeeping for safety training – 2 years
- Expanded content in safety training
- Post treated areas with REI > 48 hours
- Oral notification for early-entry workers
- Respirator fit test, medical evaluation, training (same requirement; scope changed)
<table>
<thead>
<tr>
<th>Date</th>
<th>Milestone</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 28, 2015</td>
<td>Revised WPS final rule signed and announced.</td>
</tr>
<tr>
<td>November 2, 2015</td>
<td>Revised WPS final rule published in the <em>Federal Register</em>.</td>
</tr>
<tr>
<td>January 1, 2016</td>
<td>Revised WPS final rule becomes effective. [Compliance is required with <em>existing</em> WPS during 2016.]</td>
</tr>
<tr>
<td>January 2, 2017</td>
<td>Compliance is required with <em>most</em> of the <em>revised</em> WPS requirements.</td>
</tr>
</tbody>
</table>
| January 1, 2018   | Compliance is required with *all* of the *revised* WPS requirements. Last three requirements:  
|                  | • Cover new content in worker and handler training                         |
|                  | • Include new content on pesticide safety information display              |
|                  | • Handlers suspend applications if anyone is in the application exclusion zone. |
For information, please contact Annie MacMillan at Anne.Macmillan@Vermont.gov, phone # 802-828-3479 or connect to http://agriculture.vermont.gov/ or your local inspector