



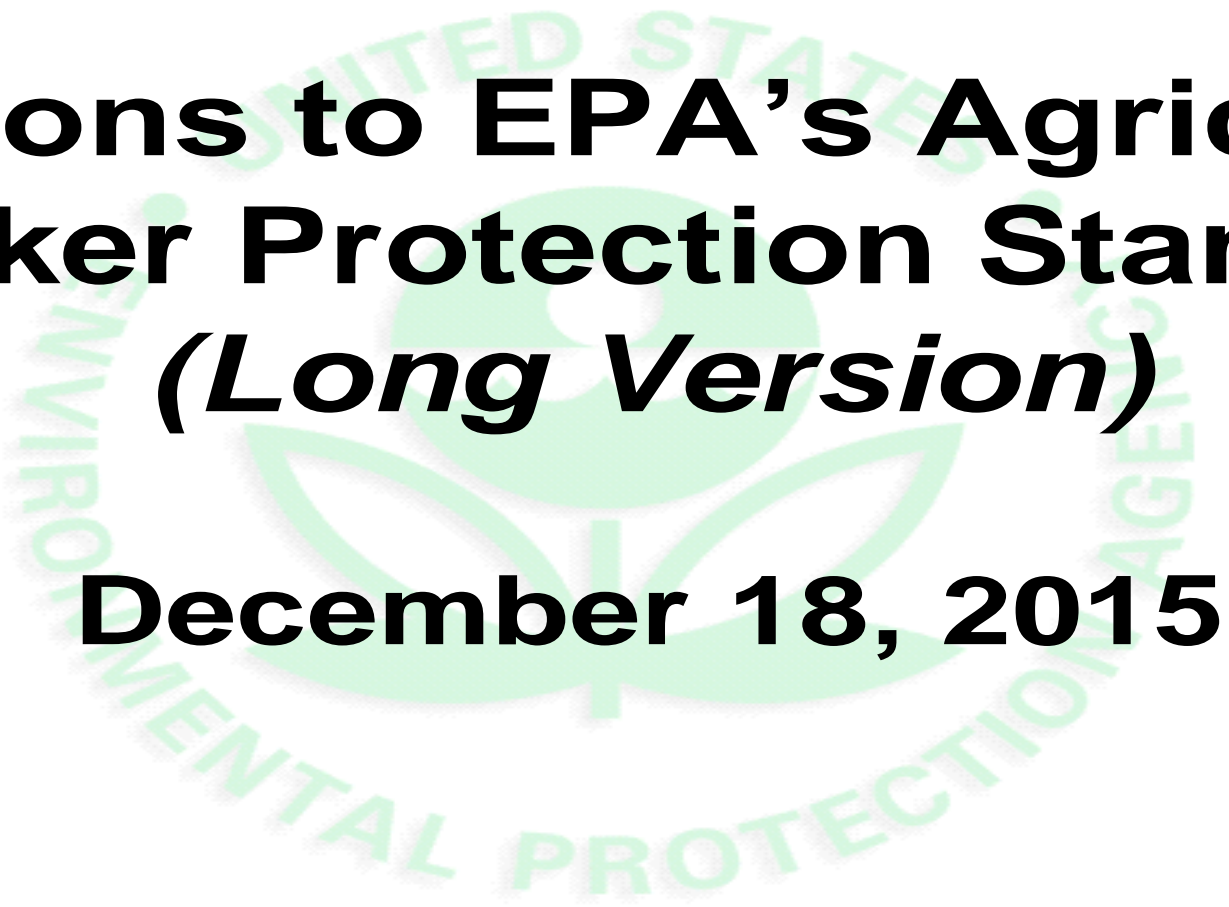
# VTFGA Meeting

## February 18, 2016

VAAFM DOMINIQUE GOLLIOT

# 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

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- 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

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## 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

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## 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

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## 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

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## 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

12

## 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

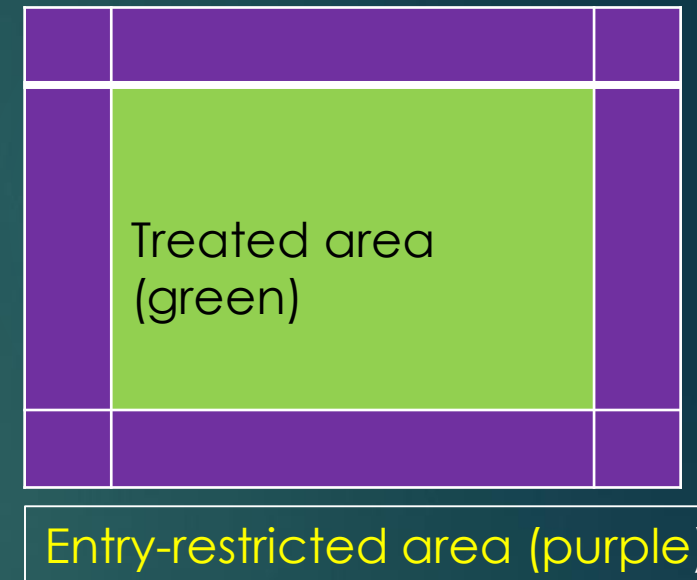


# Application Exclusion Zones in Outdoor Production

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## 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

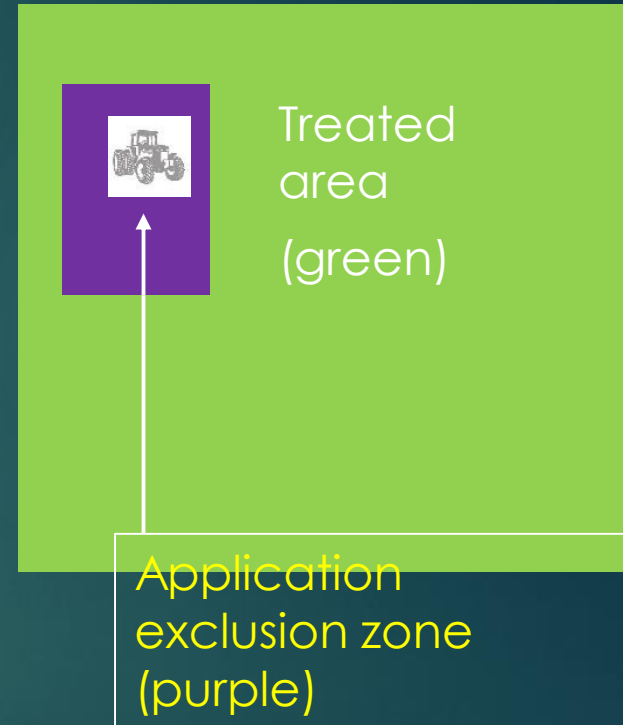


# Application Exclusion Zones in Outdoor Production

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## 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]*



# 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

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## 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

- ▶ **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

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## 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

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- ▶ 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)

# Implementation Timeline

Date	Milestone
September 28, 2015	Revised WPS final rule signed and announced.
November 2, 2015	Revised WPS final rule published in the <i>Federal Register</i> .
January 1, 2016	Revised WPS final rule becomes effective. [Compliance is required with <u>existing</u> WPS during 2016.]
January 2, 2017	Compliance is required with <u>most</u> of the <u>revised</u> WPS requirements.
January 1, 2018	Compliance is required with <u>all</u> of the <u>revised</u> WPS requirements. Last three requirements: <ul style="list-style-type: none"><li>• Cover new content in worker and handler training</li><li>• Include new content on pesticide safety information display</li><li>• Handlers suspend applications if anyone is in the application exclusion zone.</li></ul>



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