Complying with 2015 Revised Worker Protection Standard on AES facilities

Provided by the Colorado Environmental Pesticide Education Program at Colorado State University

Thia Walker
Extension Specialist-Pesticide Safety Education
cepep.agsci.colostate.edu
Implementation Timeline

9/28/2015
Revised WPS final rule signed

11/2/2015
Revised WPS final rule published in the Federal Register.

1/2/2017
Compliance Required with Most Revised WPS Requirements Except:
• New content in Worker and Handler Training
• New content in Pesticide Safety Information Display
• Responsibility for Handlers related to the Application Exclusion Zone

1/2/2018
Compliance Required with All WPS Requirements
What is the Worker Protection Standard?

- Federal program regulated by EPA
  - 1947 FIFRA – USDA regulates pesticides
  - 1970 EPA ‘born’ and given responsibility for pesticide regulation
  - 1972 Major revision of FIFRA to include an emphasis on environmental protection & public safety
  - 1974 EPA published 40 CFR, Part 170
    “A Worker Protection Standard for Agricultural Pesticides”

*Occupational safety & health of farm workers who perform hand labor tasks after pesticide applications*
What is WPS and what does it involve?

- Applies to farms, forests, nurseries, and enclosed space production
- Producing agricultural commodities
- Apply registered pesticides labeled with a **AGRICULTURAL USE REQUIREMENTS** box
Types of ‘ag production’ exempt from WPS requirements

- Pastures or rangeland, unless harvesting for feed
- Livestock & livestock operations
- Control vertebrate pests*
- Harvested ag plants
- Public pest control programs (mosquito abatement)
- Plants grown for non-commercial purposes
- Ornamental gardens**, golf courses**, parks, etc. for decorative purposes
- Right-of-way & structural pest control
- For research of unregistered pesticides
- Workers in areas where plants have been injected with pesticides
Types of employers who must comply...

- **Agricultural Employers**: Own or manage a farm, forest, nursery, or enclosed space production facility
  - Apply pesticides (GUP or RUP)
  - Produce ‘agricultural’ plants

- **Commercial Pesticide Handling Establishments**
  - They employ handlers applying pesticides to ag plants

- **Crop Advisors**
  - Advising on farms, forests, nurseries, or enclosed space production facilities.

- **Labor Contractors** may be assigned WPS responsibilities but it is up to the employer to comply!
And they ‘employ’ workers and handlers

“Employ” (under 2015 revision)

To obtain, directly or through a labor contractor, the services of a person **for a salary or wage**, including piece-rate wages, with regard to who pays or who receives the salary or wage.
Any person, including a self-employed person, who is employed for a wage and performs activities directly relating to the production of agricultural plants on an agricultural establishment.

- tasks including, but not limited to, harvesting, weeding, carrying nursery stock, repotting plants, pruning or watering.
Defining a Handler

Any person, including self-employed, who is employed by an agricultural employer or commercial pesticide handler employer and...

- mixes, loads, applies, cleans or repairs equipment, disposes of pesticides, acts as flaggers, assisting with the application, or entering before ventilation of an enclosed space or greenhouse, etc. It also includes irrigators if chemigating.

- Now includes ‘performing tasks as a crop advisor during any pesticide application or REI.’
The Primary Goals of the 2015 Revised Worker Protection Standard

**Inform**
- about pesticide used in the workplace

**Protect**
- from potential exposure to pesticides or residues

**Mitigate**
- pesticide exposures when they do occur
Rules Meant to Inform

- Trainer requirements/Training material requirements
- Pesticide safety training
- Posted pesticide safety information
- Pesticide application recordkeeping
- Pesticide application notification requirements
Inform

Updated Training Requirements for Trainers of Handlers or Workers

- Trainers who have completed an EPA approved train-the-trainer program, or
- Certified applicators, or
- Training Materials must be EPA Approved
- A trainer designated by a State/Tribe/EPA
- Trainer has to be present throughout training
Updates to Pesticide Safety Training

- **Annual Training:** NOW
- **Expand Worker training to 23 points (after 1/2/2018)**
- **Expand Handler training to 36 points (after 1/2/2018)**

- Emphasis on hazards to family, including pregnant women and small children
- No Grace Period NOW
Responsibilities of Trainers

- Train workers *before* entering field under WPS!
- Train handlers *before* any handling task!
- Use only WPS training materials approved by EPA
  - Produced by EPA
    - Will have EPA logo and EPA publication number
  - Produced by others/approved by EPA
    - Will have an EPA approval number and statement of approval for use in WPS training
- Resources available: [http://pesticideresources.org](http://pesticideresources.org)
Pesticide Safety Training

- **Beginning Jan 2, 2017:**
  - Train every 12 months using current training content
  - Use EPA-approved materials

- **By Jan 2, 2018:**
  - Train every 12 months using NEW training content
  - Use EPA-materials
  - We can develop site-specific training if you want
Worker training - Jan 2, 2018

- Training that must be provided includes:
  - Responsibilities of employers to provide info and protections under WPS
  - Recognizing/understanding warning sign
  - Follow directions & keep out of areas under REI & AEZ
  - Where/what forms pesticides may be encountered
  - Hazards from pesticide toxicity & exposure
  - Possible routes of pesticide exposure
  - Signs/symptoms of pesticide exposure
  - Emergency first aid for pesticide injuries
  - Routine & emergency decontamination procedures
Worker training (continued)

Training that must be provided includes:

- How/when to obtain emergency medical care
- How to protect yourself when working in areas treated with pesticides
- Hazards from residues on clothing.
- Washing work clothing before wearing again
- Do not take pesticide containers home
- Where to find hazard information (central display)
- Cannot do work as handler
- Early entry workers must be at least 18 years old
Worker training (continued)

- Training that must be provided includes:
  - Hazards to pregnant women & children
  - Keep family away from pesticide treated areas
  - Remove work shoes before entering home and clothes before physical contact with family
  - How to report suspected use violations to State authorities
  - Rule prohibits retaliation for reporting WPS violations or for attempting to comply with WPS
**Handler training - Jan 2, 2018**

- Handlers must receive the worker portion of the WPS pesticide safety training

- Additional training that must be provided includes:
  - Responsibilities of employers and handlers
  - Information about suspending applications
  - Reading/understanding pesticide label
  - Selecting/Inspecting required PPE
  - Measuring, Mixing and loading pesticides
  - Surveying the application site
  - Applying the pesticide safely & effectively
  - Cleaning after the application
  - Transporting/storing/disposing of pesticides & their containers
Training Verification & Recordkeeping Requirements

- **Verification of Training**
  - Worker/handler printed name & signature
  - Date of training
  - Trainer’s name
  - Trainer’s qualification
  - Employer’s name
  - Information on EPA-approved materials used

- **Keep records for 2 years**
  - Individual records must be made available upon request by the worker or handler
Updates to Posted Safety Information (Central Location)

- Safety Poster (updated Jan 2, 2018)
- Post all applications within 24 hours after the application ends
- SDS for all pesticides applied must be kept in a location accessible to workers and handlers
Updates to Safety Poster Information

- Safety Poster updated (Jan 2, 2018)
- Complete nearest medical facility info
- Add CDA contact info 303-869-9057
- Must have poster at permanent decontamination sites OR when 11 or more workers/handlers present in one location
Updates to Application Information

- Location & description of treated area
- Crop or site treated
- Product Name
- EPA registration #
- Active Ingredient(s) of the pesticide
- Date of application
- Start & End time of application
- Length of REI
Updates to Pesticide Recordkeeping

- Keep pesticide application records, SDS, training records for **two** years

- Workers/Handlers can request information about pesticide applications & SDS sheets during their employment period

- Worker/Handler may designate a person in writing to access to this information on their behalf
Information about designated reps

- **Designated Representative**
  - Person must be designated in writing by the worker or handler
  - May request access or copies of pesticide application and SDS from display period through the 2 year retention.
    - Name of worker or handler
    - Specific information requested (dates of employment, dates of records requested, type of work conducted by worker/handler and specific application/hazard information requested)
  - Where to send the info
  - If these are met, the establishment has 15 days from receiving the request to comply
Updates for Pesticide Application Notifications

- Orally warn workers and post treated areas if required by labeling
- May have to post warning signs depending on REI
- Orally warn workers on establishment:
  - Location and description of treated area
  - Date & time entry is restricted
  - AEZ, REI and not to enter during REI
Updates for Pesticide Application Posting

- Post prior to, but NO earlier than 24 hours before the application
- Signs removed or covered within 3 days after the end of the REI UNLESS area is treated as if it is under an REI
<table>
<thead>
<tr>
<th>Minimum Age</th>
<th>Application Exclusion Zone (AEZ)</th>
<th>Instruction for early-entry workers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Protective Equipment</td>
<td>Respiratory protection</td>
<td>Protection against retaliation</td>
</tr>
</tbody>
</table>
New Rule: Minimum Age
New Rule: Application Exclusion Zone

- Employers are responsible to keep workers and other people out of the AEZ on their own property.
- Applicators must suspend application whenever someone who is not involved in the application enters the AEZ.
- Moves with application.
- 0, 25, or 100 feet.
Information About AEZ

- Measured from the application equipment horizontally in all directions

**Minimum 100 feet when applied:**
- By air, or
- By air blast sprayer, or
- As a spray drop size smaller than medium, or
- As a fumigant, smoke, mist or fog

**Minimum of 25 feet when applied:**
- From a height more than 12 inches from the planting medium, or
- Using a spray drop size of medium or larger
Information About AEZ

- Ag Establishment Employer responsible for keeping workers and others out of AEZ WITHIN ag establishment boundaries!

- Handler responsible for ‘suspending’ applications if persons are within AEZ
**AEZ is not limited to the boundary of the ag establishment!!**
Application Exclusion Zones in Outdoor Production

When the application is concluded, the AEZ no longer exists.
Application Exclusion Zones On Field Borders

Yes, they agreed to move!

When the application is finished the AEZ no longer exists.

SUSPEND!
There are workers from the neighboring field in the AEZ!

EVALUATE!
Can you ask the workers to move somewhere else until you are done with the application?

😊😊😊😊😊😊😊😊 Proceed with caution.
SUSPEND!
There are workers from the neighboring field in the AEZ, and they refuse to move!
EVALUATE!
Can you ensure these workers won’t be contacted through drift?

Yes, the wind is blowing away from the workers and I can ensure that my application will not contact the workers in the other field.

Proceed with caution.

When the application is finished the AEZ no longer exists.
Protecting Early Entry Workers

- Early-Entry Workers must now be informed 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
Personal Protective Equipment

- Provide Handlers with PPE according to label
  - Clean, worn properly, inspected before use, replaced or repaired
- Provide handlers pesticide-free area for:
  - Storing personal clothing
  - Putting on/taking off PPE
- DO NOT allow PPE to be taken home
Disposing of PPE

- Dispose of PPE that are heavily contaminated with pesticides having “DANGER” or “WARNING” signal words.
- When discarding PPE, make sure it is ‘unusable’ or unavailable for further use.
New Rule: When Respiratory Protection is Required

- Be medically cleared
- Fit tested
- Instructed on use and maintenance
Every Colorado State University employee who wears respiratory protection must participate in the Respiratory Protection Program. Detailed information about the Respiratory Protection Program can be found in the Respiratory Protection Procedures.

The use of any and all types of respirators at Colorado State University is subject to review and approval by EHS prior to use. No employee should wear a respirator unless they have been through EHS’s respiratory protection program. The OSHA Respiratory Protection Standard regulates any use of respiratory protection.
WPS Requirements for Respirators

- Replace particulate filters or filtering facepiece when:
  - Breathing is difficult, it becomes damaged or torn, when respirator label requires it OR after 8 hours of use if no instructions

- Replace vapor-removing cartridges or canisters when:
  - Odor/irritation is noticed, when respirator or pesticide label requires it, when breathing resistance is excessive OR after 8 hours of use if no instructions
Employee Rights & Protections

- Employees have the right to report suspected pesticide use and WPS violations to their local regulatory authority.

- Employees are protected against retaliation from the employer for complying with WPS or reporting WPS violations.
Rules Meant to **Mitigate**

- Decontamination supplies
- Information for medical personnel
- Emergency Eye Wash
Decontamination Supplies for workers

- Provide 1 gallon of water for each worker measured at the beginning of the work period
- Single use towels
- Soap
Decontamination
Supplies for handlers

- Provide 3 gallons for each handler and each early entry worker measured at the beginning of the work period
- Single use towels, soap
- Clean change of clothes
Decontamination Supplies for handlers

- Emergency eye wash if label requires protective eyewear or closed system is under pressure
  - System providing 0.4 gpm for at least 15 minutes
  - OR
  - At least 6 gallons water – system must dispense a gentle steady flow of water
Provide Emergency Assistance

- Provide transportation “promptly” if believe worker/handler had potential exposure
- Or if they show symptoms associated with acute exposure during or within 72 hours after employment
Information that MUST be provided to Medical Personnel

- SDS sheets
- Application information
- Circumstances of exposure
**Information Exchange**

- Before application, CPHE must inform ag establishment:
  - Location/description of area
  - Date, estimated start & end times
  - Product name, EPA reg #, AI & REI
  - Whether oral/posted warning required
  - All other safety requirements on labeling for workers

- Ag Establishment must inform CPHE:
  - Location/description of treated areas under REI if they may be in/walk in within ¼ mile
  - Restrictions on entering those areas
Application Equipment

- Before someone NOT directly employed by Ag establishment is allowed to clean, repair or adjust application equipment, inform them:
  - Equipment may be contaminated with pesticides
  - Potentially harmful effects of pesticide exposure
  - How to limit exposure to pesticides
  - How to decontaminate themselves and/or their clothes to prevent exposure to residues
People who clean PPE

- Inform people who clean PPE:
  - PPE may be contaminated with pesticides
  - Potential harmful effects of pesticides
  - How to protect themselves when handling contaminated PPE
  - How to clean PPE properly
  - Decontamination procedures to follow after handling contaminated PPE
For more information on WPS

- For “How to Comply Manual” and Training Resources:
  http://pesticideresources.org

- CEPEP website
  http://cepep.agsci.colostate.edu

- To review the regulation:
  http://ecfr.gov
To review the current rule:

http://www.ecfr.gov
THE END!

For more information, contact:
Thia Walker
Thia.walker@colostate.edu
970-491-6027

Mike Rigirozzi
WPS Specialist - CDA
Michael.rigirozzi@state.co.us
303-869-9059