



# COLORADO ENVIRONMENTAL PESTICIDE EDUCATION PROGRAM

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## FEDERAL WORKER PROTECTION STANDARD

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This fact sheet defines terms used in the Worker Protection Standard (WPS).

This fact sheet was revised as part of the Comprehensive Worker Protection Standard Awareness Project for Colorado.

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## Federal Worker Protection Standard Key Definitions

The Worker Protection Standard (WPS) was issued in 1992 by the U.S. Environmental Protection Agency (EPA). This regulation applies where pesticides are used in production of agricultural plants for commercial or research purposes on farms, forests, nurseries, greenhouses, and related structures. It covers pesticide applicators, mixer/loaders, disposers of pesticide containers, and those who may be exposed to a pesticide residue on the job. Both general-use and restricted-use pesticide applications are covered by WPS.

It is important to review several key definitions to assist understanding the regulation.

**Agricultural establishment** - any farm, forest nursery or greenhouse. WPS applies to owners or managers of ag establishments that employ people who may come in contact with pesticides.

**Agricultural plant** - any plant grown or maintained for commercial or research purposes and includes, but is not limited to, food, feed, and fiber plants; trees; turfgrass; flowers; shrubs; ornamentals; and seedlings.

**Agricultural worker** - a person, including a self employed individual, who works for salary, wages or other compensation and who must enter a field or area treated or under a REI within the past 30 days to perform tasks such as harvesting, weeding, cultivating, watering, pruning, topping, sucker removal, packing produce in the field, thinning, etc. related to the production of an agricultural plant.

**Agricultural employer** - any person who hires or contracts for services of workers/handlers, for any type of compensation, to perform activities related to the production of agricultural plants, or any person who is an owner or responsible for the management or condition of an agricultural establishment that uses workers/handlers.

**Commercial pesticide handling establishment** - an ag dealership that employs individuals to apply pesticides on farms. Farmers must provide certain information to employers at commercial handling establishments. Commercial applicators must provide certain information to ag establishments.

**Crop advisors** - those individuals that access pest numbers or

damage, pesticide distribution, or the status, condition, or requirements of agricultural plants. Includes independent crop consultants, crop scouts, and IPM monitors.

**Early entry workers** - any person who performs “worker” tasks during the REI.

**Handler** - any person, including a self employed person, who mixes, loads, transfers, applies, disposes pesticides or pesticide containers, cleans, adjusts, handles or repairs application equipment, acts as a flagger, etc. (certified or licensed crop advisors and persons working under their direct supervision are now exempt).

**Handler employer** - any person who hires people to do pesticide handling tasks, or if you do them yourself, the WPS considers you a handler employer

**Immediate family** - includes spouse; children; stepchildren; foster children; parents; stepparents; foster parents; brothers; sisters; and in-laws.

**Personal protective equipment (PPE)** - clothing and other equipment such as goggles, gloves, boots, aprons, coveralls and respirators, that provide protection from exposure to pesticides.

**Restricted entry interval (REI)** - the time after the completion of a pesticide application during which entry into the treated area is restricted.

Worker employers – any person who hires or contracts for people to do agricultural worker tasks, or if you do them yourself, the WPS considers you a worker employer.

**WPS labeling** - all pesticide products affected by the WPS carry a statement in the Agricultural Use Requirements section on the label. This statement will inform users that they must comply with all WPS provisions. If you are using a pesticide product with WPS labeling to produce an agricultural commodity, the WPS requirements must be followed. WPS requirements are not in effect if an agricultural pesticide is used as labeled for a non-agricultural use.

*Note: By definition, “workers” do not apply pesticides or handle pesticide containers or equipment. Someone may be a “worker” while completing one task and a “handler” while completing a different task.*

**Disclaimer:** The Worker Protection Standard is a very complex regulation that will require considerable study. This fact sheet is just an introduction and should not be used as a final interpretation. Refer to the complete WPS regulations in the Code of Federal Register 40 Part 170.

## **References and Resources**

EPA’s Agriculture Compliance Center. June 2005. [www.epa.gov/agriculture](http://www.epa.gov/agriculture)

*The Worker Protection Standard for Agricultural Pesticides - How to Comply, What Employers Need to Know.* July 1993. U.S. Environmental Protection Agency, EPA 735-B-93-001, Washington, D.C.

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