



Majority of Worker Protection Standard Revisions Are Effective as of January 2, 2017

WHY DID THE WPS REGULATION CHANGE IN 2015?

The new revisions to the Worker Protection Standard (WPS) regulation strengthened elements of the existing rule to better protect workers and handlers from occupational exposure to pesticides and reduce the numbers of potentially preventable pesticide incidents and illnesses. These revisions also ensure workers and handlers receive workplace protections comparable to those that are already provided to workers in other industries, while still considering the unique needs of agricultural operations.

MOST IMPORTANT ELEMENTS OF THE NEW WPS REVISIONS THAT ARE NOW IN EFFECT:

- **TRAINING:**

Annual mandatory training for workers and handlers (training is no longer on a five-year rotation). There is now no grace period to train workers. They must be trained before performing work in a treated area and handlers must also be trained before applying any pesticide (there has never been a grace period to train handlers). Growers must now keep records of all training, and maintain those records for two years.

- **MINIMUM AGE REQUIREMENT:**

All pesticide handlers or early entry workers must be at least 18 years of age before applying any pesticide or assisting with an application or entering into a treated site before the REI has expired.

- **PESTICIDE APPLICATION AND HAZARD INFORMATION**

Growers need to display pesticide application information within 24 hours of the application and maintain the records for two years. The Safety Data Sheets must now be maintained and made available to your workers and handlers.

- **RESPIRATOR REQUIREMENTS:**

When a respirator is required by product labeling applicators must complete a medical evaluation and be fit tested annually. The employer must train the applicators on the specific use of the respirator and maintain records of the training for two years.

- **EYE FLUSH AT MIXING AND LOADING SITES:**

Employers must provide a system or container that can deliver gently running water for a period of 15 minutes at a rate of .4 gallons per minute (6 gallons) for emergency eye flushing for handlers at mixing/loading sites if protective eyewear is required by the pesticide product labeling.

- **APPLICATION EXCLUSION ZONES**

During pesticide applications, agricultural employers must keep workers and other persons out of the Application Exclusion Zones (AEZ) surrounding the pesticide application equipment within the establishment's property boundary.

- **DESIGNATED REPRESENTATIVE**

A Worker or Handler may designate a representative in writing, who may act on their part to request and obtain a copy of the pesticide application and hazard information for the period of their employment on a farm.

- **IMMEDIATE FAMILY EXEMPTIONS**

The definition of immediate family has been extended to include in-laws and adopted children.

REVISIONS EFFECTIVE JANUARY 2, 2018

- Expanded training content for workers and handlers, expanded content that must be included in the pesticide safety information display (safety posters), suspending applications if anyone, other than a trained and equipped handler involved with the application is in the area.

IMPORTANT WPS DEFINITIONS THAT HAVE BEEN ADDED OR MODIFIED

Application exclusion zone (AEZ) - the area surrounding the application equipment that must be free of all persons other than appropriately trained and equipped handlers during pesticide applications.

Designated representative – any persons designated in writing by a worker or handler to exercise a right of access on behalf of the worker or handler to request and obtain a copy of the pesticide application and hazard information required by 40 CFR 170.309(h) in accordance with 40 CFR 170.311(b).

Enclosed space production - production of an agricultural plant indoors or in a structure or space that is covered in whole or in part by any nonporous covering and that is large enough to permit a person to enter.

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.

Outdoor production – production of an agricultural plant in an outside area that is not enclosed or covered in any way that would obstruct the natural airflow.

Resources

How to Comply with the 2015 Revised Worker Protection Standard for Agricultural Pesticides

<https://www.epa.gov/sites/production/files/2016-10/documents/htcmanual-oct16.pdf>

Pesticide Educational Resources Collaborative

<http://pesticideresources.org/wps/inventory.html>

For additional resources and compliance assistance, please contact the Structural Pest Control and Pesticides Division at (919) 733-3556 or at <http://www.ncagr.gov/spcap/pesticides> .