

WORKER PROTECTION STANDARD FOR AGRICULTURAL PESTICIDES

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The federal Worker Protection Standard (WPS) for Agricultural Pesticides was enacted into law in late 1992. The label-specific provisions of the law will first take effect on April 21, 1993; all provisions will be enforced by April 15, 1994. Its sole purpose is to reduce the risk of employee exposure to pesticides by requiring certain workplace practices. All agricultural employers, including employing farms, are subject to the WPS's requirements.

The following discussion provides only an overview of the WPS. We cannot in the scope of this handout provide the precise worker protection details that are specified under the rule. If you have employees handling pesticides or workers performing activities in pesticide-treated areas, you should get a copy of EPA's How **to Comply** manual. These should be available by mid-1993 from the Wisconsin Department of Agriculture, Trade and Consumer Protection.

Affected Pesticides The pesticide products covered under the WPS include those that are involved in the production of agricultural plants in nurseries, forests, greenhouses, and on farms. Some pesticides not included in the above definition are those used in pastures and rangelands; vertebrate pest control; traps used as attractants and repellents; and post-harvest applications.

Affected Employees The following individuals are covered under the WPS:

- Agricultural workers -- those who perform tasks relating to the production and harvesting of agricultural plants.
- Pesticide handlers -- those who handle agricultural pesticides or assist in their application (e.g., mixers, loaders, applicators, flaggers) or clean or repair application equipment. It also includes pest management consultants who enter treated areas.
- The immediate family of the owner of an operation must comply with the label-specific requirements but is exempt from the generic WPS provisions.

Label-Specific WPS Requirements

Application Restrictions

- No pesticide may contact any person, except a trained and protected applicator, during an application;
- No person except the applicator may be in the area being treated; and
- An applicator applying a pesticide with a skull and crossbones symbol on its label must be monitored visually or by voice contact at least every 2 hours.

More stringent restrictions exist for pesticide applications occurring in greenhouses and nurseries.

Personal Protective Equipment

Labels of affected pesticides will list minimum personal protective equipment and apparel that workers and handlers must wear. For example, labels with the DANGER or WARNING signal word will require users to wear a respirator. Employers are to provide such protective garments and equipment, train employees how to use them correctly, and keep them clean and in good working condition.

Reentry Intervals

All pesticide products which are used in the production of agricultural plants must have a prescribed-time reentry interval. Except for products which already have a stricter prescribed-time reentry interval, the following time intervals will be used:

- 48-hour reentry interval for products with the DANGER signal word,
- 24-hour reentry interval for products with the WARNING signal word, and
- 12-hour reentry interval for all other products.

For the most part, entry into treated areas during the prescribed time reentry interval is not allowed. Early entry is allowed when the individual will have absolutely 'no contact' with any treated surface. Examples of 'no contact' activities include walking through a treated area on a road or pathway, operating an enclosed cab, or operating an open cab where plants or other treated surfaces cannot brush against the worker or drip onto the worker from overhead.

The WPS also allows early entry to perform some short-term tasks such as checking on irrigation equipment. Under these circumstances, contact with treated surfaces is allowed but the following restrictions apply:

- No hand labor tasks (harvesting, pruning, etc.) are permitted (an exception for the cut flower industry is being proposed),
- No entry occurs during the first 4 hours after an application,
- The time in treated areas does not exceed 1 hour per worker per day,
- The required personal protective equipment is worn, and
- The worker is trained and a decontamination site provided (these will be discussed later).

Oral Warnings and Posting

The employer must give notice of pesticide applications to all workers who will work in a treated area during the reentry interval, or who will be performing work activities within 1/4 of a mile of such areas. Notification may either be oral warnings or posting of warning signs at treated sites; both are required if the label specifies.

Oral warnings. The employer must provide oral warnings to workers in a manner that the worker can understand. The warnings shall consist of the

location of the treated area, the period of time entry is restricted, and instructions not to enter the treated area until the prescribed time reentry interval has expired.

Posting. 'Warning placards must be visible from all usual points of worker entry to the treated area including each access road, footpath, or other walking route leading to the area. The WPS requires that sites subject to posting be placarded within 24 hours before the application. The placards must be removed within 3 days after the reentry interval has expired.

Wisconsin law specifies that the pesticide applicator is responsible for posting. Thus if the label requires posting or the site is treated with a pesticide having a prescribed time reentry interval, posting is required. The applicator may post the site immediately before the application upon his/her arrival; however, the owner is responsible for removal.

Warning placards must be of the size, color, and wording as specified in the WPS and Ag 29. Where the WPS and Ag 29 differ in specifications and posting locations, the stricter requirement applies.

Generic WPS Provisions

The generic WPS provisions apply to farms, nurseries, greenhouses, and forestry operations that:

- Have at least 1 non-family employee and
- Use pesticides to produce agricultural plants.

Displaying of Information

The following 2 items must be displayed in a central location where workers and handlers (except handlers employed by a commercial application business) are able to read them, and they must remain posted for 30 days after the reentry interval for the applied pesticide has expired.

- A pesticide safety poster which conveys basic pesticide safety concepts; and
- Specific information about an application before it is made, including the location, date, and time of intended application, reentry interval, and product to be applied.

Hazard Information

Employers are to provide workers and pesticide handlers specific hazard information for each pesticide used in the production of plants to which they may be exposed. This information, in the form of either a Material Safety Data Sheet (MSDS) or a pesticide-specific fact sheet, must be made available:

- To any person who enters a treated area during the reentry interval or within 30 days after the interval expires.
- To any person who is about to handle or has handled a pesticide within the past 30 days.
- To any person who may be exposed to the pesticide during its normal conditions of use.
- In a central location so it's accessible to workers and handlers.

- In written form on request from the worker or handler.

There are similar safety training and hazard information requirements regulated by the Occupational Safety and Health Administration (OSHA). Such training is necessary if you have 1 or more employees handling pesticides other than those regulated by the WPS, or using other hazardous chemicals such as anhydrous ammonia or petroleum. It is possible then that your operation may be regulated by both WPS and OSHA. According to OSHA, farming operations employing 10 or fewer employees are exempt from OSHA's training.

Labeling and Equipment Knowledge

Your employer must make sure that handlers:

- Have either read the label or are otherwise informed of all labeling instructions relating to the safe use of the pesticide.
- Have access to the label during handling activities.
- Are instructed in the safe operation of application equipment.
- Know how to correctly handle or repair contaminated equipment.

Decontamination

A decontamination site (water for washing skin and eye flushing, soap, and single-use towels) must be available:

- Whenever workers perform activities in a treated area during or within 30 days after the reentry interval.
- Whenever anyone handles pesticides (for handlers, a clean pair of coveralls also must be at the decontamination site).
- Within 1/4 of a mile of all workers and handlers, or at the nearest place of vehicular access to the site where employees are working. The decontamination site for handlers can be the mixing/loading site.

Additionally, at least 1 pint of water shall either be carried on person or otherwise immediately accessible to every worker or handler who performs tasks for which eye protection is required. Water for washing, soap, and clean towels must also be available at the site where workers or handlers remove their personal protective clothing and equipment.

Emergency Assistance

If a worker or handler has become poisoned or injured by exposure to pesticides, the employer must provide prompt transportation to an emergency medical facility. The pesticide label must be made available to the medical personnel.

For Hire Applications: Information Exchange

Before making applications for others, the grower (owner) must be informed of:

- The location of the treated site.
- The time and date of application.
- The product name, active ingredient, and EPA registration number.

- The reentry interval.
- Whether posting of the treated area is required and, if the owner has non-family employees, whether oral notification to workers is required. The owner must provide oral notification and post pesticide-specific information in a centrally located area where all workers have easy access to such information.
- Any other product-specific requirements concerning worker protection.

Additionally, if you apply pesticides for others you must be informed of all areas on the grower's land still under a reentry interval if there is a likelihood that you may be in or may walk within 1/4 of a mile of such areas. The grower hiring the application service must inform your employer of any treated areas.

Pesticide Safety Training

Employer responsibility. The employer is ultimately responsible to assure that each noncertified worker and handler is trained on general pesticide safety principles. The employer can accomplish this by:

- Providing training, or
- Verifying that the worker is already trained, or
- Determining whether the worker is a certified pesticide applicator.

Trainer Responsibility. The employer may do the actual training or contract others to perform such training. In either case, the trainer:

- May present information either orally or audiovisually (EPA is developing a *How to Comply* manual to assist trainers),
- Must provide training in a language workers can understand,
- Must be a certified pesticide applicator or otherwise recognized by the state as a qualified trainer, and
- Must assure that the worker completed the training requirement before issuing a training certificate.

Training Information. The training program for workers must include at least the following items:

- The effects of pesticide exposure on human health;
- Routes of pesticide entry into the body;
- Symptoms of pesticide poisoning;
- First aid for pesticide injury or poisoning;
- How to obtain medical care;
- Decontamination procedures, including flushing of eyes;
- Warnings about taking pesticides or containers home;

- Where pesticides may be encountered during work activities;
- Hazards from chemigation and drift;
- Hazards from pesticide residues on clothing; and
- Entry restrictions, oral warnings, posting, availability of specific information about applications, and protection against retaliatory acts.

The training program for handlers includes the first 7 items above plus:

- The meaning of pesticide label information and precautionary statements;
- Appropriate use of personal protective clothing and equipment;
- Prevention and recognition of heat-related illness;
- Safety requirements for handling, transporting, storing, and disposing of pesticides;
- Environmental concerns such as drift, runoff, and wildlife protection; and
- Other provisions of the WPS that must be followed by the handler.

When is training required? The WPS requires training of noncertified workers and handlers every 5 years. For workers, such training must be provided:

- Before their 16th day (until October 20, 1997) or before their 6th day (after October 20, 1997) of entering a treated area during the 30-day period after the reentry interval has expired.
- Before they enter treated areas while the reentry interval is in effect regardless of their number of accumulated days described in the previous paragraph.