

Worker Protection Standard for Agricultural Pesticides

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The federal Worker Protection Standard (WPS) for Agricultural Pesticides took effect January 1, 1995. Its purpose is to reduce the risk of employee exposure to pesticides. You are subject to the WPS if you have at least 1 employee who is involved in the production of agricultural plants in a nursery, greenhouse, forest, or farming operation.

This handout cannot provide the precise worker protection details that are specified under the rule. If you have employees handling pesticides or workers performing tasks in pesticide-treated areas, you'll need to get a copy of EPA's *How to Comply* manual. This manual and its supplementary handbooks are available from your county Extension office. They have a limited supply but, GEMPLER'S, an agricultural supply warehouse in Mt. Horeb, WI, carries the complete line of WPS training materials and aids. Their phone number is 800-382-8473.

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: on pastures and rangelands; for vertebrate pest control; as attractants and repellents; on animals or their premises; and on harvested portions of plants.

All pesticide products which are used in the production of agricultural plants will have a restricted-entry interval (REI). Check the *Agricultural Use Requirements* section on the label for the specific reentry interval for your product.

Affected Employees

Any employee who handles an agricultural plant pesticide or who enters a treated site during an application, an REI, or the 30 days after an REI has expired. 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 plant pesticides or assist in their application (e.g., mixers, loaders, applicators, flaggers) or clean or repair application equipment. Crop advisors are considered pesticide handlers.

Exemptions

- When performing the tasks of an agricultural worker or a pesticide handler, the owner of an agricultural establishment and his/her immediate family are exempt from many WPS requirements except: restrictions during applications (monitoring is not required), early-entry restrictions (pesticide safety training is not required), and wearing personal protective equipment.
- When hiring a professional application or consulting service, the owner and his/her immediate family are exempt from the WPS requirements except for the employer information exchange provision.

Requirements for Workers & Handlers

Information at a Central Location

The following 3 types of information must be displayed in a central location where workers and handlers (except handlers employed by a commercial application business) are able to read them. This information must remain posted for 30 days after an REI for the applied pesticide has expired.

- A WPS pesticide safety poster or its equivalent which conveys basic pesticide safety concepts;
- Name, address, and phone number of the nearest emergency medical facility; and
- Specific information about the application before it is made, including the location, date, and time of intended application; restricted-entry interval; and product name, EPA registration number, and active ingredient(s) of the pesticide.

Pesticide Safety Training

Employer responsibility. The employer is responsible to ensure that each noncertified employee who handles pesticides or who enters treated sites during an application, an REI, or the 30 days after an REI has expired is trained on general pesticide safety principles every 5 years. The employer can accomplish this by:

- Providing training,
- 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 has developed a *How to Comply* manual and other training aids to assist trainers),
- Must provide training in a language workers can understand, and
- Must be a certified pesticide applicator or, to train workers, a trained handler.

Worker Training Information. The training program must include the following:

- 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.

- ☛ Early-entry workers who will contact surfaces treated with a pesticide must receive WPS training (unless he/she is certified) before entry; wear PPE and be instructed on its proper use; be trained to prevent and recognize heat-related illness; and be informed of other precautions relating to early entry.

Handler Training Information. The training program for handlers includes the first 7 items for worker training 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.

Decontamination Sites

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

- Whenever workers perform activities in a treated area during an REI or within 30 days after the REI.
- Whenever anyone handles pesticides (for handlers, a clean pair of coveralls also must be at the decontamination site and enough water for washing the entire body in case of an emergency).
- 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 mixing pesticides must be at the mixing/loading site. Water for washing, soap, and clean towels must also be available at the site where handlers and early-entry workers remove their PPE.

Additionally, at least 1 pint of emergency eyeflush water shall either be carried on person or otherwise immediately accessible (per EPA, within very few seconds; per WDATCP, within 10 feet) to each handler (and to each early-entry worker who contacts pesticide-treated surfaces) and for which the pesticide labeling requires protective eyewear.

Employer Information Exchange

Handler's Employer. Before a handler makes an application for hire, the handler's employer must inform the client (i.e., the agricultural employer) of:

- The location of the treated site.
- The time and date of application.
- The product name, active ingredient, and EPA registration number.
- The restricted-entry interval.
- Whether posting of the treated area and oral notification to workers is required.
- Any other product-specific requirements concerning worker protection.

The operators of agricultural establishments must have this information to protect their employees. See *Information at a Central Location* and *Notice About Applications*.

Agricultural Employer. Similarly, the owner hiring the application or consulting service must inform the handler's employer of the location of any area that may be treated or be under an REI while the commercial handler is at the agricultural establishment, and if there is a likelihood that the handler may be in or walk within 1/4 of a mile of such areas.

The operators of commercial pesticide handling establishments must have this information to protect their handlers while at the agricultural establishment.

Emergency Assistance

If a worker or handler has become poisoned or injured by exposure to pesticides, the employer must promptly make transportation available to an emergency medical facility. The pesticide label and information about pesticide activities must be made available to the medical personnel.

Further Requirements for Workers

Notice About Applications

The employer must give notice of pesticide applications to all workers who will be in a treated area, or walk within 1/4 of a mile of a treated area, during the pesticide application or an REI. Notification may either be oral warnings or posting of warning signs at entrances to treated sites; both are required if the label specifies.

Oral warnings. The employer is responsible for providing 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 REI has expired.

Posting. The employer also is responsible for posting warning placards that are visible from all usual points of worker entry to the treated area including each access road, footpath, or other established walking route leading to the area. Sites subject to posting must be placarded within 24 hours before the application. The placards must be removed or covered within 3 days after the REI has expired.

Restrictions During and After Applications

- During application -- no person, except a trained and protected handler, may be in the area being treated.
- After application -- with the exception for early-entry workers, keep all workers out of an area during the REI.

Early-Entry Workers with No Contact

Entry into the treated area is allowed immediately after an application provided workers will not touch or be touched by any pesticide residue on plants, on or in soil, in water, or in the air. Examples of 'no contact' activities include: wearing footwear and walking through a treated area in aisles or on pathways; operating an enclosed cab; or operating an open cab where plants or other treated surfaces cannot brush against or drip pesticide onto the worker from overhead. Such workers must be given all the protections discussed thus far, except for decontamination sites.

Early-Entry Workers with Contact

Entry into the treated area to perform tasks that involve contact with pesticide residue (e.g., moving or repairing irrigation equipment) is allowed provided:

- Entry does not occur until any inhalation exposure level or ventilation criteria have been met,
- Entry does not occur during the first 4 hours after an application,

- Tasks do not exceed more than 1 hour per 24-hour period, and
- Tasks do not involve hand labor (tasks performed by hand or with hand tools).

Early-entry workers with contact must be given all the protections discussed thus far, plus wearing of PPE, preventing heat stress, and labeling information.

☞ More stringent restrictions exist for applications in nurseries and greenhouses.

Further Requirements for Handlers

Restrictions During Applications and Monitoring

- Handler employers and pesticide handlers both must make sure that pesticides do not contact, either directly or through drift, anyone except trained and protected handlers.
- All handlers 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. See *Exemptions*.

Specific Instructions

A handler must be provided with access to the pesticide label and be given labeling information on the signal word, human hazard statements, PPE required for the handling task, first aid, environmental precautions, and any other precautions about the handling task.

They also are to be informed about sites on an agricultural establishment that may be treated or under an REI. See *Employer Information Exchange*.

Equipment Safety

Employers must make sure that handlers:

- Are instructed in the safe operation of application equipment.
- Know how to correctly handle, repair, and clean contaminated equipment

Personal Protective Equipment (PPE)

Pesticide labels will list the minimum PPE that employees must wear. Employers are to provide the PPE, train employees how to use them correctly, and keep them clean and in good working condition.

Crop Advisors

Crop advisors are pesticide handlers. They may enter sites during an application or an REI provided they are given the same protections as a handler. When entering treated sites, they are not limited to the time restrictions for early-entry workers. They may enter an area during or up to 4 hours after an application provided they wear the PPE that the pesticide label requires for handling activities. If they wait until at least 4 hours after an application, they may wear the PPE listed for early-entry tasks.

No WPS protections are required for commercial crop advisors after the REI has expired.

Proposed Provisions

(As of this writing, none of these proposals has been enacted)

In January 1995, EPA has proposed five changes to the WPS. These include:

- Pesticide safety training. Require immediate training (O-day grace period with a one-year phase-in period before going into effect) for agricultural workers, and shorten the interval for retraining to 3 years.
- Crop advisors. Exempt certified or licensed crop advisors from WPS requirements.
- Irrigation tasks. Provide an exception for early-entry workers who operate, move, or repair irrigation or watering equipment to wear reduced PPE and remain in the treated

area up to 8 hours per 24-hour period. This exception does not apply to “dual notice” pesticides, i.e., pesticides that contain both oral and posting warnings.

- Limited contact activities. Provide an exception for early-entry workers who perform limited contact tasks (i.e., tasks that result in minimal contact with treated surfaces and where such contact is limited to the forearms, hands, lower legs, and feet) to wear reduced PPE and remain in the treated area up to 3 hours per 24-hour period. Again, this exception does not apply to “dual notice” pesticides.
- Reduction in REI. Allow a reduction in the REI from 12 to 4 hours for certain low risk pesticides (mainly biological or microbial pesticides).

The EPA also proposed in August 1992 requiring employers to provide employees specific hazard information for each pesticide to which they may be exposed. Either a Material Safety Data Sheet (MSDS) or a pesticide-specific fact sheet must be located at a central location accessible to workers and handlers.

WPS Definitions

Agricultural establishment means any farm, forest, nursery, or greenhouse.

Agricultural plant means 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.

Crop Advisor means any person who is assessing pest numbers or damage, pesticide distribution, or the status, condition, or requirements of agricultural plants. The term does not include any person who is performing hand labor tasks.

Early entry means entry by a worker into a treated area on the agricultural establishment after a pesticide application is complete, but before any restricted-entry interval for the pesticide has expired.

Farm means any operation, other than a nursery or forest, engaged in the outdoor production of agricultural plants.

Forest means any operation engaged in the outdoor production on any agricultural plant to produce wood fiber or timber products.

Fumigant means any pesticide product that is a vapor or gas, or forms a vapor or gas on application, and whose method of pesticidal action is through the gaseous state.

Immediate family includes only spouse, children, stepchildren, foster children, parents, stepparents, foster parents, brothers, and sisters.

Nursery means any operation engaged in the outdoor production of any agricultural plant to produce cut flowers and ferns or plants that will be used in their entirety in another location. Such plants include, but are not limited to, flowering and foliage plants or trees; tree seedlings; live Christmas trees; vegetable, fruit, and ornamental transplants; and turfgrass produced for sod.

Owner means any person who has a present possessory interest (fee, leasehold, rental, or other) in an agricultural establishment. A person who has both leased such agricultural establishment to another person and granted that same person the right and full authority to manage and govern the use of such agricultural establishment is not an owner for purposes of the WPS. The WPS does not allow any exemptions for owners of commercial pesticide handling establishments or for persons who operate or manage, but do not own, an agricultural establishment.

Restricted-entry interval means the time after the end of a pesticide application during which entry into the treated area is restricted.