

COMPLIANCE OVERVIEW

Provided by Gallagher

EPA: Agricultural Worker Protection Standard

The Environmental Protection Agency's (EPA) agricultural worker protection standard (WPS) is aimed at reducing the risk of pesticide poisoning and injury among agricultural workers and pesticide handlers.

The EPA implemented stronger protections for agricultural workers, handlers and their families that became effective on **Jan. 2, 2017**. Three requirements went into effect on **Jan. 2, 2018**:

- Pesticide safety training must cover the expanded content;
- Pesticide safety information (posters) must meet the revised standards; and
- Handlers must suspend applications if workers or other people are in the application exclusion zone.

LINKS AND RESOURCES

- WPS [overview](#) and [coverage and duties](#) webpages
- WPS [regulations](#)
- EPA's WPS compliance [manual](#)
- EPA's [interpretive guidance](#)
- EPA's quick reference [guide](#)

HIGHLIGHTS

WHO MUST COMPLY?

- Owners and employers on agricultural establishments that grow and harvest for commercial production fruits and vegetables on farms, timber and trees in forests, and plants in greenhouses and nurseries;
- Employers of researchers who help grow and harvest plants; and
- Employers at commercial pesticide handling establishments.

WPS EXCEPTIONS

- [Owners and immediate family members](#) on family-owned farms are exempt from many of the WPS requirements.
- [Certified or licensed crop advisors](#) who perform crop advisor tasks are exempt from certain WPS provisions including pesticide safety training.
- [Limited and narrow circumstances](#): The WPS does not apply when pesticides are applied on an agricultural establishment in certain limited circumstances.

This Compliance Overview is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice.

WHAT DOES THE WPS REQUIRE?

The requirements in the WPS are intended to inform workers and handlers about pesticide safety, provide protections from potential exposure to pesticides and mitigate exposures that do occur.

INFORM	PROTECT	MITIGATE
<ul style="list-style-type: none"> • Pesticide safety training for workers and handlers; • Access to specific information for workers and handlers, including: <ul style="list-style-type: none"> ○ Pesticide applications on the establishment; ○ Safety data sheets for pesticides applied on the establishment; and ○ Pesticide safety information (poster) that includes emergency information. • Access to labeling information for pesticide handlers and early-entry workers; • Notify workers about pesticide-treated areas so they can avoid inadvertent exposures; and • Information exchange between agricultural employers and commercial pesticide handler employers. 	<ul style="list-style-type: none"> • Keep workers and other people out of areas being treated with pesticides; • Keep workers and other people away from pesticide application equipment (out of the application exclusion zones) during applications; • Handlers suspend applications if workers or people are near pesticide application equipment (in the application exclusion zone) during applications; • Keep workers out of areas that are under a restricted-entry interval (REI), with a few narrow exceptions; • Protect early-entry workers who are doing permitted tasks in pesticide-treated areas during an REI, including special instructions and duties related to correct use of personal protective equipment; • Monitor handlers using highly toxic pesticides; • Provide and maintain required personal protective equipment to handlers; and • If a respirator is required by a pesticide label, provide the handler with a medical evaluation, fit test and respirator training. 	<ul style="list-style-type: none"> • Decontamination supplies including a sufficient supply of water, soap and towels for routine washing and emergency decontamination and eyewash systems for certain handlers; and • Emergency assistance by making transportation available to a medical care facility in case of a pesticide injury or poisoning, and providing information about the pesticide(s) to which the person may have been exposed.

WHO IS COVERED BY THE WPS?

The WPS requires owners and employers on agricultural establishments and commercial pesticide handling establishments to protect employees on farms, forests, nurseries and greenhouses from occupational exposure to agricultural pesticides. The WPS protections cover two types of employees:

- **Pesticide handlers:** those who mix, load or apply agricultural pesticides, clean or repair pesticide application equipment, or assist with the application of pesticides; and
- **Agricultural workers:** those who perform tasks related to growing and harvesting plants on farms or in greenhouses and nurseries.

Workers include anyone employed for any type of compensation (including self-employed) doing tasks such as carrying nursery stock, repotting plants, watering or other tasks directly related to the production of agricultural

plants on an agricultural establishment. Workers do **not** include employees such as office employees, truck drivers, mechanics and any other workers not engaged in worker/handler activities.

Finally, some requirements apply to anyone doing certain tasks, such as handling pesticide application equipment or cleaning or laundering pesticide-contaminated personal protective equipment.

EMPLOYER RESPONSIBILITIES

The WPS requires all employers to:

- Avoid retaliating against a worker or handler;
- Provide information at a central location (agricultural employers only);
- Provide pesticide safety training;
- Provide decontamination supplies;
- Exchange information (between a commercial handler employer and an operator of an agricultural establishment); and
- Provide emergency assistance.

In addition, the following responsibilities apply to employers with workers and employers of handlers:

ADDITIONAL DUTIES – WORKERS	ADDITIONAL DUTIES – HANDLERS
<ul style="list-style-type: none"> • Implement restrictions during applications by keeping workers and other people out of the treated field and application exclusion zones; • Implement REIs; • Implement protections for early entry by workers; and • Notify workers about applications and pesticide-treated areas and not to enter during the REI by: <ul style="list-style-type: none"> ○ Providing oral warnings; or ○ Posting warning signs. 	<ul style="list-style-type: none"> • Implement restrictions during applications by ensuring that pesticides applied do not contact workers or other people. Also, after Jan. 2, 2018, handlers must suspend an application if workers or other people are in the application exclusion zone; • Monitor handlers working with toxic pesticides; • Provide specific instructions for handlers; • Take steps to ensure equipment safety; • Personal protective equipment (PPE): <ul style="list-style-type: none"> ○ Provide the required PPE in clean and good operating condition; ○ Ensure the PPE is worn correctly; ○ Provide a clean place for storing personal clothing and removing PPE; ○ Care for, maintain, and replace damaged or worn PPE; ○ Replace respirator purifying elements; ○ Dispose of contaminated PPE; and ○ Provide instructions for people who clean PPE. • Provide a medical evaluation, fit test and respirator training to handlers required to wear a respirator by the pesticide label.

Source: Environmental Protection Agency