

New England, New York, Canada Fruit Pest Workshop
October 23–24, 2018
Bishop Booth Center, Burlington, Vermont
EPA Updates

Worker Protection Standard Update (40 CFR Part 170)

What Are the Major Changes for Farmers and Farmworkers?

The revisions to the WPS cover many different areas. The major revisions include:

- Annual mandatory training to inform farmworkers on the required protections afforded to them. **Currently, training is only once every 5 years.**
- Expanded training includes instructions to reduce take-home exposure from pesticides on work clothing and other safety topics.
- First-time ever minimum age requirement: Children under 18 are prohibited from handling pesticides.**
- Expanded mandatory posting of no-entry signs for the most hazardous pesticides. The signs prohibit entry into pesticide-treated fields until residues decline to a safe level.
- New no-entry Application-Exclusion Zones (AEZ) up to 100 feet surrounding pesticide application equipment will protect workers and others from exposure to pesticide overspray.**
- Requirement to provide more than one way for farmworkers and their representatives to gain access to pesticide application information and safety data sheets – centrally-posted, or by requesting records.**
- Mandatory record-keeping to improve states' ability to follow up on pesticide violations and enforce compliance. Records of application-specific pesticide information, as well as farmworker training, must be kept for two years.
- Anti-retaliation provisions are comparable to Department of Labor's (DOL).
- Changes in personal protective equipment will be consistent with DOL's standards for ensuring respirators are effective, including fit test, medical evaluation and training.
- Specific amounts of water to be used for routine washing, emergency eye flushing and other decontamination, including eye wash systems for handlers at pesticide mixing/loading sites.
- Continue the exemption for farm owners and their immediate families with an expanded definition of immediate family.

Most of the revised WPS requirements became effective on January 2, 2017. Two requirements went into effect on January 2, 2018:

- 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.

**See paragraph below:

EPA has initiated a process to consider revisions to certain requirements in the WPS. By the end of FY 2018, EPA expects to publish a Notice of Proposed Rulemaking to solicit public input on proposed revisions to the WPS requirements for minimum ages, designated representatives, and application exclusion zones. The compliance dates in the revised WPS published on November 2, 2015, remain in effect; the Agency does not intend to extend them. Read the Federal Register notice. If the changes to the requirements are finalized, safety training materials will be amended to reflect such changes. Until such time, all requirements are in effect.

WPS Materials Development

WPS compliance materials are being developed and facilitated by the Pesticide Educational Resources Collaborative (PERC) via a cooperative agreement between the EPA's Office of Pesticide Programs and University of California Davis Extension, in collaboration with Oregon State University. For more information about PERC or to access materials, please visit: <http://pesticideresources.org/index.html>

Keep in Touch! If you wish to be notified when WPS related materials are added to the PERC site, please visit: <http://pesticideresources.org/lists.html> to register.

Direct Links to Selected WPS Resources

Comparison Table

Below is a link to a table summarizing key provisions in the EPA's current WPS regulation and the 2015 revisions. Please Note: the table does not cover all the details in the rule nor does it include all the information needed to comply with the regulation.

https://www.epa.gov/sites/production/files/2017-01/documents/comparison_chart_wps_011117_cwpb.pdf

Quick Reference Guide

The "quick reference guide" for agricultural employers may be found at:

<http://pesticideresources.org/wps/hosted/quickrefguide.pdf>

How to Comply Manual

The revised How to Comply (HtC) manual may be found at:

<http://pesticideresources.org/wps/htc/index.html>

Additional information on the rule is available at:

<https://www.epa.gov/pesticide-worker-safety/agricultural-worker-protection-standard-wps>

EPA WPS Contacts

EPA Region 2: NJ, NY, Puerto Rico, Virgin Islands

Tara Glynn

Glynn.tara@epa.gov

Phone: 732-906-6183

EPA Region 1: CT, MA, ME, NH, RI, VT

Andrea Szylvian

Szylvian.andrea@epa.gov

Phone: 617-918-1198

Pesticide Applicator Certification and Training (C & T) Update (40 CFR Part 171)

NOTE: Effective date: May 2018

Major Changes to the C & T Rule

- Enhances applicator competency standards to ensure that RUPs are used safely.
- Establishes a nation-wide minimum age for certified applicators and persons working under their direct supervision.
- Establishes a maximum recertification interval of 5 years for commercial and private applicators.
- Requires specialized certifications for people using specific application methods (fumigation and aerial).
- Provides expanded options for establishing certification programs in Indian Country that acknowledge tribal sovereignty.
- Establishes protection for noncertified applicators by requiring training before they can use RUPs (under the direct supervision of a certified applicator). Noncertified applicators have to complete the training outlined in the rule, complete Worker Protection Standard handler training, or complete a program approved by the state.
- Clarifies and streamlines requirements for states, tribes, and federal agencies to administer their own certification programs, while granting flexibility to tailor programs to the needs of each state, tribe, or federal agency.

Web Page: <https://www.epa.gov/pesticide-worker-safety/revised-certification-standards-pesticide-applicators>

The comparison chart can be found at: https://www.epa.gov/sites/production/files/2016-12/documents/certification_rule_simple_comparison_chart_002.pdf

The Future

Going forward, for both WPS and C & T; you are encouraged to maintain regular communications with your respective State Lead Agency (SLA) for pesticide regulation as well as

the Pesticide Safety Education Coordinator (PSEP) housed at the Land Grant. The proposed C & T changes will require SLAs to adjust their State Plans for Certification and Training.

Changes in both program areas may have an impact on IPM, associated production programming and outreach.

Like the changes to the WPS, there are implementation dates included as part of the changes— with many phased in over time.

The PERC website also contains some information about the changes to the Certification and Training Program. The link is: <http://pesticideresources.org/index.html>

Agriculture

EPA's National Agriculture Center (Ag Center), with the support of the United States Department of Agriculture, serves growers, livestock producers, other agribusinesses, and agricultural information/education providers.

The Ag Center brings together regulatory and non-regulatory agriculture-related information and other items of interest to the agriculture community from across EPA such as:

- Pesticides
- Animal manure management
- Agriculture/EPA Partnerships
- Sustainability
- Worker Protection Standard

The Ag Center also provides a free News Service that provides subscribers with the latest ag-related news from all of EPA. The free News Service allows subscribers to keep up-to-date on recent news releases, regulation changes, compliance deadlines, reports, and other information of direct importance to the agricultural community.

Link: <https://www.epa.gov/agriculture/agriculture-about-epas-national-agriculture-center>

Keep in Touch! Here's the link to sign up for the News Service:

<https://www.epa.gov/agriculture/agriculture-join-agcenters-news-service>