

A Summary of Revisions to the Worker Protection Standard—2015¹

Frederick M. Fishel²

This document highlights the changes to the Worker Protection Standard (WPS) since it became a federal regulation in 1992 and became fully implemented in 1995. This fact sheet summarizes those changes through November 2015.

Background

In 1992, the US Environmental Protection Agency (EPA) issued a comprehensive regulation called the Worker Protection Standard for Agricultural Pesticides (WPS). The WPS covers pesticides used in the outdoor and enclosed space production of plants on farms, forests, and nurseries, as well as greenhouses. The WPS requires agricultural employers to take steps to reduce pesticide-related risks when agricultural workers and pesticide handlers are exposed to these pesticides. The EPA has made several changes to the WPS since it was fully implemented in 1995. On November 2, 2015, the EPA revised the WPS, making significant changes to the rule's requirements. Most of the revised provisions will become effective January 2, 2017; there are four provisions that are delayed until January 2, 2018. The EPA intends to revise the current "How to Comply Manual" to provide an updated resource; it will be posted on their website when it becomes available.

Training

It is required that the full safety training for workers and handlers be conducted annually. Previously, the training was necessary only once every five years. There is no grace period for when workers may be trained; they must be trained prior to working in an area where a pesticide has been used or a restricted-entry interval (REI) has been in effect in the past 30 days. Formerly, there was a five-day grace period for the required training. For handlers, as previously required, training must be conducted prior to performing any handling activity. Only those who are certified applicators, state/tribal/federal-approved trainers, and persons who have completed an EPA-approved train-the-trainer course are qualified to administer training. The training content for both workers and handlers will be expanded to include more items and is expected to be implemented in January 2018. Formerly, there was no requirement for keeping records of the training; it was strictly voluntary (Figure 1). The revised standard dictates that records be kept for 2 years, and a copy of the training record must be provided to workers and handlers upon their request.

Hazard Communication

Employers must display application information and safety data sheets (SDSs) at a central location within 24 hours of the end of a pesticide application and before workers enter the treated area (Figure 2). The application information and

1. This document is PI261, one of a series of the Agronomy Department, UF/IFAS Extension. Original publication date December 2015. Visit the EDIS website at <http://edis.ifas.ufl.edu>.

2. Frederick M. Fishel, professor, Agronomy Department, and director, Pesticide Information Office; UF/IFAS Extension, Gainesville, FL 32611.

The Institute of Food and Agricultural Sciences (IFAS) is an Equal Opportunity Institution authorized to provide research, educational information and other services only to individuals and institutions that function with non-discrimination with respect to race, creed, color, religion, age, disability, sex, sexual orientation, marital status, national origin, political opinions or affiliations. For more information on obtaining other UF/IFAS Extension publications, contact your county's UF/IFAS Extension office.

U.S. Department of Agriculture, UF/IFAS Extension Service, University of Florida, IFAS, Florida A & M University Cooperative Extension Program, and Boards of County Commissioners Cooperating. Nick T. Place, dean for UF/IFAS Extension.

SDSs must be displayed for 30 days after the REI expires, must be kept for 2 years from the end of the REI, and must be made available to workers, handlers, designated representatives (identified as such in writing), or treating medical personnel upon request. Previously, the posting and recordkeeping of SDSs was not required.

WORKERS/ HANDLERS WPS TRAINING ATTENDANCE SHEET

Name of Agricultural Facility:		Training date:
Address:		
Trainer's Information Please provide the following:		WPS Training Resource Check mark (✓) all that apply:
Trainer's Name:		<input type="checkbox"/> Audiovisual EPA Approved training Material (VHS, DVD or CD-ROM format)
TTT Certification data and/or Certified Applicator License No:		<input type="checkbox"/> EPA flip chart materials
Trainer's Signature:		<input type="checkbox"/> Extension Service training session
		<input type="checkbox"/> Trainer session
		<input type="checkbox"/> Other _____
Trained Workers/ Handlers Information (Información sobre el Obrero/Manejador Entrenado)		
Print Full Name (Nombre Completo)	Specify the classification: (Especifique su clasificación) W= Worker (Trabajador) & H= Handler (Manejador)	Signature (Firma)
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

WPS PESTICIDE SAFETY TRAINING

- Agricultural workers must be trained before the 6th work day of entry into a treated area on the Agricultural Establishment, where and in what form pesticides may be encountered during work activities. (40CFR section 170.150)
- Agricultural handlers must be trained before any handling activity is performed. (40CFR section 170.230)
- Workers and handlers must each be trained at least once every 8 years. You may keep this record as training evidence.

To order copies of this suggested form please e-mail wps@doacs.state.fl.us or contact (889) 418-5525

Figure 1. Keeping training records is a new WPS requirement.
Credits: UF/IFAS Pesticide Information Office



Figure 2. Posting SDS is a new WPS requirement.
Credits: UF/IFAS Pesticide Information Office

Notification of Treated Area

Warning signs must be posted if the REI is greater than 48 hours for outdoor applications or greater than 4 hours

for enclosed space applications, including greenhouses. Otherwise, warning signs can either be posted or delivered through oral notification unless the product label requires both forms of notification. Formerly, there was an option to give oral notification, regardless of the REI's duration for outdoor applications made to farms, forests, and nurseries while all applications made in greenhouses required signs to be posted. The required content for the WPS field warning signs remains unchanged; the red circle containing a stern-faced man with an upraised hand is still used (Figure 3). Agricultural employers must provide application information on treated areas that the commercial pesticide handler may enter (or walk within ¼ mile of). Commercial handler employers must notify agricultural employers before the application begins for certain changes in the application plan and within 2 hours of the end of the application for most other changes in the plan, unless the only change was less than 1 hour difference in application time.



Figure 3. Warning sign design remains unchanged under the revised WPS.
Credits: UF/IFAS Pesticide Information Office

Minimum Age

Previously, there was no minimum age for handlers and early-entry workers; however, the revised WPS mandates that handlers and early-entry workers must be at least 18 years old. Members of the owner's immediate family are exempt from this and most other requirements of the WPS.

Entry Restrictions during Applications for Outdoor Production

Agricultural employers must prohibit entry to some outdoor areas during outdoor applications. For all outdoor areas, no entry is allowed into the treated area or the application exclusion zone, which is an area of up to 100 feet around the application equipment, during pesticide application on farms, forests, and nurseries. The size of the application exclusion zone depends on the type of application. Formerly, application exclusion zones did not exist in farms and forests, although the 0–100-foot exclusion zone has always been in effect for nursery applications.

Suspended Applications

Under certain circumstances, handlers must suspend applications. If a worker or other person is in the application exclusion zone, the application must be suspended; however, previously there were no requirements to suspend applications. Handlers must always apply pesticides in a manner that prevents workers from coming into contact with the pesticide, either directly or through drift.

Exemptions and Exceptions

The certified crop advisors and their employees must use pesticide product label-required personal protective equipment (PPE) while working in a field during an REI. The former WPS language allowed certified crop advisors to choose PPE for themselves and their employees when working in a field during an REI. They were also exempted from providing decontamination supplies and emergency assistance for themselves and employees. Under the revised WPS, certified crop advisors may still make decisions for themselves about what PPE to wear and whether to carry decontamination supplies, but their employees are no longer exempt. However, the revised WPS now permits all crop advisors (certified or non-certified) and their employees who perform crop advising tasks during the REI to choose between the PPE for handlers, the PPE for early-entry workers, or a “generic” or “universal” set of PPE that can be used in all situations (this set of PPE consists of coveralls, shoes and socks, gloves made of any waterproof material, and eye protection if the labeling of the applied pesticide requires protective eyewear for handlers). The revised WPS also requires that early-entry workers be orally notified of application specifics, tasks to be performed, conditions of the early-entry exception, and hazard information from the pesticide product label.

Basic Pesticide Safety Information

As previously required, safety information must be displayed at a central location on the agricultural establishment (Figure 4). The revised standard now requires that, in addition to displaying information at a central location, this information must also be displayed at sites where decontamination supplies are located, if the decontamination supplies are at a permanent site or at a location with 11 or more workers or handlers. This information may be displayed in any format. It does not have to be a poster as in the past; however, these seven concepts about preventing pesticides from entering the body must be included:

- “Avoid getting on your skin or into your body any pesticides that may be on plants and soil, in irrigation water, or drifting from nearby applications.
- Wash before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Wear work clothing that protects your body from pesticide residues, such as long-sleeved shirts, long pants, shoes, socks, and hats or scarves.
- Wash or shower with soap and water, shampoo your hair, and put on clean clothes after work.
- Wash work clothes separately from other clothes before wearing them again.
- Wash immediately in the nearest clean water if pesticides are spilled or sprayed on your body. As soon as possible, shower, shampoo, and change into clean clothes.
- Follow directions about keeping out of treated or restricted areas” (EPA 2015).



Figure 4. Information displayed at a central location on an agricultural establishment.

Credits: UF/IFAS Pesticide Information Office

In addition, the following must be included in the safety display:

- Instructions for employees to seek medical attention as soon as possible if they have been poisoned, injured, or made ill by pesticides.
- The name, address, and telephone number of the state or tribal regulatory authority.
- The name, address, and telephone number of a nearby operating medical care facility.

The basic pesticide safety display revision will be required after January 2, 2018.

Personal Protective Equipment (PPE)

This latest revision to the WPS will incorporate some of the Occupational Safety and Health Administration (OSHA) regulations for respirator use (Figure 5). Agricultural employers were already required to provide the label-required respiratory protection, but now they will be required to provide handlers with respirators, fit testing, training, and medical evaluation whenever the pesticide product label requires the handler to wear a respirator. This amendment will also now require a recordkeeping of the completion of the fit test, training, and medical evaluation. Previously, the WPS did not require fit testing, training, or a medical evaluation for respirator wearers, and no recordkeeping was required.



Figure 5. Respirator use must conform to OSHA standards in the revised WPS.

Credits: UF/IFAS Pesticide Information Office

In the past, exceptions to the labeling-specified PPE existed for handlers when using closed systems, including enclosed cabs. Under the revised WPS, a closed system must meet a broad performance-based standard and basic operating standards. This is interpreted to mean that handlers must be provided with written operating instructions and training in the use of the closed system. Also, in enclosed cabs, handlers must wear the labeling-specified respiratory protection except when the only labeling-specified respiratory protection is a particulate filtering facepiece respirator (National Institute of Occupational Safety and Health approval number prefix TC-84A). The PPE requirement exception in enclosed cabs remains unchanged.

If product labeling requires eye protection, pilots in open cockpits may wear a helmet with lowered face shield instead of label-required eye protection. As stated in the previous WPS, gloves are optional when entering and leaving aircraft unless required by the product label.

Decontamination Supplies

A new provision now specifies the quantity of water that must be available at the beginning of the work period for routine washing and emergency eye flushing: 1 gallon for each worker and 3 gallons for each handler and early-entry worker. Those quantities must be available regardless of the use of natural waters for decontamination. As an element in the mandated safety training, workers and handlers must be trained to use the nearest clean water source in case of emergency. Specific eye washing materials and directions for handlers are defined in the revised WPS. A system capable of delivering 0.4 gallons per minute for 15 minutes, or allowing 6 gallons of water to flow gently for about 15 minutes at a mix/load site is required if handlers use products requiring eye protection or use a pressurized closed system (Figure 6). One pint of water in a portable container must be available to each handler applying pesticides if eye protection is required by product labeling.

Emergency Assistance

As the previous WPS stated, employers should provide prompt transportation to a medical facility for emergencies (Figure 7). The updated WPS stipulates that employers must provide the product SDS and other information, including the name, EPA registration number, and active ingredient of the product, as well as the circumstances leading to the exposure to the medical personnel treating the victim.



Figure 6. Eye-washing capacities at facilities with mix/load sites are specified in the revised WPS.

Credits: UF/IFAS Pesticide Information Office



Figure 7. Prompt transportation to a medical facility is required for accident victims.

Credits: UF/IFAS Pesticide Information Office

Revised/New WPS Definitions

- *Immediate family*: expanded from spouse, parents, stepparents, foster parents, children, stepchildren, foster children, brothers, and sisters to now also include all in-laws, grandparents, grandchildren, aunts, uncles, nieces, nephews, and first cousins.
- *Enclosed space production*: production that is 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.
- *Employ*: to obtain, directly or through a labor contractor, the services of a person in exchange for a salary or wages, including piece-rate wages, without regard to who may pay or who may receive the salary or wages. It includes obtaining the services of a self-employed person, an

independent contractor, or a person compensated by a third party, except that it does not include an agricultural employer obtaining the services of a handler through a commercial pesticide handler employer or a commercial pesticide handling establishment. Previously, there was no definition of “employ,” although some aspects of employment were covered in the terms, “agricultural employer” and “handler employer.”

Additional Information

Florida Department of Agriculture and Consumer Services, Division of AES, Bureau of Licensing and Enforcement: Agricultural Worker Safety. <http://www.freshfromflorida.com/Divisions-Offices/Agricultural-Environmental-Services/Business-Services/Agricultural-Worker-Safety> (accessed December 2015).

References

United States Environmental Protection Agency. 2015, *Office of Pesticide Programs: Revised Worker Protection Standard*. <http://www.epa.gov/pesticide-worker-safety/revisions-worker-protection-standard> (accessed December 2015).