Worker Protection Standard (WPS)

History

The Federal Worker Protection Standard (WPS) For Agricultural Pesticides took effect in the early 1990’s. Its purpose is to reduce the risk of employee exposure to pesticides. You are subject to the WPS if you have at least one employee who is involved in the production of agricultural plants in a nursery, greenhouse, forest, or farming operation, and your operation uses pesticides in the production of Agricultural plants.

WPS has been around for some time and there are several resources that can aid in the interpretation and knowing your responsibilities. The Environmental Protection Agency (EPA) has the How to Comply manual and other resources. The supply company GEMPLER’S* sells many of the signs, safety posters and training kits available (*This is provided as a resource, the PAT program does not endorse one supply company over any other).

NOTE: The EPA has proposed changes to the WPS. This post will list some of the proposals in red. The final rule should be published in late summer or early fall, 2015.

Affected Pesticides

The pesticide products under the WPS include those that are involved in the production of agricultural plants in nurseries, forests, greenhouse, and on farms. The Agricultural Use Requirement Box on the pesticide label (Figure 1), triggers the need to follow WPS. General use, restricted-use and organic pesticides can carry the Agricultural Use Requirements. Some pesticides not included in the above definition are those

AGRICULTURAL USE REQUIREMENTS
Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, nurseries, and greenhouses and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard. DO NOT enter or allow workers to enter treated areas during the restricted entry interval (REI) of 12 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is: coveralls, chemical resistant gloves made of any waterproof material such as polyvinyl chloride, nitrile rubber or butyl rubber, and shoes plus socks.

Special Eye Irritation Provisions: This product is a severe eye irritant. Although the restricted entry interval expires after 12 hours, for the next 6.5 days entry is permitted only when the following safety measures are provided:

1. At least one container designed specifically for flushing eyes must be available in operating condition at the WPS required decontamination site intended for workers entering the treated area.
2. Workers must be informed, in a manner they can understand:
   - that residues in the treated area may be highly irritating to their eyes
   - that they should take precautions, such as refraining from rubbing their eyes, to keep the residues out of their eyes
   - if they do get residues in their eyes, they should immediately flush their eyes using the eyewash container that is located at the decontamination site or using other readily available clean water
   - how to operate the eyewash container

Figure 1. The Agricultural Use Requirements box found in pesticide labels used in agriculture. This provides the REI and the PPE required for early entry or trained Handlers.
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used: on pastures and rangelands; for vertebrate pest control; as attractants and repellents; on animals or their premises; and on harvested portion 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 (Figure 1.) section on the label for the specific reentry interval for your product.

Affected Employees

Affected employees are those who handle an agricultural plant pesticide or who will be working within ¼ mile of the pesticide treated area or working within a treated area within 30 days after the restricted entry interval 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.

Exceptions

- Many of the WPS requirements are not required for immediate family except wearing PPE as it is required by the product label. See definitions of “immediate family” at the end of the article.
- 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.
- Certified Crop Advisers and any person under their direct supervision who perform crop advising tasks after a pesticide application has ended are exempt from the WPS. To qualify for the crop-adviser exemption, individuals must have successfully completed a state-recognized crops adviser certification program. Crop advisers and their employees who enter an area during a pesticide application are considered handlers and, therefore, subject to WPS handler provisions.

NOTE: In the new proposed rules, a minimum age of 16 will be required for early-entry workers and handlers. In the State of Wisconsin, there is a minimum age of 16 to become certified already in place. Exemptions: Members of owners immediate family are exempt from this.

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 (Figure 2) or its equivalent which conveys basic pesticide safety information.
- 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.
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Pesticide Safety Training

**Employer Responsibility.** The employer is responsible to ensure that pesticide handlers or workers who enter a treated site within 30 days after the expiration of an REI are trained in general pesticide safety principles, every five years.

**NOTE:** In the new proposed rules, this training will have to be provided annually.

The employer can accomplish this by:

- Providing training using EPA approved materials with a qualified trainer.
- Verifying that the worker is already trained (having a record keeping process with verification, such as signatures of trainees once training has been completed).
- Wisconsin law (ATCP 29.99) requires records are kept for at least one year after the employee leaves employment. If you are a trainer you have to maintain records of those you have trained for five years.
- Determine whether the worker is a certified pesticide applicator or mixer/loader. In Wisconsin, having your employees certified as a Private Applicator covers training.

**NOTE:** This is changing in the new proposed rules. This is going to get stricter, meaning that simply being certified will not qualify a person as a trainer. More on this when the actual rules are provided.

**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 pesticides residues on clothing; and
- Entry restrictions, oral warnings, posting, availability or specific information about applications, and protection against retaliatory acts.

**NOTE:** This 5-day grace period will be reduced to 2 days in the new proposed rules. The “basic pesticide safety training” will be expanded to require more information that is just presented on the safety poster.
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exposure. This will include the warnings the hazards from residues on clothing (ex. to wash work clothes separately from the families clothes), and warnings about taking pesticides and pesticide containers home.

Early-entry workers who will contact surfaces treated with 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 PPE 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. If the product being used has an REI of 4 hours or less, a decontamination site has to be provided only 7 days after the REI has expired.
• Pesticide handlers must have a clean pair of coveralls at the decontamination site and enough water for washing the entire body.
• Maintain decontamination sites within 1/4 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.

Decontamination Sites Need:
1. Water (enough for washing and emergency eyeflushing.
2. Soap and single use towels
3. Enough water to wash entire body.
4. Clean change of clothing.

For Handlers also provide:

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 pesticides-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 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 requirement concerning worker protection.
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The operators of agricultural establishments must have this information to protect their employees. See information at a Central Location and Notice About Applicants.

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 commercials 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 a pesticide, the employer must promptly make transportation available to an emergency medical facility. The pesticides 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 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 requires double notification (see the Agricultural Use Requirements sections on the label).

Oral Warnings. The employer is responsible for providing oral warnings to workers before the application takes place and 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.

NOTE: The new rules will make posting mandatory for areas treated with products that have REIs 48 hours or more.

NOTE: New rules will require a “No Entry Buffer Area”. This will prohibit entry into 25 to 100 foot buffer areas around the field during pesticide applications.

NOTE: Wisconsin’s ATCP 29 has additional posting requirements.

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 pesticides 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 is allowed provided:

- Entry does not occur until any inhalation exposure level or ventilation criteria are met,
- Entry does not occur during the first 4 hours after an application,
- Tasks do not involve hand labor (tasks performed by hand or with hand tools), and
- Tasks do not exceed more than 1 hour per 24-hour period.

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

NOTE: More stringent restrictions exist for applications in nurseries and greenhouses.

Exception for Limited-Contact Activities. EPA is allowing a exception to the WPS for workers performing irrigation tasks (e.g. moving or repairing irrigation equipment), or other limited-contact activities (e.g. repairing non-application field equipment, operating or repairing frost protection equipment, etc.). The exception may be used provided the task could not have been foreseen and which, if delayed until after the REI has expired, would cause significant economic loss. The conditions of the exception include the first three items under Early-Entry Workers with Contact plus:

- The product labeling does not require double notification (both oral notification and the posting of treated areas);
- The PPE must either conform with product labeling or consist of coveralls, chemical-resistant gloves and footwear, socks, and eyewear (if eyewear is required);
- Tasks do not exceed more than 8 hours per 24-hour period; and
- The agricultural employer gives works oral or written notification of the specifics of the exception for limited-contact activities.

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.

Specific Instructions

A handler must have 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.

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.

NOTE: WPS will adopt the OSHA standard for respirators. Fit test, medical evaluation, and
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training will be required. There must also be documentation of these for your records.

Employer Retaliation

Finally, no employer can retaliate against a worker or handler who follows the WPS, requires that an employer follows WPS or who needs medical attention.

WPS Definitions

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

Agricultural plant - any plant grown or maintained for commercial or research purpose and includes, but is not limited to, food, feed, and fiber plants; trees; turfgrass; flowers; shrubs; ornamentals; and seedlings.

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

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

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

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

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

Hand labor - any agricultural activity performed by hand or with hand tools that cause a worker to have significant contact with surfaces (such as plants, plant parts, or soil) that may contain pesticide residue.

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

NOTE: The new rules will expand the definition of “Immediate family”.

Limited-contact task - any non-hand labor task performed by workers that results in minimal contact with treated surface (including but not limited to soil, water, surfaces of plants, and equipment), and where such contact with treated surfaces is limited to the forearms, hands, lower legs, and feet.

Nursery - 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 - 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 purpose of the WPS. The WPS does not allow any exemptions for owners of commercial pesticide handling establishment or for persons who operate or manage, but do not own, an agricultural establishment.

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