

March 2014 EPA Ag Worker Protection Standard proposed changes

Comparison of proposed rule changes

Federal register section of text references for review of actual proposed language

**Comments due to EPA by August 18, 2014**

Use chart below\* for reference to EPA narrative

To download full text: <http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPP-2011-0184-0180>

(see right tool bar "View original printed document")

Review "Tips for preparing comments" and go to "Comment Here" from:

<http://www.epa.gov/oppfead1/safety/workers/proposed/index.html>



PROPOSED NEW PROTECTIONS	CURRENT PROTECTIONS
<b>Pesticide Safety Training</b>	
<b>Train workers and handlers every year.</b> Stricter qualification for trainers of workers. p. 15459 – 15461	Train workers and handlers every 5 years.
<b>Expand training content to include information on reducing take-home exposure.</b> Workers and handlers would be trained on reducing take-home exposure, the hazards from residues on clothing, and warned not to take containers home. p. 15466-15470	No training provided on reducing take-home exposure. Workers and handlers are trained on hazards from residues on clothing and warned not to take containers home.
<b>Reduce "grace period" to 2 days</b> before full WPS training is required, expand the content of the abbreviated, pre- "grace period" training, and require distribution of information sheet listing training points. p. 15459 – 15461	Grace period is 5 days and there is less content to the abbreviated training, and no information sheet.
<b>Require recordkeeping of training for 2 years.</b> p. 15461-15463	Recordkeeping of training is not required.
<b>Trainer qualifications</b> for <u>worker</u> training. Trainers would have to complete an EPA-approved train-the-trainer program or be designated by EPA or state/tribe agency as a trainer; <b>trainers present throughout training.</b> Certified applicators/handlers cannot train workers. Workers could still watch a video with a qualified trainer present. p. 15464-15466	Approved Trainers: Certified applicators, trained handlers, or someone designated as a trainer by EPA/State. Trainers only have to be present to answer questions, not throughout training.
<b>Mandatory Posting of No Entry Signs</b>	
<b>Require posting of treated areas</b> when Restricted-Entry Interval (REI) is greater than 48 hours. The REI is the interval after application during which worker entry is generally prohibited, except as allowed under the early entry exceptions. p. 15472-15474	Either oral or posted notification is acceptable for REIs of any length, unless the pesticide labeling requires both.

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\*Chart is from EPA "Comparison of the Major New Proposed Protections to the Existing Protections" with additions

Information Exchange	
<p><b>Add 2 items</b> to list to be exchanged: location of the Entry- Restricted Area (area around the treatment site) and the proposed start/estimated end times of the application. If the application plan changes, the within 2 hours of the end of the application.</p> <p>end time of &lt;1 hour do not require notification.</p> <p>p. 15482-15483</p>	<p>Current items to be exchanged PRIOR to the application: location/description of treated area, product name, EPA registration number, active ingredient, time/date pesticide is to be applied, oral/posting requirement, and REI. If the application plan changes, the ag employer must be notified prior to the application.</p>
Display of Basic Safety Information (Safety Poster)	
<p><b>Display pesticide safety information</b> (safety poster) at <b>decontamination sites</b> in addition to a central location on the agricultural establishment.</p> <p>p. 15490-15491</p>	<p>Pesticide Safety poster at Central Location.</p>
Decontamination and Emergency Assistance	
<p><b>In addition to 1 pint of portable eyewash water</b>, running water sufficient to flush eyes for 15 minutes must be available at permanent mix/load sites.</p> <p>p. 15493-15494</p>	<p>Handlers must carry 1 pint of water for eyewash if labels require eye protection.</p>
Minimum Age	
<p><b>Require pesticide handlers and early-entry workers to be 16 years old.</b></p> <p>p. 15483-15485</p>	<p>No minimum age.</p>
<p>Members of owner's immediate family are exempt from this (and most other) requirements of the WPS.</p> <p>p. 15484-15485</p>	<p>No minimum age requirement.</p>

No Entry Buffer Areas Adjacent to Areas being treated on Farms and Forests	
<p><b>Prohibit entry into 25-100 foot buffer areas around the field during pesticide application on farms, forests, nurseries, and greenhouses</b> to protect persons from pesticide overspray and fumes. The buffer size depends on the type of application.</p> <p>p. 15489-15490</p>	<p>Applies only in nurseries and greenhouses.</p>

Personal Protective Equipment (PPE): Respirators and Closed Systems	
<p><b>Adopt the OSHA standard for respirators:</b> fit test, <u>medical evaluation</u>, and training. Require recordkeeping to document completion of these requirements. p.15499-15500</p>	<p>Employer must provide the respirator listed on the pesticide labeling and ensure it fits. Recordkeeping is not required.</p>
<p><b>Add specific performance standard requirements for closed systems based on California (CA) standard to permit PPE exceptions.</b> Does not include the CA requirement to use closed systems for certain types of pesticides. p. 15496-15498</p>	<p>The closed system definition fails to provide specific criteria for the PPE exception.</p>
Hazard Communications	
<p><b>Require employer to maintain and make available to workers, handlers, or their <u>authorized representatives</u> application-specific information, labeling and Safety Data Sheets (SDS). Retain this information for 2 years.</b> p. 15476-15479</p> <p><b>Remove burdensome requirement to post application-specific information at central display.</b> p. 15480-15482</p>	<p>No requirement to make safety information available to authorized representative.</p> <p>Record keeping is not required, except, application-specific information must be posted at a central display until 30 days after the REI expires.</p>
Notification for Early-Entry Workers	
<p>In rare circumstances, early-entry workers can enter while REI is in effect. For these situations, <b>provide notification of the pesticide application (what was applied, when and where), specific task to be performed, and amount of time the worker is allowed to remain in the treated area, along with the pesticide hazard information from the labeling.</b> p. 15485 – 15487</p>	<p>Early-entry workers must be informed only of hazards written on pesticide labeling.</p>
<p><b>Require recordkeeping for 2 years of the notifications</b> that are provided to early-entry workers. p. 15485 – 15487</p>	<p>Recordkeeping is not required.</p>
Definitions	
<p><b>Expand the definition of “immediate family” to more accurately reflect farm families</b> that qualify for the exemption from most WPS requirements. p. 15507-15508</p>	<p>Currently the definition does not include family members such as grandparents, grandchildren and in-laws.</p>
<p><b>New definition: Authorized representative:</b> A person designated by the worker or handler, orally or in writing, to request and obtain any information that the employer is required to provide upon request to the worker or handler. p. 15507-15508</p>	