

WORKER PROTECTION

EPA WORKER PROTECTION STANDARD (WPS)

This section is adapted from *Worker Protection Standard Brochure #1: Duties of Employers* by the Maine Board of Pesticides Control. **This is only a very brief summary of the WPS.** Check with the pesticide regulatory agency in your state for complete information.

WHO MUST COMPLY?

The U.S. Environmental Protection Agency (EPA) has issued rules governing the protection from occupational exposure to agricultural pesticides of workers on farms, in forests, nurseries, and greenhouses. Chemical growth regulators and thinning agents are included as “pesticides.” These regulations apply if you are an employer with workers that fit in either of the two following categories:

- **agricultural workers** – performing tasks related to the cultivation and harvesting of plants on farms, greenhouses, nurseries, or forests; or
- **pesticide handlers** – assigned to mix, load or apply agricultural pesticides; clean or repair equipment, act as flaggers, or IPM scouts, etc.

Employers are responsible for making sure that workers and handlers receive the protection required by the pesticide labeling and the WPS. There are two types of employers:

- **agricultural employers** – employ or contract for the services of workers or own/operate an establishment that employs workers, and;
- **handler employers** – hire pesticide handlers or are self-employed as handlers. This definition includes commercial applicators and companies that supply crop advisory services.

WHAT MUST AN EMPLOYER DO?

It is the responsibility of the employer to provide the following to all employees who meet the WPS definition of an agricultural worker or pesticide handler.

1) Pesticide Safety Training: Handlers and workers must be trained every 5 years unless they are certified applicators. Handlers must be trained before they do any handling activity. Workers must be provided with basic pesticide safety information before entering an area of your agricultural establishment that is or has been under a restricted entry interval (REI) within the last 30 days. Full WPS training must be done within 5 days of employment.

2) Information at a Central Location:

a. Facts about each pesticide application – product name(s), EPA registration number(s), and active ingredient(s); location and description of treated area(s); the time and date of the application and the restricted-entry interval (REI);

b. The name, address and telephone number of the nearest emergency medical facility;

c. An EPA WPS safety poster.

3) Decontamination Sites:

a. A decontamination site must be provided within 1/4 mile of the employee’s work site.

b. A decontamination site must contain enough water for routine and emergency whole-body washing (3 gallons for handlers and 1 gallon for workers) and for eye flushing; plenty of soap and single-use towels; and a clean overall, for use by handlers.

c. Handler employers must also provide a decontamination site where handlers remove their personal protective equipment (PPE) at the end of a task and at each mixing site.

4) Emergency Assistance:

a. Employer must provide product name(s), EPA registration number(s) and active ingredient(s);

b. All first aid and medical information from the label(s);

c. Description of how the pesticide was used and;

d. Information about the victim’s exposure.

e. Transportation to the hospital if necessary.

5) Restrictions During Applications: An employer must keep all workers, other than trained and equipped handlers, out of areas being treated with pesticides.

6) Restricted-Entry Intervals (REI): The restricted-entry interval is the period immediately after a pesticide application during which entry into the treated area is limited. The REI is located on the product label.

During an REI, do not allow workers to enter a treated area or contact anything treated with the pesticide to which the REI applies. Pesticide handlers may reenter during the REI, but only if they wear the personal protection equipment required for early entry as stated on the label.

REIs for many labels have changed in the past 2 years, so read the label!

7) Notice About Applications: Employers must notify workers and handlers about pesticide applications on the establishment. In most cases, employers may choose between oral warnings or posted warning signs, but they must tell employees which warning method is in effect. For some pesticides, employers must provide both oral warnings and posted warning signs.

Posted warning signs must be:

a. At least 14" x 16" in size, with an EPA-mandated design;

b. Posted 24 hours or less before application; posted during the REI; removed before workers enter and within 3 days after the end of the REI;

c. Posted so they can be seen at all normal entrances to treated areas, including entrances from labor camps.

Oral warnings must be delivered in a manner understood by workers and handlers, using an interpreter if necessary. Oral warnings must contain the following information:

- a. Location and description of treated area;
- b. The REI; and
- c. Specific directions not to enter during the REI.

ADDITIONAL DUTIES FOR HANDLER EMPLOYERS

Handler employers are also required to provide the following protection to their employees.

8) Application Restrictions: Do not allow handlers to apply pesticide so that it contacts, directly or through drift, anyone other than trained and PPE-equipped handlers.

9) Monitoring: Sight or voice contact must be made at least every two hours with anyone handling pesticides labeled with a skull and crossbones (signal word: DANGER-POISON).

10) Specific Instructions for Handlers: Handler employers must make sure that before any handling task, the handlers are given: information from the pesticide labeling regarding its safe use; access to the label during the entire handling task; and instructions on the safe operation of the equipment they will be using.



11) Personal Protection Equipment (PPE):

a. When personal protective equipment is required by the product label, the handler employer must provide the PPE; clean and maintain it correctly; make sure each handler wears and uses the PPE correctly; provide a clean place to change and store PPE; take action to prevent heat stress resulting from wearing PPE; and not allow the PPE to be worn or taken home.

b. The employer must make sure that PPE is cleaned according to manufacturer's instructions; inspected and repaired before each use; that non-reusable or uncleanable PPE, or PPE that is drenched with pesticide concentrates labeled DANGER or WARNING, are properly disposed of; that PPE is washed and dried appropriately and stored separately from personal clothing; and that respirator filters, cartridges, and canisters are replaced as often as required.

c. The employer must make sure anyone cleaning PPE is informed of the potential hazards associated with the possible pesticide residues on the PPE.

12) Equipment Safety and Maintenance:

a. Handler employers must make sure that equipment used for mixing, loading, transferring, or

applying pesticides is inspected and repaired or replaced as needed.

b. Only appropriately trained and equipped handlers may repair, clean, or adjust pesticide handling equipment that contains pesticides or pesticide residues.

OSHA HAZARD COMMUNICATIONS STANDARD

This law (often called the “worker’s right-to-know law”) requires employers to inform employees of any chemical hazards they may be exposed to while performing their work. The Bureau of Labor Standards (or the comparable agency in your state) is responsible for administering and enforcing this law.

Farmers who employ 11 or more people during a year, or who have temporary labor camps, must comply with the law by the following means:

- 1) Develop a written policy on how you comply with the law.
- 2) Inventory all hazardous materials held.
- 3) Obtain the Material Safety Data Sheets (MSDS) for each hazardous material or product to be used. (Request pesticide suppliers to provide MSDS).
- 4) Provide warning labels for secondary containers used to hold hazardous materials. Never put pesticides in secondary containers.
- 5) Provide documented annual training for each employee, including:
 - a. Explanation of the written hazard communication program, chemical inventory, MSDS, and secondary warning labels. Inform employees of the location and provide access to these documents.
 - b. The physical and health hazards of the chemicals used.
 - c. Description of areas or tasks where hazardous materials are present.
 - d. Methods of detecting presence or release of hazardous chemicals in work areas.
 - e. Protective measures, including the use and limitations of personal protective equipment.
 - f. Emergency procedures.

6) Report on chemicals used, and other information as requested, to the proper state agency.

