

*Summary Guide
for EPA Worker Protection
Standard for Agricultural
Pesticides*

Virginia Department of Agriculture and
Consumer Services
Office of Pesticide Services

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INTRODUCTION

The Worker Protection Standard for Agricultural Pesticides (WPS) is a regulation issued by the U.S. Environmental Protection Agency (EPA). It covers pesticides that are used in the production of agricultural plants on farms, and in forests, nurseries, and greenhouses. The WPS requires you, the employer, to take steps to reduce the risk of pesticide-related illness and injury if you, your family, or the people you employ use or are exposed to such pesticide products.

Labels of most agricultural pesticides contain the Worker Protection Standard requirements. These products have a statement under the *Agricultural Use Directions* section of the label. This statement will instruct users to comply with all provisions of the WPS.

When you are using a pesticide product with labeling that refers to the Worker Protection Standard, you must comply with the WPS - the “label is the law”.

This guide is only a summary of the EPA Worker Protection Standard Requirements. You should refer to the United States Environmental Protection Agency “*The Worker Protection Standard for Agricultural Pesticides-How To Comply*” (EPA 735-B-93-001, July 1993) or to the EPA 1992 Worker Protection Standard (40 CFR Part 170) for details.

WPS DEFINITIONS

Agricultural Workers - any one who performs such tasks as harvesting, pruning, weeding, or watering in the production of agricultural plants

Pesticide Handlers - anyone who mixes, loads or applies agricultural pesticides; cleans or repairs equipment; or performs any task involving direct contact with pesticides.

Agricultural Establishment - any farm, forest, nursery or greenhouse.

Agricultural Owner - any person who possesses or has an interest (fee, leasehold, rental or other) in an agricultural establishment covered by the WPS. A person who has leased an agricultural establishment to another person and who has granted that same person the right and full authority to manage and govern the use of that establishment is **NOT** an agricultural owner under the WPS.

Restricted Entry Interval - The time immediately after a pesticide application when entry into the treated area is limited.

AGRICULTURAL OWNER EXEMPTIONS

Owners of agricultural establishments and members of their immediate family qualify for agricultural owner exemptions while performing tasks related to the production of agricultural plants on their own establishment. **Immediate family** includes **only** the owner's spouse, children, stepchildren, foster children, parents, stepparents, foster parents, brothers, and sisters.



The EPA and the Virginia Department of Agriculture and Consumer Services encourage you to provide all WPS protections to yourself and your family. Those protections which you are **NOT** required by WPS to provide for yourself or members of your immediate family include:

- information at a central location
- pesticide safety training,
- decontamination materials,
- emergency assistance,
- notice about applications,
- monitoring of handlers,
- specific handling instructions,
- equipment safety.

Incorporated Agricultural Establishments

If your farm, forestry operation, nursery, or greenhouse is incorporated, **all** stockholders of the corporation must be members of your immediate family to qualify for agricultural owner exemptions. If any stockholders are not members of your immediate family, then the corporation is the “owner” for purposes of the WPS and you may not take advantage of the agricultural owner exemptions.

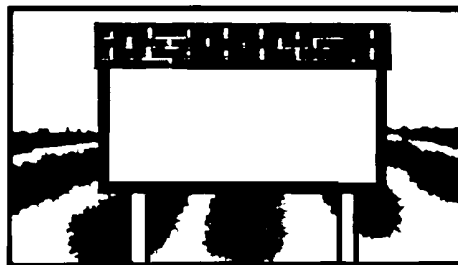
Remember - if you hire any workers or handlers other than your immediate family, you will be required to provide all WPS protections to those employees.

The WPS does **NOT** allow any exemptions for owners of commercial pesticide handling establishments (commercial applicators or custom applicators), or persons who operate or manage, but do not own, an agricultural establishment.

CENTRALLY LOCATED INFORMATION ABOUT PESTICIDE APPLICATION

Information at a Central Location

For the benefit of all employees, information must be displayed at an easily seen, central location on each **agricultural establishment**. That information includes:



- **Application list**, which must include the product name, EPA registration number, active ingredient(s), location and description of treated area(s), the time and date of the application and the restricted-entry interval (REI);
- The **name, address, and telephone number** of the nearest emergency medical facility, and;
- A **pesticide safety poster**, which must be either the WPS safety poster developed by EPA or an equivalent poster that contains concepts displayed on the WPS safety poster.

Employers must tell workers and handlers where the information is posted and allow them access to the information. Be sure that the poster, emergency information, and application list remain legible and notify your employees of any changes to the emergency medical facility information. Display pesticide-specific information when workers or handlers are on your establishment until:

- at least 30 days after the restricted entry interval expires
- at least 30 days after the end of the application, if there is no restricted-entry interval for the pesticide.

Pesticide Safety Training

Employers are legally responsible for protecting their employees from potential exposure to pesticides. Employers' basic responsibilities are to inform employees about the hazards of pesticides, provide them with information regarding the pesticides that are being used, and ensure that employees know what to do in the event of exposure in order to receive proper treatment.



Handlers and workers must be trained every five (5) years unless they are certified applicators. Handlers must be trained before they do any handling activity.

Workers must receive basic pesticide safety information before entering a treated area.. They must receive complete WPS training by the 5th day of entering into an area on an agricultural establishment that has been treated with a pesticide or under a REI in the last 30 days.

The basic pesticide safety information must include the following concepts:

Pesticides may be on or in plants, soil, irrigation water, or drifting from nearby applications.

Prevent pesticides from entering your body by:

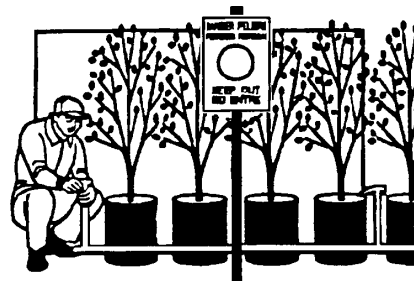
- i Following directions and/or signs about keeping out of treated or restricted areas;
- i Washing before eating, drinking, using chewing gum or tobacco, or using the toilet;
- i Wearing work clothing that protects the body from pesticide residues;
- i Washing/showering with soap and water, shampoo hair and put on clean clothes after work;
- i Washing work clothes separately from other clothes before wearing them again; and
- i Washing immediately in the nearest clean water if pesticides are spilled or sprayed on the body and, as soon as possible, showering, shampooing, and changing into clean clothes;

Training may be conducted by a certified applicator (private or commercial) or by someone who has completed a train-the-trainer program. Anyone conducting training must use written and/or audiovisual materials, present the training orally and/or audiovisually, and present the information in a manner and language that employees can understand, using easily understood terms or if necessary, an interpreter. Training materials must be approved by EPA and trainers must be able to answer trainees' questions.

RESTRICTED ENTRY INTERVAL (REI) REQUIREMENTS

Restrictions During Applications

An employer must keep all **workers** out of areas being treated with pesticides. Only properly trained and properly equipped handlers are allowed in areas being treated. Under some application conditions, nursery and greenhouse workers must also be kept a certain distance from the treated area. See the EPA *The Worker Protection Standard For Agricultural Pesticides-- How to Comply* manual for more information about these restrictions.



Restricted-Entry Intervals (REIs)

The restricted-entry interval is the time immediately after a pesticide application when entry into the treated area is limited. During an REI, **do not allow workers** (including owner and family members) **to enter a treated area** or contact anything treated with the pesticide to which the REI applies. REIs are located on the pesticide label. When two (or more) pesticides are applied at the same time and have different REIs, you must follow the longer interval. A recent amendment reduces the WPS REIs from 12 to 4 hours for certain low risk pesticides.

Exceptions to REIs

The REI restriction has three exceptions, early entry **with no contact**, early entry **with limited contact**, and early entry **irrigation activities**.

Exception for no contact early-entry

No-contact early entry means **NO contact!** Workers (including owners and families) may enter a treated area during an REI if they do NOT touch or are NOT touched by any pesticide residues, including residues found **on plants**, including both agricultural plants and weeds, **on** or **in soil** or the planting medium, **in water**, such as irrigation water or water standing in drainage ditches or puddles, or **in air**, if the pesticide remains suspended after application, such as after fumigation or after a smoke, mist, fog, or aerosol application.

Avoiding contact by using personal protective equipment does NOT qualify as no-contact early entry.

Exception for limited contact

Early-entry with limited contact allows workers to enter a treated area during a restricted-entry interval when pesticides NOT requiring double (oral and written) notification have been used.

For early-entry with limited contact:

- Workers must wait at least 4 hours after the pesticide application is completed before entering.
- Workers must be provided understandable oral or written instructions about the early entry exemption.
- Workers' contact with pesticide residues must be minimal and limited to the feet, lower legs, hands, and forearms. No hand labor (such as hoeing, picking, pruning, etc.) may be performed.
- Early-entry PPE must be provided in accordance with the label, or include, at a minimum, coveralls, chemical resistant gloves, socks, chemical resistant footwear, and eyewear (if eyewear is required by the label).

Each worker may only spend 8 hours in 24 hours in the treated area when performing limited contact tasks and must follow any other restrictions specified in the pesticide's labeling or in any special exception under which the early entry takes place.

Exceptions for Limited Contact Activities

This exception allows workers the flexibility during an REI to perform limited contact tasks that **could not have been foreseen and which, if delayed, would cause significant economic loss**. At the same time, the exception includes significant provisions to limit pesticide exposure and risk to employees performing limited contact tasks. The conditions of the exception for limited contact, early entry activities are:

- The workers' contact with treated surfaces is minimal and is limited to the feet, lower legs, hands and forearms;
- The pesticide product does not have a statement in the labeling requiring double notification (workers must be notified both verbally and by posting of these high toxicity pesticides);
- Personal protective equipment for early entry is provided to the worker and must either conform with the label requirements or include at least coveralls, chemical resistant gloves, socks, chemical resistant footwear, and eyewear (if eyewear is required by the product labeling);
- No hand labor activity (such as, hoeing, picking, pruning, etc.) is performed;
- The time in treated areas under a REI for any worker may not exceed 8 hours in a 24 hour period;
- The workers do not enter the area during the first 4 hours, and until applicable ventilation criteria have been met, and until any label specified inhalation exposure level has been reached;
- Before workers enter a treated area under an REI, the agricultural employer shall give them oral or written notification of the specifics of the exception to early entry. The notification must be in a language that the workers understand.

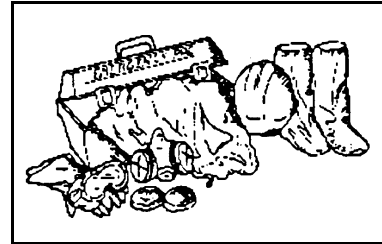
Irrigation Exception

The conditions of the exception for early entry irrigation activities are:

- The workers' contact with treated surfaces is minimal and is limited to the feet, lower legs, hands and forearms;
- The pesticide product does not have a statement in the labeling requiring double notification (workers must be notified both verbally and by posting of these high toxicity pesticides);
- Personal protective equipment for early entry is provided to the worker and must either conform with the label requirements or include at least coveralls, chemical resistant gloves, socks, chemical resistant footwear, and eyewear (if eyewear is required by the product labeling);
- No hand labor activity (such as, hoeing, picking, pruning, etc.) is performed;
- The time in treated areas under a REI for any worker may not exceed 8 hours in a 24 hour period;
- The workers do not enter the area during the first 4 hours, and until applicable ventilation criteria have been met, and until any label specified inhalation exposure level has been reached;
- Before workers enter a treated area under an REI, the agricultural employer shall give them oral or written notification of the specifics of the exception to early entry. The notification must be in a language that the workers understand.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Employers must provide handlers with the PPE as listed on the pesticide label. The PPE must be maintained in a clean and operational condition. **Employers** must assure the PPE fits correctly and that each handler wears and uses the PPE correctly.



Each handler must be provided a clean place to put on and remove PPE, and a place to store personal clothing. Handlers must not be allowed to wear or to take home PPE.

Employers must also take action to prevent heat-related illness while PPE is being worn.

Cleaning and Maintaining PPE

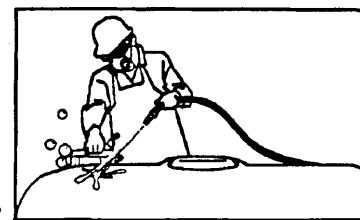
Employers must make sure that PPE is cleaned according to manufacturer's instructions, inspected, and repaired before each use. PPE that is non-reusable or cannot be cleaned, or clothing drenched with pesticide concentrates labeled *DANGER* or *WARNING* must be disposed of properly. PPE must be washed and dried properly, and stored separately from personal clothing.

Respirator filters, cartridges, or canisters must be replaced as often as required by manufacturer's instructions or when contaminated with pesticides.

The handler employer must make sure anyone cleaning PPE is informed of possible pesticide residues on PPE, of the potentially harmful effects of pesticides, and of the correct ways to handle and clean PPE.

Equipment Safety

Handler employers must make sure that equipment used for mixing, loading, transferring, or applying pesticides is inspected and repaired or replaced as needed. Only appropriately trained and equipped handlers may repair, clean, or adjust pesticide handling equipment that contains pesticides or pesticide residues.



NOTICE ABOUT APPLICATIONS

Employers must notify workers about pesticide applications on their establishment. **In most cases, employers may choose** between oral warnings or posted warning signs, but they must tell workers which warning method is in effect. For pesticides with the following statement on the label, employers must provide both oral warnings and post the treated area:

Notify workers of the application by warning them orally and by posting warning signs at entrances to treated areas.

Oral warnings must be delivered in a manner understood by workers, using an interpreter, if necessary. Oral warnings must include the location and description of the treated area, the REI, and specific directions not to enter during the REI.

Notification on Farms, Forests, and Nurseries

Unless the pesticide labeling requires both types of notification, notify workers either by orally or posting warning signs at entrances to treated areas.

Notification in Greenhouses

In greenhouses, you **must** post all treated areas, except as described below. If the pesticide labeling requires both types of notification, you must also notify workers orally.

Exceptions to Worker Notification

Oral warnings need not be given to:

- any worker who will not be in the treated area, or walk within 1/4 mile of a treated area, during the pesticide application or while the restricted-entry interval is in effect
- any worker who will not be in your greenhouse during a pesticide application or while a restricted-entry interval is in effect there
- any individual who applied (or supervised the application of the pesticide) and is aware of all the information required to be given in the oral warning

Treated area posting is not required if:

- no worker will be in the treated area, or walk within 1/4 mile of a treated area, during the pesticide application or while the restricted-entry interval is in effect
- no workers will be in the greenhouse during this pesticide application or while the restricted-entry interval is in effect there
- the only individuals for whom you need to post applied (or supervised the application of the pesticide and are aware of all the information required to be given in the oral warning.

