

AN INTRODUCTION TO THE FEDERAL WORKER PROTECTION STANDARDS FOR AGRICULTURAL EMPLOYEES

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An August 13, 1992, the U.S. Environmental Protection Agency signed into law the Worker Protection Standard (WPS), codified at 40 CFR part 170. These regulations are designed to protect agricultural employees who work in or on farms, forests, nurseries and greenhouses from risk due to occupational exposure to pesticides or pesticide residue. Under a Cooperative Agreement with EPA, the State of Connecticut, Department of Environmental Protection, Pesticide Management Division, is responsible for implementing and enforcing this new federal rule.

What is the Purpose of the WPS?

The WPS sets out the required work place practices that are intended to do three things:

- 1) eliminate or reduce employee exposure to pesticides;
- 2) mitigate exposures that occur; and
- 3) inform employees about hazards of pesticides. The provisions of the WPS are directed toward the working conditions of two types of employees:

Pesticide handlers--those who handle agricultural pesticides (mix, load, apply, clean or repair equipment, act as flaggers, etc.) and

Agricultural workers--those who perform tasks related to the cultivation and harvesting of plants on farms or in greenhouses, nurseries or forests.

WPS-Required Label Revisions

The WPS also requires substantial revision to approximately 8,000 labels of agricultural pesticides. Pesticide registrants are required to add appropriate labeling statements referencing the WPS and specifying application restrictions and requirements (such as Restricted Entry Intervals and Personal Protective Equipment). The earliest date that products with WPS labeling may be sold or distributed by registrants is April 21, 1993. All affected products must bear the WPS-required statements by October 23, 1995.

Who is Covered by WPS?

An employer is covered by the Worker Protection Standard if he/she

1. owns or manages a farm, forest, nursery or greenhouse where pesticides are used in the production of agricultural plants, (plants grown or maintained for commercial or research purposes including food, feed and fiber plants, trees, turf grass, flowers, shrubs, ornamentals and seedlings).
2. hires or contracts for the services of agricultural workers to do tasks related to the production of agricultural plants on a farm, forest, nursery or greenhouse. This includes labor contractors and others who contract with growers to supply agricultural laborers.
3. operates a business in which the owner (or his/her employees) applies pesticides that are used for the production of agricultural plants on any farm, forest nursery or greenhouse.
4. operates a business in which the owner (or his/her employees) performs tasks as a crop advisor on any farm, forest, nursery or greenhouse.

Note: Owners of a "family-owned" farm, forest, nursery or greenhouse, where immediate family members (as defined in WPS) do all the work, are also considered to be "WPS employers". They must comply with SOME of the requirements of the WPS, such as restricted-entry intervals and personal protective equipment, and ALL of the specific requirements listed on the pesticide labeling.

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What Uses are and are Not Covered by WPS and When?

Most pesticide uses involved in the production of agricultural plants on a farm, forest, nursery or greenhouse are covered by the WPS. This includes pesticides used on plants and pesticides used on the soil or planting medium the plants are (or will be) grown in. Both general-use and restricted-use pesticides are covered by the WPS.

Effective April 21, 1993, users will be responsible for complying with the label-specific WPS provisions whenever a pesticide product, used in the production of agricultural plants, bears reference to the WPS on the labeling. These provisions include use of personal protective equipment, application restrictions, restricted entry intervals and, if present on the label, requirements for providing both treated area posting signs and oral warnings.

Users need not meet certain more generic requirements of the WPS until April 15, 1994. These include requirements for decontamination sites, training of workers and handlers, cleaning and maintenance of personal protective equipment, providing emergency assistance to employees, and providing certain notification and information to workers and handlers.

The following pesticide uses are exempt from coverage under the WPS:

- * government-sponsored public pest control including mosquito control;
- * on livestock and other animals;
- * on plants grown for other than commercial or research purposes such as plants around homes and in home gardens and home greenhouses;
- * on ornamental plants in gardens, parks, lawns and grounds (including commercial lawn care);
- * uses not directly related to agricultural plant production-such as structural, right-of-way, pasture and rangeland applications;
- * control of vertebrate pests;
- * as attractants or repellents in traps;
- * on harvested portions of plants or timber;
- * research uses of unregistered pesticides.

EPS is currently developing an assistance manual for employers entitled *The Worker Protection Standard for Agricultural Pesticides-How to Comply*. If you believe you are subject to the WPS and would like to obtain a copy of this manual and be included on a mailing list for other informational material please complete the coupon on page 27 and return it to the Pesticide Management Division at the address provided. You may also direct questions to this office at (203) 566-5148 or your local Cooperative Extension Agent.

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