

UPDATES TO THE WORKER PROTECTION STANDARDS

Prepared by: Monica Siemens, Agricultural Biologist

Kern County Department of Agriculture and Measurement Standards, October 2016

US EPA WORKER PROTECTION STANDARDS (WPS) REVISIONS

Effective January 2, 2017

- Pesticide Safety Training for Workers and Handlers
- Notification
- Hazard Communication
- Drift Related Requirements & Application Exclusion Zone
- Minimum Age Requirements
- Display of Pesticide Safety Information
- Decontamination
- Exemptions

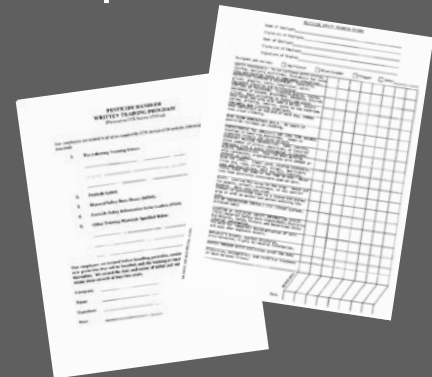
PESTICIDE SAFETY TRAINING FOR WORKERS AND HANDLERS

- **EPA's Current Rule:** Employers are required to ensure that workers and handlers are trained once every five years.
- **EPA's Revised Rule:** Workers and handlers must be trained annually.
- **Impact on CA:** New revisions will change worker training requirements to annually.
 - Handlers are already required to be trained annually.



ESTABLISH RECORD KEEPING REQUIREMENTS TO VERIFY TRAINING

- **EPA's Current Rule:** No requirement for how an employer must verify a worker or handler has received pesticide safety training.
- **EPA's Revised Rule:** Employers must maintain records of worker and handler training for two years.
- **Impact on CA:** Add requirement for worker training record keeping.
 - Handler training record keeping is already required.



EXPAND CONTENT OF TRAINING

- **EPA's Current Rule:** Requires employers to train handlers and workers on specific topics.
- **EPA's Revised Rule:** Adds additional topics to worker and handler training (reducing take home exposure, exclusion zones, minimum age, respirator use, etc.)
- **Impacts to CA:** CA already has most proposed topics in PSIS series however those topics would need to be modified in regulation as part of the training requirements.
 - **Qualified trainers must be present during entire training and their qualifications recorded on the training records. (1/17)**
 - **Training Topic Changes 1/2018**

NOTIFICATION CHANGES

FIELD POSTING

- **EPA's Current Rule:** Requires employers to notify workers orally or by posting warning signs in fields under REI (if worker is within ¼ mile of the treated site).
- **EPA's Revised Rule:** Requires posting for all outdoor applications when REI's are greater than 48 hours.
- **Impact on CA:** Posting signs will be required for REI's greater than 48 hours.



Federal



California

HAZARD COMMUNICATION

Pesticide Specific Hazard Communication Materials

- **EPA's Current Rule:** Requires employers to “Display” pesticide Application Specific Information at a central location.
- **EPA's Revised Rule:** Requires employers to provide pesticide specific hazard information (SDS) at the central location as well as application specific information.
- **Impact on CA:** CA already requires SDSs to be maintained. However, now SDSs will be required to be displayed at the central location as part of the Application Specific Information .



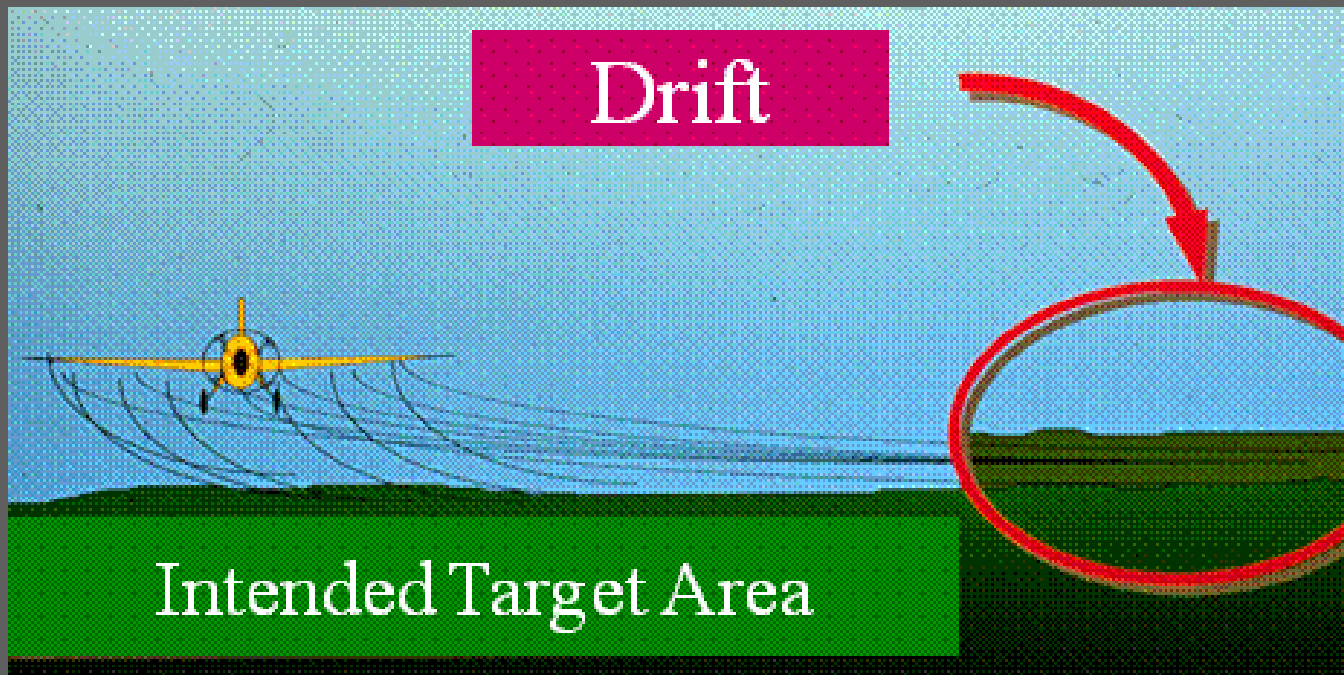
PESTICIDE HAZARD INFORMATION AVAILABILITY

- **EPA's Current Rule:** Pesticide Records must be maintained and posted at a central display for 30 days + REI.
- **EPA's Revised Rule:** Pesticide Application and Hazard Information must be maintained for two years and be made available to workers, medical personnel, or "designated representatives" if requested.
- **Impact on CA:** CA already requires record keeping for two years. CA must add EPA's requirement for records to be provided to "designated representatives" upon request.

NOTICE OF PESTICIDE APPLICATIONS AND COMPLETED APPLICATIONS

- **EPA's Current Rule:** Notice of pesticide applications and completed applications must be given to the property operator and include- the date of the scheduled application, location, product name, EPA#, active ingredient, and REI.
- **EPA's Revised Rule:** Notice of pesticide applications and completed applications must be given to the property operator and include- the date, start time, end time, location, product name, EPA#, active ingredient, and REI.
- **Impact on CA:** CA will now have to provide the start time and end time of an application.

DRIFT RELATED REQUIREMENTS



RESTRICTIONS TO PREVENT DRIFT EXPOSURE

- **EPA's Current Rule:** Established "entry restricted areas" adjacent to treated areas during pesticide application for nurseries and greenhouses.
- **EPA's Revised Rule:** Retains nursery and greenhouse requirements but changes the term "entry restricted area" to "exclusion zone" and requires new application exclusion zones of up to 100 ft. around application equipment for outdoor production.
- **Impact on CA:** Will require CA to adopt EPA's new "exclusion zones."

APPLICATION EXCLUSION ZONE (AEZ)

- Application exclusion zone means the area surrounding the application equipment that must be free of all persons other than appropriately trained and equipped handlers during pesticide applications.

APPLICATION EXCLUSION ZONE (AEZ)

- 100 foot AEZ
 - Applied aerially, by air blast or with a spray
 - quality smaller than medium (droplet size)
 - (volume median diameter < 294 microns)
 - Applied as a fumigant, smoke, mist or fog
- 25 foot AEZ
 - Applied other than aerially or airblast & sprayed from a height of >12 inches from planting medium with spray quality of medium or larger (droplet size)
- No AEZ
 - when pesticide is applied other than the above methods

DROPLET SIZE AND RELATION TO AEZ

PESTICIDESTEWARDSHIP.ORG

Color Codes for Droplet Size

Category	Symbol	Color Code	Approximate VMD Range
Very Fine	VF	Red	< 150
Fine	F	Orange	150 – 250
Medium	M	Yellow	250 – 350
Coarse	C	Blue	350 – 450
Very Coarse	VC	Green	450 – 550
Extremely Coarse	XC	White	> 550

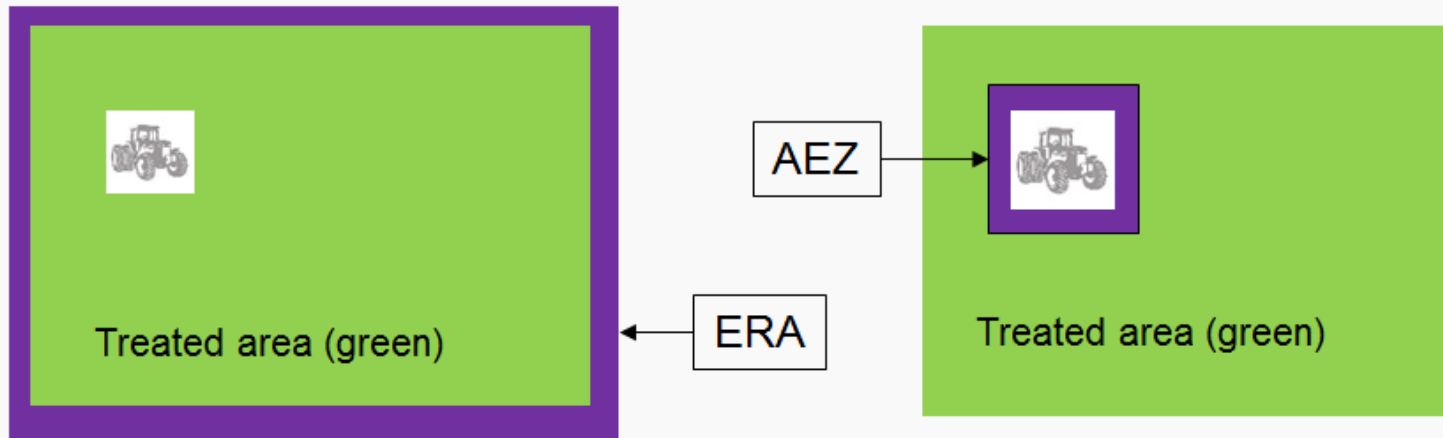
100 foot
AEZ

25 foot
AEZ

VMD – Volume Median Diameter (droplet in microns)

THE APPLICATION EXCLUSION ZONE

AEZs in Outdoor Production



**Entry Restricted
Area in purple.**

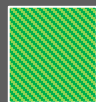
(Extends around treated area and is in
existence until expiration of the REI)

**(AEZ) Application
Exclusion Zone**

Application Exclusion Zone in Outdoor Production



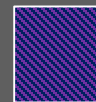
When the application is concluded, the AEZ no longer exists.



Field



AEZ



Treated Area

AEZs on Field Borders



5) When the application is finished the AEZ no longer exists.

4) Yes, they agreed to move!

Neighboring Field

3) EVALUATE!

Can you ask the workers to move somewhere else until you are done with the application?

2) SUSPEND!

There are workers from the neighboring field in the AEZ! 😎😎😎😎😎😎😎😎😎

Your Field

1) Proceed with caution.



AEZs on Field Borders



5) When the application is finished the AEZ no longer exists.

4) Do not proceed with application.

3) **EVALUATE!**

Can you ensure these workers won't be contacted through drift?

2) **SUSPEND!**

There are workers from the neighboring field in the AEZ, and they refuse to move! 🤨🤨🤨🤨🤨

1) Proceed with caution.

Neighboring Field

Your Field



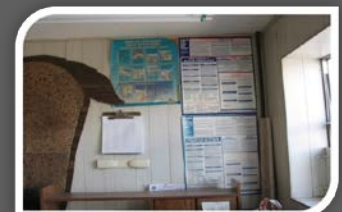
MINIMUM AGE REQUIREMENTS

- **EPA's Current Rule:** Does not establish a minimum age for handlers and early entry workers.
- **EPA's Revised Rule:** Requires all early entry workers and handlers to be at least 18 years old.
- **Impact on CA:** Will require CA to revise our current handler age requirement to apply to all handling situations and adopt early entry worker age requirement.

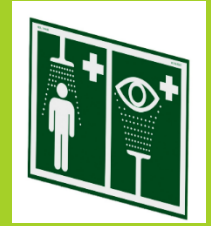


DISPLAY OF PESTICIDE SAFETY INFORMATION

- **EPA's Current Rule:** Requires pesticide safety poster (PSIS series in CA) to be displayed at a central location.
- **EPA's Revised Rule:** Requires pesticide safety information to be displayed at a central location and decontamination sites
 - All permanent decontamination facilities; and
 - All decontamination facilities servicing 11 or more workers.
- **Impact on CA:** Will require PSISs to be displayed at decontamination sites for 11 or more workers.



DECONTAMINATION



CLARIFY WATER REQUIRED FOR DECONTAMINATION

- **EPA's Current Rule:** Requires employers to provide “enough water” for routine washing and emergency eye flush.
- **EPA's Revised Rule:** Requires employers to provide 1 gallon of water per worker and 3 gallons of water per handler/early entry worker (measured at the start of their work period) for decontamination.
- **Impact on CA:** Need to modify EPA required amounts of water.

REQUIREMENT FOR OCULAR DECONTAMINATION

- **EPA's Current Rule:** Requires all handlers applying pesticides requiring protective eyewear to have one pint of eyewash immediately available.
- **EPA's Revised Rule:** Employers must provide water at all mixing and loading sites for ocular decontamination (when label requires protective eyewear or using a closed system) from a system capable of delivering 0.4 gallons/minute for 15 minutes or from six gallons of water able to flow gently for about 15 minutes (retains 1 pint rule).
- **Impact on CA:** Need to add requirements for ocular decontamination at mix/load sites.



EXEMPTIONS



EXEMPTIONS FOR CROP ADVISORS AND THEIR EMPLOYEES

- **EPA's Current Rule:** Exempts employers from complying with certain handler/re-entry worker requirements for workers performing crop advising tasks if they are a Certified Crop Advisor or directly supervised by one.
- **EPA's Revised Rule:** Eliminates the exemptions for employees directly supervised by Certified Crop Advisors.
- **Impact on CA:** California must delete these exemptions as well.

OTHER SIGNIFICANT EPA CHANGES NOT IMPACTING CALIFORNIA

- Deletion of “grace period” for worker training
- Revised closed system requirements (in accordance with DPR’s revised regulations)
- Requirement for respiratory protection program to be consistent with OSHA standards

IMPLEMENTATION

- First round of required changes expected to be in place January 2nd, 2017.
- Second round of required changes (relating to new training topics) expected to be in place January 2018.
- DPR's revised 3 CCR incorporating the 2017 changes are online
 - Public comment closed June 6, 2016.
<http://www.cdpr.ca.gov/docs/legbills/rulepkgs/16-001/16-001.htm>

QUESTIONS?