



EPA's Worker Protection Standard: The 2014 Proposed Revision

Needed Protections?
or
Government Bureaucracy at Its Worst?



US EPA Worker Protection Standard (40 CFR 170)

- Quick Reminder – What it is
- EPA's Proposed Changes
- Reactions to the Proposal
- Future Forecast – What will become of the proposal?

Quick Refresher

- The Agricultural Worker Protection Standard (WPS) was established in 1992 to improve occupational protections for ag workers and pesticide handlers
- Scope – Ag establishments (farms, nurseries, forests) involved in commercial production
- Not covered – non-ag pesticide uses, such as ROWs, parks/gardens, range/pasture, structural pest control

Relationship Between Pesticide Labeling & WPS

- The labeling has product-specific requirements to protect workers and handlers
- WPS has instructions on how to implement the label requirements
- WPS also has general protections too lengthy to place on every label, such as:
 - Pesticide safety training
 - Hazard communication materials
 - Decontamination
 - Emergency assistance

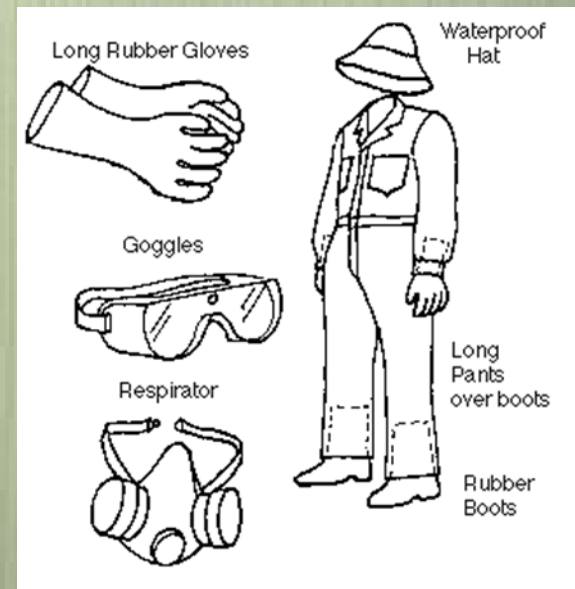
WPS – Current Provisions

- Pesticide safety training and safety posters
- Notification to workers of treated areas
- Restrictions on entry into treated areas



WPS – Current Provisions

- Decontamination supplies
- Emergency assistance
- Access to application-specific information and labeling (hazard communication)
- Personal protective equipment (PPE)



EPA's Proposal

- Proposed revisions to WPS announced March 19, 2014 in Federal Register
- Public comment period closed August 18
- 119,528 responses received of which there are 2,343 unique comments
- EPA is now evaluating public comments
- www.regulations.gov, docket ID EPA-HQ-OPP-2011-0184

Reasons for EPA's Proposal

- Concern over occupational incidents of pesticide exposure
- Concern that day-to-day exposure may have long term effects
- Parts of existing rule unclear or difficult to implement



Proposed Changes

- More controversial:
 - Train workers/handlers every year instead of every 5 years
 - Phase-out of certified applicators as trainers of workers
 - Require unit posting if REI > 48 hours, changes sign
 - No entry buffers adjacent to treated units
 - Minimum age of 16 years for handler



Proposed Changes

- More controversial:
 - Allowing authorized representative to obtain pesticide application information on behalf of an ag worker
 - Cease applications if workers or other persons are in the treated area
 - Respirator use will use OSHA standards
 - Use CA standards for closed mixing system
 - Increased record keeping requirements, but drops central posting requirement

Reactions to WPS Proposal

- Not surprisingly, strong reactions from all sides –
 - growers, grower groups/lobbyists, farm bureaus
 - state pesticide regulators
 - farm workers and their advocates/lobbyists
 - pesticide applicators and applicator groups
 - government health organizations

Responses - Cal DPR

- Does not support phase out of cert applicators as trainers of workers
- Supports 18 years as minimum age for handler
- Closed system - CA moving away from prescriptive to performance based standard – recommends EPA do same
- Supports posting requirement but asks that CA sign still be allowed
- Request EPA generate a standard training form

'Yes to all but Require More'

- Mandatory monitoring of workers using cholinesterase-inhibiting pesticides
- Retain central posting requirements
- Expand spray buffers, and expand onto neighboring properties
- Posting should be required for REI>24 hours
- Raise minimum age to 18 for handlers
- Provide legal aid contacts & how to report pesticide violations as part of worker training
- Central gov't database for training records
- Increase records retention time (5, 7, 30 years)

'No to Most - Require less'

- Drop proposed rule entirely; no justification
- Keep certified applicators as trainers of workers
- Annual training not justified
- Concerned about additional state costs not considered
- Drop authorized rep from proposal
- Reduce or eliminate no-entry buffers
- Retain use of 'natural waters' for decontamination

Forecast

- EPA is currently analyzing comments
- Controversial nature of this proposal will likely defer any decision until at least after elections
- EPA may decide to take a more piecemeal approach to changing the WPS
- Don't hold your breath on this one



QUESTIONS?

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