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G94-1219 Worker Protection Standard for Agricultural Pesticides (Revised May 1997)

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Worker Protection Standard for Agricultural Pesticides

This NebGuide describes the Worker Protection Standard, helps you determine if you are covered or exempt from it, and provides information on how to comply.

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The U. S. Environmental Protection Agency (EPA) issued the Worker Protection Standard (WPS) to protect employees on farms and in forests, nurseries, and greenhouses from exposure to agricultural pesticides (general **or** restricted use). The standard covers workers in areas treated with pesticides and employees who handle pesticides in the production of agricultural plants or commodities. It requires employers to protect two types of agricultural employees: *agricultural workers* and *pesticide handlers* (see definitions). The standard is considered to be part of the pesticide label and is enforceable when a WPS-labeled pesticide is used to produce an agricultural plant or commodity.

An EPA manual entitled *The Worker Protection Standard for Agricultural Pesticides--How to Comply* provides detailed information. Employers will find this manual to be a valuable resource for compliance.

Understanding key terms used in the WPS is important for proper implementation. Here are definitions for some of them:

Agricultural establishment

any farm, forest, nursery, or greenhouse.

Agricultural owner

any person who possesses or has interest (fee, leasehold, rental, or other) in an agricultural establishment. Anyone who has leased an agricultural establishment to someone else and who has granted that person full authority to manage the use of that establishment is not an agricultural owner under the WPS.

Agricultural plants

crops or plants grown or maintained for commercial or research purposes. Examples: food, feed or fiber plants, trees, turf grass, flowers, shrubs, ornamentals, and seedlings. horticultural plants grown for future transplant are included.

Agricultural workers

those who perform tasks related to the cultivation and harvesting of plants or crops on agricultural establishments.

Immediate family

includes spouse, children, stepchildren, foster children, parents, stepparents, foster parents, brothers, and sisters. It does not include nieces and nephews.

pesticide handlers

those who mix, load, and apply agricultural pesticides or clean or repair pesticide application equipment, or act as flaggers, etc.

Crop advisors

those that assess pest numbers or damage, pesticide distribution, or the status, condition, or requirements of agricultural plants. Includes independent crop consultants, crop scouts, and IPM monitors.

Who are the Affected Employers?

- Managers or owners of an agricultural establishment.
- Labor contractors for an agricultural establishment.
- Custom pesticide applicators or independent crop consultants hired by the owner or manager of an agricultural establishment.

Most provisions of the Worker Protection Standard are protections that employers must provide to their employees and, in some instances, to themselves. The task being performed will determine whether or not an employee is a worker or a handler, and their task will determine the amount of protection the employer must provide. Owners of agricultural establishments and their immediate families are exempt from many of the WPS requirements (refer to the *How to Comply* manual for details). While owners are not required to provide certain protections to themselves or their immediate families, they are required to follow the label and are strongly encouraged to protect themselves from needless exposure to pesticides. They must also wear personal protective equipment and follow reentry intervals into treated areas whenever listed on the pesticide label.

Incorporated agricultural establishments. If your establishment 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 the purposes of the WPS and you may not take advantage of the agricultural owner exemptions.

The WPS does **not** cover pesticides applied:

- on pastures, range land, or livestock;
- on the harvested portions of plants or on harvested timber;
- for control of vertebrate pests, such as rodents;
- on plants grown in home gardens and home greenhouses;
- on plants that are in golf courses (except those areas set aside for plant production) or right-of-way

areas;

- on public or private lawns (sod farms **are** covered by the WPS);
- on plants intended only for decorative or ornamental use (trees and shrubs in lawns);
- for mosquito abatement, or similar wide area public pest control programs;
- for structural pest control, such as termite control; and
- for research uses of unregistered pesticides.

Agricultural Owner Exemptions

Owners of agricultural establishments and members of their immediate family are exempt from some of the WPS requirements while performing tasks related to the production of agricultural plants on their own establishment. The following WPS requirements **do not** need to be met by owners or members of their immediate family, **but must** be provided to any worker or handler they may hire:

- Pesticide information at a central location.
- Pesticide safety training.
- Decontamination sites.
- Emergency assistance.
- Notice about pesticide applications.
- Monitoring of handler's actions and health.
- Specific handling instructions.
- Duties related to early entry: training and instructions and decontamination sites.
- All the specific duties related to the need, use, management, and inspection of personal protective equipment.

Requirements of Agricultural Owners and Employers

The following requirements **do** apply to agricultural owners, their immediate families, employers, agricultural workers, and handlers:

1. Wear appropriate personal protective equipment (PPE)

The personal protective equipment and other work attire required for each pesticide are listed on the pesticide label for the tasks being performed. The required equipment for a specific compound is listed under the *Hazards to Humans* section on the label. These requirements may be different for applicators and mixer/handlers. If an applicator is using a closed system or working in an enclosed cab, some protective equipment exceptions are allowed unless expressly prohibited by the product labeling. Required equipment must be within the cab, however, to protect the person if the rig were to break down. If in doubt, use the PPE recommended on the label (refer to the *How to Comply* manual for details on exceptions).

2. Restrictions during applications

During the application of pesticides, you must make sure that:

- Pesticides are applied so that they do not contact anyone either directly or through drift.
- Everyone is kept out of areas being treated.
- You check and follow the label requirement for each pesticide.

In most cases, handlers who have been trained and have the appropriate equipment are allowed to be in treated areas. Those handlers who are certified applicators of restricted use pesticides or who

have completed an approved training course meet the WPS training requirements.

3. **Restrictions during restricted entry intervals (REIs)**

The standard has established more specific restricted reentry intervals for all pesticides covered by the standard. The restricted entry interval (REI) is the time immediately following a pesticide application when entry into a treated area is restricted. The amount of time required is based on the toxicity of the compound and the tasks involved during the product's use. In most cases, REIs are in 4, 12, 24, 48 and 72 hour intervals. During the REI, do not enter or allow any members of your family or workers to enter a treated area or contact anything treated with the pesticides to which the interval applies.

When the pesticide formulation or application is a "mixture" of active ingredients, the REIs are based on the active ingredient that requires the **longest** restricted re-entry period.

Exceptions to REIs. In general you, your family members, or workers must stay out of a treated area during the restricted entry interval. This restriction has two exceptions:

- Early entry with no pesticide contact.
- Early entry with contact for short term, emergency, or specially exempted tasks.

No contact early entry means just that: no contact! You, your family members, or workers may enter a treated area during an REI if you do **not** touch or are **not touched by** any pesticide residues, and if you are wearing the early entry personal protective equipment. Wearing personal protective equipment does not mean "contact" can be resumed.

Early entry with contact allows you, members of your family, or workers to enter a treated area during a restricted entry interval in only three work situations:

1. Short term tasks that last less than one hour per 24-hour period and do not involve hand labor.
2. Emergency tasks that take place because of an agricultural emergency recognized by the Nebraska Department of Agriculture.
3. Specific tasks approved by EPA through a formal exception process.

For early entry short term tasks with no hand labor, one must:

- Wait at least four hours after the pesticide application is completed before entering.
- Enter and work for only one hour during a 24-hour period.
- Wear the personal protective equipment specified on the pesticide label for early entry tasks.
- Follow any other restrictions specified on the pesticide label or in any special exception under which the early entry takes place.

Nurseries and greenhouses. There are many special requirements for greenhouse and nursery owners or operators. These include special application restrictions, ventilation criteria, early entry restrictions, and additional handler protection. Consult the EPA *How to Comply* manual and the pesticide label for specifics.

4. **WPS labeling** All pesticide products affected by the WPS carry a statement in the *Agricultural Use Requirements* section on the label. This statement will inform users that they must comply with all WPS provisions. If you are using a pesticide product with WPS labeling to produce an agricultural commodity, the WPS requirements **must** be followed. WPS requirements are not in effect if an agricultural pesticide is used as labeled for a non-agricultural use.

Crop Advisor Exemptions

Nebraska Department of Agriculture (NDA) approved certified crop advisors are exempt from many WPS provisions in Nebraska if they have met the pesticide safety training requirements. To meet the training requirement, they must either be a certified pesticide applicator or receive approved WPS pesticide handler training. Persons under their direct supervision are exempt from WPS provisions except for the pesticide safety training requirements (see pesticide safety training). These persons must be trained as agricultural workers, under WPS provisions. The exemption applies only after the pesticide application ends and while performing crop advising tasks.

The crop advisor must provide persons under their direct supervision with information on the pesticide product and active ingredient(s) applied, method and time of application, and the REI. Advisors must also provide the person under their supervision information regarding the tasks to undertake and how to contact the crop advisor.

As pesticide handlers under the WPS, crop advisors or persons under their direct supervision may enter treated areas during pesticide application and the REI, if they follow the product labeling PPE requirements. NDA approved certified crop advisors can determine the appropriate protection to be utilized while performing crop advising tasks in treated areas after the end of pesticide application.

Duties for Employers of pesticide Handlers and Agricultural Workers

Some of the WPS requirements for employers are the same whether the employees are workers or handlers. The following are descriptions of some requirements:

Information at a central location. Employers must provide current and specific information about the pesticides being applied for the benefit of their employees (handlers and workers). The following information must be displayed and made accessible at a central location on the agricultural establishment where it can be seen and read easily:

- WPS Safety Poster
- Name, address, and telephone number of the nearest emergency medical facility
- Facts about each pesticide application, including:
 1. Product name
 2. EPA registration number and active ingredients
 3. Location and description of the treated areas
 4. Time and date of the application
 5. Restricted-entry interval (REI) for the pesticide

Pesticide safety training. Certified pesticide applicators **do not** need WPS safety training. Uncertified workers and handlers must have periodic pesticide safety training. Handlers and early entry workers must be trained before they begin work and at least once every five years after that. Training may be conducted by a certified pesticide applicator or by someone who has completed a train-the-trainer program. The training must be conducted in a manner and language that the employees can understand using EPA approved training materials or the equivalent. The trainer also must be on hand and able to answer questions after the training.

Decontamination site. Employers must provide a site where workers and handlers can wash pesticide residue from their hands and body. A decontamination site should supply:

- Enough water for routine and emergency whole-body washing and for eye flushing.
- Plenty of soap and single-use towels.
- A clean change of coveralls for use by each handler (this is **not** required for workers).

Water for emergency eye flushes must be immediately available if the pesticide label calls for protective eye wear. Employers also must provide water that is safe and cool enough for washing, eye flushing, and drinking. Employers may not use tank-stored water that also is used for mixing or diluting pesticides.

A decontamination site must be within a quarter mile of the employees' work site. If the work site is more than one-fourth mile from the nearest point of vehicular access, the decontamination site may be located at the nearest access point. Clean water from springs, streams, lakes, or other sources may be used for decontamination if such water is more readily available than the water at the decontamination site.

Employers must provide handlers with the previously mentioned supplies at each mixing site and at the place where protective equipment is removed at the end of a task. Worker decontamination sites may not be in areas being treated or under an REI. Handler decontamination sites may be in the treated area in which the handler is working, as long as the materials are stored in enclosed containers.

Employer/Commercial Applicator Information Exchange

A commercial applicator must inform an agricultural owner/operator when a pesticide is applied on his or her agricultural establishment. The commercial applicator must provide the owner/operator with the following information:

- Location and description of area to be treated.
- Time and date of application.
- Product name, EPA registration number, active ingredients, and REI.
- Whether oral warnings and/or treated area posting are required.
- Entry restrictions and other safety requirements for treated areas.

Agricultural owners/operators must provide information to the commercial applicator employers that they hire. The agricultural owner/operator must inform the commercial applicator employer of any treated areas under an REI if the commercial applicator will be present or walk within a quarter mile of that area. The agricultural owner/operator is responsible for providing all WPS protections to employees.

Emergency medical assistance. When there is a possibility that a handler or worker has been poisoned or injured by a pesticide, an employer must promptly provide transportation to an appropriate medical facility. Additionally, the employer must provide to the victim and medical personnel the following information:

- The product name, EPA number, and active ingredients.
- All first aid and medical information from the label.
- A description of how the pesticide was used.
- Information about the victim's exposure.

Additional Duties for Employers of Workers

Restrictions during application. Employers must prohibit worker entry into treated areas and only allow entry by appropriately trained and equipped handlers. Some REIs may be extended if annual rainfall is less than 25 inches.

Notice about applications. Employers must notify workers about pesticide applications on the establishment if they will be on or within a quarter mile of the treated area. In most cases, employers may choose between oral warnings or posted warning signs, but they must tell workers which warning method is in effect. Some pesticide labels may require both oral and posted sign warnings. pesticides requiring both oral and posted warnings will state this on the label. Warning signs must be:

- Posted 24 hours or less before application and removed within three days after the end of the REI.
- Posted so they can be seen at all normal entrances to treated areas, including borders adjacent to labor camps.

If no employees were involved with treatment, or the employees do not come within a quarter mile, **no posting** is required.

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

- Location and description of the treated area.
- The length of the REI.
- Specific directions not to enter during the REI.

Additional Duties for Employers of Handlers

Application restrictions and monitoring. Employers must not allow handlers to apply a pesticide so that it contacts anyone, directly or through drift, other than trained and properly equipped handlers. Employers also must make visual or voice contact at least every two hours with anyone handling pesticides labeled with a skull and crossbones.

Specific instructions for handlers. Employers must inform handlers of all pesticide labeling instructions for safe use before they perform any handling tasks. In addition, employers must keep pesticide labels accessible to each handler during the entire handling task and inform handlers of how to use any assigned handling equipment safely before they use it.

Equipment safety. Employers of handlers 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.

Personal protective equipment. Employers must provide handlers with the personal protective equipment required by the pesticide labeling. They also must provide handlers with a pesticide-free work area for storing personal clothing, and changing into and out of personal protective equipment for each task. They must not allow any handler to wear or take home any used personal protective equipment.

PPE cleaning and maintenance. The employer must make sure that:

- PPE to be reused is cleaned, inspected, and repaired before each use.
- PPE that is nonreusable or cannot be cleaned is disposed of properly.
- PPE should be washed and stored separately from personal clothing.

Maintenance of respirators. Dust/mist filters must be replaced when breathing becomes difficult, if the filter is damaged or torn, when the respirator label or pesticide label requires it, or at the end of each day's

work period in the absence of any other instructions. Vapor-removing cartridges or canisters must be replaced when odor, taste, or irritation is noticed; when respirator label or pesticide label requires it; or at the end of each day's work period in the absence of any other instructions.

Disposal of PPE. Discard coveralls and other clothing that are heavily contaminated with an undiluted pesticide having a *DANGER* or *WARNING* signal word. Federal, state, and local laws must be adhered to when disposing of PPE that cannot be cleaned correctly.

Instructions for people who clean personal protective equipment. Employers must inform people who clean or launder personal protective equipment that it may be contaminated with pesticides. They must inform them of the potentially harmful effects of exposure to pesticides and show them how to protect themselves and how to clean the equipment correctly. Further information is available in the EPA *How to Comply* manual.

Reference

Nebraska Department of Agriculture. For WPS regulatory interpretation and compliance guidance, call 402-471-2394.

Ogg, Clyde L., Larry D. Schulze and Edward F. Vitzthum. 1993. *Protective Clothing and Equipment for Pesticide Applicators*, NebGuide G-758.

The Worker Protection Standard for Agricultural pesticides--*How to Comply, What Employers Need to Know*. July 1993. United States Environmental Protection Agency. Prevention, Pesticides, and Toxic Substances (H7506C). EPA 735-B-93-001. [Available on the WWW as part of the National Ag Safety Database--Florida Edition.]

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