



Paul E. Helliker
Director

Gray Davis
Governor
Winston H. Hickox
Secretary, California
Environmental
Protection Agency

**Work Plan to Address Recommendations to the
Analysis of the Impact of the Federal Worker Protection
Standard and Recommendations for Improving California's
Worker Protection Program Regarding Field Posting
(HS-1819)**

Overview

Date established December 21, 2001

Enforcement Letter ENF 01-57

Distribution County Agricultural Commissioners

Referrals If you have any questions pertaining to this document, please contact your Senior Pesticide Use Specialist Liaison.

Approval

Original signed by

Scott T. Paulsen, Chief
Enforcement Branch
(916) 324-4100

Continued on next page

FLEX YOUR POWER! *The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web site at <www.cdpr.ca.gov>.*

Overview, Continued

About HS-1819 A complete version of the document Health & Safety Report HS-1819, entitled *Analysis of the Impact of the Federal Worker Protection Standard and Recommendations for Improving California's Worker Protection Program Regarding Field Posting*, is available at the Department of Pesticide Regulation's (DPR's) web site at:
<<http://www.cdpr.ca.gov/docs/whs/pdf/hs1819.pdf>>.

Background The Worker Protection Standard (WPS) sets requirements for employers of both pesticide handlers and agricultural workers. HS-1819 summarizes the evaluation of specific requirements for agricultural workers including field posting and notification. Field posting and notification requirements specify that employers prevent fieldworkers' unsafe entry into treated fields by posting warning signs which prohibit entry for the duration of the restricted entry interval and notifying them orally of recent pesticide applications.

This Enforcement Letter outlines the work plan to address DPR's recommendations. This Letter is offered as an addendum to the Pesticide Regulatory Affairs Committee meeting conducted with the county agricultural commissioners (CACs) on September 26, 2001.

- DPR activities**
- The WH&S and Enforcement Branches will meet with various environmental and commodity organizations to discuss the report's findings.
 - DPR's Division of Pest Management, Environmental Monitoring, Enforcement and Licensing will develop and distribute compliance assistance materials on notification and posting requirements.
 - The WH&S Branch will evaluate notification and hazard communication requirements. The projected date for completion of the report is mid-2002.
 - The Enforcement Branch will identify a baseline of compliance for notification and posting requirements. This baseline will be used to determine whether outreach/training and enforcement actions improve compliance trends. The projected date for establishing a compliance baseline is late-2002.
-

Continued on next page

Overview, Continued

DPR activities (continued)

- An evaluation will determine whether the above described steps impacted compliance with notification and posting requirements and/or reduced illnesses associated with re-entry violations. If trends in compliance and/or illness and injury data remain unchanged, regulatory changes will be considered. The projected date for the evaluation is January through June 2003.
-

CAC responsibilities

- DPR requests commissioners to review their current negotiated work plans and prioritize activities to inspect and enforce notification and posting requirements, if possible.
 - Heighten enforcement response for re-entry and notification and posting violations by initiating enforcement actions, when and where appropriate, in addition to the notice of violations or other compliance actions.
 - Enforcement actions are an effective indicator to show the federal government, industry, and agricultural workers that DPR, through the CACs, is enforcing the provisions of the WPS in a consistent and uniform manner.
-

DPR responsibilities

DPR will continue to work with CACs and industry representatives to improve compliance with regulatory requirements designed to protect the health of agricultural workers, and in turn, protecting public health and the environment.

Conclusion

The DPR Compliance Assessment Report indicates that a survey of agricultural pesticide handlers and field workers conducted by DPR revealed compliance levels needing improvement with regulatory requirements designed to mitigate agricultural workers' exposure to pesticides and pesticide residues. Therefore, it is extremely important to conduct outreach and training on re-entry and notification and posting requirements.

cc: Mr. Daniel J. Merkley, Agricultural Commissioner Liaison
Mr. Chuck Andrews, Chief
Dr. John Sanders, Chief