Updates to the Worker Protection Standards & Impacts on California

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Background

- In 1992 the US EPA implemented a set of regulations known as the Worker Protection Standards (WPS) to address worker safety concerns in the agricultural industry.
- On March 18, 2014, the EPA published their proposed revisions to the WPS in the Federal Registrar.
- On August 18, 2014, DPR submitted comments to the US EPA on their proposal.
- On November 2, 2015, the US EPA published the Final WPS rule in the Federal Registrar.

US EPA WPS Revisions

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

Pesticide Safety Training for Workers and Handlers

Shortening of the Retraining Interval

- **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**: Handlers are already required to be trained annually. New revisions will change worker training requirements only.

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 codified in regulation as part of the training requirements.

Notification Changes

Field Posting

- **EPA's Current Rule:** Requires employers to notify workers orally or by posting warning signs fields under REI (if worker is within ¼ mile of the treated site).
- **EPA's Revised Rule:** Requires posting for all outdoor applications with REI's greater than 48 hours.
- **Impact on CA:** Posting signs will be required for REI's greater than 48 hours (not seven days).

Hazard Communication

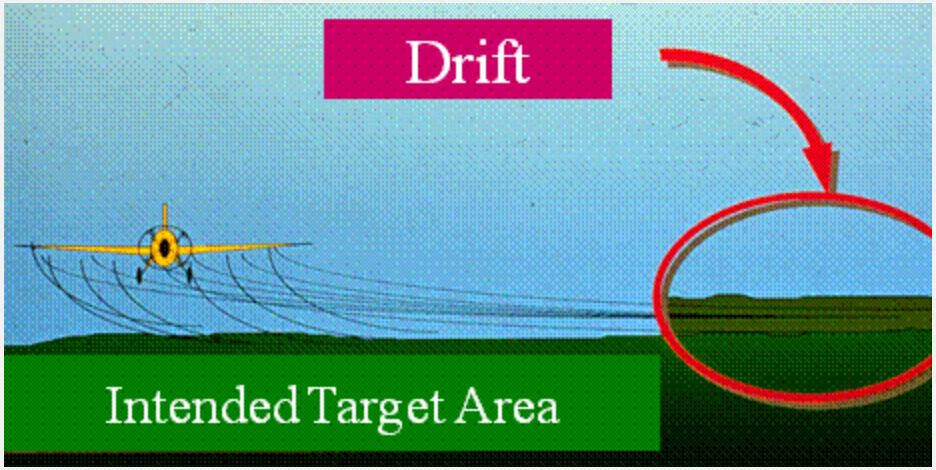
Pesticide Specific Hazard Communication Materials

- **EPA's Current Rule:** Requires employers to provide pesticide specific application information at the central display.
- **EPA's Revised Rule:** Requires employers to provide pesticide specific hazard information (SDS) at the central display as well as application information.
- **Impact on CA:** CA already requires SDSs to be maintained. However, now SDSs are required to be available at the central display.

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.

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 Proposed Rule:** Retains nursery and greenhouse requirements but changes the term "entry restricted area" to "exclusion zone" and requires new exclusion zones of up to 100ft around application equipment for outdoor production.
- **Impact on CA:** Will require CA to adopt EPA's new "exclusion zones."

Minimum Age Requirements

Age Requirements

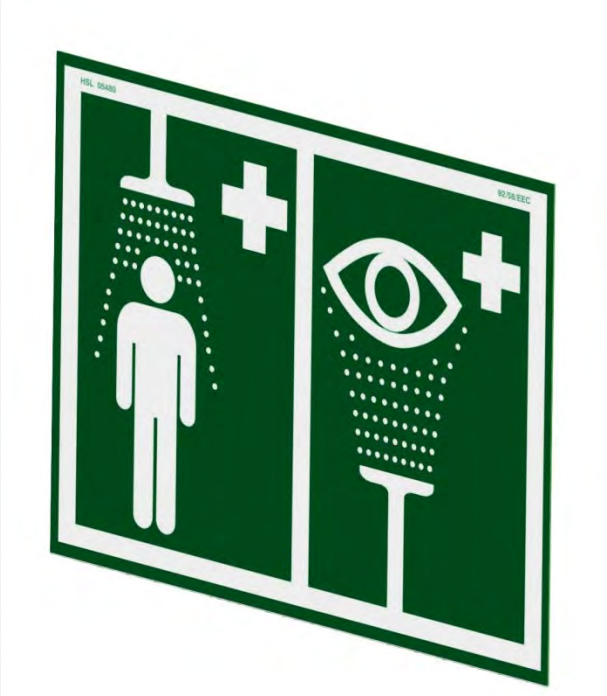
- **EPA's Current Rule:** Does not establish a minimum age for handlers and early entry workers.
- **EPA's Revised Rule:** Requires all early entry workers and handlers to be at least 18 years old.
- **Impact on CA**: Will require CA to revise our current handler age requirement to apply to all handling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

Display of Pesticide Safety Information

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 all decontamination sites 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 Revise 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 codify 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

STOP
PERSONAL
PROTECTIVE
EQUIPMENT
REQUIRED
BEYOND THIS
POINT

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.

Exemptions for Applying in an Enclosed Cab

- **EPA's Current Rule:** Permits handlers to forego respiratory protection requirements if operating in an enclosed cab approved for respiratory protection.
- **EPA's Revised Rule:** Requires handlers in enclosed cabs to wear the label-specified respiratory protection except when the only label-specified respiratory protection is a filtering facepiece respirator (NIOSH approval number prefix TC–84A) or dust/mist filtering respirator.
- **Impact on CA:** CA must delete this exemption 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 2017.
- Second round of required changes (relating to new training requirements) expected to be in place January 2018.
- DPR will be providing future trainings to the County Agricultural Commissioners and industry relating to the implementation of these changes-Stay Tuned!

Questions?

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