Worker Protection Standard 40 CFR Parts 156 and 170 – Quick Tips



The Environmental Protection Agency's (EPA) Worker Protection Standard (WPS) is a federal regulation intended to prevent unreasonable adverse health effects from occupational exposures to pesticides among agricultural workers, pesticide handlers and bystanders who may be on or near agricultural establishments. The WPS was originally issued in 1992. In November 2015, the EPA published a revision to the WPS. The revision became effective on January 1, 2016, with a January 2, 2017, compliance date for most of the new requirements.

There are certain provisions within the 2015 revision that employers will not need to comply with until January 1, 2018. This later date applies new requirements for pesticide safety training for workers and handlers, pesticide safety information and for handlers to suspend applications when workers or other persons are in the application exclusion zone.

Who Does the Standard Affect?

The WPS covers farm, forestry, greenhouse and nursery workers from occupational exposure to agricultural pesticides, including anyone involved in picking, cutting, weeding and inspecting.

The regulation covers two types of employees:

- Agricultural workers – those who perform tasks related to the cultivation and harvesting of plants on farms or in greenhouses, nurseries or forests. Workers include anyone employed for any type of compensation (including self-employed) doing tasks, such as carrying nursery stock, repotting plants or watering, related to the production of agricultural plants on an agricultural establishment. Workers do not include office employees, truck drivers, mechanics and any other workers not engaged in worker or handler activities.
- Pesticide handlers – those who mix, load or apply agricultural pesticides; clean or repair pesticide application equipment; or assist with the application of pesticides in any way.

Overview of WPS Requirements

The WPS establishes responsibilities for the employers of both agricultural and

pesticide handling workers to prevent exposure to hazardous chemicals contained within pesticides. The standard also places a responsibility on the employers of pesticide handlers to take precautions to ensure the unsuspecting public is not exposed to the potentially hazardous chemicals as well.

The requirements for the employers of agricultural workers cover the following areas:

- Training
- Establishment specific information
- Entry restrictions during pesticide applications
- Entry restrictions after pesticide applications
- Oral and posted notifications or entry restrictions
- Decontamination supplies

For the employers of pesticide handlers the requirements cover the following areas:

- Training
- Knowledge of labeling, application-specific and establishment-specific information for handlers
- Requirements during applications to protect handlers, workers and other persons
- Personal protective equipment (PPE)
- Decontamination and eye flushing supplies for handlers

What Changed in the 2015 Revision?

The 2015 revision to the WPS enhances the protections already afforded to agricultural workers and pesticide handlers under the original standard. The areas of the standard that were strengthened pertain to training, notification, pesticide safety and hazard communication information, use of personal protective equipment (PPE) and the providing of supplies for routine washing and emergency decontamination.

Among the specifics, the revision establishes a minimum age limit of 18-years old for employees working as pesticide handlers and early entry agricultural workers. Early entry workers perform tasks involving anything that has been treated with a pesticide including soil, air, water and the surface of plants where pesticide residues may be found before any restricted-entry interval (REI) for the pesticide has expired. The original WPS had no age minimum.

The other major changes to the standard that the EPA highlights include:

- Annual mandatory training to inform farmworkers on the required protections afforded to them. Currently, training is only required once every 5 years.
- Expanded training includes instructions to reduce take-home exposure from pesticides on work clothing and other safety topics.
- Expanded mandatory posting of no-entry signs for the most hazardous pesticides. The signs prohibit entry into pesticide-treated fields until residues decline to a safe level.
- New no-entry application-exclusion zones up to 100 feet surrounding pesticide application equipment to protect workers and others from exposure to pesticide overspray.
- Requirement to provide more than one way for farmworkers and their

representatives to gain access to pesticide application information and safety data sheets (SDS) – centrally posted or by requesting records.
- Mandatory record keeping to improve states' ability to follow up on pesticide violations and enforce compliance. Records of application-specific pesticide information, as well as farmworker training, must be kept for two years.
- Anti-retaliation provisions comparable to that of the Department of Labor (DOL).
- Changes in personal protective equipment (PPE) consistent with DOL's standards for ensuring respirators are effective, including fit test, medical evaluation and training.
- Specific amounts of water to be used for routine washing, emergency eye flushing and other decontamination, including eye wash systems for handlers at pesticide mixing/loading sites.
- Continued the exemption for farm owners and their immediate families with an expanded definition of immediate family.

For a comprehensive review of all the 2015 revisions in comparison to the current provisions of the WPS, the EPA created a comparison chart.

Frequently Asked Questions

Q: What type of protective clothing is needed when applying pesticides?

A: The handler employer must provide the PPE that's specified on the pesticide product labeling. If the pesticide product labeling requires that "chemical resistant" PPE be worn, it must be made of a material that allows no measurable movement of the pesticide being used through the material during use. If the pesticide product labeling requires that "waterproof" PPE be worn, it must be made of material that allows no measurable movement of water or aqueous solutions through the material during use. The exact make-up of the pesticide must be known to determine the appropriate PPE.

Q: What type of gloves will protect against pesticides?

A: Many non-porous unlined chemical-resistant rubber type gloves will work against pesticide absorption. A good choice may be nitrile rubber gloves, which are both chemical and abrasion resistant. The use of glove liners within the chemical-resistant gloves is acceptable when following the EPA guidelines and timetable for use. Note: The SDS should be consulted and the exact chemical make-up of the pesticide must be known to determine the appropriate glove material.

Q: Will disposable particulate respirators work for pesticides?

A: No—that type of respirator should only be used for dust and particulate holdout. Pesticides usually contain organic compounds; therefore, a cartridge-type respirator with an organic vapor cartridge/pesticides pre-filter or supplied air may be needed. The exact make-up of the pesticide must be known to determine the appropriate respiratory protection. The SDS will help in determining what the user needs.

Sources

EPA's Pesticide Worker Safety Resource Page

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