

WORKER PROTECTION  
STANDARD HANDBOOK  
**For Agricultural  
Employers**



**PERC**

Pesticide Educational  
Resources Collaborative

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*The WPS also applies to businesses that provide custom pesticide application(s) and/or crop-advising services. They are responsible for providing WPS protections to the pesticide handlers they employ. This guide focuses on the requirements for agricultural establishment owners/operators and employers.*

# Does the Worker Protection Standard apply to you?



**YES, the WPS applies to you if all three of the following apply:**

- You own or manage an agricultural establishment (i.e., farms, orchards, nurseries, greenhouses, commercial forests, etc.)
- Your establishment's work is directly related to producing agricultural plants (does not include shipping or post-harvest handling)
- WPS-labeled pesticides (herbicides, insecticides, fungicides, miticides, etc.) have been applied on your establishment within the last 30 days, or a restricted entry interval (REI) has been in effect within the last 30 days, following a pesticide application
  - WPS-labeled pesticides may be restricted-use pesticides or general-use pesticides
  - WPS-labeled pesticides may be approved for organic production and/or conventional production
  - Look for the "Agricultural Use Requirements" box on the pesticide label. If the language refers to the Worker Protection Standard, the whole WPS is considered part of the label.

***The Worker Protection Standard does not apply to the application or handling of fertilizers.***

For more specific information about when and where the WPS applies to your establishment, please visit:

<http://pesticideresources.org/wps/doesitapply.html>

To learn how to comply with the 2015 Revised Worker Protection Standard for Agricultural Pesticides, please visit:

<http://pesticideresources.org/wps/htc/index.html>

*This handbook is intended to provide a short overview of the key WPS requirements for Agricultural Employers and does not provide all the WPS requirements. For a complete list about when and where the WPS applies to your establishment, please refer to 40 CFR Part 170 and the official "How to Comply" manual, and contact your state regulatory agency with questions.*

### **Who is an agricultural employer?**

An agricultural employer is any person who owns, or is responsible for, the management or working conditions of an establishment, and who employs a worker or handler.

### **Who is an agricultural worker?**

An agricultural worker, or worker, is a person who is employed (including self-employed) on an agricultural establishment and is doing work such as harvesting, weeding, pruning or irrigating for the production of agricultural plants on farms, forests, and in nurseries or enclosed space production areas, such as greenhouses.

### **Who is a pesticide handler?**

A pesticide handler, or handler, is a person who is employed (including self-employed) on an agricultural establishment and who

- Mixes, loads or applies agricultural pesticides
- Assists with the pesticide application
- Disposes of pesticides or opened pesticide containers that have not been cleaned
- Handles opened containers of pesticides including emptying, triple rinsing or cleaning pesticide containers according to pesticide product labeling
- Cleans, adjusts, handles or repairs the parts of mixing, loading or pesticide application equipment that may contain pesticide residues;
- Works as a flagger
- Enters an enclosed space after the application of a pesticide and before the inhalation exposure level listed on the labeling has been reached or the ventilation criteria has been met to operate ventilation equipment, monitor air levels, or adjust or remove coverings used for fumigation
- Enters a treated area outdoors after application of any soil fumigant during the label-specified entry-restriction period to adjust or remove coverings used in fumigation
- Performs tasks as a crop advisor during any pesticide application, restricted-entry interval (REI), or before the inhalation exposure level listed on the pesticide product labeling has been reached or one of the ventilation criteria has been met

# Which pesticide uses are not covered by the WPS?



Some pesticide uses are not covered by the WPS, even when the “AGRICULTURAL USE REQUIREMENTS” section is on the labeling.

For example, if the pesticide labeling bears an “AGRICULTURAL USE REQUIREMENTS” section, but the product can also be applied to road sides, the road-side application is not covered by the WPS.

The WPS does not apply when a pesticide product label requires compliance with the WPS and is applied on an agricultural establishment in the following circumstances:

- For mosquito abatement or similar wide-area public pest control programs sponsored by government agencies
- On livestock or other animals
- On plants grown for other than commercial or research purposes such as in habitations, and home fruit and vegetable gardens
- On plants in ornamental garden, parks, and public or private lawns and golf courses
- For structural pest control, right-of-way vegetation control, and other non-crop areas, pastures and rangeland
- As attractants or repellents in traps
- On the harvested portions of agricultural plants or on harvested timber

Hay production is a WPS use (including as feed for your own animals). Hay incidentally harvested from rights-of-ways is not a WPS use.

# Are you and your immediate family members eligible for the exemption?

***The WPS exemption only covers the agricultural establishment owner(s) and members of their immediate family and only exempts them from certain requirements.***

First, be aware:

- There is no WPS exemption for “family farms” in their entirety
- The “agricultural establishment” itself is NOT exempt from the WPS requirements
- There is no owner/immediate family exemption for commercial pesticide handling establishments
- No agricultural establishments that use WPS-covered pesticides are completely exempt from WPS requirements
- Even owners and their immediate family members who qualify for the exemption must comply with certain WPS requirements
- Owners of agricultural establishments must still provide ALL of the required WPS protections for workers or handlers on the establishment who are not an immediate family member

## ***Who qualifies as “Immediate Family”?***

Immediate family includes: spouses, parents, step-parents, foster parents, fathers-in-law, mothers-in-law, children, stepchildren, foster children, sons-in-law, daughters-in-law, grandparents, grandchildren, brothers, sisters, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and first cousins. “First cousin” means the child of an aunt or uncle.

**The exemption does NOT apply to employees outside of immediate family.**

If a majority of the establishment (more than 50% of the equity) is owned by one or more members of the same immediate family, then a smaller set of WPS requirements apply to all of the owners and their immediate family members.

Owner means any person who has a present possessory interest (e.g., fee, leasehold, rental or other) in an agricultural establishment. A person who rents or leases an agricultural establishment to someone else, and has no part in the management, profits, or losses, is NOT considered the owner for the purposes of WPS.

The agricultural owner exemptions do **NOT** apply if:

- The farm, forest, nursery or enclosed space production facility is rented out or leased out to another person who is not an immediate family member and the owner has no part in the management or profit/loss from it
- A person who is not an immediate family member is hired to operate a farm, forest, nursery or enclosed space production facility. In this case, the person is an employee of the agricultural establishment and may be considered an agricultural employer, but is not an owner of the agricultural establishment. A person who rents or leases an agricultural establishment to someone else, and has no part in the management, profits or losses, is NOT considered the owner for the purposes of WPS.

**Example 1:** Cousins Chuck and Evelyn own and operate the family farm, and their children manage different parts of the operation. The owner(s) and immediate family members qualify for exemptions, but they only apply to Chuck, Evelyn, and their immediate family members.

**Example 2:** A Christmas tree farm is owned in three equal parts by Joe, Dan, and Debbie. Dan and Debbie are married; Joe is a family friend. The establishment qualifies for some exemptions, but they only apply to Joe, Dan, Debbie and their immediate family members. The exemptions apply to Joe because he is an owner of an agricultural establishment that is 66.6% family-owned.

**Example 3:** A cranberry operation is owned by a corporation and is operated by Jane and Bill, who are siblings. The operators do not qualify for any exemptions for Bill and/or Jane's immediate family. They are not owners. However, if the owner leases or rents the property to someone else, leaving all management and profit/risk to the renters, those renters/lessors would be the "owners."

**Example 4:** Betsy owns a piece of property that she rents to John and Nick, two brothers who lease the land and run a vegetable-seed farming operation. Betsy doesn't have any part in the management of the operation, and she is not affected by its profit or loss. In this case, John and Nick are the "owners" for the purpose of the WPS. Exemptions would apply to John and Nick and their immediate family members.

The owner of an agricultural establishment must always provide all applicable WPS protections to workers and handlers employed by the establishment who are not members of the owner's immediate family.

This includes:

- Workers or handlers who are employees receiving a wage, salary or other monetary compensation
- Employees who clean PPE or repair, clean or maintain contaminated pesticide-handling equipment. These employees are now considered "handlers" under the WPS.

### ***What requirements still apply, even for the majority owners' immediate family members?***

When using a WPS-labeled pesticide product, owners and their immediate family members must comply with these elements:

- When respirators are required on the pesticide labeling, follow WPS requirements for respirator training, medical evaluation, fit testing, and recordkeeping
- Use the Personal Protective Equipment (PPE) listed on pesticide labeling
- Keep immediate family members out of the treated area until the REI expires
- Ensure pesticide is applied so it does not contact anyone, including members of the immediate family
- Keep everyone away from the treated area and the application exclusion zone (AEZ) during the application
- Handlers must suspend a pesticide application if a worker or other person is in the AEZ during the application
- Ensure that any pesticide applied is used in a manner consistent with the product's labeling



# What are my responsibilities as an agricultural employer?

## Safety Training

You must ensure workers and handlers have been provided with required annual pesticide safety training before they begin working in treated areas or handling pesticides. There is no grace period before tasks begin.

- This applies to areas where a WPS-labeled pesticide has been used on an agricultural establishment within the last 30 days, or a restricted-entry interval (REI) has been in effect
- Currently certified pesticide applicators and certain certified crop advisors are exempt from WPS worker and handler training
- Any worker who has been trained as a handler does not need to receive worker training
- To provide this training, a person must be a certified pesticide applicator, must have completed an EPA approved Train the Trainer course, or have been designated by the EPA, state or tribe to train workers and handlers
- Present the training verbally from written materials or audiovisually.
- Present the information in a manner that the trainees can understand, using a translator if necessary
- The trainer must be present at all times during the training and respond to trainees' questions
- Provide a training environment that is reasonably free of distractions, and conducive to learning
- Use EPA-approved training materials, available here:  
<http://pesticideresources.org/wps/training/index.html>

As an employer, you must maintain training records on-site for all workers and handlers for two years. The training record must include:

- The trainee's printed name and signature
- The date of training
- The trainer's name
- Evidence of the trainer's qualification to train:
  - Pesticide applicator's license number, or
  - EPA approval number for a Train the Trainer course, and the date it was completed by the trainer, or
  - Evidence of state/tribal designation as a WPS trainer
- The employer's name
- EPA approval number for the training materials

If a worker or handler asks for a copy of his or her WPS training record, it must be provided in writing. There is no standard form or training card available from the EPA. Ask your state if there is an official training record/template available in your state.

### ***Establishment-Specific Information***

Separate from the annual pesticide safety training, employers must tell workers and handlers where to find 1) the pesticide safety poster (or equivalent), 2) Safety Data Sheets, 3) pesticide application records and 4) decontamination supplies on the establishment. You might consider making this part of your site check-in procedures.

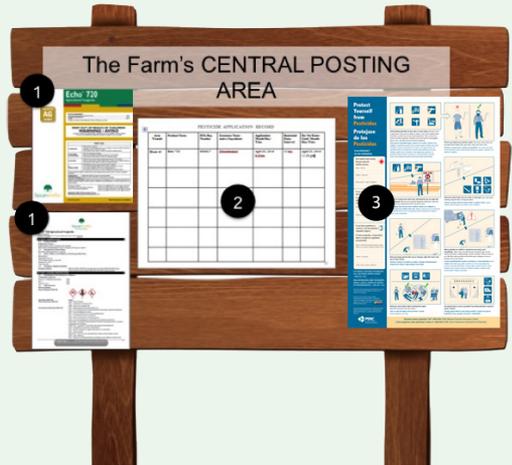
## Central Posting

The central posting materials must be displayed in an easily accessible location during working hours. Usually this is a location where employees congregate, such as where they check in or out of work, change clothes, eat, etc. The central posting information must include the following three main elements:

### 1. Hazard information – Safety Data Sheets

### 2. Pesticide application records

- Product name, EPA registration number, and active ingredient(s)
- Crop or site treated
- Location and description of the treated area
- Dates and times of pesticide applications, including when applications begin and end
- Duration of the REI



### 3. Safety information – the WPS safety poster or other materials that have the required information, including:

- Name, address, and telephone number of a nearby emergency medical facility
- Contact information for the state or tribal pesticide regulatory agency

One version of the poster is available for download here:

<http://pesticideresources.org/wps/cp.html>

The SDSs and application records must be displayed within 24 hours of applications – and before workers enter the treated field(s). They must remain posted for 30 days after the REI expires.

In addition to the central posting area, the WPS safety poster must also be displayed:

- At any permanent decontamination site, and
- At any location where decontamination supplies are required in quantities for 11 or more workers.

## Decontamination

You must provide decontamination supplies within ¼ mile of all workers and handlers, but outside of treated areas. This applies to areas where a WPS-labeled pesticide has been used within the last 30 days, and workers are performing tasks that involve contact with anything that has been treated with the pesticide, including soil, water or plants.

When must decontamination supplies be provided for workers?

- If the REI is less than or equal to 4 hours, provide the decontamination supplies until 7 days after the REI expires
- If the REI is greater than 4 hours, provide the decontamination supplies until 30 days after the end of the REI

## Required Supplies

- **Water, soap, and single-use towels** – The agricultural employer must provide at least *1 gallon of water for each worker* at the beginning of the work period. For pesticide handlers, the employer must provide at least *3 gallons of water per handler* at the beginning of the work period
- For pesticide handlers, the employer must also provide a **clean change of clothes at the decontamination site**, in case of emergency. This might be a one-size-fits-all set of coveralls, for example

**Clean running water meets the requirement.** When that's not possible, provide water by other means. It must be of a quality and temperature that will not cause injury or illness if it contacts skin or eyes, or is swallowed. If a water source is used for mixing pesticides, it cannot be used for decontamination without taking additional precautions to prevent contamination of the water by pesticides (e.g., backflow prevention device, air gap, etc.).

***Hand sanitizers and wet towelettes are not acceptable substitutes.***

## When are eye-flushing stations required?

- At any site where handlers are mixing or loading a pesticide that requires protective eyewear
- At any site where handlers are mixing or loading any pesticide using a closed system operating under pressure

**The eye flushing supplies must meet one of these criteria:**

- A system capable of delivering gently running water at a rate of at least 0.4 gallons per minute for at least 15 minutes
- At least 6 gallons of water in containers suitable for providing gently running water for eye flushing for 15 minutes. The container(s) must be able to dispense a gentle, steady flow of water



Additionally, when applying a pesticide that requires protective eyewear, 1 pint of water must be immediately available to each handler (applicator) in a portable container. It could be mounted on the vehicle, on the applicator's person, or otherwise made immediately available.

**Where must the supplies be provided for handlers?**

Water for routine cleaning, soap, single-use towels and change of clothes must be located together and must be:

- Reasonably accessible to handlers (within ¼ mile or at the nearest vehicular access)
- Outside of any treated area or an area under an REI, unless supplies are all contained within a pesticide-protected closed container
- At any mixing or loading site
- At the site where PPE is removed

For a pilot who is applying pesticides aerially, the decontamination supplies must be at the aircraft's loading site or in the aircraft.

## Emergency Assistance

In the event of a pesticide exposure, you must provide immediate transportation for workers and handlers to a medical facility capable of emergency medical care. You must provide the Safety Data Sheet, product name, EPA registration number, and active ingredient(s) to the medical personnel. Also, you must provide a description of how the pesticide was used and any circumstances that could have resulted in exposure to the pesticide.

## Posting Warning Signs at Treated Areas

You are responsible for ensuring that workers and handlers stay out of treated areas during an REI. You may notify people verbally (no signs) when:

- The label does not require signs to be posted, and
- The REI is less than or equal to 4 hours for indoor applications, or
- The REI is less than or equal to 48 hours for outdoor applications

Otherwise, you are required to post warning signs at any reasonable "entrance" to the treated area before the application and for the duration of the REI. As long as the signs remain posted, unprotected workers may not enter the area. If early entry is necessary, learn about the additional requirements in Chapter 3 of the How to Comply manual here:

<http://pesticideresources.org/wps/htc/htcmanual-chapter3.pdf>

During applications, you must keep workers out of the Application Exclusion Zone (AEZ) and the treated area. For some types of applications, workers may not enter enclosed space structures during a pesticide application and until the proper ventilation criteria are met.

### **What is the application exclusion zone?**

The AEZ is the area surrounding a pesticide applicator and the application equipment on an agricultural establishment that workers and other people are not allowed to enter. People must not enter the AEZ, or remain in the AEZ, during a pesticide application. AEZ requirements only apply during an application and may extend beyond property lines.

<b>Application Type</b>	<b>Spray Height</b>	<b>Distance Requirement for AEZ</b>
Aerial, air-blast, fumigant, smoke, mist, fog, or any spray with fine droplets	Any	At least 100 feet in all directions
Any spray not described above with medium-size droplets, or larger	Greater than 12 inches from target	At least 25 feet in all directions
Any spray not described above		No AEZ required

- Agricultural employers must ensure that people do not enter or stay in the AEZ within establishment boundaries – that is, except for the trained, equipped handlers who are involved in the application.
- Handlers must suspend applications when people are in the AEZ, on or off the establishment, with the exception of trained, equipped handlers who are also involved in the application.

Applicators may only resume an application if they can ensure the pesticide will not contact anyone, on or off the establishment, directly or through drift. Within the boundary of the establishment, the application cannot resume until everyone is out of the AEZ except trained, equipped handlers involved in the application.

## Additional Duties for Employers of Handlers

If you employ handlers, it is your responsibility to ensure the following additional requirements are met:

- Inform handlers of entry restrictions and ensure those restrictions are followed
- Inform handlers of all required label and application information; ensure this information is accessible during the application and that it is understood by the handler
- Provide instruction for safe use and maintenance of pesticide application equipment
- When handlers are mixing/loading pesticides that require eye protection, provide an eye-wash station at the mixing/loading site or an equivalent amount of water (6 gallons). Require applicators to carry one pint of water with them for emergency eye-flushing.
- When handlers are applying pesticides with a skull-and-crossbones symbol on the front panel, check in with them at least every two hours
- Provide handlers with respirator training, a medical evaluation and a fit test if they are required to wear a respirator by the pesticide label.
- For fumigant or enclosed space applications, provide a second handler outside of the enclosed space to continually monitor the active handler. In addition, provide a second set of PPE in case there is a need to assist or rescue the handler making the application
- Supply any label-required PPE, ensure its proper use, and provide proper care and disposal/replacement. Inspect PPE before each day of use. For more details on PPE requirements, visit:  
<http://pesticideresources.org/wps/guide/ppe.html>

## Retaliation and Age Requirements

Employers may not retaliate against a worker or handler who attempts to:

- comply with the WPS,
- file a complaint, or
- provide information in an investigation of alleged WPS noncompliance

Employers must ensure that early-entry workers and handlers are at least 18 years old.



## What are my responsibilities for highly toxic pesticides?

### Highly Toxic Pesticides

Some of the most highly toxic pesticides are marked with a skull-and-crossbones symbol on the front label. It is required for products classified “highly toxic” for short-term exposures by mouth, skin or lungs. It is also required when unlisted ingredients like methanol are present, which is known to cause blindness.

### Your Requirements

Any time a handler is performing handler activities with a pesticide marked with a skull-and-crossbones symbol on the front label, you must monitor the employee every two hours, or more frequently. This can be done either through visual monitoring or by voice communication. Text messages do not suffice. Contact must be visual or by voice.



# What are my responsibilities for indoor fumigant applications?

## Monitor the Applicator(s)/Handler(s)

A fumigant is any pesticide product that acts in a gaseous or vapor form. In enclosed space production, you must ensure all of the following:

- Handlers in an enclosed space during a fumigation have continuous visual or voice contact with another handler immediately outside the enclosed space
- The handler outside the enclosed space has immediate access to a set of personal protective equipment that is required by the label for applicators. This PPE must be used in a rescue situation.

Enclosed space production areas are locations where agricultural plants are produced indoors, or in a structure covered (partially or completely) with a non-porous material. It must also be large enough for a person to enter.

## Keep Unprotected Workers Away

You are responsible for ensuring the safety of workers and other people on the establishment. For fumigant applications in enclosed spaces, do not allow anyone into the enclosed space or any adjacent structure or area that cannot be sealed off. This restriction applies during the application and until the ventilation criteria are met (listed below). This does not apply to handlers who are trained, equipped, and involved with the application.

## Ventilate the Structure

Ventilation must continue until any inhalation exposure level on the pesticide label is met. If no exposure level is listed on the label, ventilation must continue until after one of the following conditions is met:

- Ten air exchanges are completed
- Two hours of ventilation using fans or other mechanical ventilating systems

- Four hours of ventilation using vents, windows, or other passive ventilation
- Eleven hours with no ventilation followed by one hour of mechanical ventilation
- Eleven hours with no ventilation followed by two hours of passive ventilation
- Twenty-four hours with no ventilation

After ventilation and label requirements are met, there are no post-application entry restrictions required for enclosed space fumigations.



## How do I comply with WPS when working with labor contractors?

**The WPS applies when** agricultural workers perform tasks related to the production of agricultural plants on an agricultural establishment. It also applies if you hire or contract for the services of pesticide handlers, unless their employer is a Commercial Pesticide Handler Employer (see page 20).

**You are considered the employer when you hire workers or handlers through a labor contractor.**

Agricultural employers have the same responsibilities for WPS compliance when they employ workers and/or handlers directly as when they hire workers and/or handlers through a labor contractor.

**What if I use a labor contractor and ask the workers to handle pesticides?** The workers handling pesticides would be entitled to all of the protections required for handlers under the WPS.

**Who should provide the protections?** If the applications are supervised by the labor contractor, with their equipment and PPE, then the labor contractor is considered a “Commercial Pesticide Handler Employer” or CPHE. The CPHE would be responsible for protecting their handlers, with distinct responsibilities under the WPS.

If the applications are supervised by the agricultural establishment, with your equipment and PPE, then the labor contractor is not directly responsible for complying with the WPS. You are responsible as a “handler employer.” See Chapter 4 in the How to Comply manual for more information: <http://pesticideresources.org/wps/htc/htcmanual-chapter4.pdf>

## WPS Responsibilities

You can assign WPS responsibilities to a labor contractor, but you are still responsible for compliance with WPS. Employers are responsible for making sure that workers and handlers receive the protections required by the pesticide labeling and the WPS. The term “employ” and “agricultural employer” have special meanings in the WPS – you are an employer even if you are self-employed or use only members of your own family to do the work on your agricultural establishment.

## WPS Training of Workers and/or Handlers

If annual WPS training is completed by the labor contractor prior to employment with your agricultural establishment, ensure that you do the following:

- Obtain a copy of the training record for each worker or handler you employ through the labor contractor
- Maintain those copies for two years
- Provide each worker and/or handler with establishment-specific information (see below).

**If the labor contractor failed to provide appropriate safety training, you are still ultimately responsible for ensuring compliance with the training requirements.**

## Establishment-Specific Information

In addition to annual training, you must provide information specific to your agricultural establishment to workers and handlers before they begin doing worker/handler tasks in a treated area. Recordkeeping is NOT required for providing this information.

Provide the following information in a manner that will be understood:

- Where to find pesticide safety information (WPS poster or equivalent)
- Where to find pesticide application records and Safety Data Sheets relevant to those recent applications
- Where to find decontamination (wash-up) supplies on the site

### ***What about protections like PPE, emergency assistance, and decontamination supplies?***

You may ask the labor contractor (or similar entity) to provide those protections. It may make the most sense because the labor contractor will be on-site, while the agricultural employer may not. If you choose to have the labor contractor provide protections required by WPS, you may want to detail those expectations in an official contract. Visit the Quick Reference Guide and Checklist for Agricultural Employers for a list of required protections:

<http://pesticideresources.org/wps/hosted/quickrefguide.pdf>

<http://pesticideresources.org/wps/hosted/wps-ag-employer-checklists.pdf>

When hiring a company to provide pesticide application services, and the company supplies their own handlers to do the work, that company is considered the Handler Employer. See Chapters 2, 4, and 5 of the How to Comply Manual: <http://pesticideresources.org/wps/htc/index.html>

**You must inform labor contractors of WPS protections and ensure compliance.** If you hire workers or handlers through a labor contractor, you must provide sufficient instructions to the supervisors and/or labor contractors to ensure that workers and handlers receive all required WPS protections. The instructions must specify which tasks the labor contractors and/or supervisors are responsible for in order to comply with the WPS.

Even if you assign a supervising employee or labor contractor to carry out the duties required by the WPS, **you are ultimately responsible** for making sure that all those duties are performed as the agricultural employer.

The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) includes provisions that hold owners and agricultural employers liable for a WPS penalty if another person employed by or acting for them fails to comply with any WPS requirements. The term “acting for” includes both employment and contractual relationships.



# How do I comply with WPS when working with a Commercial Pesticide Handler Employer?

*This section describes your responsibilities when hiring a custom pesticide application service, including an aerial pesticide application service. If you hire someone else to apply pesticides on your establishment, you must cooperate to ensure WPS compliance.*

## Employer Information Exchange

Whenever a commercial pesticide handler will apply a pesticide on your agricultural establishment, the CPHE must provide you with certain information. The purpose of this exchange is to give you the information you need to comply with WPS. After all, you need to inform workers about treated areas with restricted entry, and you need to display the appropriate pesticide application information (record) and accompanying Safety Data Sheets (SDSs).

In addition, **you must provide certain information** to the CPHE about treated areas on the agricultural establishment. The purpose of this exchange of information (and the requirement for the CHPE to pass it along to the handler) is to ensure that the commercial pesticide handler doing the work on the agricultural establishment is aware of treated areas with restricted entry within ¼ mile of where he or she will be working.

## **Information You Must Provide the Commercial Pesticide Handler Employer**

Before a commercial pesticide handler (the employee of the CPHE) enters an agricultural establishment, you must inform the CPHE about treated areas and any restricted-entry intervals on the establishment, and the CPHE must provide that information to the commercial pesticide handler. The CPHE must obtain this information so it can be communicated to their handler employees.

You must provide to the CPHE:

- The specific location and description of any treated areas on the agricultural establishment under a restricted-entry interval that the commercial pesticide handler may be in (or walk within ¼ mile of), and
- Any restrictions on entering those areas.

### ***Information a Commercial Pesticide Handler Employer Must Provide to You***

To allow you to inform workers on the establishment about a pesticide application that is or will be performed, the CPHE (for-hire/custom applicator) must inform you of the following:

- Specific location and description of the area(s) on the agricultural establishment that are to be treated with a pesticide
- Date of the application, and estimated start and end times of the application
- Product name, EPA registration number, and active ingredient(s),
- Restricted-entry interval for the pesticide
- Whether the agricultural employer is required to notify workers by posting, oral notification or both
- Any other specific requirements on the pesticide labeling concerning protection of workers and other persons during or after application

### ***What if the information changes?***

The CPHE must provide you with updated information PRIOR to the application when there are any changes to:

- The location to be treated,
- The REI,
- The method of notification,
- The labeling requirements to protect workers/other persons, or
- The start time which will cause it to be earlier than estimated.

Changes to the estimated application end time of less than one hour do not need to be reported to you.

If the product information changes or there are other changes to the date, start time, or end time, the CPHE must provide the updated information to you within two hours after completing the application.

## Posting of Treated Sites, Oral Warnings, and Displaying Application and Hazard Information

Based on the information provided by the CPHE, you must post the treated area with designated WPS warning signs and/or provide oral warnings to your workers. The purpose of this notification is to inform workers of treated areas under an REI, so they know to keep out of those treated areas. Additionally, you must display the pesticide application information (record) and SDS(s) for the pesticide application conducted by the CPHE.

## Application Exclusion Zone

It is your responsibility to keep workers and others out of the treated area and the application exclusion zone (AEZ) during pesticide applications. You may not allow a pesticide to be applied, or a suspended application to be resumed, while anyone on the establishment is in the treated area or within the AEZ.

## Suspending Applications

There is a separate AEZ requirement that applies to the pesticide handler making a pesticide application (the commercial handler in this situation). It requires the handler to temporarily suspend the application if any worker or other person (other than an appropriately trained and equipped handler involved with the application) is in the:

- AEZ for outdoor production applications
- Area required to be free of workers or others during enclosed space production applications

The AEZ may extend beyond the boundaries of your establishment. It is the CPHE and the commercial handler's responsibility to ensure that no pesticide is applied in a manner that contacts, directly or through drift, any worker or other person, other than an appropriately trained and equipped handler(s) involved in the application. This responsibility is a label requirement, shared by the applicator(s) and the employer(s).



## Does the WPS apply to organic production?

**Yes.** If you use a pesticide product registered by the EPA in the production of organic agricultural plants, the WPS may apply to you. Check the pesticide product label in the DIRECTIONS FOR USE section. If you see a box labeled AGRICULTURAL USE REQUIREMENTS, the WPS applies where that pesticide product is used in agriculture, whether conventional or organic.

If you are using a pesticide product with labeling that refers to the WPS AND you are using it on an agricultural establishment directly related to the production of an agricultural plant, you must comply with the WPS. Otherwise, you will be in violation of federal law, as it is illegal to use a pesticide product in a manner inconsistent with its labeling.

Some protective requirements for workers and handlers (personal protective equipment, restricted-entry intervals, etc.) are clearly identified on the pesticide label. However, many of the requirements are not. They are still requirements because of this reference to the WPS (40 CFR Part 170) on the label. If you are an agricultural employer, you must know your responsibilities under the WPS and provide WPS protections to your workers and handlers.



# Where can I get help?

## **WPS Compliance Assistance Library**

***<http://pesticideresources.org/wps/index.html>***

This collection includes fact sheets, manuals, training videos and more.

When in doubt, reach out to the regulators who know the regulation best. In most states, the State Department of Agriculture is responsible. In tribal territories, it varies.

## **State regulatory contacts for WPS**

***<http://npic.orst.edu/wpsmlr.html>***

## **Regional EPA contacts for WPS**

***<https://www.epa.gov/pesticide-contacts/pesticide-contacts-our-regional-offices>***

## **Federal contacts for WPS**

***<https://www.epa.gov/pesticide-worker-safety/forms/contact-us-about-pesticide-worker-safety>***

## **University-based educators familiar with WPS**

***<http://www.ipmcenters.org/contacts/PSEPDiretory.cfm>***

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