



Clinician's Guide to

# EPA's Worker Protection Standard

Photo by Earl Dotter



## The EPA's Worker Protection Standard

The EPA's Worker Protection Standard (WPS) protects agricultural workers from the health risks associated with pesticides. The WPS requires agricultural employers to comply with minimum safety precautions when using pesticides on farms, and in nurseries, greenhouses or forests. Requirements include training of workers handling pesticides or working in treated areas, provision of adequate personal protective equipment, communication of information about work areas recently treated with pesticides and when it is safe to re-enter these areas, and in case of emergency, availability of decontamination facilities and provision of medical assistance. The following guide reflects recent revisions to the WPS, which was updated in November 2015. Most of the revisions go into effect January 2017. Updated requirements for pesticide safety training go into effect in January 2018. More information about the WPS revisions and how they differ from the current WPS can be found [here](#).

## Important Considerations for Migrant Clinicians

Workers may be unaware that health effects or symptoms they are experiencing may be related to exposure to pesticides. They may not initiate a discussion regarding their occupational exposures with their healthcare provider. For this reason, clinicians should ask patients about their occupation and ask agricultural workers about pesticide-related symptoms. MCN has a [simple screening tool](#) to quickly ascertain occupational and environmental exposures.

Additionally, workers often do not know the names of the pesticides they have been exposed to at work. Even though the WPS requires that this information be accessible to workers in a central location, workers often do not know where this information is and are reluctant, or unable due to language barriers, to ask their employer for the information. Under the WPS, employers have a responsibility to provide clinicians and patients with information about any product whose use they suspect may have led to poisoning. Clinicians can and should call employers to ask for pesticide use information in order to make accurate diagnoses and plan treatment. In the event of an emergency, employers must provide this information and circumstances of exposure to treating medical personnel.

## Basic Protections of the WPS

The goal of the WPS is to minimize the harmful effects of pesticide exposure to both workers and their families. The law applies both to workers who are involved in the production of crops, and to “handlers,” who mix, load, or apply pesticides. The WPS requires agricultural employers to take the following steps:

- Provide pesticide safety training and posters
- Inform workers about where and when pesticides have been applied
- Keep workers out of pesticide-treated areas and the immediate surroundings during application and until re-entry into these areas is deemed safe
- Provide protective equipment for all workers coming into contact with pesticides or pesticide-treated areas within the time periods when re-entry is restricted
- Provide facilities for decontamination (including clean water, soap, & towels)
- Facilitate emergency medical treatment if necessary

## Pesticide Safety Training

- Employers must provide training on pesticide safety to all workers and handlers who will enter a field treated with pesticides within the past 30 days or a field that has been under a restricted entry interval (or “REI”) within the last 30 days.
- Beginning January 2017, an employer must provide this training for their workers annually, and no worker may enter an area where a pesticide has been used without receiving a full safety training.
- All early-entry workers must receive pesticide safety training before entering affected areas.
- Employers must display, in a central location, basic information about preventing pesticide exposure and the name and address of a nearby emergency medical care facility.

## Information about Recent Pesticide Applications

- When an agricultural worker seeks medical assistance due to pesticide exposure, employers must promptly make available product information and application information to medical personnel upon request to better facilitate diagnosis and treatment. Beginning January 2017, this information must also include safety data sheets (SDS). SDSs contain information regarding toxicity, health effects, first aid procedures, storage, disposal, and necessary protective equipment for handling.
- Employers must inform workers about where and when pesticides were sprayed to avoid accidental exposures. Information about each pesticide and application (including name, location of field, SDS, and re-entry interval) must be posted in an easily accessible central

location.

- The pesticide label will indicate if notifications from employers must be either written or oral, or both. If both written and oral notification is required, employers must post warning signs around the field, informing people not to enter. Warning signs must also be erected when the product used has an REI greater than 48 hours. Oral notifications should include the location of the treated area, and the length of the REI.
- Workers may designate another individual to access information about the pesticides used in their worksites.

## Protections during Applications and during Restricted Entry Intervals

- Beginning January 2017, children under the age of 18 are prohibited from handling pesticides and from early entry into restricted areas.
- Workers must be excluded from areas while pesticides are being applied and they cannot enter a pesticide treated area during the REI unless they are given personal protective equipment.
- During pesticide application in outdoor areas, only properly trained and equipped pesticide handlers involved in the application may enter areas up to 100 feet around the application equipment. After January 1, 2018, an applicator must suspend application if a worker or another person is in the application area.
- Workers who must enter a treated area during an REI must receive detailed information about the pesticides used and the personal protective equipment required by the labeling. An REI can last anywhere between 4 hours and 30 days, depending on the crop, the pesticide used, and the location. Specific REIs are found on pesticide labels.
- Employers should post REIs in a central location accessible to all workers.

## Personal Protective Equipment

- An employer must provide and maintain personal protective equipment (PPE) for handlers and workers who work in treated areas before the REI has ended. PPE includes clothing and equipment that must be used to protect a worker from contact with pesticides, such as gloves, respirators or coveralls.
- Beginning January 2017, employers must provide training, fit testing and medical evaluations for pesticide handlers using products that require use of respirators.

## Decontamination Supplies

- Handlers and workers must have enough water, soap, and towels to wash their hands on a regular basis and to wash themselves in case of an accidental exposure to pesticides.
- Handlers must have enough water for washing their entire body in case of an emergency and a clean change of clothing to dress in after the contaminated clothing has been removed.
- Beginning January 2017, employers must provide a minimum of 1 gallon of water for each worker and 3 gallons for each handler and early-entry worker.
- Beginning January 2017, if handlers use products requiring eye protection, they must have access to a system capable of delivering 0.4 gallons of running water per minute for 15 minutes for eye flushing.

## Emergency Medical Assistance

- If a worker becomes ill due to pesticide exposure, the employer must promptly make available transportation (which can include calling an emergency vehicle) to an emergency medical care facility
- Beginning January 2017, in an emergency situation, an employer must promptly provide information about the pesticide to which the person may have been exposed, including the SDS, product information (name, EPA registration number, active ingredients, antidote or other emergency information from product labeling, description of the way the pesticide was used) and the circumstances of the worker's exposure to the pesticide.

## Some States Have Additional Protections for Workers and Requirements Regarding Pesticides

**Medical Monitoring:** To prevent overexposure to organophosphate and carbamate insecticides by pesticide mixers, loaders and applicators, **California** and **Washington** require employers to pay for blood tests that monitor pesticide handlers' exposure to these types of pesticides.<sup>1</sup> When the tests show that the worker is overexposed, he/she must be removed from handling activities to prevent injury. In Washington, the handler must be paid while he/she recovers from overexposure.

**Incident Reporting:** Currently, thirty states have laws that require healthcare professionals to report suspected or confirmed pesticide-related illnesses and injuries. Twelve states (Arizona, California, Florida, Iowa, Louisiana, Michigan, New Mexico, New York, North Carolina,

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<sup>1</sup> These pesticides depress the level of the blood enzyme acetylcholinesterase which plays a vital role in the central and peripheral nervous system. Exposure can be detected through plasma or red blood cell cholinesterase tests taken within 24-48 hours. Without baseline levels, however, the test must be repeated weekly for about 6 weeks to see if levels rise.

Oregon, Texas and Washington) participate in the Sentinel Event Notification System for Occupational Risk (SENSOR) program, which establishes formal reporting and investigation systems. MCN has developed a [reporting tool](#) for information on reporting requirements and resources. EPA relies heavily on clinicians to report possible pesticide poisonings in order to understand and prevent future pesticide misuse. In the past, clinician reporting has led to tighter regulation and even banning of some pesticides.<sup>2</sup>

## Retaliation

No worker may be prevented or even discouraged from complying or attempting to comply with the WPS. Workers who complain or exercise their rights under the WPS cannot be targeted by employers for discipline or termination.

## Enforcement

State agencies enforce the WPS under cooperative agreements with the U.S. EPA. After January 1, 2018, employers must display, in a central location, the name and contact information of the state agency that workers may call to report violations of the WPS. Agencies and inspectors responsible for WPS enforcement will conduct routine WPS inspections to monitor employer compliance with the regulations, as well as some “for cause” inspections that are usually initiated in response to a complaint, damage report, referral or tip following a pesticide application.<sup>3</sup>



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<sup>2</sup> See Farmworker Justice's issue brief on the role of exposure incident reporting in the regulation of pesticides, available at [www.farmworkerjustice.org/sites/default/files/Pesticide%20Issue%20Brief%20July%202013.pdf](http://www.farmworkerjustice.org/sites/default/files/Pesticide%20Issue%20Brief%20July%202013.pdf).

<sup>3</sup> MCN's incident reporting tool also has information about state agencies charged with WPS enforcement. For more information on WPS enforcement, see [www.epa.gov/compliance/worker-protection-standard-compliance-monitoring-program](http://www.epa.gov/compliance/worker-protection-standard-compliance-monitoring-program)