



**Western Growers Fact Sheet**  
**Final Revisions to Worker Protection Standard Released**  
**11-17-15**

On Nov. 2, 2015 the Environmental Protection Agency (EPA) published its [final revisions to the Worker Protection Standard \(WPS\)](#). There are a number of new obligations resulting from the rule described below, mostly related to record keeping and training. Many growers are already implementing record keeping and training similar to what is required by the standard.

EPA's fact sheet is available [here](#), and a comparison of the new standard to the existing standard is available [here](#).

Western Growers created this Fact Sheet to provide basic information on how the final revisions will affect employers.

**When does it apply?**

The rule will go into effect on Jan. 4, 2016. One year later, on Jan. 4, 2017, agricultural employers and handler employers must comply with most of the requirements of the final rule. Certain display and training requirements will go into effect on Jan. 4, 2018 (or 180 days after an announcement that training materials are available, whichever is later). The requirements for suspension of application if unauthorized persons enter an "exclusion zone" will go into effect Jan. 4, 2018.

**What are the major requirements?**

**Training:** EPA has expanded content requirements *and increased the training frequency from once every five years to every year*. Training now includes instructions to reduce take-home exposure from pesticides on clothing. The final rule also removes a five day grace period to provide training previously allowed in some circumstances. Training on new content is not required until Jan. 4, 2018, at the earliest. Training records must be kept for two years and be available to workers and handlers on request.

**Hazard Communication:** The rule expands requirements for display of application information and safety data sheets (SDS). Pesticide application, training and respirator compliance records must be retained for two years. The rule mandates pesticide application hazard information be made available to treating medical personnel, but it also includes a separate "designated representative" provision. This provision requires employers to make pesticide application information available to a representative designated in writing. California code also has a provision that allows a designated representative right of access to exposure and medical records. However, Western Growers has concerns about the limits and intentions of the designated representative provision as written, though it is an improvement over the proposed rule that allowed written or oral authorization of a representative.

**Notification:** The final rule requires warning signs around outdoor areas treated with a product with a restricted entry interval (REI) of more than 48 hours, or 4 hours for closed space applications. Workers performing "early entry" tasks must be provided information about the pesticides, the task to be

performed, the personal protective equipment required. There is no requirement to keep records of this information.

**Requirements During Pesticide Applications:** For all outdoor applications, the rule requires an “application exclusion zone” of either 25 feet or 100 feet, depending on the mode of application. The final rule includes a specific requirement to suspend application if another person is in the exclusion zone.

**Minimum Age:** Under the final rule, pesticide handlers and early-entry workers must be at least 18 years old. Immediate family is exempt from this requirement. Employers are not required to maintain birthdate records as part of training, but they must verify that workers and handlers meet minimum age requirements.

**Personal Protective Equipment:** The final rule expands requirements to provide the respirator listed on label and ensuring fit to include: fit testing, training, and medical evaluation that conforms to OSHA standards. Employers must maintain records of fit test, training and medical evaluation. The rule also specifies the amount of water to be used for washing and decontamination.