

Worker Safety Regulations Status Update May 21-22, 2020 Pesticide Program Dialogue Committee

The Worker Protection Standard primarily seeks to protect and reduce the risks of injury or illness to agricultural workers and pesticide handlers, resulting from use of and contact with pesticides on farms, forests, nurseries and greenhouses.

Summary

EPA issued a final rule on November 2, 2015, establishing staggered compliance dates for implementation of the changes to the Agricultural Worker Protection Standard (WPS). As of December 19, 2018, all WPS requirements are in effect; there is no further delay in the compliance dates or implementation timelines. Consistent with PRIA 4, EPA is fully implementing the 2015 WPS and is only considering revisions to the application exclusion zone (AEZ) through October 1, 2021.

2019 AEZ Proposed Rule

- In November 2019, EPA published proposed revisions to the WPS AEZ requirements in the Federal Register Notice (FRN).
 - EPA proposed narrow updates to the WPS to clarify and simplify the AEZ provisions based in part on implementation issues raised by state lead agencies and the agricultural community since 2015.
- During the comment period, EPA held outreach calls to tribal groups and to the Association of American Pesticide Control Officials WPS workgroup.
- Comment period for the FRN closed on January 30, 2020, with over 28,000 comments submitted; there were 126 unique submissions to the docket.
- Next Steps in the Rulemaking
 - EPA is currently analyzing the comments and preparing responses for the AEZ final rule.
 - AEZ final rule publication is projected for fall 2020.

Pesticide Safety Programs

- OCSPP's worker safety program coordinates with grantees to train farmworkers on pesticide safety and develop materials in appropriate languages to inform workers of pesticide risks.
- PRIA includes registration service fee **set-asides of \$2 million dollars** for worker protection activities, partnership grants, and pesticide safety education programs.
- Some of the work done through cooperative agreements funded in part by PRIA set-asides and Environmental Programs and Management (EPM) funds in **FY19** included:
 - **253 pesticide safety trainers** in 28 states delivered WPS pesticide safety training to **over 37,000 farmworkers**
 - New WPS pesticide safety materials for farmworkers and pesticide handlers in English and Spanish can be accessed at pesticideresources.org
 - Distribution of **over 16,000 copies of materials** to farmworkers and their families on preventing take home exposure
 - Aired and broadcasted nationwide Spanish-language radio segments related to pesticide safety
 - Developed and provided to medical professionals information and resources on pesticide poisoning at conferences, universities, training events, and via webinars

COVID-19 Response Efforts

- OPP and OECA are coordinating to respond to questions regarding potential personal protective equipment shortages of respirators and fit testing availability due to COVID-19.
- EPA is developing a statement about flexibility in the WPS on how annual WPS pesticide safety trainings can be conducted.