

Labor

Wednesday morning 9:00 am

Where: Gallery Overlook (upper level) Room A & B

MI Recertification credits: 1 (COMM CORE, PRIV CORE)

CCA Credits: PM(0.5) CM(1.0)

Moderator: Stan Moore, Dairy & Human Resource Management Educator, MSU Extension, Bellaire, MI

- 9:00 am What the Election May Mean for Ag Employers
- Frank Gasperini, National Council of Agricultural Employers, Washington, DC
- 9:45 am Best Practices in Sharing Migrant and Local Labor
- Craig Anderson, Ag Labor & Safety Services, MI Farm Bureau, Lansing, MI
- 10:15 am Complying with the Worker Protection Standard 2015 Rules
- John Stone, Pesticide Safety Education Program Coordinator, MSU
- 10:40 am Update on USDA Section 514 Farmworker Housing
- John Kran, Associate National Legislative Counsel, MI Farm Bureau, Lansing, MI
- 11:00 am Session Ends

Duties for ALL Employers

QUICK REFERENCE GUIDE TO THE WORKER PROTECTION STANDARD (WPS) AS REVISED IN 2015

The WPS is a federal regulation designed to protect agricultural workers (people employed in the production of agricultural plants) and pesticide handlers (people mixing, loading, or applying pesticides or doing certain tasks involving direct contact with pesticides). Each section links to the Code of Federal Regulations ([40 CFR Part 170](#)) for more information on the revised WPS. (www.ecfr.gov)

The guide summarizes the maximum requirements under the revised WPS. It does not include exemptions and exceptions that may allow you to do less. See the referenced sections below.

Exemptions (general) [170.303 \(b\)](#) and [170.601](#)

Exceptions for **workers** [170.401 \(b\)](#) and [170.409 \(a\)\(2\)](#)

Exceptions for early-entry **workers** during a restricted-entry interval [170.603](#)

Exceptions for **handlers** [170.501 \(b\)](#)

Exceptions to PPE required on pesticide labels [170.607](#)

Employer Responsibilities for Supervisors and Labor Contractors

Employers must provide sufficient information to supervisors and/or labor contractors to ensure compliance with the revised WPS. Specify:

- The tasks supervisors/labor contractors must do, and
- The information they must provide to workers/handlers.

Employers are liable for a penalty under FIFRA if a supervisor or labor contractor acting for them fails to comply with the revised WPS requirements. [170.309 \(d\)](#), [170.313 \(d\)](#), [170.317 \(c\)](#)

These requirements apply to agricultural employers and commercial pesticide handler employers except the pesticide safety, application and hazard information requirements apply only to agricultural employers.

Anti-Retaliation

Employers must not retaliate against a worker or handler who attempts to comply with the WPS, files a complaint, or provides information in an investigation of alleged WPS noncompliance. [170.315](#)

Minimum Age Requirements

1. Ensure that early-entry workers and all handlers are at least 18 years old. [170.309 \(c\)](#) and [170.313 \(c\)](#)

Pesticide Safety, Application and Hazard Information

An agricultural employer must display or make certain information available on the establishment. Commercial pesticide handler employers do not have to comply with information display requirements.

1. Display or make available all of the information listed in #2 together in an easily accessible ("central") location on the agricultural establishment. [170.311 \(a\)\(5\)](#) and [170.311 \(b\)\(2\)](#)
2. The information includes:
 - EPA WPS safety poster or equivalent information, which must include some additional information by January 2, 2018, and must be kept current. [170.311 \(a\)](#)
 - Application information that includes:
 - o Product name, EPA registration number, and active ingredient
 - o Crop or site treated, location and description of the treated area
 - o Date, start and end times of the application, and duration of restricted-entry interval (REI). [170.311 \(b\)\(1\)](#)
 - A copy of the safety data sheet (SDS) for the formulated product for each WPS-labeled pesticide applied. [170.309](#) and [170.311](#)
3. In addition, display the EPA WPS safety poster (or equivalent) where decontamination supplies are located at permanent sites and where decontamination supplies are provided for 11 or more workers. [170.311 \(a\)\(5\)](#)
4. Allow workers and handlers unrestricted access to all of the information and keep all of the displayed information current and legible. [170.311 \(a\)\(6\)-\(7\)](#) and [170.311 \(b\)\(3\)-\(4\)](#)
5. Display the EPA WPS safety poster or equivalent information before an application takes place and for 30 days after the REI expires. [170.309 \(h\)](#)
6. Display the SDS and application information within 24 hours of the application and before workers enter treated areas. This information must be displayed for 30 days after the REI expires and kept in records on the agricultural establishment until 2 years after the REI expires. [170.309 \(h\)&\(l\)](#) and [170.311 \(b\)\(5\)-\(6\)](#)
7. Provide the SDS and application information upon request of a worker, handler, designated representative or medical personnel, within 15 days. [170.311 \(b\)\(7\)-\(9\)](#)

Pesticide Safety Training

Ensure that **workers** are trained before performing tasks in a pesticide treated area (REI in effect within the last 30 days). [170.401 \(a\)](#) Ensure that **handlers** are trained before performing any handler activity. [170.501 \(a\)](#) There is no grace period for worker or handler training.

1. Train workers and handlers annually. [170.401 \(a\)](#) and [170.501 \(a\)](#)
2. Present training using EPA-approved materials either orally from written materials or audio-visually. After January 2, 2018, the training must cover additional topics. [170.401 \(c\)](#) and [170.501 \(c\)](#)
3. Trainers must be certified applicators or have completed an EPA-approved train-the-trainer program or be designated by the State or Tribal pesticide enforcement agency. [170.401 \(c\)\(4\)](#) and [170.501 \(c\)\(4\)](#)
4. Training must be delivered in a manner the employees can understand, and the trainer must be present and respond to questions. [170.401 \(c\)\(1\)](#) and [170.501 \(c\)\(1\)](#)
5. Maintain training records on the establishment for two years from the training date for each worker and handler required to be trained on the agricultural establishment. [170.401 \(d\)](#) and [170.501 \(d\)](#)

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Separate from the pesticide safety training, employers must tell workers and handlers where to find the following on the worksite: EPA WPS safety poster (or equivalent), application information, SDSs and decontamination supplies. [170.403](#) and [170.503 \(b\)](#)

Decontamination Supplies

1. Establish accessible decontamination supplies located together within 1/4 mile of all **workers** (when required [170.411 \(c\)](#)) and **handlers**. [170.411](#) and [170.509](#)
 - 1 gallon of water per worker and 3 gallons of water per handler at the beginning of each work period for routine and emergency decontamination,
 - Plenty of soap and single-use towels, Note: hand sanitizers and wet towelettes are insufficient. [170.411 \(b\)\(2\)](#) and [170.509 \(b\)\(2\)](#)
 - A clean coverall (or other clean change of clothes) for handlers
2. Provide water that is safe and cool enough for washing, eye-flushing, and drinking. Do not use water that is also used for mixing pesticides unless steps are taken to ensure safety. [170.411 \(b\)\(1\)](#)
3. Provide **handlers** with decontamination supplies where personal protective equipment (PPE) is removed at the end of a task. [170.509 \(a\)](#)
4. Provide **handlers** with decontamination supplies at each mixing and loading site. [170.509 \(c\)\(1\)](#)
5. When a product requires protective eyewear for **handlers**, and/or when using a closed system under pressure, provide the following in mixing and loading areas: a system that can deliver gently running water at 0.4 gallons per minute for at least 15 minutes or 6 gallons of water in containers suitable for providing a gentle eye-flush for about 15 minutes. [170.509 \(d\)\(1\)](#)
6. When applying a product that requires protective eyewear, provide 1 pint of water per **handler** in portable containers that are immediately available to each handler. [170.509 \(d\)\(2\)](#)
7. Do not put **worker** decontamination supplies in areas being treated or under an REI. [170.411 \(d\)](#)
8. For **handlers**, decontamination supplies must be kept outside the treated area, or any area under an REI, unless they are protected from contamination in closed containers. [170.509 \(c\)\(1\)&\(3\)](#)

Employer Information Exchange

1. Before any application, commercial pesticide handler employers must make sure the owner/operator of an agricultural establishment where a pesticide will be applied, is aware of:
 - Location and description of area to be treated,
 - Date of application, estimated start time and estimated end time of the application,
 - Product name, EPA registration number, active ingredient(s), and REI,
 - Whether the product label requires both oral warnings and treated area posting,
 - All other safety requirements on labeling for workers or other people. [170.313 \(i\)](#)
2. Owners/operators of agricultural establishments must make sure any commercial pesticide handler employer they hire is aware of:
 - Specific location and description of any treated areas where an REI is in effect that the commercial handler may be in or walk within 1/4 mile of, and,
 - Restrictions on entering those areas. [170.309 \(k\)](#)

The commercial pesticide employer must pass this information along to the handler doing the work. [170.313 \(h\)](#)

Emergency Assistance

If there is reason to believe a worker or handler has been exposed to pesticides, during or within 72 hours of employment, and needs emergency medical treatment, employers must do the following:

1. Promptly make transportation available to an appropriate emergency medical facility.
2. Promptly provide to the treating medical personnel, information related to each pesticide product to which the person may have been exposed:
 - Safety Data Sheet
 - Product name, EPA registration number, and active ingredient(s).
 - Description of how the pesticide was used on the agricultural establishment.
 - Circumstances that could have resulted in exposure to the pesticide. [170.309 \(f\)](#)

Additional Duties for Worker Employers

These requirements apply to agricultural employers who employ workers.

Restrictions During Applications [170.405 \(a\)-\(b\)](#)

During pesticide applications, keep workers and everyone other than appropriately trained and equipped handlers out of the treated area (for all types of applications) and out of:

- The application exclusion zone (AEZ) for outdoor production, or
- A specified area that varies by the type of application until the ventilation criteria are met for enclosed space production.

Restricted-Entry Intervals (REIs) [170.309 \(l\)](#) and [170.407](#)

Do not direct or allow any worker to enter or remain in the treated area until the REI has expired and all posted warning signs are removed or covered. Read the exceptions in [170.603](#).

Notice About Applications [170.409 \(a\)](#)

1. Orally warn workers and post treated areas if required by the pesticide labeling.
2. If not, post warning signs if the REI is **greater than**:
 - 48 hours for outdoor production or
 - 4 hours for enclosed space production.
3. For all other applications, **either** orally warn workers or post warning signs.

Posted Warning Signs [170.409 \(b\)](#)

1. Post legible 14" x 16" WPS-design warning signs no more than 24 hours prior to an application; keep posted during REI; remove or cover before workers enter and within 3 days after the end of the REI. [170.409 \(b\)\(1\)-\(3\)](#)
2. Post signs so they can be seen at all reasonably expected entrances to treated areas. [170.409 \(b\)\(3\)\(ii\)](#)
3. Warning signs can be smaller than 14" x 16" under certain conditions. All warning signs must meet specific requirements. [170.409 \(b\)](#)

Oral Warnings [170.409 \(c\)](#)

1. Before each application, tell workers who are on the establishment (in a manner they can understand):
 - Location and description of treated area,
 - Date and times entry is restricted
 - AEZ, REI, and not to enter during REI.
2. Workers who enter the establishment after application starts must receive the same warning at the start of their work period.

Additional Agricultural Employer Duties

Before allowing persons not directly employed by the establishment to clean, repair, or adjust pesticide application equipment, provide the following information:

- The equipment may be contaminated with pesticides.
- The potentially harmful effects of pesticide exposure.
- How to handle equipment to limit exposure to pesticides.
- How to wash themselves and/or their clothes to remove and prevent exposure to pesticide residues. [170.309 \(g\)](#) and [170.313 \(l\)](#)

Additional Duties for Handler Employers

These requirements apply to commercial pesticide handler employers and agricultural employers who employ handlers.

Application Restrictions and Monitoring [170.505](#)

1. Do not allow handlers to apply a pesticide so that it contacts, directly or through drift, anyone other than appropriately trained and equipped handlers.
2. Handlers must suspend applications when anyone other than appropriately trained and equipped handlers enter the application exclusion zone (AEZ). This goes into effect on January 2, 2018. [170.505 \(b\)](#)
3. When anyone is handling a highly toxic pesticide with a skull and crossbones, maintain sight or voice contact every two hours.
4. Make sure a trained handler equipped with labeling-specific PPE maintains constant voice or visual contact with any handler in an enclosed-space production site (e.g., greenhouses, high tunnels, indoor grow houses) while applying a fumigant.

Specific Instructions for Handlers

1. Before handlers do any handling task, inform them, in a manner they can understand, of all pesticide labeling instructions for safe use. [170.503 \(a\)\(1\)](#)
2. Ensure that the handler has access to product labeling during the entire handling task. [170.503 \(a\)\(2\)](#)

Equipment Safety

1. Inspect pesticide handling equipment before each day of use, and repair or replace as needed. [170.309 \(j\)](#) and [170.313 \(g\)](#)
2. Allow only appropriately trained and equipped handlers to repair, clean, or adjust pesticide equipment that contains pesticides or residues, unless they are not employed on the establishment. [170.309 \(g\)](#) and [170.507 \(a\)](#) See Additional Agricultural Employer Duties for information regarding non-employed persons.

Personal Protective Equipment (PPE) Handlers Must Use

1. Provide handlers with the PPE required by the pesticide labeling, and be sure it is: [170.507 \(b\)](#)
 - Clean and in operating condition, [170.507 \(b\)](#)
 - Worn and used according to the manufacturer's instructions, [170.507 \(c\)](#)
 - Inspected before each day of use, [170.507 \(c\)\(2\)](#)
 - Repaired or replaced as needed. [170.507 \(c\)\(2\)](#)
2. When a respirator is required by product labeling, provide handlers with:
 - A medical evaluation to ensure the handler is physically able to safely wear the respirator,
 - Training in respirator use, and
 - A fit test to ensure the respirator fits correctly.
 - Keep records on the establishment of these items for two years. [170.507 \(b\)\(10\)](#)
3. Take steps to avoid heat-related illness when labeling requires the use of PPE for a handler activity. [170.507 \(e\)](#)
4. Provide handlers a pesticide-free area for:
 - Storing personal clothing not in use,
 - Putting on PPE at start of task,
 - Taking off PPE at end of task. [170.507 \(d\)\(9\)](#)
5. Do not allow used PPE to be taken home. [170.507 \(d\)\(10\)](#)

Care of PPE

1. Store and wash used PPE separately from other clothing and laundry. [170.507 \(d\)\(3\)](#)
2. If PPE will be reused, clean it before each day of reuse, according to the instructions from the PPE manufacturer unless the pesticide labeling specifies other requirements. If there are no other instructions, wash in detergent and hot water. [170.507 \(d\)\(1\)](#)
3. Dry the clean PPE before storing. [170.507 \(d\)\(4\)](#)
4. Store clean PPE away from personal clothing and apart from pesticide-contaminated areas. [170.507 \(d\)\(5\)](#)

Replacing Respirator Purifying Elements

1. Replace particulate filters or filtering facepiece respirators when any following condition is met:
 - When breathing becomes difficult,
 - When the filter is damaged or torn,
 - When the respirator label or pesticide label requires it,
 - After 8 total hours of use, in the absence of any other instructions or indications of service life. [170.507 \(d\)\(6\)](#)
2. Replace vapor-removing cartridges/canisters when any following condition is met:
 - When odor/taste/irritation is noticed,
 - When the respirator label or pesticide label requires it (whichever is shorter),
 - When breathing resistance becomes excessive,
 - After 8 total hours of use, in the absence of any other instructions or indications of service life. [170.507 \(d\)\(7\)](#)

Disposal of PPE

1. Discard, do not clean, coveralls and other absorbent materials that are heavily contaminated with pesticide having a signal word "DANGER" or "WARNING." When discarding PPE, ensure that it is unusable as apparel or made unavailable for further use.
2. Follow federal, state, and local laws when disposing of PPE that cannot be cleaned correctly. [170.507 \(d\)\(2\)](#)

Instructions for People Who Clean PPE

[170.507 \(d\)\(8\)](#)

The handler employer must inform people who clean or launder PPE:

- That PPE may be contaminated with pesticides,
- Of the potential for harmful effects of exposure to pesticides,
- How to protect themselves when handling PPE,
- How to clean PPE correctly, and
- Decontamination procedures to follow after handling contaminated PPE.



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