Worker Protection Standard for Hop Producers

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Wisconsin Department of Ag, Trade & Consumer Protection
Topics Covered Today

- Background on DATCP’s Agrichemical Management Bureau
- Pesticide use – A few important notes
- The Worker Protection Standard
- Updates from DATCP
- Time for questions
This Bureau administers programs associated with:

- Commercial animal feeds
- Fertilizers
- Pesticides
The Ag-Chem Bureau

11 Programs

- Fertilizer Program
- Commercial Feed
- Pesticides & Use
- Pesticide Special Registration
- Landscape Registry
- School Integrated Pest Management
- Pesticide Applicator Certification & Licensing
- Agrichemical Containment & Remediation
- Groundwater Protection
- Clean Sweep
- Worker Protection
Environmental Enforcement Specialists
- 14 field staff across state
- Ensure DATCP regulations are followed uniformly
  - Education on regulations
  - Conduct routine compliance-based inspections with businesses & individuals
  - Investigation of potential violations
Pesticide Use In Wisconsin

Two important points to always remember

1. Safety First
2. The Label is the Law
Private Applicators

- Need certification to apply restricted-use pesticide products
- Record keeping is required if restricted-use pesticide products are used

Commercial Applicators

- Need certification & licensing to apply pesticides on a for-hire basis
- Record keeping is required for all pesticide applications
Notes on ATCP 29
The DATCP Pesticide Rule

Safe pesticide storage

Backflow prevention

Zero tolerance for drift or overspray

Report Spills
1-800-943-0003
The Worker Protection Standard

- Established as a federal law by US EPA in 1994
- Adopted as state law ~ part of ATCP 29
- Purpose
  - Protect agricultural workers and pesticide handlers from the harmful impacts of pesticide exposure.

Photo courtesy of Southern Maryland Newspapers Online
The Worker Protection Standard

- A well-managed WPS program:
  - Keeps you in compliance with EPA and DATCP
  - Reduces business liability concerns by improving on-site standards and awareness
  - Reduces likelihood of complaints and claims
  - Forces employers/managers to think “pesticide safety”
  - Benefits Everyone
Who needs to follow this rule?

1. Do You Raise Crops in: Farms, Forests, Greenhouses, Nurseries?
2. Do you apply pesticides?
3. Do you have field workers or pesticide handlers present at your operation?

If you answered “YES” to these questions ~ you need to follow the WPS rule.
The Worker Protection Standard

• Definitions:
  ▪ Handler:
    ○ Mix, load or apply pesticides
    ○ Any tasks involving direct contact with pesticides including equipment repairs

  ▪ Worker:
    ○ Hand labor activities like weeding, planting, monitoring, cultivating, harvesting
    ○ Related tasks like moving or operating irrigation equipment
The Worker Protection Standard

• Pesticide label review
• Look for the Ag-Use Requirement box

Agricultural Use Requirements
(Example)

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard. Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 12 hours. PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is: coveralls, chemical resistant gloves greater than 14 mils in thickness composed of materials such as butyl rubber, natural rubber, neoprene rubber, or nitrile rubber, shoes plus socks and protective eyewear.
The Worker Protection Standard

Five Main Items To Meet The Rule Requirements:

1. Pesticide information posted at a central location
2. Pesticide safety training for workers and handlers
3. PPE, safe handling equipment & decontamination sites for workers and handlers
4. Information exchange ~ posting and entry restrictions
5. Emergency assistance
Create a Central Location to display the following information:

1. WPS safety poster
2. Pesticide application information
   - Product name
   - EPA registration number
   - Active ingredient
   - Location/description of area
   - Time/date of application and REI
3. Medical facility name, address, phone
### Pesticide Application Log

*For employee reference at the central posting area*

<table>
<thead>
<tr>
<th>Date Product Applied</th>
<th>Time Applied</th>
<th>Area/Location /Item Treated</th>
<th>Product(s) Active Ingredients</th>
<th>Product(s) EPA Reg. Number</th>
<th>Re-entry Interval</th>
<th>Do Not enter until (date) (optional, but helps protect employees)</th>
<th>Common name of Product(s) Used (optional, but helps protect employees)</th>
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The Worker Protection Standard

• Pesticide safety training for handlers and workers

1. Use EPA approved material for training
2. Language specific
3. Qualified trainer may be certified applicator or a trained handler or complete on-line class through Iowa State University
4. Keep records of those trained
5. Re-train every 5 years
The Worker Protection Standard

- Basic Training vs. Full Training

  - Basic = Workers on site within 30 days after REI expires – train using EPA safety poster

  - Full = Needed before 6\textsuperscript{th} workday; use training videos or other approved material
The Worker Protection Standard

- PPE, safe handling equipment & decontamination sites for workers and handlers
  - Let’s start with the handlers
    - Decontamination sites
      1. Soap, single use towels & water for washing/eyeflush
         (3 gallons/handler recommended)
      2. Clean clothing or coveralls
      - *Keep at mix site, PPE removal site and always within ¼ mile*
      3. Eye-flush water immediately accessible when eye protection required by label
The Worker Protection Standard

Handlers must also have:

1. Access to labels
2. Training in operation of equipment
3. PPE must be supplied & kept clean, well maintained & properly stored
4. OSHA requires written plan & fit testing if respirators are required
5. Monitoring during “skull and crossbones” pesticide applications
The Worker Protection Standard

- PPE & decontamination sites for workers
  - PPE required is listed on the pesticide label
  - Decontamination supplies
    1. Keep within ¼ mile of workers for 30 days after REI expires
       - Supplies required for only 7 days post-REI for pesticides with a 4 hour or less REI
    2. Include soap, single-use towels & water (1 gallon/worker recommended)
    3. Shop/office bathroom meets requirement
       - Can fill a plastic tote with supplies if workers will be a distance from farm buildings
The Worker Protection Standard

- A few final notes on PPE & handling equipment
  - Review the label for PPE requirements
  - Make sure folks know how to use it!
  - Keep PPE clean and stored away from pesticide products
  - Is pesticide application equipment working properly?
  - Pesticide handlers need ready access to labels
The Worker Protection Standard

- Information exchange ~ Notice of pesticide applications & entry restrictions

1. Most pesticides require oral warnings or posted signs to prevent worker entry during application and REI.

2. Some pesticides require oral warnings and posted signs. Signs are the approved Spanish/English “raised hand” sign.

Note: Requirements for ATCP “sensitive area” posting are different
DANGER
PESTICIDES
KEEP OUT
NO ENTRE
Warning Signs

1. Post no more than 24 hours before application
2. Post during the entire restricted entry interval
3. Remove within 3 days after REI expires
The Worker Protection Standard

- **Worker entry restrictions**
  1. No entry during application or next 4 hours
  2. No entry during REI with two exceptions
     - Early entry with no contact
     - Early entry for short-term, emergency or unforeseen limited contact tasks

- **Special protections for early-entry workers**
  1. Additional training and instructions about PPE use and maintenance, label information, heat stroke etc.
  2. Decontamination supplies (may include eye-flush)
The Worker Protection Standard

- Providing emergency assistance

Emergency assistance/information must be provided if needed. Retaliation is prohibited against employees who attempt to comply with WPS.
The Worker Protection Standard

- Last but not least!

- The EPA has been working on revisions to this rule for several years
- On February 20th a list of proposed changes was posted by EPA
- Currently under 10 day comment period
- No date for when changes will become effective
- We have a handout that outlines proposed changes
A few updates from DATCP

- Protecting Pollinators
- Driftwatch

www.wi.driftwatch.org
Time for Questions
Thank You!

Contact information:
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