

Worker Protection Standard (WPS) Responsibilities and Compliance¹

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This document is intended for use by the University of Florida county Extension faculty and staff. It is also intended for agricultural stakeholders who fall under the guidelines of this law, the Worker Protection Standard (WPS). This includes agricultural establishment owners, those who employ agricultural workers or pesticide handlers, and Commercial Pesticide Handler Employers (CPHE). The purpose is to assist Extension agents or stakeholders themselves to understand what the WPS is, what the individual requirements are for different roles, and overall, how to comply with the requirements of WPS. This is a directive resource, that is, the document is a highly condensed version of the law and is intended to help agents and stakeholders find the full list of requirements in a much larger, more difficult-to-digest document from the EPA. This should reduce wariness toward utilizing the larger document and increase willingness to learn how to comply. This document will also serve to summarize 16 other current EDIS documents, reducing the amount of available material into a more succinct resource and allowing stakeholders to find the information in one place.

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Introduction

The goal of the Environmental Protection Agency's Agricultural Worker Protection Standard (WPS) is to reduce the risks of illness and injury to agricultural workers and pesticide handlers resulting from exposure to pesticides during the production of agricultural plants on agricultural establishments. It requires agricultural employers and commercial pesticide handler employers to provide specific information when WPS-labeled pesticide products are being used. Additionally, it requires owners of agricultural establishments to provide protections for themselves and their immediate families, requires those handling pesticides to wear appropriate personal protective equipment (PPE), and requires protections for persons present during pesticide applications. The WPS for agricultural pesticides was originally published in 1992. It was amended several times in 1995, 1996, 2004, and most recently in 2015. These revisions were intended to strengthen existing rules and better protect workers and handlers from occupational exposure to pesticides.

This document is meant to facilitate compliance with the Worker Protection Standard (WPS) as a “directive resource.” In other words, it is a series of short summaries on WPS topics, within which are links, or directions, to additional resources where further details on the summarized content can be found. Topics include what the WPS is, who has responsibilities under this code, what those responsibilities are, and how to find information to comply with those responsibilities. From the following information, you should be able to first determine if you have legal responsibilities under the WPS. Next, the document should help clarify under which category you and your employees fall. This will ultimately help you determine the responsibilities and related requirements to be met for WPS compliance by referring to the “How to Comply With the 2015 Revised Worker Protection Standard for Agricultural Pesticides” manual (HTC). This manual was developed by the Pesticide Educational Resources Collaborative (PERC) and the Environmental Protection Agency (EPA) (<http://www.pesticideresources.org/wps/htc/htcmanual.pdf>).

Do I have WPS responsibilities?

If you employ persons on an agricultural establishment AND you utilize WPS-labeled pesticides, you have WPS responsibilities. If you fall under the following, you likely have WPS responsibilities.

- You own or operate an agricultural establishment in plant production.

- You hire or contract for the services of agricultural workers for tasks related to agricultural production.
- You employ researchers who help produce agricultural plants.
- You operate a business in which you or your employees apply pesticides related to the production of agricultural plants.
- You are a pesticide handler who applies WPS-labeled pesticides.

Agricultural Establishments

When determining whether the WPS applies to your establishment, the following should be considered: “The WPS applies to any establishment involved in growing, maintaining, or producing agricultural plants for commercial and/or research or experimental purposes. Commercial production includes production of plants for sale, trade or in-house use on the establishment or another facility” (HTC p. 14). This could include nurseries, dairy farms, theme parks, and government-owned agricultural productions. For a more detailed list of agricultural establishments, see the HTC (p. 14).

WPS Labeling

Using pesticides in a manner inconsistent with their labeling is a violation of federal law. If the pesticide label refers to the WPS, you must comply with all the WPS requirements (Figure 1). This includes both general use and restricted use pesticides (RUPs). On occasion, the label may have different instructions than the overall WPS rules. Labeling always overrides the WPS and should be followed in these cases. There are also exceptions to WPS labeling, such as if a pesticide is used as part of a government-sponsored public pest control program, or for the research use of unregistered pesticides. A detailed list of exceptions can be found in the HTC (p. 16).

Label Compliance

Employers must ensure that all pesticides are used in a manner consistent with their labeling. This includes but is not limited to the WPS labeling as stated above. Recall that there may be exceptions to WPS that would relieve this responsibility. Additionally, there may be product-specific directions on the pesticide label, in which case the labeling overrides the WPS.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR 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, restricted-entry intervals and notification of workers.

Figure 1. Example of a WPS-labeled pesticide product statement (HTC p. 15).

Roles

If you employ persons who work on an agricultural establishment AND you utilize WPS-labeled pesticides, you have WPS responsibilities. A good place to start would be to review the standard definitions in the HTC (pp. 103–106). A review of this terminology will help you to determine which of the WPS categories you and your workers fall into and facilitate your understanding of the responsibilities you have toward your employees. Briefly, several categories with WPS responsibilities are:

- **Agricultural employer**—owner or manager of an agricultural establishment that employs any worker or handler.
- **Commercial Pesticide Handler Employer (CPHE)**—owner or manager of a commercial pesticide-handling establishment who employs handlers who perform handler activities on an agricultural establishment.
- **Pesticide handler**—anyone in direct contact with pesticides such as mixing, loading, or applying. The WPS also covers family-owned agricultural operations.

Note that these categories include both owners AND managers. If you are the manager of an agricultural establishment, you will want to ensure the establishment is in compliance with WPS. Also, note how the law defines “employ.” According to the WPS, employ means to obtain, directly or through a labor contractor, the services of a person in exchange for a salary or wages, without regard to who may pay or receive the salary or wages. It includes persons who are self-employed, independent contractors, and persons compensated by a third party.

To comply you will need to determine if you fall into one of the above categories. They are described in detail and examples are provided in the HTC (pp. 10–13). You will also need to know if your employees are considered workers, handlers, or crop advisors (HTC pp. 4–5). **WITHOUT THIS DETERMINATION YOU ARE UNLIKELY TO UNDERSTAND YOUR RESPONSIBILITIES AND BE IN FULL COMPLIANCE WITH THE WPS.**

Workers are employed or self-employed in exchange for a salary, wages, or monetary compensation, and they perform tasks directly related to the production of agricultural plants on an agricultural establishment. These tasks may include harvesting, thinning, repotting plants, watering, and pruning pesticide-treated crops. Both conditions must be met to be considered a worker (HTC pp. 4–5).

Handlers are employed in exchange for monetary gain by an agricultural establishment or a commercial pesticide-handling establishment that uses pesticides for agricultural plant production. Handlers also perform any of the following tasks: mixing, loading, or transferring pesticides, handling open pesticide containers, flagging, cleaning application equipment, assisting in an application, or performing tasks such as a crop advisor during application, during any REI, or before the inhalation exposure level has been reached (HTC pp. 4–5). If you hire a commercial pesticide handler or commercial pesticide-handling establishment to apply pesticides on your agricultural establishment and none of your employees perform any handling tasks, you are not a handler employer.

Crop advisors can be either workers or handlers depending on when they perform their tasks. They are any person who is assessing pest density, damage, pesticide distribution, or status of agricultural plants. If tasks are performed during pesticide application or the REI, they are considered a handler. If tasks are performed after the REI but within 30 days of the REI expiration, they are considered a worker. All crop advisors must be provided WPS training by their employer. In the case that a crop advisor is self-employed and is not a certified applicator of RUPs, they must seek WPS training from a qualified trainer and maintain their training record for two years (HTC pp. 4–5).

Exemptions

Some WPS responsibilities are exempted for certified crop advisors and owners of agricultural establishments and their immediate families. Certified crop advisors in the context of WPS include crop advisors who have been certified as a “Professional Crop Consultant” by the National Alliance of Independent Crop Consultants (NAICC), a program recognized by the EPA, or a state agency responsible for pesticide enforcement. The certified crop advisor exemption does not extend to noncertified crop advisor employees under their direct supervision. If you are a crop advisor certified or licensed by a program acknowledged by the EPA, the certification included all pesticide safety training including all information required for WPS handlers, and you are only performing crop-advising tasks, you may

be eligible for the certified crop advisor exemption. These exemptions are detailed in the HTC (pp. 92–96).

An owner of an agricultural establishment is someone with a present possessory interest in an agricultural establishment. Qualifying agricultural establishments and a list of “immediate family” can be found in the HTC (p. 88). The exempted WPS protections are available in the HTC (p. 90). A list of activities that **ARE NOT** exempted and thus apply to all agricultural employers and their families can be found in the HTC (p. 91).

General Responsibilities

The remainder of this article describes specific responsibilities that apply to agricultural employers and CPHEs unless stated otherwise. To comply, employers are obligated to ensure that all workers and handlers in their employ receive all protections dictated by the WPS. It is important to comply with the WPS to avoid fees and penalties for noncompliance and is the employer’s responsibility to understand what requirements apply to them. Your goal as an employer is to inform, protect, and mitigate for your employees (HTC pp. 6–7).

Inform

Informing means giving workers and handlers pesticide safety training, pesticide safety information, pesticide application and hazard information, notification of treatment, and information exchange. This type of information must always be made available upon request and fully accessible to workers and handlers.

Protect

Protection includes activities such as the exclusion of workers from treated areas, the application exclusion zone, and areas under REI; ensuring age requirements are met; and protecting early-entry workers. These measures are above and beyond the requirements listed on the label. The WPS can require additional measures but does NOT counteract the requirements listed on the label.

Mitigate

Mitigation requires employers to provide decontamination supplies, eyewash water, and emergency assistance. Decontamination equipment must be clean and readily available, and training on proper use must be provided before work occurs in areas that fall under WPS.

Employees should not clean, repair, or adjust pesticide application equipment without training. Persons not

employed should not clean, repair, or adjust pesticide application equipment until they are informed:

- that the equipment may be contaminated with pesticides.
- about the harmful effects of pesticide exposure.
- how to limit exposure.
- how to wash themselves and their clothes to prevent exposure to residue.

All employers of handlers have the following responsibilities (HTC pp. 59–61 and 79):

- Give handlers labeling information applicable to the safe use of the pesticide, including label use directions and restrictions.
- Provide instruction in the safe operation of equipment used to mix, load, transfer, or apply pesticides.
- Ensure equipment is inspected for leaks, clogged nozzles, and worn or damaged parts before use.
- Inform handlers of the location and description of any treated areas on the agricultural establishment where an REI is in effect and the restrictions on entering those areas.
- Agricultural employers and handlers themselves must ensure pesticides do not contact workers or any other persons.
- Ensure the handler is monitored visually every two hours if the pesticide label includes the skull and crossbones symbol.

Additionally, if a handler is using a fumigant in an enclosed-space production area, the handler employer must ensure the handler maintains continuous visual or voice contact with another handler stationed immediately outside the enclosed space. The additional handler must have immediate access to and be able to use the PPE required by the fumigant product labeling (HTC p. 61).

Avoiding Discrimination in Hiring

It is illegal to refuse to hire an applicant who does not understand the language in which training is usually provided. Employers are responsible for providing training as well as all other protections afforded under the WPS despite language barriers. The EPA provides training materials in multiple languages: <https://www.epa.gov/pesticide-worker-safety/worker-protection-standard-materials>.

Age Requirement

Early-entry workers and all handlers must be 18 years of age or older.

Anti-Retaliation

Employers may not threaten, intimidate, discourage, or fire any worker for attempting to comply with the WPS. The employer may not retaliate if an employee refuses to participate in an activity they believe violates the WPS, has or is about to report WPS noncompliance, or agrees to provide information to the EPA or another agency about WPS noncompliance. Retaliation is a serious violation of federal law.

Emergency Assistance

Employers must provide emergency assistance if a worker or handler experiences potential pesticide exposure or if they show symptoms similar to those associated with acute exposure during or within 72 hours after their employment. Emergency transportation and emergency information such as copies of the Safety Data Sheet (SDS), product name, EPA registration number, and active ingredients. The circumstances of the application should be described.

Responsibilities for Supervisors

The employer must provide sufficient instructions to anyone who will supervise or hire workers or handlers. These instructions should specify the tasks supervisors are responsible for in order to provide all WPS protections and comply with WPS provisions applicable to handlers. Supervisors must then provide information and directions to handlers to ensure they can comply with the WPS applicable to their duties. The CPHE and their supervisors are responsible for understanding their responsibilities, complying with the WPS, and ensuring they are implemented (HTC p. 80).

Personal Protection Equipment

Employers are responsible for providing, maintaining, and ensuring proper use of PPE for workers, early-entry workers, and handlers. PPE must be in clean and working condition. Certain PPE such as respirators may require additional testing, documentation, and recordkeeping.

The WPS includes specific instructions on PPE for early-entry workers (HTC p. 53). Agricultural employers are required to provide PPE for early-entry workers as specified by the labeling of the product in use. Additionally:

- Employers must ensure the PPE is used as intended according to the manufacturer's instructions.
- Employers cannot direct any early-entry worker to wear PPE without proper training on heat-related illnesses.
- Early-entry workers will be provided instruction on the use, removal, cleaning, and disposal of PPE.
- Employers must ensure the PPE is not worn home if contaminated by pesticides.
- The standards for early-entry PPE must also meet all standards required for handlers (HTC pp. 62–73).

There is a large variety of PPE for handlers, extensive PPE-associated terminology, and a few exceptions based on the pesticide label and type of application. This information can be found in the HTC (pp. 62–73), through UF/IFAS EDIS publications, and from the Pesticide Information Office (<https://pested.ifas.ufl.edu/>). While handler employers are responsible for providing PPE required by the pesticide label, for the purpose of WPS, this does not include long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, or socks. These are considered standard attire. Handlers themselves are individually responsible for following pesticide label directions and wearing the appropriate clothing and PPE. Employers of handlers are responsible for cleaning and maintenance of PPE as detailed in the HTC (p. 64).

There are specific requirements and recordkeeping for respirators. These include a medical evaluation, annual fit testing, and annual respirator training. Records must be kept for 2 years. A respirator is intended for use by one person only and should not be shared by multiple individuals. Detailed responsibilities for respirators can be found in the HTC (pp. 68–73).

Decontamination Supplies

Agricultural employers must provide workers with decontamination supplies according to the following:

- Supplies must be provided for up to 30 days after the end of the REI if the REI was greater than 4 hours.
- Supplies must be provided for 7 days after the REI ends if the REI was less than or equal to 4 hours.
- Supplies include at least one gallon of water for each worker. The water must be of a quality and temperature that it will not cause injury if it contacts the skin or eyes.
- Soap and single-use towels must also be provided in a quantity to meet workers' needs. Hand sanitizer and wet towelettes do not meet this requirement.

- Decontamination supplies for workers must be located together, accessible to where workers are working, and outside of any treated area or area under REI.

More details on decontamination supplies for workers can be found in the HTC (p. 48).

Agricultural employers must provide early-entry workers with decontamination supplies according to the following:

- 3 gallons of water per worker, soap, single-use towels, and clean clothing.
- Additionally, if the pesticide label requires protective eyewear, 1 pint of water must be immediately available.
- Decontamination supplies must not be in the area treated with pesticides and must not be in an area under REI unless an alternative is not available.
- Decontamination supplies must be reasonably accessible to and not more than ¼ mile away from workers.
- Soap, single-use towels, and 3 gallons of water per worker should also be provided at the site where early-entry workers remove their PPE.

More details on decontamination supplies for early-entry workers are available in the HTC (p. 54).

Requirements for early-entry workers are similar to those for all employers of handlers. All handler employers must provide decontamination supplies to each handler for washing to remove pesticide residue, emergency decontamination, and immediate eye-flushing.

- These supplies must be provided for the duration of the handling task and until PPE is removed.
- Clean running water meets the water requirement, but if it is not available, at least 3 gallons of water per handler should be provided.
- Soap and single-use towels are to be provided in amounts sufficient for handler needs.
- A clean change of clothing such as one-size-fits-all overalls must be provided in the case the handler's clothing is contaminated.
- If pesticides require protective eyewear, one pint of water per handler should be provided to be on their person or in the applicator equipment being used.
- Decontamination supplies for handlers must be located together, stored within a pesticide-protected closed container, and reasonably accessible.

- They must be outside of any treated area or area under REI.
- Additionally, they should be located at any mixing or loading site and at the site where PPE is removed.
- If pesticides require protective eyewear, an emergency eye-flushing station must be provided at any location where pesticides are mixed or loaded.

More details on decontamination supplies for handlers are available in the HTC (pp. 74–75).

Training

There is no grace period for a lapse in training. Agricultural employers have training responsibilities to their workers if they may enter a treated area where within the last 30 days a WPS-labeled pesticide was used or an REI of such a pesticide was in effect. Agricultural employers and CPHEs have training responsibilities to their handlers. Workers and handlers must complete training every 12 months. Handlers must have WPS training before performing any tasks (HTC pp. 36 and 58).

Training Exemptions

Workers, handlers, and certified crop advisors are exempt from training if they are certified as an applicator of RUPs. Handlers may be exempt from training if they are the owner or immediate family of the owner of the agricultural establishment (HTC pp. 88–91). Workers are exempt from WPS if trained as handlers within the previous 12 months. Certified crop advisors may also be exempt if the crop-advisor program was EPA approved and recognized in writing. The program must have covered all WPS handler pesticide-training content (HTC pp. 92–96).

Qualified Trainers

Trainer requirements and rules for conducting training are found in the HTC (pages 29, 82, and 109). Training must be provided by qualified trainers and the trainer must be present during the entire training program. To qualify as a trainer a person must satisfy ONE of the following:

- Currently certified as a RUP applicator
- Designated as a trainer of workers or handlers by the EPA or state agency
- Completed an EPA approved train-the-trainer program for workers or handlers

Training Materials

Only EPA-approved training materials may be used and should be conveyed orally from written

material or audiovisually. Training must be presented in a manner the workers and handlers can understand. This may require a translator. Worker training content is detailed in the HTC on pages 109–111. Handler training content is detailed in the HTC (pp. 112–114). Remember, there is no grace period for a lapse in training. EPA-approved training materials can be found at <https://www.epa.gov/pesticide-worker-safety/worker-protection-standard-materials>.

Recordkeeping

Employers must provide records or other information required by the WPS for inspection and copying upon request by the EPA, or another authorized agent. Records of training must be kept for two years and provided to employees upon request. Required documents include documentation of training for workers and handlers, application information and Safety Data Sheets (SDS), and documentation of respirator medical evaluations, fit testing, and training (if required by pesticide labeling).

Training records should include the following: workers' or handlers' printed names and signatures, date of training, trainers' name, evidence of trainers' qualifications, employers' name, and EPA document or approval number on training materials (Figure 2).

Agricultural employers must keep application and hazard documentation for two years. If information is requested, it must be provided within 15 days of the request. Workers and handlers may request this information if they were employed at the establishment during the period the information was displayed by submitting their request orally or in writing. Medical personnel may request this information for the diagnosis or treatment of a handler or worker who was employed during the time that the information was displayed. Designated representatives may submit requests in writing only and must include the following information in their request, the name of the worker or handler being represented, a description of specific information being requested, a written statement designating the representative to obtain the information on the workers' or handlers' behalf, and where to send the information. More details on pesticide application and hazard recordkeeping and requests are in the HTC (pp. 24–25).

Verification of Worker Protection Standard Safety Training

Trainer's name: _____
 Trainer qualifications: _____
 Certified applicator of restricted use pesticides (license number: _____)
 Designated as trainer by State/Tribe/EPA _____
 Completed a WPS Train-the-Trainer program approved by State/Tribe/EPA _____
 Date of training: ____/____/____ (mm/day/year)
 Type of training:
 Worker _____
 Handler _____

Training materials used and EPA approval number:
 1. _____
 2. _____
 3. _____
 4. _____
 5. _____

Employee name	Employee signature
1. _____	1. _____
2. _____	2. _____
3. _____	3. _____
4. _____	4. _____
5. _____	5. _____

Additional numbers and pages can be added for the number of employees who are trained.

Figure 2. Here is a printable example to be used to keep training records.

Notification and Hazard Responsibilities

Notification of Entry Restrictions

Agricultural employers should notify workers of pesticide applications orally, by posting, or with both methods (double notification). Some pesticide product labels require double notification. When double notification is required, all the requirements for the individual posting methods must be met. This can apply to both outdoor and enclosed spaces.

Oral notification must be in a language or manner the worker understands. It must be given before application if the worker will be present at the agricultural establishment at the time of application. If not, it must be given to the worker at the beginning of their work period. Oral notification must include:

- location and description of treated areas subject to restriction.
- the dates and time when entry is restricted.
- instructions not to enter the AEZ or restricted area until signs are removed or covered.

Posted warning signs must meet all criteria regarding content, size, timing, and location of posted warning signs (Figure 3). Worker entry into restricted areas is

not permitted while signs are posted even if the REI has expired. Warning signs should be posted prior to but no longer than 24 hours before the scheduled application of the pesticide. Warning signs are to remain posted throughout the application and the REI. Remove or cover signs within 3 days after the end of the REI. Details of sign content, posting location, and sign size are detailed in the HTC (pp. 45–47).



Figure 3. Example of a warning sign to be used prior to application and until the REI is reached.

Below is a table from the HTC that details posting and notification requirements for pesticides that do not require double posting (Figure 4) (HTC p. 43).

Table 2. Posting and Notification Requirements for Pesticide Products without Double Notification

Treated Site	Restricted-Entry Interval (REI)	Post Warning Sign	Post Warning Sign or Oral Notification
Outdoor	>48 hours	X	
Outdoor	≤48 hours		X
Enclosed Space	>4 hours	X	
Enclosed Space	≤4 hours		X

Figure 4. Table from the HTC describing the double notification for outdoor and enclosed spaces.

Notification of workers is not required when employers meet one of the following criteria:

- If in an enclosed space the workers will not enter the area from the beginning of the application until the end of the REI.
- If pertaining to an outdoor location the worker will not enter, remain in, or pass through the area within ¼ mile

of the treated area on the agricultural establishment from the beginning of the application to the end of the REI.

- If in an enclosed space or outdoors the worker was involved in the application of the product as a handler and is fully aware of the location of the treated area, timing of entry restrictions, and restrictions on entering that area.

REI

Agricultural employers must not allow or direct any worker to enter or remain in the treated area during the REI specified on the label. If two or more products are applied at the same time, the enforceable REI is the longest. Workers must remain outside of the area until the REI has expired, the warning signs have been removed or covered, and the pesticide information and SDS are displayed at the central location. This applies to outdoor and enclosed spaces. For a table on areas of enclosed spaces from which workers must be restricted, check Table 1 of the HTC (p. 40).

Information at a Central Location

Agricultural employers must display information in a central location. This responsibility applies when a worker or handler is on the establishment and a WPS pesticide has been applied or an REI has been in effect in the last 30 days. Information on pesticide safety, pesticide applications, and hazard information must be posted at a centralized location that is always accessible during normal work hours (Figure 5). The information must be easily seen and read by workers and handlers. Pesticide safety information must also be displayed at permanent decontamination sites and any location where decontamination supplies are required for 11 or more workers. Application and hazard information should be displayed within 24 hours after the end of the application if workers or handlers are present and should continue to be displayed for at least 30 days after the REI expires, or at least 30 days if there is no REI. For more details on information at a central location, check the HTC (pp. 21–23).



Figure 5. An example of posting information at a central location. All pesticide application information should be listed as well as SDS provided. There must also be information about pesticide safety.

Employer Information Exchange

The CPHE will provide the agricultural employer with information so that they may in turn inform workers or handlers and record and display the proper information. Information provided will include:

- date and time of application
- location
- description of the areas where applications were made
- pesticide product name
- REI
- type of notification required
- any other details concerning the protection of workers and other persons during or after application.

The agricultural employer in return will provide the CPHE with any pertinent information about treated areas on the agricultural establishment. This includes the specific location and description of areas under REI that are within $\frac{1}{4}$ mile of the area the handler will be in and any restrictions on entering those areas. The CPHE must then inform their handler. Further details are provided in the HTC (pp. 83–84).

Application Exclusion Zone

Agricultural employers have additional requirements during pesticide application. This includes posting entry restrictions for outdoor application areas and enclosed spaces. The **Application Exclusion Zone (AEZ)** (Figure 6) is an area surrounding pesticide application equipment that exists only during outdoor applications. No worker or other persons are allowed to enter or remain in this zone or the treated area. When pesticide application is completed, the AEZ ceases to exist. The treated area is then subject to instructions on the pesticide label as usual. The size of the

AEZ is dependent upon the application method and the spray quality. This includes nozzle design, system pressure, and the speed of the equipment. Handlers must be made aware of any restrictions, including the AEZ and REIs. Pesticide handlers are also responsible for suspending applications if any person enters or is in the AEZ. The agricultural employer must not allow a pesticide to be applied or an application to be resumed while a worker or other person on the establishment is in the AEZ. More details for measuring the AEZ and suspending application can be found in the HTC (pp. 37–38, 60–61).



Figure 6. The blue area represents the entire treated area. The gold zone indicates the application exclusion zone.

Enclosed Space Production

Agricultural employers must not allow workers or any other persons to enter or remain in the area during pesticide applications in enclosed spaces. Only appropriately trained handlers involved in the application should enter or remain in these areas. Specific entry restrictions are listed in the HTC (page 40). When in doubt, wait 24 hours before allowing workers or other persons in these areas.

Early-Entry Workers

Agricultural employers should make every effort to avoid the necessity of early-entry workers. If early-entry cannot be avoided, carefully read all responsibilities and requirements in the HTC (pp. 49–55). Chapter 3, Table 4 summarizes early-entry requirements (p. 55). There are several exceptions for early entry. One is for activities with no contact (HTC p. 49). This exception applies if there will be no contact with soil, water, air, or surfaces of plants and is only allowed after the inhalation exposure level listed on the labeling or when the ventilation criteria established (HTC p. 40) have been met. There are additional exceptions for short-term activities (HTC p. 49), agricultural emergencies (HTC p. 50), and limited contact irrigation activities (HTC p. 51). Agricultural employers have a responsibility to protect early-entry workers. Early-entry workers must be at least 18 years old, have been given oral instructions, and read the pesticide label. These responsibilities are detailed in the HTC (p. 52).

Conclusion

It is very important to understand your responsibilities regarding the WPS. The resources cited here, particularly the HTC, can help you determine your responsibilities and stay in compliance with the federal mandate. The WPS Definitions (HTC pp. 103–106), Quick Reference Guide (HTC pp. i–ii), and the checklists in Appendix C (HTC pp. 117–123) are extremely useful. They are a great place to start with understanding key terms and determining your level of compliance with the various WPS requirements. If you have any questions about the WPS or whether you are in compliance, reach out to us at the UF/IFAS Pesticide Information Office (PIO).

References

<https://www.epa.gov/pesticide-worker-safety/agricultural-worker-protection-standard-wps>

<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-170>

<http://www.pesticideresources.org/wps/htc/htcmanual.pdf>

<http://pesticideresources.org/wps/hosted/quickrefguide.pdf>