

MU Guide

Agricultural Owners, Family Labor and The Worker Protection Standard (WPS)

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On August 21, 1992, the U.S. Environmental Protection Agency published the new Worker Protection Standard (WPS), which took effect on October 21, 1992. The Standard is designed to protect those workers and handlers employed in the production of agricultural plants on farms and in forests, nurseries and greenhouses. The Standard requires all employers to take steps to reduce the risk of pesticide-related illnesses and injuries if they:

- Use pesticides in the production of agricultural plants.
- Employ workers and/or pesticide handlers who are exposed to such pesticides.

If you are an agricultural pesticide user and/or an employer of agricultural workers or pesticide handlers, the WPS requires that you provide your employees, and in some cases yourself, family members and others, with:

- Information about the pesticides you use.
- Protection against pesticide exposure.
- Ways to alleviate pesticide-related illnesses and injuries.

Farm, forest, nursery and greenhouse owners and their immediate families must comply with SOME of the requirements. It is the intent of this publication to help these owners determine whether they qualify for the agricultural owner exemptions and, should they qualify, to describe the responsibilities that the owners and their families have in complying with the WPS.

Definition of an agricultural owner

Before determining if you qualify for agricultural owner exemptions, it is important to review several key definitions in the WPS.

Agricultural establishment. Agricultural establishment means any farm, forest, nursery or greenhouse.

Agricultural owner. An agricultural owner is any person who possesses or has such interest (fee, leasehold, rental or other) in an agricultural establishment covered by the WPS.

A person who has leased an agricultural establishment to another person and who has granted that same person the right and full authority to manage and govern the use of that establishment is NOT an agricultural owner under the WPS.

Immediate family. Immediate family includes only spouse, children, stepchildren, foster children, parents, stepparents, foster parents, brothers and sisters. It does not include nieces, nephews or in-laws.

Qualifying for agricultural owner exemptions

Owners of agricultural establishments and members of their immediate family qualify for agricultural owner exemptions from some of the WPS requirements while performing tasks related to the production of agricultural plants on their own establishment.

Exemptions for agricultural owners

As stated earlier, the WPS does establish a number of exemptions to the Standard for agricultural owners and members of their immediate family. The following WPS requirements do not need to be provided to owners or members of their immediate family but must be provided to any worker or handler they may hire:

- Information at a central location.
- Pesticide safety training decontamination sites.
- Emergency assistance.
- Notice about applications.

- Monitoring of handlers.
- Specific handling instructions.
- Equipment safety training.
- All the specific duties related to the care of PPE and the management of its use.
- Duties related to early entry: training instructions, decontamination sites, specific care of PPE and management of PPE use.

While it is not required to provide these to owners and their immediate families, they are strongly encouraged to protect themselves from needless exposure to pesticides.

Agricultural owners, however, must provide all protection required by the WPS to employees who are NOT members of their immediate family. These include:

- Workers employed for specific hand-labor duties during the season or for the harvest.
- Handlers who clean personal protective equipment (PPE) or repair, clean, or maintain contaminated pesticide handling equipment.

The WPS does NOT allow any exemptions for:

- Owners of commercial pesticide handling establishments (commercial applicators).
- Persons who operate or manage, but do not own, an agricultural establishment.

Incorporated agricultural establishments. If your farm, forestry operation, nursery or greenhouse is incorporated, all stockholders of the corporation must be members of your immediate family to qualify for agricultural owner exemptions. If any stockholders are not members of your immediate family, then the corporation is the "owner" for the purposes of the WPS and you may not take advantage of the agricultural owner exemptions.

Requirements of agricultural owners and their families

The following requirements and provisions DO apply to owners of agricultural establishments and to the members of their immediate family:

- WEAR THE APPROPRIATE PERSONAL PROTECTIVE EQUIPMENT (PPE).

The PPE and other work attire required for each pesticide are listed on the pesticide label for the tasks being performed. Depending on the type of pesticide, the required PPE could include coveralls, respiratory

protection, protective eye wear and chemical-resistant suits, gloves, footwear, aprons and headgear. The required PPE for a specific compound is listed under the "Hazards to Humans" section on the label. For more specific information on the selection and care of PPE, review MU publication G1917, *Personal Protective Equipment for Working With Pesticides*, and GH140, *Laundering Pesticide Contaminated Clothing*.

The Standard does provide for the omission of certain labeled personal equipment during the mixing and loading of the pesticides. If you're using a closed system or if you're working in an enclosed cab, these PPE exceptions are allowed unless expressly prohibited by the product labeling. If in doubt, use the PPE recommended on the label.

Restrictions during applications

During the application of pesticides, you must make sure that:

- Each pesticide is applied so that it does not contact anyone (including you and members of your immediate family) either directly or through drift.
- You and your family members are kept out of areas being treated.
- During certain pesticide applications in nurseries and greenhouses, you and your family and all other persons are kept out of specified areas immediately around the area being treated. The size of this "keep-out zone" depends on the pesticide used and the application method. In some greenhouse situations, the greenhouse must be adequately ventilated before anyone is allowed to enter. Check and follow the label requirement for each compound.

In all of these situations, handlers who have been appropriately trained and are equipped with the appropriate personal protective equipment are allowed to be in these areas. Those handlers who are currently certified applicators of restricted-use pesticides or who have completed a training course that meets the criteria established by EPA for WPS training are considered by EPA as an "appropriately trained" handler and will meet the WPS training requirements.

Restrictions during restricted entry intervals (REIs)

The Standard has established more specific restricted re-entry periods for all pesticides covered by the Standard. The REI is the time immediately

after a pesticide application when entry into a treated area is restricted. The amount of time required is based on the toxicity of the compound that was used. During an REI, do not enter or allow any members of your family to enter a treated area or contact anything treated with the pesticides to which the REI applies. The REI periods are as follows:

Toxic category	Signal word	REI
I	Danger	48 hours
II	Warning	24 hours
III	Caution	12 hours

The REI and signal words are established based on the active ingredient that requires the longest restricted re-entry period.

When two (or more) pesticides are applied at the same time and have different REIs, make sure that you and your family members follow the longest REI of all the pesticides in use.

Exceptions to REIs. In general, you and your family members must stay out of a treated area during the restricted-entry interval. This restriction has two exceptions:

- Early entry with no contact.
- Early entry with contact for short-term, emergency, or specially exempted tasks.

No-contact early entry means just that: no contact! You or your family members may enter a treated area during an REI if you do NOT touch or are NOT TOUCHED BY any pesticide residues, including residues found:

- On plants, including both agricultural plants and weeds.
- On or in soil or the planting medium.
- In water, such as irrigation water or water standing in drainage ditches or puddles.
- In air, if the pesticide remains suspended after application, such as after fumigation or after a smoke, mist, fog or aerosol application.

Avoiding contact by using personal protective equipment does NOT qualify as no-contact early entry.

Early entry with contact allows you or members of your family to enter a treated area during a restricted-entry interval in only three work situations:

- Short-term tasks that last less than one hour per 24-hour period and do not involve hand labor.

- Emergency tasks that take place because of an agricultural emergency recognized by the Missouri Department of Agriculture.
- Specific tasks approved by EPA through a formal exception process.

For early entry with contact, you must:

- Wait at least four hours after the pesticide application is completed before entering.
- Enter and work for only one hour within the first 24 hours when performing short-term tasks.
- Wear the personal protective equipment specified on the pesticide label for early entry tasks.
- Follow any other restrictions specified on the pesticide label or in any special exception under which the early entry takes place.

Information exchange

When a pesticide is applied by a commercial applicator, it is the responsibility of the owner to make the applicator and/or employer aware of:

- All areas where pesticides were applied in which the REI will be in effect while the commercial handler is present on the establishment.
- Any entry restrictions for those areas.

It is the responsibility of commercial applicators to provide the agricultural owner with specific information about:

- Each pesticide applicator.
- Whether both oral warnings and treated area posting are required.
- Any other protection requirement specified on the label for workers or other people.

Nurseries and greenhouses. There are many special requirements for greenhouse and nursery owners and operators. These include special application restrictions, ventilation criteria, early entry restrictions and additional handler protection. Consult the WPS for more information.

WPS labeling changes

Pesticide labels soon will reflect the new Worker Protection Standard requirements. All pesticide products affected by the WPS will carry a statement under the new Agricultural Use Directions section of the label. This statement will inform users that they must comply with all provisions of the WPS. If you are

using a pesticide product with labeling that refers to the Worker Protection Standard, you must comply with the WPS.

Implementation timetable

April 1993:

Label-specific requirements, such as personal protective equipment statements, restricted-entry intervals (REIs) and the "double warning" requirement to provide workers with both oral warnings and posted warning signs, must be followed when a pesticide with WPS labeling is used.

April 1994:

The general requirements of the Worker Protection Standard go into effect, including training, central information displays, decontamination, emergency assistance and the remaining notification provisions. These requirements must be implemented wherever a pesticide product with Worker Protection Standard labeling is used.



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