

Worker Protection Standard: Training Workers and Handlers under the 2016 Revision Requirements¹

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Background

In 1992, the US Environmental Protection Agency (EPA) issued a comprehensive regulation called the Worker Protection Standard for Agricultural Pesticides (WPS). The WPS covers pesticides used in the outdoor and enclosed space production of plants on farms, forests, and nurseries, as well as greenhouses. The WPS requires agricultural employers to take steps to reduce pesticide-related risks when agricultural workers and pesticide handlers are exposed to these pesticides. The EPA has made several changes to the WPS since it was fully implemented in 1995. On November 2, 2015, the EPA revised the WPS, making significant changes to the rule's requirements. Most of the revised provisions will become effective January 2, 2017; there are four provisions that are delayed until January 2, 2018. In late 2016, the EPA released the revised "How to Comply Manual" to provide an updated resource. The entire document is posted on their website at https://www.epa.gov/sites/production/files/2016-09/documents/htcmanual_final.pdf. This document will address conducting worker and handler training under the revised WPS.

Who can conduct handler training?

The person who conducts the training for handlers must meet one of the following criteria:

- Be designated as a trainer of certified applicators or pesticide handlers by the EPA or the state or Tribal agency responsible for pesticide enforcement,
- Have completed an EPA-approved pesticide safety train-the-trainer program for trainers of handlers, or
- Be currently certified as an applicator of restricted use pesticides in accordance with 40 CFR Part 171 (For more information, refer to UF/IFAS EDIS Document PI-59, *Agricultural and Related Pest Control Applicator License Classifications Under the Florida Department of Agriculture and Consumer Services (FDACS)*: <http://edis.ifas.ufl.edu/pi095>).

Who is allowed to train workers under the revised WPS?

The person who conducts the training for workers must meet one of the following criteria:

- Be designated as a trainer of certified applicators, handlers or workers by the EPA or the state or Tribal agency responsible for pesticide enforcement,
- Have completed an EPA-approved pesticide safety train-the-trainer program for trainers of workers, or
- Be currently certified as an applicator of restricted use pesticides in accordance with 40 CFR Part 171.

NOTE: After January 2, 2017, persons who have only been trained as WPS pesticide handlers will no longer be qualified to train workers under the revised WPS.

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Can certified applicators train workers? Can they also train handlers?

Yes, a person who is currently certified as an applicator of restricted use pesticides in accordance with 40 CFR Part 171 can train workers and handlers.

How should worker and handler training be conducted?

Anyone who conducts worker or handler training must:

- Use written and/or audiovisual materials;
- Present the training orally or audiovisually;
- Present the information in a manner that the trainees can understand, using a translator, if necessary;
- Respond to trainees' questions.
- Anyone who conducts worker training must use non-technical terms.

I was previously a certified applicator but my certification has lapsed or expired. Under the 2017 revision, can I still train workers and/or handlers?

No. Only persons who are currently certified applicators with a valid certification can train workers and handlers.

Are state or Tribal agencies required to get approval from the EPA to designate certain state or Tribal employees as qualified WPS trainers?

No. There is no specific designation process required by the EPA for a state or Tribal employee to be "designated as a trainer of certified applicators, handlers or workers by the state or Tribal agency responsible for pesticide enforcement." It is a function of their job responsibilities. If a person's job responsibilities in their state or Tribal government affiliated position includes WPS training for workers or handlers, or training for certified applicators, then that person is "designated as a trainer of certified applicators, handlers or workers by the state or Tribal agency responsible for pesticide enforcement."

I was previously designated as a trainer of both workers and handlers by FDACS. Do I have to complete an EPA training or program to continue operating as a trainer of workers and handlers?

No. Persons who are designated as trainers of workers and/or handlers by their state or Tribal agency responsible for pesticide enforcement are still authorized to continue to train workers and handlers without further requirements

as long as they are still employed in the state or Tribal designated training position (e.g., extension agents, state/tribal pesticide program or enforcement staff who do WPS training, etc.). NOTE: the EPA expects that state and Tribal pesticide enforcement agencies who have designated persons as trainers of workers and/or handlers will provide the necessary training or other information to such trainers to ensure that they are familiar with the new WPS training requirements.

If all my handler employees are certified applicators do I still need to provide WPS handler training to them?

No. As long as the handlers are all currently certified as applicators of restricted use pesticides, they are exempt from the WPS handler training requirements. In other words, certification supersedes the WPS handler training requirements. NOTE: These handlers still need to be informed of the labeling, application-specific, and establishment-specific information required by the rule (i.e., knowledge of labeling, application-specific, and establishment-specific information for handlers), and all other applicable WPS protections for handlers must be provided (e.g., PPE, decontamination supplies, emergency assistance, etc.).

The revised WPS requires annual training for handlers. How does this requirement apply if all my handler employees are certified applicators? Do they need to be certified or recertified annually?

As long as the handlers are all currently certified as applicators of restricted use pesticides, they are exempt from the WPS handler training requirements and do not need to be trained or retrained as long as they maintain a valid, current applicator certification. Handlers holding a current, valid applicator certification do not need to certify or recertify annually, they only need to be recertified in accordance with FDACS certification requirements.

If my handlers' applicator certifications have lapsed or expired and they have not been recertified, when do they need to be trained?

If a handler's applicator certification has lapsed or expired such that he or she is no longer holding a valid, current applicator certification, then the handler must receive WPS handler training BEFORE the handler performs any handling task.

Can the employer's training recordkeeping requirement be in the form of an attendance roster as long as all of the required information is documented?

Yes, the training recordkeeping requirement may be in the form of an attendance roster as long as all of the training recordkeeping information required by the rule is included on the roster record.

Is the EPA going to continue to issue training verification cards?

No, the EPA is no longer going to supply or issue training verification cards.

I understand the EPA is discontinuing its program to supply and issue training verification cards. Can the states or a non-government organization (NGO) that conducts WPS training create their own training verification cards to be handed out at training sessions? Can those cards be used for meeting the training recordkeeping requirement?

Yes, states and NGOs involved in conducting WPS training may develop and issue their own training verification cards at training sessions. The training verification cards can be used to meet the employer's recordkeeping requirement as long as all of the training recordkeeping information required by the rule is included on the training verification card and the employer creates and maintains his or her own record of the training that contains the information required by the rule.

Can states, UF/IFAS Extension, or private firms develop their own WPS training materials as long they include the necessary topics?

Yes, but they must have the materials approved by the EPA. The EPA will be issuing guidance for submission and approval of WPS training materials for workers and handlers.

How will employers know that training materials are "EPA-approved" training materials?

All EPA-issued training materials are EPA-approved. WPS training materials that are developed and issued by the EPA will bear the official EPA logo and have an EPA publication number. WPS training materials that have been developed by states, NGOs, or other governments or organizations and have been approved by the EPA should bear an EPA approval number and a statement indicating the materials have been approved by the EPA to meet the requirements of the WPS for worker or handler training materials.

Does the EPA intend to produce updated WPS training materials for both workers and handlers that comply

with the rule's new training content requirements? Will these training materials be in the form of manuals or videos?

Yes. The EPA intends to produce updated WPS training materials for both workers and handlers that comply with the new training content requirements. The EPA intends to produce these training materials in a variety of formats including manuals, videos and potentially other formats such as flip-charts.

When will the new EPA-approved WPS training materials be available?

The EPA will ensure that updated EPA-approved WPS training materials for both workers and handlers are made available to the regulated community no later than July 1, 2017 and will publish a notice in the *Federal Register* announcing the availability of the updated training materials at least six months prior to January 2, 2018. If the EPA has not published a notice in the *Federal Register* announcing the availability of the updated WPS training materials for both workers and handlers by July 1, 2017, then the requirements to train under the new content will not be required by January 2, 2018, and instead will be delayed six months from the date that the EPA publishes a notice in the *Federal Register* announcing the availability of the updated training materials.

Will the EPA have a process established to approve Train the Trainer courses should one be developed by a state agency, UF/IFAS Extension, or an NGO?

Yes. The EPA intends to distribute guidance for submission and approval of WPS Train the Trainer programs, and will maintain a program and process for approving these programs.

I previously completed a WPS Train the Trainer program for both workers and handlers that was offered by FDACS before the new rule requirements went into effect. Do I have to complete a new Train the Trainer program before I can legally train workers or handlers under the new WPS requirements?

Yes. The EPA has not previously approved state WPS Train the Trainer programs, but the new rule requires Train the Trainer programs to be approved by the EPA in order for persons to be recognized as qualified trainers under the rule's new requirements. Therefore, in the absence of meeting one of the other WPS trainer qualifications, persons must complete a new EPA-approved Train the

Trainer program for workers and/or handlers, as appropriate, in order for them to be able to legally train workers and handlers under the new rule requirements. This will ensure that persons who completed previous Train the Trainer programs are made aware of the new training content and other applicable training requirements of the revised rule.

What are the new training content requirements for workers under the revised WPS, and what is the complete list of training points/topics that must be covered for workers under the revised WPS?

The pesticide safety training for workers under the revised WPS must include all of the following after January 2, 2018:

- The responsibility of agricultural employers to provide workers and handlers with information and protections designed to reduce work-related pesticide exposures and illnesses. This includes ensuring workers and handlers have been trained on pesticide safety, providing pesticide safety and application and hazard information, decontamination supplies and emergency medical assistance, and notifying workers of restrictions during applications and on entering pesticide treated areas. A worker or handler may designate in writing a representative to request access to pesticide application and hazard information.
- How to recognize and understand the meaning of the posted warning signs used for notifying workers of restrictions on entering pesticide treated areas on the establishment.
- How to follow directions and/or signs about keeping out of pesticide treated areas subject to a restricted-entry interval and application exclusion zones.
- Where and in what forms pesticides may be encountered during work activities, and potential sources of pesticide exposure on the agricultural establishment. This includes exposure to pesticide residues that may be on or in plants, soil, tractors, application and chemigation equipment, or used personal protective equipment, and that pesticides may drift through the air from nearby applications or be in irrigation water.
- Potential hazards from toxicity and exposure that pesticides present to workers and their families, including acute and chronic effects, delayed effects, and sensitization.
- Routes through which pesticides can enter the body.
- Signs and symptoms of common types of pesticide poisoning.
- Emergency first aid for pesticide injuries or poisonings.
- Routine and emergency decontamination procedures, including emergency eye flushing techniques, and if pesticides are spilled or sprayed on the body to use decontamination supplies to wash immediately or rinse off in the nearest clean water, including springs, streams, lakes or other sources if more readily available than decontamination supplies, and as soon as possible, wash or shower with soap and water, shampoo hair, and change into clean clothes.
- How and when to obtain emergency medical care.
- When working in pesticide treated areas, wear work clothing that protects the body from pesticide residues and wash hands before eating, drinking, using chewing gum or tobacco, or using the toilet.
- Wash or shower with soap and water, shampoo hair, and change into clean clothes as soon as possible after working in pesticide treated areas.
- Potential hazards from pesticide residues on clothing.
- Wash work clothes before wearing them again and wash them separately from other clothes.
- Do not take pesticides or pesticide containers used at work to your home.
- Safety data sheets provide hazard, emergency medical treatment, and other information about the pesticides used on the establishment they may come in contact with. The responsibility of agricultural employers to do all of the following:
 - Display safety data sheets for all pesticides used on the establishment.
 - Provide workers and handlers information about the location of the safety data sheets on the establishment.
 - Provide workers and handlers unimpeded access to safety data sheets during normal work hours.
- The rule prohibits agricultural employers from allowing or directing any worker to mix, load, or apply pesticides or assist in the application of pesticides unless the worker has been trained as a handler.
- The responsibility of agricultural employers to provide specific information to workers before directing them to perform early-entry activities. Workers must be 18 years old to perform early-entry activities.
- Potential hazards to children and pregnant women from pesticide exposure.
- Keep children and nonworking family members away from pesticide treated areas.

- After working in pesticide treated areas, remove work boots or shoes before entering your home, and remove work clothes and wash or shower before physical contact with children or family members.
- How to report suspected pesticide use violations to the state or Tribal agency responsible for pesticide enforcement.
- The rule prohibits agricultural employers from intimidating, threatening, coercing, or discriminating against any worker or handler for complying with or attempting to comply with the requirements of this rule, or because the worker or handler provided, caused to be provided or is about to provide information to the employer or the EPA or its agents regarding conduct that the employee reasonably believes violates this part, and/or made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing concerning compliance with this rule.

What are the new training content requirements for handlers under the revised WPS, and what is the complete list of training points/topics that must be covered for handlers under the revised WPS?

The pesticide safety training for handlers under the revised WPS must include all of the training points/topics for workers PLUS the following after January 2, 2018:

- Information on proper application and use of pesticides.
- Handlers must follow the portions of the labeling applicable to the safe use of the pesticide.
- Format and meaning of information contained on pesticide labels and in labeling applicable to the safe use of the pesticide.
- Need for and appropriate use and removal of all personal protective equipment.
- How to recognize, prevent, and provide first aid treatment for heat-related illness.
- Safety requirements for handling, transporting, storing, and disposing of pesticides, including general procedures for spill cleanup.
- Environmental concerns, such as drift, runoff, and wildlife hazards.
- Handlers must not apply pesticides in a manner that results in contact with workers or other persons.
- The responsibility of handler employers to provide handlers with information and protections designed to reduce work-related pesticide exposures and illnesses. This includes providing, cleaning, maintaining, storing, and ensuring proper use of all required personal protective equipment; providing decontamination supplies; and providing specific information about pesticide use and labeling information.

- Handlers must suspend a pesticide application if workers or other persons are in the application exclusion zone.
- Handlers must be at least 18 years old.
- The responsibility of handler employers to ensure handlers have received respirator fit-testing, training and medical evaluation if they are required to wear a respirator by the product labeling.
- The responsibility of agricultural employers to post treated areas as required by this rule.

Additional Information

Fishel, F.M. 2015. *A Summary of Revisions to the Worker Protection Standard – 2015*. PI-261. Gainesville: University of Florida Institute of Food and Agricultural Sciences. <https://edis.ifas.ufl.edu/pdffiles/PI/PI26100.pdf>

US EPA. 2016. *How to Comply with the 2015 Revised Worker Protection Standard for Agricultural Pesticides: What Owners and Employers Need to Know*. EPA 735-B-16-001. United States Environmental Protection Agency. https://www.epa.gov/sites/production/files/2016-09/documents/htcmanual_final.pdf.