

Worker Protection Standard: Information at a Central Location¹

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The Agricultural Worker Protection Standard (WPS) is a federal regulation designed to protect agricultural workers (people involved in the production of agricultural plants) and pesticide handlers (people mixing, loading, or applying pesticides or doing other tasks involving direct contact with pesticides). It has been in full implementation since 1995. This document provides general guidance to help you comply with the requirements of the federal Worker Protection Standard (WPS) for agricultural pesticides, 40 CFR part 170, as amended in 2015. This document provides responses to some frequently asked questions about the WPS requirements but does not include all of the information necessary to be in compliance with the WPS, nor does it contain all of the requirements of the WPS. A complete reference for the WPS is provided by How to Comply with the Worker Protection Standard for Agricultural Pesticides: What Owners and Employers Need to Know http://www.epa.gov/sites/production/files/2016-09/documents/htcmanual_final.pdf.

What are an agricultural establishment employer's basic responsibilities regarding information to be displayed at a central location for their employees?

- Worker employers. Worker employers must make sure that certain information, described below, is displayed at a central location whenever 1) any worker they employ is on their agricultural establishment and 2) a pesticide is about to be applied or has been recently applied.
- Handler employers. Handler employers must make sure that certain information, described below, is displayed at a central location whenever 1) any handler they employ is on their agricultural establishment and 2) a pesticide has been recently applied. However, this information does not need to be displayed if only commercial (custom) pesticide handlers will be on the agricultural establishment.

What information must be displayed?

- Pesticide-specific application information. This must include
 - the crop or site treated along with the location and description of the area to be treated;
 - product name;
 - the EPA registration number;
 - active ingredient(s) of the pesticide;
 - time and date the pesticide application started and ended;
 - product safety data sheet(s); and,
 - restricted-entry interval (REI) for the pesticide.
- *Emergency information.* This must include the name, telephone number, and address of the nearest emergency medical facility.
- *Pesticide safety poster.* This must be either the WPS safety poster developed by EPA or an equivalent poster that

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contains the concepts listed in Criteria for Pesticide Safety Information (US EPA 2016; p. 23)

Could a WPS-covered establishment that has to maintain a central display site choose to make their safety data sheets (SDSs) and application information available in electronic format?

Yes, the Environmental Protection Agency (EPA) agrees that the requirements for retention and display of application records and the SDSs (formerly known as MSDSs) could both be met with electronic records as long as all the other applicable requirements regarding content, location, accessibility, legibility and display, and retention times are met. Workers and handlers would need to have unrestricted access to the computer or another device at all times during their normal work hours and would need to be instructed on how to access the electronic records on the computer or electronic device used.

When a commercial applicator does an application for someone, could they give an electronic copy of the SDS instead of a paper copy?

Yes. The EPA agrees it would be acceptable for the commercial applicator or commercial pesticide handler employer (CPHE) to provide the SDS to the agricultural establishment electronically since the agricultural employer has the option of displaying the information electronically or printing it off for display depending on the choice of the agricultural establishment. However, note that there is no WPS requirement imposed on the commercial applicator (or CPHE) to provide a copy of the SDS to the agricultural employer. Under the revised WPS, the CPHE is required to provide the agricultural employer all of the following information before the application of any pesticide on an agricultural establishment after January 2, 2017:

- Specific location(s) and description of the area(s) to be treated
- Date(s), start times, and estimated end times of application;
- Product name, the EPA registration number, and active ingredient(s);
- Labeling-specified restricted-entry interval applicable for the application;
- Whether posting, verbal notification, or both are required; and
- Any restrictions or use directions on the pesticide product labeling that must be followed for the protection

of workers, handlers, or other persons during or after application.

It is the responsibility of the agricultural employer to obtain and display the SDS for any WPS-covered pesticides used on the establishment if the agricultural establishment employs workers or handlers. Although the CPHE is not required to provide a copy of the SDS to the agricultural employer, the EPA encourages the CPHE to do so since the pesticide registrant/distributor should provide copies of the SDS to them with the pesticide.

Can SDSs be maintained in notebooks? Where should they be kept?

Yes, the SDSs may be maintained in a notebook as long as the notebook is accessible at the central display site and as long as all the other applicable requirements regarding content, location, accessibility, legibility and display, and retention times are met.

Must SDSs and application information be made available in languages other than English?

No. English is the only required language for SDSs and application information.

Does the WPS require SDSs to be provided in a language the workers or handlers can read or understand? Are Spanish language SDSs or SDSs in other languages commonly available in the US? Can an employer or establishment choose to provide Spanish language SDSs if they are available?

The WPS does NOT require SDSs to be provided in any other language besides English. Some registrants and chemical producers have developed SDSs in Spanish, but there is no OSHA requirement under the SDS regulation for them to produce Spanish language SDSs in the United States; therefore, they are not commonly available. We are not aware of SDSs being commonly produced and distributed in other languages in the United States. However, the EPA encourages employers to provide SDSs in Spanish if they are available and if it may better serve the needs of their employees.

The WPS allows the employer 24 hours after an application before the SDS and pesticide application information have to be made available at the central display site. If an REI is less than 24 hours, won't this place workers at risk for not being made aware of the application?

No. The agricultural employer has a separate requirement under the WPS to notify all workers on the establishment of any area on the establishment that is being treated with pesticides or that may be under an REI if those workers may come within a quarter mile of such areas. The notification must be provided verbally or by posting the area with the WPS warning sign. The notification must be provided prior to the application or at the start of the workers' work period if they will be coming on to the establishment when applications are ongoing or an REI is already in effect. The rule also prohibits workers from being allowed in a treated area, and they are prohibited from entering an area under an REI (even if allowed under early entry exceptions) until the SDS and application information have been made available at the central display site.

Do private applicators have to keep the records required by the WPS? I thought the EPA was not allowed to establish private applicator recordkeeping requirements.

Private applicators are required by the WPS to maintain records only if the applicator is also an agricultural employer or other person required by the WPS to maintain records. The WPS does not impose recordkeeping requirements on private applicators in regard to their activities as private applicators. However, being a private applicator does not exempt a person who is also an agricultural employer from the WPS recordkeeping requirement applicable to agricultural employers. The WPS requires "agricultural employers" to keep certain records if they employ workers and/or handlers on the establishment and use WPS-labeled products in the production of agricultural plants. The fact that an agricultural employer may also be a private applicator does not affect the applicability of the WPS requirements to that person if they are covered by the rule due to the nature and scope of their activities as an agricultural employer.

When are establishments required to display the new pesticide safety information ("safety posters") required by the new rule revisions?

Establishments will be required to display the new pesticide safety information ("safety posters") as of January 2, 2018. The poster contains basic information to help prevent pesticides from getting into the bodies of workers and handlers.

Will the EPA be developing new "safety posters" that comply with the new WPS requirements for displaying pesticide safety information?

Yes. The EPA intends to develop a new "safety poster" that will meet the pesticide safety information display requirements. The EPA expects to make the poster available by July 2017 so that employers will have access to complying materials prior to the January 2, 2018, implementation date for the requirements.

Can an employer or establishment choose to develop their own version or form of display for the new pesticide safety information ("safety poster") required by the new rule revisions? Do they have to get their version or display approved by the EPA?

Yes, an employer or establishment can choose to develop their own version or form of display for the new pesticide safety information ("safety poster") as long as it meets the requirements of the rule. They do not have to get their version or display approved by the EPA, but it must meet the requirements outlined in the rule.

Can an employer or establishment choose to display the new pesticide safety information ("safety poster") required by the rule revisions before the new requirements go into effect? Will they be in violation of the WPS if they update the display before January 2, 2018?

An employer or establishment can choose to display the new pesticide safety information ("safety poster") that is required by the rule revisions before the new requirements go into effect. An employer or establishment will not be in violation of the WPS if they update the display before January 2, 2018. The EPA specifically amended the WPS to allow an employer/establishment to satisfy current requirements for a safety poster by complying with the new requirements for the display of pesticide safety information.

Where must the information be displayed?

Display the required information together in a central location on your agricultural establishment where it is readily accessible and can be easily seen and read by workers and handlers (Figure 1). Exception: if the workplace is a forest, you may display the information near the forest. It must be in a location where workers and handlers can easily see and read it and where they are likely to gather or pass by. For example, you might display the information with the decontamination supplies, at an equipment storage site, or break area.



Figure 1. Display information at a central location on the establishment.

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When must the information be displayed?

Display the information whenever any worker or handler you employ is on your agricultural establishment and, in the past 30 days, a pesticide has been applied or an REI has been in effect. The information may be displayed continuously.

- If workers or handlers are on your establishment at the start of an application, display the required pesticide-specific information before the application takes place.
- If workers or handlers are not on your establishment at the start of an application, display pesticide-specific information no later than the beginning of their first work period.
- Continue to display pesticide-specific information when workers or handlers are on your establishment until
 - at least 30 days after the REI expires; or
 - at least 30 days after the end of the application, if there is no REI for the pesticides.

Are there other responsibilities that I need to be aware of concerning display information?

- Inform workers and handlers where the information is located.
- Allow workers and handlers free, unhampered access to the information.
- Be sure that the poster, emergency information, and application information remain legible during the time they are posted.

Promptly inform workers if there is any change in the information on emergency medical facilities and update the emergency information listed with the poster.

Additional Information

Fishel, Frederick M. 2015. *A Summary of Revisions to the Worker Protection Standard—2015*. PI-261. Gainesville: University of Florida Institute of Food and Agricultural Sciences. <http://edis.ifas.ufl.edu/pi261>

US EPA. 2016. *How to Comply with the Worker Protection Standard for Agricultural Pesticides: What Employers Need to Know*. EPA 735-B-05-002. United States Environmental Protection Agency. Revised 2016. http://www.epa.gov/sites/production/files/2016-09/documents/htcmanual_final.pdf.