

Worker Protection Standard: Notification and Hazard Communication ¹

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The 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 2015 Revised Worker Protection Standard for Agricultural Pesticides: What Owners and Employers Need to Know." <https://www.epa.gov/sites/production/files/2016-10/documents/hwcmanual-oct16.pdf>.

What are the basic responsibilities for notifications of pesticide applications on farms, forests, and nurseries?

Under most circumstances, employers must make sure that workers are notified about areas where pesticide applications are taking place or where restricted-entry intervals (REI) are in effect. The REI refers to the length of time that workers are not allowed to enter the treated areas in most cases. With the majority of pesticide products, employers have a choice of warning workers orally **or** posting treated

areas with signs. If labels do not specifically include language regarding posted signs warning workers, then an oral warning is all that is required. Some pesticide labels require you to notify workers both orally **and** with signs posted at entrances to the treated area. The warnings are in effect for those workers who are or will be within ¼ mile of the treated area. Notification requirements will be in the "Directions for Use" section of the pesticide labeling under the heading "Agricultural Use Requirements." If both types of notification are required, the following statement will be provided: "Notify workers of the application by warning them orally and by posting warning signs at entrances to treated areas."

What are the basic responsibilities for notifications of pesticide applications in greenhouses?

In greenhouses, you must post all treated areas, except those described below. If the labeling requires both types of notification, you must also notify workers orally. If workers will not be within the enclosed greenhouse during the REI, notification is not necessary.

What are the basic responsibilities for notifications of pesticide applications in shadehouses?

The same notification provisions that apply to farms, forests, and nurseries apply to shadehouses as they are also considered to be outdoor sites.

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What are the exceptions to notification requirements?

Oral warnings need not be given to:

- Any worker on your farm, forest, or nursery who will not be in the treated area, or walk within ¼ mile of a treated area, during the pesticide application or while the REI is in effect.
- Any worker who will not be in your greenhouse during a pesticide application or while a REI is in effect there. No warning is required for workers who are within ¼ mile of a greenhouse pesticide application.
- Any worker who applied (or supervised the application of) the pesticide and is aware of all of the information required to be given in the oral warning.

Treated area posting is not required if:

- No workers on your farm, forest, or nursery will be in the treated area, or walk within ¼ mile of the treated area, during the pesticide application or while the REI is in effect.
- No workers will be in the greenhouse during the pesticide application or while the REI is in effect there.
- The only workers for whom you need to post applied (or supervised the application of) the pesticide and are aware of all the information required to be given in the oral warning.

What type of signs are used for posting warnings?

Use WPS-design signs (Figure 1) when you post warnings at entrances to treated areas. If posting fumigant applications, use fumigant warning signs (Figure 2).



Figure 1.
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Figure 2.
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Where should I post the warning signs?

On farms, forests, and nurseries, post the signs so they can be seen from all points where workers usually enter the treated area, including at least:

- Each access road.
- Each border with any labor camp adjacent to the treated area.
- Each established walking route that enters the treated area.

When there are no usual points of worker entry, post the signs in the corners of the treated area or in places where they will be most easily seen. In greenhouses, post the signs so they can be seen from all points where workers usually enter the treated area, including doorways, aisles, and other walking routes (Figure 3). When there are no usual points of worker entry to the treated area, post the signs in the corners of the treated area or in places where they will be easily seen.

When should I post warning signs?

Timing and visibility of warning signs:

- Post signs 24 hours or less before the scheduled application of the pesticide.



Figure 3.

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- Keep signs posted during application and throughout the REI (if any).
- Remove the signs within 3 days after the end of the REI. If there is no REI for that application, remove the signs within 3 days after the end of the application.
- Keep workers out during the entire time the signs are posted (except for trained and equipped early-entry workers entering as permitted under WPS).
- Keep signs visible and legible while they are posted.

When several adjoining areas are to be treated with pesticides on a rotating or sequential basis, you may post the entire area at the same time. Worker entry, except for early entry permitted by the WPS, is prohibited for the entire area while the signs are posted.

What information must be conveyed to workers given an oral warning?

Oral warnings must include:

- The location and description of the treated area,
- The time during which entry is restricted, and
- Instructions not to enter the treated area until the REI has expired.

In what language must oral warnings be communicated?

Oral warnings must be communicated to workers in a manner they can understand.

When must I provide oral warnings to my workers?

The timing of oral warnings should be such that:

- Workers who are on your establishment at the start of an application must be orally warned before the application takes place;
- Workers who are not on your establishment at the start of an application must be orally warned at the beginning of their first work period if (1) the application is still taking place or (2) the REI for the pesticide is in effect.

I understand that if I am using a product where the label requires “double notification,” this means I have to post signs and provide oral notification in accordance with the WPS rule. If the pesticide product labeling has a REI greater than 48 hours, but it is not designated on the label as requiring “double notification,” do I still have to provide oral notification as well?

No. If the pesticide product labeling requires a REI greater than 48 hours and does not have a statement requiring both the posting of treated areas and oral notification to workers, then it is sufficient for the agricultural employer to notify workers of the application by posting warning signs in accordance with the WPS rule—oral notification is not required. If the pesticide product labeling has a statement requiring both the posting of treated areas and oral notification to workers, the agricultural employer must comply with both in accordance with the WPS rule.

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 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