

Updates to the Worker Protection Standards and Impacts on California. Leslie A. Crowl, Department of Pesticide Regulation, Worker Health and Safety Branch, 1001 I Street Sacramento CA, 95812. leslie.crowl@cdpr.ca.gov

In 1992 the United States Environmental Protection Agency (U.S. EPA) implemented a set of regulations known as the Worker Protection Standards (WPS) to address worker safety concerns in the agricultural industry. On November 2, 2015, EPA published revisions to the WPS to address continuing concerns for the safety of agricultural workers and bring the regulations up to other industry safety standards. Several revisions to the WPS will affect certain California regulations relating to: pesticide safety training for workers and handlers, notification, hazard communication, drift, age, displaying pesticide safety information, decontamination, and agricultural exemptions. Not all of the U.S. EPA's revisions to the WPS will impact California regulations however some adjustments will need to be made.

U.S. EPA is shortening the retraining interval for workers and handlers from once every five years to annually. California requires annual training for handlers and will now be requiring annual training for field workers. U.S. EPA will be requiring employers to keep and maintain records of pesticide safety training(s) for their workers and handlers for two years. California requires record keeping for handlers and will now be requiring recordkeeping for workers. U.S. EPA is expanding the pesticide safety topics that workers and handlers are required to be trained on to include topics such as: take home exposure, application exclusion zones, and minimum age requirements. California has most of these topics covered in their Pesticide Safety Information Series (PSIS) but will need to codify the topics into regulation.

U.S. EPA is requiring field posting of pesticide warning signs for all applications of pesticides with a Restricted Entry Interval (REI) greater than 48 hours. California will now require posting for REI's greater than 48 hours instead of the current seven-day requirement.

U.S. EPA is requiring the employer to display pesticide hazard information (Safety Data Sheets) at the central display along with application information. California will now require Safety Data Sheets to be available at the central display instead of being provided upon request. U.S. EPA is requiring employers to maintain pesticide application information and pesticide hazard information for two years (information still only needs to be at the central display for 30 days + REI). California already has this requirement but must now allow for "designated representatives" to formally request this information in writing.

U.S. EPA is expanding their requirements for "entry restricted areas" to include outdoor production areas and has renamed these areas "application exclusion zones." For outdoor production, these zones may extend up to 100 feet around the application equipment during the application. California will incorporate U.S. EPA's exclusion zones into California regulations.

U.S. EPA is requiring all pesticide handlers and early entry workers, working in an agricultural setting, to be at least 18 years old. California will expand their current age requirements to require agricultural handlers and early entry workers to be at least 18 years old.

U.S. EPA is requiring employers to post pesticide safety information at all decontamination sites servicing 11 or more workers in addition to their current requirement for the information to be at a central location. California will now require employers to post an A-8 and/or A-9 at each decontamination site servicing 11 or more workers.

U.S. EPA is codifying into their decontamination regulations required amounts of water to be provided to workers and handlers measured at the start of their workday. Workers must be supplied with at least 1 gallon of water per worker; early entry workers and handlers must be supplied with 3 gallons of water per early entry worker/handler. California will codify U.S. EPA's water requirements into regulation. U.S. EPA is requiring an ocular decontamination system, capable of flushing the eyes gently with water for 15 minutes, to be available at all mixing and loading sites when the handler is mixing/loading a pesticide that requires protective eyewear or operating a closed system. California will add this requirement to regulation.

U.S. EPA is removing their exemption that allows employees working under a Certified Crop Advisor, performing crop advising tasks, to be exempt from certain PPE and re-entry worker requirements. California will now no longer allow this exemption either. U.S. EPA is removing their exemption that allows applicators to forego respiratory protection in an "enclosed cab approved for respiratory protection." Handlers will be required to wear the label required respirator unless the only label-specified respiratory protection is a filtering facepiece respirator (NIOSH approval number prefix TC-84A) or dust/mist filtering respirator. California will mirror U.S. EPA's change and remove the exemption for "enclosed cabs approved for respiratory protection."

U.S. EPA's new WPS requirements will go into effect in two rounds. The first round will be implemented January 2017 and will include all changes except the requirement to train workers on the new pesticide safety topics. U.S. EPA is delaying implementing their required training topics until January 2018 to allow time for U.S. EPA to generate new training materials.