

Chapter 2

Regulations Governing Insecticides, Acaricides, and Transgenic Crops: Implications of Federal and State Regulations for Users

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The Worker Protection Standard

The U.S. Environmental Protection Agency (EPA) Worker Protection Standard (WPS) became effective in 1995 to protect farm workers from pesticide risks that they may encounter on the job. The WPS makes agricultural employers responsible for protecting their employees from pesticides. Employers are required to provide training, information, decontamination facilities, and emergency assistance.

The following summary is not intended to cover all requirements of WPS. Complete details of WPS compliance are available at <http://www.epa.gov/pesticides/safety/workers/PART170.htm>.

Who must comply? Forestry operations, nurseries (including sod production), greenhouses, and farms are subject to WPS if they have employees who are involved in the production of plants. For example, a forestry company must provide WPS protections for workers who plant trees but not for employees who only work in the office.

Under current WPS interpretation, educational facilities, including schools, colleges, technical schools, are subject to WPS regulations if they have forestry, nursery, greenhouse, or farm operations. For example, students in a greenhouse course must be provided all WPS protections because their education is considered to be compensation for their labor.

Commercial pesticide applicators and crop consultants also must comply with WPS if they provide services to any agricultural operation that is subject to WPS.

Why should I comply? As the result of an unfavorable report from the U.S. Government Accounting Office in 2000 (<http://www.gao.gov/new.items/rc00040.pdf>), the EPA and state regulatory agencies are paying greater attention to WPS. Agricultural operations that do not com-

ply with WPS are subject to regulatory fines and increased liability in civil lawsuits. State pesticide officials include WPS as part of their regular inspections. Failure to comply may result in fines, loss of pesticide license/certification, and interruption of agricultural operations.

Who is exempt? The WPS regulations do not apply to agricultural operations that only employ members of the immediate family. Any agricultural operation with even one nonfamily employee involved in plant production must comply fully with WPS.

Animal operations and pastures are not subject to WPS. Golf courses and lawn care services are not subject to WPS. Keep in mind, however, that every pesticide user must comply with all pesticide labeling.

WPS: Workers and Handlers

The WPS identifies two groups of agricultural employees, pesticide handlers and agricultural workers; and the WPS requirements differ for each group. Agricultural workers may never enter a treated area before the reentry interval (REI) expires except under certain narrow exceptions.

A pesticide handler is anyone who is employed (including self-employed) for any type of compensation by an agricultural establishment or a commercial pesticide-handling establishment that uses pesticides in the production of agricultural plants on a farm, forest, nursery, or greenhouse AND is doing any of these activities.

- mixing, loading, transferring, or applying pesticides
- handling opened containers of pesticides
- acting as a flagger



Pesticide handler (J. All photo).