

Worker Protection Standard

WSDA has adopted rules updating Worker Protection Standards to correspond to federal regulations. The new rules became effective January 13, 2018.

The Environmental Protection Agency's (EPA) Agricultural Worker Protection Standard (WPS) is aimed at reducing the risk of pesticide poisoning and injury among agriculture workers, pesticide handlers, and the public. In 2015, EPA revised the WPS to implement stronger protection. The changes address worker training, information posting, application, decontamination and other issues. Most of the EPA requirements became effective on January 2, 2017 and were adopted by WSDA effective January 13, 2018. Two additional EPA requirements—for an updated safety poster and for handlers to suspend an application if a person is within the application exclusion—went into effect in January 2018.

In Washington State, the Washington State Department of Agriculture (WSDA) and the Washington State Department of Labor and Industries (L&I) jointly enforce WPS and are responsible for revising their respective WPS regulations to conform with EPA's changes.

How will changes to WPS affect you?

Before EPA adopted WPS changes, many of Washington's rules were stricter and more protective than federal requirements. Where this was not the case, provisions of the new federal standards have been incorporated into WSDA's new rules, such as:

- **Workers and handlers must be trained every year** instead of every five years, as previously required. As previously, training must use EPA-approved materials and now must cover additional topics including how to reduce take-home exposure from pesticides. Also, a record of that training must be kept for two years.
 - Exceptions:
 - Handlers who are currently certified as applicators of restricted use pesticides
 - Handlers who are certified or licensed as crop advisors by a program acknowledged as appropriate in writing by EPA or the State or Tribal agency responsible for pesticide enforcement
- Per an EPA Notification of Availability issued on June 22, 2018, updated training materials covering expanded training content required by WPS are now available and must be implemented in trainings within 180 days of this notice.
- The type of information and location where it's displayed have been expanded and specified. For example, Safety Data Sheets must be posted along with application and safety info in a spot that's easily seen by workers and handlers.
- Agricultural employers must keep everyone – except properly trained and equipped pesticide handlers – out of the area surrounding the application equipment as pesticides are being applied.

WSDA is coordinating with L&I, which is in the process of updating its own rules to reflect the federal WPS. An effective date for L&I's rules has not yet been identified. While each agency's rulemaking process is separate, and L&I's updates are still in process, state law does require that both agencies' rules be consistent.

WSDA will continue education and outreach efforts through the 2018 growing season before beginning enforcement of the new rules, allowing industry members time to implement the changes.

The revised WPS is complex. To help you navigate the complexities of the revised WPS, the Pesticide Educational Resources Collaborative (PERC) had developed a web-based guide, the [WPS Compliance Assistance Library](#), to help agricultural establishments comply with WPS.

Are more changes to come?

In addition to L&I's adoption of the revised EPA rules in 2018, the Environmental Protection Agency (EPA) has initiated a process to again revise certain requirements in the Worker Protection Standard (WPS). EPA expects to publish a Notice of Proposed Rulemaking to solicit public input on proposed revisions to the WPS requirements for minimum ages, designated representatives, and application exclusion zones.

What is Winegrowers doing for you?

Winegrowers is advocating for WSDA and L&I to engage in a harmonized process of rules updating and to provide clear, consistent, complete and timely information to stakeholders regarding changes and education. Additionally, Winegrowers sponsored WSDA WPS training in 2018 and is booking 2019 and 2020 training sessions.

More information:

Take caution not to rely on any one source for compliance information. Always contact your state regulatory agency with compliance questions.

WPS Compliance Assistance Library:
<http://pesticideresources.org/wps/index.html>

Quick Reference Guide:
<http://www.pesticideresources.org/wps/hosted/quickrefguide-med.pdf>

Quick Reference Guide (Spanish):
<http://www.pesticideresources.org/wps/hosted/quickrefguide.es.pdf>

What type of WPS training is needed?
<http://www.pesticideresources.org/wps/hosted/training-table.pdf>

Washington State WPS and Occupational Safety and Health Association (OSHA) Contacts:
<http://npic.orst.edu/workermlrDetail.html?state=WA&to=WPS#wps>

[Washington State Department of Agriculture](#)

Pesticide Management Division
509-249-6939 (WPS)
360-902-2040 (compliance)
<https://agr.wa.gov/PestFert/Pesticides/WorkerProtection.aspx>

- How can I make sure that our workplace is complying with WPS?
- Where can I get copies of the posters required at central posting?
- I'm concerned that my employer isn't following the rules

- Who can help me with pesticide label questions related to the ‘Agricultural Use Requirements’

Washington State Department of Labor and Industries (L&I)

L&I DOSH office locations: <http://www.lni.wa.gov/Main/ContactInfo/OfficeLocations/>

- How to report unsafe working conditions
<http://www.lni.wa.gov/Safety/TrainingPrevention/Help/ReportHazards/complaints.asp>
- How can I make sure our workplace complies with occupational safety rules for agricultural employers in Washington State?
<http://www.lni.wa.gov/Safety/Topics/Industries/Agriculture/rules.asp>
- How to select personal protection equipment (PPE) that is right for the job
- How to Request a confidential, no-cost, safety and health Consultation
<http://www.lni.wa.gov/Safety/Consultation/default.asp>

Occupational Safety and Health Administration

Commercial and State or Local Government Employees
Search for your specific area: <https://www.osha.gov/oshdir/wa.html>

OSHA Bellevue Area Office – for Federal Employees 425.450.5480

- How to report unsafe working conditions
- How to comply with occupational safety rules
- How to select personal protection equipment (PPE) that is right for the job

Training:

WSDA WPS trainings:

<https://agr.wa.gov/PestFert/LicensingEd/FarmworkerEducation.aspx#TrainingSchedule>

Materials and resources: <http://pesticideresources.org/wps/training/index.html>

EPA Notice of Availability: <https://www.federalregister.gov/documents/2018/06/22/2018-13353/pesticides-agricultural-worker-protection-standard-notification-of-availability>

November 1, 2018