



**College of Tropical Agriculture
and Human Resources**
University of Hawai'i at Mānoa

PESTICIDE RISK REDUCTION EDUCATION

Does the Worker Protection Standard Apply to You?

August 2016

A STUDY GUIDE
FOR PERSONS SEEKING CERTIFICATION
BY THE STATE OF HAWAII DEPARTMENT OF AGRICULTURE
TO BUY OR USE
RESTRICTED USE PESTICIDES IN HAWAII

This study guide was developed for the Pesticide Risk Reduction Education program, a program of the College of Tropical Agriculture and Human Resources, University of Hawaii at Manoa. Please direct any question or comment about this guide to:

*Charles Nagamine
Department of Plant and Environmental Protection Sciences
3190 Maile Way Room 307
Honolulu, HI 96822
Telephone: (808) 956-6007
Email: cynagami@hawaii.edu*

The **Worker Protection Standard** or **WPS** is a federal regulation that requires agricultural employers to protect their agricultural employees from pesticides (including herbicides) used to produce agricultural plants in the U.S. The WPS is mainly about protecting employees who will *handle* the pesticides or who will *work* in or near areas treated with the pesticides. The employees need protection from the pesticides in diluted mixtures, fumes, dust, spray drift, or residue in soil, in water, or on the treated plants and from the pesticide products themselves.

A *handler* is an employee who does any of the following tasks:

- Mix, load, transfer, or apply pesticides.
- Handle opened containers of pesticides.
- Act as a “flagger.”
- Clean, handle, adjust, or repair the parts of mixing, loading, or application equipment that may contain pesticide residues.
- Assist with the application of pesticides, including incorporating the pesticide into the soil after the application has occurred.
- Enter a greenhouse or other enclosed area after application and before the inhalation exposure level listed on the product labeling has been reached or one of the worker protection standard (WPS) ventilation criteria has been met to operate ventilation equipment; adjust or remove coverings, such as tarps, used in fumigation; or check air concentration levels, entering a treated area outdoors after application of any soil fumigant to adjust or remove soil coverings, such as tarpaulins.
- Perform tasks as a crop advisor during any pesticide application, and before any inhalation exposure level or ventilation criteria listed in the labeling has been reached or one of the WPS ventilation criteria has been met during any restricted-entry interval.
- Dispose of pesticides or pesticide containers.

A farm mechanic could be a handler if he or she works on pesticide application equipment but does not apply a pesticide.

A *worker* is an employee who performs activities directly relating to the production of agricultural

plants, such as repotting plants, weeding, pruning, irrigating, and harvesting.

An employee may act as a handler and later act as a worker.

An *agricultural employer* could be any of these three: an owner of an operation producing the agricultural plants, a person responsible for the management or condition of such an operation, or a labor contractor who places a laborer at such an operation.

A small-farm owner may act as the employer, the handler, or the worker in different situations.

The Worker Protection Standard applies to you, as an agricultural employer, if all three of the following are true:

- Someone uses a pesticide in the production of agricultural plants at your farm, commercial forest, nursery, greenhouse, or other enclosed space or outdoor production area; and,
- The plants being produced are *agricultural plants*, which are plants grown or maintained for commercial or research purposes, for example, plants grown for their fruits, nuts, vegetables, melons, taro, corn or any other grain; mushrooms, edible sprouts, herbs, tobacco, beverages, spices, lumber, pulp, fiber, fuel, foliage, or flowers; and ornamental trees, shrubs, turfgrasses or other groundcovers to be transplanted; and,
- The pesticide is an *agricultural pesticide*. This type of pesticide has a label with a box of statements titled “AGRICULTURAL USE REQUIREMENTS” like this:

AGRICULTURAL USE REQUIREMENTS
Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR 170. This standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment, notification of workers, and restricted-entry intervals.

An employee of a government agency, educational institution, or a nonprofit organization may be covered by the WPS rules if he or she is involved in producing “agricultural plants” even if the operation is not commonly thought of as “agricultural.”

A custom applicator or for-hire pesticide applicator must comply with the WPS rules when he or she provides service as a handler at an operation where the WPS applies.

A pest management advisor and family members who help on a family farm must comply with some of the WPS requirements.

But the WPS does *not* apply to the following pesticide uses even if they occur on agricultural sites:

- Government-sponsored public pest control programs over which the owner, agricultural employer and handler employer have no control (e.g., mosquito abatement and Mediterranean fruit fly eradication programs),
- Use on plants other than agricultural plants, including plants in home fruit and vegetable gardens and home greenhouses, and permanent plantings for ornamental purposes, such as plants that are in ornamental gardens, parks, public or private landscaping, lawns or other grounds that are intended only for aesthetic purposes or climatic modification,
- Use for control of vertebrate pests, unless directly related to the production of an agricultural plant,
- Use as attractants or repellents in traps,
- Use on the harvested portions of agricultural plants or on harvested timber (e.g., wood preservation and post-harvest or stored commodity applications),

- Research uses of unregistered pesticides,
- Use on pasture and rangeland where the forage will not be harvested for hay, and
- Use in a manner not directly related to the production of agricultural plants, including, but not limited to livestock pest control (e.g., pesticide applications on livestock or other animals or in or about animal premises), structural pest control and control of vegetation in non-crop areas

If the WPS applies at your enclosed space or outdoor production area, you should read the “How to Comply Manual.” It explains what agricultural employers must do to comply with the WPS rules. You should study the manual if you are planning to take one of the Hawaii Department of Agriculture’s restricted use pesticide certification exams for any of these categories of pesticide applicators: Private 1, Commercial 1a, Commercial 2, Commercial 3, Commercial 4, or Commercial 10. The manual is available as a free, downloadable electronic file for computers and as a paper booklet. For more information about getting the manual, telephone 808-956-6007 or use a computer to follow the links for one of those categories starting at:

pestworld.stjohn.hawaii.edu/studypackets/spcatgor.html

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For more information about the Worker Protection Standard, read the two webpages listed below or contact a pesticide education specialist at one of these Hawaii Department of Agriculture offices:

Kauai applicators—Call the Honolulu office, either directly 808-973-9409 or 973-9411, or through the Kauai State Toll Free Access number 274-3141; and then enter extension 39409 or 39411 followed by “#.”

Oahu applicators—Call the Honolulu office directly 808-973-9409 or 973-9411.

Maui, Molokai or Lanai applicators—Call the Honolulu office, either directly 808-973-9409 or 973-9411; or through the Maui State Toll Free Access number 984-2400 and then extension 39409 or 39424 followed by “#.” (808) 333-2844.

Hawaii island applicators—Call the Hilo office directly 808-974-4143 or 808-333-2844.

“Agricultural Worker Protection Standard (WPS)”

epa.gov/pesticide-worker-safety/agricultural-worker-protection-standard-wps

“Worker Protection Standard Frequently Asked Questions (4/14/2016)”

epa.gov/sites/production/files/2016-04/documents/wps-faq.pdf

Pesticide Risk Reduction Education is a program of the College of Tropical Agriculture and Human Resources of the University of Hawaii at Manoa. It receives funding from the State of Hawaii Department of Agriculture and the U.S. Department of Agriculture. Its staff provides study guides, short courses, and a newsletter for Hawaii's applicators of restricted use pesticides. These education and training activities support the Hawaii Department of Agriculture's program for certification of applicators of restricted use pesticides.

Pesticide Risk Reduction Education

pestworld.stjohn.hawaii.edu/epp/pat.html

Certification of Restricted Use Pesticide Applicators

hdoa.hawaii.gov/pi/pest/pesticide-applicator-certificationrecertification-2/

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