

EPA Update

Certification of Pesticide Applicators Regulation
Agricultural Worker Protection Regulation

Pesticide Program Dialogue Committee
November 3, 2016



Revisions to EPA's Certification of Pesticide Applicators Regulation

Schedule

- Proposed on 8/24/15
- Comment period ended 1/22/16
 - Extended several times
 - Final rule extensively revised to address comments
- EPA submitted final rule package to OMB 8/23/16
 - Expedited review



Status Update

- Over 700 unique comments
 - States, PSEPs, applicators, growers
 - Helpful in describing intricacies of their programs and how proposal would impact them
- State certification and recertification programs have developed in many different ways over past 40 years



Response to Public Comments

Comments guided EPA toward different ways to accomplish goals of the proposal:

- Continued competency of applicators
- Ensure competency of applicators working under the supervision of a certified applicator
- Establishing standards for adequate supervision

Based on comments, we considered flexible options for final rule to accommodate different approaches that states have taken



Implementation Plan

- Lengthy implementation period
- Extensive HQ/Regional outreach and education efforts
- Assoc. of American Pesticide Control Officials to facilitate state input on implementation
- HQ/Regional process for state certification plan review
 - National meeting to train Regional C&T coordinators, managers and project officers
- C&T Pesticide Regulatory Education Program Spring 2017
 - Extensive working session with state personnel on certification plan development and new training needs / resources
- Support from EPA's meetings resources cooperative agreement
- Support from Pesticide Educational Resources Collaborative (PERC) cooperative agreement



Agricultural Worker Protection Regulation

- EPA's WPS outreach and implementation effort
 - Activities
 - Cooperative agreements & contracts
 - Timing of materials
- Inspection guidance
- Ongoing implementation issues



Implementation Timeline

9/28/2015
Revised WPS
final rule
signed

11/2/2015
Revised WPS
final rule
published in the
Federal Register.

1/2/2017
Compliance
Required with
Most Revised
WPS
Requirements
Except:

- New content in Worker and Handler Training
- New content in Pesticide Safety Information Display
- Responsibility for Handlers related to the Application Exclusion Zone

1/2/2018
Compliance
Required with
All WPS
Requirements



Educate Regulators

- Develop broad understanding of WPS revisions among OPP & regional staff and state/tribal inspectors & program leads

Stakeholder Outreach

- Ensure stakeholders understand the WPS revisions, impacts and the timeline for implementation: regulated community, farmworker advocates and other NGOs; coordinate with other federal agencies

Materials Development

- Ensure that regulators, the regulated community and other stakeholders have the information they need to implement the WPS revisions: presentations, webinars, FAQs, fact sheets, How to Comply Manual, Inspector Guidance

Implement Pesticide Safety Training

- Ensure that updated pesticide safety training materials are available by June 2017 and that we have processes in place to approve train-the-trainer programs and pesticide safety training material



Status of WPS Implementation Activities

Educate EPA, state, tribal staff on new provisions

- Training for regions
- WPS PREP #1
- TPPC
- Tribal PIRT (R9)
- Region 10 inspectors
- Region 7 inspectors
- AAPCO
- Region 5 inspectors (WI, MN, MI, OH)
- PIRT/PREP pre-course webinar
- Region 8 inspectors
- Region 3 inspectors
- Region 2 inspectors
- WPS PIRT
- Western Regional Pesticides Meeting
- WPS PREP #2 (implementation)
- North Central Regional Pesticides Meeting
- Tribal PIRT
- Region 4 inspectors
- Region 5 inspectors (IN, IL)

Develop materials

- Comparison tables (English & Spanish)
- Overview PPTs (short & long)
- Detailed PPTs on each topic
- PPTs for different audiences
- FAQs
- Fact sheets: respirators, AEZ, training, haz comm, etc.
- How to Comply Manual
- Interpretive guidance (Q&As)
- Fact sheets by sector
- Inspector guidance
- Inspector pocket guide
- Pesticide safety information poster
- Interpretive guidance (Q&As)

- Process for approving train-the-trainer (TTT) programs
- Process for approving pesticide safety training materials
- Review/approve pesticide safety training materials from external groups
- Review/approve TTT programs
- Issue draft pesticide safety training materials for review and field testing
- Issue final pesticide safety training materials



EPA Grants and Contracts

- Implementation support from multi-year cooperative agreements
 - Assoc. of Farmworker Opportunity Programs – worker training
 - Pesticide Educational Resources Collaborative - resource development
 - Meeting support & facilitation
 - Pesticide safety education program funds distribution
- Implementation support from multi-year communication and outreach contracts
 - Hispanic Communication Network – focus on workers & handlers
 - The CauseWay Agency – focus on agricultural employers



National Farmworker Training



Photo courtesy of AFOP

- WPS Training
 - 30 states
 - WPS pesticide safety training to farmworkers
 - WPS Train-the-Trainer

Pesticide Educational Resources Collaborative (PERC)

- Cooperative agreement - UC Davis & Oregon State
 - <http://pesticideresources.org>
- First years focus on WPS priority resources
- WPS interactive web site
- Clearinghouse of WPS training materials
- Videos for training workers & handlers
- How to Comply Manual
- Train the trainer program



Outreach & Educational Material

- Available now
 - Summary tables (English & Spanish); overview PPTs, detailed PPTs on specific topics
 - FAQs (on-going) and AEZ interpretative guidance
 - WPS Quick Reference Guide
 - WPS How to Comply Manual
- Coming soon
 - Additional fact sheets on specific topics, other interpretive guidance (on-going)
 - Inspection Guidance
 - Inspector Pocket Guide



Ongoing WPS Implementation Issues

- Equivalency requests:
 - CA, ME, NH, NJ, OR, WA and WY
- AEZ implementation & interpretive guidance:
 - Meaning of “suspend application”
 - “Shelter-in-place” (i.e., what is allowed under the “do not contact” provision?)
 - Are easements considered “on the establishment
 - Guidance on the AEZ and chemigation
- Respirator training:
 - guidance on recordkeeping and verifying training through recordkeeping versus performance standard



Ongoing WPS Implementation Issues

- WPS Train-the-Trainer
 - Grandfathering for 2017?
- Training recordkeeping
 - guidance on accepting training records from other employers
- EPA pesticide product lists to support WPS compliance monitoring:
 - Products requiring a respirator
 - Products requiring protective eyewear
 - Products requiring double notification
 - Products requiring REIs > 48 hours
- FRN to make “technical corrections” to WPS



Additional WPS Resources

- www2.epa.gov/pesticide-worker-safety
- www.pesticideresources.org



Contacts

- Kevin Keaney, keaney.kevin@epa.gov
- Richard Pont, pont.richard@epa.gov
- Nancy Fitz, fitz.nancy@epa.gov
- Carolyn Schroeder, schroeder.carolyn@epa.gov
- Michelle Arling, arling.michelle@epa.gov
- Kathy Davis, davis.Kathy@epa.gov
- Jeanne Kasai, kasai.Jeanne@epa.gov
- Carol Galloway, galloway.carol@epa.gov (OECA)