

Worker Protection Standard (WPS) Update

May 8-9, 2019 Pesticide Program Dialogue Committee Meeting

Summary:

- The EPA issued a final rule in November 2015, establishing staggered compliance dates for implementation of the changes to the Agricultural Worker Protection Standard. As you know, most of the new WPS requirements went into effect in January 2017; the remaining requirements went into effect in January 2018.

Background:

- The Worker Protection Standard primarily seeks to protect and reduce the risks of injury or illness to agricultural workers and pesticide handlers, resulting from use and contact with pesticides on farms, forests, nurseries and greenhouses.
- EPA received public comments on certain aspects of the WPS.
 - **Application Exclusion Zone**
- On March 13, 2019, EPA sent proposed AEZ revisions to OMB for review.
- Following OMB review, EPA will send the draft proposed revisions to USDA and to the House and Senate Agriculture committees as required under FIFRA.
- Once OMB and FIFRA reviews are complete, we will work through a transparent, public notice and comment rulemaking process to reconsider the AEZ provision of the WPS Rule where we have heard concerns.
 - **Pesticide Safety Programs**
- OCSPP's worker safety program coordinates with grantees to train farmworkers and develop materials in appropriate languages to inform workers of pesticide risks.
- PRIA includes registration service fee **set-asides of \$2 million dollars** for worker protection activities, partnership grants, and pesticide safety education programs.
- Some of the work being done through cooperative agreements funded in part by PRIA set asides in FY18 included:
 - **150 pesticide safety trainers** in 30 states delivered WPS pesticide safety training to **over 7,600 farm workers**
 - New WPS pesticide safety training videos for farm workers and pesticide handlers in English and Spanish
 - Distribution of **over 16,000 materials** to farm workers and their families on preventing take home exposure

Certification and Training Rule Update

Summary:

- Status of the Certification of Pesticide Applicators Rule, commonly referred to as Certification & Training (C&T) Rule. EPA issued a revised final Certification of Pesticide Applicators rule on January 4, 2017. The rule became effective on March 6, 2017, and established a deadline of March 6, 2020, for states to submit revised certification plans to EPA documenting their

compliance with the new rule's requirements.

Background:

- Certification programs are administered by the states, tribes and other federal agencies to ensure that applicators are competent to apply restricted use pesticides, typically the most acutely toxic pesticides registered by the EPA.
- The EPA understands the critical role that states, tribes and other federal agencies play in implementing the C&T program and are committed to working with our state, tribal and federal partners to ensure a protective, yet flexible, certification and training standard.
- All states, tribes and other federal agencies with existing certification programs must submit revised certification plans that comply with the 2017 Certification of Pesticide Applicators rule by March 4, 2020. Tribes may choose to update an existing plan, rely on EPA's Plan for Indian Country, or opt out of a plan.
- States, tribes and other federal agencies are required to submit a timeline and schedule for changes along with the revised certification plans.
- Revised plan submissions may contain sections that are pending and/or contingent upon legislative/regulatory action.
- Existing plans remain in effect until EPA approves or rejects the revised plan or March 4, 2022, whichever is earlier.
- Timeframe for implementation/compliance with revised certification plan will be decided on a case-by-case basis as part of EPA's review and approval of each revised certification plan.
- In February 2019, EPA released guidance materials to assist states, tribes and other federal agencies in developing their revised certification plans in response to the 2017 Certification of Pesticide Applicators Rule.
- We held several training sessions in 2017 and 2018 for states and tribes to prepare them for implementation of the revised C&T rule and recently presented the following:
 - Webinar with tribes (April 2019)
 - Pre-PREP webinars (April 2019)
 - Lead presentations for multiple sessions during the national Pesticide Regulatory Education Program (PREP) course for all states on April 29 - May 3, 2019.