

# **Pesticide Worker Safety Programs Update**

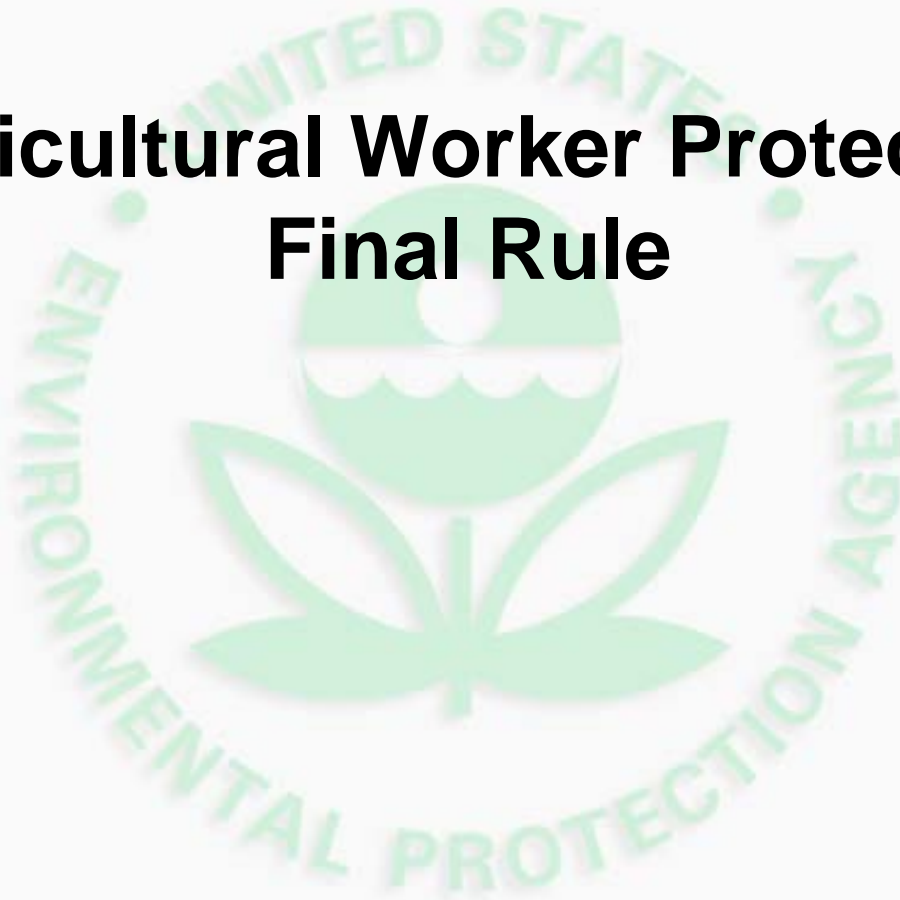
Kevin Keaney, US EPA/OPP  
Pesticide Program Dialogue Committee  
November 2, 2017



# Agenda Topics

- Agricultural Worker Protection Final Rule
  - PPDC Dialogue: Applicator Exclusion Zone, Designated Representative, Minimum Age
- Certification of Pesticide Applicators Proposed Rule
  - PPDC Dialogue: Minimum Age
- Grant Support for Pesticide Worker Safety Programs

# **Agricultural Worker Protection Final Rule**





# EPA's Outreach and Implementation

## 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



# Compliance Date Change Requests

- Feb 21, 2017: Petition from NASDA to postpone compliance date to at least Jan 2018
- May 11, 2017: EPA grants petition
  - Grant request to extend implementation of all revised WPS provisions until necessary guidance & trainings have been completed, which would allow states to successfully implement the changes
- Officially, compliance date has not changed yet
  - EPA needs to issue a Federal Register notice to change the compliance date

# PERC Projects

**Web site: <http://pesticideresources.org>**

- Clearinghouse of WPS materials
- How to Comply Manual
- WPS compliance suite
- Updated central posting materials
- Train the trainer program
  - Manual & TTT presentations
  - Online TTT modules (Nov 2017)
  - Spanish TTT manual & presentations (Nov 2017)
- Videos for training workers & handlers
- Pesticide safety information/poster
- Respirator information (Spring 2017)



# 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:**

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

*Note: Compliance with new content in worker and handler training will be required 6 months after EPA publishes Federal Register notice about training materials being available.*



# Regulatory Reform Agenda

- Executive Order on Regulatory Reform
- EPA offices conducted outreach & provided recommendations by mid-May
  - May 4: Pesticide Program Dialogue Committee
- Comments & recommendations currently being considered
- If any substantive changes made to WPS, will require a separate rulemaking process (separate from changing compliance dates)





# **Certification of Pesticide Applicators Proposed Rule**



# Key Revision Areas

## Certified Applicators

- 1) New exam administration standards
- 2) Competency gauge for private applicators
- 3) Application method-specific categories
- 4) Standards for applicator recertification

## Noncertified Applicators under Direct Supervision

- 5) Competency of noncertified applicators
- 6) Supervision of noncertified applicators

## Minimum Age

- 7) Minimum age requirements for certified & noncertified applicators



## Certification Rule Key Dates

- Original effective date was **March 4, 2017**
- The effective date was been moved several times for review of questions of fact, law and policy
- Most recent Federal Register notice: June 2, 2017
  - Changed the effective date to **May 22, 2018**
  - New Administration has not had the time to adequate review the January 4, 2017 certification rule
  - EPA intends to adjust the other implementation dates to maintain implementation schedule (3 years to submit plans, time for EPA review)
- Lawsuit challenging the rules to change the effective date - pending



# Implementation Timeline

**12/12/2016**  
**Revised C&T**  
**final rule**  
**signed by EPA**  
**Administrator**

**1/4/2017**  
**Revised C&T**  
**final rule**  
**published in**  
**the Federal**  
**Register**

**5/22/2018**  
**Revised C&T**  
**final rule**  
**becomes**  
**effective\***

\* (Revised effective date due to delays for review. Will be effective date unless delayed again by administration or rule is otherwise altered as a result of review or legal proceedings)

**5/22/2021**  
**Revised Due**  
**Date For**  
**Certification**  
**Plans to be**  
**Submitted to**  
**EPA\***

\* (Once revised final rule is effective and in place, dates in rule for submission of revised plans will be amended to allow 3 full years from final effective date of rule)

**5/22/2023**  
**EPA Completes**  
**its Initial Review**  
**of Revised**  
**Certification**  
**Plans and Some**  
**Revised Plans**  
**Will Start to**  
**Become**  
**Effective\***

\* (The date revised plans will become effective will vary for each State, Tribe and Federal agency due to the flexibility built into rule to accommodate implementation concerns raised during rulemaking)



## Implementation Timeline

- The rule gives the certifying authority **3 years** to submit revised certification plans demonstrating their compliance with the new requirements
- If submitted within 3 years, **existing plans remain in effect** until EPA approves revised plan
- 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.



# Regulatory Reform Agenda

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- If any substantive changes made to C&T rule, it will be a separate rulemaking process



# Grant Support for Pesticide Worker Safety Programs

Association of Farmworker Opportunity (AFOP) - National Farmworker Training Program - Cooperative Agreement

- AFOP is responsible for developing and administering a pesticide safety training program that will support a national network of pesticide safety trainers providing pesticide worker safety training to migrant and seasonal farmworkers and their families.

Pesticide Educational Resources Collaborative (PERC) UC Davis / OR State Cooperative Agreement

- PERC will develop or coordinate the development of pesticide education materials. An advisory board and EPA will help in setting national priorities. PERC will use subject matter experts and production professionals. Current Projects: - How to Comply Manual - Train the Trainer Manual - Train the Trainer Online Modules - Regulation Interactive Website - Videos for Training Workers - Videos for Training Handlers - Updated Central Posting Materials - Clearinghouse of Training Materials - Respirators 101 Training Module



# Grant Support for Pesticide Worker Safety Programs

## National Pesticide Information Center (NPIC)

- NPIC facilitates informed decision-making about pesticides and supports the protection of human health and the environment by serving as a bilingual, factual source of information for professional and public audiences on pesticide-related issues.

## eXtension Foundation – Cooperative Agreement

- eXtension will establish a Pesticide Safety Education Funds Management Program to help support state cooperative extension programs conduct their certified pesticide applicator training activities. This is a five year agreement.