



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

June 18, 2020

MEMORANDUM

SUBJECT: Guidance on Satisfying the Annual Pesticide Safety Training Requirement under the Agricultural Worker Protection Standard during the COVID-19 Emergency

FROM: Richard Keigwin, Director
Office of Pesticide Programs

RICHARD KEIGWIN
Digitally signed by RICHARD KEIGWIN
Date: 2020.06.18 13:31:21 -04'00'

TO: Agricultural employers, handler employers and trainers of agricultural workers and pesticide handlers

BACKGROUND:

The Agricultural Worker Protection Standard (WPS) at [40 CFR Part 170](#) requires agricultural employers and handler employers to ensure agricultural workers and pesticide handlers have received WPS pesticide safety training (WPS training) within the last 12 months before giving them certain tasks in areas where agricultural pesticides are used.¹ EPA is aware that public health restrictions in response to the COVID-19 public health emergency may make it difficult to provide WPS training, obtain the services of qualified trainers, or hire agricultural workers and pesticide handlers who have been trained in the last 12 months. These challenges may potentially disrupt agricultural production and our nation's food supply.²

The provisions of WPS remain in effect as they are necessary to prevent harm from pesticides, but some common ways of meeting those requirements may warrant a change to protect workers against exposures to SARS-CoV-2³ as well. This guidance is intended to inform agricultural employers, handler employers and trainers of some of the flexibilities the WPS permits that may facilitate WPS pesticide safety training during the COVID-19 public health emergency.

¹ See 40 CFR §§ [170.401](#) and [170.501](#) for worker and handler pesticide safety training requirements, respectively. Pesticide safety training is required for workers if an agricultural pesticide (with a label that requires compliance with the WPS) has been used, or the restricted-entry interval for an agricultural pesticide has been used on the agricultural establishment within the last 30 days. Pesticide safety training is required for handlers before any handler performs any handler activity involving an agricultural pesticide product, the handler employer must ensure that the handler has been trained.

² The Food and Agricultural and Chemical Sectors are critical infrastructures, as designated by the Cybersecurity and Infrastructure Security Agency. See <https://www.cisa.gov/critical-infrastructure-sectors>.

³ Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2) is the virus that causes Coronavirus Disease 2019 (COVID-19). See the Centers for Disease Control and Prevention (CDC) page at <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Coronavirus-Disease-2019-Basics>.

EPA continues to encourage in-person pesticide safety training if workplace protections to maintain a healthy work environment are able to be implemented.⁴ For example, an employer may be able to provide pesticide safety training outside, in smaller than usual groups with well-spaced participants. However, the WPS also permits remote WPS training of agricultural workers and pesticide handlers **as long as all WPS pesticide safety training requirements are met.**

Regardless of whether the training is in-person or remote, conducted by employers or a third party, **the agricultural employer and handler employer remain responsible for ensuring that the WPS pesticide safety training requirements are met.** EPA also recommends employers check with their state or local pesticide regulatory agency to ensure compliance with any additional state training requirements.⁵ The following provides a summary of the training requirements per 40 CFR Part 170 and suggestions for providing effective training remotely.

BEFORE TRAINING, THE EMPLOYER MUST MAKE SURE OF THE FOLLOWING:

- The trainer is qualified in one of the following ways:
 - Is designated as a trainer of certified applicators, or as a trainer of handlers or workers by EPA or the state (including territories) or tribal agency responsible for pesticide enforcement for the jurisdiction;
 - Has completed an EPA-approved pesticide safety train-the-trainer program for trainers of workers (or handlers). See <http://www.pesticideresources.org/wps/ttt/index.html> for programs; or
 - Is certified as an applicator of restricted use pesticides under 40 CFR Part 171.
- The trainer uses EPA-approved training materials. See <http://pesticideresources.org/wps/training/index.html> for materials.

DURING TRAINING,

THE TRAINER AND EMPLOYER MUST HAVE THE TRAINING:

- Provided in an environment reasonably free from distractions and conducive to training (e.g., trainees can clearly see images and can hear the presentation well, technology is working well and is accessible to trainees);
- Given in a manner that trainees can understand (e.g., in their language or with the use of a translator and trainees are able to follow training remotely without difficulty);
- Presented with audio-visuals or read from written materials;
- Presented in its entirety; and
- Presented by a trainer who is present (in person or remotely, such as by webinar) during the entire training session and can respond to trainees' questions during and after training.

⁴Other federal agencies address how to protect the agricultural workforce during the COVID-19 public health emergency. For guidance on protecting essential workforce such as those in the food and agricultural sector, refer to resources from the CDC and Department of Labor, such as interim guidance for agriculture workers and employers at <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-agricultural-workers.html> and the COVID-19 Critical Infrastructure Response Planning at <https://www.cdc.gov/coronavirus/2019-ncov/community/critical-infrastructure-sectors.html>.

⁵For state-specific contact information, visit the Association of American Pesticide Control Officials page at <https://aapco.org/2015/07/28/resources-2/>.

AFTER TRAINING,
THE EMPLOYER MUST DO THE FOLLOWING:

- Create or obtain for each trainee a training record with:
 - The agricultural employer's name;
 - Trainer's name;
 - Documentation showing the trainer is qualified at the time of training, e.g., a document showing the person is designated as a trainer of certified applicators or agricultural workers or handlers by EPA, or the state or tribal agency responsible for pesticide enforcement for the jurisdiction; a copy of a certificate showing the person completed an EPA-approved train-the-trainer course; or a copy of a certified applicator's license or credential;
 - Training date;
 - Training materials used (e.g., title, source, EPA-approval number); and
 - Worker or handler's printed name and signature.
- Keep the record for two years and provide a copy to the agricultural worker or pesticide handler upon request.

SUGGESTIONS FOR REMOTE TRAINING:

During the COVID-19 public health emergency, EPA has the following suggestions to help agricultural employers and handler employers achieve effective remote pesticide safety training sessions:⁶

- Employers should be present to monitor the attendance and participation of trainees.
- Ask trainers to periodically pause during the training session to engage trainees with questions and to gauge participation.
- Have someone present who can troubleshoot if the remote training technology or tools fail.
- Make sure the chosen technology is conducive to training for the size of the audience, location(s) of trainees and the training materials used.
- Take into consideration the technology and devices available to trainees. For example, if trainees do not have reliable access to internet, smartphones and/or computers, trainers should provide ample opportunities during and after the presentation for questions. Providing hardcopies of training materials in advance to trainees and a call back number for follow up questions would help engage the trainees.

⁶For more information on providing effective WPS training beyond the list provided in this document, see the National Worker Protection Standard: A Manual for Trainers, at <http://pesticideresources.org/wps/tt/manual/index.html>. The manual was developed through a cooperative agreement between EPA and the University of California Davis Extension, in cooperation with Oregon State University (#X8-83616301).