

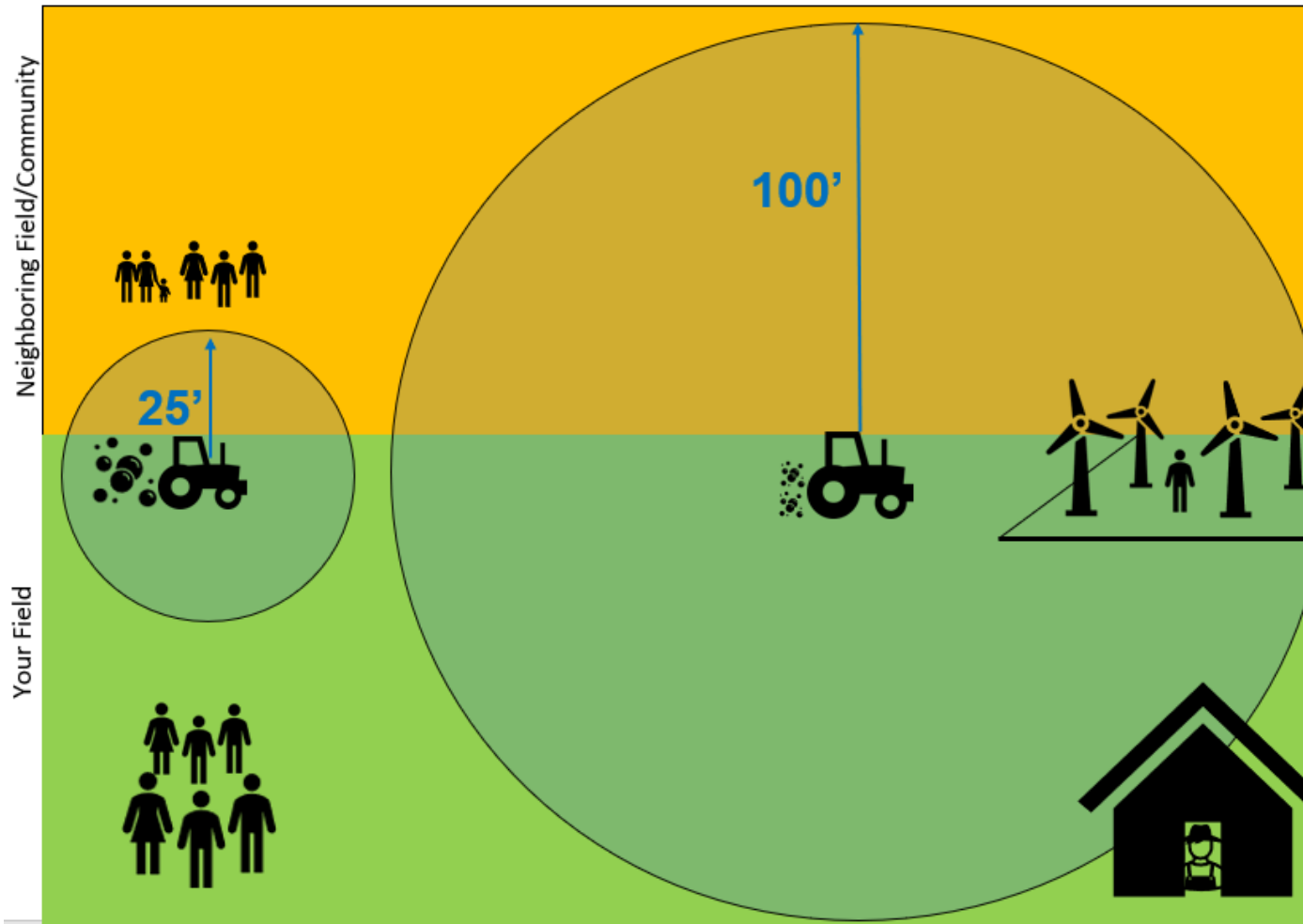
**Summary Table Comparing the 2015 and 2020 WPS Application Exclusion Zone (AEZ) Provisions to the 2023 Proposed Rule:
“Pesticides; Agricultural Worker Protection Standard; Reconsideration of the Application Exclusion Zone Amendments (RIN 2070-AK92)”**

AEZ Provision	2015 WPS Final Rule	2020 AEZ Final Rule*	2023 Proposed Rule	As further described in...
Applicability of the AEZ off the establishment	AEZs provide additional protections for people outside the agricultural establishment’s boundaries	The 2015 AEZ protections for people outside the agricultural establishment’s boundaries were removed	Restores the 2015 requirements	Unit II.B.
Applicability of the AEZ within Easements	The requirements to suspend applications for people within an AEZ are applicable <i>in all situations</i> , including when individuals are <u>within an easement on the establishment</u> (e.g., an easement for utility workers to access telephone lines)	AEZ protections no longer included situations when individuals (e.g., utility workers) are <u>within an easement on the establishment</u>	Restores the 2015 requirements	Unit II.C.
AEZ Distances	<ol style="list-style-type: none"> 100 feet for ground-based, <u>fine spray</u> applications (i.e., smaller than medium droplet sizes) 25 feet for ground-based sprays using <u>medium or larger droplet sizes</u> sprayed above 12 inches 	<ul style="list-style-type: none"> Established a 25-foot AEZ for all ground-based applications sprayed above 12 inches, regardless of droplet sizes Removed the 100-foot AEZ for ground-based, fine spray applications. 	Restores the 2015 AEZ distances based on application method, droplet size, and height of application	Unit II.D.
Defining “Medium” Droplet Sizes for AEZ Distance Determinations	<ol style="list-style-type: none"> 100-foot AEZ using a droplet smaller than medium (<u>Volume Median Diameter (VMD) of less than 294 microns</u>) as a criterion for AEZ Distances 25-foot AEZ using a droplet size of medium or larger (<u>VMD greater than 294 microns</u>) sprayed about 12 inches as a criterion for AEZ Distances 	Droplet classification and VMD were not used for determining the size of an AEZ; criterion based solely on application method and height	<ul style="list-style-type: none"> Restores the 2015 “medium” droplet size criterion Eliminates VMD as a criterion Incorporates by reference the ASABE S572 defining droplet spectrum categories (i.e., better defines “medium” droplet size) 	Unit II.E.
Immediate Family Exemption	Not included (i.e., no exemption)	Permits owners and their immediate family to remain inside enclosed structures/houses within an AEZ	Retains the 2020 AEZ Rule’s immediate family exemption	Unit II.F.
Clarification on Resuming Applications Suspended due to AEZ	Applications must be suspended if someone is within an AEZ; no explanation of when applications can resume	Added a clarification that suspended applications can resume after individuals are no longer within the AEZ	Retains the 2020 AEZ clarification	Unit II.F.

“Do Not Contact”	Prohibition on applications from contacting people, either from direct contact or spray drift	No change	No change	Unit II.A.2.
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*The 2020 AEZ rule was never implemented due to the court-ordered stay discussed in Unit II.A.4. of the proposed rule.

Illustration of the Proposed AEZ Reconsiderations (RIN 2070-AK92)



The AEZ extends beyond the establishment's boundaries*

25-ft AEZ: Ground-based sprays above 12 inches using medium or larger droplets defined by ASABE S572

100-ft AEZ: Ground-based sprays using smaller than medium droplets (i.e., fine sprays) defined by ASABE S572

The AEZ extends into Easements*

Immediate Family Exemption: Owners and their immediate family can remain in enclosed structures that fall within an AEZ

*See the [Application Exclusion Zone Guidance](#) on how to resume a pesticide application if someone falls within an AEZ in areas outside of the owner's legal control (e.g., outside of the establishment's boundaries or within easements).