

FAQs on the 2024 Application Exclusion Zone (AEZ) Rulemaking

1. When does the 2024 AEZ Rule go into effect?

The rule goes into effect on December 3, 2024. After that date, this rule supersedes both the 2020 AEZ Rule (which never went into effect) and the 2015 AEZ requirements (the operative regulatory language prior to this rule's effective date).

2. What changes is EPA making to the AEZ requirements in the Agricultural Worker Protection Standard (WPS)¹?

This rule reestablishes the following 2015 requirements for the AEZ:

1. Handlers must suspend pesticide applications whenever people are within the AEZ, which may be 25 or 100 feet depending on the application method.
 - Applications must be suspended even when the AEZ extends beyond the farm's boundaries, or when the AEZ extends into an easement on the establishment (for example, easements for utility workers to access power lines).
2. The AEZ distances for ground-based spray applications (e.g., boom-spray applications):
 - 100 feet for all fine sprays.
 - 25 feet for sprays using medium or larger droplets made from more than 12 inches above the soil surface or planting medium.

Additionally, EPA made the following three changes to the rule to improve clarity and flexibility around pesticide applications:

1. Clarifying that suspended applications can be resumed once people leave the AEZ.
2. An "Immediate family exemption" that allows owners and their immediate family² to remain inside enclosed structures or homes. (See Question #3 for more information.)
3. Defining "medium" droplets (used to determine the size of the AEZ for certain application methods) using the ASABE standards that are referenced in nozzle selection guides. (See Question #4 for more information.)

3. How will the immediate family exemption work?

EPA finalized an immediate family exemption allowing farm owners and the farm owners' immediate family to remain inside enclosed structures or homes in the AEZ during pesticide applications. This exemption also permits handlers to proceed with an application when owners or owners' immediate family members remain inside closed buildings, ***provided the following conditions are met:***

1. The owner informs the handler that only the owner and/or the owner's immediate family members remain inside the closed building;

¹ [40 CFR 170 \(Subparts D-G\)](#)

² [40 CFR 170.305 "Immediate family"](#)

2. The owner instructs the handler that the application can proceed despite the owner and their immediate family members' presence inside the closed building.
3. Handlers receive this information from the owner of the establishment **prior to application**. Handlers cannot assume that only the owner's family are inside without that assurance.

Immediate family exemptions such as this are consistent with other WPS exemptions for family farms, because the Agency expects farm owners to take the necessary steps to protect themselves and their family members.

Anyone who is not an immediate family member of the owner who is within an owner's house or other closed building would not fall under this exemption, and therefore, applications would need to be adjusted or suspended if non-family members are also within the AEZ.

Additionally, sheltering-in-place for employees in any structure is not an option under this exemption.

4. Why is the Agency using American Society of Agricultural and Biological Engineers (ASABE)³ standards to define droplet sizes instead of Volume Median Diameter (VMD)? How should employers/handlers use that information to determine the appropriate AEZ for an application?

Past feedback to EPA on the Volume Median Diameter (VMD) was that it was difficult to understand, implement, and enforce. While reconsidering the rule, EPA decided to restore the distance criteria based on a "medium" droplet size and height but replace the VMD language with something more practical to help address some of these concerns. Instead of VMD, EPA now defines droplet sizes based on the ASABE classifications and categories, which the Agency believes are generally well understood by the regulated community and are commonly referenced in several places, including on some EPA pesticide labels as labels are revised during EPA's Registration Review process.

Additionally, droplet classifications from the ASABE standards are referenced in nozzle manufacturers' selection guides to assist applicators in determining which nozzles and spray characteristics will produce various droplet sizes. EPA believes that using ASABE's droplet size of "medium" can be determined quickly and simply when referring to these selection guides. This also reflects how applicators and handlers in the field typically determine droplet size in preparation for applications.

Basing AEZ distance requirements on droplet size categories as defined by ASABE should provide a clear and easy approach for determining an AEZ size and make it easier to enforce the requirements without the complexity of determining whether an application is over or under a VMD of 294 microns. EPA is planning to develop additional guidance as needed to

³ ASABE standards, engineering practices, and data initially approved prior to the society name change from "ASAE" to "ASABE" in July 2005 are designated as "ASAE" (e.g., ASAE S572), regardless of the revision approval date.

specify that the information necessary to achieve the desired droplet size, based on ASABE's definition of "medium," can be obtained through the nozzle manufacturers' guides.

5. How should someone performing a pesticide application determine whether their application requires an AEZ distance of 25 feet as opposed to 100 feet? How should they use ASABE standards when determining the size of the AEZ?

To determine the size of an AEZ, handlers should measure outward from the farthest end nozzles on the application equipment horizontally in all directions. The size of the AEZ is determined by the application method and spray quality. Spray quality (defined by ASAE S572 and subsequent versions) is based on several factors including the nozzle design, system pressure, and speed of the application equipment. The eight ASABE spray quality categories (which are also referenced in most nozzle charts) include:

• Smaller than medium:

- o Extra fine (XF)
- o Very fine (VF)
- o Fine (F)

• Medium or larger:

- o Medium (M)
- o Coarse (C)
- o Very coarse (VC)
- o Extra coarse (XC)
- o Ultra coarse (UC)

Under this rule, the AEZ must be a minimum of 100 feet horizontally in all directions when the pesticide is applied:

- By air (fixed wing or helicopter),
- By an air blast or air-propelled application method,
- As a fumigant, smoke, mist, or fog.
- As a spray using a spray quality smaller than medium as defined by ASABE (i.e., fine, very fine or extra fine)

Under this rule, the AEZ must be a minimum of 25 feet horizontally in all directions when the pesticide is:

- NOT applied in a manner that would require a 100-foot AEZ, and
- Sprayed from a height of greater than 12 inches from the soil surface or planting medium using a spray quality of medium or larger as defined by ASABE (i.e., medium, coarse, very coarse, extra coarse and ultra-coarse).

No AEZ is required when the pesticide is applied in a manner other than those covered above (i.e., equal to or less than 12 inches from the soil with medium or larger spray quality).

Situations where no AEZ is required include:

- Applications of granular pesticides, soil incorporated pesticides (not fumigants); and

- Pre-plant, at-plant, and spot-spray pesticide applications as long as they are equal to or less than 12 inches from the soil and use a medium or larger spray quality.

EPA will be issuing interim guidance to assist growers and applicators with understanding and complying with the rule upon publication of the final rule. The Agency will update the guidance periodically as feedback is received. For the most current information on the AEZ requirements, see EPA's [Application Exclusion Zone website](#).