Update

Proposed Applicator Certification Regulation Revision and Agricultural Worker Protection Regulation Implementation

SFIREG
June 2016
Certification Rule

- Proposed Aug 24, 2015
- Comment period ended Jan 22, 2016
  - Extended several times
- Final rule plan
  - Finalized Fall 2016
Comments on Certification Rule

• Over 700 unique comments
  – States, Extension Services, applicators, growers

• Nearly all states and many pesticide safety education programs submitted detailed comments
  – Helpful in describing intricacies of their programs and how proposal would impact them

• Clear that state certification and recertification) programs have gone many different ways over past 40 years
Comments on Certification Rule

Different ways to accomplish goals of the proposal, including:

• Ensuring continued competency through recertification
• Ensuring competency of applicators working under the supervision of a certified applicator
• Establishing standards for adequate supervision by a certified applicator

Based on comments, we are considering more flexible options for final rule

• Would accommodate the different approaches that states have taken
Comments on Recertification

Widespread opposition. Key themes:

- States have invested resources in determining appropriate continuing education (CE) programs; believe programs are effective.
- Leave frequency (recertification period) and amount of CE to states; can adjust if necessary.
- Amount of training depends on the category.
- If required CE is too high, applicators will opt for exams.
- Proposal to earn at least \( \frac{1}{2} \) credits in last 18 months is unnecessary and administratively complex.
Comments on Recertification

• Effectiveness of training depends on more than frequency and amount of CE
  – Content covered; quality of training (provider, training method, setting, etc.); how to approve training providers; audit/assess delivery of training

• Considering several options for flexibility in final rule. Potential to establish characteristics that all recert programs must have but allow states different approaches
WPS Update
Compliance Deadlines

• **January 2, 2017:**
  – Annual training for workers and handlers (no grace period)
  – Qualifications for trainers
  – Training record keeping
  – Minimum age for handlers and early entry workers
  – Medical evaluation, fit testing and training before use of respirators
  – Amounts of water available for decontamination and eyewash
  – All requirements EXCEPT FOR:

• **January 2, 2018 for:**
  – Handler must suspend application if a person is in the application exclusion zone [170.505(b)]
  – Additional training content for workers and handlers [170.401(c)(3); 170.501(c)(3)]
  – New content for safety poster [170.311(a)(3)]
## EPA’s Outreach and Implementation Strategy

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<tr>
<th>Category</th>
<th>Description</th>
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<tr>
<td><strong>Educate Regulators</strong></td>
<td>• Develop broad understanding of WPS revisions among OPP &amp; regional staff and state/tribal inspectors &amp; program leads</td>
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<td><strong>Stakeholder Outreach</strong></td>
<td>• Ensure stakeholders understand the WPS revisions, impacts and the timeline for implementation: regulated community, farmworker advocates and other NGOs; coordinate with other federal agencies</td>
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<td><strong>Materials Development</strong></td>
<td>• 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</td>
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<td><strong>Implement Pesticide Safety Training</strong></td>
<td>• 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</td>
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Post Signing: Expanded Web Page and Conference Calls
English & Spanish

- Current Rule – Revised Rule Comparison Table
- Revised Rule Highlights Fact Sheet
- Learn More About Worker Safety
- Specific Focus Worker Protection Fact Sheets
- Basic Regulatory Information
- Frequently Asked Questions
- Overview of Revised Rule - video
- Migrant Clinicians Support for Revised Rule - video
- Hispanic Farmer Speaks in Support of Rule – video
- Thoughts from a Former Farmworker – video
- Sector Focused Calls: 1. States, Tribes, Local Governments.
  2. NGOs, Enviros
  3. Ag Groups, Related Business Groups
Training on Implementation for EPA Regional Staff and State Regulatory Partners

- Nov 2015: EPA Regional program and OECA staff – 3 day
- Dec 2015: National training for state and tribal program staff – 4 day
- Jan 2016: Region 6 states (program & inspectors) – 2 day
- Feb 2016: Region 10 states (program & inspectors) – 2 day
- Mar 2016: Region 7 states (program & inspectors) – 2 day
- Mar 2016: Region 5 states (program & inspectors) – 2 day
- April 2016: Region 8 states & tribes (program & inspectors) – 2 day
- April 2016: Region 2 states & territories (programs & inspectors) – 2 day
- May 2016: Training for Region 3 states (programs & inspectors) – 2 day
- May 2016: Training for Region 1 states (program & inspectors) – 2 day
- June 2016: National training for state and tribal program staff – 4 day
- Aug 2016: Training for Region 4 states (programs & inspectors) – 2 day
- Aug 2016: Training for Region 9 states (programs & inspectors) – 2 day
Power Point - Webinar Presentations

- Sept 2015: National Farmworker Service Organizations Conference
- Oct 2015: Pesticide Program Dialogue Committee
- Oct 2015: Agri-Safe Network
- Oct 2015: National Pesticide Policy Coalition
- Nov 2015: Crop Life America
- Dec 2015: State FIFRA Issues & Evaluation Group
- Dec 2015: Wilber Ellis Ag
- Dec 2015: National Council of Agricultural Employers
- Jan 2016: Florida Association of County Agents
- Jan 2016: Tribal Pesticide Program Committee
- Feb 2016: National Alliance of Crop Advisors
- Feb 2016: Department of Labor Agriculture Task Force
- Feb 2016: Pesticide Stewardship Alliance
- Feb 2016: National Council of Farm Cooperatives
- Mar 2016: Western Migrant Stream
- Mar 2016: American Association of Pesticide Control Officials
Power Point - Webinar Presentations

- Mar 2016: National Farm Bureau
- Mar 2016: Grain Growers Association
- Apr 2016: National Migrant and Seasonal Head Start Association
- Apr 2016: Migrant Clinicians Network
- Apr 2016: National Farmworkers Conference
- May 2016: Pesticide Program Dialogue Committee
- May 2016: Western Forum for Migrant and Community Health
- May 2016: National Advisory Committee for Migrant Health
- May 2016: Western Regional Pesticide Meeting
- Jun 2016: National Agri-Women’s Association
- June 2016: State FIFRA Issues & Evaluation Group
- Jul 2016: American Association of Pesticide Control Officials
- Aug 2016 Assoc. Structural Pest Control Officials
- Sept 2016: Agricultural Retailors Association
- Sept 2016: American Association of Pesticide Safety Educators
Regular Conference Calls on Rule Implementation

• Federal Inter Agency Task Force
  – DoL: OSHA, Wage & Hour Division, Employment & Training Division
  – HHS: NIOSH, NIEHS, NCI (Ag Health Study), National Rural Health Association, Migrant Head Start Programs
  – HUD: Colonias Program, Borders Programs
  – Office of Childrens’ Health Advisory Committee
  – National Environmental Justice Advisory Committee

• Farm Worker Justice NGO Coalition

• EPA Regional Coordinators for Pesticide Worker Safety

• American Association of Pesticide Control Officials – Regulatory Work Group
Grant & Contract Support for Implementation

Association of Farmworker Opportunity Programs
• Conduct national English & Spanish pesticide safety training for farmworkers & families

University of California Davis & Oregon State University
• Develop English & Spanish materials and resources for pesticide worker safety training and compliance assistance in agricultural

Migrant Clinicians Network
• Workers & Heath project works with health center outreach teams to conduct health and safety training for vulnerable, Hispanic agricultural worker populations.

Contract - Outreach to Farm Worker Communities
• Focused outreach to Hispanic farmworkers - PSAs, videos, pamphlets, translations in Spanish and indigenous languages

Contract - Outreach & Marketing Agricultural Employers
• Broad outreach to variety of farmers - videos, fact sheets, focused webinars, sector specific training sessions
Implementation Challenges

- Resolving “Designated Representative” Issue With Appropriations Committee
- Establishing a Policy for Year One for State Compliance Assistance Inspections
- Sustaining National Scope of Communication to Amplify Messages In Support of Implementation
- Leveraging Public and Private Resources to Insure National Availability and Distribution of Compliance Assistance Materials and Safety Training Materials
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