WPS Implementation Update

AAPCO Annual Meeting
March 7, 2017
WPS Update

- EPA’s WPS outreach and implementation effort
  - Requests to postpone compliance date
  - Activities
  - Outreach/educational materials
  - Approval of train-the-trainer programs & training materials
- Ongoing implementation issues
- Office of Inspector General (OIG) audit
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 Hander Training
  - New content in Pesticide Safety Information Display
  - Responsibility for Handlers related to the Application Exclusion Zone
- **1/2/2018**: Compliance Required with All WPS Requirements
Compliance Date Change Requests

- Late 2016: letters from states requesting delay of WPS compliance date to Jan 2018
- Dec 21, 2016: Petition from NASDA & American Farm Bureau Federation to postpone compliance date to Jan 1, 2018
- Jan 13, 2017: EPA denied the petition
- Feb 21, 2017: Petition from NASDA to postpone compliance date to Jan 1, 2018
  - Under consideration within EPA
### EPA’s Outreach and Implementation

<table>
<thead>
<tr>
<th>Section</th>
<th>Activities</th>
</tr>
</thead>
<tbody>
<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>
</tr>
<tr>
<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>
</tr>
<tr>
<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>
</tr>
<tr>
<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>
</tr>
</tbody>
</table>
Outreach/Educational Material

• Available now on EPA’s web site
  – Summary tables (English & Spanish)
  – FAQs and AEZ interpretative guidance
  – WPS Quick Reference Guide (English & Spanish)
  – WPS How to Comply Manual
  – WPS Inspection Manual

• Under development
  – Additional fact sheets, other interpretive guidance, web page with approved training materials & TTT programs
PERC Projects

- **Web site: http://pesticideresources.org**
- Clearinghouse of WPS materials (including some training videos) (now)
- How to Comply Manual (now)
- WPS Compliance Suite (Spring 2017)
- Updated central posting materials (Apr 2017)
- Train the trainer program (all new content)
  - Manual & TTT presentations (now)
  - Online TTT modules (Nov 2017)
  - Spanish TTT manual & presentations (Nov 2017)
- Videos for training workers & handlers (2017)
Train-the-Trainer Implementation

• EPA has process for **approving train-the-trainer** programs; will maintain a list of approved programs

• So far 26 programs have been approved (mix of 2017 & 2018); others in review
  – Includes 16 for California only

• Several available nationally
  – Iowa State: workers (2017 only) online at [http://www.extension.iastate.edu/workerprotection/](http://www.extension.iastate.edu/workerprotection/)
Pesticide Safety Training Materials

• EPA has a process for **approving pesticide safety training material**
  – Will provide a specific approval number (or use previously provided code/EPA publication number)
  – We will maintain a list of EPA approved material
  – So far 12 new sets of training materials have been approved; others being reviewed
  – Working on a web site listing these and previously approved training materials (with web links when available)
Other WPS Activities (On-going)

• Made **equivalency determinations** for CA, NH, WA in 2016

• Federal Register notice: **technical corrections**

• **Respirator requirements**
  – Receive a lot of questions
  – Big need for outreach materials (state-specific resources for medical evaluation & fit testing)
  – Working on fixing respirator statements on label
Respirator Example: PF5, Particulates, No OV

Previous language

Use a dust/mist filtering respirator (MSHA/NIOSH approval number prefix TC-21C); or a NIOSH approved respirator with any N, R, P or HE filter.

Current draft language

Wear a minimum of a NIOSH approved filtering facepiece respirator with any N, R or P filter (TC-84A). You can also use other NIOSH approved respirators for particulates that offer more protection, such as an elastomeric half face or full face respirator with any N, R or P filter or a powered air purifying respirator with an HE filter.
Ongoing WPS Implementation Needs

• AEZ implementation and interpretive guidance issues:
  – Meaning of “suspend application”
  – What is allowed under the “do not contact…” provision?
  – “Shelter-in-place”
  – Are easements considered “on the establishment”?
  – Guidance on the AEZ and: chemigation; spray quality; air blast applications

• List of pesticide products requiring:
  – A respirator; protective eyewear; double notification; REIs > 48 hours; etc.
Additional WPS Resources

- www2.epa.gov/pesticide-worker-safety
- www.pesticideresources.org
WPS Audit by OIG

• Feb 9, 2017: Project Notification from EPA’s Office of Inspector General (OIG)

• Evaluation of EPA’s Management Controls to Implement and Enforce Pesticide Worker Protection Standards
EPA HQ WPS Contacts

- Kevin Keaney, keaney.kevin@epa.gov
- Richard Pont, pont.richard@epa.gov
- Nancy Fitz, fitz.nancy@epa.gov
- Kathy Davis, davis.Kathy@epa.gov
- Carol Galloway, galloway.carol@epa.gov (OECA)