If you have employees who work in areas where agricultural pesticides, including herbicides, have been applied within the last 30 days, the WPS (Worker Protection Standard) applies to you. The WPS is like an occupational health standard for your employees. It exists to ensure that certain minimal safety provisions are provided to persons working on farms or in greenhouses or nurseries. It boils down to educating workers on the hazards of pesticides and their rights and responsibilities with regard to pesticides used at their workplace.
Who is a worker?

The WPS defines workers very specifically. Basically a worker is someone who is doing agricultural hand labor in a place where pesticides have been used. Hand labor includes things like irrigating, thinning, weeding, or harvesting. If a person is paid to perform hand-labor tasks related to the production or harvesting of plants, he or she is considered a worker.

If you have workers who apply pesticides or assist with pesticide applications (like mixing and loading or working on spray equipment) they must be trained as handlers. Handler training is more rigorous and includes information on pesticide labels, health and environmental hazards, symptoms of poisoning, decontamination procedures, etc.

One of the key components of the WPS is that employees have a right to be informed of what pesticides they may come in contact with on the job. This is the role of the "central information location." If all your workers and handlers have been trained and the central information location is up to date, you're in compliance with a big chunk of this law.

You must provide certain protections to everyone. You cannot allow an application of a pesticide to contact anyone, and must keep all persons (except handlers) out of treated areas until the REI (Restricted Entry Interval) is up. If you hire a commercial applicator to apply pesticides, you are still responsible, so make sure the applicator provides you with all the information you need to protect your employees.

What will an inspector look for?

There are a few key things you should do to make sure you're in compliance. If you are failing in one of these areas, the inspector will discuss the violation with you and give you an opportunity to correct the situation.

1. Make training and communication with your workers a priority. Workers must be trained before they enter any areas that have been treated in the last 30 days. Pesticide handlers (this includes people who clean and repair pesticide application equipment) must be trained before they do any "handling" activities. All training must be documented; if you don't have proof that your employees are trained you will have to re-train them. NMDA has sample training rosters you can use to document training, or you can be issued "training verification" cards to issue.

2. Display information about applications, emergency information, and the safety poster in a central location that is accessible to employees. Break rooms, barns or shops, restrooms, etc. may all be good candidates for posting information.

3. Provide the proper personal protective equipment (PPE) that is clean and in good condition. You are responsible for making sure workers and handlers use all PPE required by the label. Take disciplinary action against employees who refuse to use PPE as instructed.

4. Provide convenient water, soap and disposable towels (decontamination sites) within 1/4 mile of the work site. There should be enough water for routine washing and emergency eye flushing. In some cases a change of clothing (like a clean pair of old coveralls) is also required.

5. Notify your workers where pesticide applications are scheduled or being made or where a REI is in effect. Post signs when required by the label.

Remember; the intent of the WPS is to protect your employees from any possible short- or long-term effects from pesticides used in their workplace. Informing workers of applications, teaching them about the hazards of pesticides, taking steps to reduce exposure, and being prepared to provide emergency assistance if necessary, will help achieve this goal.

What kind of problems do the inspectors find?

The areas of weakness have been training and central information. Sometimes growers complain that workers don't read the information posted at the central location. Regardless, an essential component of the WPS is that workers have the right to know what pesticides they may come in contact with, and you as the employer are responsible for providing that information.

For more information

A variety of information and materials are available on the web. If you don't have internet access NMDA can send you copies of the How-To-Comply manual, WPS posters, worker/handler training manuals, compliance checklists, and other materials. Your area inspector may have a training video you can borrow. Materials are also available commercially through Gempler's (1-800-382-8473 or www.gemplers.com) and EPA.

If you have any questions contact NMDA at 575-646-2134. You can also email us at pesticides@nmda.nmsu.edu.

www.nmda.nmsu.edu/pesticides