
Appendix A Key Definitions

<i>Agricultural Employer</i>	Any Person who hires or contracts for the services of workers, for any type of compensation, to perform activities related to the production of agricultural plants, or any person who is the owner of or is responsible for the management or condition of an agricultural establishment that uses such workers.
<i>Agricultural Establishment</i>	Any farm, forest, nursery or greenhouse.
<i>Agricultural Plant</i>	Any plant grown or maintained for commercial or research purposes and includes, but is not limited to, food, feed, and fiber plants; trees; turfgrass; flowers, shrubs; ornamentals; and seedlings.
<i>Chemigation</i>	The application of pesticides through irrigation systems.
<i>Commercial Pesticide Handling Establishment</i>	Any establishment, other than an agricultural establishment, that employs any person, including a self-employed person, to apply on an agricultural establishment, pesticides used in the production of agricultural plants or to perform tasks as a crop advisor.
<i>Crop Advisor</i>	Any person who is assessing pest numbers or damage, pesticide distribution, or the status or requirements of agricultural plants. This does not include any person who is performing hand labor tasks.
<i>Early Entry</i>	Entry by a worker into a treated area on the agricultural establishment after a pesticide application is complete, but before any restricted-entry interval for the pesticide has expired.
<i>Farm</i>	Any operation, other than a nursery or forest, engaged in the outdoor production of agricultural plants.
<i>Forest</i>	Any operation engaged in the outdoor production of any agricultural plant to produce wood fiber or timber products.
<i>Fumigant</i>	Any pesticide product that is a vapor or gas on application, and whose method of pesticidal action is through the gaseous state.

Greenhouse

Any operation engaged in the production of agricultural plants inside any structure or space that is enclosed with nonporous covering and that is of sufficient size to permit worker entry. This term includes, but is not limited to, polyhouses, mushroom houses, rhubarb houses, and similar structures.. It does not include such structures as malls, atriums, conservatories, arboretums, or office buildings, where agricultural plants are primarily for aesthetic or climatic modification.

Hand Labor

Any agricultural activity performed by hand or with hand tools that causes a worker to have substantial contact with surfaces (such as plants, plant parts, or soil) that may contain pesticide residues. These activities include, but are not limited to, harvesting, detasseling, thinning weeding, topping, planting, sucker removal, pruning, disbudding, roguing, and packing produce into containers in the field. Hand labor does not including operating, moving, or repairing irrigation or watering equipment or performing the tasks of crop advisors.

Handler

Any person, including a self-employed person:

- 1) Who is employed for any type of compensation by an agricultural establishment or commercial pesticide handling establishment to which subpart C of the part applies and who is:
 - (i) Mixing, loading, transferring, or applying pesticides.
 - (ii) Disposing of pesticides or pesticide containers.
 - (iii) Handling opened containers of pesticides.
 - (iv) Acting as a flagger.
 - (v) Cleaning, adjusting, handling, or repairing the parts of mixing, loading, or application equipment that may contain pesticide residues.
 - (vi) Assisting with the application of pesticides.
 - (vii) Entering a greenhouse or other enclosed area after the application and before the inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria established by this part (§170.110(c)(3)) or in the labeling has been met:
 - (A) to operate ventilation equipment.
 - (B) to adjust or remove coverings used in fumigation.
 - (C) to monitor air levels.
 - (viii) Entering a treated area outdoors after application of any soil fumigant to adjust or remove soil coverings such as tarpaulins.

- (ix) Performing tasks as a crop advisor:
 - (i) during any pesticide inspection.
 - (ii) before the inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria established by this part (§170.110(c)(3)) or in the labeling has been met.
 - (iii) during the restricted entry-entry interval.
- 2) The term does not exclude any person who is only handling pesticide containers that have been emptied or cleaned according to pesticide product labeling instructions or, in the absence of such instructions, have been subjected to triple-rinsing or the equivalent.

Handler Employer

Any person who is self-employed as a handler or who employs any handler, for any type of compensation.

Immediate Family

Includes only spouse, children, stepchildren, foster children, parents, stepparents, foster parents, brothers, and sisters.

Nursery

Any operation engaged in the outdoor production of any agricultural plant to produce cut flowers and ferns or plants that will be used in their entirety in another location. Such plants include, but are not limited to, flowering and foliage plants or trees; tree seedlings; live Christmas trees; vegetable, fruit, and ornamental transplants; and turfgrass produced for sod.

Owner

Any person who has a present possessory interest (fee, leasehold, rental, or other) in an agricultural establishment covered by this part. A person who has leased such an agricultural establishment to another person and granted that same person the right and full authority to manage and govern the use of such agricultural establishment is not an owner for purposes of this part.

Restricted-entry Interval

The time after the end of a pesticide application during which entry into the treated area is restricted.

Treated Area

Any area to which a pesticide is being directed or has been directed.

Worker

Any person, including a self-employed person, who is employed for any type of compensation and who is performing activities relating to the production of agricultural plants on an agricultural establishment to which subpart B of this applies. While persons employed by a commercial pesticide handling establishment are performing tasks as crop advisors, they are not workers covered by the requirements of subpart B of this part.

Appendix B Risk-Based Targeting

Matrices and Examples

Risk-Based Targeting Matrices and Examples

Within the risk based targeting scheme, emphasis has been placed on higher toxicity pesticides and higher risk worker protection related activities. A combination of factors are used to identify products, uses, and sites that pose the greater potential risk to workers, applicators, and handlers. These factors for targeting use inspections include:

- product toxicity
- identification of the crops which are typically associated with intensive hand labor (greater exposure to workers)
- previous incidents reported to a state for a particular product's active ingredient
- history of compliance problems (if any) at a site
- the farm type and number of workers

Use of these factors obviously necessitates that the state have information in these areas. If a state does not have any information on one particular factor, for example, that factor could be eliminated from the risk-based (R-B) matrix if necessary.

Using these factors, the risk-based targeting matrix was developed for prioritizing use inspections (See page B-4). A recommended targeting matrix for prioritizing producer establishment inspections using a sub-set of similar factors is also outlined on page B-15.

Each potential inspection site is placed into one of three tiers (or categories) based on how they relate to each of the five factors. Tier I represents higher priority and Tier III represents lower priority for inspection purposes. The three Tiers are listed along the vertical axis of the matrix. See Matrix I, Risk-Based Targeting for Use Inspections (on p. B-4).

The five factors outlined above, associated with risk for **use-based inspections**, are listed horizontally across the top of the risk-based matrix as the headings for the columns. The definitions of each of these five factors and their use, as part of the R-B matrix, are outlined below. Each potential site for a use inspection would be placed in Tier I (high priority), Tier II, or Tier III (low priority), under each factor, based on the following definitions:

- (Column A) Product Toxicity: Based on the toxicity of the active ingredient (worker targeting) or the end-use product (handler targeting) used at the target site. If more than one product is used, for purposes of the matrix, base the classification on the product with the higher toxicity classification. Higher risk Tox I products are classified in Tier I, Tox II products in Tier II and Tox III and Tox IV products are classified in Tier III.
- (Column B) Crop Grown/Harvest Method: Designed to identify types of crops grown which are typically associated with intensive hand labor, thus potentially higher worker exposure. If harvesting is done completely by hand at the site, then Tier I is the classification. If a combination of harvesting by hand and machinery is used at the site, then Tier II is the classification. If harvesting was done completely with machinery at the site, then Tier III is the classification under column B.
- (Column C) Historical Compliance Problems With The Product's Active Ingredient: Based on the total number of incidents reported within the state for specific pesticide product(s) (used on a targeted site) during the past year. An "incident" is classified as a reported human illness or contamination of the environment based on use of the pesticide. If three or more incidents were reported to the state, the classification would be Tier I. Tier II is the classification for products with one or two reported incidents and Tier III is the classification for no incidents reported within the past year. A historical problem with a specific product which affected many workers at once could also be classified as Tier I.
- (Column D) Site Historical Compliance Problems: A combination of previous warning letters, criminal or civil administrative enforcement actions taken against a private party/individual registrant or dealer by Federal or State agencies for pesticide violations occurring within the last five years. The classification would be under Tier I, if three or more historical enforcement actions were taken against the party. Tier II is the classification if one or two actions were taken, while Tier III applies if no compliance history exists.
- (Column E) Farm Type/Number of Workers: Represents the type of farm targeted for inspection. Farm type will also help dictate the amount of worker exposure to pesticides at the farm.

For this reason, greenhouses should be classified as Tier I, nurseries as Tier II, and other farm types as Tier III. When similar farm types are targeted for inspection, the number of workers can be used as a tie-breaking factor, since a larger number of workers at the site indicates a potentially higher exposure rate.

Using the Risk-Based (R-B) Matrix for Use Inspections

In order to understand the risk based targeting method, let's assume you have 50 sites which could potentially be inspected, but you have resources and time to inspect only 20. To prioritize these sites, you should place each site on the R-B matrix using the threshold key on page B-7 as a guide. You have the option of:

- filling out a separate chart per site

OR

- using one chart for all the sites, by giving each site a designated letter or number, and placing that number or letter in the appropriate columns of the matrix using the threshold key

The remainder of this description assumes that a separate matrix will be completed per site. The following is a detailed step by step description for using each column of the matrix. See the threshold key for risk-based targeting for use inspections.

- Column A - If possible, identify the product used at the site. Depending on the toxicity category of the product, place a check mark in Tier I, II, or III under column A.

RISK-BASED TARGETING FOR USE INSPECTIONS

MATRIX I

NAME OF THE SITE(S)

	TOXICITY OF PRODUCT USED ON SITE	CROP GROWN/ HARVEST METHOD	HISTORICAL PROBLEMS WITH PRODUCT'S ACTIVE INGREDIENTS	HISTORICAL COMPLIANCE PROBLEMS WITH SITE	FARM TYPE/ NUMBER OF WORKERS	TOTAL CHECKS PER TIER AND THE ASSOCIATED PRIORITY
	(A)	(B)	(C)	(D)	(E)	(F)
TIER I						
TIER II						
TIER III						

For example, if the product used is classified under the Tox 1 category, place a check mark in Tier I for that site under column A. If more than one product is used at that site, for purposes of the matrix, consider the highest toxicity level of the products applied at the site.

- Column B - Identify the crops produced at the site. You can obtain this information by reviewing the geographical area, consulting with a state inspector with field experience, or contacting the county extension service or state grower and commodity organizations. The type of crop produced will determine whether hand labor or machines are used for harvesting. Fruit, flowers, and vegetables are associated with intensive hand labor, while grain crops are associated with machine labor. Place a check mark in the appropriate row under column B according to the level of the hand labor involved. The check mark would go in Tier I in cases where all hand labor is used, while Tier II is for a combination approach and Tier III is for all machine harvesting.
- Column C - Determine the number of incidents reported, during the past year, within the state for the product(s) being used at the potential inspection site. Place a check mark under column C in Tier I, II, or III according to the number of incidents reported for the product's active ingredient (used at the site). Under column C, classify three or more incidents in Tier I, and one to two incidents in Tier II. If no incidents, then check the column marked Tier III. If more than one product is used on site, consider the total number of incidents reported during the past year for all products used at the site.
- Column D - Check the state data base or files for any enforcement actions taken against the potential inspection site. The larger the number of previous compliance problems, the higher the inspection priority. Accordingly, a site with three or more past enforcement actions will have a check mark in Tier I, one to two actions will be placed in Tier II, and no violations fall under Tier III.
- Column E - Represents the type of farm and number of workers. All greenhouses and nursery farm types will generally have higher inspection priority over conventional

farms. Determine which category applies to your site, and place a check mark in column E in either Tier I, II, or III.

- Column F (Total Checks) - Count the number of check marks included in Tier I and place the total number of check marks for Tier I under Column F. Do the same for Tiers II and III. The threshold key on page B-7 provides the interpretation of priority levels per tier. This is repeated below in narrative form.

Tier I

Add the check marks across Tier I. If a total of two to five check marks appear in Tier I under column F, this indicates that the site is a high priority for inspection and this should be noted in column F (for Tier I).

If one check mark appears in Tier I, this indicates that the site is a medium priority.

If no check marks appear in Tier I, this indicates low priority.

Tier II

Add the check marks across Tier II. If a total of three to five checks marks appear in Tier II under column F, this indicates a high priority for inspection and this should be noted in column F (for Tier II).

If one to two check marks appear in Tier II, this indicates medium priority.

If no check marks appear, this indicates low priority.

Tier III

Add the check marks across Tier III. If a total of four to five check marks appear in Tier III, this indicates a low priority for inspection.

If two to three check marks appear in Tier III, this indicates medium priority.

Determining the Priority Level (Column F of R-B Matrix)

Looking at column F of the risk-based matrix, if a site is designated as a "high" priority within any Tier, the site should be placed in the category of high priority inspections.

The remaining sites would be in the medium or low priority categories. In these cases, again looking at column F of the matrix, if a site is designated as a "medium" priority within any Tier, the site should be placed in the category of medium priority inspections.

The remaining sites would be in the category of low priority inspections.

Prioritizing Within Categories of Inspections

Once inspection sites have been placed in three categories (high priority, medium priority, and low priority), there are criteria which can be used to prioritize inspection sites within each category.

Three criteria which can be used include:

- the type of inspection, whether applicators, handlers, or workers are the target audience.
- the number of workers (if known); the greater the average number of workers on site at the farm, the higher the priority for inspection
- the volume of pesticides used at the site

Also, when comparing the inspection sites placed within the high priority category, note the number of check marks that were included in Tier I versus Tier II versus Tier III on the risk-based matrix for each site. The greater the number of applicable factors/check marks in Tier I, the higher the priority for inspection. The rationale for this is based on the fact that the higher risk criteria were placed within Tier I.

Example of Targeting Use Inspection Sites based on Risk

To help readers understand the inspection targeting matrix, we have created the following three fictional sites, including certain types of crops, compliance problems and incidents involving the products:

- Very Green Acres - grows corn, uses Tox 3 chemical, three warning letters have been issued and two incidents with the product (See example chart #1-page B-10)
- Daniel Farm - grows cotton, two incidents with the product, Tox 2 chemical, no information on historical compliance problems (See example chart #2-page B-11)
- Mayo Green House - harvests flowers, uses Tox 1 chemical, no product incidents and no enforcement actions. (See example chart #3-page B-12)

The three steps on page B-13 outline the process for determining the priority level for inspection for each of these potential inspection sites.

RISK-BASED TARGETING FOR USE INSPECTIONS

MATRIX I

NAME OF THE SITE(S) VERY GREEN ACRES

	TOXICITY OF PRODUCT USED ON SITE (A)	CROP GROWN/ HARVEST METHOD (B)	HISTORICAL PROBLEMS WITH PRODUCT'S ACTIVE INGREDIENTS (C)	HISTORICAL COMPLIANCE PROBLEMS WITH SITE (D)	FARM TYPE/ NUMBER OF WORKERS (E)	TOTAL CHECKS PER TIER AND THE ASSOCIATED PRIORITY (F)
TIER I				X		1 = Medium
TIER II			X			1 = Medium
TIER III	X	X			X	3 = Medium

RISK-BASED TARGETING FOR USE INSPECTIONS

MATRIX I

NAME OF THE SITE(S) DANIEL FARM

	TOXICITY OF PRODUCT USED ON SITE (A)	CROP GROWN/HARVEST METHOD (B)	HISTORICAL PROBLEMS WITH PRODUCT'S ACTIVE INGREDIENTS (C)	HISTORICAL COMPLIANCE PROBLEMS WITH SITE (D)	FARM TYPE/NUMBER OF WORKERS (E)	TOTAL CHECKS PER TIER AND THE ASSOCIATED PRIORITY (F)
TIER I		X				1 = Medium
TIER II	X		X			2 = High
TIER III					X	1 = High

RISK-BASED TARGETING FOR USE INSPECTIONS

MATRIX I

NAME OF THE SITE(S) MAYO GREEN HOUSE

	TOXICITY OF PRODUCT USED ON SITE (A)	CROP GROWN/HARVEST METHOD (B)	HISTORICAL PROBLEMS WITH PRODUCT'S ACTIVE INGREDIENTS (C)	HISTORICAL COMPLIANCE PROBLEMS WITH SITE (D)	FARM TYPE/NUMBER OF WORKERS (E)	TOTAL CHECKS PER TIER AND THE ASSOCIATED PRIORITY (F)
TIER I	X	X			X	3 = High
TIER II						
TIER III			X	X		2 = Medium

Step I

According to the threshold key on page B-7, place check marks in each matrix. Use separate charts for each site, and use the threshold key for categorizing the information for Very Green Acres Farm. Very Green Acres is using a Tox 3 category chemical, so place a check mark under column A in Tier III. The site has been issued three enforcement actions in the past, so place another check mark under column D in Tier I. The product used has two incidents reported to the state within the past year, so place a check mark under column C in Tier II. The farm type is field, so place a check mark under column E in Tier III. Since Very Green Acres grows corn, it uses only machines to harvest the crop, so place a check mark under column B in Tier III. Complete the chart for Daniel Farm and Mayo Green House following the threshold key and using the same rationale. Please refer to the example matrices on the previous pages.

Step II

Total the number of check marks in Tier I, II, and III. Complete this step (for each potential inspection site) on each matrix.

Step III

Using the threshold key on page B-7, the three potential inspection sites were assigned the following priorities:

Mayo Green House = High Priority

Daniel Farm = High Priority

Very Green Acres = Medium Priority

Prioritizing Similar Categories/ Tie-Breaking Factors

If a state was to then prioritize the two high priority inspections, Mayo Green could be considered of higher priority (than Daniel Farm) given that more factors fell into Tier I (as shown on page B-12) for Mayo Green House. (More specifically, the chemical used at Mayo Green House is a toxicity category 1 product and the farm type and crop harvest method offers the greatest potential for exposure.)

These factors are placed in the matrix from left to right in columns in order of importance. These two factors represent the tie-breaking factor when the number of check marks in Tier I is identical for two sites. Other tie-breaking factors are the target audience (applicators,

handlers, or workers) and the number of workers. Volume of pesticides used at the site should also be a tie-breaking factor.

Using the Risk-Based Matrix for Producer Establishment Inspections (PEI)

A risk based targeting matrix was also developed for targeting producer establishments for inspections and appears on the next page. The threshold key for using this matrix is included on the following page.

The approach for using this PEI risk based matrix is the same as that previously described for use inspections. A new factor category, number of products produced at the establishment subject to the Worker Protection Standard, should also be considered when targeting these sites. (See WPS Active Ingredient List in Appendix E.)

The step-by-step process, previously described, for using the R-B matrix for use inspections would also apply to use of the PEI risk-based matrix.

Prioritizing Similar Categories/ Tie-Breaking Factors

Similar to Matrix I, Matrix II has been designed from left to right in order of importance.

The states are also encouraged to target PEIs based on the greatest potential for risk reduction whenever possible. The risk-based targeting matrix for PEIs suggests one recommended approach for doing so.

THRESHOLD KEY FOR

RISK-BASED TARGETING FOR USE INSPECTION

MATRIX I

	TOXICITY OF PRODUCT USED ON SITE (A)	CROP GROWN/HARVEST METHOD (B)	HISTORICAL PROBLEMS WITH PRODUCT'S ACTIVE INGREDIENTS (C)	HISTORICAL COMPLIANCE PROBLEMS WITH SITE (D)	FARM TYPE/NUMBER OF WORKERS (E)	TOTAL CHECKS PER TIER AND THE ASSOCIATED PRIORITY (F)
TIER I	TOX 1	HAND ONLY	3 OR MORE INCIDENTS WITHIN PAST YEAR	3 OR MORE ACTIONS	GREENHOUSE	2-5 CHECKS=H 1 CHECK=M 0 CHECK=L
TIER II	TOX 2	HAND AND MECHANICAL (MECH.)	1-2 INCIDENTS WITHIN PAST YEAR	1-2 ACTIONS	NURSERY	3-5 CHECKS=H 1-2 CHECKS=M 0 CHECK=L
TIER III	TOX 3 AND TOX 4	MECH. ONLY	NONE	NONE	FIELD, ETC.	4-5 CHECKS=L 2-3 CHECKS=M

KEY TO COLUMN F:

H = High Priority

M = Medium Priority

L = Low Priority

RISK-BASED TARGETING FOR PRODUCER ESTABLISHMENTS

MATRIX II

NAME OF THE ESTABLISHMENT(S): _____

	HISTORICAL ESTABLISHMENT COMPLIANCE PROBLEMS	HISTORICAL PRODUCT PROBLEMS	TOXICITY CATEGORY OF PRODUCT PRODUCED	NUMBER OF PRODUCTS PRODUCED SUBJECT TO WPS	TOTAL CHECKS OR ENTRIES AND ASSOCIATED PRIORITY
	(A)	(B)	(C)	(D)	(E)
TIER I					
TIER II					
TIER III					

THRESHOLD KEY FOR

RISK-BASED TARGETING FOR PRODUCER ESTABLISHMENTS

MATRIX II

	HISTORICAL ESTABLISHMENT COMPLIANCE PROBLEMS (A)	HISTORICAL PRODUCT PROBLEMS (B)	TOXICITY CATEGORY OF PRODUCT PRODUCED ON SITE (C)	NUMBER OF PRODUCTS PRODUCED SUBJECT TO WPS (D)	TOTAL CHECKS OR NUMBERS/PRIORITY (E)
TIER I	3 OR MORE ENFORCEMENT ACTIONS	3 OR MORE INCIDENTS WITHIN PAST YEAR	TOX 1	4 OR MORE	2-5 CHECKS=H 1 CHECK=M 0 CHECK=L
TIER II	1-2 ENFORCEMENT ACTIONS	1-2 INCIDENTS WITHIN PAST YEAR	TOX 2	3	3-5 CHECKS=H 1-2 CHECK=M 0 CHECK=L
TIER III	NONE	NONE	TOX 3 AND TOX 4	1-2	4-5 CHECKS=L 2-3 CHECKS=M

Key to the chart - Column E:

H = High priority

M = Medium Priority

L = Low priority

Appendix D Inspection Checklists

Inspection Checklist Instructions

The worker protection checklists have been divided into separate checklists, each one addressing a different type of worker protection inspection. These checklist types are as follows:

- Registrant/producer Establishment Inspections
- Marketplace/Dealer Inspections
- Farms/Forests Use inspections
- Nurseries Use inspections
- Greenhouse Use Inspections

These checklists are designed to reflect the order of activities the inspector will engage in while on site. In addition, for use inspection checklists the "**CORE**" questions have been identified for the inspector to ask the employer during the opening interview. The **CORE** questions should be addressed in every **Routine** use inspection. The remaining questions on the use checklists should be addressed if the inspector is conducting a **Comprehensive** worker protection inspection. If a pesticide application is ongoing during the inspector's visit, he/she should immediately proceed to the application site. The checklists are also divided into separate sections which address specific handler, early-entry worker, and the field worker questions. The page numbers on the checklists refer to the Worker Protection Field Pocket Guide.

Inspectors are encouraged to make multiple copies of each checklists, since inspections may involve more than one application site, or more than 4 pesticides. Please ensure that the establishment name, specific application site, and date of inspection are included on each checklist.

Inspectors are also requested to sign each checklist. For all responses which may be in violation of WPS regulations, explain in comment section and attach documentary evidence from the records of pesticide applications at site.



WORKER PROTECTION REGISTRANT/PRODUCER/MARKETPLACE/ DEALER ESTABLISHMENT CHECKLIST

REMINDER FOR INSPECTORS: Present Credentials, Issue Notice of Inspection. All Pesticide Products being sold or distributed by registrants/producers must bear revised WPS labels or in compliance with labeling options provided in PR Notice 93-11 that comply with PR Notice 93-7 after April 21, 1994.

Note: If more than 4 pesticides are sold or distributed by the establishment, copy additional sheets. Page numbers in parentheses refer to Worker Protection Field Inspection Pocket Guide.

Type of Inspection (circle one) Registrant Producer Marketplace Dealer	Firm Inspected (Name and Address): Person Interviewed:	Date of Inspection										
Inspection Tasks	Names of Pesticides and EPA Registration Number											
	1) _____ _____	2) _____ _____	3) _____ _____	4) _____ _____								
	Y	N	N/A	Y	N	N/A	Y	N	N/A	Y	N	N/A
Label Review: Requirements based on 40 CFR part 156, subpart K (Labeling Statements, P. 11-16)												
VERIFY EACH OF THE FOLLOWING WPS STATEMENTS PRESENT												
1. Application restriction statements (P. 11)												
2. 40 CFR Part 170 reference statements (P. 12)												
3. Product-type ID statements (P. 12)												
4. State restrictions (P. 13)												
5. Spanish warning statements (toxicity I or II P. 13-14)												
6. Restricted-entry statements (P. 14-15)												
7. Notification-to-worker statements (P. 16)												
8. PPE statements (P. 16)												

Enforcement Official Signature: _____ Date: _____



WORKER PROTECTION FARMS/GREENHOUSES/NURSERIES/FORESTS CORE CHECKLIST FOR ROUTINE INSPECTIONS

REMINDER FOR INSPECTORS: Present Credentials, Issue Notice of Inspection

NAME/ADDRESS OF THE ESTABLISHMENT _____	DATE OF INSPECTION:
	SITE: _____ SIZE IN ACRES: _____ FARM NURSERY _____ GREENHOUSE _____ FOREST

* **NOTE: Page numbers in parentheses refer to Worker Protection Field Inspection Pocket Guide.**
Some questions have multiple answers, please check appropriate boxes.

DETERMINATION OF WPS COVERAGE

Name of the agricultural employer/manager/responsible individual(s) interviewed.

Are pesticides with labeling that refers the WPS, used on the establishment for the production of agricultural plants?

YES NO

Does the establishment hire or contract workers to do tasks related to the commercial production of agricultural plants?

YES NO

How many workers are employed? Workers _____ Family Members

Does the establishment hire or contract pesticide handlers or family members to do tasks related to the commercial production of agricultural plants?

YES NO

If the answer to either one or more questions is yes, the employer must comply with the Worker Protection Standard. Request to see Pesticide storage area and record pesticides with WPS label on a separate form/sheet.

WPS CORE CHECKLIST PAGE 2

RESPONSIBILITIES OF COVERED EMPLOYERS OF WORKERS AND HANDLERS

(Verify by asking questions or by observations)

1. Where are the EPA WPS safety poster, emergency medical care information (name, address and telephone number of nearest medical facility) and facts about recent pesticide application displayed? Ask to see the location and observe if the information is: **Legible** Yes No
Provided at an **accessible central location**? Yes No
Up-to date? Yes No (p. 43-45)

a. How are workers/handlers informed about the location of this information? (p.42)

b. Is the pesticide safety poster the EPA safety poster? (p. 43-44) Yes No

If answer is no, than take a photograph of the poster and later compare it with EPA safety poster for any WPS required information.

2. How are workers **informed about pesticide applications** and restricted-entry intervals? (p.21-24)

Oral warning? Posted signs? Both?

a. If warning signs used, where are the signs posted? All entrances? Some entrances? None

b. When are the signs put up? 24 hours before the application? After the application?
All the time?

c. When are they removed? Within 3 days after the application? After REI expires?

d. How are warnings given to workers who are unable to understand English? (p. 24)

3. Who is allowed in the treated area during the pesticide application? What steps are taken to ensure that the treated area is vacated by unprotected persons during the application? (p. 24-25)

4. How do you ensure that all workers and handlers who enter a treated area for which a REI is in effect or had expired within 30 days, received **pesticide safety training**? (p. 38-42)

a. Who provides training?

Certified applicator? Trainer of certified applicators? Pesticide handler?
Employer? Others? No training provided?

b. What materials are used for workers? For handlers?

WPS Training material developed by EPA? Equivalent material? Other?

WPS CORE CHECKLIST PAGE 3

5. Is the handler/worker **decontamination site** easily accessible to the workers/handlers? (p. 45-47)
- Is it less than 1/4 mile from where they are working? More than 1/4 mile?*
- In the area being treated with pesticides?*
- b. Contents of site? (p. 46) *Sufficient water Yes No Soap? Yes No*
- Single use towels? Yes No Clean change of clothes (at handler site) Yes No*
6. What is the procedure in case of worker/handler injury or illness due to agricultural pesticides? (p. 48)
- a. Who provides **transportation to the emergency medical facility** for worker/handler? Who is responsible for providing information about the pesticide product to medical personnel/victim? (p. 48)
7. Have any WPS pesticide product's poisoning incidents occurred on this establishment?
- Yes No
- If yes, briefly describe the incident.
8. Ask employer to show you **Personal Protective Equipment (PPE)** that is available for use on site by handlers and early entry workers. (p. 32-37)
- a. Who instructs workers/handlers in the proper use of PPE and ensures that PPE is correctly worn by workers/handlers for its intended use? (p. 32-33)
- b. How is PPE cleaned and dried? Is PPE cleaned according to the manufacturer's instructions?
- c. Who cleans and maintains it? What information is given to the person responsible for cleaning the PPE? Does the employer inform them that:
- PPE may be contaminated with pesticides? Harmful effects of exposure to pesticides?*
- How to clean PPE correctly?*
- e. Who inspects PPE for leaks, holes and any damage? (p. 33)
- f. How often are respirator filters replaced? (p. 34)
9. Where do workers/handlers place their personal clothing when not in use?
- a. Where do they change into and out of PPE? Are they away from pesticide storage and use areas?

WPS CORE CHECKLIST PAGE 4

10. Are workers/handlers restricted from wearing home or taking home PPE? (p. 34)
Yes No If yes, explain briefly.
11. What steps are taken to ensure that the mixing, loading, and application equipment is in working order and safe before each use? (p. 37-38)
- a. Who repairs, adjusts, or maintains it? (p. 38)
12. How are early entry workers/handlers **informed about product label requirements** related to human related hazards, first aid and other labeling requirements related to safe use? (p. 31)
13. When does the commercial handler employer provide WPS required information to the site employer about pesticide application? (p. 24)
- a. What information is exchanged? (p. 24-25)

(We recommend that if an application is ongoing during an inspection, use WPS comprehensive checklist.)

REMINDER FOR INSPECTOR: Compliance Assistance may be provided at the end of or during the inspection.

COMMENTS:

**Print Name and Title of Enforcement Official:
Enforcement Official Signature:**



WORKER PROTECTION FARMS/FORESTS/GREENHOUSES/NURSERIES CHECKLIST FOR COMPREHENSIVE INSPECTIONS

REMINDER FOR INSPECTORS: Present Credentials, Issue Notice of Inspection. For Comprehensive inspection use Worker Protection Core Checklist in addition to this checklist.

NAME/ADDRESS OF AGRICULTURAL ESTABLISHMENT TYPE OF ESTABLISHMENT (Circle one) FARM NURSERY GREENHOUSE FOREST	DATE OF INSPECTION: <hr/> NAME OF PESTICIDE/ EPA REG. NO. <hr/> CROP: <hr/> NUMBER OF WORKERS ON THE ESTABLISHMENT <hr/> LOCATION OF WORKERS ON THE ESTABLISHMENT:
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*** NOTE: Page numbers in parentheses refer to Worker Protection Field Inspection Pocket Guide.**

One or more activities may be ongoing on an establishment, inspectors should use the appropriate section of the checklist and check mark appropriate boxes. List pesticides in the storage shed with WPS label on a separate sheet.

INFORMATION THAT MUST BE DISPLAYED AT A CENTRAL LOCATION (The inspectors, should respond to the questions in this section by observing the central location.)

1. What required information is displayed at the Central Location? (p. 43-45)

Application List? Yes No
Safety Poster? Yes No
Emergency information? Yes No

Is it Legible? Yes No
Accessible to Workers/handlers? Yes No
Up-to-date? Yes No

 (In the forest, this location may be near the forest where workers and handlers gather or pass by.)

2. Does the Application list include (p. 45):

The location and description of area? Yes No

Product name, EPA Reg. No., and active ingredient(s) of the pesticide? Yes No

Time and date the pesticide is scheduled to be applied? Yes No

Restricted-entry (REI) for the pesticide? Yes No

WPS COMPREHENSIVE CHECKLIST PAGE 2

3. Is the pesticide safety poster the EPA safety poster? Yes No

IF the answer is no, than check if any WPS required information is missing. If possible take a photograph of the poster and compare it with EPA safety poster. (p. 43-44)

4. Does the **emergency information**, include, the name, telephone number and address of the nearest medical facility. (P. 45)

Yes No

5. Does the location and description of the treated area allow workers/handlers to distinguish the area from other areas on the establishment? (p. 24)

Yes No

IF APPLICATION IS ONGOING, INSPECTORS SHOULD VERIFY THE FOLLOWING HANDLER ACTIVITY THROUGH QUESTIONS OR OBSERVATIONS

6. Is the handler an employee of: The agricultural establishment? Commercial handling establishment?

List name, address and telephone no. of commercial handler establishment

7. Has the handler(s) been trained: Within the last 5 years as a WPS handler? Yes No
Is currently a certified applicator of restricted-use pesticides? Yes No
Has completed an approved pesticide train-the- trainer program? (p. 40-42) Yes No

State whether handlers have, A certification card? WPS-handler card? Other card?

a. Is card current? Yes No

b. When did training occur, and by whom? _____

c. What training materials were used for handlers? (p. 42)

WPS training materials developed by EPA? Equivalent material? Other?

8. If commercial pesticide handlers are applying the pesticide(s), how and when do they or their employers convey information to the agricultural employer? (p. 24)

Did the commercial handler informed the agricultural employer about:

The specific location and area(s) that are to be treated? Yes No

Time and date of application? Yes No

Product name, EPA Reg. No., active ingredients, restricted-entry interval for the pesticide? Yes No

Whether the pesticide labeling requires both oral warnings and treated-area posting? Yes No

Any other specific requirements on the labeling requirements? Yes No

WPS COMPREHENSIVE CHECKLIST PAGE 3

9. Did the handler receive information about the labeling requirements by the agricultural employer and have access to the pesticide labeling during the entire handling task? (P. 32) Yes No or
- a. Did the handler read the label? Yes No
10. How is the handler instructed on how to safely and correctly use all pesticide handling equipment? (P. 37)

INSPECTOR SHOULD VERIFY THE FOLLOWING THROUGH OBSERVATIONS OR QUESTIONS (Handlers)

11. Ask, what precautions does the agricultural employer/handler take during pesticide applications so as not to contact anyone directly or through drift?
- a. Was everyone except appropriately trained and equipped handlers kept out of areas being treated with pesticides? Yes No If anyone exposed, list names and designation. (P. 25)
- In **nurseries and greenhouses**, were the workers prohibited from entering the treated area and any required border area. (p. 26-28) Yes No
12. When handling a highly toxic pesticide or a **pesticide bearing the skull and crossbones** symbol on the label, how is the handler monitored: Once every 2 hours by sight? By voice communication? Not monitored? (P. 32)
13. **GREENHOUSE:** Did employer make sure that the ventilation criteria was met (when required by the label) before handlers/workers were allowed to enter the treated area? (p. 28-29) Yes No If answer is no, describe the incident.
14. **GREENHOUSE:** If a fumigant is being applied, is the handler monitored: By another handler By a worker Was it by: Constant visual contact? Voice contact? Not monitored?
15. According to the label of the pesticide being applied what PPE, if any, was the handler required to wear during application? (List PPE handler wore. P. 32-34)
- a. Ask, who cleans and maintains the PPE? Handler Somebody else .
- b. Observe if the PPE is correctly worn by the handlers for its intended use. (p. 32) Yes No
16. If handlers are using (1) closed system, (2) enclosed cab, (3) open cockpit, or (4) closed cockpit, was less than the label-specified PPE worn? If so, list PPE worn. (P. 34-37)
17. If the handler is using a product that requires protective eyewear, does the handler have:
- Immediate access to water for eye flushing?*
- One pint of emergency eyeflush water in dispenser?*
- Eyeflush water at a decontamination site?* (P. 46)

WPS COMPREHENSIVE CHECKLIST PAGE 4

18. Is the handler decontamination site easily accessible to the handler? (p.45-46) Yes No
Is it: *Within 1/4 mile from where the handler is mixing/applying pesticides?* *More than 1/4 mile?*
In the area being treated with pesticides?
- a. Is each decontamination site equipped with:
Soap? *Single-use towels?*
A clean change of clothing? *Sufficient water for entire body wash? (Suggested amount 3 gal/handler/day.)*
Running tap water? *Water in container?* (P. 46-47)
19. Do the handlers have a clean place to remove their PPE? Yes No

IF ANY AREA IS UNDER RESTRICTED-ENTRY INTERVALS (REI), THEN VERIFY THE FOLLOWING EARLY-ENTRY ACTIVITIES THROUGH QUESTIONS

QUESTIONS FOR EARLY-ENTRY WORKERS

20. Were any workers other than trained and equipped handlers in the treated area during application or the REI, or in contact with any treated surface such as soil, water, plant? (Document worker exposure) (p. 24)
21. How were the early-entry workers informed about application of the pesticide and any restricted entry interval? (Depending on the labeling of the pesticide.) Oral warning? Posted signs? Both?
If the warning signs are used, where are the signs posted? **Farms:** All entrances where workers usually enter? Each access road? Each border with any labor camp, adjacent to treated area?
Greenhouses: Were signs visible at all usual points of worker entry to the treated area? Yes No
22. If oral warning, when was the warning given? *Before the application of pesticide?* *After the application of pesticides?* *No oral warning given?* (P. 24)
23. How soon after application did the worker enter treated area? *At least 4 hours?* *after any inhalation exposure level listed on the label was reached?* *2 hours after the application?* (p. 30)
a. How long had they been working in the field? *2 hours* *No more than 1hr/24 hr* (p. 30)
24. Was there early entry into a treated area by workers under the following exceptions: (p. 30)
a. If short-term tasks:
Last less than 1 hour and did not involve hand labor?
Last more than 1 hour?
Involves hand labor?
- b. If an Agricultural emergency exception, what agency (State, Tribal, Federal) declared that circumstances exist that might cause an emergency on the establishment?
- c. What was the emergency? (p. 30)

WPS COMPREHENSIVE CHECKLIST PAGE 5

25. How does the agricultural employer ensure that all workers who enter a treated area for which a REI is in effect or had expired within 30 days, received pesticide safety training? (p. 38-40)
- Do they have: *A certification card* *WPS worker card?* *Other card?* *No card?*
- a. Who provides training? (p. 38-39) *Certified applicator?* *Trainer of certified applicators?*
Pesticide Handler? *Employer?* *No training provided?*
- b. What materials are used? (P. 42) *WPS Training material developed by EPA?* *Equivalent material?*
26. How has each early-entry worker been informed about the safety information and instructions on the labeling of the pesticide to which the REI applies? (P. 30-31)
- a. Did the agricultural employer assure the early entry worker was informed in a manner in which they could understand the information? (p.38)
27. How were they instructed to prevent, recognize, and give first aid for heat illness? (P. 34)
28. How did early entry workers receive instructions on how to correctly put on, use and take off PPE? (p. 32-33)
- a. When and who instructed the workers? (p. 31)
29. Is the treated area posted? (p. 23) Yes No *Can the sign be seen at all entrances to treated areas?*
At the entrance from the labor camps? *Was the EPA sign used?*
Was it legible? *Was it 14"x 16" (unless area too small for such size sign)?*
Posted during application and entire REI?
30. Were the workers provided PPE required by the pesticide labeling for early entry tasks? (list PPE used)(p. 32)
31. Is a decontamination site accessible to the early-entry workers? (p. 46) Yes No
Is it within 1/4 mile from where they are working? *More than 1/4 mile?*
Located in the area that remains under an REI?
32. Is it equipped with: *Sufficient water for routine washing?* *Emergency eyeflushing water?*
Soap? *Single-use towels?* (p. 46-47)

WPS COMPREHENSIVE CHECKLIST PAGE 6

33. If pesticide labeling requires protective eyewear, do the workers have: *Immediate* access to eyeflush water?
- Running water?*
Eyeflush dispenser? (p. 46)
34. Do the workers have a clean place to remove their PPE? Is that place equipped with soap, clean towels and water for thorough washing? (P. 46-47) Yes No
35. Are workers aware of central location, which contains the safety poster, emergency information and notice of pesticide applications? (P. 43) Yes No
36. Did site employer took any action to prevent or discourage any worker from complying with worker protection requirements (Such as use of PPE, decontamination site, and asking for emergency assistance)? (p. 49)

REMINDER FOR INSPECTOR: Provide Compliance assistance information at end of or during inspection.

COMMENTS:

Print Name and Title of Enforcement Official:

Enforcement Official Signature: _____

Date:

Appendix E Sample Label

SAMPLE LABEL

RESTRICTED USE PESTICIDE

Due to very high toxicity to humans and birds.
For retail sale to and use only by certified applicators or persons under their direct supervision and only for those uses covered by the certified applicator's certificate.

VIP DEPESTO I/M

GALACTOTHION

ACTIVE INGREDIENTS:	
galactothion (0,0-diethyl methyl phosphorothiate)	20.9%
related isomers	1.1%
INERT INGREDIENTS:	
TOTAL	78.0%
Contains xylene aromatic solvents.	
	100.0%

KEEP OUT OF REACH OF CHILDREN

**DANGER
PELIGRO**

POISON

**Spanish
Warning
Statement**

Si Usted no entiende la etiqueta, busque a alguien para se la explique a Usted en detalle. (If you do not understand this label, find someone to explain it to you in detail.)

STATEMENT OF PRACTICAL TREATMENT

Call a doctor (physician), clinic, or hospital immediately. Explain that the victim has been exposed to galactothion and describe his/her condition. After first aid is given take victim to clinic or hospital. **If breathing has stopped**, start artificial respiration immediately and maintain until doctor sees victim. **If swallowed** -- Drink 1 or 2 glasses of water and induce vomiting by touching back of throat with finger. Do not induce vomiting or give anything by mouth to an unconscious person. Get medical attention. **In case of contact**, immediately flush the skin with plenty of water while removing contaminated clothing and shoes. See doctor immediately. Galactothion is an organophosphate pesticide that inhibits cholinesterase.

**Product-type
Identification
Statement**

NOTE TO PHYSICIAN

Antidote -- administer atrophine di-sulfate in large doses. **TWO** to **FOUR** mg. intravenously or intramuscularly as soon as cyanosis is overcome. Repeat at 5 to 10 minute intervals until signs of atrophinization appear. **2-PAM** chloride is also antidotal and may be administered in conjunction with atropine. **DO NOT GIVE MORPHINE OR TRANQUILIZERS.** Galactothion is a strong cholinesterase inhibitor affecting the central and peripheral nervous system and producing cardiac and respiratory depression. At first sign of pulmonary edema, the patient should be given supplemental oxygen and treated symptomatically. Continued absorption of the poison may occur and fatal relapses have been reported after initial improvement. **VERY CLOSE SUPERVISION OF THE PATIENT IS INDICATED FOR AT LEAST 48 HOURS.**

EPA Registration No. 12345-10	VIP Chemical Company	Net Contents:
EPA Establishment No. 56787-CO-3	2527 South VIP Drive	55 Gallons
	Biardspond, MI 22315	

<p>Personal Protective Equipment Statement</p>	<div style="text-align: center;"> <h2>PRECAUTIONARY STATEMENTS</h2> <h3>HAZARDS TO HUMANS (& DOMESTIC ANIMALS)</h3> <p>DANGER:</p> <p>Fatal if absorbed through skin, fatal if swallowed, and poisonous if inhaled. Do not breathe vapors or spray mist. Do not get on skin or clothing.</p> </div> <hr/> <p><u>Personal Protective Equipment</u> Some materials that are chemical resistant to this product are listed below. If you want more options, follow the instructions for category G on an EPA chemical resistance category selection chart.</p> <p><u>Applicators and Other Handlers must wear:</u> <u>Coveralls over long-sleeve shirt & long pants</u> <u>Chemical-resistant gloves such as barrier laminate or vitron</u> <u>Chemical-resistant footwear plus socks</u> <u>Protective eyewear</u> <u>Chemical-resistant headgear for overhead exposures</u> <u>Chemical-resistant apron when cleaning equipment, mixing, or loading</u> <u>Respirator with either an organic vapor-removing cartridge with a prefilter approved for pesticides (MSHA/NIOSH approval prefix TC-23C) or a canister approved for pesticides (MSHA/NIOSH approval number TC-14G)</u></p> <p><u>Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them.</u> <u>Follow manufacturer's instructions for cleaning and maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.</u></p> <p><u>When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.</u></p>
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User Safety Recommendations

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Remove PPE immediately after handling this product. Wash the outside of the gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

This pesticide is highly toxic to aquatic invertebrates and wildlife. Birds in treated areas may be killed. Shrimp and other aquatic organisms may be killed at recommended application rates. Do not contaminate water by cleaning of equipment or disposal of wastes.

PHYSICAL AND CHEMICAL HAZARDS

Do not use or store near heat or open flame. Not for use or storage in or around the home.

<p>Application Restriction Statements</p> <p>State Restrictions Statement</p> <p>Reference Statement</p> <p>Restricted-entry Statement</p>	<p style="text-align: center;">DIRECTIONS FOR USE</p> <p>It is a violation of Federal law to use this product in a manner inconsistent with its labeling. <u>Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application.</u> For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.</p> <p style="text-align: center;"><u>AGRICULTURAL USE REQUIREMENTS</u></p> <p>Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), notification-to-workers, and restricted-entry intervals. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.</p> <p><u>Do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 48 hours.</u> The REI is 72 hours in outdoor areas where the average annual rainfall is less than 25 inches a year.</p> <p>PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is: <u>--coveralls over long-sleeved shirt & long pants</u> <u>--chemical-resistant gloves such as barrier laminate or vitron</u> <u>--chemical-resistant footwear plus socks</u> <u>--protective eyewear</u> <u>--chemical-resistant headgear</u></p> <p><u>Notify workers of the application by warning them orally and by posting warning signs at entrances to treated areas.</u></p> <p style="text-align: center;">STORAGE AND DISPOSAL</p> <p>PROHIBITIONS: Do not contaminate water, food, or feed by storage or disposal. Do not store under conditions which might adversely affect the container or its ability to function properly.</p> <p>STORAGE: Do not store below temperature of 0 F.</p> <p>CONTAINER DISPOSAL: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedure approved by state and local authorities.</p>
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