

Pesticide Worker Safety Program Improvements Agricultural Worker Protection Regulation

BACKGROUND:

The agricultural worker protection regulation (40 CFR 170) establishes requirements for agricultural employers to provide protections for workers laboring in pesticide-treated fields, and for pesticide handlers who mix, load, and apply those pesticides. The regulation was expanded significantly in 1992. EPA is considering a range of changes to the agricultural worker protection regulation.

REGULATION REVISION:

After a program assessment and broad stakeholder engagement, a project was launched to amend the regulation to close gaps in protection, address deficiencies, and apply lessons learned since the rule was issued. The changes under consideration are intended to:

- improve protections to human health,
- strengthen the ability to enforce the regulation, and
- improve program operational efficiency and administration, and rule clarity.

KEY GOALS:

1. **Better trained workers by improving training content and quality, and addressing current regulatory gaps that allow employers to avoid training workers:**
 - Reduce retraining interval
 - Expand training contents
 - Eliminate grace period
 - Improve worker trainer competency
 - Require training recordkeeping
2. **Better protections for workers during restricted entry intervals (REIs):**
 - Ag employer required to provide notifications to workers when directing early entry (during REI) to a treated area
 - Post warning signs at treated area for pesticide applications with extended REIs
 - Improve content of warning signs for posting at treated areas during REI.
3. **Improve protections for workers during pesticide applications:**
 - Reduce potential for worker exposure through drift by extending the requirements for entry restricted areas around applications to farms and forests, similar to those in place for nurseries and greenhouses.
4. **Improve hazard communication protections:**
 - Expand information on application and hazard required to be made available
 - Specify when application information must be recorded and retention period
 - Require handler employer to notify agricultural employer of any changes in application, within specified time period
5. **Improve effectiveness of safety poster and emergency information:**
 - Expand poster content to match expanded training points
 - Add requirement for poster at decontamination supply location
 - Specify emergency information to be provided and timeframe for providing it

PROCESS FORWARD:

- Tribal Consultation
- Federalism Consultation
- Address Executive Orders
- Final Agency Review
- OMB and USDA Reviews
- Administrator Signature
- Publication of Proposed Regulation Changes: calendar year 2010-2011