

Pesticide Worker Safety Programs Update

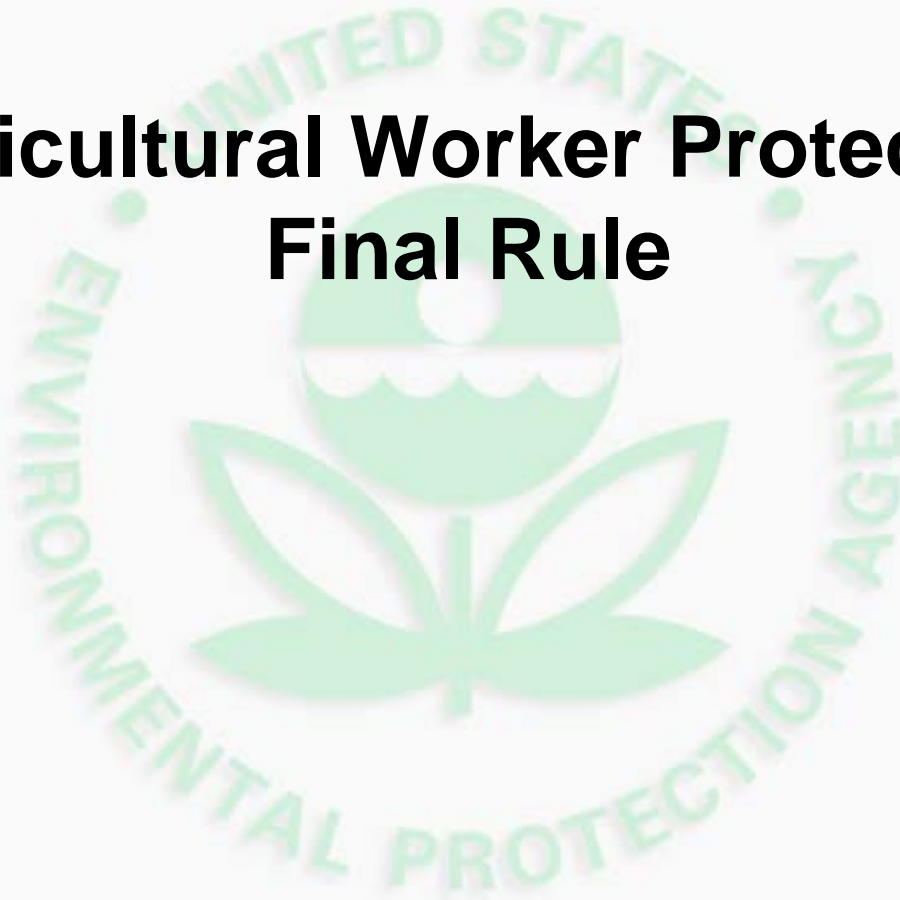
Kevin Keaney, US EPA/OPP
Pesticide Program Dialogue Committee
November 2, 2017



Agenda Topics

- Agricultural Worker Protection Final Rule
 - PPDC Dialogue: Applicator Exclusion Zone, Designated Representative, Minimum Age
- Certification of Pesticide Applicators Final Rule
 - PPDC Dialogue: Minimum Age
- Grant Support for Pesticide Worker Safety Programs

Agricultural Worker Protection Final Rule





EPA's Outreach and Implementation

Educate Regulators

- Develop broad understanding of WPS revisions among OPP & regional staff and state/tribal inspectors & program leads

Stakeholder Outreach

- Ensure stakeholders understand the WPS revisions, impacts and the timeline for implementation: regulated community, farmworker advocates and other NGOs; coordinate with other federal agencies

Materials Development

- 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

Implement Pesticide Safety Training

- 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



Compliance Date Change Requests

- Feb 21, 2017: Petition from NASDA to postpone compliance date to at least Jan 2018
- May 11, 2017: EPA grants petition
 - Grant request to extend implementation of all revised WPS provisions until necessary guidance & trainings have been completed, which would allow states to successfully implement the changes
- Officially, compliance date has not changed yet
 - EPA needs to issue a Federal Register notice to change the compliance date

PERC Projects

Web site: <http://pesticideresources.org>

- Clearinghouse of WPS materials
- How to Comply Manual
- WPS compliance suite
- Updated central posting materials
- Train the trainer program
 - Manual & TTT presentations
 - Online TTT modules (Nov 2017)
 - Spanish TTT manual & presentations (Nov 2017)
- Videos for training workers & handlers
- Pesticide safety information/poster
- Respirator information (Spring 2017)



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 Handler Training
- New content in Pesticide Safety Information Display
- Responsibility for Handlers related to the Application Exclusion Zone

1/2/2018
**Compliance
Required with:**

- New content in Pesticide Safety Information Display
- Responsibility for Handlers related to the Application Exclusion Zone

Note: Compliance with new content in worker and handler training will be required 6 months after EPA publishes Federal Register notice about training materials being available.



Regulatory Reform Agenda

- Executive Order 13777 on enforcing the regulatory reform agenda
- EPA requested input on regulations appropriate for repeal, replacement or modification
- EPA offices conducted outreach and received regulatory reform comments and recommendations from the public and advisory committee members at the second day (May 4, 2016) of the Pesticide Program Dialogue Committee (PPDC) meeting
- Comments and recommendations were discussed at the November 2, 2017 PPDC meeting
- Any substantive change made to the rule will require a proposal and comment rulemaking before it would be final



Certification of Pesticide Applicators Final Rule



Key Revision Areas

Certified Applicators

- 1) New exam administration standards
- 2) Competency gauge for private applicators
- 3) Application method-specific categories
- 4) Standards for applicator recertification

Noncertified Applicators under Direct Supervision

- 5) Competency of noncertified applicators
- 6) Supervision of noncertified applicators

Minimum Age

- 7) Minimum age requirements for certified & noncertified applicators



Certification Rule Key Dates

- Original effective date was **March 4, 2017**
- The effective date was been moved several times for review of questions of fact, law and policy
- Most recent Federal Register notice: June 2, 2017
 - Changed the effective date to **May 22, 2018**
 - New Administration has not had the time to adequate review the January 4, 2017 certification rule
 - EPA intends to adjust the other implementation dates to maintain implementation schedule (3 years to submit plans, time for EPA review)
- Lawsuit challenging the rules to change the effective date - pending



Implementation Timeline

12/12/2016

**Revised C&T
final rule
signed by EPA
Administrator**

1/4/2017

**Revised C&T
final rule
published in
the Federal
Register**

5/22/2018

**Revised C&T
final rule
becomes
effective***

*** (EPA's
promulgation of this
effective date is the
subject of a judicial
challenge)**

3/4/2020

**Date For
Certification
Plans to be
Submitted to
EPA based on
1/4/2017 rule**

3/4/2022

**EPA Completes its
Initial Review of
Revised
Certification Plans
and Some Revised
State Plans Will
Start to Become
Effective***

*** (EPA will determine
timeframes for
implementation and
compliance with revised
certification plans on a
case-by-case basis as part
of EPA's review and
approval of each revised
certification plan)**



Implementation Timeline

- The rule gives the certifying authority until 3/4/2020 to submit revised certification plans demonstrating their compliance with the new requirements
- If submitted by 3/4/2020, **existing plans remain in effect** until EPA approves revised plan
- The time frame for implementation and compliance with revised certification plan will be decided on a case-by-case basis as part of EPA's review and approval of each revised state certification plan.



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Grant Support for Pesticide Worker Safety Programs

Association of Farmworker Opportunity (AFOP) - National Farmworker Training Program - Cooperative Agreement

- AFOP is responsible for developing and administering a pesticide safety training program that will support a national network of pesticide safety trainers providing pesticide worker safety training to migrant and seasonal farmworkers and their families.

Pesticide Educational Resources Collaborative (PERC) UC Davis / OR State Cooperative Agreement

- PERC will develop or coordinate the development of pesticide education materials. An advisory board and EPA will help in setting national priorities. PERC will use subject matter experts and production professionals. Current Projects: - How to Comply Manual - Train the Trainer Manual - Train the Trainer Online Modules - Regulation Interactive Website - Videos for Training Workers - Videos for Training Handlers - Updated Central Posting Materials - Clearinghouse of Training Materials - Respirators 101 Training Module



Grant Support for Pesticide Worker Safety Programs

National Pesticide Information Center (NPIC)

- NPIC facilitates informed decision-making about pesticides and supports the protection of human health and the environment by serving as a bilingual, factual source of information for professional and public audiences on pesticide-related issues.

eXtension Foundation – Cooperative Agreement

- eXtension will establish a Pesticide Safety Education Funds Management Program to help support state cooperative extension programs conduct their certified pesticide applicator training activities. This is a five year agreement.