



# Bilingual Labeling and Other Environmental Justice Issues

Session Chair: Michael Goodis, Deputy Director,  
Office of Pesticide Programs  
10:40 am – 12:00 pm

# Agenda

- Executive Order (E.O.) 14096 - Revitalizing Our Nation's Commitment to Environmental Justice for All – Michael Goodis (OPP/IO)
- PRIA 5 Implementation Update – Steve Schaible (OPP/IO) (5 mins)
- Bilingual labeling update – Sue Bartow (PRD) (15 mins)
- Worker Protection Update – Certification of Pesticide Applicators, PRIA 5 EJ-related Grants Update, PPDC Farmworker and Clinician Training Workgroup Implementation, WPS/AEZ Rulemaking Update - Aidan Black (PRD) (20 mins)
- Farmworker Perspective on Bilingual Labeling – Mily Trevino-Sauceda (Alianza Nacional de Campesinas) & Mayra Reiter (Farmworker Justice) (20 mins)
- PPDC Discussion (20 mins)

# Revitalizing Our Nation's Commitment to Environmental Justice for All

- On April 21, 2023, President Biden issued E.O. 14096, (88 FR 25251) that builds upon prior orders advancing environmental justice (EJ).
- E.O. 14096 instructs Federal agencies to make achieving EJ part of its mission and includes 16 directives for agencies.
- Expanding on EPA's definition, this EO defines "environmental justice" to mean just treatment and meaningful involvement of all people not only without regard to income, race, color, or national origin, but also Tribal affiliation or disability.
- As appropriate, Federal agencies are directed to address the effects of climate change, cumulative impacts of environmental and other burdens, historical inequities, and systemic barriers.



# PRIA 5 Implementation Update

Steve Schaible (OPP/IO)

# PRIA 5

- The Pesticide Registration Improvement Act or PRIA was first authorized in 2004
- PRIA created a registration service fee system whose purpose was to provide additional resources to OPP in order to achieve more predictable and faster registration decisions
  - In addition to fee categories, PRIA and its reauthorizations include a variety of provisions important to both industry and NGO stakeholders
- PRIA has been reauthorized 4 times, the most recent being the Pesticide Registration Improvement Extension Act of 2022 (PRIA 5) was signed into law on December 29, 2022

# PRIA 5 and Environmental Justice

- PRIA 5 continues or introduces a number of fee fund set-asides that are relevant to Environmental Justice, including:
  - New set asides for farmworker training and education (replaces worker protection activities set aside) and health care provider training relating to the recognition, treatment, and management of pesticide-related injuries and illnesses, as well as development of informational materials for technical assistance and training
  - Continuation of maintenance fee set asides for partnership grants, and pesticide safety education programs
  - New set-aside to support interagency agreement with NIOSH/CDC to support the SENSOR program, with a goal of increasing the number of participating states and prioritizing expansion in States with the highest numbers of agricultural workers
- PRIA 5 amends FIFRA to require bilingual (Spanish) language translation to end-use pesticide product labels;
  - EPA to seek stakeholder input on ways to make bilingual labeling accessible to farm workers – 180 days from date of enactment (June 2023).
  - EPA to cooperate and consult with State partners on implementation of bilingual labeling

# Pesticide Registration Improvement Act (PRIA) 5 – Bilingual Labeling Update

Sue Bartow – Pesticide Re-evaluation Division (PRD)

# Bilingual Labels - Requirements

- PRIA 5 amended FIFRA requiring Spanish language translation for sections of the end-use pesticide product labels where translation is available in the EPA Spanish Translation Guide.
  - The Guide will serve as a resource for pesticide registrants as they translate sections of the label.
- The Spanish language translation must appear on the product container or a link to such translation via scannable technology or other electronic methods readily accessible on the product label.



# Bilingual Labels – Deadlines

- Restricted Use Pesticides (RUPs) – 3 years (Dec 2025)
- Agricultural Non-RUPS:
  - Acute Toxicity Category I – 3 years (Dec 2025)
  - Acute Toxicity Category II – 5 years (Dec 2027)
- Antimicrobials and non-agricultural:
  - Acute Toxicity Category I – 4 years (Dec 2026)
  - Acute Toxicity Category II – 6 years (Dec 2028)
- All other products – 8 years (Dec 2030)
- Other label timing provisions for when the Spanish Translation Guide is updated.

# Bilingual Labels – Implementation

- Label changes made through non-notification.
  - A change may be made to a pesticide label without notifying EPA.
- EPA shall cooperate and consult with State lead agencies for pesticide regulation to implement bilingual labeling.
- EPA to seek stakeholder input on ways to make bilingual labeling accessible to farmworkers – 180 days (June 2023).
- EPA shall develop and implement, and make publicly available, a plan for tracking the adoption of the bilingual labeling – 2 years (Dec 2024).
- EPA shall implement a plan to ensure that farmworkers have access to the bilingual labeling – 3 years (Dec 2025).

# Public Feedback on Accessibility

- Bilingual Pesticide Labeling National Webinar – 6/15/23
  - More than 380 participants and 31 speakers
  - Recommendations include:
    - Consult farmworkers directly.
      - Conduct focus groups.
      - Partner with community associations.
    - Literacy level is a concern.
      - Include pictures, graphics, audio, etc.
      - Important to provide culturally relevant information.
    - Place printed materials/electronic links in common areas.
      - Tractors, buses, porta-potties, maintenance areas, break rooms, housing areas, etc.
      - Provide information on fliers that can be reviewed at home.
    - Due to potential connectivity issues can consider:
      - Pre-loading information into mobile applications.
      - Providing an offline option that can be downloaded.

# Public Feedback on Accessibility (cont.)

- Public docket (EPA-HQ-OPP-2023-0270)
  - Open from June 20, 2023, to August 21, 2023
  - 36 comment submissions
  - Recommendations include:
    - Coordinate with various stakeholders on accessibility plan and implementation (e.g., SLA, PERC, pesticide safety programs, enforcement agencies, growers, workers).
    - Develop a plan that can be effective without internet access (e.g., printed labels available, use an application with downloadable labels).
    - Communicate the availability of the labels (i.e., education and outreach campaign, social media, posters and radio announcements (in Spanish)).
    - Provide support for workers to understand the labels (e.g., hotline, video).
    - For electronic access of labels, consider:
      - Small file sizes that are phone and small screen friendly.
      - The ability to toggle between both label translations.
      - Providing labels on a bilingual version of PPLS.
- Comments received cover additional topics beyond accessibility (e.g., Translation Guide)
  - These recommendations are also being considered by the Agency

# Stakeholder Engagement and Outreach

- Presented bilingual labeling charge questions regarding farmworker access to the NEJAC – 3/30/23
- SFIREG Meetings – 4/17/23 & 9/18/23
- Quarterly Farmworker Advocacy Stakeholder Call – 4/17/23 & 8/3/23
- CLA RISE Conference – 4/19/23 & 4/20/23
- AAPCO WPS Committee Meeting – 4/20/23
- OCSPP/OECA/Regions Monthly Call – 4/26/23
- OCSPP Regional WPS Quarterly Call – 5/2/23 & 10/31/23
- PPDC Meeting – 5/31/23 & 11/16/23
- OCSPP/OECA National Pesticide Manager Meeting – 6/6/23
- Bilingual Pesticide Labeling National Webinar – 6/15/23
- Call with State Lead Agencies – 7/6/23
- PRIA Coalition and NASDA Virtual Workshop – 7/20/23
- Call with PRIA Coalition and Industry Representatives – 9/6/23
- Call with the TPPC's Executive Committee – 9/20/23
- US, Mexico, and Canada Technical Working Group on Pesticides – 11/7/23

# Bilingual Labeling – Additional Feedback

- General Feedback from Stakeholder/Outreach:
  - Supportive of bilingual labeling effort
  - Stakeholders have identified various concerns:
    - Implementation issues
    - Enforcement
    - Resource intensive
    - Need to update the Spanish Translation Guide

# Next Steps

- Interdivisional Spanish Labeling Workgroup
- Formed subgroups to address the various provisions of PRIA 5
  - Accessibility Subgroup
  - Communications Subgroup
  - Tracking Subgroup
  - Spanish Translation Guide Subgroup



# Worker Protection Updates

Aidan Black

OPP, Pesticide Re-evaluation Division (PRD)



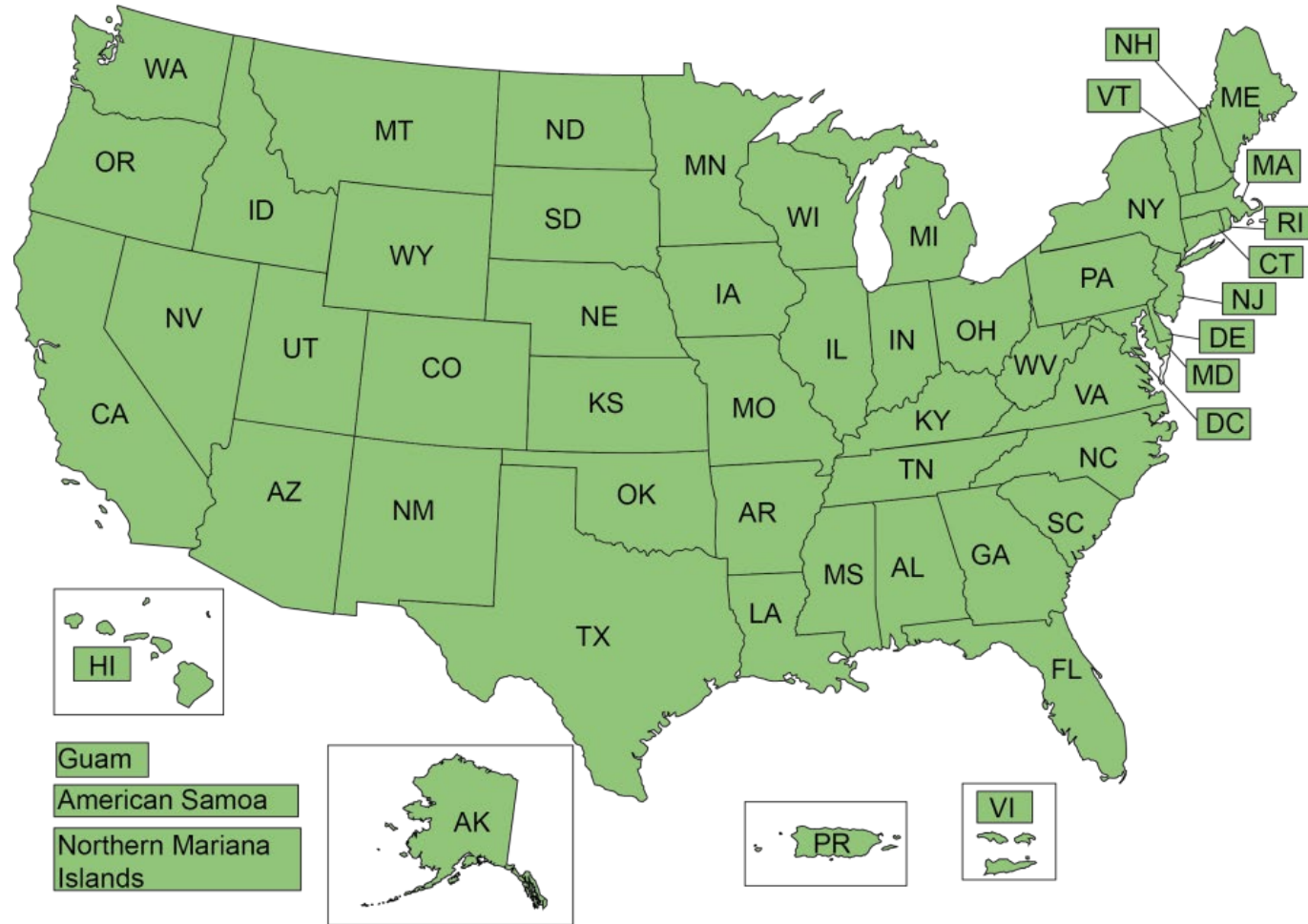
# Overview of Updates

- Certification of Pesticide Applicators
- PRIA 5 Environmental Justice related Grants
- Implementation of PPDC recommendations from the Farmworker and Clinician Training Workgroup
- WPS Application Exclusion Zone (AEZ) Rulemaking

# Status of Certification Plan Approvals




Plan Under Review    Plan in Signature for Approval    Plan Approved




## Approved Plans:

- 50 states
- District of Columbia
- 5 territories
- 6 federal agencies
- 5 tribes
- EPA Plan for Indian Country


# Certification of Pesticide Applicators

- EPA classifies pesticides as restricted use pesticides (RUPs) or general use (unclassified) pesticides.
  - RUPs have the potential to cause unreasonable adverse effects to the environment and injury to applicators or bystanders without added restrictions.
    - RUPs can be used only by or under the supervision of a certified applicator.
  - Applicators are certified by pesticide State Lead Agencies, Tribes, and Federal Agencies through certification programs.
    - All certification programs are required to have an EPA-approved plan.
  - Pesticide Safety Education Programs (PSEPs) provide pesticide applicator education & training on the safe use of RUPs by applicators in all settings.
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# What is in state/territory/tribal plans?

- Standards for pesticide applicators to become certified in the use of restricted use pesticides (RUPs)
  - The revised rule:
    - Enhances applicator competency standards to ensure RUPs are used safely.
    - Establishes a nation-wide minimum age for certified applicators and persons working under their direct supervision.
    - Establishes a maximum recertification interval of 5 years for commercial and private applicators.
    - Requires specialized certifications for people using specific application methods (fumigation and aerial).
    - Provides expanded options for establishing certification programs in Indian Country that acknowledge tribal sovereignty.
    - Establishes protection for noncertified applicators by requiring training before they can use RUPs (under the direct supervision of a certified applicator).
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# EPA's Role in the Certification of Pesticide Applicators

- Establishes minimum competency for pesticide applicators through the Certification of Pesticide Applicators (CPA) rule (updated in 2017)
  - Approves certification plans required by FIFRA
  - Certifies applicators for areas of Indian Country without an EPA-approved plan
  - Aids and assists SLAs to submit annual reports, required by CPA rule
  - Funds PSEPs and other organizations to help implement certification and training (C&T) program
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# Implementation Phase

- Certification programs will change based on EPA-approved plans
  - Certifying authorities are making changes to certification/licensing programs, such as adding or updating applicator certification categories
  - State's approach may vary as long as competency standards are addressed
- Changes will go into effect at different times based on each plan's implementation schedule
- OPP's cooperative agreement funding supports implementation
  - PERC develops manuals for specific certification categories
  - Funding is also provided for state PSEPs



# PRIA 5 Environment Justice (EJ) Related Grants Updates

# PRIA 5 Set-Asides for EJ Related Grants

- New set asides created for:
  - **Farmworker training and education** (not more than \$7.5M over 5 years)
  - **Health care provider training** (not more than \$2.5M over 5 years)
    - **Technical assistance** to grantees or applicants for the above programs (not more than \$1.75M over 5 years)
  - **Pesticide incident surveillance** – to support interagency agreement with CDC/NIOSH for SENSOR program ( not more than \$500K per year)
- Extends set asides for:
  - **Partnership grants** (not more than \$500K per year)
  - **Pesticide safety education program** (not more than \$500K per year)



# Updates on EJ Related PRIA 5 Set-asides

- Farmworker Training and Education Grants – *Developing Request for Information (RFI)*
  - RFI will propose a design that incorporates PPDC workgroup recommendations
- Health Care Provider Training Program – **RFI Published**
  - RFI proposes a design that incorporates PPDC workgroup recommendations
- CDC/NIOSH Sentinel Event Notification System for Occupational Risk (SENSOR)
  - **Interagency agreement in place** – supporting SENSOR-Pesticides in 4 states (WA, TX, NC & GA)
- National Pesticide Information Center (NPIC) – **PROCESSING NEW AWARD**
  - Current agreement expires in February 2024; do not anticipate a gap in services
- Pesticide Safety and Education Programs (PSEPs) – **AWARDED**
  - Incorporates EJ components in new agreement (see next slide for more information)

# Pesticide Safety Education Program (PSEP)

- New five-year cooperative agreement awarded in September
- Supports the nation's certification programs
- Extension Foundation (EXF) is the recipient (also managed the previous award)
- Program consists of subawards to PSEPs at Land Grant Universities
- First year funded at \$1.5 million
- Higher award ceiling than for the past agreement

## Environmental Justice Components of New Agreement

- The agreement will promote collaboration between PSEPs and Minority Serving Institutions
  - Examples of minority serving institutions include Historically Black Colleges and Universities; Tribal Colleges and Universities; Hispanic-, Asian American-, Native American-, and Pacific Islander-serving Institutions; and Predominantly Black Institutions.
- The agreement will also support EJ work being done at PSEPs, such as translation of pesticide safety materials

# Status of the Implementation of Recommendations from the PPDC Farmworker and Clinician Training Workgroup



# Summary of PPDC Clinician Training Recommendations




- Improve reporting system for pesticide incidents
- Promote awareness of pesticide illness/injury reporting among clinicians by partnering with professional organizations
- Target a wide range of health care providers (HCPs)
- Involve HCPs in development and evaluation of materials
- Invest in needs assessments
- Increase partnerships with and funding opportunities for organizations with front line relationships


Full list of recommendations [here](#)



# Health Care Provider Training Program

- Healthcare Provider Training Program cooperative agreement will fund the training of healthcare providers on the prevention, recognition, treatment, management, and reporting of pesticide-related illness.
  - EPA Published a Request for Information (RFI) in September
    - Lays out a proposed design for the Healthcare Provider Training Program.
    - This proposed design builds on the work of past agreements while incorporating new EJ elements (primarily, expanded partnerships with groups that serve populations at high risk of pesticide exposure).
    - The RFI also poses specific questions to stakeholders related to the program design.
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# Health Care Provider Training Program

- The comment period is open until November 24<sup>th</sup>, 2023
    - Comments may be submitted to Docket ID EPA-HQ-OPP-2023-0457 on [www.regulations.gov](http://www.regulations.gov).
    - Instructions are on the website for submitting comments.
  - Feedback collected through the RFI will inform the Notice of Funding Opportunity (NOFO) for the Healthcare Provider Training Program.
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# PERC's Agricultural Community-Based Projects

- The [Pesticide Education Resources Collaborative \(PERC\)](https://www.pesticideresources.org/) is an EPA cooperative agreement that coordinates the development of pesticide related educational resources that meet national needs related to implementing the Worker Protection Standard and Certification of Pesticide Applicators regulations.
- PERC's cooperative agreement includes a subaward program for Agricultural Community-Based Projects (AgCBPs).
- Funds nonprofits to serve farmworkers, agricultural pesticide handlers, their families, and/or their communities by contributing to the safe use of pesticides and/or working safely in areas where pesticides are used
- Currently 6 AgCBPs have been awarded amounting to a total of \$546,186 in funds.

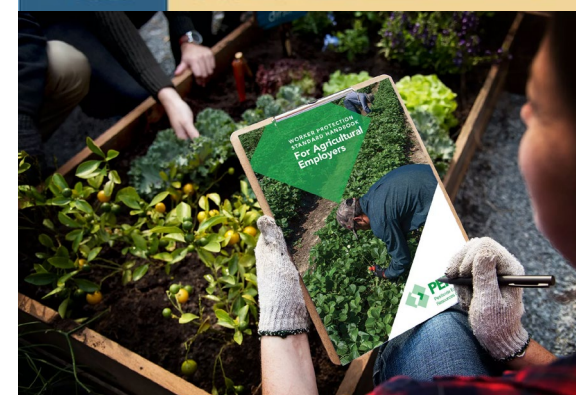


Photo credit: <https://www.pesticideresources.org/>



# Agricultural Community-Based Projects

## Current Recipients

- **Campesinos Sin Fronteras**

- Award: \$100,000 for Two Years
- Project: To reach and educate Spanish-speaking Latino farmworkers, pesticide applicators, and their families living and working in the rural surrounding communities of Yuma County, Arizona on pesticide safety.



- **Toxic Free North Carolina**

- Award: \$50,000 for Two Years
- Project: Increase awareness of the Worker Protection Standard (40 CFR Part 170) and pesticide safety among farmworkers and their communities in North Carolina.



fighting pesticide pollution since 1986

- **Farmworker Association of Florida**

- Award: \$100,000 for One Year
- Project: To inspire and enable the farmworker community to reduce their chronic exposure to agricultural pesticides.



**The Farmworker  
Association of  
Florida, Inc.**

Photo credit: <https://en.campesinosinfronteras.com/>, <https://toxicfreenc.org/>, & <https://floridafarmworkers.org/>

# Agricultural Community-Based Projects

## Current Recipients

- **Ag Health and Safety Alliance**

- Award: \$100,000 for Two Years
- Project: Focuses on safe pesticide handling and PPE usage with an emphasis on respiratory safety.



- **National Center for Farmworker Health**

- Award: \$100,000 for Two Years
- Project: Increase awareness of the Worker Protection Standard (40 CFR Part 170) and pesticide safety in farmworker communities that speak Mesoamerican Indigenous languages.



- **Surry Medical Ministries**

- Award: \$96,186 for Two Years
- Project: Increase awareness of pesticide exposure health risks for migrant and seasonal farmworkers in western North Carolina.



Photo credit: <https://aghealthandsafety.com/>, <https://surrymedicalministries.com/>, & <https://www.ncfh.org/>

# Agricultural Community-Based Projects Request for Applications

Request for Applications for AgCBPs is **now open!**

- Eligible applicants: Nonprofit organizations
  - As defined by 2 CFR 200.1 “Nonprofit organization.”
- Key Dates:
  - RFA Information Session on November 16, 2023
  - **Applications Due on February 1, 2024** at 5pm PST/8pm EST.
  - Applications received after the closing date and time will not be considered for funding.
  - Anticipated selection notification and pre-award procession by May 2, 2024
  - Anticipated funding by August 1, 2024
- To learn more and apply for this opportunity please visit PERC’s website:  
[www.pesticideresources.org/](http://www.pesticideresources.org/)

# Other Agreements Supporting Worker Protection Activities



[National Farmworker Training Program](#) – Association of Farmworker Opportunity Programs (AFOP)

- Current farmworker training cooperative agreement grantee
- Provides multiple occupational health safety training topics to the farmworker community



[National Pesticide Information Center](#) (NPIC) – Oregon State University

- Provides objective, science-based information about pesticides and pesticide-related topics to enable people to make informed decisions about pesticides and their use.
- Current agreement ends in February 2024; will have new agreement in place by then



[PERC – Medical](#) – UC Davis in collaboration with Oregon State University

- Helped medical professionals prevent, recognize, and treat pesticide-related illness by providing [resources](#) focused on pesticides and human health issues.
- Agreement concluded in August 2023



# Worker Protection Standard (WPS) Application Exclusion Zone (AEZ) Rulemaking Update

# WPS AEZ Rulemaking Update

- Published a proposed rule for notice and comment in the Federal Register on **March 13, 2023** ([88 FR 15346](#))
  - Consistent with Executive Order 13990 addressing the protection of public health and the environment and restoring science to tackle the climate crisis which identified the 2020 AEZ rule for reconsideration
  - Considers the issues raised in litigation
- Until further notice, the 2015 WPS requirements for the AEZ remain in effect

# AEZ Proposed Rule

The Agency proposed to reinstate several provisions from the 2015 WPS to strengthen protections for farmworkers and bystanders including:

- Where the AEZ requirements are applicable, including:
  - beyond an establishment's boundaries; and
  - when individuals are within easements (such as easement for utility workers to access telephone lines).
- Reestablishing AEZ distances for ground-based spray applications of:
  - 25 feet for sprays using medium or larger droplet sizes when sprayed from a height greater than 12 inches from the soil surface or planting medium; and
  - 100 feet for sprays using fine droplet sizes.

# AEZ Proposed Rule (continued)

- EPA also proposes to retain
  - a clarification that suspended pesticide applications can resume after people leave the AEZ; and,
  - an “immediate family exemption” that allows only farm owners and the farm owners’ immediate family to remain inside enclosed structures or homes while pesticide applications are made.



# Public Comment Period

- The proposed rule was open for a 60-day public comment period
  - Comment period closed on **May 12, 2023**
  - The docket for public comments can be found here: [EPA-HQ-OPP-2022-0133](https://www.regulations.gov/docket/EPA-HQ-OPP-2022-0133) at [www.regulations.gov](https://www.regulations.gov)
- Received 25 comments on the proposed rule from a variety of stakeholders
  - Non-governmental Organizations
  - Agricultural Trade Associations
  - Farm Bureaus
  - Public (i.e., individuals)
  - State Associations (AAPCO, NASDA, Washington state)
  - Joint State AGs comment (6 states)
  - A Federal Agency (USDA)

# AEZ Next Steps

- Final Rule is under development
- Anticipate publication in late spring 2024
- Periodic status updates on the AEZ rulemaking and litigation will be available at:
  - <https://www.epa.gov/pesticide-worker-safety/worker-protection-standard-application-exclusion-zone>