



February 21, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Re: ***Request for Extension to Worker Protection Standard Implementation Timeline***

Dear Administrator Pruitt:

The National Association of State Departments of Agriculture (NASDA) respectfully requests the U.S. Environmental Protection Agency (EPA) issue a public notice to formally extend the implementation of all revised provisions to the Agricultural Worker Protection Standard (WPS) (40 CFR 170 as published in the Federal Register on November 2, 2015) until at least January 2, 2018 or until adequate enforcement guidance, educational materials, and training resources have been completed and the state lead agencies have the tools, time, and resources necessary to effectively implement the rule changes and assist the regulated community with compliance activities.

NASDA represents the Commissioners, Secretaries, and Directors of the state departments of agriculture in all fifty states and four U.S. territories. State departments of agriculture are responsible for a wide range of programs including food safety, combating the spread of disease, and fostering the economic vitality of our rural communities. Conservation and environmental protection are also among our chief responsibilities. In forty-three states and Puerto Rico, the state department of agriculture is a co-regulator with EPA and responsible for administering, implementing and enforcing the production, labeling, distribution, sale, use and disposal of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)¹ and other applicable laws and regulations.

NASDA appreciates EPA's program staffs' on-going efforts to develop, revise, finalize, and disseminate complete and accurate training materials, enforcement guidance, compliance materials and other necessary educational resources to assist EPA's state regulatory partners with executing a successful implementation of the final rule changes. The state departments of agriculture have been working diligently with EPA program staff since the final rule was published in November 2015 to review, improve, and facilitate the expeditious development and delivery of these materials prior to the January 2, 2017 and 2018 implementation dates, respectively. However, after discussing the status of the WPS implementation process during our Winter Policy Conference earlier this month, NASDA members agreed there is still an identifiable need to undertake additional outreach, education, and compliance assistance activities to ensure both the state lead agencies (SLA) and the regulated community understand the entirety of the final regulation and how to comply with these rule changes.

¹ 7 U.S.C. §136, *et. seq.*

On February 1, 2017, the NASDA membership voted and approved an Action Item² urging EPA to delay implementation of the revised WPS provisions. NASDA members emphasized the new WPS regulations require significant additional staff time to provide sufficient outreach to workers, handlers, applicators, agricultural employers, trainers and other stakeholders. NASDA members also noted the enhanced compliance and record keeping requirements require a robust delivery and understanding of educational resources and training materials to assist SLAs and the regulated community in understanding, complying, and enforcing the new requirements.

The implementation and compliance with the WPS rule changes are the responsibility shared by EPA, state regulatory agencies, agricultural employers, trainers, and workers. This requested extension to the implementation timeline is essential to ensure EPA's state regulatory partners and the regulated community have the appropriate information, training, and resources necessary to effectuate a successful implementation of the WPS rule changes. Providing an extension to the implementation timeline for these regulatory changes through January 2018 is necessary to assist state regulatory agencies and the regulated community in understanding the new requirements, how to comply with the new regulation, and more importantly, ensure an effective implementation of these rule changes.

As the co-regulatory partner with EPA in forty-three states and Puerto Rico, NASDA respectfully requests EPA delay the implementation dates of the revised provisions to the WPS until January 2, 2018, and NASDA stands ready to assist EPA in this process to facilitate a successful implementation. Please contact Dudley Hoskins (dudley@nasda.org) if you have any questions or would like to discuss this request further.

Sincerely,



Barbara P. Glenn, Ph.D.
Chief Executive Officer

Cc: Mr. Rick Keigwin, Acting Director EPA's Office of Pesticide Programs
Mr. Kevin Keaney, Chief EPA OPP Pesticide Worker Safety Programs

² NASDA Action Item F: *Implementation of Agricultural Worker Protection Standard & Certification and Training Regulations* (Feb. 2017); <http://www.nasda.org/File.aspx?id=47767>