

Commercial pesticide applicators must comply with all the requirements stated on the pesticide product labels under the provisions of the Kansas Pesticide Law. This includes the Worker Protection Standard (WPS) which is referenced in the “Agricultural Use Requirements” box (located near the beginning of the pesticide label prior to the directions for use).

WHEN DO COMMERCIAL APPLICATORS HAVE TO FOLLOW THE WPS REQUIREMENTS?

Anytime you are handling pesticides for the production of agricultural plants on farms, forests, nurseries and greenhouses and the product label refers to WPS. This includes hay meadows but does not include pasture or range land applications.

“Handling” pesticides (or being a pesticide handler) includes mixing, loading, transferring, applying or disposing of pesticides and containers. Adjusting application equipment during use or cleaning it after use is considered handling. You are also a handler if you act as a flagger, enter a greenhouse before the ventilation criteria are met, enter a treated area outdoors after soil fumigation to adjust soil coverings or incorporate pesticides into the soil after application.

WHO IS RESPONSIBLE FOR ENSURING WPS IS FOLLOWED?

The employer of the commercial applicator is called a handler employer and is responsible. If you are self-employed, you are the handler employer and it is your responsibility. There are also specific WPS provisions for agricultural producers which are covered in EPA’s “How To Comply” manual.

DECONTAMINATION REQUIREMENTS

A decontamination site for washing off pesticides must be provided to handlers at the mixing area and also within 1/4 mile of the treated area. Each site must have water, soap, single use towels and a clean change of clothing. There must be enough water for full body washing and eye flush. If the label requires protective eyewear, emergency eyeflush water must be immediately available to the handler while performing handler activities.

INFORMATION EXCHANGE REQUIREMENTS

The commercial applicator business must inform its customer (a producer of agricultural plants) of the following information **before** each pesticide application:

- The specific locations that you plan to treat
- Time and date the pesticide is scheduled to be applied
- Product name, EPA registration number and active ingredient
- Restricted entry interval (REI) for the pesticide
- Whether the label requires both treated area posting and oral notification
- Any other safety requirements on the label for workers and other persons in the area.

On the other hand, the customer must inform the business of any other areas that may be treated with a pesticide or be under a REI that are within 1/4 mile on the same agricultural establishment.

EMERGENCY ASSISTANCE REQUIREMENTS

Employers must provide emergency assistance for their employees. At a minimum, this should include providing transportation to the nearest medical facility and emergency information from the label of the pesticide product(s) causing the emergency.

PERSONAL PROTECTIVE EQUIPMENT (PPE) REQUIREMENTS

Employers must provide their pesticide handlers with the PPE required by the product label and make sure they wear the PPE appropriately. The employer must provide clean and properly maintained PPE and not allow the handler to take contaminated PPE home. The PPE may include long-sleeved shirts, pants and footwear.

TRAINING REQUIREMENTS

Employers must make sure all handlers are trained about general pesticide safety, correct ways to handle pesticide and heat stress. The handlers must be certified pesticide applicators or if uncertified applicators are employed, they must be specially trained as handlers. These training requirements are detailed in EPA's "How to Comply" manual and must be verifiable.

MONITORING REQUIREMENTS

Handlers must be contacted by sight or voice every two hours when applying a product labeled with a skull and crossbones.

ADDITIONAL DUTIES FOR HANDLER EMPLOYERS

Handler employers must provide labels to the handlers and instruct them on the safe use of equipment. They must also ensure that handlers are informed of other areas within 1/4 mile where pesticides have already been applied and an REI is in effect.

EXCEPTIONS TO SOME PPE REQUIREMENTS (UNLESS PROHIBITED BY THE PRODUCT LABEL)

Closed Systems - Handlers using a closed system to mix, load or apply pesticides may wear reduced PPE but must have all PPE immediately available that is listed on the label.

Enclosed cab - Handlers must have all PPE available that is listed on the label. The PPE must be worn when leaving the cab and contacting pesticide treated surfaces. The PPE should be removed on re-entering the cab and stored in a chemical resistant container. The enclosed cab must meet specific standards and be properly maintained.

Aircraft - Handlers need not wear chemical resistant gloves when entering or leaving an aircraft used for pesticide application. They are always required to wear a long-sleeved shirt, long pants, shoes and socks.

RETALIATION PROHIBITED

Handlers must not be prevented or discouraged from complying with WPS and there are penalties for noncompliance.

This fact sheet outlines the major requirements for commercial applicators under WPS. For complete information refer to EPA's National Agricultural Compliance Assistance Center website: <http://www.epa.gov/agriculture/twor.html> or call 1-888-663-2155.