

WPS Regulations Status Update

Owners of farms, forests, nurseries and greenhouses that use pesticides in agricultural plant production now have access to a new manual that outlines the new regulations and safeguards under the revised 2015 Worker Protection Standard.

The new manual, called "How to Comply With the 2015 Revised WPS for Agricultural Pesticides," was recently released by the U.S. Environmental Protection Agency and details the important new rules that impact employers of agricultural workers.

The rules impact thousands of growers statewide. They include requirements for safety training, posting of application information, application signage and verbal warnings, restrictions during applications, decontamination supplies, and emergency assistance.

Compliance with most of the new rules will be required by January 2017. However, new training content, centrally displayed information, and application exclusion zone restrictions will not be required until January 2018.

Another change for growers is that the family exemption under WPS has been expanded to include in-laws, grandparents, grandchildren, aunts, uncles, nieces, nephews and first cousins.

The family exemption eliminates many WPS requirements, including the handler minimum age, but not the requirement for personal protective equipment, restricted entry intervals, or other restrictions during applications.

The new compliance manual can be downloaded for free at pesticeresources.org/index.html.

CEU Rosters

As has been the same since 2013, TDA no longer accepts paper rosters from CEU activities. All CEU rosters must be submitted using the PA-411E (excel spreadsheet) and submitted electronically to TDA within 14 days of the activity. Extension personnel who submit the incorrect paper rosters will have their rosters returned for correction and resubmission. Those who continue submitting the wrong electronic rosters may have their 3 CEU privilege revoked.

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Unwanted Pesticide Disposal

Texas HB 572, relating to the disposal of unwanted pesticides, was pre-filed on 12/12/16. We will notify you of any updates.

EPA Certification and Recertification Changes

The U.S. Environmental Protection Agency (EPA) has finalized standards for applicators who apply restricted-use pesticides that are not available for purchase by the general public, and require special handling.



EPA Certification and Recertification Changes Continued

“By improving training and certification, those who apply these restricted use pesticides will have better knowledge and ability to use these pesticides safely,” Jim Jones an EPA Assistant Administrator for the Office of Chemical Safety and Pollution Prevention said.

EPA’s stricter standards would require all people who are certified to apply restricted use pesticides to be at least 18 years of age. These certifications must be renewed every five years.

EPA is requiring specialized licensing for certain methods such as fumigation and aerial application that can pose greater risks if not conducted properly. For further protection, those working under the supervision of certified applicators will now receive training to use pesticides safely and to protect their families from “take-home” pesticide exposure.

EPA expects the benefits of this rule to include fewer acute pesticide incidents to people, reduced chronic exposure and reduced incidents of ecological harm from pesticide use.

States and Tribes may issue licenses to pesticide applicators with an EPA-approved program who can demonstrate the ability to use these products safely. The final action also updates requirements for state programs and for applicators obtaining licenses.

Below is a comparison chart which details the changes in the final rule.

U.S. EPA CERTIFICATION OF PESTICIDE APPLICATORS RULE COMPARISON OF THE MAJOR 2016 REVISIONS TO THE EXISTING RULE

| FINAL RULE | CURRENT RULE |
|---|--|
| Certified Applicators | |
| Strengthen competency standards for private applicators to cover content necessary for safe application of RUPs, similar to commercial applicator core competency plus agricultural pest control. | Private applicator competency standards cover 5 general topics. |
| Establish certification categories for certain application methods (soil fumigation, non-soil fumigation, aerial application) for private and commercial applicators. | Private applicators: no categories of certification Commercial applicators: no additional certification to use certain application methods. |
| Establish a mandatory 5-year certification period for private and commercial applicators; recertification must ensure applicator's continued competency through continuing education or retesting. | No federal requirements for recertification (timeframe or content). |
| Eliminate special process to allow non-readers to be certified as private applicators. | Non-readers can be certified to use restricted use pesticides under a special process administered by the state. |
| Noncertified Applicators Working Under the Direct Supervision of Certified Applicators | |
| Require annual pesticide safety training for noncertified applicators using RUPs similar to the training for handlers under the Worker Protection Standard (safety, proper pesticide application techniques, responding to spills, protecting oneself, others and the environment). Alternatives to training under the rule include completing WPS handler training or meeting state-specific requirements. | No requirement for instruction in safety, proper pesticide application techniques, responding to spills, protecting oneself, others and the environment. |
| Require the supervising applicator to provide specific instructions related to application and ensure that the noncertified applicator has access to a copy of the labeling at the time of application. | Supervising applicator must provide general guidance on applying a specific pesticide. |
| Require supervising certified applicator to provide means for immediate communication with noncertified applicator. | Supervising applicator must provide noncertified applicator with instructions on how to contact the supervisor in the event he or she is needed. |

EPA Certification and Recertification Changes Continued

For more information on the Certification of Pesticide Applicators Revised Rule Comparison go here:

<https://www.epa.gov/pesticide-worker-safety/certification-pesticide-applicators-revised-rule-comparison>

U.S. EPA CERTIFICATION OF PESTICIDE APPLICATORS RULE COMPARISON OF THE MAJOR 2016 REVISIONS TO THE EXISTING RULE

| FINAL RULE | CURRENT RULE |
|--|--|
| Minimum Age | |
| Require all persons using restricted use pesticides to be at least 18 years old (private applicators, commercial applicators, noncertified applicators). Exception for minimum age of at least 16 years old for noncertified applicator on a farm under the supervision of a private applicator who is a member of the noncertified applicator's immediate family. | No minimum age to use restricted use pesticides. |
| Program Administration | |
| Require candidates for certification (exam and training) and recertification by exam to present government-issued identification or state-established equivalent . Require states to verify identity of candidates for recertification by training, continuing education, or workshop (not exam). | No identification required for persons seeking certification to apply restricted use pesticides. |
| Require certification exams to be proctored and only approved materials may be used during exams . | Certification exams must be written. |
| Require dealers of restricted use pesticides to maintain records of sales . | No requirement for dealers of restricted use pesticides to maintain records. |

For additional information on the revisions to the Certification of Pesticide Applicators rule, please visit:
www.epa.gov/pesticide-worker-safety