

# Agrichemicals

## WPS – Commercial Handlers Must Inform Growers

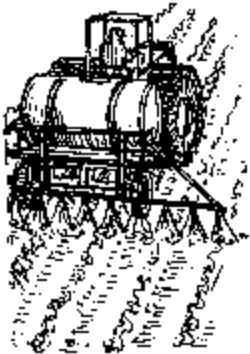


# Ag Center

Helping Agriculture Comply with  
Environmental Requirements

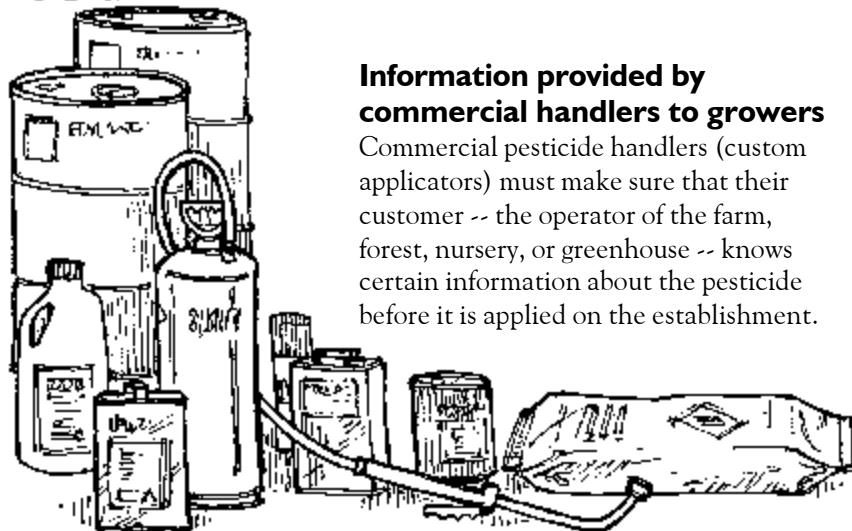
F O C U S O N

## Information Commercial Handlers Must Provide to Growers



The Agricultural Worker Protection Standard (WPS) is a regulation issued by the U.S. Environmental Protection Agency in 1992 and amended in 1995. It covers pesticides that are used in the production of agricultural plants on farms, forests, nurseries, and greenhouses. The WPS requires you to take steps to reduce the risk of pesticide-related illness and injury if you (1) use such pesticides, or (2) employ workers or pesticide handlers who are exposed to such pesticides.

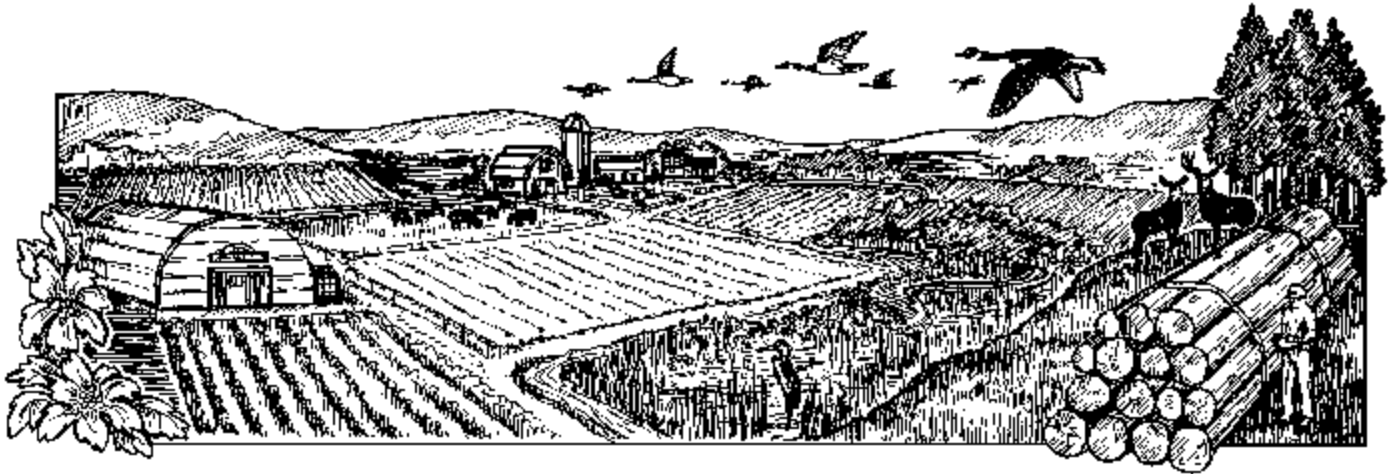
This fact sheet will help you understand how to comply with WPS requirements concerning the information that commercial handlers must provide to their customers about pesticide-treated areas. These questions were submitted to the Agency by people seeking clarification on this part of the regulation, and have been answered by EPA's Office of Compliance.



### Information provided by commercial handlers to growers

Commercial pesticide handlers (custom applicators) must make sure that their customer -- the operator of the farm, forest, nursery, or greenhouse -- knows certain information about the pesticide before it is applied on the establishment.

If the pesticide is not applied as scheduled, the customer must be informed of the corrected time and date of the application. Make the correction before the application takes place or as soon as practicable thereafter.



*How can commercial handlers comply with the requirement for notifying growers in advance about pesticide applications?*

Commercial pesticide handlers must inform their customers about:

- the specific location and description of the area(s) on the agricultural establishment that are to be treated with a pesticide.
- time and date the pesticide is scheduled to be applied.
- product name, EPA registration number, and active ingredient(s)
- restricted-entry interval for the pesticide.
- whether the pesticide labeling requires both treated-area posting and oral notification.
- any other specific requirements on the pesticide labeling concerning protection of workers and other people during or after application.

Your customers -- the operators of agricultural establishments -- must have this information to protect their employees as required by the WPS.

**If the initial notification of an application cannot be made because of difficulty in reaching the grower (agricultural employer), can notification be made after application?**

No. There are no provisions for allowing notification after application because of earlier difficulty in contacting the grower (agricultural employer).

**How soon before an application must a commercial handler (handler employer) provide the information to the grower (agricultural employer)?**

The WPS requires that the information be provided by the commercial handler to the grower anytime before the application takes place. [40 CFR section 170.224]

**The WPS requires that, before the application of any pesticide on an agricultural establishment, a commercial handler must provide certain information about the pesticide and the application, or must assure that the customer -- the operator of the farm, forest, nursery, or greenhouse -- is aware of the information. [40 CFR 170.224]. What constitutes compliance with this requirement?**

EPA recommends that the operator of the agricultural establishment (agricultural employer) and the commercial pesticide handler (handler employer) agree on a notification process that will ensure that workers will not be in an area while it is being treated or under a restricted entry interval (REI). For example, they could

agree that without prior mutual agreement, an application will never occur before the scheduled time, and the grower (agricultural employer) will not permit workers into the area to be treated until he/she receives notification from the commercial handler that:

- either the application will not take place until a specified future time at the earliest, or
- the application has taken place and specific information required by the WPS is provided to the grower.

Examples of compliance:

1. An oral exchange of the required information between the commercial handler and the grower before an application would comply with WPS notification requirements.
2. Leaving a complete message on a telephone answering machine before the application would constitute compliance if the message was actually received by the grower before the application.
3. Leaving a complete message on the answering machine before the application would constitute compliance if the commercial handler and grower had agreed that by leaving a complete message on the answering machine, notification could be accomplished. In this example, the commercial handler would have satisfied his/her obligations under the WPS even if the message was not checked by the grower before the application. The grower, however, would remain responsible if workers were sent into treated areas in violation of any portion of the WPS.

### For more information

To get more facts about compliance, contact the Ag Center by phone, fax, or mail. Call the toll-free number to ask compliance questions or order publications. At the Center's web site, [www.epa.gov/agriculture](http://www.epa.gov/agriculture), you can explore compliance information and order or download publications. For a complete publications list, request document 10001, "Ag Center Publications."

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