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Worker Protection Inspection Guidance

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Chapter I. Background on the Worker Protection Standard

Introduction

The EPA Worker Protection Inspection Guidance Manual has been primarily developed for three reasons: 1) to provide state inspectors and regional personnel engaged in worker protection investigations with specific guidelines on how to conduct Federal worker protection inspections, 2) to provide State personnel with an overview of EPA's worker protection regulations promulgated in August of 1992, and 3) to provide guidance on how to verify compliance with these requirements. This revision of the guidance was made to reflect new regulatory actions issued by the EPA in response to concerns expressed by farm workers groups and grower groups.

Included in this guidance is a **risk-based targeting inspection scheme** (see pages II-8 - II-11 and Appendix B), which provides specific factors such as product toxicity, crops grown, worker exposure, compliance history, etc., to take into consideration when selecting priority sites for inspections.

For worker protection inspections, checklists have been provided in Appendix D. These checklists are highly recommended for use by State and Regional personnel while conducting worker protection inspections. Separate checklists are provided for each type of worker protection inspection, such as a registrant/producer/market place/dealer establishment inspections, a Farms/Greenhouses/Nurseries/Forests "Core" checklist for **Routine** inspections and a Farms/Greenhouses/Nurseries/Forests comprehensive checklist. The questions in the Core checklist address essential worker protection provisions which should be addressed in every Routine Use Inspection. The questions on the comprehensive use checklists should be addressed if the inspector is conducting a comprehensive worker protection inspection. EPA recommends that a comprehensive worker protection inspection be conducted if the inspection was targeted specifically to ensure compliance with WPS (as opposed to being a Routine inspection) or if the inspectors suspects non-compliance with the WPS based on answering the CORE questions. The page numbers on the checklists refer to the Worker Protection Field Pocket Guide.

Except for the checklists, EPA's worker protection manual has been designed primarily for office use, prior to initiation of an inspection. In addition to this specific worker protection inspection guidance document, general pesticide inspection guidance can be found in EPA's national pesticide inspection manual.

EPA also developed a handy Worker Protection Inspection Pocket Guide, which was designed to be carried in the field. The Pocket Guide will serve as a quick reference guide which contains a summary of key worker protection provisions found in the worker protection inspection manual.

The Revised Worker Protection Standard

The Environmental Protection Agency (EPA) revised its Worker Protection Standard (WPS) issued under the Federal Insecticide Fungicide and Rodenticide Act (FIFRA) for agriculture pesticides in August, 1992 to reduce the risks of illness or injury resulting from worker pesticide exposure in agricultural production. The revised Standard expands the scope of the regulation to include not only workers performing hand labor operations in fields treated with pesticides, but also workers in forests, nurseries, and greenhouses, and employees who handle (mix, load, apply, etc.) pesticides for use in these locations. In addition, the revised Standard extends warnings about applications, use of personal protective equipment (PPE), and restrictions on entry to treated areas. There are also provisions for decontamination, emergency assistance, maintaining contact with handlers of highly toxic pesticides, and pesticide safety training. In May, 1995, and June, 1996, EPA issued regulatory actions to revise the 1992 WPS. These actions shorten the time period before employers must provide safety training to pesticide workers to 5 days, provide exemptions to certain requirements for crop advisors, allow exceptions to early entry restrictions for irrigation and limited contact activities, alter the restricted entry interval and decontamination supply requirements for certain active ingredients of low toxicity, and alter the language and size requirements for pesticide application warning signs. EPA has deemed these changes necessary based on comments and concerns expressed by the regulated community.

EPA Authority

EPA's authority to implement and enforce the Worker Protection Standard stems from the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) which was enacted in 1947 (7 U.S.C. 135), and then amended in 1972 (7 U.S.C. 136). This legislation requires that all pesticide products be registered with the EPA and makes it "unlawful for any person to use any registered pesticide in a manner inconsistent with its labeling." Violations of this law are subject to civil and criminal penalties. In addition to registration and labeling requirements, the amended Act charged EPA with protecting humans and the environment from unreasonable adverse effects of pesticides. This includes protecting employees who might be exposed to pesticides or their residues. Based on this legislation, EPA established the following rules which became effective October 20, 1992:

- Labeling Requirements for Pesticides and Devices, 40 CFR part 156, subpart K
- The revised Worker Protection Standard, 40 CFR part 170

Pesticide registrants are required by regulation to include certain statements on all pesticide product labels. These statements give

**Pesticide
Labeling
Requirements;
40 CFR part
156, sub-part K**

directions for use of the pesticides in the production of any agricultural plant on any agricultural establishment. These changes are specified in a separate rule published at the same time as the Worker Protection Standard: sub-part K of 40 CFR part 156, Labeling Requirements for Pesticides and Devices. The changes must appear on all products labeled for use in producing agricultural plants on farms, forests, nurseries, or greenhouses. **Registrants must comply with EPA PR Notices 93-7 and 93-11 when making these changes. (See Appendix F).**

The product compliance dates are as follows:

- No products bearing the WPS-required statements may be sold or distributed before **April 21, 1993**.
- All affected products sold or distributed by registrants after **April 21, 1994** were required to have revised labeling with the WPS-required statements or comply with EPA PR Notices 93-7 and 93-11).
- All affected products sold or distributed by anyone after **October 23, 1995** were required to bear the revised labeling with the WPS-required statements. To assist registrants and pesticide wholesalers and retailers in meeting this deadline, the EPA issued PR Notice 95-5 (September 28, 1995). PR Notice 95-5 outlines how to recognize product labels that must be amended to comply with the WPS, how to revise product labels for both Special and regular pesticide products, waivers of submission of compliant amended and final printed labeling, and the deadline for final product relabeling (See Appendix F).

The labeling requirements under 40 CFR part 156, subpart K:

- WPS reference statement
- application restrictions
- product-type identification
- state restrictions
- bilingual (English and Spanish) warning statements
- product-specific statements, including restricted-entry intervals, notification to workers statements, personal protective equipment.

Each of these is discussed on the following pages.

Reference Statement

All affected product labels must include a reference statement requiring users to comply with the Worker Protection Standard (40 CFR part 170). The citing of the Standard on the label is historically significant in that it is the first time a regulation has been so incorporated. The statement should be placed on the product label under the heading "Agricultural Use Requirements."

AGRICULTURAL USE REQUIREMENTS

Although the Standard itself is not reprinted on the labeling, users are responsible for becoming informed and complying with it.

Application Restriction

All affected product labels must include a statement prohibiting application of the product in any way that will contact workers or other persons directly or through drift. This statement must appear under the heading, "Directions For Use."

DIRECTIONS FOR USE

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application.

Product-Type Identification

Products which contain an organophosphate or an N-methyl carbamate must indicate so on the label. This statement must be in the product name or product-type identification or must be in the STATEMENT OF PRACTICAL TREATMENT or FIRST AID section of the label.

If the product is a fumigant, this must be noted as part of the product name or as part of the product-type identification.

State Restrictions

Each product must include a statement that references state restrictions.

DIRECTIONS FOR USE

For any requirements specific to your State, consult the agency in your State responsible for pesticide regulation.

**Bilingual (English
and Spanish)
Warning
Statements**

If the product is classified as toxicity category I or toxicity category II, then the signal words "danger" and "warning" are required. They must also appear in Spanish. A message in Spanish and English must be adjacent to the signal word telling users to have all labeling explained to them if they do not understand the labeling requirements. Table 1.1 provides an example of the wording required.

Table 1.1 Spanish Warning Statements

| Labeling Requirements | Toxicity Category I | Toxicity Category II |
|-----------------------|--|----------------------|
| Spanish Signal Word | Peligro | Aviso |
| English Signal Word | Danger | Warning |
| Spanish Statement | Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. | |
| English Statement | If you do not understand the label, find some one to explain it to you in detail. | |

Product-Specific Statement

All affected product labels must inform users of product specific requirements related to personal protective equipment, restricted-entry intervals, and/or notification to workers.

AGRICULTURAL USE REQUIREMENTS

This standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about (the use of any of the following that are applicable) personal protective equipment, restricted entry interval, and notification

The Worker Protection Standard; 40 CFR part 170

The provisions in the revised Worker Protection Standard apply not only to agricultural workers, as the previous rule did, but also to pesticide handlers and crop advisors. The Standard covers all pesticides that are used in the production of agricultural plants on farms, forests, nurseries, and greenhouses. An agricultural plant is any plant grown or maintained for commercial or research purposes and includes, but is not limited to, food, feed, and fiber plants; trees; turf grass; flowers, shrubs; ornamentals; and seedlings.

Exceptions for Workers, Handlers, and Crop Advisors

If a pesticide is used on one of these four types of establishments (farms, forests, nurseries, or greenhouses) for a purpose other than production of agricultural plants, that use is not covered by the Standard. The WPS does not apply when the pesticide is applied on an agricultural establishment in the following circumstances:

- for mosquito abatement, Mediterranean fruit fly eradication, or similar wide-area public pest control
- on livestock or other animals, or in or about animal premises
- on plants not grown for commercial or research purposes
- on ornamental plants in gardens, parks, lawns, etc.
- for uses not directly related to agricultural plant production (e.g., pastures, rangelands, structures, rights-of-way areas, etc.)

- for control of vertebrate pests
- as attractants or repellents in traps
- on the harvested portions of agricultural plants or on harvested timber
- for research uses of unregistered pesticides

In addition, Subpart B of the WPS does not apply when the pesticide is applied on an agricultural establishment by injection directly into agricultural plants (direct injection does not include chemigation, soil-incorporation, or soil injection, etc.). Knowledgeable and experienced crop advisors are also exempted from the requirements for personal protection equipment (PPE) (170.240), knowledge of labeling and site-specific information (170.232), decontamination (170.150 and 170.250) and emergency assistance (170.160 and 170.260).

Some States, Tribes or local governments with jurisdiction over pesticide enforcement may have additional worker protection requirements beyond the requirements described in the federal manual. (Please refer to your state regulations, where applicable, for additional requirements.)

Chapter II.

Section 1. Summary of Effective Dates

Introduction

The WPS implementation schedule is designed to implement the most crucial provisions of the standard as quickly as possible. Additionally, it will allow time for EPA and cooperating organizations to develop and distribute training and instructional materials. This section summarizes the effective dates for both registrants and users.

Registrants' Implementation Schedule

EPA has established the following schedule for registrants to make the WPS-required alterations to their pesticide product labels. *

| Compliance Date | Alterations to Pesticide Product Labels |
|------------------------|---|
| April 21, 1993 | <ul style="list-style-type: none"> • No products bearing the WPS-required statements may be sold or distributed before April 21, 1993. • During routine inspections after April 21, 1993, the inspector should verify that labels are in compliance. |
| April 21, 1994 | <ul style="list-style-type: none"> • All affected products sold or distributed by registrants after April 21, 1994 must bear revised labeling with the WPS-required statements, or with labeling options provided in PR Notice 93-11. • During registrant inspections after April 21, 1994, inspectors should verify that product labels are in compliance. |
| October 23, 1995 | <ul style="list-style-type: none"> • All affected products sold or distributed by anyone after October 23, 1995 must bear the revised labeling with the WPS-required statements. • During marketplace inspections after October 23, 1995, inspectors should verify that product labels are in compliance. |
| October 23, 1996 | <ul style="list-style-type: none"> • All products within the scope of the WPS must bear final printed WPS replacement labeling. |

* Please reference Appendix F, PR-Notice 93-11, for more specific information on registrant labeling options.

PR Notice 93-7 and 93-11

EPA issued PR Notice (PRN) 93-7 to pesticide registrants in April 1993. This PRN and the detailed instructions in the Guidance Package gave registrants specific instructions for making WPS-required label changes. In August, 1993, the EPA issued PRN 93-11 and an attached Guidance Package which provided additional information to pesticide registrants about meeting the requirements of PRN 93-7 and the WPS, and meeting the April 21, 1994 compliance deadline.

Inspections should be conducted by State, Tribal, and Regional personnel to ensure that all affected products sold or distributed by the registrant, any supplementally registered distributor, or by any

repackager under the Agency's Bulk Repackaging Policy, bear one of the following types of WPS labeling:

- Full EPA-accepted final labeling
- Interim labeling
- Generic supplemental WPS labeling

Interim labeling consists of a sticker plus product-specific replacement labeling. Stickers on products would require compliance with a replacement label. The replacement label should accompany the stickered product at every stage of distribution. Once a product has been correctly interim-labeled, it may be sold or distributed by anyone without time limit.

Registrants selling or distributing products without WPS labeling elected must comply with the "release-for-shipment" option described in PR Notice 93-11. The "release-for-shipment" option allows registrants to release a product for shipment before January 1, 1994. When these products are sold or distributed after April 21, 1994, however, the registrant must notify EPA, notify purchasers, and offer to relabel or recall product that does not bear new labeling by October 23, 1995, and make available Generic WPS Supplemental Labeling for distribution when the product is sold.

Appendix F contains copies of PRNs 93-7 and 93-11.

PR Notice 95-5

After October 23, 1995, all products within the scope of this notice were required to bear WPS PR Notice complying labeling when they are stocked, distributed, or sold. To meet this deadline, the EPA issued PR Notice 95-5 to retailers and distributors of agricultural pesticides to provide guidance on how to bring all applicable product labels into compliance with WPS requirements so that such products could be sold and distributed after October 23, 1996.

When inspections are conducted by state, tribal, and regional personnel, inspectors need first to determine whether products have WPS required labeling. All WPS compliant labeling will contain an Agricultural Use Requirements box on the label. No further action is required if such a box exists on a label. If the box is not on the label, an inspector must then determine whether the product is within the scope of the WPS, and therefore, requires WPS labeling. In some cases, an inspector may be able to quickly identify a product that requires WPS labeling because other containers of the same product, that have been produced more recently, will bear the following:

- Labeling with an Agricultural Use Requirements box that refers to the WPS, or
- Stickers referring to supplemental replacement labeling which contains such an Agricultural Use Requirements box.

Products accompanied only by generic supplemental labeling as outlined in PR Notice 93-11 are not considered labeled in compliance with the WPS provisions after October 23, 1995. Products that do bear complying WPS labeling include those relabeled in accordance with Supplement D of PR Notice 93-11 (by using a sticker or similar modification to an existing label and full product-specific labeling referenced by the sticker).

To determine whether any product is within the scope of the WPS, refer to Attachment 2 of PR Notice 95-5, included as Attachment G, or contact the registrant of the product.

Products that have been relabeled are in compliance with this PR Notice if they bear one of the following types of WPS labeling:

- Final printed WPS-complying replacement labeling,
- Supplemental product-specific labeling, in one of two formats:
 - A single product supplement that contains labeling information for only the specific product the end-user is buying, or
 - A multi-product supplement that contains labeling information for all products for a specific registrant.

If supplemental product-specific labeling is used, a “STOP sticker” must be applied only to those products that bear a label that has not been revised to comply with complete WPS requirements.

The regulations described in PR Notice 95-5 permit products to be sold or distributed with supplemental labeling only until October 23, 1996. After this date only products with final printed WPS-complying labels may be sold or distributed.

Orphaned or canceled products may be sold after October 23, 1995 provided they are labeled with a “STOP sticker” and generic supplemental labeling that is provided when the product is being offered for sale to the end-user of the product. Requirements for generic supplemental labeling are provided in Appendix G.

Dormant products (products where no quantity has been produced and distributed after April 21, 1994 and for which the registrant has elected to defer labeling amendments) must not be sold after October 23, 1995. For these products a registrant may:

- Relabel with product-specific labeling to include the WPS requirements,
- Relabel with a non-WPS label after amending the product registration to remove any WPS uses, or
- Voluntarily cancel the registration of the product and follow all of the requirements for generic labeling.

Pesticide Users' Compliance Schedule

EPA is implementing the Worker Protection Standard for pesticide users in two phases:

- compliance with product-specific WPS requirements
- compliance with all WPS requirements

| Compliance Date | WPS Requirements |
|---|---|
| Not allowed to appear on labels before April 21, 1993 | Product-specific WPS requirements will be enforceable when they appear on pesticide labels (no sooner than April 21, 1993). Product-specific requirements include: <ul style="list-style-type: none"> • using label-specific personal protective equipment (PPE), • obeying label-specific restrictions on entry to treated areas during restricted-entry intervals (REIs), and • obeying the requirement on some labels to provide oral warnings <u>and</u> treated-area posting. |
| On or after April 15, 1994 | All WPS requirements will be enforceable on and after April 15, 1994 when a product is being used that references the WPS. In addition to the product-specific requirements listed above, other WPS requirements include: <ul style="list-style-type: none"> • providing decontamination supplies, • training workers and handlers, • providing certain notification information, • cleaning, inspecting, and maintaining PPE, and • providing emergency assistance. |

Accelerated provisions. The implementation of the Standard is to be phased over a two year period. After April 21, 1993 agricultural pesticides may begin to have statements referencing the Worker Protection Standard. As soon as a pesticide with statements referencing the WPS in the "Agricultural Use Requirements" portion of the label is purchased, users must comply with at least some parts of the WPS.

After April 15, 1994, users must comply with all of the WPS requirements.

Beginning April 21, 1993, users must comply with product-specific requirements when statements referencing the WPS appear on the product label.

- Personal Protective Equipment (PPE) -- All users must wear the PPE required on the pesticide labeling for the task being performed.
- Double Notification -- Employers must provide oral warnings to workers AND post warning signs at entrances to treated areas when the pesticide labeling requires double notification.
- Restricted-Entry Intervals -- Employers and employees must follow the restricted-entry intervals specified on the product label, or must satisfy requirements of the few narrow exceptions allowed by the revised WPS.

EXEMPTIONS: Prior to April 15, 1994, users were **not** required to comply with some WPS provisions. These provisions include:

- information at a central location, including a WPS safety poster, location of emergency medical facility, and listing of recent pesticide applications
- pesticide safety training
- decontamination sites
- employer information exchange between growers and commercial pesticide applicators
- emergency assistance, including transportation to medical care and information to medical personnel or employees
- notice of applications by oral warnings to workers or posting treated areas
- monitoring of handlers who are using highly toxic pesticides
- specific information for handlers, including labeling information and safe operation of application equipment
- duties related to personal protective equipment: including providing, cleaning, and maintaining PPE; preventing heat illness; and exceptions to PPE

- some of the duties related to early entry, including training and instruction, decontamination sites, and providing, cleaning, and maintaining PPE

Chapter II.

Section 2. Worker Protection

Inspection Strategy

Introduction

The goal of the Compliance Monitoring Strategy for worker protection is to achieve compliance through a mix of tools to ensure that the registrants/producers, dealers/distributors, and users adhere to the requirements set forth in the Worker Protection Standard. This inspection strategy recommends the use of activities which should help prevent violations from occurring (i.e., provision of compliance assistance) as well as traditional inspection activities designed to correct and deter violations.

In addition, the goal of the Inspection Strategy is to offer guidance for States/Tribes to engage in activities which would perhaps offer a greater potential for risk reduction and pollution prevention. The risk based inspection targeting approach discussed in this document offers an alternative, **simply for consideration by the States/Tribes**, for targeting use and producer establishment inspections based on factors more closely associated with exposure and a greater potential for risk.

Compliance with the regulations will be determined through inspections of registrants and producing establishments, distributors, dealers, retailers and users of agricultural pesticides. The details of each of these inspections is covered in separate chapters in this manual. The purpose of this particular chapter is twofold:

- To provide an overview of the worker protection inspection strategy with regard to expectations for the provision of compliance assistance, and the effective compliance dates associated with each of the aforementioned inspections.
- To provide an overview of an alternative approach for targeting use and producer establishment inspections based on a combination of risk factors.

Compliance Assistance

Inspectors should take advantage of routine inspections conducted under the cooperative agreements to introduce the regulated community to the provisions of the final rule before these requirements take effect. Compliance assistance through inspections, in addition to other methods of notification used by the Regions, States, Territories, and Tribes, is essential to ensure compliance with the worker protection requirements. Inspectors should also ensure compliance with the existing worker protection requirements on labels.

Compliance activities should focus on outreach to the affected community (i.e., distributors, dealers, agricultural employers, handler employers, workers and handlers). Specifically, during routine inspections affected by the WPS, inspectors should impress on the regulated community the need to begin development of a program to meet the requirements of the rule if they have not already done so.

During these routine inspections, inspectors should provide information to the regulated community which will help them understand and comply with the rule. It is recommended that the individuals being inspected receive a Compliance Assistance Packet, which could include:

- fact sheets
- a summary of the rule
- the pamphlets for workers and handlers on their requirements of the rule
- PPE guidance brochures

Once the effective dates have passed, compliance assistance should still be provided at least at the end of, or following, the completion of both routine and targeted inspections in order to inform the regulated community of the WPS provisions, as well as to clarify requirements. The closing conference for an inspection provides an opportunity for the inspector to help raise the level of awareness concerning the revised Worker Protection Standard (WPS) as well as to promote future compliance through provision of the compliance assistance packet.

Routine Inspections

Inspectors should verify compliance with the WPS as part of both routine and targeted inspections. During routine inspections of registrants, producers, distributors and dealers, inspectors should check for required labeling on products, and provide compliance assistance as necessary. When conducting routine use inspections, inspectors should ensure that the regulated community is aware of the worker protection labeling requirements and users are following the label directions. Inspectors should also provide compliance assistance.

The following paragraphs simply provide an overview of the effective dates for compliance associated with each type of routine inspection. Separate chapters are provided in this manual detailing the requirements which must be checked for each type of inspection and providing specialized inspection checklists.

Routine Registrant/ Producer Establishment Inspections

Registrants/producers, including supplemental registrants, have until April 21, 1994, to make labeling changes, except as provided in PR notice 93-11. During routine inspections before and after this date, inspectors should check compliance with labeling requirements for products subject to the regulations. Stop Sale, Use, or Removal Orders (SSUROs) should be issued when products distributed or sold by a registrant/ producer do not bear revised labeling after April 21, 1994.

Products with the revised labeling must have all the required elements (i.e., proper PPE statements, restricted entry intervals, etc. as discussed in other chapters of this manual). Questions regarding the adequacy of any revised labeling should be discussed with the appropriate EPA Regional office.

Routine Marketplace/ Dealer Inspections

After October 23, 1995, all products sold or distributed by any person must bear revised labeling. During routine inspections of marketplaces and dealers, inspectors should monitor for compliance with labeling requirements.

After October 23, 1996, products (other than orphaned or cancelled products) stickered under PR Notice 95-5 cannot be sold unless they are relabeled with final WPS-complying labeling or the interim WPS-complying labeling described in PR Notice 93-11. During routine inspections of marketplaces and dealers, inspectors should monitor for compliance with labeling requirements.

Routine Use Inspections

After April 15, 1994, part 170 requirements are to be followed when products with revised labeling are used. Use inspections are conducted to monitor compliance with the amended labeling as well as the specific requirements of 40 CFR part 170 revised in August, 1992, May, 1995, and July, 1996.

Core vs Comprehensive Questions For Use Inspections

For worker protection use inspections, two checklists have been developed, a Farms/Greenhouses/Nurseries/Forests "Core" checklist for **Routine** inspections and a Farms/Greenhouses/Nurseries/Forests Comprehensive checklist for **Comprehensive** inspections. These checklists are provided in Appendix D.

The questions in the Core checklist address essential worker protection provisions which should be addressed in every Routine use inspection to ensure compliance with the basic components of the WPS. The questions on the comprehensive checklist should be addressed if the inspector is conducting a comprehensive worker protection inspection. EPA recommends that a comprehensive worker protection inspection be conducted if the inspection was targeted specifically to ensure compliance with the WPS (a "for cause" inspection) or if the inspector suspects non-compliance with the WPS based on the answers to the **CORE** questions.

Targeted Inspections

States, tribes, and territories should verify compliance with the WPS through both routine inspections and inspections specifically targeted to

focus on worker protection activities (hereafter referred to as targeted inspections).

Obviously, in order to complete targeted inspections, the first step is to have in place a mechanism for targeting worker protection inspections. OCM's Compliance Branch has prepared, for consideration by the States/Tribes, a risk-based approach for targeting worker protection inspections.

This is simply a **recommended** approach for targeting worker protection inspections. Use of the particular risk-based matrix discussed in this guidance (and provided in Appendix B) is not required, but rather is provided as an **optional** strategy in developing WPS targeting. The matrix provides another alternative for targeting worker protection inspections. In addition a state may revise the national risk-based matrix, in order to incorporate specific data available within that state.

Overview of Risk-Based Targeting Approach

A risk-based (R-B) matrix could be used by each state, for example, at the beginning of each quarter (or other appropriate time frame) when the state needs to select targets for worker protection inspections from a broad universe of potential sites.

The risk-based (R-B) matrix would be used within the office by the individual(s) selected to target inspections. Using the R-B matrix, a list of 40 potential inspection sites, for example, could be pared down to 20 sites and prioritized based on factors associated with a greater potential for risk. Each potential site could be run through a risk-based matrix and be assigned a priority level for inspection.

The goal of using a risk-based matrix is to place potential inspection sites into one of three categories, based on high, medium, and low priority risk potential.

The sites in the high priority category (and the medium category depending on the number of inspections which need to be completed) could then be prioritized using other criteria.

Specific Factors to Consider When Developing a Risk-Based (R-B) Targeting Approach

A number of factors should be taken into consideration by state and regional personnel when developing a worker protection risk-based targeting system for use, marketplace, and producer establishment inspections. These factors include information concerning:

- product toxicity
- crop grown
- production activity
- worker exposure
- historical problems with product

- previous compliance problems at the site
- the number of workers employed
- site type

The significance and type of product toxicity will vary, depending on whether the inspection target audience is for affected workers or pesticide handlers. The toxicity of the product's active ingredient will have a greater impact on workers, whereas the toxicity of the end-use product will have a greater impact on handlers. The type of crop grown and harvest method will help indicate the amount of hand labor involved in harvest activities, and the level of exposure. The degree of worker exposure may also be affected by the total foliage area associated with a particular crop; with a higher degree of exposure presented by crops such as citrus fruits, and sugarcane.

Incidents caused by use of a particular product or active ingredient, such as those which may be documented in a state's illness investigation database, can also help prioritize risk-based inspections. Civil violations or notices of noncompliance previously issued against a site, in particular for misuse violations at farm sites, can also be an important factor. The number of workers employed and the type of farm can also indicate the degree of worker exposure. Greenhouses and nurseries, which require more hand-labor, can pose greater worker exposure conditions than those on forests and farms. In addition, the larger the number of workers employed at these establishments, the greater the potential for a larger number of workers to be exposed.

Other risk-based targeting factors which regions and states should take into consideration include:

- volume and number of pesticides produced/used at site
- level of PPE required (chemical suits, respirators)
- restricted-entry interval (REI) length
- worker communication, language barriers

Since many states and regional offices already have a pesticide data-base inspection targeting system in place, it is recommended that state and regional offices:

- incorporate worker protection-specific factors into their scheme based on available information
- tailor targeting scheme to meet particular needs and local concerns

Office supervisors and field inspectors can share knowledge and past experiences when determining which sites need to be prioritized for

investigation. In addition, a random sampling and inspection of low and medium priority sites should also be conducted. A region or state may also want to consider when the site was last inspected. Regardless of how a state or region develops its risk-based targeting approach, the system should be firmly established, and documented, in order to ensure consistent and equitable implementation. Please refer to Appendix B for specific Risk-Based Targeting Matrices and Examples.

Chapter III. Specifics of the Inspection Process

Introduction

This chapter addresses three different types of inspections: registrant/producer/marketplace/dealer establishment inspections, and use inspections. For each of these, the pre-inspection activities and post-inspection activities should be carried out as described in EPA's National Pesticides Inspection Manual. The pre- and post-inspection activities will not be repeated in this manual. Instead, this chapter focuses on a detailed description of three main types of inspections as they relate to the revised Worker Protection Standard for agricultural pesticides.

Chapter III

Section 1. Registrant/Producer/Marketplace/Dealer
Establishment Inspections

Section 2. Use Inspections

Chapter III.

Section 1. Registrant/Producer/ Marketplace/Dealer

Establishment Inspections

Introduction

This section covers registrant and producer establishment inspections. In general, these inspections are conducted to ensure that registrants, producers, or other place where pesticides are held for distribution or sale of are using labels, that comply with the WPS and EPA PR Notices 93-7 and 93-11 and maintaining accurate records.

Below is a summary of on-site activities. This section will focus on the highlighted activities. Detailed information on the other activities can be found in EPA's National Pesticides Inspection Manual.

Summary of On-Site Activities

Entry:

- Present Credentials
- Issue Notice of Inspection
- Gain Consent
- Warrant for Entry (if necessary)

Data collection:

- Conduct the Opening Conference
- Scope of the Inspection
- Conduct the Inspection
- **Conduct Labeling Review**
- **Requirements Based on 40 CFR part 156, subpart K**
- Review Records
- **Issue Stop Sale, Use, or Removal Order**

Closing Conference:

- Conduct Closing Conference
- Submit Receipt for Samples
- **Compliance Assistance**

Conduct Labeling Review

Comparison with EPA-Accepted Labels:

- Review labels for a general comparison with the registered label. (Conduct detailed label review at the office.)
- Collect samples of the label (actual labels and photographs) and compare them to the EPA-accepted label. If necessary, samples should be sent to EPA for comparison with the EPA-accepted label.

Bin Label Comparison. The inspector may also compare "bin" labels to labels from products that are packaged, labeled, and released for shipment. A "bin" label review can provide valuable background for follow-up sampling at consignees and obtaining voluntary corrective

action at the producer level. However, official samples may only be collected from products that are packaged, labeled, and released for shipment, **not** from bin labels.

**Requirements
Based on 40 CFR
part 156, subpart
K**

Inspectors are required to check product labels for compliance with the WPS labeling requirements found in 40 CFR part 156, subpart K. The compliance dates for these requirements are as follows:

- No products bearing the WPS-required statements may be sold or distributed before **April 21, 1993**.
- All affected products sold or distributed by registrants **after April 21, 1994** must bear revised labeling with the WPS-required statements. **Please refer to Appendix F, PR-Notice 93-11 for more specific information on registrant labeling options.**
- All affected products sold or distributed by anyone after **October 23, 1995** must bear the revised labeling with the WPS-required statements.
- After October 23, 1996, products (other than orphaned or cancelled products) stickered under PR Notice 95-5 cannot be sold unless they are relabeled with final WPS-complying labeling or the interim WPS-complying labeling described in PR Notice 93-11

Inspectors must be aware of the worker protection labeling statements. These statements are identified on a sample pesticide label on pages III-13 to III-15.

Application Statements.

- Check for application statements under the heading DIRECTIONS FOR USE.
- This statement prohibits application of the product in any way that will contact workers or other persons directly or through drift.

Reference Statements.

- Verify that the 40 CFR part 170 reference statements are on the product label as required. They should appear at the beginning of AGRICULTURAL USE REQUIREMENTS, under DIRECTIONS FOR USE.

- This statement requires users to comply with the Worker Protection Standard (40 CFR part 170).

Product-type identification statements.

- Check for product-type identification statements required by the revised Worker Protection Standard when the product:
 - contains an organophosphate
 - contains N-methyl carbamate
 - is a fumigant
- This may appear under the heading ACTIVE INGREDIENTS or STATEMENT OF PRACTICAL TREATMENT.

State restrictions.

- Check for statements referring to State restrictions. This appears under the heading DIRECTIONS FOR USE.
- Each user is responsible for complying with state-specific regulations in addition to Federal regulations.

Spanish warning statements.

- Inspect label for Spanish warning statements for products classified in toxicity category I and II.
- For products classified in toxicity category I or II, the signal words "danger" or "warning" are required. They must also appear in Spanish.
- A message in Spanish and English must be adjacent to the signal word telling users to have all labeling explained to them if they do not understand the labeling requirements.
- The signal word and message appear under the heading KEEP OUT OF REACH OF CHILDREN.

A summary of the Spanish warning statements is shown in Table 3.1.

Table 3.1 Spanish Warning Statements

| Labeling Requirements | Toxicity Category I | Toxicity Category II |
|-----------------------|---------------------|----------------------|
| Spanish Signal Word | Peligro | Aviso |
| English Signal Word | Danger | Warning |

| | |
|-------------------|--|
| Spanish Statement | Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. |
| English Statement | If you do not understand the label, find some one to explain it to you in detail. |

Restricted-entry statements.

- Check for restricted-entry statements on product label or labeling under the heading AGRICULTURAL USE REQUIREMENTS which is under DIRECTIONS FOR USE.
- All agricultural pesticide labels must have a restricted-entry statement, although the statement will vary depending on the toxicity of the product.

A summary of general restricted-entry intervals is shown in Table 3.2.

Table 3.2 Restricted Entry Interval for Products Containing One Active Ingredient

| Toxicity Category | REI |
|---------------------------------|---------------|
| I | 48 hours |
| II | 24 hours |
| III | 4 or 12 hours |
| IV | 4 or 12 hours |
| Low toxicity active ingredients | 4 hours |

When a pesticide of Toxicity Category I is applied, early-entry workers and pesticide handlers are restricted from entering that area for minimally 48 hours. For Toxicity Category II, the REI decreases to 24 hours. For Toxicity Categories III and IV, entry is restricted for at least 12 hours. Finally, EPA has determined that some pesticide active ingredients originally listed in Categories III and IV pose minimal risk to pesticide handlers and workers. These active ingredients that meet predetermined additional criteria have a reduced REI of 4 hours.

Exceptions/Variations:

- If the active ingredient is an organophosphorus ester that inhibits cholinesterase and which may be applied outdoors in an area where the average annual rainfall for the application site is less than 25 inches per year, then the REI is 72 hours.

- If the product contains more than one active ingredient, the REI is based on the active ingredient that requires the longest restricted-entry interval.
- Existing product-specific entry intervals based on data collected in accordance with other EPA regulations in 40 CFR part 158.390 should override any general REI.
- Interim product-specific entry intervals should continue to apply unless a longer REI is required based on the requirements in the Rule (i.e., see Table 3.2).
- In some product-specific cases, the REI may be longer than the active ingredient toxicity category REI.
- If an agricultural employer meets certain conditions, trained workers in his/her employ may enter a treated area during a REI to operate, move, or repair irrigation equipment (40 CFR part 170.112)
- A trained worker may also enter a treated area during a REI to perform limited contact activities.

Notification-to-workers statements.

- Check for notification-to-workers of pesticide applications statements under AGRICULTURAL USE REQUIREMENTS, under DIRECTIONS FOR USE.
- If a product is highly toxic for acute dermal toxicity or skin irritation potential, the label must require both oral and written warnings.
- For any fumigant that may be used in a greenhouse, a statement on the label requires users to notify workers by warning them orally and by posting warning signs outside all entrances to the greenhouse.

Personal protective equipment statements.

- Check for personal protective equipment (PPE) statements under PRECAUTIONARY STATEMENTS, under HAZARDS TO HUMANS (& DOMESTIC ANIMALS).
- A statement which specifies the minimum requirements for PPE based on the acute toxicity of the end-use product must appear on the label.

A summary of PPE requirements is shown in Table 3.3.

Table 3.3 Minimum PPE Requirements and Work Clothing for Handling Activities

| Route of Exposure | Toxicity Category of the End-Use Product | | | |
|---|--|--|--|--|
| | I | II | III | IV |
| Dermal Toxicity or Skin Irritation Potential* | <ul style="list-style-type: none"> • Coveralls worn over long-sleeved shirt and long pants • Socks • Chemical resistant footwear • Chemical resistant gloves | <ul style="list-style-type: none"> • Coveralls worn over short-sleeved shirt and short pants • Socks • Chemical resistant footwear • Chemical resistant gloves | <ul style="list-style-type: none"> • Long-sleeved shirt and long pants • Socks • Shoes • Chemical resistant gloves | <ul style="list-style-type: none"> • Long-sleeved shirt and long pants • Socks • Shoes • No minimum (gloves) |
| Inhalation Toxicity | Respiratory protection device | Respiratory protection device | No minimum | No minimum |
| Eye Irritation Potential | Protective eyewear | Protective eyewear | No minimum | No minimum |

* If dermal toxicity and skin irritation are in different toxicity categories, protection shall be based on the more toxic (lower numbered) category.

- Other PPE that may be required includes:
 - respiratory protection device
 - protective eyewear
 - headgear
 - an apron
 - chemical resistant suit
- Some product labels already bear personal protective equipment requirements that are more stringent than those set through the Worker Protection Standard. These generally will be retained.

The Rule contains more detailed requirements for various PPE (e.g., chemical resistant gloves, respiratory protection devices). These are described below.

Chemical-resistant gloves. If chemical-resistant gloves are required, the registrant must specify the glove type.

- Solid formulations. For products formulated and applied as solids and diluted solely with water for application, the glove statement shall specify "waterproof gloves."
- Aqueous-based formulations. For products formulated and applied as water-based liquid, or formulated as a water-based liquid and diluted solely with water, the glove statement may specify "waterproof gloves."
- Other liquid formulations. For products formulated or diluted with liquids other than water, the glove statement shall specify "chemical-resistant (such as nitrile or butyl) gloves."

- Gaseous formulations and applications. For products formulated or applied as gases, any existing glove statement shall apply. If no glove statement exists, then the glove statement shall specify "chemical-resistant (such as nitrile or butyl) gloves."

Respirator requirement. If a product is moderately to highly toxic through inhalation, the label will require the user to wear a specific type of respirator approved by NIOSH and MSHA. Depending on the toxicity, formulation, and physical characteristics of the product -- and on the exposure situation -- the label will specify a dust/mist filtering respirator, an organic-vapor-removing respirator with a pesticide pre-filter, or an air-supplying respirator. Guidelines are as follows.

Existing respirator requirement for handlers on product labeling. If prior to the effective date of this subpart, the product labeling indicates that respiratory protection is required, that requirement shall be retained.

If the respirator type is already specified, the label shall be amended to reflect one of the following types and corresponding MSHA/NIOSH approval number.

- Dust/mist filtering respirator with MSHA/NIOSH approval number prefix TC-21C
- Respirator with an organic-vapor-removing cartridge and a prefilter approved for pesticides with MSHA/NIOSH approval number prefix TC-23C or with a canister approved for pesticides with MSHA/NIOSH approval prefix number TC-14G
- Supplied-air respirator with MSHA/NIOSH approval number prefix TC-19C or self-contained breathing apparatus (SCBA) with MSHA/NIOSH approval number TC-13F

If the respirator type is not already specified on the labeling, the following criteria apply.

- Gases applied outdoors. For products that are formulated or applied as a gas, and that may be used outdoors, the label shall specify "For handling activities outdoors, use either a respirator with an organic-vapor-removing cartridge and a prefilter approved for pesticides with MSHA/NIOSH approval number prefix TC-23C or with a canister approved for pesticides with MSHA/NIOSH approval prefix number TC-14G."
- Gases used in enclosed areas. For products that are formulated or applied as a gas, and that may be used in a greenhouse or other enclosed area, label shall specify "For handling activities in enclosed areas, use either a supplied-air respirator with MSHA/NIOSH

approval number prefix TC-19C or self-contained breathing apparatus (SCBA) with MSHA/NIOSH approval number TC-13F."

- Solids. For products that are formulated and applied as solids, the label shall specify "dust/mist filtering respirator with MSHA/NIOSH approval number prefix TC-21C."
- Liquids in Toxicity Category I. For products that are formulated or applied as liquids, and, as formulated, have an acute inhalation toxicity in category I, the label shall specify "either a respirator with an organic-vapor-removing cartridge and a prefilter approved for pesticides with MSHA/NIOSH approval number prefix TC-23C or with a canister approved for pesticides with MSHA/NIOSH approval prefix number TC-14G."
- Liquids in Toxicity Category II. For products that are formulated or applied as liquids, and, as formulated, have an acute inhalation toxicity in category II, the label shall specify "For handling activities during (select uses applicable to the product: airblast, mistblower, pressure greater than 40 p.s.i. with fine droplets, smoke, mist, fog, aerosol, or direct overhead) exposures, wear either a respirator with an organic-vapor-removing cartridge and a prefilter approved for pesticides with MSHA/NIOSH approval number prefix TC-23C or with a canister approved for pesticides with MSHA/NIOSH approval prefix number TC-14G. For all other exposures, wear a dust/mist filtering respirator with MSHA/NIOSH approval number prefix TC-21C."

New respirator requirement for pesticide handlers. If a respiratory device is required under the revised WPS, but existing product labeling has no respiratory requirement, the registrant shall add a statement that specifies a "dust/mist filtering respirator with MSHA/NIOSH approval number prefix TC-21C."

Additional PPE requirements for handlers. In addition to the minimum personal protective equipment required in Table 3.3, the following instructions may apply.

- If the product is not ready-to-use and there is no existing requirement for a chemical-resistant suit, the following statement should appear. "Mixers/Loaders: add a chemical-resistant apron."
- If the application may result in overhead exposure to any handler, the following statement shall appear. "Overhead Exposure: wear chemical-resistant headgear."
- If any type of equipment other than the product container may be used to mix, load, or apply the product, and there is no requirement

for a chemical-resistant protective suit, the following statement shall appear. "For Cleaning Equipment: add a chemical-resistant apron."

PPE for early entry workers. Specific requirements for early entry workers are as follows.

- For all pesticide products, the following statement shall appear. "For early entry to treated areas that is permitted under the Worker Protection Standard and involves contact with anything that has been treated, such as plants, soil, or water, wear (list the body protection, glove, footwear, protective eyewear, and protective headgear, if applicable, for applicators and handlers, but omit any respiratory protection statement)."
- If the body protection statement in the PPE statement for handlers specifies a long-sleeved shirt and long pants, "coveralls" must be specified in the PPE statement for early entry workers.
- If there is no statement requiring gloves and no statement prohibiting gloves for applicators and handlers under the heading HAZARDS TO HUMANS (AND DOMESTIC ANIMALS) in the labeling, a statement requiring "waterproof gloves" should be added to the statement of PPE for early-entry workers.

The sample label can be found on the next three pages.

SAMPLE LABEL

RESTRICTED USE PESTICIDE

Due to very high toxicity to humans and birds.

For retail sale to and use only by certified applicators or persons under their direct supervision and only for those uses covered by the certified applicator's certificate.

VIP DEPESTO I/M

GALACTOTHION

ACTIVE INGREDIENTS:

galactothion (0,0-diethyl methyl phosphorothiate)
related isomers

20.9%

1.1%

INERT INGREDIENTS:

78.0%

TOTAL.

100.0%

Contains xylene aromatic solvents.

KEEP OUT OF REACH OF CHILDREN

DANGER
PELIGRO

POISON

Si Usted no entiende la etiqueta, busque a alguien para se la explique a Usted en detalle. (If you do not understand this label, find someone to explain it to you in detail.)

STATEMENT OF PRACTICAL TREATMENT

Call a doctor (physician), clinic, or hospital immediately. Explain that the victim has been exposed to galactothion and describe his/her condition. After first aid is given take victim to clinic or hospital. **If breathing has stopped**, start artificial respiration immediately and maintain until doctor sees victim. **If swallowed** -- Drink 1 or 2 glasses of water and induce vomiting by touching back of throat with finger. Do not induce vomiting or give anything by mouth to an unconscious person. Get medical attention. **In case of contact**, immediately flush the skin with plenty of water while removing contaminated clothing and shoes. See doctor immediately. Galactothion is an organophosphate pesticide that inhibits cholinesterase.

NOTE TO PHYSICIAN

Antidote -- administer atrophine di-sulfate in large doses. **TWO to FOUR** mg. intravenously or intramuscularly as soon as cyanosis is overcome. Repeat at 5 to 10 minute intervals until signs of atrophinization appear. **2-PAM** chloride is also antidotal and may be administered in conjunction with atrophine. **DO NOT GIVE MORPHINE OR TRANQUILIZERS.** Galactothion is a strong cholinesterase inhibitor affecting the central and peripheral nervous system and producing cardiac and respiratory depression. At first sign of pulmonary edema, the patient should be given supplemental oxygen and treated symptomatically. Continued absorption of the poison may occur and fatal relapses have been reported after initial improvement. **VERY CLOSE SUPERVISION OF THE PATIENT IS INDICATED FOR AT LEAST 48 HOURS.**

EPA Registration No. 12345-10 VIP Chemical Company Net Contents:
EPA Establishment No. 56787-CO-3 2527 South VIP Drive 55 Gallons
Biardspont, MI 22315

Spanish Warning Statement

Product-type Identification Statement

| | | |
|--|---|---|
| <p align="center">Personal Protective Equipment Statement</p> | <p align="center">PRECAUTIONARY STATEMENTS</p> <p align="center">HAZARDS TO HUMANS (& DOMESTIC ANIMALS)</p> <p align="center">DANGER:</p> <p>Fatal if absorbed through skin, fatal if swallowed, and poisonous if inhaled. Do not breathe vapors or spray mist. Do not get on skin or clothing.</p> <p><u>Personal Protective Equipment</u> Some materials that are chemical resistant to this product are listed below. If you want more options, follow the instructions for category G on an EPA chemical resistance category selection chart.</p> <p><u>Applicators and Other Handlers must wear:</u> <u>Coveralls over long-sleeve shirt & long pants</u> <u>Chemical-resistant gloves such as barrier laminate or vitron</u> <u>Chemical-resistant footwear plus socks</u> <u>Protective eyewear</u> <u>Chemical-resistant headgear for overhead exposures</u> <u>Chemical-resistant apron when cleaning equipment, mixing, or loading</u> <u>Respirator with either an organic vapor-removing cartridge with a prefilter approved for pesticides (MSHA/NIOSH approval prefix TC-23C) or a canister approved for pesticides (MSHA/NIOSH approval number TC-14G)</u></p> <p><u>Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them.</u> <u>Follow manufacturer's instructions for cleaning and maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.</u></p> <p><u>When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.</u></p> | <p align="center"><u>User Safety Recommendations</u></p> <p><u>Users should:</u></p> <ul style="list-style-type: none"> • <u>Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.</u> • <u>Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.</u> • <u>Remove PPE immediately after handling this product. Wash the outside of the gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.</u> <p align="center">ENVIRONMENTAL HAZARDS</p> <p>This pesticide is highly toxic to aquatic invertebrates and wildlife. Birds in treated areas may be killed. Shrimp and other aquatic organisms may be killed at recommended application rates. Do not contaminate water by cleaning of equipment or disposal of wastes.</p> <p align="center">PHYSICAL AND CHEMICAL HAZARDS</p> <p>Do not use or store near heat or open flame. Not for use or storage in or around the home.</p> |
|--|---|---|

| | |
|---|--|
| <p>Application Restriction Statements</p> <p>State Restrictions Statement</p> <p>Reference Statement</p> <p>Restricted-entry Statement</p> <p>Notification-to-worker Statement</p> | <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p style="text-align: center;">DIRECTIONS FOR USE</p> <p>It is a violation of Federal law to use this product in a manner inconsistent with its labeling. <u>Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application.</u> For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.</p> <p style="text-align: center;"><u>AGRICULTURAL USE REQUIREMENTS</u></p> <p><u>Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), notification-to-workers, and restricted-entry intervals. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.</u></p> <p><u>Do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 48 hours.</u> The REI is 72 hours in outdoor areas where the average annual rainfall is less than 25 inches a year.</p> <p>PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is: <u>--coveralls over long-sleeved shirt & long pants</u> <u>--chemical-resistant gloves such as barrier laminate or vitron</u> <u>--chemical-resistant footwear plus socks</u> <u>--protective eyewear</u> <u>--chemical-resistant headgear</u></p> <p><u>Notify workers of the application by warning them orally and by posting warning signs at entrances to treated areas.</u></p> </div> <div style="width: 48%;"> <p style="text-align: center;">STORAGE AND DISPOSAL</p> <p>PROHIBITIONS: Do not contaminate water, food, or feed by storage or disposal. Do not store under conditions which might adversely affect the container or its ability to function properly.</p> <p>STORAGE: Do not store below temperature of 0 F.</p> <p>CONTAINER DISPOSAL: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedure approved by state and local authorities.</p> </div> </div> |
|---|--|

Issue Stop Sale, Use, or Removal Order (SSUROS)

If during the course of the inspection the inspector identifies any pesticide or device that he/she has reason to believe is in violation of FIFRA, then the inspector with state certification, in most cases, is authorized to issue a state Stop Sale, Use or Removal Order. Inspectors with Federal credentials may be authorized to issue Federal SSUROS (Section 13(a) of FIFRA). Inspectors should follow-up on the implementation of the SSURO to ensure that violations do not occur.

Definition

The **Stop Sale, Use, or Removal Order** prevents the sale, use or removal of any pesticide or device found to be in violation.

Service of order by U.S. mail.

- In certain instances, the regional or state office may elect to serve the order via U.S. certified mail.
- In cases of emergency suspension, EPA Headquarters may elect to issue the order via U.S. certified mail.

Service of Order by the Inspector. If the violation is discovered during the inspection, the inspector may issue the Order. If the inspector is using state credentials in conducting the inspection then the inspector should serve a state SSURO. If inspector is using federal credentials, then he should serve a federal SSURO. The following information should be included:

- EPA Registration Number
- batch or code numbers of the pesticide(s) and violations
- date order is delivered
- amount of the product under the control of the person who is served the order
- name of regional or state point of contact

The inspector should explain the scope and meaning of the order and the obligation which it places upon the recipient. In particular, the product may not be sold, used, or removed unless directed by a further order issued by the regional office.

Refusal of the Order. If the order is refused, the inspector should:

- leave a copy of the order at the establishment
- explain the following to the recipient:
 - The order becomes effective when delivered and is binding on the recipient whether or not he/she accepts it.
 - The recipient has the prerogative of discussing the order with the contact person at the state or regional office who is named in the order.
 - The recipient is liable for a civil or criminal penalty for violating the terms of the order as well as for the violation itself.
- document this conversation and his/her actions in the inspection notebook for possible use at any subsequent hearing or court action

Disposition. The original order must be amended or terminated to permit movement of the product. A subsequent order may be issued to permit the custodian of the product to bring the product into compliance or to properly dispose of it. These orders may be served in person or via U.S. mail.

Violations of the order should be documented and reported to state and EPA regional offices immediately. The inspector should follow up on the implementation of the SSURO to ensure that violations do not occur.

Compliance Assistance

Since the inspector is often the only contact between EPA and the registrant or producer, he/she should be aware of the opportunities to promote compliance with EPA and State regulations. The closing conference provides an ideal opportunity to offer various kinds of help to facility officials. The inspector will have just completed an inspection and will have first-hand knowledge of questions, problems, and possible solutions.

Guidelines for providing compliance assistance. The inspector:

- should never order that a particular step be taken to solve a potential problem. Such an order might be wrong, and if the facility is later found to be in noncompliance, the ability to pursue an enforcement action might be jeopardized. Options for addressing existing problems can be discussed with the regulated community. The inspector should feel free to discuss existing Federal and State requirements which apply to different situations.
- should provide, if possible, the Compliance Assistance Packet for worker protection.

- should review the provisions of the WPS which the facility may have violated (if any) and go over the requirements of the WPS in those areas; indicate that the final determination regarding violations will be made by the case development officer.
- can offer or suggest additional resources that are available to facility officials to help solve problems (e.g., technical publications or special services).
- should refer questions and problems to other EPA or State personnel as needed, and follow up with those personnel, as soon as possible, to see that facility officials receive a response.

Since the purpose of the inspection process is to promote compliance, as well as identify violations, it is important for the inspector to help raise the level of awareness concerning FIFRA and, in particular, the revised Worker Protection Standard. The closing conference is an ideal opportunity for the inspector to promote compliance by distributing appropriate literature to the facility. The inspector should also make it clear to the facility manager that the inspector's compliance assistance activities do not preclude future enforcement actions, if violations are detected.

Prepare Inspection Report

A narrative report called the Establishment Inspection Report (EIR) must be completed for each registrant/producer establishment inspected. The purpose of the narrative report is to capture sufficient information to portray accurately what is taking place at the establishment with regard to agricultural pesticide production. The format of the report may vary, but the content should include at a minimum an explanation of the information documented in the Registrant/Producer/Marketplace/Dealer Establishment Inspection Checklist.

How to use Inspection Checklist

Please refer to Appendix D, section entitled, "Inspection Checklist Instructions."

Chapter III.

Section 2. Use Inspections

Introduction

This section covers use inspections. In terms of Worker Protection, use inspections cover agricultural sites, such as farms, forests, nurseries, and greenhouses. Generally, these inspections are conducted to ensure that users of agricultural pesticides subject to the WPS are complying with the requirements of the product label when that label references the Rule.

Authority

Use inspections are a necessary and indispensable element of pesticide use enforcement. While Section 12(a)(2)(G) of the FIFRA, as amended, makes it unlawful to use any registered pesticide in a manner inconsistent with its labeling, it does not give the inspector the right of entry to conduct the investigation.

The states have primary enforcement responsibility for pesticide use violations under Section 26 of FIFRA.

The Fourth Amendment of the U.S. Constitution states, in part: “the rights of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated...” To ensure lawful inspections, the Agency has developed procedures consistent with this provision and relevant court decisions.

Statutory basis.

- FIFRA Section 12(a)(2)(G): “To use any registered pesticide in a manner inconsistent with its labeling;”
- FIFRA Section 2(ee): “To use any registered pesticide in a manner inconsistent with its labeling.”—The term ‘to use any registered pesticide in a manner inconsistent with its labeling’ means to use any registered pesticide in a manner not permitted by the labeling: Provided, that the term shall not include:
 - applying a pesticide at a dosage, concentration, or frequency less than that specified on the labeling
 - applying a pesticide against any target pest not specified on the labeling if the application is to the crop, animal, or site specified on the labeling, unless the administrator has required that the labeling should specifically state that the pesticide may be used only for the pests specified on the labeling, and after the Administrator has determined that the use of the pesticide against other pests would cause an unreasonable adverse effect on the environment

- employing any method of application not prohibited by the labeling
- mixing a pesticide or pesticides with a fertilizer when such a mixture is not prohibited by the labeling
- any use of a pesticide in conformance with section 5, 18, or 24 of the Act
- any use of a pesticide in a manner that the Administrator determines to be consistent with the purposes of the Act
- 40 CFR Section 162.3(oo): The term ‘use’ means any act of handling or release of a pesticide, or exposure of man or the environment to a pesticide through acts, including but not limited to:
 - application of pesticide, including mixing, loading, and any required supervisory action in or near the area of application
 - storage actions for pesticides and pesticide containers
 - disposal actions for pesticides and pesticide containers.

Summary of On-Site Activities

Please refer to On-Site Inspection Activities on Page III-3. This section will focus on four inspection activities:

- ☐ Conduct the Inspection
- ☐ Requirements Based on 40 CFR Part 170
- ☐ Issue Stop Sale, Use, or Removal Order
- ☐ Compliance Assistance.

Conduct the Inspection

The inspection involves reviewing the labeling and practices of employers/employees to ensure that users are in compliance with:

- The product-specific worker protection requirements found on the labeling
- The generic WPS requirements (i.e., referenced on the labeling).

**Requirements
Based on 40 CFR
Part 170**

The basis for conducting use inspections is that pesticides may not be used in a manner inconsistent with their labeling. Therefore, inspectors **must** check the product labeling of the pesticides used, to determine whether or not the user must comply with the WPS. In addition, inspectors must be aware of the compliance dates for both product-specific and generic WPS requirements.

- Product-specific worker protection requirements (PPE, REIs, and oral and posted warnings) become enforceable when they appear on the labeling of a pesticide product.
- Generic WPS requirements (e.g., decontamination supplies, safety training, emergency assistance, and notification to workers) are enforceable April 15, 1994 when using products bearing WPS labeling. Revisions to the WPS were made and became enforceable May 3, 1995, and June 26, 1996.

The inspection tasks are organized into eight major compliance areas:

1. Notification and posting of pesticide application
2. Application and entry restrictions
3. Personal protective equipment and pesticide handling equipment
4. Pesticide safety training
5. Pesticide safety information
6. Decontamination supplies
7. Emergency assistance
8. Retaliation.

Each of these is explained in more detail below.

**Notification
and Posting of
Application**

To ensure that notification and posting of pesticide applications complies with the WPS, the inspector through interviews and observations, must:

- ☐ Confirm that agricultural employer made proper notification of the pesticide application to all workers at the site.
- ☐ Some pesticide labels require agricultural employer to notify workers both orally and with signs posted at entrances to the treated area. Check that the treated area is/was posted with warning signs in the required size, format, language, and manner.
- ☐ Verify that in greenhouses, agricultural employer post all treated areas. If the pesticide labeling requires both types of notification, employer must also notify workers orally.

- No notice is required to a worker, who will not be in the treated area, or walk within 1/4 mile of a treated area, during the pesticide application or while the restricted-entry interval is in effect.

Table 3.7 shows a summary of the requirements for Posted and Oral Warnings.

Table 3.7 Requirements for Posted and Oral Warnings

| Requirements for Posted Warning Signs | Requirements for Oral Warnings |
|---|---|
| <ul style="list-style-type: none"> • Include the words: Pesticides, Danger, and Keep Out, in the language spoken by the majority of workers at the site. • Contain the WPS warning-sign symbol (stern face and raised hand within a circle) • Meet size and color requirements (e.g., red ink on a contrasting background, 14" x 16", or one of two smaller sizes for greenhouses and nurseries). • Be visible at all usual points of entry to the treated area • Be posted no sooner than 24 hours before the scheduled application • Remain posted throughout the application and REI (must be visible, legible, and accessible) • Be removed within 3 days after the application and/or when REI expires, and before allowing workers to enter the treated area | <ul style="list-style-type: none"> • Oral warnings must be provided in a manner that the worker can understand (e.g., translation may be required) • Warning should be given prior to the application to workers on the premises; otherwise, the warning shall be given at the beginning of the first work period during the time of application or during the time REI is in effect. • Give location and description of the treated area • State the time during which the REI is in effect • Employers must instruct workers not to enter the treated area until the REI is over |

- Confirm that the posted warning sign is in the language spoken by the majority of workers at the site. Languages may include Spanish, Cambodian, Chinese, Haitian Creole, Ilocano (Hawaii), Korean, Laotian, Tagalog (Philippines), Thai, or Vietnamese. To assist inspectors, copies of the warning sign translations are included in Appendix H.
- Confirm that, if smaller signs are used in a nursery or greenhouse, that they meet one of the two smaller size requirements. The smallest size sign permitted should contain the words DANGER or PELIGRO in letters at least 7/16 inch in height, other words in

letters at least ¼ inch, and a red circle at least 1½ inches in diameter containing an upraised hand and a stern face no more than 25 feet apart. Nursery or greenhouse owners/operators also have the option of using a sign with the words DANGER or PELIGRO in letters at least 7⁄8 inch in height, other words in letters at least ½ inch, and a red circle at least 3 inches in diameter containing an upraised hand and a stern face no more than 50 feet apart.

- ☐ Confirm that specific information about the location and nature of the pesticide application is/was displayed.
- ☐ Verify that the employer assured that, from the start of the application until the end of the restricted-entry interval, a worker did not enter, work in, remain in, or pass through a treated greenhouse or pass through on foot or within one quarter mile of a treated area on a farm, nursery, or forest if notice of application was not given to the worker.
- ☐ Validate that prior to the application, the pesticide handler employer provided to the site employer the following information:
 - specific location and description of the pesticide-treated area
 - time and date of application
 - product name, EPA registration number, and active ingredient(s)
 - restricted-entry interval
 - whether posting and/or oral notification are required
 - any other product-specific requirements on the product labeling concerning the protection of workers or other persons during or after application
- ☐ Verify that all product-specific requirements on the pesticide label and in the labeling concerning protection of workers and pesticide handlers or other persons during or after application were followed.

Application and Entry Restrictions

To ensure that the agricultural employer is in compliance with application and entry restrictions, the inspector must verify by observation or interviews:

- ☐ That during application, general entry restrictions were followed forbidding the agricultural employer to allow or direct any person other than an appropriately trained and equipped handler to enter or to remain in a treated area.
- ☐ The handler/agricultural employer and handler assured that no pesticide was applied so as to contact, either directly or through drift, any worker or other person, other than a properly trained and equipped handler.
- ☐ That workers were prohibited from entering the treated area and any required border areas.
- ☐ In nurseries and greenhouses, during applications, verify that agricultural employer kept everyone, except trained and equipped handlers, out of the area immediately surrounding the treated area. The size of the surrounding area depends on the pesticide used and the application method (see table 3.8 p. III-27 for special application restrictions in Nurseries and Greenhouses.)

Specific requirements for pesticide handlers. Confirm that the handler employer assured that the following **handler-specific** provisions were met during handling activities:

- Any handling of highly toxic pesticides or any product with the skull and crossbones symbol on the front panel, was monitored visually or by voice communication at least every two hours.
- Any handler who handled fumigation in a greenhouse, including a handler who enters the greenhouse before the acceptable exposure level or ventilation criteria has been met, maintained continuous visual/voice contact with another handler.
- The other handler had immediate access to the personal protective equipment required by the fumigant labeling for handlers in the event that entry into the fumigated greenhouse was necessary for rescue.

**Table 3.8. Entry-Restricted Areas in Nurseries
During Pesticide Applications**

| During Application of a Pesticide | Workers and other persons are Prohibited in: |
|--|---|
| (1)(a) Applied: aerially, in an upward direction, or using a spray pressure greater than 150 psi (pounds per square inch), or (b) Applied as a: fumigant, smoke, mist, fog, or aerosol. | Pesticide treated area plus 100 feet in all directions on the nursery |

| | |
|---|--|
| (2)(a) Applied downward using: a height of greater than 12 inches from the planting medium, a fine spray, or a spray pressure greater than 40 psi and less than 150 psi. (b) Not as in 1 or 2(a) above, but for which a respiratory protection device is required for application by the product labeling. | Treated area plus 25 feet in all directions on the nursery |
| (3) Applied otherwise. | Pesticide treated area |

- Greenhouses.

- Verify that the application-specific entry restrictions and restricted areas for greenhouse were followed.
- Verify that the ventilation criteria for pesticide applications in greenhouses were followed.

Table 3.9, on the following page, illustrates application and entry restrictions in greenhouses.

Table 3.9 Greenhouse Entry Restrictions Associated With Pesticide Applications

| A. When a Pesticide is Applied: | B. Workers and other persons are Prohibited in: | C. Until: | D. After the Expiration of Time in Column C, Until the REI Expires, the Entry-Restricted Area is: |
|--|---|--|---|
| (1) As a fumigant | Entire greenhouse plus any adjacent structure that cannot be sealed off from the treated area | Ventilation shall continue until the air concentration is measured to be equal or less to than the inhalation exposure level the labeling requires to be achieved. If no inhalation exposure level is listed on the labeling, ventilation shall continue after: 10 air exchanges are completed; or 2 hours of ventilation using fans or other mechanical ventilating systems; or 4 hours of ventilation using vents, windows or other passive ventilation; or 11 hours with no ventilation followed by 1 hour of mechanical ventilation; or 11 hours of ventilation followed by 2 hours of passive ventilation; or 24 hours with no ventilation. | No entry restrictions after criteria in column C are met. |
| (2) As a smoke, mist, fog, or aerosol | Entire enclosed area | | Entire enclosed area is the treated area |
| (3) Not in 1 or 2 above, and a respiratory protection device is required for application by the product labeling. | Entire enclosed area | | Treated area |
| (4) Not in 1, 2, or 3 above, and: from a height of greater than 12 inches from the planting medium, a fine spray, or a spray pressure greater than 40 psi and less than 150 psi. | Treated area plus 25 feet in all directions in the enclosed area | Application is complete | Treated area |
| (5) Otherwise | Treated area | Application is complete | Treated area |

- Confirm that the restricted-entry interval on the product label is/was adhered to.

Exceptions for early entry workers.

The WPS allows entry into a treated area that remains under a restricted-entry interval in a few very limited work situations. when

early-entry is permitted worker employer must provide special protection according to the label requirements. Table 3.10 outlines the early entry requirements for various types of exceptions permitted under the WPS.

- Verify that early entry into a treated area under a restricted entry interval by workers was under the following exceptions:
 - **short-term tasks** that last less than 1 hour and do not involve hand labor,
 - **emergency tasks** that take place because of an agricultural emergency
 - **limited contact tasks to operate, move, or repair of irrigation equipment** for up to 8 hours per 24 hours,

Table 3.10 Comparisons of Various Conditions for Use of WPS Exceptions

| Conditions or Limitations for Exception Use | Early Entry with No Contact | Short Term Exception | Limited Contact Exception | Irrigation Exception | Cut Rose Exception | Agricultural Emergency |
|---|--|--|--|--|--|--|
| Contact with Treated Surfaces | Prohibited | Allowed | Allowed for hands, forearms, feet, ankles | Allowed for hands, forearms, feet, ankles | Allowed for hands, forearms, feet, ankles | Allowed |
| Hand Labor | Prohibited | Prohibited | Prohibited | Irrigation tasks only | Hand harvesting of greenhouse grown roses only | Allowed |
| Time Limit (in 24 hours) | No time limit | 1 hour limit per worker | 8 hour limit per worker | 8 hour limit per worker | 3 hour limit per worker | No time limit |
| Need must be unforeseen with potential for significant loss | NO | NO | YES | YES | YES | NO |
| Personal Protective Equipment | Not Required | Required | Required | Required | Required | Required |
| Time of earliest entry after end of application | 4 hours and after any respiratory/ventilation criteria are met | 4 hours and after any respiratory/ventilation criteria are met | 4 hours and after any respiratory/ventilation criteria are met | 4 hours and after any respiratory/ventilation criteria are met | 4 hours and after any respiratory/ventilation criteria are met | 4 hours and after any respiratory/ventilation criteria are met |
| Double Notification Product Restriction | NO | NO | YES | YES | YES | NO |
| Notify Workers of exception use | NO | NO | YES | YES | YES | NO |

- **To perform limited contact activities**, unless expressly prohibited by the pesticide label, including an exception for the cut rose industry, as discussed below, and
- **specific tasks** approved by EPA through a formal exception process.
- Confirm that, if early entry did occur under the exception for activities, the agricultural employer provided special protection required by the pesticide labeling to workers performing early entry tasks involving contact with anything that has been treated with a pesticide, including soil, water, air, and surfaces of plants.
- Confirm that, if early entry did occur under the exception for short-term activities and agricultural emergencies, the following requirements were met:
 - Prohibition against performing hand labor activities
 - Prohibition against spending more than 1 hour in a 24-hour period in a treated area for short-term activities (unless an exception has been granted)
 - Prohibition against entering the treated area within 4 hours of application, and at least until any inhalation exposure level listed on the product labeling has been reached or any WPS ventilation criteria have been met
- Confirm that, if early entry did occur under the exception for irrigation, limited contact activities, and the cut rose exemption, the following requirements were met:
 - The need for the task could not have been foreseen and the task cannot be delayed until the REI has expired,
 - The time in treated areas under the REI did not exceed 8 hours in a 24 hour period,
 - The pesticide product label does not require double notification or have a restriction against entering the area during the REI,
 - The tasks performed involved no hand labor,
 - Contact with treated surfaces was limited to feet, lower legs, hands, and forearms,

- Appropriate PPE was provided,
- The requirements of 40 CFR 179.112(c)(3) through (c)(9) are met, including the prohibition against entry during the first 4 hours after application and until applicable ventilation criteria and label specified inhalation exposure levels have been met; informing workers of safety information on the product labeling; provision, proper management, and care of PPE; heat related illness prevention; requirements for decontamination supplies; and the prohibition against taking PPE home,
- Prior to allowing entry into the treated area, the agricultural employer notifies workers either orally or in writing, in a language that the worker understands, that entry is being allowed for limited contact or irrigation activities only, that no entry is allowed for the first four hours after application unless applicable ventilation criteria have been met, and they cannot spend more than 8 hours out of 24 in the treated area.
- Confirm that, if early entry did occur under the exception for cut roses, the following additional requirements were met:
 - The time in treated areas under the REI did not exceed 3 hours in a 24 hour period,
 - Only hand harvesting of greenhouse grown roses was performed,
 - Workers have read the pesticide label or been informed in a language that they understand of the labeling requirements related to safe use,
 - The cut-rose growers notified workers both orally and with posted information of the cut rose exemption,
 - Growers have provided, properly maintained and ensured that workers wear the early entry PPE listed on the pesticide label, including, but not limited to leather gloves worn over chemical resistant liners.
- Verify worker familiarity with the product label requirements related to human related hazards or precautions, first aid, symptoms of poisoning, personal protective equipment, and any other labeling requirements related to safe use.
- Inspect for proper use, maintenance, and storage of personal protective equipment.

- Check for provision of decontamination supplies.
- Early entry workers have to be trained within 5 days of entering the treated area.

Personal Protective Equipment (PPE) and Pesticide Handling Equipment

To ensure that the agricultural employer is in compliance with the pesticide labeling PPE requirements for early entry workers and pesticide handlers, the inspector must verify that the employer assured the following through interviews and observations:

- ☐ Personal protective equipment specified on the product labeling was provided to and used by the workers/handlers
- The personal protective equipment conformed to the appropriate standards specified on the product labeling
- Workers/handlers wore the personal protective equipment correctly and for its intended use
- Each worker was instructed on how to put on, use, and remove the personal protective equipment and on the importance of washing thoroughly after removing
- Workers/handlers had clean place(s) away from pesticide storage and pesticide-use areas to store personal clothing not in use, and put on and remove personal protective equipment
- All personal protective equipment was cleaned according to the manufacturer's instructions, the product labeling or, if none, washed thoroughly in detergent and hot water before each day of reuse
- Before being stored, all personal protective equipment was dried thoroughly or put in a well-ventilated place to dry
- All personal protective equipment contaminated with pesticides was kept and washed separately from other clothing or laundry
- Any person who cleans or launders personal protective equipment was informed it may be contaminated with pesticides, of the potentially harmful effects of exposure to pesticides, and the correct way(s) to handle and clean personal protective equipment contaminated with pesticides
- All personal protective equipment was stored separately from personal clothing and apart from pesticide-contaminated areas

- Before each use, all personal protective equipment was inspected for leaks, holes, tears, worn places, and any damaged equipment was repaired or discarded
- Personal protective equipment that could not be cleaned was properly disposed of in accordance with Federal, State, and local regulations
- Each worker/handler was instructed in the prevention, recognition, and first-aid treatment of heat-related illness
- Workers/handlers were restricted from wearing or taking home personal protective equipment contaminated with pesticides
- Dust/mist filters used in handler dust/mist masks or respirators were replaced consistent with the regulations
- Gas or vapor absorbing canisters or cartridges used in handler's gas and vapor absorbing respirators were replaced consistent with the regulations.

EXCEPTIONS: PPE Requirements

Handlers may be allowed by handler employers to omit some of the PPE required on the labeling if the handlers are operating in one of the following four circumstances:

1. A Closed System [Section 170.240(d)(4)]

- When mixing or loading pesticides with the signal word "DANGER" or "WARNING," handlers must minimally wear:
 - long-sleeved shirt and long pants
 - shoes and socks
 - a chemical-resistant apron
 - protective gloves specified on the pesticide labeling for handling tasks
- When mixing or loading pesticides with the signal word "CAUTION," handlers must minimally wear:
 - long-sleeved shirt and long pants
 - shoes and socks

- When conducting handling tasks **other than** mixing and loading with ANY pesticide, handlers must wear:
 - long-sleeved shirt and long pants
 - shoes and socks
- If handlers are working in a closed system which operates under pressure, they may wear the PPE identified above, but **add** protective eyewear.

2. **An Enclosed Cab** [Section 170.240(d)(5)]

- If an enclosed cab provides RESPIRATORY PROTECTION, it must have, and properly maintain, a functioning ventilation system. Additionally, the cab must have documentation from the manufacturer or governmental agency which declares that it provides as much or more respiratory protection as the type of respirator listed on the label.
- In cabs which DO NOT provide respiratory protection, handlers must minimally wear:
 - long-sleeved shirt and long pants
 - shoes and socks
 - any respirator required for the handling task
- In cabs which DO provide respiratory protection equal to that listed on the label, handlers must minimally wear:
 - long-sleeved shirt and long pants
 - shoes and socks
- In ANY enclosed cab where reduced PPE is worn, handlers must:
 - have ALL PPE listed on the label for the task being performed immediately available
 - wear the PPE if it is necessary to exit the cab and contact pesticide-treated surfaces
 - remove PPE worn in the treated area before reentering cab
 - store all PPE in a chemical-resistant container to prevent contamination inside the cab

3. **Cockpits** [Section 170.240(d)(6)]

- Handlers must:
 - wear chemical-resistant gloves when entering or leaving an aircraft contaminated by pesticide residues
 - store used gloves in a closed chemical-resistant container
- Handlers must wear any gloves, respirator, or body protection listed on the pesticide labeling for application in an **open cockpit**, but they may wear:
 - shoes and socks instead of chemical-resistant footwear
 - a helmet instead of a chemical-resistant hat or hood
- In an **enclosed cockpit**, handlers may substitute for the label specified PPE with:
 - long-sleeved shirt and long pants
 - shoes and socks

Specific requirements for pesticide handlers:

- Before using equipment for mixing, loading, transferring, or applying pesticides, each pesticide handler was instructed in the safe operation of such equipment, including, when relevant, chemigation safety requirements and drift avoidance.
 - Before each use, equipment for mixing, loading, transferring, or applying pesticides was inspected for leaks, clogs, and worn or damaged equipment was repaired or replaced.
 - Before allowing any person other than a correctly trained and properly equipped handler to repair, clean, or adjust equipment used for mixing, loading, transferring, or applying pesticides, the pesticide residues were removed from the equipment.
 - If pesticide removal was not feasible, the person who repaired, cleaned, or adjusted the equipment was informed that such equipment may have been contaminated with pesticides, and of the correct way to handle such equipment.
4. **Crop Advisors** [Section 170.104(b) and 170.204(b)]
- EPA has amended the WPS to exempt qualified crop advisors from PPE requirements and allowed them to choose appropriate protection while performing crop advising tasks. This exemption

applies to certified or licensed crop advisors and persons under their direct supervision.

- the certification program must include pesticide safety training that addresses, at a minimum, all of the information in 40 CFR 170.230(c)(4).
- The following conditions must also be met:
 - No entry into the treated area is permitted until after application ends
 - Personnel may perform only crop advising tasks in the treated area.
 - The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination supplies, and how to conduct the tasks safely. The crop advisor must convey this information to each person under his direct supervision in a language that the person understands.
 - Before entering a treated area, the certified or licensed crop advisor must inform, through an established practice of communication, each person under his direct supervision of the pesticide products and active ingredient(s) applied, method of application, time of application, the restricted entry interval, which tasks to undertake, and how to contact the crop advisor.

Pesticide Safety Training

Worker/handler employer must make sure that each of their early entry workers/handlers are currently trained. To ensure that the agricultural employer is in compliance with pesticide safety training requirements, the inspector must do the following.

- Pesticide Handlers. Validate that all pesticide handlers received safety training before they do any handling task.
- Early-Entry Agricultural Workers. Confirm that all early-entry workers who entered a treated area for which a restricted-entry interval was in effect or had expired within thirty days received pesticide safety training within 5 days of entering the area.
- Agricultural Workers. Verify that workers were trained before they accumulate more than 5 separate days of entry into treated areas in a establishment where, within the past 30 days, a pesticide has been applied or a restricted-entry interval has been in effect. These 5 days of such entry need not be consecutive and

may occur over several periods of employment or over several seasons or years.

Exception:

On May 3, 1995, EPA revised the implementation of the shorter grace period for pesticide safety training for workers to January 1, 1996, rather than October 20, 1997. Under the revised schedule, workers must be trained about general pesticide safety before they accumulate more than 5 separate days of entry into treated areas in an establishment.

Effective January 1, 1996, agricultural employers must assure that workers receive **basic** pesticide safety information before they enter a treated area on the establishment. This would provide basic safety information to workers while they wait for the complete WPS pesticide safety training **which is** required within 5 days of entering a treated area.

- Verify that general pesticide safety information was presented to workers/handlers in a manner that could be understood, orally or using written or audiovisual training materials that employed non-technical terms.
- Confirm that the person who conducted the worker/handler safety training met the requirements for certification and training.
- Verify that the general pesticide safety training materials presented to workers/handlers included, at a minimum:
 - where and in what form pesticides may be encountered during work activities
 - hazards of pesticides resulting from toxicity and exposure, including acute and chronic effects, delayed effects, and sensitization
 - routes through which pesticides can enter the body
 - signs and symptoms of common types of pesticide poisoning
 - emergency first aid for pesticide injury or poisoning
 - how to obtain emergency medical care
 - routine and emergency decontamination procedures, including emergency eyeflushing techniques

- hazards from chemigation and drift
- hazards from pesticide residues on clothing
- warnings about taking contaminated personal protective equipment, pesticides, pesticide containers home
- an explanation of the WPS requirements designed to protect workers, including application and entry restrictions, design of the warning sign, posting of warning signs, oral warnings, availability of specific information about applications, and protection against retaliatory acts

Specific requirements for pesticide handlers:

- ☐ Confirm that the general pesticide safety training materials for pesticide handlers included:
 - format and meaning of information contained on pesticide labels and in labeling, including safety information, such as human health hazard precautionary statements
 - hazards of pesticides resulting from toxicity and exposure, including acute effects, chronic effects, delayed effects, and sensitization
 - routes through which pesticides can enter the body
 - signs and symptoms of common pesticide poisoning
 - emergency first aid for pesticide injuries or poisonings
 - how to obtain emergency medical care
 - routine and emergency decontamination procedures, including emergency eyeflushing techniques
 - need for and appropriate use of personal protective equipment
 - prevention, recognition, and first-aid treatment of heat-related illness
 - safety requirements for handling, transporting, storing, and disposing of pesticides, including general procedures for spill cleanup

- environmental concerns such as drift, runoff, and wildlife hazards
 - warnings about taking pesticides or pesticide containers home
 - an explanation of WPS requirements that handler employers must follow for the protection of handlers and others, including the prohibition against applying pesticides in a manner that will cause contact with workers or other persons, the requirement to use personal protective equipment, the provisions for training and decontamination, and the protection against retaliatory acts
- Check and document that the handler read the product labeling or had been informed, in a language the handler could understand, of all labeling requirements related to safe use of the pesticide, such as signal words, human hazard precautions, personal protective equipment requirements, first-aid instructions, environmental precautions, and any additional precautions pertaining to the handling activity performed.
 - Verify and document that the handler had access to the product labeling during handling activities.
 - Verify that the pesticide safety training material for workers and handlers is either:
 - WPS training material developed by EPA, or
 - training material that conforms to EPA guidelines.

Pesticide Safety Information

The inspector must validate that the following information is displayed at a central location on the agricultural site where it can be readily accessible, seen and read by handlers/workers. In a forest information should be displayed in or near the forest where it can be readily seen and read by handlers/workers and where handlers/workers are likely to congregate or pass by, such as at a decontamination **location** or an equipment storage site.

To ensure that the user complies with the WPS requirements for a pesticide safety poster, the inspector must:

PESTICIDE SAFETY POSTER:

- Check for a pesticide safety poster displayed in an easily accessible, central location. If it is not the EPA safety poster,

photograph the poster and later compare it with EPA safety poster for any missing WPS required information.

- Verify that the safety poster conveys the following basic pesticide safety concepts:
 - That there are Federal rules to protect pesticide workers/handlers including a requirement for safety training.
 - How to help keep pesticides from getting on or into their bodies. Verify that the poster includes the following instructions:
 - avoid getting on your skin or into your body any pesticides that may be on plants and soil, in irrigation water, or drifting from nearby applications
 - wash before eating, drinking, chewing gum, using tobacco, or using the toilet
 - wear work clothing that protects your body from pesticide residues, such as long-sleeved shirts, long pants, shoes, socks, and hats or scarves
 - wash or shower with soap and water, shampoo your hair, and put on clean clothes after work
 - wash work clothes separately from other clothes before wearing them again
 - wash immediately in the nearest clean water if pesticides are spilled or sprayed on your body; as soon as possible, shower, shampoo, and change into clean clothes
 - follow directions about keeping out of treated or restricted areas
 - Check and document that workers/handlers have been informed of the location of the safety poster.
 - Check and document that the workers/handlers have access to the pesticide safety poster.
 - Examine the safety poster to ensure it is legible.

EMERGENCY MEDICAL CARE INFORMATION:

- Inspect for the location on, or near, the safety poster for the address and telephone number of the nearest emergency medical care facility.
- Confirm that the employer has promptly informed workers/handlers of any change to the information on emergency medical care facilities.

PESTICIDE APPLICATION INFORMATION

- Check that the specific application information is posted near safety poster before the pesticide application or at the same time or earlier.
- Verify that the information includes:
 - the location and description of the area to be treated,
 - product name, EPA registration number, and active ingredient(s) of the pesticide,
 - time and date the pesticide is scheduled to be applied, and
 - restricted-entry interval for the pesticide.
 - that this information is provided in a language that the majority of workers at the site understand, among the following languages: Spanish, Cambodian, Chinese, Haitian Creole, Ilocano (Hawaii), Korean, Laotian, Tagalog (Philippines), Thai, or Vietnamese.

Decontamination Requirements for Handlers and Early-Entry Workers

To ensure that all requirements concerning the decontamination site are/were met, the inspector should:

- □ Verify that the employer provided decontamination **supplies** for washing off pesticide residues if a worker performed an activity in a treated area where a restricted-entry interval was in effect or had expired within thirty days (photographing the site is recommended).
- Examine premises for employer-provided decontamination supplies for washing off pesticide residues for any activity.
- Verify that the decontamination supplies provided by the employer included the following:

- water of a temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed, in adequate supply for washing the entire body in case of an emergency as well as for routine washing by workers/handlers
- proper storage of water in a tank
- soap and single-use towels in quantities sufficient to meet workers'/handlers' needs
- one clean change of clothes, this could be a one size fits all coverall for pesticide handlers
- a source with at least one pint of eyeflush water is provided, unless each early entry worker/handler carries an eyeflush dispenser or an eyeflush dispenser is otherwise immediately accessible to each worker/handler when the pesticide labeling requires protective eyewear.
- sufficient clean water in the eyeflush source replaced at least weekly, unless the water in the eyeflush dispenser is sterilized and is in a sealed container
- for **handlers**, after handling activities, and workers engaged in **early entry** activities, provisions of soap, clean towels, and sufficient clean water so that the handlers/workers may wash thoroughly after removing personal protective equipment
- a site reasonably accessible to and not more than one quarter mile from where workers/handlers are working as required in the regulation, and a decontamination site at the mixing area for handlers mixing pesticides

Exceptions:

- For a pilot who is applying pesticides aurally, the decontamination supplies must be at the aircraft's loading site or in the plane.
- For tasks performed more than one quarter mile from the nearest point accessible by cars or trucks, the decontamination supplies may be kept at an access point. In this circumstance, clean water from springs, streams, lakes, or other sources may be used for decontamination if such water is more readily available than the water at the decontamination site.

- □ For mixing activities, decontamination supplies shall be at the mixing site.
- □ Decontamination supplies shall not be in an area being treated with pesticides or in an area under a REI unless the decontamination supplies are in the area where a handler is performing handling activities.
- □ The time that decontamination supplies must be kept is reduced from 30 days following the expiration of the REI to 7 days for certain low toxicity active ingredients.
- □ Crop advisors and certain low toxicity active ingredients are exempt from these requirements.

Emergency Assistance

Agricultural employers must provide emergency assistance, to anyone who is or has been employed as a worker or handler on their farm, forest, nursery, or greenhouse if there is reason to believe that the worker has been poisoned or injured by a pesticide used on the agricultural establishment through application, spills, splashes, drift, or contact with pesticide residue.

The inspector should verify that the employer did the following if a worker/handler may have been poisoned or injured by a pesticides used at the site through exposure, splash, spill, drift or pesticide residues:

- Make promptly available transportation from the place of employment or the handling site to an appropriate emergency medical facility able to provide treatment
- Provide promptly on request to the worker/handler or treating medical personnel the following information about the pesticide(s) to which the person may have been exposed:
 - product name, EPA registration number, and active ingredients in any product to which the worker/handler might have been exposed
 - antidote, first aid, and any other medical information from the product labeling
 - information about the circumstances of application or use of the pesticide at the site, or about the exposure of the worker/handler to the pesticide.

Data Collection Methods

In addition to the labeling review conducted at the beginning of the inspection, there are several methods of data collection that may be employed. It is expected that the inspector will use a combination of some or all of these methods to conduct the inspection and/or determine compliance. In particular, the inspector may:

- Collect samples, such as photographs, labels, and physical samples
- Review records, such as application of pesticides, notification of workers and handlers
- Conduct interviews (e.g., with the owner or operator, employees)

Proper procedures for sampling should be followed, and a Receipt for Use/Misuse samples should be given to the facility representative at the closing conference.

Issue Stop Sale, Use, or Removal Order (SSURO)

Please refer to page III-16.

Compliance Assistance

Please refer to page III-17.

Prepare Inspection Report

The Use Investigation Report (EPA Form 3540-20), or equivalent, must be completed for each user establishment inspected. The inspector should also complete a narrative report. The purpose of the narrative report is to capture sufficient information to portray accurately what is taking place at the site with regard to the use and/or misuse of agricultural pesticide products. Please attach the checklist as an addendum to the narrative report, and reference it in the report where appropriate.

Use Inspection Checklists

For worker protection use inspections a “Core” checklist for **Routine** inspections and a Comprehensive checklist for **Comprehensive** inspections. The questions in the “CORE” checklist address essential worker protection provisions which should be addressed in every routine use inspection to help ensure compliance with the basic components of the WPS. EPA recommends that a comprehensive

worker protection inspection be conducted if the inspection was targetted specifically to ensure compliance with the WPS (a for cause inspection) or if the inspector suspects non-compliance with the WPS based on the answers to the **CORE** questions, using the CORE checklist. The page numbers on the checklists refer to the worker protection Field Pocket guide.

Please refer to Appendix D, section entitled “Inspection Checklist Instructions.”

Appendix A Key Definitions

| | |
|--|---|
| <i>Agricultural Employer</i> | Any Person who hires or contracts for the services of workers, for any type of compensation, to perform activities related to the production of agricultural plants, or any person who is the owner of or is responsible for the management or condition of an agricultural establishment that uses such workers. |
| <i>Agricultural Establishment</i> | Any farm, forest, nursery or greenhouse. |
| <i>Agricultural Plant</i> | Any plant grown or maintained for commercial or research purposes and includes, but is not limited to, food, feed, and fiber plants; trees; turfgrass; flowers, shrubs; ornamentals; and seedlings. |
| <i>Chemigation</i> | The application of pesticides through irrigation systems. |
| <i>Commercial Pesticide Handling Establishment</i> | Any establishment, other than an agricultural establishment, that employs any person, including a self-employed person, to apply on an agricultural establishment, pesticides used in the production of agricultural plants or to perform tasks as a crop advisor. |
| <i>Crop Advisor</i> | Any person who is assessing pest numbers or damage, pesticide distribution, or the status or requirements of agricultural plants. This does not include any person who is performing hand labor tasks. |
| <i>Early Entry</i> | Entry by a worker into a treated area on the agricultural establishment after a pesticide application is complete, but before any restricted-entry interval for the pesticide has expired. |
| <i>Farm</i> | Any operation, other than a nursery or forest, engaged in the outdoor production of agricultural plants. |
| <i>Forest</i> | Any operation engaged in the outdoor production of any agricultural plant to produce wood fiber or timber products. |
| <i>Fumigant</i> | Any pesticide product that is a vapor or gas on application, and whose method of pesticidal action is through the gaseous state. |

Greenhouse

Any operation engaged in the production of agricultural plants inside any structure or space that is enclosed with nonporous covering and that is of sufficient size to permit worker entry. This term includes, but is not limited to, polyhouses, mushroom houses, rhubarb houses, and similar structures.. It does not include such structures as malls, atriums, conservatories, arboretums, or office buildings, where agricultural plants are primarily for aesthetic or climatic modification.

Hand Labor

Any agricultural activity performed by hand or with hand tools that causes a worker to have substantial contact with surfaces (such as plants, plant parts, or soil) that may contain pesticide residues. These activities include, but are not limited to, harvesting, detasseling, thinning weeding, topping, planting, sucker removal, pruning, disbudding, roguing, and packing produce into containers in the field. Hand labor does not including operating, moving, or repairing irrigation or watering equipment or performing the tasks of crop advisors.

Handler

Any person, including a self-employed person:

- 1) Who is employed for any type of compensation by an agricultural establishment or commercial pesticide handling establishment to which subpart C of the part applies and who is:
 - (i) Mixing, loading,transferring, or applying pesticides.
 - (ii) Disposing of pesticides or pesticide containers.
 - (iii) Handling opened containers of pesticides.
 - (iv) Acting as a flagger.
 - (v) Cleaning, adjusting, handling, or repairing the parts of mixing, loading, or application equipment that may contain pesticide residues.
 - (vi) Assisting with the application of pesticides.
 - (vii) Entering a greenhouse or other enclosed area after the application and before the inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria established by this part (§170.110(c)(3)) or in the labeling has been met:
 - (A) to operate ventilation equipment.
 - (B) to adjust or remove coverings used in fumigation.
 - (C) to monitor air levels.
 - (viii) Entering a treated area outdoors after application of any soil fumigant to adjust or remove soil coverings such as tarpaulins.

- (ix) Performing tasks as a crop advisor:
 - (i) during any pesticide inspection.
 - (ii) before the inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria established by this part (§170.110(c)(3)) or in the labeling has been met.
 - (iii) during the restricted entry-entry interval.
- 2) The term does not exclude any person who is only handling pesticide containers that have been emptied or cleaned according to pesticide product labeling instructions or, in the absence of such instructions, have been subjected to triple-rinsing or the equivalent.

Handler Employer

Any person who is self-employed as a handler or who employs any handler, for any type of compensation.

Immediate Family

Includes only spouse, children, stepchildren, foster children, parents, stepparents, foster parents, brothers, and sisters.

Nursery

Any operation engaged in the outdoor production of any agricultural plant to produce cut flowers and ferns or plants that will be used in their entirety in another location. Such plants include, but are not limited to, flowering and foliage plants or trees; tree seedlings; live Christmas trees; vegetable, fruit, and ornamental transplants; and turfgrass produced for sod.

Owner

Any person who has a present possessory interest (fee, leasehold, rental, or other) in an agricultural establishment covered by this part. A person who has leased such an agricultural establishment to another person and granted that same person the right and full authority to manage and govern the use of such agricultural establishment is not an owner for purposes of this part.

Restricted-entry Interval

The time after the end of a pesticide application during which entry into the treated area is restricted.

Treated Area

Any area to which a pesticide is being directed or has been directed.

Worker

Any person, including a self-employed person, who is employed for any type of compensation and who is performing activities relating to the production of agricultural plants on an agricultural establishment to which subpart B of this applies. While persons employed by a commercial pesticide handling establishment are performing tasks as crop advisors, they are not workers covered by the requirements of subpart B of this part.

Appendix B Risk-Based Targeting

Matrices and Examples

Risk-Based Targeting Matrices and Examples

Within the risk based targeting scheme, emphasis has been placed on higher toxicity pesticides and higher risk worker protection related activities. A combination of factors are used to identify products, uses, and sites that pose the greater potential risk to workers, applicators, and handlers. These factors for targeting use inspections include:

- product toxicity
- identification of the crops which are typically associated with intensive hand labor (greater exposure to workers)
- previous incidents reported to a state for a particular product's active ingredient
- history of compliance problems (if any) at a site
- the farm type and number of workers

Use of these factors obviously necessitates that the state have information in these areas. If a state does not have any information on one particular factor, for example, that factor could be eliminated from the risk-based (R-B) matrix if necessary.

Using these factors, the risk-based targeting matrix was developed for prioritizing use inspections (See page B-4). A recommended targeting matrix for prioritizing producer establishment inspections using a sub-set of similar factors is also outlined on page B-15.

Each potential inspection site is placed into one of three tiers (or categories) based on how they relate to each of the five factors. Tier I represents higher priority and Tier III represents lower priority for inspection purposes. The three Tiers are listed along the vertical axis of the matrix. See Matrix I, Risk-Based Targeting for Use Inspections (on p. B-4).

The five factors outlined above, associated with risk for **use-based inspections**, are listed horizontally across the top of the risk-based matrix as the headings for the columns. The definitions of each of these five factors and their use, as part of the R-B matrix, are outlined below. Each potential site for a use inspection would be placed in Tier I (high priority), Tier II, or Tier III (low priority), under each factor, based on the following definitions:

- (Column A) Product Toxicity: Based on the toxicity of the active ingredient (worker targeting) or the end-use product (handler targeting) used at the target site. If more than one product is used, for purposes of the matrix, base the classification on the product with the higher toxicity classification. Higher risk Tox I products are classified in Tier I, Tox II products in Tier II and Tox III and Tox IV products are classified in Tier III.
- (Column B) Crop Grown/Harvest Method: Designed to identify types of crops grown which are typically associated with intensive hand labor, thus potentially higher worker exposure. If harvesting is done completely by hand at the site, then Tier I is the classification. If a combination of harvesting by hand and machinery is used at the site, then Tier II is the classification. If harvesting was done completely with machinery at the site, then Tier III is the classification under column B.
- (Column C) Historical Compliance Problems With The Product's Active Ingredient: Based on the total number of incidents reported within the state for specific pesticide product(s) (used on a targeted site) during the past year. An "incident" is classified as a reported human illness or contamination of the environment based on use of the pesticide. If three or more incidents were reported to the state, the classification would be Tier I. Tier II is the classification for products with one or two reported incidents and Tier III is the classification for no incidents reported within the past year. A historical problem with a specific product which affected many workers at once could also be classified as Tier I.
- (Column D) Site Historical Compliance Problems: A combination of previous warning letters, criminal or civil administrative enforcement actions taken against a private party/individual registrant or dealer by Federal or State agencies for pesticide violations occurring within the last five years. The classification would be under Tier I, if three or more historical enforcement actions were taken against the party. Tier II is the classification if one or two actions were taken, while Tier III applies if no compliance history exists.
- (Column E) Farm Type/Number of Workers: Represents the type of farm targeted for inspection. Farm type will also help dictate the amount of worker exposure to pesticides at the farm.

For this reason, greenhouses should be classified as Tier I, nurseries as Tier II, and other farm types as Tier III. When similar farm types are targeted for inspection, the number of workers can be used as a tie-breaking factor, since a larger number of workers at the site indicates a potentially higher exposure rate.

**Using the
Risk-Based (R-B)
Matrix for Use
Inspections**

In order to understand the risk based targeting method, let's assume you have 50 sites which could potentially be inspected, but you have resources and time to inspect only 20. To prioritize these sites, you should place each site on the R-B matrix using the threshold key on page B-7 as a guide. You have the option of:

- filling out a separate chart per site

OR

- using one chart for all the sites, by giving each site a designated letter or number, and placing that number or letter in the appropriate columns of the matrix using the threshold key

The remainder of this description assumes that a separate matrix will be completed per site. The following is a detailed step by step description for using each column of the matrix. See the threshold key for risk-based targeting for use inspections.

- Column A - If possible, identify the product used at the site. Depending on the toxicity category of the product, place a check mark in Tier I, II, or III under column A.

RISK-BASED TARGETING FOR USE INSPECTIONS

MATRIX I

NAME OF THE SITE(S)

| | TOXICITY OF PRODUCT USED ON SITE | CROP GROWN/ HARVEST METHOD | HISTORICAL PROBLEMS WITH PRODUCT'S ACTIVE INGREDIENTS | HISTORICAL COMPLIANCE PROBLEMS WITH SITE | FARM TYPE/ NUMBER OF WORKERS | TOTAL CHECKS PER TIER AND THE ASSOCIATED PRIORITY |
|----------|--|----------------------------------|--|---|------------------------------------|--|
| | (A) | (B) | (C) | (D) | (E) | (F) |
| TIER I | | | | | | |
| TIER II | | | | | | |
| TIER III | | | | | | |

For example, if the product used is classified under the Tox 1 category, place a check mark in Tier I for that site under column A. If more than one product is used at that site, for purposes of the matrix, consider the highest toxicity level of the products applied at the site.

- Column B - Identify the crops produced at the site. You can obtain this information by reviewing the geographical area, consulting with a state inspector with field experience, or contacting the county extension service or state grower and commodity organizations. The type of crop produced will determine whether hand labor or machines are used for harvesting. Fruit, flowers, and vegetables are associated with intensive hand labor, while grain crops are associated with machine labor. Place a check mark in the appropriate row under column B according to the level of the hand labor involved. The check mark would go in Tier I in cases where all hand labor is used, while Tier II is for a combination approach and Tier III is for all machine harvesting.
- Column C - Determine the number of incidents reported, during the past year, within the state for the product(s) being used at the potential inspection site. Place a check mark under column C in Tier I, II, or III according to the number of incidents reported for the product's active ingredient (used at the site). Under column C, classify three or more incidents in Tier I, and one to two incidents in Tier II. If no incidents, then check the column marked Tier III. If more than one product is used on site, consider the total number of incidents reported during the past year for all products used at the site.
- Column D - Check the state data base or files for any enforcement actions taken against the potential inspection site. The larger the number of previous compliance problems, the higher the inspection priority. Accordingly, a site with three or more past enforcement actions will have a check mark in Tier I, one to two actions will be placed in Tier II, and no violations fall under Tier III.
- Column E - Represents the type of farm and number of workers. All greenhouses and nursery farm types will generally have higher inspection priority over conventional

farms. Determine which category applies to your site, and place a check mark in column E in either Tier I, II, or III.

- **Column F (Total Checks)** - Count the number of check marks included in Tier I and place the total number of check marks for Tier I under Column F. Do the same for Tiers II and III. The threshold key on page B-7 provides the interpretation of priority levels per tier. This is repeated below in narrative form.

Tier I

Add the check marks across Tier I. If a total of two to five check marks appear in Tier I under column F, this indicates that the site is a high priority for inspection and this should be noted in column F (for Tier I).

If one check mark appears in Tier I, this indicates that the site is a medium priority.

If no check marks appear in Tier I, this indicates low priority.

Tier II

Add the check marks across Tier II. If a total of three to five checks marks appear in Tier II under column F, this indicates a high priority for inspection and this should be noted in column F (for Tier II).

If one to two check marks appear in Tier II, this indicates medium priority.

If no check marks appear, this indicates low priority.

Tier III

Add the check marks across Tier III. If a total of four to five check marks appear in Tier III, this indicates a low priority for inspection.

If two to three check marks appear in Tier III, this indicates medium priority.

Determining the Priority Level (Column F of R-B Matrix)

Looking at column F of the risk-based matrix, if a site is designated as a "high" priority within any Tier, the site should be placed in the category of high priority inspections.

The remaining sites would be in the medium or low priority categories. In these cases, again looking at column F of the matrix, if a site is designated as a "medium" priority within any Tier, the site should be placed in the category of medium priority inspections.

The remaining sites would be in the category of low priority inspections.

Prioritizing Within Categories of Inspections

Once inspection sites have been placed in three categories (high priority, medium priority, and low priority), there are criteria which can be used to prioritize inspection sites within each category.

Three criteria which can be used include:

- the type of inspection, whether applicators, handlers, or workers are the target audience.
- the number of workers (if known); the greater the average number of workers on site at the farm, the higher the priority for inspection
- the volume of pesticides used at the site

Also, when comparing the inspection sites placed within the high priority category, note the number of check marks that were included in Tier I versus Tier II versus Tier III on the risk-based matrix for each site. The greater the number of applicable factors/check marks in Tier I, the higher the priority for inspection. The rationale for this is based on the fact that the higher risk criteria were placed within Tier I.

Example of Targeting Use Inspection Sites based on Risk

To help readers understand the inspection targeting matrix, we have created the following three fictional sites, including certain types of crops, compliance problems and incidents involving the products:

- Very Green Acres - grows corn, uses Tox 3 chemical, three warning letters have been issued and two incidents with the product (See example chart #1-page B-10)
- Daniel Farm - grows cotton, two incidents with the product, Tox 2 chemical, no information on historical compliance problems (See example chart #2-page B-11)
- Mayo Green House - harvests flowers, uses Tox 1 chemical, no product incidents and no enforcement actions. (See example chart #3-page B-12)

The three steps on page B-13 outline the process for determining the priority level for inspection for each of these potential inspection sites.

RISK-BASED TARGETING FOR USE INSPECTIONS

MATRIX I

NAME OF THE SITE(S) VERY GREEN ACRES

| | TOXICITY OF PRODUCT USED ON SITE | CROP GROWN/ HARVEST METHOD | HISTORICAL PROBLEMS WITH PRODUCT'S ACTIVE INGREDIENTS | HISTORICAL COMPLIANCE PROBLEMS WITH SITE | FARM TYPE/ NUMBER OF WORKERS | TOTAL CHECKS PER TIER AND THE ASSOCIATED PRIORITY |
|-----------------|--|----------------------------------|--|---|------------------------------------|--|
| | (A) | (B) | (C) | (D) | (E) | (F) |
| TIER I | | | | X | | 1 = Medium |
| TIER II | | | X | | | 1 = Medium |
| TIER III | X | X | | | X | 3 = Medium |

RISK-BASED TARGETING FOR USE INSPECTIONS

MATRIX I

NAME OF THE SITE(S) DANIEL FARM

| | TOXICITY OF PRODUCT USED ON SITE | CROP GROWN/ HARVEST METHOD | HISTORICAL PROBLEMS WITH PRODUCT'S ACTIVE INGREDIENTS | HISTORICAL COMPLIANCE PROBLEMS WITH SITE | FARM TYPE/ NUMBER OF WORKERS | TOTAL CHECKS PER TIER AND THE ASSOCIATED PRIORITY |
|----------|--|----------------------------------|--|---|------------------------------------|--|
| | (A) | (B) | (C) | (D) | (E) | (F) |
| TIER I | | X | | | | 1 = Medium |
| TIER II | X | | X | | | 2 = High |
| TIER III | | | | | X | 1 = High |

RISK-BASED TARGETING FOR USE INSPECTIONS

MATRIX I

NAME OF THE SITE(S) MAYO GREEN HOUSE

| | TOXICITY OF PRODUCT USED ON SITE | CROP GROWN/ HARVEST METHOD | HISTORICAL PROBLEMS WITH PRODUCT'S ACTIVE INGREDIENTS | HISTORICAL COMPLIANCE PROBLEMS WITH SITE | FARM TYPE/ NUMBER OF WORKERS | TOTAL CHECKS PER TIER AND THE ASSOCIATED PRIORITY |
|-----------------|--|----------------------------------|--|---|------------------------------------|--|
| | (A) | (B) | (C) | (D) | (E) | (F) |
| TIER I | X | X | | | X | 3 = High |
| TIER II | | | | | | |
| TIER III | | | X | X | | 2 = Medium |

Step I

According to the threshold key on page B-7, place check marks in each matrix. Use separate charts for each site, and use the threshold key for categorizing the information for Very Green Acres Farm. Very Green Acres is using a Tox 3 category chemical, so place a check mark under column A in Tier III. The site has been issued three enforcement actions in the past, so place another check mark under column D in Tier I. The product used has two incidents reported to the state within the past year, so place a check mark under column C in Tier II. The farm type is field, so place a check mark under column E in Tier III. Since Very Green Acres grows corn, it uses only machines to harvest the crop, so place a check mark under column B in Tier III. Complete the chart for Daniel Farm and Mayo Green House following the threshold key and using the same rationale. Please refer to the example matrices on the previous pages.

Step II

Total the number of check marks in Tier I, II, and III. Complete this step (for each potential inspection site) on each matrix.

Step III

Using the threshold key on page B-7, the three potential inspection sites were assigned the following priorities:

Mayo Green House = High Priority

Daniel Farm = High Priority

Very Green Acres = Medium Priority

Prioritizing Similar Categories/ Tie-Breaking Factors

If a state was to then prioritize the two high priority inspections, Mayo Green could be considered of higher priority (than Daniel Farm) given that more factors fell into Tier I (as shown on page B-12) for Mayo Green House. (More specifically, the chemical used at Mayo Green House is a toxicity category 1 product and the farm type and crop harvest method offers the greatest potential for exposure.)

These factors are placed in the matrix from left to right in columns in order of importance. These two factors represent the tie-breaking factor when the number of check marks in Tier I is identical for two sites. Other tie-breaking factors are the target audience (applicators,

handlers, or workers) and the number of workers. Volume of pesticides used at the site should also be a tie-breaking factor.

**Using the
Risk-Based Matrix
for Producer
Establishment
Inspections (PEI)**

A risk based targeting matrix was also developed for targeting producer establishments for inspections and appears on the next page. The threshold key for using this matrix is included on the following page.

The approach for using this PEI risk based matrix is the same as that previously described for use inspections. A new factor category, number of products produced at the establishment subject to the Worker Protection Standard, should also be considered when targeting these sites. (See WPS Active Ingredient List in Appendix E.)

The step-by-step process, previously described, for using the R-B matrix for use inspections would also apply to use of the PEI risk-based matrix.

**Prioritizing Similar
Categories/ Tie-
Breaking Factors**

Similar to Matrix I, Matrix II has been designed from left to right in order of importance.

The states are also encouraged to target PEIs based on the greatest potential for risk reduction whenever possible. The risk-based targeting matrix for PEIs suggests one recommended approach for doing so.

THRESHOLD KEY FOR

RISK-BASED TARGETING FOR USE INSPECTION

MATRIX I

| | TOXICITY OF PRODUCT USED ON SITE (A) | CROP GROWN/ HARVEST METHOD (B) | HISTORICAL PROBLEMS WITH PRODUCT'S ACTIVE INGREDIENT S (C) | HISTORICAL COMPLIANC E PROBLEMS WITH SITE (D) | FARM TYPE/ NUMBER OF WORKERS (E) | TOTAL CHECKS PER TIER AND THE ASSOCIATED PRIORITY (F) |
|-----------------|--|--|--|---|--|---|
| TIER I | TOX 1 | HAND ONLY | 3 OR MORE INCIDENTS WITHIN PAST YEAR | 3 OR MORE ACTIONS | GREEN- HOUSE | 2-5 CHECKS=H 1 CHECK=M 0 CHECK=L |
| TIER II | TOX 2 | HAND AND MECHANICAL (MECH.) | 1-2 INCIDENTS WITHIN PAST YEAR | 1-2 ACTIONS | NURSERY | 3-5 CHECKS=H 1-2 CHECKS=M 0 CHECK=L |
| TIER III | TOX 3 AND TOX 4 | MECH. ONLY | NONE | NONE | FIELD, ETC. | 4-5 CHECKS=L 2-3 CHECKS=M |

KEY TO COLUMN F:

H = High Priority

M = Medium Priority

L = Low Priority

RISK-BASED TARGETING FOR PRODUCER ESTABLISHMENTS

MATRIX II

NAME OF THE ESTABLISHMENT(S): _____

| | HISTORICAL ESTABLISHMENT COMPLIANCE PROBLEMS (A) | HISTORICAL PRODUCT PROBLEMS (B) | TOXICITY CATEGORY OF PRODUCT PRODUCED (C) | NUMBER OF PRODUCTS PRODUCED SUBJECT TO WPS (D) | TOTAL CHECKS OR ENTRIES AND ASSOCIATED PRIORITY (E) |
|-----------------|--|--|---|---|--|
| TIER I | | | | | |
| TIER II | | | | | |
| TIER III | | | | | |

THRESHOLD KEY FOR

RISK-BASED TARGETING FOR PRODUCER ESTABLISHMENTS

MATRIX II

| | HISTORICAL ESTABLISHMENT COMPLIANCE PROBLEMS (A) | HISTORICAL PRODUCT PROBLEMS (B) | TOXICITY CATEGORY OF PRODUCT PRODUCED ON SITE (C) | NUMBER OF PRODUCTS PRODUCED SUBJECT TO WPS (D) | TOTAL CHECKS OR NUMBERS/ PRIORITY (E) |
|----------|--|---|--|---|--|
| TIER I | 3 OR MORE ENFORCEMENT ACTIONS | 3 OR MORE INCIDENTS WITHIN PAST YEAR | TOX 1 | 4 OR MORE | 2-5 CHECKS=H 1 CHECK=M 0 CHECK=L |
| TIER II | 1-2 ENFORCEMENT ACTIONS | 1-2 INCIDENTS WITHIN PAST YEAR | TOX 2 | 3 | 3-5 CHECKS=H 1-2 CHECK=M 0 CHECK=L |
| TIER III | NONE | NONE | TOX 3 AND TOX 4 | 1-2 | 4-5 CHECKS=L 2-3 CHECKS=M |

Key to the chart - Column E:

H = High priority

M = Medium Priority

L = Low priority

Appendix D Inspection Checklists

Inspection Checklist Instructions

The worker protection checklists have been divided into separate checklists, each one addressing a different type of worker protection inspection. These checklist types are as follows:

- Registrant/producer Establishment Inspections
- Marketplace/Dealer Inspections
- Farms/Forests Use inspections
- Nurseries Use inspections
- Greenhouse Use Inspections

These checklists are designed to reflect the order of activities the inspector will engage in while on site. In addition, for use inspection checklists the "**CORE**" questions have been identified for the inspector to ask the employer during the opening interview. The **CORE** questions should be addressed in every **Routine** use inspection. The remaining questions on the use checklists should be addressed if the inspector is conducting a **Comprehensive** worker protection inspection. If a pesticide application is ongoing during the inspector's visit, he/she should immediately proceed to the application site. The checklists are also divided into separate sections which address specific handler, early-entry worker, and the field worker questions. The page numbers on the checklists refer to the Worker Protection Field Pocket Guide.

Inspectors are encouraged to make multiple copies of each checklists, since inspections may involve more than one application site, or more than 4 pesticides. Please ensure that the establishment name, specific application site, and date of inspection are included on each checklist.

Inspectors are also requested to sign each checklist. For all responses which may be in violation of WPS regulations, explain in comment section and attach documentary evidence from the records of pesticide applications at site.



WORKER PROTECTION REGISTRANT/PRODUCER/MARKETPLACE/ DEALER ESTABLISHMENT CHECKLIST

REMINDER FOR INSPECTORS: Present Credentials, Issue Notice of Inspection. All Pesticide Products being sold or distributed by registrants/producers must bear revised WPS labels or in compliance with labeling options provided in PR Notice 93-11 that comply with PR Notice 93-7 after April 21, 1994.

Note: If more than 4 pesticides are sold or distributed by the establishment, copy additional sheets. Page numbers in parentheses refer to Worker Protection Field Inspection Pocket Guide.

| | | |
|--|---|--------------------|
| Type of Inspection (circle one) <div style="display: flex; justify-content: space-around;"> Registrant Producer Marketplace Dealer </div> | Firm Inspected (Name and Address): Person Interviewed: | Date of Inspection |
|--|---|--------------------|

| Inspection Tasks | Names of Pesticides and EPA Registration Number | | | | | | | | | | | |
|--|---|---|-----|-------------------|---|-----|-------------------|---|-----|-------------------|---|-----|
| | 1) _____ _____ | | | 2) _____ _____ | | | 3) _____ _____ | | | 4) _____ _____ | | |
| | Y | N | N/A | Y | N | N/A | Y | N | N/A | Y | N | N/A |
| Label Review: Requirements based on 40 CFR part 156, subpart K (Labeling Statements, P. 11-16) | | | | | | | | | | | | |
| VERIFY EACH OF THE FOLLOWING WPS STATEMENTS PRESENT | | | | | | | | | | | | |
| 1. Application restriction statements (P. 11) | | | | | | | | | | | | |
| 2. 40 CFR Part 170 reference statements (P. 12) | | | | | | | | | | | | |
| 3. Product-type ID statements (P. 12) | | | | | | | | | | | | |
| 4. State restrictions (P. 13) | | | | | | | | | | | | |
| 5. Spanish warning statements (toxicity I or II P. 13-14) | | | | | | | | | | | | |
| 6. Restricted-entry statements (P. 14-15) | | | | | | | | | | | | |
| 7. Notification-to-worker statements (P. 16) | | | | | | | | | | | | |
| 8. PPE statements (P. 16) | | | | | | | | | | | | |

Enforcement Official Signature: _____ Date: _____



WORKER PROTECTION FARMS/GREENHOUSES/NURSERIES/FORESTS CORE CHECKLIST FOR ROUTINE INSPECTIONS

REMINDER FOR INSPECTORS: Present Credentials, Issue Notice of Inspection

| | |
|--|---|
| NAME/ADDRESS OF THE ESTABLISHMENT _____ | DATE OF INSPECTION: _____ |
| | SITE: _____ SIZE IN ACRES: _____ FARM NURSERY GREENHOUSE FOREST |

*** NOTE: Page numbers in parentheses refer to Worker Protection Field Inspection Pocket Guide.**
Some questions have multiple answers, please check appropriate boxes.

DETERMINATION OF WPS COVERAGE

Name of the agricultural employer/manager/responsible individual(s) interviewed.

Are pesticides with labeling that refers the WPS, used on the establishment for the production of agricultural plants?

YES ☐ NO ☐

Does the establishment hire or contract workers to do tasks related to the commercial production of agricultural plants?

YES ☐ NO ☐

How many workers are employed? Workers _____ Family Members _____

Does the establishment hire or contract pesticide handlers or family members to do tasks related to the commercial production of agricultural plants?

YES ☐ NO ☐

If the answer to either one or more questions is yes, the employer must comply with the Worker Protection Standard. Request to see Pesticide storage area and record pesticides with WPS label on a separate form/sheet.

RESPONSIBILITIES OF COVERED EMPLOYERS OF WORKERS AND HANDLERS

(Verify by asking questions or by observations)

1. Where are the EPA WPS safety poster, emergency medical care information (name, address and telephone number of nearest medical facility) and facts about recent pesticide application displayed? Ask to see the location and observe if the information is: **Legible** Yes ☒ No ☒
 Provided at an **accessible central location**? Yes ☒ No ☒
 Up-to date? Yes ☒ No ☒ (p. 43-45)

a. *How are workers/handlers informed about the location of this information?* (p.42)

b. *Is the pesticide safety poster the EPA safety poster?* (p. 43-44) Yes ☒ No ☒

If answer is no, than take a photograph of the poster and later compare it with EPA safety poster for any WPS required information.

2. How are workers **informed about pesticide applications** and restricted-entry intervals? (p.21-24)

Oral warning? ☒ *Posted signs?* ☒ *Both?* ☒

a. If warning signs used, where are the signs posted? *All entrances?* ☒ *Some entrances?* ☒ *None* ☒

b. When are the signs put up? *24 hours before the application?* ☒ *After the application?* ☒
All the time? ☒

c. When are they removed? *Within 3 days after the application?* ☒ *After REI expires?* ☒

d. How are warnings given to workers who are unable to understand English? (p. 24)

3. Who is allowed in the treated area during the pesticide application? What steps are taken to ensure that the treated area is vacated by unprotected persons during the application? (p. 24-25)

4. How do you ensure that all workers and handlers who enter a treated area for which a REI is in effect or had expired within 30 days, received **pesticide safety training**? (p. 38-42)

a. Who provides training?

Certified applicator? ☒ *Trainer of certified applicators?* ☒ *Pesticide handler?* ☒
Employer? ☒ *Others?* ☒ *No training provided?* ☒

b. What materials are used for workers? For handlers?

WPS Training material developed by EPA? ☒ *Equivalent material?* ☒ *Other?* ☒

WPS CORE CHECKLIST PAGE 3

5. Is the handler/worker **decontamination site** easily accessible to the workers/handlers? (p. 45-47)
- Is it less than 1/4 mile from where they are working? ☒ More than 1/4 mile? ☒*
- In the area being treated with pesticides? ☒*
- b. Contents of site? (p. 46) *Sufficient water Yes ☒ No ☒ Soap? Yes ☒ No ☒*
- Single use towels? Yes ☒ No ☒ Clean change of clothes (at handler site) Yes ☒ No ☒*
6. What is the procedure in case of worker/handler injury or illness due to agricultural pesticides? (p. 48)
- a. Who provides **transportation to the emergency medical facility** for worker/handler? Who is responsible for providing information about the pesticide product to medical personnel/victim? (p. 48)
7. Have any WPS pesticide product's poisoning incidents occurred on this establishment?
- Yes ☒ No ☒
- If yes, briefly describe the incident.
8. Ask employer to show you **Personal Protective Equipment (PPE)** that is available for use on site by handlers and early entry workers. (p. 32-37)
- a. Who instructs workers/handlers in the proper use of PPE and ensures that PPE is correctly worn by workers/handlers for its intended use? (p. 32-33)
- b. How is PPE cleaned and dried? Is PPE cleaned according to the manufacturer's instructions?
- c. Who cleans and maintains it? What information is given to the person responsible for cleaning the PPE? Does the employer inform them that:
- PPE may be contaminated with pesticides? ☒ Harmful effects of exposure to pesticides? ☒*
- How to clean PPE correctly? ☒*
- e. Who inspects PPE for leaks, holes and any damage? (p. 33)
- f. How often are respirator filters replaced? (p. 34)
9. Where do workers/handlers place their personal clothing when not in use?
- a. Where do they change into and out of PPE? Are they away from pesticide storage and use areas?

WPS CORE CHECKLIST PAGE 4

10. Are workers/handlers restricted from wearing home or taking home PPE? (p. 34)
Yes ☒ No ☒ If yes, explain briefly.
11. What steps are taken to ensure that the mixing, loading, and application equipment is in working order and safe before each use? (p. 37-38)
- a. Who repairs, adjusts, or maintains it? (p. 38)
12. How are early entry workers/handlers **informed about product label requirements** related to human related hazards, first aid and other labeling requirements related to safe use? (p. 31)
13. When does the commercial handler employer provide WPS required information to the site employer about pesticide application? (p. 24)
- a. What information is exchanged? (p. 24-25)

(We recommend that if an application is ongoing during an inspection, use WPS comprehensive checklist.)

REMINDER FOR INSPECTOR: Compliance Assistance may be provided at the end of or during the inspection.

COMMENTS:

Print Name and Title of Enforcement Official:
Enforcement Official Signature:



WORKER PROTECTION FARMS/FORESTS/GREENHOUSES/NURSERIES CHECKLIST FOR COMPREHENSIVE INSPECTIONS

REMINDER FOR INSPECTORS: Present Credentials, Issue Notice of Inspection. For Comprehensive inspection use Worker Protection Core Checklist in addition to this checklist.

| | |
|---|---|
| NAME/ADDRESS OF AGRICULTURAL ESTABLISHMENT TYPE OF ESTABLISHMENT (Circle one) <div style="display: flex; justify-content: space-around; font-size: small;"> FARM NURSERY GREENHOUSE FOREST </div> | DATE OF INSPECTION: <hr/> NAME OF PESTICIDE/ EPA REG. NO. <hr/> CROP: <hr/> NUMBER OF WORKERS ON THE ESTABLISHMENT <hr/> LOCATION OF WORKERS ON THE ESTABLISHMENT: <hr/> |
|---|---|

*** NOTE: Page numbers in parentheses refer to Worker Protection Field Inspection Pocket Guide.**

One or more activities may be ongoing on an establishment, inspectors should use the appropriate section of the checklist and check mark appropriate boxes. List pesticides in the storage shed with WPS label on a separate sheet.

INFORMATION THAT MUST BE DISPLAYED AT A CENTRAL LOCATION (The inspectors, should respond to the questions in this section by observing the central location.)

1. What required information is displayed at the Central Location? (p. 43-45)

Application List? Yes ☐ No ☐ *Safety Poster?* Yes ☐ No ☐ *Emergency information?* Yes ☐ No ☐
Is it Legible? Yes ☐ No ☐ *Accessible to Workers/handlers?* Yes ☐ No ☐ *Up-to-date?* Yes ☐ No ☐
 (In the forest, this location may be near the forest where workers and handlers gather or pass by.)

2. Does the Application list include (p. 45): *The location and description of area?* Yes ☐ No ☐
Product name, EPA Reg. No., and active ingredient(s) of the pesticide? Yes ☐ No ☐
Time and date the pesticide is scheduled to be applied? Yes ☐ No ☐
Restricted-entry (REI) for the pesticide? Yes ☐ No ☐

WPS COMPREHENSIVE CHECKLIST PAGE 2

3. Is the pesticide safety poster the EPA safety poster? Yes ☒ No ☒

IF the answer is no, than check if any WPS required information is missing. If possible take a photograph of the poster and compare it with EPA safety poster. (p. 43-44)

4. Does the **emergency information**, include, the name, telephone number and address of the nearest medical facility. (P. 45)

Yes ☒ No ☒

5. Does the location and description of the treated area allow workers/handlers to distinguish the area from other areas on the establishment? (p. 24)

Yes ☒ No ☒

IF APPLICATION IS ONGOING, INSPECTORS SHOULD VERIFY THE FOLLOWING HANDLER ACTIVITY THROUGH QUESTIONS OR OBSERVATIONS

6. Is the handler an employee of: The agricultural establishment? ☒ Commercial handling establishment? ☒

List name, address and telephone no. of commercial handler establishment

7. Has the handler(s) been trained: Within the last 5 years as a WPS handler? Yes ☒ No ☒
Is currently a certified applicator of restricted-use pesticides? Yes ☒ No ☒
Has completed an approved pesticide train-the-trainer program? (p. 40-42) Yes ☒ No ☒

State whether handlers have, A certification card? ☒ WPS-handler card? ☒ Other card? ☒

a. Is card current? Yes ☒ No ☒

b. When did training occur, and by whom? _____

c. What training materials were used for handlers? (p. 42)

WPS training materials developed by EPA? ☒ Equivalent material? ☒ Other? ☒

8. If commercial pesticide handlers are applying the pesticide(s), how and when do they or their employers convey information to the agricultural employer? (p. 24)

Did the commercial handler informed the agricultural employer about:

The specific location and area(s) that are to be treated? ☒ Yes ☒ No

Time and date of application? ☒ Yes ☒ No

Product name, EPA Reg. No., active ingredients, restricted-entry interval for the pesticide? ☒ Yes ☒ No

Whether the pesticide labeling requires both oral warnings and treated-area posting? ☒ Yes ☒ No

Any other specific requirements on the labeling requirements? ☒ Yes ☒ No

WPS COMPREHENSIVE CHECKLIST PAGE 3

9. Did the handler receive information about the labeling requirements by the agricultural employer and have access to the pesticide labeling during the entire handling task? (P. 32) Yes ☒ No ☒ or
- a. Did the handler read the label? Yes ☒ No ☒
10. How is the handler instructed on how to safely and correctly use all pesticide handling equipment? (P. 37)

INSPECTOR SHOULD VERIFY THE FOLLOWING THROUGH OBSERVATIONS OR QUESTIONS (Handlers)

11. Ask, what precautions does the agricultural employer/handler take during pesticide applications so as not to contact anyone directly or through drift?
- a. Was everyone except appropriately trained and equipped handlers kept out of areas being treated with pesticides? Yes ☒ No ☒ If anyone exposed, list names and designation. (P. 25)
- In **nurseries and greenhouses**, were the workers prohibited from entering the treated area and any required border area. (p. 26-28) Yes ☒ No ☒
12. When handling a highly toxic pesticide or a **pesticide bearing the skull and crossbones** symbol on the label, how is the handler monitored: Once every 2 hours by sight? ☒ By voice communication? ☒ Not monitored? ☒ (P. 32)
13. **GREENHOUSE:** Did employer make sure that the ventilation criteria was met (when required by the label) before handlers/workers were allowed to enter the treated area? (p. 28-29) Yes ☒ No ☒ If answer is no, describe the incident.
14. **GREENHOUSE:** If a fumigant is being applied, is the handler monitored: By another handler ☒ By a worker ☒ Was it by: Constant visual contact? ☒ Voice contact? ☒ Not monitored? ☒
15. According to the label of the pesticide being applied what PPE, if any, was the handler required to wear during application? (List PPE handler wore. P. 32-34)
- a. Ask, who cleans and maintains the PPE? Handler ☒ Somebody else ☒.
- b. Observe if the PPE is correctly worn by the handlers for its intended use. (p. 32) Yes ☒ No ☒
16. If handlers are using (1) closed system, (2) enclosed cab, (3) open cockpit, or (4) closed cockpit, was less than the label-specified PPE worn? If so, list PPE worn. (P. 34-37)
17. If the handler is using a product that requires protective eyewear, does the handler have:
- Immediate access to water for eye flushing?* ☒
One pint of emergency eyeflush water in dispenser? ☒
Eyeflush water at a decontamination site? ☒ (P. 46)

WPS COMPREHENSIVE CHECKLIST PAGE 4

18. Is the handler decontamination site easily accessible to the handler? (p.45-46) Yes ☒ No ☒
Is it: *Within 1/4 mile from where the handler is mixing/applying pesticides?* ☒ *More than 1/4 mile?* ☒
In the area being treated with pesticides? ☒
a. Is each decontamination site equipped with:
 Soap? ☒ *Single-use towels?* ☒
 A clean change of clothing? ☒ *Sufficient water for entire body wash? (Suggested amount 3 gal/handler/day.)* ☒
 Running tap water? ☒ *Water in container?* ☒ (P. 46-47)
19. Do the handlers have a clean place to remove their PPE? Yes ☒ No ☒

IF ANY AREA IS UNDER RESTRICTED-ENTRY INTERVALS (REI), THEN VERIFY THE FOLLOWING EARLY-ENTRY ACTIVITIES THROUGH QUESTIONS

QUESTIONS FOR EARLY-ENTRY WORKERS

20. Were any workers other than trained and equipped handlers in the treated area during application or the REI, or in contact with any treated surface such as soil, water, plant? (Document worker exposure) (p. 24)
21. How were the early-entry workers informed about application of the pesticide and any restricted entry interval? (Depending on the labeling of the pesticide.) Oral warning? ☒ Posted signs? ☒ Both? ☒
If the warning signs are used, where are the signs posted? **Farms:** All entrances where workers usually enter? ☒ Each access road? ☒ Each border with any labor camp, adjacent to treated area? ☒
Greenhouses: Were signs visible at all usual points of worker entry to the treated area? Yes ☒ No ☒
22. If oral warning, when was the warning given? *Before the application of pesticide?* ☒ *After the application of pesticides?* ☒ *No oral warning given?* ☒ (P. 24)
23. How soon after application did the worker enter treated area? *At least 4 hours?* ☒ *after any inhalation exposure level listed on the label was reached?* ☒ *2 hours after the application?* ☒ (p. 30)
a. How long had they been working in the field? *2 hours* ☒ *No more than 1hr/24 hr* ☒ (p. 30)
24. Was there early entry into a treated area by workers under the following exceptions: (p. 30)
a. If short-term tasks:
 Last less than 1 hour and did not involve hand labor? ☒
 Last more than 1 hour? ☒
 Involves hand labor? ☒
b. If an Agricultural emergency exception, what agency (State, Tribal, Federal) declared that circumstances exist that might cause an emergency on the establishment?
c. What was the emergency? (p. 30)

WPS COMPREHENSIVE CHECKLIST PAGE 5

25. How does the agricultural employer ensure that all workers who enter a treated area for which a REI is in effect or had expired within 30 days, received pesticide safety training? (p. 38-40)
- Do they have: *A certification card* ☒ *WPS worker card?* ☒ *Other card?* ☒ *No card?* ☒
- a. Who provides training? (p. 38-39) *Certified applicator?* ☒ *Trainer of certified applicators?* ☒
Pesticide Handler? ☒ *Employer?* ☒ *No training provided?* ☒
- b. What materials are used? (P. 42) *WPS Training material developed by EPA?* ☒ *Equivalent material?* ☒
26. How has each early-entry worker been informed about the safety information and instructions on the labeling of the pesticide to which the REI applies? (P. 30-31)
- a. Did the agricultural employer assure the early entry worker was informed in a manner in which they could understand the information? (p.38)
27. How were they instructed to prevent, recognize, and give first aid for heat illness? (P. 34)
28. How did early entry workers receive instructions on how to correctly put on, use and take off PPE? (p. 32-33)
- a. When and who instructed the workers? (p. 31)
29. Is the treated area posted? (p. 23) Yes ☒ No ☒ *Can the sign be seen at all entrances to treated areas?* ☒
At the entrance from the labor camps? ☒ *Was the EPA sign used?* ☒
Was it legible? ☒ *Was it 14"x 16" (unless area too small for such size sign)?* ☒
Posted during application and entire REI? ☒
30. Were the workers provided PPE required by the pesticide labeling for early entry tasks? (list PPE used)(p. 32)
31. Is a decontamination site accessible to the early-entry workers? (p. 46) Yes ☒ No ☒
Is it within 1/4 mile from where they are working? ☒ *More than 1/4 mile?* ☒
Located in the area that remains under an REI? ☒
32. Is it equipped with: *Sufficient water for routine washing?* ☒ *Emergency eyeflushing water?* ☒
Soap? ☒ *Single-use towels?* ☒ (p. 46-47)

WPS COMPREHENSIVE CHECKLIST PAGE 6

33. If pesticide labeling requires protective eyewear, do the workers have: Immediate access to eyeflush water? **9**
Running water? **9**
Eyeflush dispenser? **9** (p. 46)
34. Do the workers have a clean place to remove their PPE? Is that place equipped with soap, clean towels and water for thorough washing? (P. 46-47) Yes **9** No **9**
35. Are workers aware of central location, which contains the safety poster, emergency information and notice of pesticide applications? (P. 43) Yes **9** No **9**
36. Did site employer took any action to prevent or discourage any worker from complying with worker protection requirements (Such as use of PPE, decontamination site, and asking for emergency assistance)? (p. 49)

REMINDER FOR INSPECTOR: Provide Compliance assistance information at end of or during inspection.

COMMENTS:

Print Name and Title of Enforcement Official:

Enforcement Official Signature: _____ **Date:**

Appendix E Sample Label

RESTRICTED USE PESTICIDE

For retail sale to and use only by certified applicators or persons under their direct supervision and only for those uses covered by the certified applicator's certificate.

GALACTOTHION

1.1%

78.0%

100.0%

Contains xylene aromatic solvents.

Spanish Warning Statement

POISON

Si Usted no entiende la etiqueta, busque a alguien para se la explique a Usted en detalle. (If you do not understand this label, find someone to explain it to you in detail.)

Product-type Identification Statement

Call a doctor (physician), clinic, or hospital immediately. Explain that the victim has been exposed to galactothion and describe his/her condition. After first aid is given take victim to clinic or hospital. **If breathing has stopped**, start artificial respiration immediately and maintain until doctor sees victim. **If swallowed** -- Drink 1 or 2 glasses of water and induce vomiting by touching back of throat with finger. Do not induce vomiting or give anything by mouth to an unconscious person. Get medical attention. **In case of contact**, immediately flush the skin with plenty of water while removing contaminated clothing and shoes. See doctor immediately. Galactothion is an organophosphate pesticide that inhibits cholinesterase.

Antidote -- administer atropine di-sulfate in large doses. **TWO to FOUR** mg. intravenously or intramuscularly as soon as cyanosis is overcome. Repeat at 5 to 10 minute intervals until signs of atropinization appear. **2-PAM** chloride is also antidotal and may be administered in conjunction with atropine. **DO NOT GIVE MORPHINE OR TRANQUILIZERS.** Galactothion is a strong cholinesterase inhibitor affecting the central and peripheral nervous system and producing cardiac and respiratory depression. At first sign of pulmonary edema, the patient should be given supplemental oxygen and treated symptomatically. Continued absorption of the poison may occur and fatal relapses have been reported after initial improvement. **VERY CLOSE SUPERVISION OF THE PATIENT IS INDICATED FOR AT LEAST 48 HOURS.**

| | | |
|----------------------------------|----------------------|---------------|
| EPA Registration No. 12345-10 | VIP Chemical Company | Net Contents: |
| EPA Establishment No. 56787-CO-3 | 2527 South VIP Drive | 55 Gallons |
| | Biardspont, MI 22315 | |

| | | |
|---|--|---|
| <p>Personal Protective Equipment Statement</p> | <p style="text-align: center;">PRECAUTIONARY STATEMENTS</p> <p style="text-align: center;">HAZARDS TO HUMANS (& DOMESTIC ANIMALS)</p> <p style="text-align: center;">DANGER:</p> <p>Fatal if absorbed through skin, fatal if swallowed, and poisonous if inhaled. Do not breathe vapors or spray mist. Do not get on skin or clothing.</p> <p>Personal Protective Equipment <u>Some materials that are chemical resistant to this product are listed below. If you want more options, follow the instructions for category G on an EPA chemical resistance category selection chart.</u></p> <p>Applicators and Other Handlers must wear: <u>Coveralls over long-sleeve shirt & long pants</u> <u>Chemical-resistant gloves such as barrier laminate or vitron</u> <u>Chemical-resistant footwear plus socks</u> <u>Protective eyewear</u> <u>Chemical-resistant headgear for overhead exposures</u> <u>Chemical-resistant apron when cleaning equipment, mixing, or loading</u> <u>Respirator with either an organic vapor-removing cartridge with a prefilter approved for pesticides (MSHA/NIOSH approval prefix TC-23C) or a canister approved for pesticides (MSHA/NIOSH approval number TC-14G)</u></p> <p><u>Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them.</u> <u>Follow manufacturer's instructions for cleaning and maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.</u></p> <p><u>When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240(d)(4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.</u></p> | <hr/> <p style="text-align: center;">User Safety Recommendations</p> <p><u>Users should:</u></p> <ul style="list-style-type: none"> • <u>Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.</u> • <u>Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.</u> • <u>Remove PPE immediately after handling this product. Wash the outside of the gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.</u> <hr/> <p style="text-align: center;">ENVIRONMENTAL HAZARDS</p> <p>This pesticide is highly toxic to aquatic invertebrates and wildlife. Birds in treated areas may be killed. Shrimp and other aquatic organisms may be killed at recommended application rates. Do not contaminate water by cleaning of equipment or disposal of wastes.</p> <p style="text-align: center;">PHYSICAL AND CHEMICAL HAZARDS</p> <p>Do not use or store near heat or open flame. Not for use or storage in or around the home.</p> |
|---|--|---|

| | |
|--|---|
| <p>Application Restriction Statements</p> <p>State Restrictions Statement</p> <p>Reference Statement</p> <p>Restricted-entry Statement</p> | <div data-bbox="516 315 872 348" data-label="Section-Header"> <h3>DIRECTIONS FOR USE</h3> </div> <div data-bbox="462 375 925 577" data-label="Text"> <p>It is a violation of Federal law to use this product in a manner inconsistent with its labeling. <u>Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.</u></p> </div> <div data-bbox="526 625 863 697" data-label="Section-Header"> <h3><u>AGRICULTURAL USE REQUIREMENTS</u></h3> </div> <div data-bbox="462 724 919 1075" data-label="Text"> <p><u>Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), notification-to-workers, and restricted-entry intervals. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.</u></p> </div> <div data-bbox="462 1098 924 1224" data-label="Text"> <p><u>Do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 48 hours. The REI is 72 hours in outdoor areas where the average annual rainfall is less than 25 inches a year.</u></p> </div> <div data-bbox="462 1247 919 1499" data-label="Text"> <p><u>PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:</u> <u>--coveralls over long-sleeved shirt & long pants</u> <u>--chemical-resistant gloves such as barrier laminate or vitron</u> <u>--chemical-resistant footwear plus socks</u> <u>--protective eyewear</u> <u>--chemical-resistant headgear</u></p> </div> <div data-bbox="462 1522 880 1598" data-label="Text"> <p><u>Notify workers of the application by warning them orally and by posting warning signs at entrances to treated areas.</u></p> </div> <div data-bbox="974 315 1386 348" data-label="Section-Header"> <h3>STORAGE AND DISPOSAL</h3> </div> <div data-bbox="946 375 1411 478" data-label="Text"> <p>PROHIBITIONS: Do not contaminate water, food, or feed by storage or disposal. Do not store under conditions which might adversely affect the container or its ability to function properly.</p> </div> <div data-bbox="946 499 1414 527" data-label="Text"> <p>STORAGE: Do not store below temperature of 0 F.</p> </div> <div data-bbox="946 552 1401 676" data-label="Text"> <p>CONTAINER DISPOSAL: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedure approved by state and local authorities.</p> </div> |
|--|---|