

**Office of Enforcement and Compliance Assurance**

**INSPECTION MANUAL**

**Worker Protection Standard Inspection Manual**

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**8/15/2018**

**U.S. Environmental Protection Agency**



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## Revision History

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This table shows changes to this controlled document over time. The most recent version is presented in the top row of the table. Previous versions of the document are maintained by the Document Control Coordinator.

History	Effective Date
Worker Protection Standard Inspection Manual Revisions: <ul style="list-style-type: none"><li>• Appendix B Inspection Checklists, formatting changes and inclusion of references to the How to Comply Manual, pages 80-99.</li><li>• Added compliance date for inclusion of revised worker and handler safety training content of December 19, 2018, page 20.</li></ul>	8/15/2018
Worker Protection Standard Inspection Manual, Original Issue	1/2/2017

## **Inspection Manual Revisions**

This Worker Protection Standard (WPS) Inspection Manual is an inspection support tool provided by the U.S. Environmental Protection Agency (EPA), for use by EPA regions, states and tribes conducting federal inspections under the Federal Insecticide, Fungicide, and Rodenticide Act and is a supplement to the EPA FIFRA Inspection Manual released in 2013. States and tribes may also conduct inspections under their own authority and credentials. This document supersedes the EPA WPS Agricultural Inspection Guidance released in February 2012. EPA appreciates the valuable contributions made by EPA Regions, states and tribes to improve the manual.

### **DISCLAIMER**

This Inspection Manual is not a regulation and, therefore, does not add, eliminate or change any existing regulatory requirements. The statements in this document are intended solely as guidance. This document is not intended, nor can it be relied on, to create any rights enforceable by any party in litigation with the United States. EPA, state and tribal officials may decide to follow the guidance provided in this document, or to act at variance with the guidance, based on analysis of site-specific circumstances. Deviations from this document on the part of any duly authorized official, inspector, or agent shall not be a defense in any enforcement action; nor shall deviation from this manual constitute grounds for rendering the evidence obtained thereby inadmissible in a court of law. This manual may be revised without public notice to reflect changes in EPA's policy.

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### APPENDIX A: GLOSSARY OF TERMS

#### § 170.305 Definitions.

Terms used in this part have the same meanings they have in the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. In addition, the following terms, when used in this part, shall have the following meanings:

*Agricultural employer* -- means any person who is an owner of, or is responsible for the management or condition of, an agricultural establishment, and who employs any worker or handler.

*Agricultural establishment* -- means any farm, forest operation, or nursery engaged in the outdoor or enclosed space production of agricultural plants. An establishment that is not primarily agricultural is an agricultural establishment if it produces agricultural plants for transplant or use (in part or their entirety) in another location instead of purchasing the agricultural plants.

*Agricultural plant* -- means any plant, or part thereof, grown, *Maintained*, or otherwise produced for commercial purposes, including growing, maintaining or otherwise producing plants for sale or trade, for research or experimental purposes, or for use in part or their entirety in another location. Agricultural plant includes, but is not limited to, grains, fruits and vegetables; wood fiber or timber products; flowering or foliage plants and trees; seedlings and transplants; and turf grass produced for sod. Agricultural plant does not include pasture or rangeland used for grazing.

*Application exclusion zone* -- means the area surrounding the application equipment that must be free of all persons other than appropriately trained and equipped handlers during pesticide applications.

*Chemigation* -- means the application of pesticides through irrigation systems.

*Closed system* -- means an engineering control used to protect handlers from pesticide exposure hazards when mixing and loading pesticides.

*Commercial pesticide handler employer* -- means any person other than an agricultural employer, who employs any handler to perform handler activities on an agricultural establishment. A labor contractor who does not provide pesticide application services or supervise the performance of handler activities, but merely employs laborers who perform handler activities at the direction of an agricultural or handler employer, is not a commercial pesticide handler employer.

*Commercial pesticide handling establishment* -- means any enterprise, other than an agricultural establishment, that provides pesticide handler or crop advising services to agricultural establishments.

*Crop advisor* -- means any person who is assessing pest numbers or damage, pesticide distribution, or the status or requirements of agricultural plants.

*Designated representative* -- means any persons designated in writing by a worker or handler to exercise a right of access on behalf of the worker or handler to request and obtain a copy of the pesticide application and hazard information required by 170.309(h).

*Early entry* -- means 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.

*Employ* -- means to obtain, directly or through a labor contractor, the services of a person in exchange for a salary or wages, including piece-rate wages, without regard to who may pay or who may receive the salary or wages. It includes obtaining the services of a self-employed person, an independent contractor, or a person compensated by a third party, except that it does not include an agricultural employer obtaining the services of a handler through a commercial pesticide handler employer or a commercial pesticide handling establishment.

*Enclosed cab* -- means a cab with a nonporous barrier that totally surrounds the occupant(s) of the cab and prevents dermal contact with pesticides that are being applied outside of the cab.

*Enclosed space production* -- means production of an agricultural plant indoors or in a structure or space that is covered in whole or in part by any nonporous covering and that is large enough to permit a person to enter.

*Fumigant* -- means any pesticide product that is a vapor or gas, or forms a vapor or gas upon application, and whose pesticidal action is achieved through the gaseous or vapor state.

*Hand labor* -- means any agricultural activity performed by hand or with hand tools that causes a worker to have substantial contact with plants, plant parts, or soil and other surfaces that may contain pesticide residues, except that hand labor does not include operating, moving, or repairing irrigation or watering equipment or performing crop advisor tasks.

*Handler* -- means any person, including a self-employed person, who is employed by an agricultural employer or commercial pesticide handler employer and performs any of the following activities:

- (1) Mixing, loading, or applying pesticides.
- (2) Disposing of pesticides.
- (3) Handling opened containers of pesticides, emptying, triple-rinsing, or cleaning pesticide containers according to pesticide product labeling instructions, or disposing of pesticide containers that have not been cleaned. The term does not include any person who is only handling unopened pesticide containers or pesticide containers that have been emptied or cleaned according to pesticide product labeling instructions.
- (4) Acting as a flagger.
- (5) Cleaning, adjusting, handling, or repairing the parts of mixing, loading, or application equipment that may contain pesticide residues.
- (6) Assisting with the application of pesticides.
- (7) Entering an enclosed space after the application of a pesticide and before the inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria established

by §170.405(b)(3) or the labeling has been met to operate ventilation equipment, monitor air levels, or adjust or remove coverings used in fumigation.

(8) Entering a treated area outdoors after application of any soil fumigant during the labeling-specified entry-restricted period to adjust or remove coverings used in fumigation.

(9) Performing tasks as a crop advisor during any pesticide application or restricted-entry interval, or before the inhalation exposure level listed in the pesticide product labeling has been reached or one of the ventilation criteria established by § 170.405(b)(3) or the pesticide product labeling has been met.

*Handler employer* -- means any person who is self-employed as a handler or who employs any handler.

*Immediate family* -- is limited to the spouse, parents, stepparents, foster parents, father-in-law, mother-in-law, children, stepchildren, foster children, sons-in-law, daughters-in-law, grandparents, grandchildren, brothers, sisters, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and first cousins. "First cousin" means the child of a parent's sibling, i.e., the child of an aunt or uncle.

*Labor contractor* -- means a person, other than a commercial pesticide handler, who employs workers or handlers to perform tasks on an agricultural establishment for an agricultural employer or a commercial pesticide handler employer.

*Outdoor production* -- means production of an agricultural plant in an outside area that is not enclosed or covered in any way that would obstruct the natural air flow.

*Owner* -- means any person who has a present possessory interest (e.g., fee, leasehold, rental, or other) in an agricultural establishment. A person who has both leased such 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.

*Personal protective equipment* -- means devices and apparel that are worn to protect the body from contact with pesticides or pesticide residues, including, but not limited to, coveralls, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear, respirators, chemical-resistant aprons, chemical-resistant headgear, and protective eyewear.

*Restricted-entry interval* -- means the time after the end of a pesticide application during which entry into the treated area is restricted.

*Safety data sheet* -- has the same meaning as the definition at 29 CFR 1900.1200(c).

*Treated area* -- means any area to which a pesticide is being directed or has been directed.

*Use* -- as in "to use a pesticide" means any of the following:

(1) Pre-application activities, including, but not limited to:

(i) Arranging for the application of the pesticide.

(ii) Mixing and loading the pesticide.

(iii) Making necessary preparations for the application of the pesticide, including responsibilities related to worker notification, training of workers or handlers, providing decontamination supplies, providing pesticide safety information and pesticide application and hazard information, use and care of personal protective equipment, providing emergency assistance, and heat stress management.

(2) Application of the pesticide.

(3) Post-application activities intended to reduce the risks of illness and injury resulting from handlers' and workers' occupational exposures to pesticide residues during and after the restricted-entry interval, including responsibilities related to worker notification, training of workers or early-entry workers, providing decontamination supplies, providing pesticide safety information and pesticide application and hazard information, use and care of personal protective equipment, providing emergency assistance, and heat stress management.

(4) Other pesticide-related activities, including, but not limited to, transporting or storing pesticides that have been opened, cleaning equipment, and disposing of excess pesticides, spray mix, equipment wash waters, pesticide containers, and other pesticide-containing materials.

*Worker* -- means any person, including a self-employed person, who is employed and performs activities directly relating to the production of agricultural plants on an agricultural establishment.

*Worker housing area* -- means any place or area of land on or near an agricultural establishment where housing or space for housing is provided for workers or handlers by an agricultural employer, owner, labor contractor, or any other person responsible for the recruitment or employment of agricultural workers.

## Worker Protection Standard Inspection Manual

### APPENDIX B: SAMPLE INSPECTION CHECKLISTS

#### Part 1: Agricultural Establishment Checklist

DATE	INSPECTION NUMBER		
OWNER/OPERATOR	FIRM OR PREMISE NAME		
APPLICATOR			
<b>Inspector Credentials Presented</b> <input type="checkbox"/> Yes <input type="checkbox"/> No		<b>Routine inspection</b> <input type="checkbox"/>	
<b>Notice of Inspection Provided</b> <input type="checkbox"/> Yes <input type="checkbox"/> No		<b>For Cause inspection</b> <input type="checkbox"/>	
<b>A. AGRICULTURAL ESTABLISHMENT INFORMATION</b>			
<b>Immediate Family Exemption Criteria for Workers and Handlers 170.305, 170.601(a)</b>			
<p>Are ALL the workers and handlers the owner (or majority owner) or immediate family? Exemption applies to: spouses, children, step children, foster children, sons-in-law, daughters-in-law, grandchildren, parents, step parents, foster parents, grandparents, fathers-in-law, mothers-in-law, aunts, uncles, brothers, sisters, brothers-in-law, sisters-in-law, nieces, nephews, first cousins.</p> <p style="text-align: center;">Workers: Yes <input type="checkbox"/>      Handlers: Yes <input type="checkbox"/></p> <p>If both answers are "yes", stop using this form and use checklist, "Owners of Agricultural Establishments and Immediate Family."</p> <p>If one answer is "no," continue to use this checklist as appropriate.</p>			
<b>B. RECORDS REVIEW:</b>			
<b>Pesticide Application Information and SDSs 170.311(b)</b>			
	WPS Requirement	Reference Page in How To Comply	Regulatory Citation
<input type="checkbox"/> Yes <input type="checkbox"/> No	Are pesticide application information and SDSs retained on the establishment for 2 years? (safety data sheet, product name, EPA registration number, active ingredient, crop or site treated, location and description of treated area, date, start and end time of application, duration of REI)	24	170.311(b)
Identify WPS pesticides applied or REI in effect in the past 30 days (minimum of 3 products if possible) through a record review, interview and visual inspection of products in storage, and record as appropriate to facilitate the inspection: product name/#; date applied; method of application; special requirements; weather conditions during application; PPE required; REI (record and attach).			
<b>Pesticide Safety Training Records 170.401(d), 170.501(d)</b>			
<b>Worker Training Records</b>			
<input type="checkbox"/> Yes <input type="checkbox"/> No	Current workers trained in past 12 months?	27	170.401(a)
<input type="checkbox"/> Yes <input type="checkbox"/> No	Records retained for 2 years on establishment? (worker name, signature, date of training, EPA-approved materials, trainer's name, trainer's qualifications, name of ag employer)	27-28	170.401(d)
<b>Handler Training Records</b>			
<input type="checkbox"/> Yes <input type="checkbox"/> No	Current handlers trained in past 12 months?	27	170.501(a)

<input type="checkbox"/> Yes <input type="checkbox"/> No	Records retained for 2 years on establishment? (handler name, signature, date of training, EPA- approved materials, trainer's name, trainer's qualifications, name of ag employer)	27-28	170.501(d)
<b>Respirator Records</b> 170.507(b)(10)			
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Are respirator records retained on the establishment for 2 years?	68	170.507(b)(10)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Have handlers received medical evaluation, fit testing and training for required respirator?	68	170.507(b)(10)
<b>Access and Availability of Records</b> 170.311(b)(7) through (9)			
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Has a worker, handler, or designated representative requested application information or SDS? If so, was it provided within 15 days of receipt of request? Have treating medical personnel requested application information or SDS? If so, was it provided promptly?	25	170.311(b)(7)-(9)
<b>C. MINIMUM AGE FOR HANDLERS AND EARLY ENTRY WORKERS</b> 170.309(c)			
	WPS Requirement	Reference Page in How To Comply	Regulatory Citation
<input type="checkbox"/> Yes <input type="checkbox"/> No	Are all handlers and early entry workers at least 18 years of age?	20	170.309(c), 170.605(a)
<b>D. INFORMATION DISPLAY</b>			
<b>Location of the "Central Display"</b> 170.311(a)(5), 170.311(b)(2) and (3)			
Inspector observation <input type="checkbox"/> Based on interview <input type="checkbox"/>			
	WPS Requirement	Reference Page in How To Comply	Regulatory Citation
<input type="checkbox"/> Yes <input type="checkbox"/> No	Has an appropriate central display been established at a central location in an area where workers and handlers are likely to congregate or pass by and is it accessible during work hours?	21	170.311(a)(5), 170.311(b)(2) & (3)
<b>WPS Safety Information Display</b> 170.311(a)			
<input type="checkbox"/> Yes <input type="checkbox"/> No	Is the EPA WPS safety poster (or equivalent) displayed in central location, easily accessible, and legible? Is all required WPS safety information being provided at the central display? Are the name, address and phone number of an emergency medical facility displayed? Are the name, address and phone number of the state/tribal pesticide agency displayed? Are any changes to required information made within 24 hours of receiving notice of changes?	21-23	170.311(a)

<input type="checkbox"/> Yes <input type="checkbox"/> No	Is the pesticide safety information displayed where decontamination supplies are located at permanent sites and provided at locations where a toilet is provided for 11 or more workers (as required by OSHA Field Sanitation Standards, 29 CFR, Part 1928.110)?	21	170.311(a)
<b>Pesticide Application and Hazard Information (SDS) Display 170.311(b)(1)-(5)</b>			
<input type="checkbox"/> Yes <input type="checkbox"/> No	Is all required pesticide application information provided at central location? Including: Crop or site treated and location and description of treated area, date(s) of application, start and end times, pesticide product name, active ingredient(s), EPA reg. no., re-entry interval (if any)	21	170.311(b)(1)-(5)
<input type="checkbox"/> Yes <input type="checkbox"/> No	Is the Safety Data Sheet (SDS) for each pesticide made available?	21	170.311(b)(1)-(5)
<input type="checkbox"/> Yes <input type="checkbox"/> No	Is the application information and SDS displayed no later than 24 hours after the end of the applications (but before workers enter the treated area) and kept posted for 30 days after the last REI expiration if workers/handlers are present?	22	170.311(b)(1)-(5)
<input type="checkbox"/> Yes <input type="checkbox"/> No	Are the application information and SDSs easily accessible and legible?	22	170.311(b)(1)-(5)
<b>E. KNOWLEDGE OF LABELING, APPLICATION- AND ESTABLISHMENT-SPECIFIC INFORMATION 170.403(a)-(c) and 170.503(a) and (b)</b>			
Inspector observation <input type="checkbox"/> Based on interview <input type="checkbox"/>			
	<b>WPS Requirement</b>	<b>Reference Page in How To Comply</b>	<b>Regulatory Citation</b>
<input type="checkbox"/> Yes <input type="checkbox"/> No	Before a handler performed any handler activity, did the agricultural employer ensure the handler read applicable portions of the label on safe use or was informed in a manner the handler can understand?	59	170.503(a)(1)
<input type="checkbox"/> Yes <input type="checkbox"/> No	Did the handler have access to the labeling at all times, and was the handler aware of any entry restrictions, application exclusion zone and REI?	59	170.503(a)(2) & (3)
<input type="checkbox"/> Yes <input type="checkbox"/> No	Before any worker performs any activity in a treated area where within the last 30 days a pesticide product has been used or an REI has been in effect or any handler performs any handler activity, has the employer informed workers and handlers in a manner workers and handlers can understand, of the location of pesticide safety information, pesticide application and SDSs, and decontamination supplies?	30	170.403(a)-(c), 170.503(b)

<b>F. WORKER DECONTAMINATION 170.411</b>			
Inspector observation <input type="checkbox"/> Based on interview <input type="checkbox"/>			
	WPS Requirement	Reference Page in How To Comply	Regulatory Citation
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Are the appropriate decontamination supplies provided? Including:1 gallon of water provided for each worker at the beginning of work period and replenished to maintain adequate supply, soap, single-use towels?	48	170.411(b)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If REI is 4 hours or less, are the decontamination supplies provided for 7 days? Or 30 days if REI is more than 4 hours?	48	170.411(c)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Are decontamination supplies located within 1/4 mile of the work site or nearest site of vehicular access and outside a pesticide treated area under an REI and reasonably accessible?	48	170.411(d)
<b>G. HANDLER DECONTAMINATION AND EYEWASH SUPPLIES 170.509</b>			
Inspector observation <input type="checkbox"/> Based on interview <input type="checkbox"/>			
	WPS Requirement	Reference Page in How To Comply	Regulatory Citation
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Are decontamination supplies located at mixing sites?	75	170.509(c)(1)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	For all other handler tasks, are decontamination supplies located within 1/4 mile from handler or nearest place of vehicular access? Are supplies located outside a treated area or area under REI or in a closed container protected from pesticide contamination?	75	170.509(c)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Are the appropriate decontamination supplies provided? Including 3 gallons of water provided for each handler (at the beginning of work period and replenished to maintain adequate supply), soap, single use towels, and a change of clothes?	74	170.509(b)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	At each mixing/loading site for products requiring eye protection or using a closed system under pressure is there an appropriate eyewash system immediately available to a handler? (Either a system to deliver gently running water (at a rate of 0.4 gal/min) for 15 minutes or at least 6 gallons in containers suitable for providing a gentle eye-flush for about 15 minutes)	74	170.509(d)(1)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Does each applicator have at least one pint of water immediately available in a portable container when pesticide label requires eye protection?	74	170.509(d)(2)



H. APPLICATION RESTRICTIONS AND HANDLER PROTECTIONS 170.405 and 170.505			
Inspector observation <input type="checkbox"/> Based on interview <input type="checkbox"/>			
	WPS Requirement	Reference Page in How To Comply	Regulatory Citation
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Do all handlers observed by the inspector appear to be over 18?	20	170.309(c)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Did the handler suspend application because someone was in the application exclusion zone? (for enclosed space, in area in column B in Table in 170.405(b)(4)) and was the application continued properly?	60-61	170.505(b)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Was each pesticide applied so that it did not contact, either directly or through drift, anyone except appropriately trained and equipped handlers?	60	170.505(a)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If toxic product with skull & crossbones symbol was used, was contact with the handler made at least every 2 hours by voice, sight or another appropriate method?	61	170.505(c)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If a fumigant was applied in an enclosed space, was continuous visual or voice contact with another handler equipped with PPE maintained? Did the handler outside the enclosed space have immediate access to required PPE in case a rescue is required?	61	170.505(d)
<b>Entry Restrictions</b>			
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	For <b>enclosed space production applications</b> , were workers and other persons kept out of restricted areas for the times specified in the table in 170.405(b)(4) during the application other than appropriately trained and equipped handlers involved in the application?  For <b>outdoor production applications</b> , were workers and other persons (other than appropriately trained and equipped handlers involved with the application) kept out of the treated area and application exclusion zone?	37-40	170.405
<b>I. NOTIFICATION AND ENTRY RESTRICTIONS</b>			
<b>Entry Restrictions after Applications 170.407</b>			
Inspector observation <input type="checkbox"/> Based on interview <input type="checkbox"/>			
	WPS Requirement	Reference Page in How To Comply	Regulatory Citation
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	After application of any pesticide to an <b>outdoor production area</b> , does the employer not allow any worker to enter or remain in the treated area before the REI has expired and all warning signs have been removed or covered? (except for permitted early entry activities)	41	170.407(a)

<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	After application of any pesticide to an area of <b>enclosed space production</b> , does the employer not allow any worker to enter or remain in the area specified in Table 1 in 170.405(b)(4) before the REI has expired and all warning signs have been removed or covered? (except for permitted early entry activities)	41	170.407(b)
<b>Posting &amp; Notification 170.409</b>			
Inspector observation <input type="checkbox"/> Based on interview <input type="checkbox"/>			
	WPS Requirement	Reference Page in How To Comply	Regulatory Citation
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p><b>For any double notification pesticide</b> (highly toxic):            Was notification <b>provided both orally and by posting</b>? <b>Did the oral notification meet the requirements for outdoor or enclosed space production areas</b>?            Did the oral notification include the location, dates and times of restrictions? Did the oral notification include instructions about the restriction in a manner that was understandable to workers?            Was the oral notification provided before the application or at the time a worker begins their work period?  <b>Did the posting meet the requirements for outdoor or enclosed space production areas</b>?            Did signs meet the size and content requirements?            Were signs posted in adequate locations?            Were signs posted no sooner than 24 hours but before the application? Did signs remain posted until REI expired? Were signs removed within 3 days of REI expiration (or was no entry ensured)?</p>	42	170.409(a)(1)(i)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p><b>For any outdoor production area applications with REI of 48 hours or less</b>, was either oral notification or posted warning signs used? <b>If oral notification</b>:            Did the notification include the location, dates and times of restrictions?            Did the notification include instructions about the restriction that was understandable to workers?            Was the notification provided before the application or at the time a worker begins their work period?  <b>If posted warning signs</b>:            Did signs meet the size and content requirements?            Were signs posted in adequate locations?            Were signs posted no sooner than 24 hours but before the application?            Did signs remain posted until REI expired?            Were signs removed within 3 days of REI expiration (or was no entry ensured)?</p>	42	170.409(a)(1)(iii)

<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<b>For any outdoor production area applications with REI greater than 48 hours</b> were posted warning signs used? Did signs meet the size and content requirements? Were signs posted in adequate locations? Were signs posted no sooner than 24 hours but before the application? Did signs remain posted until REI expired? Were signs removed within 3 days of REI expiration (or was no entry ensured)?	42	170.409(a)(1)(ii)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<b>For any enclosed space production area applications with REI greater than 4 hours</b> were posted warning signs used? Did signs meet the size and content requirements? Were signs posted in adequate locations? Were signs posted no sooner than 24 hours but before the application? Did signs remain posted until REI expired? Were signs removed within 3 days of REI expiration (or was no entry ensured)?	42	170.409(a)(1)(iv)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<b>For any enclosed space production area applications with REI of 4 hours or less</b> was either oral notification or posted warning signs used? <b>If oral notification:</b> Did notification include the location, dates and times of the restriction? Did notification include instructions about the restriction in a manner that were understandable to the workers? Was the notification provided before the application or at the time a worker begins their work period? <b>If posted warning signs:</b> Did signs meet the size and content requirements? Were signs posted in adequate locations? Were signs posted no sooner than 24 hours but before the application? Did signs remain posted until REI expired? Were signs removed within 3 days of REI expiration (or was no entry ensured)?	43	170.409(a)(1)(v)
<b>J. INFORMATION EXCHANGE</b> 170.309(k), 170.313(i)			
Inspector observation <input type="checkbox"/> Based on interview <input type="checkbox"/>			
	WPS Requirement	Reference Page in How To Comply	Regulatory Citation
<b>If agricultural employer is employing a commercial handler to make applications:</b>			
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Does the agricultural employer give the location and description of treated areas or REIs and restrictions near (within 1/4 mile) those areas where applications are or will be made on their establishment to a commercial pesticide handler employer?	83	170.309(k)

<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Does the commercial pesticide handler employer inform the agricultural employer of: location and description of areas to be treated, date and time of application, product name, registration number, active ingredient, REI, requirement for oral and/or written notification, and any other restrictions?	84	170.313(i)
<b>K. PERSONAL PROTECTIVE EQUIPMENT (PPE) 170.507</b>			
Inspector observation <input type="checkbox"/> Based on interview <input type="checkbox"/>			
	WPS Requirement	Reference Page in How To Comply	Regulatory Citation
<b>For pesticide products reviewed:</b>			
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Did the handlers use the clothing and PPE specified on the product labeling?	62	170.507(a)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Did the agricultural employer provide clean, operational PPE to the handler to meet label requirements?	62-64	170.507(b)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Before each day of use, did the agricultural employer ensure all PPE was inspected and repaired or discarded as appropriate?	64	170.507(c)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Did the agricultural employer assure that handler wears and uses PPE correctly?	64	170.507(c)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Is the PPE properly cleaned and thoroughly dried before storage? Is clean PPE stored separately from personal clothing and contaminated areas? Is there a clean place for putting on and removing PPE?	64	170.507(d)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Where labeling requires PPE for handler activities, did the agricultural employer take sufficient measures to prevent heat-related illness and instruct each handler in the prevention, recognition and first aid treatment of heat-related illness?	65	170.507(e)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If respirators are required and handlers are present, did handlers receive medical clearance, fit testing and training?	68	170.507(b)(10)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If using particulate filtering facepiece respirators, are they replaced appropriately? (i.e., breathing resistance excessive; filter is damaged; according to respirator or product label; after 8 hours of use)	73	170.507(d)(6)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If using vapor-removing canister/cartridge respirators, are they replaced appropriately? (based on odor, taste, irritation; breathing resistance excessive; according to respirator or pesticide product label; after 8 hours of use)	73	170.507(d)

<b>L. PESTICIDE HANDLING EQUIPMENT</b> 170.313(f), (g) and (l) and 170.309(i) and (j)			
Inspector observation <input type="checkbox"/> Based on interview <input type="checkbox"/>			
	WPS Requirement	Reference Page in How To Comply	Regulatory Citation
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Before use, did the agricultural employer instruct handlers in the safe operation of application and mixing/loading equipment and inspect and repair application and mixing/loading equipment before each day of use?	79	170.313 (f) & (g)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Has any person employed by the agricultural establishment, who cleans, repairs, or adjusts the pesticide equipment, been trained as a handler?	20	170.309(g)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If any persons not employed by the agricultural establishment, clean, repair, or adjust the pesticide equipment, are they provided the following information: that the equipment may be contaminated; potential harmful effects of pesticide exposure; how to limit exposure; and how to wash to remove contamination?	20	170.309(g)
<b>M. EARLY ENTRY</b>			
<b>Entry Restrictions</b> 170.605			
Inspector observation <input type="checkbox"/> Based on interview <input type="checkbox"/>			
	WPS Requirement	Reference Page in How To Comply	Regulatory Citation
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Do all early entry workers appear to be at least 18?	52	170.605(a) 170.309(c)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Prior to early entry, did the employer provide the following information in a manner understandable to the workers: location of early entry area where work is to be performed; pesticides applied; dates and time the REI begins and ends; which exception is the basis for early entry and tasks that may be performed; whether contact with treated surfaces is allowed; amount of time allowed in the treated area; PPE required by the label for early entry; location of pesticide safety information and decontamination supplies?	52	170.605(b)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Prior to early entry, did the employer ensure that each early entry worker has either read the product labeling or has been informed in a manner that is understandable, of all labeling requirements and statements related to human hazards or precautions, first aid or user safety?	52	170.605(c)

<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Prior to early entry, did the employer ensure each early entry worker is provided with the required PPE, that it is used as intended and is properly maintained?	53	170.605(d)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Prior to early entry, did the employer take sufficient measures to prevent heat-related illness and instruct each worker in the prevention, recognition and first aid treatment of heat-related illness?	53	170.605(f)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Are decontamination supplies located outside any treated area or area under REI or where reasonably accessible to workers conducting early entry tasks?	54	170.605(h)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Are decontamination supplies located where a worker removes personal protective equipment?	54	170.605(j)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Are the appropriate decontamination supplies provided: 3 gallons of water for each early entry worker (at the beginning of work period and replenished to maintain adequate supply); soap and single use towels?	54	170.605(j)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Does each worker have at least one pint of water immediately available for eye-flushing in a portable container when pesticide label requires eye protection?	54	170.605(i)
<b>Exception for Activities with No Contact 170.603(a)</b>			
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If using the no contact exception, are all the required conditions met: no contact with anything treated with the pesticide even if wearing PPE; no entry before inhalation or ventilation criteria met?	49	170.603(a)
<b>Exception for Limited Contact and Irrigation Activities 170.603(d)</b>			
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If using the exception for limited contact and irrigation activities, are all the required conditions met: entry must not occur during first 4 hours or before inhalation or ventilation criteria met; no hand labor activity was performed; time did not exceed 8 hours in 24-hour period; a double notification pesticide was not used; situation could not have been foreseen (except irrigation tasks); not doing the activity would result in substantial economic loss?	51	170.603(d)
<b>Exception for Short Term Activities 170.603(b)</b>			
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If using the short-term activity exception, were all the required conditions met: entry did not occur during first 4 hours or before inhalation or ventilation criteria met; no hand labor activity was performed; time did not exceed 1 hour in 24?	49	170.603(b)

Exception for Agricultural Emergency 170.603(c)			
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If agriculture emergency exception, were all required conditions met: situation meets criteria for agricultural emergency; entry did not occur during first 4 hours or before inhalation or ventilation criteria met; if double notification pesticide was used, time did not exceed 4 hours in 24-hour period?	50	170.603(c)
N. EMERGENCY ASSISTANCE 170.309(f)			
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Has a worker or handler experienced potential pesticide exposure during or within 72 hours after employment? If so, was transportation to an emergency medical care facility provided and information (SDS, circumstances of application and exposure) provided to medical personnel?	26	170.309(f)
O. ANTI-RETALIATION 170.315			
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Based on information available, no person was threatened, intimidated, coerced, discriminated against or experienced retaliation for complying with or attempting to comply with WPS requirements, or for providing information regarding violative behavior. Check Yes if this is correct.	33	170.315
DISPOSITION OF INSPECTION			
Describe any observations made during the inspection that may require additional attention. Attach relevant documentation.			
Inspector Signature:		Date:	

**Worker Protection Standard Inspection Manual**  
**Part 2: Commercial Pesticide Handling Establishment Checklist**

DATE	INSPECTION NUMBER		
OWNER/OPERATOR  APPLICATOR	FIRM OR PREMISE NAME		
Inspector Credentials Presented <input type="checkbox"/> Yes <input type="checkbox"/> No		Routine Inspection <input type="checkbox"/>	
Notice of Inspection Provided <input type="checkbox"/> Yes <input type="checkbox"/> No		For Cause Inspection <input type="checkbox"/>	
<b>A. RECORDS REVIEW</b> 170.501 and 170.507(b)(10)			
	WPS Requirement	Reference Page in How To Comply	Regulatory Citation
Handler Pesticide Safety Training Records 170.501			
<input type="checkbox"/> Yes <input type="checkbox"/> No	Current handlers trained in past 12 months?	28	170.501(a)
<input type="checkbox"/> Yes <input type="checkbox"/> No	Records retained on the establishment for 2 years? (handler name, signature, date of training, EPA- approved materials, trainer's name, trainer's qualifications, name of commercial pesticide handler employer)	28	170.501(d)
Respirator Records 170.507(b)(10)			
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Are respirator records retained on establishment for 2 years?	72 & 73	170.507(b)(10)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Have handlers received medical evaluation, fit testing, and training for required respirator?	72 & 73	170.507(b)(10)
<b>B. MINIMUM AGE FOR HANDLERS</b> 170.313(c)			
	WPS Requirement	Reference Page in How To Comply	Regulatory Citation
<input type="checkbox"/> Yes <input type="checkbox"/> No	Are all handlers at least 18 years of age?	20	170.313(c)
<b>C. WPS PESTICIDE APPLICATIONS</b>			
Identify recent WPS pesticide applications through a record review, interview and visual inspection of products in storage and record as appropriate to facilitate the inspection: product name/reg. no., date applied, method of application, special requirements, weather conditions during application, PPE required, REI (record and attach).			
<b>D. INFORMATION EXCHANGE</b> 170.309(k) & 170.313 (h)-(j)			
	WPS Requirement	Reference Page in How To Comply	Regulatory Citation
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Where applicable, does the agricultural employer give the location and description of treated areas or REIs and restrictions near (within 1/4 mile) those areas where applications are or will be made on their establishment to the commercial pesticide handler employer?	31 & 32	170.309(k)



<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Does the commercial pesticide handler employer provide this information about the areas with entry restrictions to the handler who worked on the agricultural establishment?	31 & 32	170.313(h)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Does the commercial pesticide handler employer inform the agricultural employer of the location and description of areas to be treated, date and time of application, product name, registration number, active ingredient, REI, requirement for oral or written notification, and any other restrictions?	31 & 32	170.313(i)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If there are changes to the location or description of the area to be treated, the REI, the notification requirements, restrictions or use directions, or if the start time will be earlier than scheduled, was updated information provided before the application? If there were changes to any other information, was updated information provided to the agricultural employer within 2 hours after completing the application?	31 & 32	170.313(j)
<b>E. KNOWLEDGE OF LABELING AND APPLICATION SPECIFIC INFORMATION 170.503</b>			
	WPS Requirement	Reference Page in How To Comply	Regulatory Citation
<input type="checkbox"/> Yes <input type="checkbox"/> No	Before a handler performed any handler activity, did the commercial pesticide handler employer ensure the handler read applicable portions of the label on safe use or was informed in a manner the handler can understand?	59	170.503(a)
<input type="checkbox"/> Yes <input type="checkbox"/> No	Did the handler have access to the label at all times, and was the handler aware of any entry restrictions, AEZ and REIs?	59	170.503(a)
<b>F. HANDLER DECONTAMINATION AND EYEWASH SUPPLIES 170.509</b>			
Inspector observation <input type="checkbox"/> Based on interview <input type="checkbox"/>			
	WPS Requirement	Reference Page in How To Comply	Regulatory Citation
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Are decontamination supplies located at mixing sites?	74 & 75	170.509(c)(1)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	For all other handler tasks, are decontamination supplies located within 1/4 mile from handler or nearest place of vehicular access? Are the supplies located outside a treated area or area under a REI or in a closed container protected from pesticide contamination?	74 & 75	170.509(c)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Are the appropriate decontamination supplies provided: including 3 gallons of water provided for each handler (at the beginning of work period and replenished to maintain adequate supply), soap, single use towels, and a change of clothes?	74 & 75	170.509(b)

<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	At each mixing/loading site for products requiring eye protection or using a closed system under pressure is there an appropriate eyewash system immediately available to a handler? (Either a system to deliver gently running water (at a rate of 0.4 gal/min) for 15 minutes or at least 6 gallons in containers suitable for providing a gentle eye-flush for about 15 minutes)	74 & 75	170.509(d)(1)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Does each applicator have at least one pint of water immediately available in a portable container when pesticide label requires eye protection?	74 & 75	170.509(d)(2)
<b>G. PERSONAL PROTECTIVE EQUIPMENT (PPE) 170.507(a)-(d)</b>			
Inspector observation <input type="checkbox"/> Based on interview <input type="checkbox"/>			
<b>For pesticide products on site or recently applied</b>			
	<b>WPS Requirement</b>	<b>Reference Page in How To Comply</b>	<b>Regulatory Citation</b>
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Did the handlers use the clothing and PPE specified on the product labeling?	62	170.507(a)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Did the commercial pesticide handler employer provide clean, operational PPE to the handler to meet label requirements?	62 & 63	170.507(b)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Before each day of use, did the commercial pesticide handler employer ensure all PPE was inspected and repaired or discarded as appropriate?	64	170.507(c)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Did the commercial pesticide handler employer assure that handler wears and uses PPE correctly?	64	170.507(c)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Is the PPE properly cleaned and thoroughly dried before storage? Is clean PPE stored separately from personal clothing and contaminated areas? Is there a clean place for putting on and removing PPE?	64	170.507(d)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Where labeling requires PPE for handler activities, did the commercial pesticide handler employer take sufficient measures to prevent heat-related illness and instruct each handler in the prevention, recognition and first aid treatment of heat-related illness?	65	170.507(e)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If respirators are required and handlers are present, did handlers receive medical evaluation, fit testing and training?	68	170.507(b)(10)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If using particulate filtering facepiece respirators, are they replaced appropriately? (i.e., breathing resistance excessive; filter is damaged; according to respirator or product label; after 8 hours of use)	73	170.507(d)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If using vapor-removing canister/cartridge respirators, are they replaced appropriately? (based on odor, taste, irritation; breathing resistance excessive; according to respirator or pesticide product label; after 8 hours of use)	73	170.507(d)

<b>H. PESTICIDE HANDLING EQUIPMENT 170.313(f), (g) and (l)</b>			
Inspector observation <input type="checkbox"/> Based on interview <input type="checkbox"/>			
	WPS Requirement	Reference Page in How To Comply	Regulatory Citation
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Before use, did the commercial pesticide handler employer instruct handlers in the safe operation of application and mixing/loading equipment and inspect and repair application and mixing/loading equipment before each day of use?	79	170.313(f) & 170.313(g)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Has any person employed by the commercial pesticide handling establishment, who cleans, repairs, or adjusts the pesticide equipment, been trained as a handler?	79	170.313(l)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If persons not employed by the commercial pesticide handling establishment clean, repair, or adjust the pesticide equipment, are they provided with the following information: that the equipment may be contaminated; potential harmful effects of pesticide exposure; how to limit exposure; and how to wash to remove contamination?	79	170.313(l)
<b>I. APPLICATION RESTRICTIONS AND HANDLER PROTECTIONS 170.313(c) &amp; 170.505 (a)-(d)</b>			
Inspector observation <input type="checkbox"/> Based on interview <input type="checkbox"/>			
	WPS Requirement	Reference Page in How To Comply	Regulatory Citation
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Do all handlers observed by the inspector appear to be over 18?	20	170.313(c)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Did the handler suspend application because someone was in the AEZ? (for enclosed space, see area in column B in table in 170.405(b)(4)) and was the application continued properly?	60	170.505(b)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Was each pesticide applied so that it did not contact, either directly or through drift, anyone except appropriately trained and equipped handlers?	60	170.505(a)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If toxic product with skull-and-crossbones symbol was used, was contact made at least every 2 hours by voice, sight or another appropriate method?	61	170.505(c)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If a fumigant was applied in an enclosed space, was continuous visual or voice contact with another handler equipped with PPE maintained? Did the handler outside the enclosed space have immediate access to required PPE in case a rescue is required?	61	170.505(d)
<b>J. EMERGENCY ASSISTANCE 170.313(k)</b>			
	WPS Requirement	Reference Page in How To Comply	Regulatory Citation
<input type="checkbox"/> Yes <input type="checkbox"/> No	Has a handler experienced potential pesticide exposure during or within 72 hours after employment? If so, was transportation to an emergency medical care facility provided and information (SDS, circumstances of application and exposure) provided to medical personnel?	80	170.313(k)

K. ANTI-RETALIATION 170.315			
	WPS Requirement	Reference Page in How To Comply	Regulatory Citation
<input type="checkbox"/> Yes <input type="checkbox"/> No	Based on information available, no person was threatened, intimidated, coerced, discriminated against or experienced retaliation for complying with or attempting to comply with WPS requirements, or for providing information regarding violative behavior. Check yes if correct.	85	170.315
<b>DISPOSITION OF INSPECTION</b>			
Describe any observations made during the inspection that may require additional attention. Attach any relevant documentation.			
Inspector Signature:		Date:	

**WORKER PROTECTION STANDARD INSPECTION WORKSHEET**  
**Part 3: Owners of Agricultural Establishments and Immediate Family**

DATE	INSPECTION NUMBER		
OWNER/OPERATOR	FIRM OR PREMISE NAME		
APPLICATOR			
Inspector Credentials Presented <input type="checkbox"/> Yes <input type="checkbox"/> No		Routine Inspection <input type="checkbox"/>	
Notice of Inspection Provided <input type="checkbox"/> Yes <input type="checkbox"/> No		For Cause Inspection <input type="checkbox"/>	
<b>A. AGRICULTURAL ESTABLISHMENT INFORMATION</b>			
<b>Immediate Family Exemption Criteria for Workers and Handlers 170.305, 170.601(a)</b>			
Are ALL the workers and handlers the owner (or majority owner) or owner's immediate family? Exemption applies to spouse, children, stepchildren, foster children, sons-in-law, daughters-in-law, grandchildren, parents, stepparents, foster parents, grandparents, fathers-in-law, mothers-in-law, aunts, uncles, brothers, sisters, brothers-in-law, sisters-in-law, nieces, nephews, first cousins. If yes, use this checklist. If no, use "Agricultural Establishment" checklist.			
<b>B. APPLICATION RESTRICTIONS 170.405, 170.505</b>			
Inspector observation <input type="checkbox"/> Based on interview <input type="checkbox"/>			
	WPS Requirement	Reference Page in How To Comply	Regulatory Citation
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	For <b>enclosed space production applications</b> , were workers and other persons (other than appropriately trained and equipped handlers involved in the application) kept out of restricted areas in table in 170.405(b)(4) during the application? For <b>outdoor production applications</b> , were workers and other persons (other than appropriately trained and equipped handlers involved with the application) kept out of the treated area and application exclusion zone during the application?	37-40	170.405
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Did the handler suspend application because someone was in the AEZ? (for enclosed space, see area in column B in table in 170.405(b)(4)) and was the application continued properly?	60-61	170.505(b)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Was each pesticide applied so that it did not contact, either directly or through drift, anyone except appropriately trained and equipped handlers?	60	170.505(a)
<b>C. ENTRY RESTRICTIONS AFTER APPLICATIONS 170.407</b>			
Inspector observation <input type="checkbox"/> Based on interview <input type="checkbox"/>			
	WPS Requirement	Reference Page in How To Comply	Regulatory Citation
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	After application of any pesticide to an <b>outdoor production area</b> , did the owner keep workers out of the treated area before the REI has expired and all warning signs have been removed or covered? (except for permitted early entry activities)	41	170.407

<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	After application of any pesticide to an <b>area of enclosed space production</b> , did the owner keep workers out of the area specified in the table in 170.405(b)(4) before the REI has expired and all warning signs have been removed or covered? (except for permitted early entry activities)	41	170.407(b)
<b>D. INFORMATION EXCHANGE</b> 170.309(k), 170.313(l)			
If agricultural employer is employing a commercial handler to make applications			
Inspector observation <input type="checkbox"/> Based on interview <input type="checkbox"/>			
	<b>WPS Requirement</b>	<b>Reference Page in How To Comply</b>	<b>Regulatory Citation</b>
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Does the owner give to a commercial pesticide handler employer the location and description of any treated areas where an REI is in effect that the handler may be in (or within 1/4 mile of) and any restrictions on entering those areas?	31 & 83	170.309(k)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Does the commercial pesticide handling establishment inform the owner of location and description of areas to be treated, date and time of application, product name, registration number, active ingredient, REI, requirement for oral or written notification, and any other restrictions?	31 & 84	170.313(i)&(j)
<b>E. ENTRY RESTRICTIONS</b> 170.603 and 170.605(d)			
Inspector observation <input type="checkbox"/> Based on interview <input type="checkbox"/>			
	<b>WPS Requirement</b>	<b>Reference Page in How To Comply</b>	<b>Regulatory Citation</b>
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Are any workers considered early-entry workers? If yes, prior to early entry, did the employer ensure each early-entry worker is provided with the required PPE, that it is used as intended and is properly maintained?	49 & 53	170.603 & 170.605(d)
<b>Exception for Limited Contact and Irrigation Activities</b> 170.603(d)			
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If using the exception for limited contact or irrigation activities, are all the required conditions met? (entry must not occur during first 4 hours or before inhalation or ventilation criteria met; no hand labor activity was performed; time did not exceed 8 hours in 24-hour period; a double notification pesticide was not used; situation could not have been foreseen (except irrigation tasks); not doing the activity would result in substantial economic loss)	51	170.603(d)
<b>Exception for Short Term Activities</b> 170.603(b)			
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If using the short-term activity exception, were all the required conditions met? (entry did not occur during first 4 hours or before inhalation or ventilation criteria were met; no hand labor activity was performed; time did not exceed 1 hour in 24 hours)	49	170.603(b)
<b>Exception for Agricultural Emergency</b> 170.603(c)			
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If agriculture emergency exception, were all required conditions met? (situation meets criteria for agricultural emergency; entry did not occur during first 4 hours or before inhalation or ventilation criteria were met; if double notification pesticide was used, time did not exceed 4 hours in 24 hours)	50	170.603(c)

F. PERSONAL PROTECTIVE EQUIPMENT 170.507(a) and (b)			
Inspector observation <input type="checkbox"/> Based on interview <input type="checkbox"/>			
	WPS Requirement	Reference Page in How To Comply	Regulatory Citation
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Did the handler employer/owner provide clean, operational PPE to the handler to meet label requirements?	62	170.507(a)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Did the handler use the clothing and PPE specified on the pesticide product labeling?	62	170.507(a)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If respirators are required and handlers are present, did handlers receive medical evaluation, fit testing and training?	68 - 73	170.507(b)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	If respirators are required, are medical evaluation, fit testing and training records maintained on the establishment for 2 years?	68 - 73	170.507(b)

  

<b>DISPOSITION OF INSPECTION</b> Describe any observations made during the inspection that may require additional attention. Attach any relevant documentation.	
Inspector Signature:	Date:

# Worker Protection Standard Inspection Manual

## Part 4: Sample List of WPS Pesticide Products

[illegible]



## Worker Protection Standard Inspection Manual

# APPENDIX C: OSHA REGULATIONS ON RESPIRATORS

### Replacement of canisters or cartridges

The WPS regulations (§170.507(d)) refer to OSHA regulations in describing when gas- or vapor-removing respirators must have canisters or cartridges replaced. The WPS regulations state that canisters or cartridges must be replaced when:

- There is the first indication of odor, taste, or irritation;
- Maximum use time is reached as determined by a change schedule conforming to OSHA 29 CFR §1910.134(d)(3)(iii)(B)(2) (see below);
- Breathing resistance is excessive;
- Required by manufacturer's directions or the label; or
- At the end of 8 hours of use if not earlier.

### **29 CFR §1910.134(d)(3)(iii)(B)(2)**

If there is no end-of-service-life indicator (ESLI) appropriate for conditions in the employer's workplace, the employer implements a change schedule for canisters and cartridges that is based on objective information or data that will ensure that canisters and cartridges are changed before the end of their service life. The employer shall describe in the respirator program the information and data relied upon and the basis for the canister and cartridge change schedule and the basis for reliance on the data.

### Respirator medical evaluation, fit testing and training

The WPS regulations require a medical evaluation, fit testing and training before a handler performs any handler activity where the respirator is required to be worn (§170.507(b)(10)(i)-(iii)) and refer to OSHA regulations at §1910.134(e). These regulations are included below:

### **§1910.134(e)**

**Medical evaluation.** Using a respirator may place a physiological burden on employees that varies with the type of respirator worn, the job and workplace conditions in which the respirator is used, and the medical status of the employee. Accordingly, this paragraph specifies the minimum requirements for medical evaluation that employers must implement to determine the employee's ability to use a respirator.

### **1910.134(e)(1)**

**General.** The employer shall provide a medical evaluation to determine the employee's ability to use a respirator, before the employee is fit tested or required to use the respirator in the

workplace. The employer may discontinue an employee's medical evaluations when the employee is no longer required to use a respirator.

**1910.134(e)(2)**

***Medical evaluation procedures.***

**1910.134(e)(2)(i)**

The employer shall identify a physician or other licensed health care professional (PLHCP) to perform medical evaluations using a medical questionnaire or an initial medical examination that obtains the same information as the medical questionnaire.

**1910.134(e)(2)(ii)**

The medical evaluation shall obtain the information requested by the questionnaire in Sections 1 and 2, Part A of Appendix C of this section.

**1910.134(e)(3)**

***Follow-up medical examination.***

**1910.134(e)(3)(i)**

The employer shall ensure that a follow-up medical examination is provided for an employee who gives a positive response to any question among questions 1 through 8 in Section 2, Part A of Appendix C or whose initial medical examination demonstrates the need for a follow-up medical examination.

**1910.134(e)(3)(ii)**

The follow-up medical examination shall include any medical tests, consultations, or diagnostic procedures that the PLHCP deems necessary to make a final determination.

**1910.134(e)(4)**

***Administration of the medical questionnaire and examinations.***

**1910.134(e)(4)(i)**

The medical questionnaire and examinations shall be administered confidentially during the employee's normal working hours or at a time and place convenient to the employee. The medical questionnaire shall be administered in a manner that ensures that the employee understands its content.

**1910.134(e)(4)(ii)**

The employer shall provide the employee with an opportunity to discuss the questionnaire and examination results with the PLHCP.

**1910.134(e)(5)**

***Supplemental information for the PLHCP.***

**1910.134(e)(5)(i)**

The following information must be provided to the PLHCP before the PLHCP makes a recommendation concerning an employee's ability to use a respirator:

**1910.134(e)(5)(i)(A)**

(A) The type and weight of the respirator to be used by the employee;

**1910.134(e)(5)(i)(B)**

The duration and frequency of respirator use (including use for rescue and escape);

**1910.134(e)(5)(i)(C)**

The expected physical work effort;

**1910.134(e)(5)(i)(D)**

Additional protective clothing and equipment to be worn; and

**1910.134(e)(5)(i)(E)**

Temperature and humidity extremes that may be encountered.

**1910.134(e)(5)(ii)**

Any supplemental information provided previously to the PLHCP regarding an employee need not be provided for a subsequent medical evaluation if the information and the PLHCP remain the same.

**1910.134(e)(5)(iii)**

The employer shall provide the PLHCP with a copy of the written respiratory protection program and a copy of this section.

**Note to Paragraph (e)(5)(iii):** When the employer replaces a PLHCP, the employer must ensure that the new PLHCP obtains this information, either by providing the documents directly to the PLHCP or having the documents transferred from the former PLHCP to the new PLHCP. However, OSHA does not expect employers to have employees medically reevaluated solely because a new PLHCP has been selected.

**1910.134(e)(6)**

**Medical determination.** In determining the employee's ability to use a respirator, the employer shall:

**1910.134(e)(6)(i)**

Obtain a written recommendation regarding the employee's ability to use the respirator from the PLHCP. The recommendation shall provide only the following information:

**1910.134(e)(6)(i)(A)**

Any limitations on respirator use related to the medical condition of the employee, or relating to the workplace conditions in which the respirator will be used, including whether or not the employee is medically able to use the respirator;

**1910.134(e)(6)(i)(B)**

The need, if any, for follow-up medical evaluations; and

**1910.134(e)(6)(i)(C)**

A statement that the PLHCP has provided the employee with a copy of the PLHCP's written recommendation.

**1910.134(e)(6)(ii)**

If the respirator is a negative pressure respirator and the PLHCP finds a medical condition that may place the employee's health at increased risk if the respirator is used, the employer shall provide a PAPR if the PLHCP's medical evaluation finds that the employee can use such a respirator; if a subsequent medical evaluation finds that the employee is medically able to use a negative pressure respirator, then the employer is no longer required to provide a PAPR.

**1910.134(e)(7)**

**Additional medical evaluations.** At a minimum, the employer shall provide additional medical evaluations that comply with the requirements of this section if:

**1910.134(e)(7)(i)**

An employee reports medical signs or symptoms that are related to ability to use a respirator;

**1910.134(e)(7)(ii)**

A PLHCP, supervisor, or the respirator program administrator informs the employer that an employee needs to be reevaluated;

**1910.134(e)(7)(iii)**

Information from the respiratory protection program, including observations made during fit testing and program evaluation, indicates a need for employee reevaluation; or

**1910.134(e)(7)(iv)**

A change occurs in workplace conditions (e.g., physical work effort, protective clothing, temperature) that may result in a substantial increase in the physiological burden placed on an employee.

**1910.134(f)**

**Fit testing.** This paragraph requires that, before an employee may be required to use any respirator with a negative or positive pressure tight-fitting facepiece, the employee must be fit tested with the same make, model, style, and size of respirator that will be used. This paragraph specifies the kinds of fit tests allowed, the procedures for conducting them, and how the results of the fit tests must be used.

**1910.134(f)(1)**

The employer shall ensure that employees using a tight-fitting facepiece respirator pass an appropriate qualitative fit test (QLFT) or quantitative fit test (QNFT) as stated in this paragraph.

**1910.134(f)(2)**

The employer shall ensure that an employee using a tight-fitting facepiece respirator is fit tested prior to initial use of the respirator, whenever a different respirator facepiece (size, style, model or make) is used, and at least annually thereafter.

**1910.134(f)(3)**

The employer shall conduct an additional fit test whenever the employee reports, or the employer, PLHCP, supervisor, or program administrator makes visual observations of, changes in the employee's physical condition that could affect respirator fit. Such conditions include, but are not limited to, facial scarring, dental changes, cosmetic surgery, or an obvious change in body weight.

**1910.134(f)(4)**

If after passing a QLFT or QNFT, the employee subsequently notifies the employer, program administrator, supervisor, or PLHCP that the fit of the respirator is unacceptable, the employee shall be given a reasonable opportunity to select a different respirator facepiece and to be retested.

**1910.134(f)(5)**

The fit test shall be administered using an OSHA-accepted QLFT or QNFT protocol. The OSHA-accepted QLFT and QNFT protocols and procedures are contained in Appendix A of this section.

**1910.134(f)(6)**

QLFT may only be used to fit test negative pressure air-purifying respirators that must achieve a fit factor of 100 or less.

**1910.134(f)(7)**

If the fit factor, as determined through an OSHA-accepted QNFT protocol, is equal to or greater than 100 for tight-fitting half facepieces, or equal to or greater than 500 for tight-fitting full facepieces, the QNFT has been passed with that respirator.

**1910.134(f)(8)**

Fit testing of tight-fitting atmosphere-supplying respirators and tight-fitting powered air-purifying respirators shall be accomplished by performing quantitative or qualitative fit testing in the negative pressure mode, regardless of the mode of operation (negative or positive pressure) that is used for respiratory protection.

**1910.134(f)(8)(i)**

Qualitative fit testing of these respirators shall be accomplished by temporarily converting the respirator user's actual facepiece into a negative pressure respirator with appropriate filters, or by using an identical negative pressure air-purifying respirator facepiece with the same sealing surfaces as a surrogate for the atmosphere-supplying or powered air-purifying respirator facepiece.

**1910.134(f)(8)(ii)**

Quantitative fit testing of these respirators shall be accomplished by modifying the facepiece to allow sampling inside the facepiece in the breathing zone of the user, midway between the nose and mouth. This requirement shall be accomplished by installing a permanent sampling probe onto a surrogate facepiece, or by using a sampling adapter designed to temporarily provide a means of sampling air from inside the facepiece.

**1910.134(f)(8)(iii)**

Any modifications to the respirator facepiece for fit testing shall be completely removed, and the facepiece restored to NIOSH-approved configuration, before that facepiece can be used in the workplace.

**1910.134(g)**

**Use of respirators.** This paragraph requires employers to establish and implement procedures for the proper use of respirators. These requirements include prohibiting conditions that may result in facepiece seal leakage, preventing employees from removing respirators in hazardous environments, taking actions to ensure continued effective respirator operation throughout the work shift, and establishing procedures for the use of respirators in IDLH atmospheres or in interior structural firefighting situations.

**1910.134(g)(1)*****Facepiece seal protection.*****1910.134(g)(1)(i)**

The employer shall not permit respirators with tight-fitting facepieces to be worn by employees who have:

**1910.134(g)(1)(i)(A)**

Facial hair that comes between the sealing surface of the facepiece and the face or that interferes with valve function; or

**1910.134(g)(1)(i)(B)**

Any condition that interferes with the face-to-facepiece seal or valve function.

**1910.134(g)(1)(ii)**

If an employee wears corrective glasses or goggles or other personal protective equipment, the employer shall ensure that such equipment is worn in a manner that does not interfere with the seal of the facepiece to the face of the user.

**1910.134(g)(1)(iii)**

For all tight-fitting respirators, the employer shall ensure that employees perform a user seal check each time they put on the respirator using the procedures in Appendix B-1 or procedures recommended by the respirator manufacturer that the employer demonstrates are as effective as those in Appendix B-1 of this section.

**1910.134(g)(2)**

***Continuing respirator effectiveness.***

**1910.134(g)(2)(i)**

Appropriate surveillance shall be maintained of work area conditions and degree of employee exposure or stress. When there is a change in work area conditions or degree of employee exposure or stress that may affect respirator effectiveness, the employer shall reevaluate the continued effectiveness of the respirator.

**1910.134(g)(2)(ii)**

The employer shall ensure that employees leave the respirator use area:

**1910.134(g)(2)(ii)(A)**

To wash their faces and respirator facepieces as necessary to prevent eye or skin irritation associated with respirator use; or

**1910.134(g)(2)(ii)(B)**

If they detect vapor or gas breakthrough, changes in breathing resistance, or leakage of the facepiece; or

**1910.134(g)(2)(ii)(C)**

To replace the respirator or the filter, cartridge, or canister elements.

**1910.134(g)(2)(iii)**

If the employee detects vapor or gas breakthrough, changes in breathing resistance, or leakage of the facepiece, the employer must replace or repair the respirator before allowing the employee to return to the work area.

**Training Requirements**

**1910.134(k)**

***Training and information.*** This paragraph requires the employer to provide effective training to employees who are required to use respirators. The training must be comprehensive, understandable, and recur annually, and more often if necessary. This paragraph also requires the employer to provide the basic information on respirators in Appendix D of this section to employees who wear respirators when not required by this section or by the employer to do so.

**1910.134(k)(1)**

The employer shall ensure that each employee can demonstrate knowledge of at least the following:

**1910.134(k)(1)(i)**

Why the respirator is necessary and how improper fit, usage, or maintenance can compromise the protective effect of the respirator;

**1910.134(k)(1)(ii)**

What the limitations and capabilities of the respirator are;

**1910.134(k)(1)(iii)**

How to use the respirator effectively in emergency situations, including situations in which the respirator malfunctions;

**1910.134(k)(1)(iv)**

How to inspect, put on and remove, use, and check the seals of the respirator;

**1910.134(k)(1)(v)**

What the procedures are for maintenance and storage of the respirator;

**1910.134(k)(1)(vi)**

How to recognize medical signs and symptoms that may limit or prevent the effective use of respirators; and

**1910.134(k)(1)(vii)**

The general requirements of this section.

**1910.134(k)(2)**

The training shall be conducted in a manner that is understandable to the employee.

**1910.134(k)(3)**

The employer shall provide the training prior to requiring the employee to use a respirator in the workplace.

**1910.134(k)(4)**

An employer who is able to demonstrate that a new employee has received training within the last 12 months that addresses the elements specified in paragraph (k)(1)(i) through (vii) is not required to repeat such training provided that, as required by paragraph (k)(1), the employee can demonstrate knowledge of those element(s). Previous training not repeated initially by the employer must be provided no later than 12 months from the date of the previous training.

**1910.134(k)(5)**

Retraining shall be administered annually, and when the following situations occur:

**1910.134(k)(5)(i)**

Changes in the workplace or the type of respirator render previous training obsolete;

**1910.134(k)(5)(ii)**

Inadequacies in the employee's knowledge or use of the respirator indicate that the employee has not retained the requisite understanding or skill; or

**1910.134(k)(5)(iii)**

Any other situation arises in which retraining appears necessary to ensure safe respirator use.

**1910.134(k)(6)**

The basic advisory information on respirators, as presented in Appendix D of this section, shall be provided by the employer in any written or oral format, to employees who wear respirators when such use is not required by this section or by the employer.

## Worker Protection Standard Inspection Manual

### APPENDIX D: TABLE—ENTRY RESTRICTIONS DURING ENCLOSED SPACE PRODUCTION PESTICIDE APPLICATIONS 170.405(B)(4)

A. When a pesticide is applied:	B. Workers and other persons, other than appropriately trained and equipped handlers, are prohibited in:	C. Until:	D. After the expiration of time specified in column C, the area subject to the restricted-entry interval is:
(1) As a fumigant	Entire enclosed space plus any adjacent structure or area that cannot be sealed off from the treated area	The ventilation criteria of paragraph (b)(3) <sup>a</sup> of this section are met	No post-application entry restrictions required by §170.407 after criteria in column C are met.
(2) As a (i) Smoke, or (ii) Mist, or (iii) Fog, or (iv) As a spray using a spray quality (droplet spectrum) of smaller than medium	Entire enclosed space	The ventilation criteria of paragraph (b)(3) <sup>a</sup> of this section are met	Entire enclosed space.
(3) Not as in (1) or (2), and for which a respiratory protection device is required for application by the pesticide product labeling	Entire enclosed space	The ventilation criteria of paragraph (b)(3) <sup>a</sup> of this section are met	Treated area.
(4) Not as in (1), (2) or (3), and: (i) From a height of greater than 12 inches from the planting medium, or	Treated area plus 25 feet in all directions of the treated area, but not outside the enclosed space	Application is complete	Treated area.



(ii) As a spray using a spray quality (droplet spectrum) of medium or larger			
5) Otherwise	Treated area	Application is complete	Treated area.

<sup>a</sup> When Column C of the Table under paragraph (b)(4) of this section specifies that ventilation criteria must be met, ventilation must continue until the air concentration is measured to be equal to or less than the inhalation exposure level required by the labeling. If no inhalation exposure level is listed on the labeling, ventilation must continue until after one of the following conditions is met:

- (i) Ten air exchanges are completed.
- (ii) Two hours of ventilation using fans or other mechanical ventilating systems.
- (iii) Four hours of ventilation using vents, windows, or other passive ventilation.
- (iv) Eleven hours with no ventilation followed by one hour of mechanical ventilation.
- (v) Eleven hours with no ventilation followed by two hours of passive ventilation.
- (vi) Twenty-four hours with no ventilation.

## APPENDIX E: WPS APPLICATION ZONE REQUIREMENTS

### QUESTION AND ANSWER FACT SHEET

#### U.S. Environmental Protection Agency

#### Question and Answer Fact Sheet

#### Worker Protection Standard (WPS)

#### Application Exclusion Zone (AEZ) Requirements

**Q: What is the “Application Exclusion Zone” or AEZ?**

A: The “Application Exclusion Zone” or AEZ is a new term used in the WPS rule and refers to the area surrounding the pesticide application equipment that must be free of all persons other than appropriately trained and equipped handlers during pesticide applications.

**Q: How is the AEZ measured and the size of the AEZ determined?**



*The AEZ is the purple area around the application equipment. It moves with the application equipment as it proceeds. The AEZ is generally within the treated area, except when the application equipment is near the edges of the treated area.*

A: The AEZ is measured from the application equipment. The AEZ also moves with the application equipment like a halo around the application equipment.

The size of an AEZ varies depending on the type of application and other factors, including droplet size, and height of nozzles above the planting medium. The AEZ is 100 feet for aerial, air blast, fumigant, smoke, mist and fog applications, as well as spray applications using very fine or fine droplet sizes (a volume median droplet diameter (VMD) size of less than 294 microns). An AEZ of 25 feet is required when the pesticide is sprayed using droplet sizes of medium or larger and from more than 12 inches above the plant medium. An application that does not fall into one of these categories does not require an AEZ.

**Q: I am confused as to whether the new WPS requirements related to the AEZ apply to the agricultural employer or the handler making the application. Please clarify.**

A: There are several different requirements regarding the AEZ in the revised WPS. First, the WPS provision at 170.405(a)(1) establishes the applicable AEZ distances. This is a generic description of the AEZ and is independent of the location (on or off the establishment).

Second, the WPS provision at 170.405(a)(2) establishes a requirement for the agricultural employer to not allow any workers or other persons in the AEZ within the boundaries of the establishment until the application is complete. Compliance is required with this requirement beginning January 2, 2017.

Third, the provision at 170.505(b) establishes a requirement for the handler to suspend the application if any workers or other persons are anywhere in the AEZ. This requirement is NOT limited to the boundaries of the establishment. This applies to any area on or off the establishment within the AEZ while the application is ongoing. Please note that this is one of the WPS provisions that is delayed in implementation until January 2, 2018, to allow time for the handlers to receive training on the new requirement.

The requirement for the agricultural employer to keep persons out of the AEZ only applies within the boundaries of the establishment because the agricultural employer cannot be expected to control persons off the establishment. The “suspend application” provision does apply beyond the boundaries of the establishment because the handler (applicator) and handler employer DO have control over the pesticide application and are subject to a WPS requirement to apply the pesticide in a way that will not contact workers or other persons on or off the establishment.

**Q: What are the agricultural employer’s responsibilities related to the pesticide applications and the new AEZ requirements, and when does this requirement go into effect?**

A: The agricultural employer has two responsibilities related to the pesticide applications and the new AEZ requirements:

- During any WPS-covered pesticide application, the agricultural employer must keep workers and all other persons (other than appropriately trained and equipped handlers involved in the application) out of the treated area and the AEZ within the boundary of the agricultural establishment. This includes people occupying migrant labor camps or other housing or buildings that are located on the agricultural establishment.
- The agricultural employer may not allow a pesticide to be applied while any worker or other person on the establishment is in the treated area or within the AEZ.

(Note that if the agricultural employer is also the handler making the pesticide application, he or she must suspend a pesticide application if any worker or other person is within the AEZ beyond the boundary of the agricultural establishment.) The requirements related to the AEZ will go into effect January 2, 2017.

**Q: Does the agricultural employer have WPS responsibilities related to the new AEZ requirements if workers or other persons are off his/her establishment?**

A: The AEZ requirement at §170.405(a) imposes no responsibilities on an agricultural employer in regard to workers or other persons who are not on the agricultural establishment as long as the agricultural employer is not the pesticide applicator. If the agricultural employer is also the handler making the pesticide application, then §170.505 would require him/her to suspend a pesticide

application if any worker or other person is within the AEZ beyond the boundary of the agricultural establishment.

**Q: What are the applicator's/pesticide handler's responsibilities related to the pesticide applications and the new AEZ requirements, and when does this requirement go into effect?**

A: Starting January 2, 2018, the handler performing the application must immediately suspend the pesticide application if any worker or other person, other than an appropriately trained and equipped handler involved in the application, is in the AEZ, regardless of whether such persons are on or off the establishment.

**Q: Why is the implementation date for the handler's requirement to suspend a pesticide application if workers or other persons are in the AEZ delayed until January 2, 2018?**

A: The implementation date for this requirement is delayed until January 2, 2018, to allow time for pesticide handlers to receive training on the new requirement.

**Q: As noted above, the pesticide handler performing the application must immediately suspend the pesticide application if any worker or other person, other than an appropriately trained and equipped handler involved in the application, is in the AEZ, regardless of whether such persons are on or off the establishment. When and under what circumstances can a handler resume a pesticide application?**

A: If the AEZ stretches beyond the property of the agricultural establishment being treated, and a worker or other person is in this portion of the AEZ, the applicator must temporarily suspend the application, and may not proceed until the applicator can ensure that the pesticide will not contact any persons that are in the AEZ area that extends beyond the boundary of the establishment. This is explained in more detail in EPA's Interpretive Policy below.

The agricultural employer may not allow a pesticide to be applied, or a suspended application to be resumed, while any worker or other person on the establishment is in the treated area or within the AEZ. Note that both the handler employer and the handler are required to ensure that no workers or other persons, other than appropriately trained and equipped handlers involved in the application, are ever contacted by a pesticide, either directly or through drift, regardless of whether such persons are on or off the establishment or beyond the boundary of the AEZ.

## **Interpretive Policy on when a handler may resume a suspended application when a person is in the AEZ**

**Q:** The final WPS rule contains a provision at 170.505(b) that says: After January 2, 2018, the handler performing the application must immediately suspend a pesticide application if any worker or other person, other than an appropriately trained and equipped handler involved in the application, is in the application exclusion zone (AEZ) described in § 170.405(a)(1) or the area specified in column B of the Table in § 170.405(b)(4). We understand this requirement for the handler to suspend the application if workers or other persons are in the AEZ applies even when the workers or other persons are not on the agricultural establishment. However, the rule does not state when the handler may resume a pesticide application if the application was suspended because workers or other persons were in the AEZ but off the establishment property. In this situation, the employer does not have WPS responsibility to keep those other persons out of the AEZ, but also does not have control over those other persons and cannot make them move. Please clarify when the handler may resume the application.

**A:** If workers or other persons are within the AEZ, the handler must suspend the application whether the workers and other persons are located on or off the agricultural establishment. Before resuming the application when workers and other persons are in the AEZ but located off the establishment, the handler must take measures to ensure that such workers and other persons will not be contacted by the pesticide application either directly or through drift. Examples of such measures include assessing the wind and other weather conditions to confirm they will prevent workers or other persons from being contacted by the pesticide either directly or through drift; adjusting the application method or employing drift reduction measures in such a way to ensure that resuming the application will not result in workers or other persons off the establishment being contacted by the pesticide; asking the workers or other persons to move out of the AEZ until the application is complete; or adjusting the treated area or the path of the application equipment away from the workers or other persons so they would not be in the AEZ. The handler may resume the pesticide application when a worker or other person is in the AEZ only if the handler can ensure that it can be carried out in compliance with all of the pesticide's applicable labeling requirements and restrictions, and that workers and other persons on and off the establishment will not be contacted by the pesticide as a result of the application except as may be permitted by the pesticide's labeling. It is important to note that this answer *only* applies in regard to workers and other persons beyond the boundaries of the establishment; if a handler were to resume an application while workers or other persons *on* the establishment are still within the AEZ, that would give rise to a violation of § 170.405.

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### APPENDIX F: ADDITIONAL RESOURCES

1. Title VI of Civil Rights Act of 1964 at: <https://www.epa.gov/civilrights/t6facts.htm>
2. EPA's Title VI - Policies, Guidance, Settlements, Laws and Regulations:  
<https://www.epa.gov/ocr/epas-title-vi-policies-guidance-settlements-laws-and-regulations>
3. Limited English Proficiency federal home page at: <https://www.lep.gov/>
4. Pesticides Educational Resources Collaborative: <http://www.pesticideresources.org/>