

Are you Ready for a WPS Inspection?

by Joanne Kick-Raack

Director, Pesticide Education Program

Ohio State University Extension

In March 2000, the General Accounting Office (GAO) issued a report on the implementation of the Worker Protection Standard in the United States that was critical of EPA. In essence, the report indicated that EPA and its state partners (usually state departments of agriculture) were not doing an adequate job of enforcement and needed to improve compliance and enforcement for greater worker protection.

Subsequently, as a result of oversight inspections of the six states (including Ohio) in Region 5 EPA, the regional office determined that, in general, the Region 5 states needed to improve their WPS inspections and enforcement. As a result, EPA is increasing pressure on the Ohio Department of Agriculture and other states to increase enforcement activities.

The objective for states is to ensure that each state inspector conducts comprehensive inspections, uses good interview techniques, collects sufficient evidence to document violations and writes a report that indicates the compliance status of the inspected ag establishment.

What does this mean for growers in Ohio? Likely the total number of inspections will not increase because the number of inspectors (currently 9) to cover all of Ohio has not increased. However, the depth and detail of those inspections will be greater. Also, WPS inspections will be more likely to occur in minor crop industries that have the majority of workers such as greenhouse, nursery, fruit and vegetable operations. Much of field crop production does not involve workers and hand-labor tasks and is not the major target for WPS enforcement.

Does worker protection apply to my operation?

If you are a small operation that employs only immediate family, most of the WPS requirements do not apply. However, whenever you have workers on your operation working in areas that have had pesticides with WPS labeling applied within the last 30 days, then WPS does apply.

Who is a worker?

Growers often ask whether these requirements apply to customers or to friends that may help a grower. If you have friends that volunteer for a day to help you and they do not receive any form of payment, WPS does not apply. Most WPS provisions do not apply to customers either or to immediate family. The WPS is an occupational health standard for employees. A worker is someone who gets paid to perform tasks related to the cultivation and harvesting of plants. However, you are not allowed to let an application of pesticides contact anyone and restricted entry intervals apply to everyone. And, if a friend or family member is helping you, you certainly would want to provide proper protective gear and information and decontamination sites when necessary.

What will an inspector look for?

Below is a checklist of key items that an inspector will be reviewing at your business. The inspector may also cross-check labels with your application records, central information, and the personal protective equipment you have provided to make sure that you are following the directions on the label and providing correct information about applications to your workers and handlers. He/she will also be conducting interviews with your employees to determine if they are receiving training, proper notification (oral or signs) and observing REI's and being supplied PPE.

What have been the key problems that inspectors have found?

Based on Ohio 2001 data, growers have been strong in providing decontamination sites, observing REI's and notification. However, actual compliance with REI's and notification has not been easy to determine. Providing PPE has been generally good but could use improvement. The two areas of weakness have been training and central information. Compliance in these areas were initially higher but has been slipping in

recent years. Some grumbling by employers indicates that they feel that the central information is not read by employees. Regardless, a key component of this regulation is that workers have a right to be informed of the pesticides that they may come in contact with. And, accordingly, inspectors will be checking to see that up-to-date central information is in place and that safety training is occurring. Be aware that under the regulation workers must be retrained every 5 years. Documentation of this training should be kept in each employee's personnel file .

Overall, approximately 20% of those establishments inspected had little or no compliance. Nurseries averaged 83% compliance and greenhouses 76% compliance.

Key things to do:

1. Make training and communication to your workers a priority. Workers must receive at least "basic" safety information before they enter a treated area. The complete worker training must be done before the 6th day of their working in an area that has been treated and under an REI in the last 30 days. A grower can accept evidence of training by someone else but many feel you are better off to train your own workers rather than rely on the validity of training elsewhere. Ohio does not have an approved training card for this reason. Handlers must be trained before they do any "handling" activity. Individuals who are licensed applicators or have received "Trained Serviceman" training that meets Ohio's Pesticide Law criteria are considered trained.
2. Post application information, emergency information and the safety poster in a central location that is ACCESSIBLE to employees. Information in your office in the computer is not considered accessible to employees.
3. Provide proper personal protective equipment that is in good condition and clean. Provide convenient soap, water and towels (decontamination sites).
4. Notify your workers where applications are being made or where REI's are in effect and post appropriate signs when required. Monitor fumigation applications and ventilate greenhouses properly.

Remember... the key intent of this regulation was to protect your business's most valuable asset –your employees-- from any possible long-term health effects from pesticides in the work place. Overall, you can achieve this by informing workers of applications, taking steps to reduce exposure, and being prepared to provide emergency assistance if that is ever necessary.

Where can I get more information?

An overview of the WPS for the floriculture industry is provided in the OFA publication "Tips on Managing Floriculture Crop Problems". Some of the recent changes/ exceptions are noted. Also highlighted are specific requirements for greenhouses.

In general, much of the information in the original WPS how-to-comply manual still applies and it is the most comprehensive source of all the requirements.

You should also have a WPS poster for display, handler training manuals, and worker training manuals. All are available through Gempler's as are approved training videotapes for conducting worker or handler training. All materials are available in English and Spanish.