

How-To-Comply with the Revised 2015 Worker Protection Standard for Agricultural Pesticides (WPS) - What Employers Need to Know About WPS Respirator Requirements

(Draft 3/11/16)

Key Requirements

- EPA's amendments to the Worker Protection Standard for Agricultural Pesticides (WPS), 40 CFR part 170, as published on November 2, 2015, require employers to comply with new WPS requirements related to use of respirators that are effective January 2, 2017. This fact sheet provides information to help you comply with the new WPS respirator-related requirements.*
- Starting January 2, 2017, before any handler employee on WPS-covered establishments performs any handler activity where a respirator is required to be worn by the pesticide product labeling, the handler employer must comply with the following requirements:
 - Provide handlers with a medical evaluation by a physician or other licensed health care professional to ensure the handler's physical ability to safely wear the respirator(s) required by the labeling of the pesticide product(s) being used. The medical evaluation must be conducted in conformance with the provisions of 29 CFR 1910.134(e). See the reg text at http://www.ecfr.gov/cgi-bin/text-idx?SID=d8904252ae8054eb0d6093140c82cb25&mc=true&node=pt29.5.1910&rqn=div5#se29.5.1910_1134
 - Provide handlers with fit testing using the respirator(s) required by the labeling of the pesticide product(s) being used. Fit testing must be conducted with the same make, model, style and size respirator that the handler wears, must be in conformance with the provisions of 29 CFR 1910.134(f) and must be repeated at least annually.
 - Provide handlers with training in the use of the respirator(s) required by the labeling of the pesticide product(s) being used. Training must be conducted in conformance with the provisions of 29 CFR 1910.134(k)(1)(i) through (vi) and must be repeated annually.
- Starting January 2, 2017, handler employers must also maintain records documenting the completion of the WPS requirements for fit testing, training and medical evaluation related to use of respirators. The records must be maintained on the establishment for two years and must include:
 - A copy of the medical recommendation from the physician or licensed health care professional with a determination of whether or not the employee is medically able to use a respirator, any limitations on respirator use, and the need for any follow-up medical evaluations. Note: The WPS only requires this to be kept for two years but the medical evaluation could remain valid for longer. In this case, it is in the handler employer's best interest to keep the medical recommendation until another medical evaluation is conducted after the two-year period expires.
 - The fit test records, including the name of the handler tested; type of fit test performed; make, model and size of the respirator tested; date; and the results of the fit test.
 - Records documenting completion of the respirator training.

- Handler employers must ensure that when gas- or vapor-removing respirators are used, the gas- or vapor-removing canisters or cartridges are replaced before further respirator use when any of the following conditions is met: 1) at the first indication of odor, taste, or irritation by the wearer; 2) when breathing resistance becomes excessive for the wearer; 3) when required according to manufacturer's recommendations or pesticide product labeling instructions, whichever is more frequent; 4) in the absence of any other instructions or indications of service life, at the end of eight hours of cumulative use; or 5) when the maximum use time is reached as determined by a change schedule that conforms to the provisions of 29 CFR 1910.134(d)(3)(iii)(B)(2).
- Handler employers must ensure that when particulate filtering facepiece respirators are used, the respirator is replaced when any of the following conditions is met: 1) when breathing resistance becomes excessive; 2) when the filter element has physical damage or tears; 3) according to the manufacturer's recommendations or pesticide product labeling, whichever is more frequent; 4) in the absence of any other instructions or indications of service life, at the end of eight hours of cumulative use.

Informational Resources

- For additional information about how to comply with the new WPS requirements to provide respirator fit testing, training and a medical evaluation that conform with OSHA's referenced rules and requirements, see OSHA's small entity compliance guidance provided at: <https://www.osha.gov/Publications/3384small-entity-for-respiratory-protection-standard-rev.pdf>. This guidance document provides small entities with a comprehensive step-by-step guide, complete with checklists and commonly asked questions that will aid employers in understanding of and complying with OSHA's respiratory protection requirements.
- For more specific information about how to provide a medical evaluation that complies with OSHA's provisions, see OSHA's guidance: <https://www.osha.gov/Publications/OSHA3789info.pdf>. This resource helps employers understand how to conduct medical evaluations for workers who must wear a respirator and includes the mandatory minimum required medical questionnaire for these evaluations.
- For a complete list of OSHA resources available related to respiratory protection, see <https://www.osha.gov/SLTC/respiratoryprotection/guidance.html>. This webpage provides links to a variety of guidance documents, web pages, and online tools related to respiratory protection.
- For complete information about the WPS requirements related to respirator use or other WPS rule requirements refer to the final WPS rule: <http://www.ecfr.gov/cgi-bin/text-idx?SID=6c42ceae410679ccd5af8568dd88ac21&mc=true&node=pt40.24.170&rgn=div5>. For additional information about the WPS, see: <http://www.epa.gov/pesticide-worker-safety>.
- For questions about how to comply with the WPS requirements related to respirator use or other WPS rule requirements, contact Nancy Fitz at fitz.nancy@epa.gov or Richard Pont at pont.richard@epa.gov.

*This fact sheet provides information to help you comply with the requirements of the Federal Worker Protection Standard (WPS) for agricultural pesticides, 40 CFR part 170, as published in 1992 and as amended in 1995, 1996, 2004 and 2015. This fact sheet provides a summary of some of the WPS requirements but does not include all of the information necessary to be in compliance with the WPS, nor does it contain all of the requirements of the WPS. EPA may issue additional guidance about the WPS, and the WPS may be amended in the future. Check with your state or tribal agency responsible for pesticides for further information and updates.