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DEPARTMENT OF AGRICULTURE

WORKER PROTECTION STANDARD, CERTIFICATION & TRAINING RULE, AND RECORDKEEPING REQUIREMENTS

Chlorpyrifos Work Group
January 23, 2020

GILBERT URIBE &
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PESTICIDE REGISTRATION & CERTIFICATION SPECIALISTS
PESTICIDES PROGRAM

OVERVIEW

- **WPS**
  - Brief Background
  - Changes to New WPS
  - Key Elements of WPS
- **Certification & Licensing**
- **Recordkeeping Requirements**

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WORKER PROTECTION STANDARD

GILBERT URIBE
PESTICIDES PROGRAM

PRIMARY GOAL OF THE WORKER PROTECTION STANDARD (WPS)

"Prevent unreasonable adverse effects from exposure to pesticides among agricultural workers and pesticide handlers, vulnerable groups and other persons who may be on or near agricultural establishments, and to mitigate exposures that do occur."

Complete WPS Rule (40 CFR 170): https://www.ecfr.gov/cgi-bin/text-idx?SID=9c977dceaf9c753cb49aa3cd453ae7a6&mc=true&node=pt40.24.170&rgn=div5

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HISTORICAL OVERVIEW

- **1974 –** First version of WPS
- **1983 –** Review of shortcomings
- **1992 –** Updated rule finalized
- **2014** – New revisions proposed
- **2015** – Final Rule published

16888 RULES AND REGULATIONS

cause has been found for publishing it as final rulemaking and for making it effective immediately.

(Sections 110(c), 301(a) of the Clean Air Act, 42 U.S.C. 1857c-5(c), 1857g)

Dated: May 3, 1974.

JOHN QUARLES,
Acting Administrator.

Section 52.255 of Part 52 of Chapter I, Title, Title 40 of the Code of Federal Regulations is amended as follows:

§ 52.255 Gasoline Transfer Vapor Control.

* * * * *

(c) * * *

(2) * * *

(iii) Facilities that do not have more than a 20,000 gallon per day throughput and distribute less than 10 percent of daily volume to delivery vessels that in turn service storage tanks that are required to have a vapor return or vapor balance system will not be required to have a vapor recovery system in operation before January 1, 1977. Facilities that exclusively service delivery vehicles which in turn service storage tanks that do not have a required vapor return or vapor balance system will not be required to have a vapor recovery system.

(FR Doc.74-10890 Filed 5-9-74;8:45 am)

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Benomyl

A petition (PP 4F1621) was filed by E.I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for combined residues of the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) in or on the raw agricultural commodities bean vine forage at 50 parts per million and beans at 2 parts per million.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The fungicide is useful for the purpose for which the tolerances are being established.

2. The tolerances established by this in meat and milk are adequate to cover residues resulting from the proposed and established uses and § 180.6(a)(1) applies for milk and § 180.6(a)(2) applies for meat. Residues from the proposed use are not expected in eggs and poultry.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (36 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.294 is amended by adding the new paragraph "50 parts per million * * *" and by revising the paragraph "2 parts per million * * *", as follows:

§ 180.294 Benomyl; tolerances for residues.

* * * * *

50 parts per million in or on bean vine forage.

* * * * *

2 parts per million in or on beans and peanut hulls.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before June 10, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1018E, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on May 10, 1974.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: May 6, 1974.

HENRY J. KORS,
Deputy Assistant Administrator for Pesticide Programs.

(FR Doc.74-10810 Filed 5-9-74;8:45 am)

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Profluralin; Correction

In FR Doc. 74-8457, appearing at page 13250, in the issue for Friday, April 12, 1974, on page 13260, § 180.248, the word reading "cyclopropylmethyl" in the third line should be corrected to read "cyclopropylmethyl."

PART 170—WORKER PROTECTION STANDARDS FOR AGRICULTURAL PESTICIDES

Restatement of Certain Existing Standards

The Environmental Protection Agency adopts this Part 170 as standards and procedures governing worker protection requirements for pesticides and herein reiterates certain existing requirements having a bearing on this area.

Background information and basis for the standards. Since 1947 pesticide products have been subject to regulation under the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA," 7 U.S.C. 135 et seq.) and have been and are required to be properly registered with the Agency. Before a pesticide was registered by the Agency, products were reviewed and evaluated with respect to usefulness and the risks they posed to man, beneficial animals, and the environment. The evaluation of risks included consideration of potential hazards to pesticide applicators and others including farm workers who might come in contact with the product during transportation, storage, application, or after the product has been applied. After an evaluation of these risks, determinations were made as to directions for use, warning statements, and restrictions, including reentry times, necessary to protect man and the environment.

Concern for the protection of all persons, including farm workers, who might be exposed to pesticides during and after application has been an integral part of the FIFRA registration process for many years. Restrictions against workers entering treated fields have been required for many pesticide products. These restrictions include label requirements specifying a permissible field reentry time to requirements for protective clothing, warnings against unnecessarily exposing workers to the risks posed by pesticides and specific exposure precautions. Since pesticide products on the market vary widely in toxicity and formulations, label requirements by EPA and predecessor Agencies, have been established on the basis of a careful chemical and crop use analysis.

The 1972 Amendments to the Federal Insecticide, Fungicide and Rodenticide Act (86 Stat. 973) retain pesticide registration and labeling as the primary standard setting vehicle. But the statute broadens Federal pesticide regulatory authority by making it "unlawful for any person to use any registered pesticide in a manner inconsistent with its labeling" (7 U.S.C. 136j(a)(2)(G)). These new provisions are essential to the broad purpose of the new Act to protect man and the environment from unreasonable adverse effects of pesticides.

Notices of proposed rulemaking. Pursuant to its authority and responsibility under FIFRA, as amended, to provide protection for farm workers exposed to pesticides, a notice was published in the Federal Register on July 21, 1973 (38 FR 20361) notifying interested parties of the intent of EPA to hold public hearings on the subject of farm worker protection and proposing certain standards in this area. The schedule of hearings was amended by further notices in the Federal Register on August 31 and October 12, 1973 (38 FR 21684, 28 FR 23558). Hearings at 13 locations throughout the

FEDERAL REGISTER, VOL. 39, NO. 93—FRIDAY, MAY 10, 1974

History of the WPS regulations: https://www.federalregister.gov/documents/2014/03/19/2014-04761/pesticides-agricultural-worker-protection-standard-revisions#h-31

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2015 REVISIONS TO WPS

Strengthen elements of the existing regulation, such as:

- training
- notification
- pesticide safety and hazard communication information
- use of personal protective equipment
- the provision of supplies for routine washing and emergency decontamination

67496 Federal Register / Vol. 80, No. 211 / Monday, November 2, 2015 / Rules and Regulations

ENVIRONMENTAL PROTECTION AGENCY

40 CFR 170

[EPA–HQ–OPP–2011–0184; FRL–9931–81]

RIN 2070–AJ22

Pesticides; Agricultural Worker Protection Standard Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing updates and revisions to the existing worker protection regulation for pesticides. This final rule will enhance the protections provided to agricultural workers, pesticide handlers, and other persons under the Worker Protection Standard (WPS) by strengthening elements of the existing regulation, such as training, notification, pesticide safety and hazard communication information, use of personal protective equipment, and the providing of supplies for routine washing and emergency decontamination. EPA expects this final rule to prevent unreasonable adverse effects from exposure to pesticides among agricultural workers and pesticide handlers, vulnerable groups (such as minority and low-income populations, child farmworkers, and farmworker families) and other persons who may be on or near agricultural establishments, and to mitigate exposures that do occur. In order to reduce compliance burdens for family-owned farms, in the final rule EPA has expanded the existing definition of "immediate family" and continued the existing exemption from many provisions of the WPS for owners and members of their immediate families.

DATES: This final rule is effective January 1, 2016. Agricultural employers and handler employers will be required to comply with most of the new requirements on January 2, 2017, as provided in 40 CFR 170.2. Agricultural employers and handler employers will be required to comply with certain new requirements on January 1, 2018 or later, as provided in 40 CFR 170.311(a)(3), 170.401(c)(3), 170.501(c)(3) and 170.505(b).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2011–0184, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Jeanne Kasai, Field and External Affairs Division (7506P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–3240; email address: *kasai.jeanne@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. What is the Agency's authority for taking this action?

This action is issued under the authority of sections 2 through 35 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136–136y, and particularly section 25(a), 7 U.S.C. 136w(a).

B. What is the purpose of the regulatory action?

EPA is revising the existing Worker Protection Standard (WPS), 40 CFR part 170, to reduce occupational pesticide exposure and incidents of related illness among agricultural workers (workers) and pesticide handlers (handlers) covered by the rule, and to protect bystanders and others from exposure to agricultural pesticide use. This regulation, in combination with other components of EPA's pesticide regulatory program, is intended to prevent unreasonable adverse effects of pesticides among workers, handlers and other persons who may be on or near agricultural establishments, including vulnerable groups, such as minority and low-income populations.

C. What are the major changes from the proposal to the final rule?

This final rule revises the existing WPS. Some significant changes are described in this Unit. Units V. through XIX. discuss in more detail the proposed rule, public comments submitted, EPA's responses to the public comments, and final regulatory requirements.

In regard to training, the final rule retains the proposed content expansions (including how to protect family members and reduce take-home exposure) and the requirement for employers to ensure that workers and handlers receive pesticide safety training every year. Employers are required to retain records of the training provided to workers and handlers for two years from the date of training. The final rule eliminates the training "grace period," which allowed employers to delay providing full pesticide safety training to workers (for up to 5 days under the existing rule and for up to two days under the proposal) from the time worker activities began, if the workers received an abbreviated training prior to entering any treated area.

In regard to notification, the final rule retains the proposed requirements for employers to post warning signs around treated areas in outdoor production when the product used has a restricted-entry interval (REI) greater than 48 hours and to provide to workers performing early-entry tasks, *i.e.*, entering a treated area when an REI is in effect, information about the pesticide used in the area where they will work, the specific task(s) to be performed, the personal protective equipment (PPE) required by the labeling and the amount of time the worker may remain in the treated area. The final rule does not include the proposed requirement for employers to keep a record of the information provided to workers performing early-entry tasks. The final rule retains the existing requirements concerning the sign that must be used when posted notification of treated areas is required.

In regard to hazard communication, the final rule requires employers to post pesticide application information and a safety data sheet (SDS) for each pesticide used on the establishment (known together as pesticide application and hazard information) at a central location on the establishment (the "central display"), a departure from the proposal to eliminate the existing requirement for a central display of pesticide application-specific information. The final rule also requires the employer to maintain and make available to workers and handlers, their designated representatives, and treating medical personnel upon request, the pesticide application-specific information and the SDSs for pesticides used on the establishment for two years. The final rule does not include the proposed requirement for the employer to maintain copies of the labeling for each product used on the establishment for two years.

In regard to protections during pesticide applications, the final rule designates the area immediately surrounding the application equipment as the area from which workers and other persons must be excluded. This "application exclusion zone" differs

Final WPS Revisions (40 CFR 170): https://www.govinfo.gov/content/pkg/FR-2015-11-02/pdf/2015-25970.pdf

IN WHAT SITUATIONS DOES THE WPS APPLY?

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IN AGRICULTURAL ESTABLISHMENTS WHERE AG PESTICIDES ARE USED IN THE PRODUCTION OF PLANTS

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.
Read all Directions for Use carefully before applying.
Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your state or tribe, consult the agency responsible for pesticide regulation.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), and restricted entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.
Do not enter or allow worker entry into treated areas during the restricted entry interval (REI). The REI for each crop is listed in the directions for use associated with each crop.
Certified crop advisors or persons entering under their direct supervision under certain circumstances may be exempt from the early reentry requirement pursuant to 40 CFR Part 170.
PPE required for early entry into treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

- Coveralls over short-sleeved shirt and short pants
- Chemical-resistant gloves made of any waterproof material
- Chemical-resistant footwear plus socks
- Chemical-resistant headgear for overhead exposures

Notify workers of the application by warning them orally and by posting warning signs at entrances to treated areas.

THE WPS APPLIES…

On:

- Farms
- Production forestry
- Sod farms
- Orchards
- Christmas trees
- Cannabis production
- Nurseries/greenhouses

Using PESTICIDES, including:

- Herbicides
- Fungicides
- Insecticides
- Organic pesticides
- Restricted-use pesticides
- General-use pesticides
- etc.

THE WPS APPLIES TO WORKERS AND HANDLERS

WHO IS A 'WORKER'?

- 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.

- The WPS requirements apply to a worker if they work in areas that were treated with a WPS-labeled pesticide *within the last 30 days*, or where a restricted-entry interval was in effect in the last 30 days

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Examples of "directly related" activities include:

- Harvesting
- Thinning
- Hand-weeding
- Pest-scouting
- Pruning
- Planting
- Preparing sites/media for planting
- Carrying nursery stock
- Watering

Examples of activities "not directly" related:

- Delivering materials to the establishment
- Buying pesticides or application equipment
- Carrying or moving pesticide containers that have never been opened
- Post-harvest handling of ag products outside the treated area(s)
- Caring for livestock
- Using herbicides in non-agricultural areas like roadsides and parking lots
- Beekeeping activities

WHO IS A 'HANDLER'?

- Mixing, loading, helping to apply, or applying pesticides
- Disposing of pesticides
- Handling open containers of pesticides
- Acting as a flagger
- Cleaning, adjusting, handling, or repairing equipment that may have pesticide residues

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PRINCIPLES OF THE WORKER PROTECTION STANDARD

Inform

- about pesticide safety

Protect

- from potential pesticide exposure

Mitigate

- pesticide exposures when they do occur

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Inform

- about pesticide safety

Revised Annual pesticide safety training

Updated **trainer requirements and training materials**

Additional **posted pesticide safety information**

Access to pesticide application records for employees and medical personnel

Pesticide application **notification requirements**

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APPLICATION POSTING REQUIREMENTS

30 Days after the REI expires….

Application Records and Safety Data Sheets

Image credit: Garnet Cooke, Oregon OSHA, modified by PERC

1. **Hazard Information** — Includes Safety Data Sheet(s) for each pesticide
2. **Pesticide Application Information** — Includes start and end of application, plus location and description
3. **Pesticide Safety Information** — Includes WPS poster or equivalent information

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PESTICIDE SAFETY TRAINING

Worker training 23 points

Emphasis on hazards to pregnant women and small children

Handler training 36 points

Annual Training

No Grace Period

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Protect

- from potential pesticide exposure

Minimum Age of 18 for pesticide handler or early-entry workers

Application Exclusion Zone (AEZ)

- Employer must keep workers out of AEZ
- Handler must not apply when non-handlers are within AEZ

Instruction for early-entry workers

Strengthened respiratory protection rules

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OREGON EXPANDED UPON AEZ RULE

Overview of additional Oregon OSHA protective measures

Oregon OSHA's Application Exclusion Zone (AEZ) rules exceed U.S. Environmental Protection Agency (EPA) requirements in several ways, which this chart illustrates.

The chart does not encompass all AEZ requirements as part of the updates to the Worker Protection Standard, including the 25-foot AEZ requirements when pesticides are not applied aerially or through an air blast sprayer.

The exclusion zone is adjacent to – but outside of – the pesticide-treated area itself. The zone provides an additional level of protection beyond those protections enforced with respect to the treated area itself.

The zone surrounds and moves with pesticide-spray equipment during applications. The zone must be free of all people other than appropriately trained and equipped pesticide handlers.

Adopted EPA Rules

- The Application Exclusion Zone (AEZ) requires people to move 100 feet away from an area being treated with pesticides
- People allowed to return to AEZ immediately after the pesticide-spray equipment has passed by
- People must not re-enter the pesticide-treated area itself for the time specified by pesticide labeling

Oregon OSHA's AEZ rules extend the AEZ by 50 feet when the pesticide applicator is required to use a respirator.

Adopted Oregon OSHA Rules

- The AEZ is 100 feet when pesticide applicator is not required to use a respirator. People must stay out of the AEZ for an additional 15 minutes, either by staying indoors or remaining evacuated.
- People must not re-enter the pesticide-treated area itself for the time specified by pesticide labeling
- The AEZ expands to 150 feet when the pesticide applicator is required to use a respirator. People must stay out of the AEZ for an additional 15 minutes. No option to stay indoors
- People must not re-enter the pesticide-treated area itself for the time specified by pesticide labeling

https://osha.oregon.gov/news/notices/Documents/wps-aez/WPS-Comparison-Chart-070218-R3.pdf

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Mitigate

- pesticide exposures when they do occur

Decontamination supplies

Emergency Assistance

Information for medical personnel

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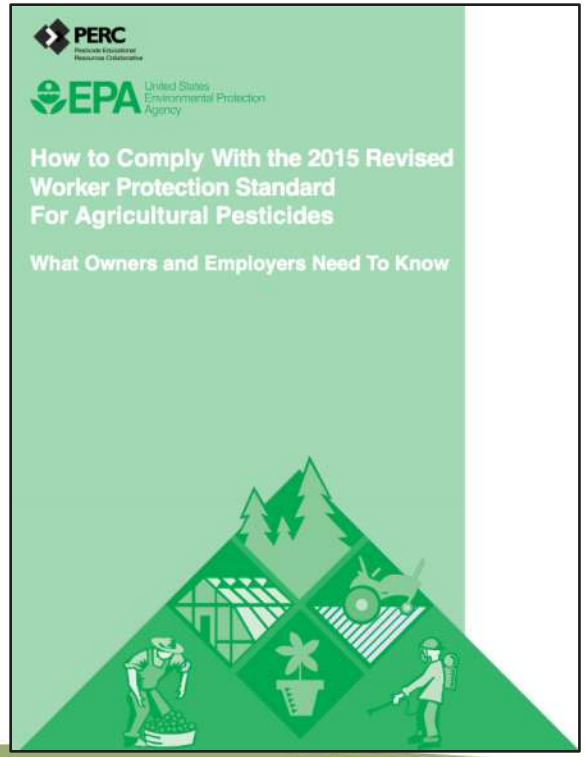
MAJOR WPS PROVISIONS & DUTIES FOR ALL EMPLOYERS

- **Anti-retaliation**
- **Minimum Age Requirements**
- **Pesticide Safety, Application & Hazard Information**
  - Information on display
  - Application record availability
- **Pesticide Safety Training**
- **Decontamination Supplies**
- **Employer Information Exchange**
- **Emergency Assistance**



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FOR MORE RESOURCES, VISIT PERC

WPS

Compliance Assistance Library

Does the WPS apply to you?

Frequently Asked Questions and Guides for:

- Agricultural Workers
- Pesticide Handlers
- Agricultural Employers
- Crop Advisors
- Labor Contractors
- Trainers of Workers
- Trainers of Handlers
- Commercial Pesticide Handler Employers

WPS Training Videos for Workers and Handlers

WPS "How to Comply" Manual

This manual will be helpful to agricultural employers and commercial pesticide handling operations as the newly revised regulation goes into effect (partially) on January 2, 2017.

WPS Training Materials

This collection has videos, booklets, flip-charts, and presentations for official (EPA-approved) WPS training. For a wider collection, see our Inventory of WPS training materials.

Spanish-language training materials are now available in English and Spanish.

Materials for Training Trainers

WPS Respiratory Protection Guide

This guide will explain the new requirements for agricultural employers and pesticide handlers when pesticide labels require the use of a respirator.

Updated WPS Posters

Under the WPS, specific information must be available to agricultural workers and pesticide handlers at all times during their working hours. Visit our Central Posting Materials page to download the updated posters.

WPS Handouts

- Quick Reference Guide (8.5 X 11)
- Quick Reference Guide (8.5 X 14)
- Quick Reference Guide — Spanish (8.5 X 11)
- Is WPS training needed? What employers need to know.
- Checklists for Employers
- Compliance Requirement Schedule

www.pesticideresources.org

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Oregon Certification & Licensing Requirements

COLTON BOND
PESTICIDE REGISTRATION & CERTIFICATION SPECIALIST

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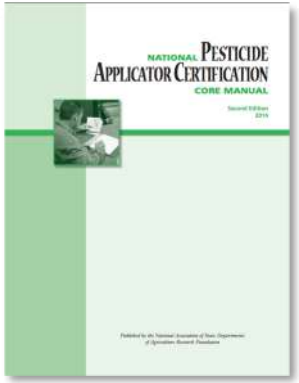
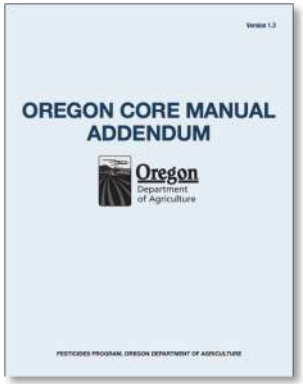
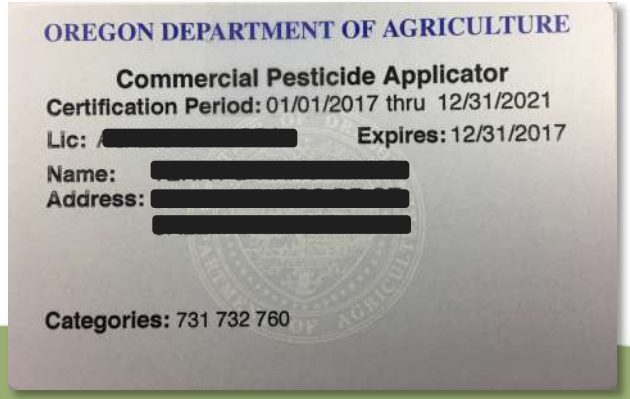
CERTIFICATION VS. LICENSING

- **Certification** – demonstrating knowledge and skills to apply pesticides legally and without causing harm or damage to themselves, others, or the environment.





- **Licensing** - permits you to perform certain pesticide-related tasks that would otherwise be prohibited by law.



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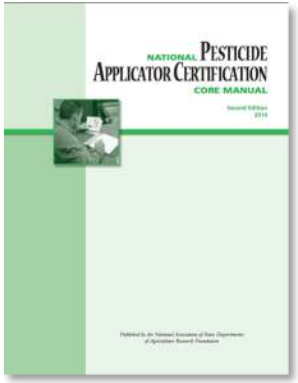
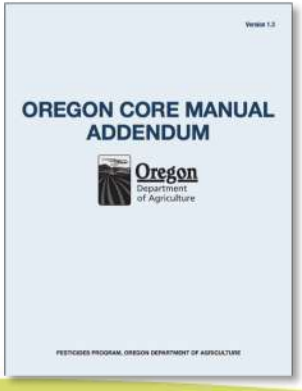
CORE COMPETENCIES





(1) ***Label and labeling comprehension.***

(2) ***Safety.*** Measures to avoid or minimize adverse health effects.

(3) ***Environment.*** The potential environmental consequences of the use and misuse of pesticides; effects of weather, soil, and terrain.

(4) ***Pests.*** The proper identification and effective control of pests

(5) ***Characteristics of pesticides*** – Types, Persistence, Residue Hazards.

(6) ***Equipment.*** Types, Limitations, Maintenance, and Calibration.

(7) ***Application methods.*** Selecting appropriate application methods.

(8) ***Laws and regulations.*** Knowledge of all applicable State, Tribal, and Federal laws and regulations, including understanding the Worker Protection Standard and the circumstances where compliance is required.

(9) ***Stewardship*** – Security and Communication.

Additional Information: http://oda.direct/ExamsStudyMaterials

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EXAMPLES: WHEN PESTICIDE LICENSING IS REQUIRED

Private Applicator License

Buy, apply, or supervise the use of Restricted Use Pesticides (RUPs) on your own/employer's agricultural land (*e.g.* farmland, ranches, forestland, nurseries, and orchards).

Public Applicator License

Apply or supervise the application of any pesticide as a public employee using power-driven application equipment, or restricted use pesticides.

Commercial Applicator License

Apply RUPs, or supervise the application of any pesticide to someone else's property (with certain exceptions).

Aerial Applicator License

Apply any pesticide by aircraft (*e.g.* fixed-wing, helicopter, unmanned aircraft systems).

Additional Information: http://oda.direct/PesticideLicensing

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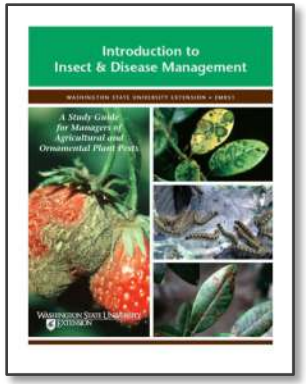
LICENSING CATEGORIES

- Required for Commercial/Public Applicators.
- *Note:* Each category has additional competency standards.



<u>Examples</u>

- Agriculture: Insecticide/Fungicide
- Ornamental & Turf: Insecticide/Fungicide
- Industrial, Institutional, Health & Structural

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SUPERVISION REQUIREMENTS

Private Applicator

Supervise

- Unlicensed Individual

Conditions

- Application to agricultural land owned or leased by the Private Applicator or the employer of the Private Applicator.
- Must undergo specific training (requirement of Worker Protection Standard).

Commercial/Public Applicators

Supervise

1. Licensed Pesticide Apprentice
2. Licensed Immediately Supervised Trainee

Conditions

- Limited to license categories of supervisor.[1 & 2]
- Supervisor must be on-site and within 5 minutes of application.[2]
- Supervisor must be reasonably available (*e.g.* mobile phone, 2-way radio).[1]

FEDERAL CERTIFICATION & TRAINING RULE

Who's Affected?

- Anyone using Restricted Use Pesticides (RUPs).

Restricted Use Pesticide
Due to corrosive effects during inhalation and to eyes and skin

For retail sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's Certifications.

Timeline

- Submit plan to EPA: March 4, 2020
- EPA response: March 4, 2022
- Rule/Statute Change: ?

FEDERAL CERTIFICATION & TRAINING RULE

Expansion of Applicator Definition

- Preapplication activities, including mixing/loading
- Applying/Supervising Use
- Other activities, such as transporting/storing open containers, cleaning application equipment, disposal.

Age Requirements

- All applicators must be at least 18 years old.
- Exception for family members working under the supervision of licensed private applicators who are family members must be at least 16 years old (fumigant & aerial work excluded).

FEDERAL CERTIFICATION & TRAINING RULE

New Competency Standards - Examples

Private applicator

- Understanding specific pesticide toxicity and residue potential when pesticides are applied to animal or animal product agricultural commodities.
- Relative hazards associated with using pesticides on animals or places in which animals are confined based on formulation, application technique, age of animal, stress, and extent of treatment.

Commercial/Public

- Agriculture: Insecticide/Fungicide Category – Potential for drift, for persistence beyond the intended period of pest control, and for non-target exposures
- Industrial, Institutional, & Structural Category – Methods of application that minimize acute and chronic exposure of people and pets, and minimize environmental impacts of outdoor applications.

FEDERAL CERTIFICATION & TRAINING RULE

Non-certified Applicators (Apprentices, Trainee's, etc)

- Annual training on pesticide safety and safe operation of equipment.
- Supervisor must provide site/product specific instructions prior to each application.
- "immediate communication" with their supervisor
- A copy of the pesticide label accessible at all times
- Label-required personal protective equipment (PPE) must be provided.
- Supervisors must ensure equipment is in safe operating condition daily.

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RECORDKEEPING REQUIREMENTS

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EMPLOYERS AND APPLICATORS HAVE DIFFERENT RECORDKEEPING REQUIREMENTS

- **Current Oregon Department of Agriculture Requirements**
  - Dealer Records
  - Application Records
- **WPS Requirements**
  - Training Records
  - Application Records
  - PPE Records
- **C&T Requirements**
  - Training Records
  - Dealer Records
  - RUP Application Records
- **USDA Private Applicator Recordkeeping**
  - RUP Application Records

Pesticide Recorkeeping Requirements

Current ODA Requirements

Application Recordkeeping

Pesticide Operators shall prepare and maintain records containing specific information (ORS 634.146)
Public Pesticide Applicators shall prepare and maintain the records required of pesticide operators. (OAR 603-057-130)
Commercial Pesticide Applicators not employed by an operator (groundskeeper, etc.) shall prepare and maintain the records required of pesticide

The firm or individual for whom the pesticide application was made.	The full name, address and phone number of the business, firm or individual who owns or controls the crop or property sprayed. Do not use initials, nicknames or partial names.
The location of the land or property where application was made.	The address of the site, or a geographic description of the application site (such as circle number, map number or township/section/range), and the size of the area treated (acres, square feet, linear feet, etc.)
The date and approximate time of application.	The month/day/year of application, and the beginning and ending time of application.
The supplier of pesticide product(s) applied.	The full name of the individual or business that supplied the pesticide to you. Do not use initials, nicknames or partial names.
The trade name and the strength of such pesticides applied.	The EPA registration number of each pesticide product applied or the manufacturer, product name and formulation type of each product.
The amount or concentration (pounds or gallons per acre of active ingredient or concentration per approximately 100 gallons).	The amount of each pesticide product applied per unit of measure (ounces, pounds, pints, quarts, etc.)
	The type and amount of carrier applied per unit of measure (acre, square feet, etc.) or, where a specific unit of measure is not applicable, the total amount applied the site. The amount and type of other material applied (such as spreader/sticker, wetting agent or drift retardant)
The specific property, crop or crops to which the pesticide was applied.	For each pesticide product applied, the specific crop or site of application: Agricultural applications – the specific crop "PCO – General" and "PCO Structural" applications – the specific area (exterior wall voids, kitchen cabinets, interior foundation, living room baseboards, etc.) "Ornamental applications" – the general area (front yard, hedge, fruit tree, etc.) Other applications – descriptions similar to
The summary information of equipment, device or apparatus used and, if applied by aircraft, the F.A.A. number.	Identification of the application equipment used (aerosol can, speed sprayer, backpack sprayer, fogger, etc.) and if applied aerially, the "N" number of the aircraft.
Name and license number of applicator(s), apprentice(s), and/or trainee(s) who made application.	The full name and license number of the applicator(s), apprentice(s), and/or trainee(s) who applied the pesticides.

At least 3 years from date of application

Dealer Recordkeeping

Pesticide Dealers shall prepare and maintain records of sales of restricted-use and highly toxic pesticides for a period of three years. (OAR 603-057-0140).

Required Record Information	Explanation
1. Purchaser Information	
a. Name of Purchaser	The FULL name of the certified applicator to whom the restricted-use pesticide is being sold. Do not use initials, nicknames, partial names, ranch or company names. Although the sale of a RUP is made to a licensed certified applicator, the product may be picked up by an unlicensed employee or person designated by the purchaser.
b. Address of Purchaser	Residential or mailing address.
c. Current Valid License	Certified pesticide applicator's license number. Expiration date of license is recommended to ensure validity. Identify state if other than Oregon.
2. Date of Sale	Month/Day/Year
3. Trade Name of Pesticide(s)	EPA registration number or specific product name, formulation and manufacturer's name.
4. Quantity of Product Sold	Gallons, pounds, containers, etc. (Define case lots: e.g., 1 case 24x15 ounce cans, 2x5 gallons, etc.)

At least 3 years from date of transaction

Training Recordkeeping

PPE Recordkeeping

Updated C&T Rule Minimum Requirements

Application Recordkeeping

Requirements for State certification plans.

The name and address of the person for whom the restricted use pesticide was applied.	
The location of the restricted use pesticide application.	
The time and date of the restricted use pesticide application.	
The brand or product name AND the EPA registration number of the restricted use pesticide applied	
The size of the area treated AND the total amount of the restricted use pesticide applied per location per application.	
The crop, commodity, stored product, or site to which the restricted use pesticide was applied.	
The name and certification number of the certified applicator that made or supervised the application, and, if applicable, the name of any noncertified applicator(s) that made the application under the direct supervision of the certified applicator.	

At least 2 years from date of RUP use

Dealer Recordkeeping

Pesticide retail dealers must record and maintain at each individual dealership records of each transaction where a restricted use pesticide is distributed or sold to any person, including transactions solely between persons who are pesticide producers, registrants, wholesalers, or retail sellers, acting only in these capacities. Records of each such transaction must include all of the following information. (40 CFR 171.201(a)

Required Record Information	Explanation
Purchaser Information	
Name of Purchaser	The name of each certified applicator to whom the restricted use pesticide was distributed or sold. OR the name of each noncertified person to whom the restricted use pesticide was distributed or sold for application by a certified applicator.
Address of Purchaser	Address of the residence or principal place of business of each certified applicator to
License Number	The certification number on the certification document presented to the seller evidencing the valid certification of the certified applicator authorized to purchase the restricted use pesticide, the State, Tribe or Federal agency that issued the certification document, the expiration date of the certified applicator's certification, and the category(ies) in which the applicator is certified relevant to the pesticide(s) sold
The date of the transaction.	
The product name and EPA registration number of the restricted use pesticide(s) distributed or sold in the transaction, including any applicable emergency exemption or State special local need registration number.	
The quantity of the restricted use pesticide(s) distributed or sold in the transaction.	

At least 2 years from date of transaction

Training Recordkeeping

§171.201 Requirements for direct supervision of noncertified applicators by certified applicators.

Recordkeeping. Commercial applicators must create or notify the existence of records documenting that each noncertified applicator has the qualifications outlined below.

Before any noncertified applicator uses a restricted use pesticide under the direct supervision of the certified applicator, the supervising certified applicator must ensure that the noncertified applicator has met at least one of the following 4 qualifications:

(1) Trained in accordance with §171.201(d) within the last 12 months	(2) Has met the training requirements of the WPS Handler Training within the last 12 months. If trained as an agricultural Handler, the record must contain all of the information required by the WPS.	(3) Has met the requirements established by a certifying authority that meet or exceed the standards in §171.201(c)(1). If trained under this provision, the record must contain all of the information required by	(4) Is currently a certified applicator in a different category than the work being carried out, or in a different jurisdiction than where it is being carried out.
Printed name and signature	Printed Name and Signature		Name
Date of Training	Date of Training		Certification Number
Name of Trainer	EPA-Approved Material ID		Certification Expiration Date
Title or Description of the Training Provided	Trainer's Name & Documentation Showing Qualifications		Certifying Authority
	The Agricultural Employer's Name		

The commercial applicator supervising any noncertified applicator must have access to records documenting one of the 4 noncertified applicator qualifications outlined above at 2 years from the date the noncertified applicator used the restricted use pesticide.

The following persons are exempt from the above requirements:
(1) Persons conducting laboratory research involving restricted use pesticides
(2) Doctors of Medicine and Doctors of Veterinary Medicine applying restricted use pesticides to patients during the course of the ordinary practice of these professions.

PPE Recordkeeping

WPS Requirements

The agricultural employer must display and maintain records of the pesticide application and hazard information outlined below for each pesticide product

A copy of the safety data sheet.
The duration of the applicable labeling-specified restricted-entry interval for that application
The date(s) and times the application started and ended.
The name, EPA registration number, and active ingredient(s) of the pesticide product.
The crop or site treated and the location and description of the treated area.

2 years after the date of expiration of the restricted-entry interval.

The pesticide application and hazard information must be displayed at a place on the agricultural establishment where workers and handlers are likely to
Workers and handlers must be allowed access to the location of the information at all times during normal work hours.
The pesticide application and hazard information must remain legible at all times when the information is required to be displayed.
The pesticide application and hazard information for each pesticide product applied must be displayed no later than 24 hours after the end of the

Training Recordkeeping

Requirements for Protection of Agricultural Workers	Requirements for Protection of Agricultural Handlers
Recordkeeping. The agricultural or handler employer must maintain records of the following information:	
Before any worker performs any task in a treated area on an agricultural establishment where a pesticide product has been used or a restricted-entry interval for such pesticide has been in effect, within the last 30 days the each worker must be trained.	Before any handler performs any handler activity involving a pesticide product, the handler must be trained.
Printed Name and Signature	
Date of Training	
EPA-Approved Worker or Handler Training Material ID	EPA-Approved Handler Training Material ID
The trainer's name and documentation showing that the trainer met the trainer qualification requirements at the time of training.	
The agricultural employer's name.	

Employer Must Provide Record of Training to the Worker Upon Request
2 years from date of training

The following persons are exempt from the requirements above:

A worker who is currently certified as an applicator of restricted use	A handler who is currently certified as an applicator of restricted use

A worker or handler who is certified or licensed as a crop adviser by a program acknowledged as appropriate in writing by EPA or the State or Tribal agency responsible for pesticide enforcement, provided that such certification or licensing requires pesticide safety training that includes all the topics required by worker or handler training, respectively, as applicable depending on the date of training.

PPE Recordkeeping

Personal protective equipment.
Whenever a respirator is required by the pesticide product labeling, the handler employer must ensure that the requirements outlined below are met before the handler performs any handler activity where the respirator is
(i) Handler employers must provide handlers with fit testing using the respirator specified on the pesticide product labeling.
(ii) Handler employers must provide handlers with training in the use of the respirator specified on the pesticide product labeling.
(iii) Handler employers must 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 specified on the pesticide
The handler employer must maintain for two years, on the establishment, records documenting the completion of the requirements outlined above.

PESTICIDE APPLICATION RECORDKEEPING REQUIREMENTS

ODA Consultant, Commercial, and Public Pesticide Applicator	Updated C&T Rule Minimum Requirements	USDA Private Applicator	WPS	
Records required for all pesticide applications.	RUP requirements for state certification plans.	Private applicators must keep records of all RUP applications	The agricultural employer must display and maintain records of the pesticide application and hazard information outlined below for each pesticide product applied:	
Required Information	Required Information	Required Information	Required Information	Additional Requirements
			A copy of the safety data sheet.	This information must be displayed on the agricultural establishment's central posting location(s) until at least 30 days after the expiration of the restricted-entry interval.
		Restricted Entry Interval (REI)	The duration of the applicable labeling-specified restricted-entry interval for that application.	
The date and approximate beginning and ending times of application.	The time and date of the restricted use pesticide application.	Date (MM/DD/YYYY)	The date(s) and times the application started and ended.	This information must be displayed for each pesticide product applied no later than 24 hours after the end of the application of the pesticide.
The EPA registration number of each pesticide product applied or the manufacturer, product name and formulation type of each product applied.	The brand or product name AND the EPA registration number of the restricted use pesticide applied	Brand/product name, EPA registration number	The name, EPA registration number, and active ingredient(s) of the pesticide product.	
Description of the specific property, sites, locations, or crops to which the pesticide was applied.	The crop, commodity, stored product, or site to which the restricted use pesticide was applied.	Crop, commodity, or site, and size of area treated	The crop or site treated and the location and description of the treated area.	Workers and handlers must be allowed access to the information at all times during normal work hours.
The full name, address and phone number of the business, firm or individual who owns or controls the crop or property sprayed.	The name and address of the person for whom the restricted use pesticide was applied.			This information must remain legible at all times when the information is required to be displayed.
The location of the land or property where application was made and the size of the are treated.	The location of the restricted use pesticide application.	Field ID/ location of treated area		
The full name of the individual or business that supplied the pesticide product(s) applied.	The size of the area treated.			This information must be displayed continuously from the beginning of the display period until at least 30 days after the end of the last applicable restricted-entry interval.
The amount or concentration of product used	The total amount of the restricted use pesticide applied per location per application.	Total amount of pesticide applied		
The summary information of equipment, device or apparatus used and, if applied by aircraft, the F.A.A. number.				
Full name and license number of applicator(s), apprentice(s), and/or trainee(s) who made application.	The name and certification number of the certified applicator that made or supervised the application, and, if applicable, the name of any noncertified applicator(s) that made the application under the direct supervision of the certified applicator.	Certified applicator full name and applicator certification number		
Records of this information must be maintained for at least 3 years from date of application	**At least 2 years from date of RUP use**	**Records must be completed within 14 days of the application. Legible records must be kept for 2 years.**	**Records of this information must be maintained for at least 2 years after the date of expiration of the restricted-entry interval.**	

PESTICIDE DEALER RECORDKEEPING REQUIREMENTS

Current ODA Requirements

Pesticide Dealers shall prepare and maintain records of sales of restricted-use and highly toxic pesticides for a period of three years.

Required Record Information	Explanation
Purchaser Information	
Name of Purchaser	The FULL name of the certified applicator to whom the restricted-use-pesticide is being sold.
Address of Purchaser	Residential or mailing address.
Current Valid License	Certified pesticide applicator's license number. Expiration date of license is recommended to ensure validity. Identify state if other than Oregon.
Date of Sale	Month/Day/Year
Trade Name of Pesticide(s)	EPA registration number or specific product name, formulation and manufacturer's name.
Quantity of Product Sold	Gallons, pounds, containers, etc.

At least 3 years from date of transaction

Updated C&T Rule Minimum Requirements

Pesticide retail dealers must record and maintain at each individual dealership records of each transaction where a restricted use pesticide is distributed or sold to any person, excluding transactions solely between persons who are pesticide producers, registrants, wholesalers, or retail sellers, acting only in those capacities. Records of each such transaction must include all of the following information:

Required Record Information	Explanation
Purchaser Information	
Name of Purchaser	The name of each certified applicator to whom the restricted use pesticide was distributed or sold.
Address of Purchaser	Address of the residence or principal place of business of each certified applicator to whom the restricted use pesticide was distributed or sold.
License Number	The certification number on the certification document presented to the seller evidencing the valid certification of the certified applicator authorized to purchase the restricted use pesticide, the State, Tribe or Federal agency that issued the certification document, the expiration date of the certified applicator's certification, and the category(ies) in which the applicator is certified relevant to the pesticide(s) sold.
The date of the transaction.	
The product name and EPA registration number of the restricted use pesticide(s) distributed or sold in the transaction, including any applicable emergency exemption or State special local need registration number.	
The quantity of the restricted use pesticide(s) distributed or sold in the transaction.	

At least 2 years from date of transaction

PESTICIDE TRAINING RECORDKEEPING REQUIREMENTS

	WPS		C&T			
	Workers	Handlers	Noncertified Applicators of RUPs			
Training Must Take Place:	Before any worker performs any task in a treated area on an agricultural establishment where a pesticide product has been used or a restricted-entry interval for such pesticide has been in effect, within the last 30 days the each worker must be trained.	Before any noncertified handler performs any handler activity involving a pesticide product, the handler must be trained.	Before any noncertified applicator uses a restricted use pesticide under the direct supervision of the certified applicator, the supervising certified applicator mus ensure that the noncertified applicator has met at least one of the following qualifications:			
			1) Trained in accordance with the new C&T requirements within the last 12 months	2) Has met the training requirements of the WPS Handler Training within the last 12 months	3) Has met the requirements established by a certifying authority that meet or exceed the standards in the new C&T rule	4) Is currently a certified applicator in a different category than the work being carried out, or in a different jurisdiction than where it is being carried out
				If trained as an agricultural Handler, the record must contain all of the information required by the WPS	If trained under this provision, the record must contain all of the information required by the certifying authority.	
Recordkeeping Requirements	Printed Name and Signature		Printed name and signature	Printed Name and Signature		Name
	Date of Training		Date of Training	Date of Training		Certification Number
	EPA-Approved Worker or Handler Training Material ID	EPA-Approved Handler Training Material ID	Name of the Trainer	EPA-Approved Material ID		Certification Expiration Date
	Trainer's Name & Documentation Showing Qualification		Title or Description of the Training Provided	Trainers Name & Documentation Showing Qualification		Certifying authority
	The Agricultural Employer's Name			The Agricultural Employer's Name		
Keeper of the records	Agricultural Employer		Commercial Pesticide Applicator's principal place of business			
Required Record Retention Period	2 years from date of training		2 years from the date of RUP use			
Other Requirements	Agricultural Employer Must Provide Record of Training to the Worker Upon Request					

PPE RECORDKEEPING REQUIREMENTS

WPS

Personal protective equipment.
Whenever a respirator is required by the pesticide product labeling, the handler employer must ensure that the requirements outlined below are met before the handler performs any handler activity where the respirator is required to be worn.
(i) Handler employers must provide handlers with **fit testing** using the respirator specified on the pesticide product labeling.
(ii) Handler employers must provide handlers with **training in the use of the respirato**r specified on the pesticide product labeling.
(iii) Handler employers must **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 specified on the pesticide product labeling.
The handler employer must maintain for two years, on the establishment, records documenting the completion of the requirements outlined above.

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ADDITIONAL INFORMATION

- **WPS Full Text**
  - https://www.ecfr.gov/cgi-bin/text-idx?SID=9c977dceaf9c753cb49aa3cd453ae7a6&mc=true&node=pt40.24.170&rgn=div5
- **WPS How To Comply Manual**
  - http://www.pesticideresources.org/wps/htc/htcmanual.pdf
- **PERC Website**
  - http://pesticideresources.org/
- **Oregon Department of Agriculture Recordkeeping Requirements**
  - https://www.oregon.gov/ODA/programs/Pesticides/RegulatoryIssues/Pages/Recordkeeping.aspx
- **USDA Private Applicator Recordkeeping Requirements**
  - https://www.ams.usda.gov/sites/default/files/media/Pesticide%20Record%20Book.pdf
- **Oregon AEZ Requirements**
  - https://osha.oregon.gov/news/notices/Pages/aez-wps.aspx
- **Licensing Information**
  - oda.direct/PesticideLicensing

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THANK YOU

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