

Worker Protection Standard

Frequently Asked Questions

What is the agricultural worker protection standard?

The agricultural worker protection standard (WPS) is a set of requirements established by the U.S. Environmental Protection Agency (EPA) and enforced by the Nevada Department of Agriculture (NDA). Owners and employers are **required** to protect employees on farms and in forests, nurseries and greenhouses from occupational exposure to pesticides.

What types of employees does the WPS apply to?

- **Pesticide handlers:** those who mix, load or apply agricultural pesticides; clean or repair pesticide application equipment; or assist with the application of pesticides.
- **Agricultural workers:** those who perform any task related to growing, harvesting or processing plants on farms or in greenhouses, nurseries or forests.

What does the WPS require of employers?

The WPS requires all workers and handlers are properly informed about pesticides used in the workplace, including annual pesticide safety training and proper notification about pesticide-treated areas. Employers must also make personal protective equipment (PPE) available and instruct pesticide handlers on their use.

Employees must be notified to keep out of treated areas until the restricted entry interval (REI) expires. This can be done verbally if the REI is four hours or less (for indoor applications) and 48 hours or less (for outdoor applications). Warning signs must be posted for applications with longer REIs.

Lastly, the WPS requires decontamination and safety supplies (water, soap, paper towels and a disposable suit) are available. New WPS requirements also specify an eyewash station and a written respiratory protection program are in place if the pesticide label states that eye protection must be worn or requires the use of a respirator.



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What information must be displayed?

A pesticide safety poster, safety data sheets and an application detail sheet must all be displayed at a central location that is readily accessible on the property at all times during normal work hours. The information must be easily seen and read by workers and handlers in a location where employees congregate such as where they clock in or out of work, change clothes or eat.

The EPA has developed the required pesticide safety poster. Contact the NDA for copies of the EPA pesticide safety poster.

The following information (provided to employers by custom applicators who perform pesticide application for hire) must also be displayed:

- name of the pesticide applied;
- active ingredient(s);
- EPA registration number;
- restricted-entry interval (REI);
- crop or site treated;
- location and description of treated area(s); and
- date(s) and times application started and ended.

The business must retain pesticide application records for a total of two years. Contact the NDA for a copy of the pesticide application record form.



What has changed in the WPS?

The EPA revised the WPS in 2015, and the most recent changes employers and employees need to be aware of are:

- mandatory **annual** training to inform employees about the required protections, including instructions on reducing take-home exposure from pesticide work clothing;
- requirement that only certified applicators or an individual that completes an EPA-approved “train the trainer” program are authorized to conduct the mandatory training;
- anyone under 18 years of age is prohibited from being a pesticide handler or doing early-entry work during a REI;
- expanded mandatory posting of no-entry signs for outdoor production if the REI is greater than 48 hours;
- new application exclusion zones of up to 100 feet surrounding pesticide application equipment;
- if the label requires a respirator, the employer must provide a medical evaluation, fit testing and respirator training in compliance with the Occupational Health and Safety Administration (OSHA) respiratory protection standard;
- if the label requires protective eyewear, the employer must provide water for emergency eye washing at pesticide mixing/loading sites;
- mandatory record-keeping to improve states’ ability to follow up on pesticide violations and enforce compliance; and
- anti-retaliation provisions comparable to the U.S. Department of Labor’s.

Contact

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