

EPA WORKER PROTECTION STANDARDS

by
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Here is a summary of my remarks to the Potato Conference on February 8, 1996:

During my presentation I will discuss several topics: the Worker Protection Standard (WPS), the Regulatory Reform Act, WSDA pesticide investigations conducted in north central Washington during 1995, and common problems found during inspections.

1. The Worker Protection Standard (WPS) was adopted by the EPA in 1992 to insure that agricultural workers and handlers are protected from exposure to pesticides. All farmers need to comply with the basic WPS requirements on pesticide labels, and there are additional requirements for farmers with non-family employees. Agricultural pesticides cannot be distributed without WPS labeling, but may continue to be used. In 1995 the EPA made several changes to make the WPS more flexible, while continuing to insure that agricultural workers and handlers are protected from exposure to pesticides.
2. The Regulatory Reform Act was adopted by the Washington State Legislature in 1995 to insure that the citizens and environment are protected, effectively and efficiently, without stifling legitimate activities and responsible economic growth. The act has eleven parts, but I will concentrate on the section dealing with technical assistance. The legislature mandated that all regulatory agencies develop programs to encourage voluntary compliance by providing technical assistance to the regulated community. Technical assistance provided by the WSDA includes newsletters and press releases, public presentations, and inspections. Routine or requested inspections are considered technical assistance visits, while non-routine investigations where violations are suspected are not considered technical assistance visits. If violation(s) are identified during a technical assistance visit, the owner or operator will be notified of the condition(s) requiring correction and the date that correction is required. The ability of a regulatory agency to impose a civil penalty for non-compliance has been restricted.
3. During 1995, the WSDA conducted 31 pesticide investigations in north central Washington. Most (74%) of the investigations involved the agricultural use of pesticides. The main concerns WSDA investigated were drift/plant injury (55%), human/worker exposure (26%), and injured/dead animals (13%). WSDA identified one or more problems in 58% of the investigations, evidence was inconclusive in 23% of the investigations, and no problems were identified in 19% of the investigations. No action was taken in 52% of the investigations, while 48% are being reviewed for possible administrative action.

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4. Areas where problems are commonly found by the WSDA during an inspection include violations of pesticide labels(s), safety equipment not properly used or maintained, improper posting of treated areas, improper pesticide storage or disposal, improper licensing, and inadequate recordkeeping. It is usually easier to spend a few minutes preventing a problem, rather than trying to correct a problem which has already occurred.