



Update

Proposed Applicator Certification
Regulation Revision and Agricultural
Worker Protection Regulation
Implementation

SFIREG
June 2016



Certification Rule

- Proposed Aug 24, 2015
- Comment period ended Jan 22, 2016
 - Extended several times
- Final rule plan
 - Finalized Fall 2016



Comments on Certification Rule

- Over 700 unique comments
 - States, Extension Services, applicators, growers
- Nearly all states and many pesticide safety education programs submitted detailed comments
 - Helpful in describing intricacies of their programs and how proposal would impact them
- Clear that state certification and recertification) programs have gone many different ways over past 40 years



Comments on Certification Rule

Different ways to accomplish goals of the proposal, including:

- Ensuring continued competency through recertification
- Ensuring competency of applicators working under the supervision of a certified applicator
- Establishing standards for adequate supervision by a certified applicator

Based on comments, we are considering more flexible options for final rule

- Would accommodate the different approaches that states have taken



Comments on Recertification

Widespread opposition. Key themes:

- States have invested resources in determining appropriate continuing education (CE) programs; believe programs are effective.
- Leave frequency (recertification period) and amount of CE to states; can adjust if necessary
- Amount of training depends on the category
- If required CE is too high, applicators will opt for exams
- Proposal to earn at least $\frac{1}{2}$ credits in last 18 months is unnecessary and administratively complex



Comments on Recertification

- Effectiveness of training depends on more than frequency and amount of CE
 - Content covered; quality of training (provider, training method, setting, etc.); how to approve training providers; audit/assess delivery of training
- Considering several options for flexibility in final rule. Potential to establish characteristics that all recert programs must have but allow states different approaches



WPS Update

Compliance Deadlines

- January 2, 2017:
 - Annual training for workers and handlers (no grace period)
 - Qualifications for trainers
 - Training record keeping
 - Minimum age for handlers and early entry workers
 - Medical evaluation, fit testing and training before use of respirators
 - Amounts of water available for decontamination and eyewash
 - All requirements EXCEPT FOR:
- January 2, 2018 for:
 - Handler must suspend application if a person is in the application exclusion zone [170.505(b)]
 - Additional training content for workers and handlers [170.401(c)(3); 170.501(c)(3)]
 - New content for safety poster [170.311(a)(3)]



EPA's Outreach and Implementation Strategy

Educate Regulators

- Develop broad understanding of WPS revisions among OPP & regional staff and state/tribal inspectors & program leads

Stakeholder Outreach

- Ensure stakeholders understand the WPS revisions, impacts and the timeline for implementation: regulated community, farmworker advocates and other NGOs; coordinate with other federal agencies

Materials Development

- Ensure that regulators, the regulated community and other stakeholders have the information they need to implement the WPS revisions: presentations, webinars, FAQs, fact sheets, How to Comply Manual, Inspector Guidance

Implement Pesticide Safety Training

- Ensure that updated pesticide safety training materials are available by June 2017 and that we have processes in place to approve train-the-trainer programs and pesticide safety training material



Post Signing: Expanded Web Page and Conference Calls English & Spanish

- Current Rule – Revised Rule Comparison Table
- Revised Rule Highlights Fact Sheet
- Learn More About Worker Safety
- Specific Focus Worker Protection Fact Sheets
- Basic Regulatory Information
- Frequently Asked Questions
- Overview of Revised Rule - video
- Migrant Clinicians Support for Revised Rule - video
- Hispanic Farmer Speaks in Support of Rule – video
- Thoughts from a Former Farmworker – video
- Sector Focused Calls:
 1. States, Tribes, Local Governments.
 2. NGOs, Enviros
 3. Ag Groups, Related Business Groups



Training on Implementation for EPA Regional Staff and State Regulatory Partners

- Nov 2015: EPA Regional program and OECA staff – 3 day
- Dec 2015: National training for state and tribal program staff – 4 day
- Jan 2016: Region 6 states (program & inspectors) – 2 day
- Feb 2016: Region 10 states (program & inspectors) – 2 day
- Mar 2016: Region 7 states (program & inspectors) – 2 day
- Mar 2016: Region 5 states (program & inspectors) – 2 day
- April 2016: Region 8 states & tribes (program & inspectors) – 2 day
- April 2016: Region 2 states & territories (programs & inspectors) – 2 day
- May 2016: Training for Region 3 states (programs & inspectors) – 2 day
- May 2016: Training for Region 1 states (program & inspectors) – 2 day
- June 2016: National training for state and tribal program staff – 4 day
- Aug 2016: Training for Region 4 states (programs & inspectors) – 2 day
- Aug 2016: Training for Region 9 states (programs & inspectors) – 2 day



Power Point - Webinar Presentations

- Sept 2015: National Farmworker Service Organizations Conference
- Oct 2015: Pesticide Program Dialogue Committee
- Oct 2015: Agri-Safe Network
- Oct 2015: National Pesticide Policy Coalition
- Nov 2015: Crop Life America
- Dec 2015: State FIFRA Issues & Evaluation Group
- Dec 2015: Wilber Ellis Ag
- Dec 2015: National Council of Agricultural Employers
- Jan 2016: Florida Association of County Agents
- Jan 2016: Tribal Pesticide Program Committee
- Feb 2016: National Alliance of Crop Advisors.
- Feb 2016: Department of Labor Agriculture Task Force
- Feb 2016: Pesticide Stewardship Alliance
- Feb 2016: National Council of Farm Cooperatives
- Mar 2016: Western Migrant Stream
- Mar 2016: American Association of Pesticide Control Officials



Power Point - Webinar Presentations

- Mar 2016: National Farm Bureau
- Mar 2016: Grain Growers Association
- Apr 2016: National Migrant and Seasonal Head Start Association
- Apr 2016: Migrant Clinicians Network
- Apr 2016: National Farmworkers Conference
- May 2016: Pesticide Program Dialogue Committee
- May 2016: Western Forum for Migrant and Community Health
- May 2016: National Advisory Committee for Migrant Health
- May 2016: Western Regional Pesticide Meeting
- Jun 2016: National Agri-Women's Association
- June 2016: State FIFRA Issues & Evaluation Group
- Jul 2016: American Association of Pesticide Control Officials
- Aug 2016 Assoc. Structural Pest Control Officials
- Sept 2016: Agricultural Retailers Association
- Sept 2016: American Association of Pesticide Safety Educators



Regular Conference Calls on Rule Implementation

- Federal Inter Agency Task Force
 - DoL: OSHA, Wage & Hour Division, Employment & Training Division
 - HHS: NIOSH, NIEHS, NCI (Ag Health Study), National Rural Health Association, Migrant Head Start Programs
 - HUD: Colonias Program, Borders Programs
 - Office of Childrens' Health Advisory Committee
 - National Environmental Justice Advisory Committee

- Farm Worker Justice NGO Coalition

- EPA Regional Coordinators for Pesticide Worker Safety

- American Association of Pesticide Control Officials – Regulatory Work Group



Grant & Contract Support for Implementation

Association of Farmworker Opportunity Programs

- Conduct national English & Spanish pesticide safety training for farmworkers & families

University of California Davis & Oregon State University

- Develop English & Spanish materials and resources for pesticide worker safety training and compliance assistance in agricultural

Migrant Clinicians Network

- Workers & Health project works with health center outreach teams to conduct health and safety training for vulnerable, Hispanic agricultural worker populations.

Contract - Outreach to Farm Worker Communities

- Focused outreach to Hispanic farmworkers - PSAs, videos, pamphlets, translations in Spanish and indigenous languages

Contract - Outreach & Marketing Agricultural Employers

- Broad outreach to variety of farmers - videos, fact sheets, focused webinars, sector specific training sessions



Implementation Challenges

- Resolving “Designated Representative” Issue With Appropriations Committee
- Establishing a Policy for Year One for State Compliance Assistance Inspections
- Sustaining National Scope of Communication to Amplify Messages In Support of Implementation
- Leveraging Public and Private Resources to Insure National Availability and Distribution of Compliance Assistance Materials and Safety Training Materials



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