



WPS and Certification Rule Updates

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Outline

- Worker Protection Standard (WPS)
 - Implementation Timeline
 - Recent WPS Milestones / AEZ Revision
- Certification rule (CPA)
 - Implementation Timeline
 - Certification Plan Approval Process
 - Tools / Plan to Support Plan Development
- EPA Contacts



Status of WPS and Certification Rules/Implementation

- **All implementation dates established for both final rules are in effect**
- No delay in the effective dates or implementation timelines for either of the rules
- No changes to the rules before October 1, 2021*
 - As a result of PRIA 4 reauthorization, March 8, 2019
 - *except to WPS application exclusion zone (AEZ)



Worker Protection Standard 40 CFR 170



Recent WPS Milestones

- December 2017 Federal Register Notice
 - Confirmed there will be no change to the 2017 & 2018 compliance dates
 - Provided notice of EPA's plan to propose rulemaking to make several changes to the WPS
- June 2018 Federal Register Notice
 - Notice of availability of WPS training materials with new content
 - Use of new training materials with expanded content required by December 19, 2018



Recent WPS Milestones, continued

- March 2019 - PRIA 4 reauthorized for 5 years
 - Prohibits changes to WPS rule (and CPA) until Oct. 2021
 - GAO audit - report due to Congress on use of designated representative by Oct. 1, 2021

- November 2019 - Federal Register Notice
 - Proposed revisions to the AEZ requirements in the WPS



WPS Implementation Timeline

9/28/2015
Revised
WPS final
rule signed

11/2/2015
Revised WPS final
rule published in
the Federal
Register.

1/2/2017
**Compliance
required with
most revised WPS
requirements
except:**

- New content in worker and handler training
- New content in pesticide safety information display
- Responsibility for handlers related to the application exclusion zone

1/2/2018
**Compliance
Required with:**

- New content in pesticide safety information display
- Responsibility for handlers related to the application exclusion zone

12/19/2018
**Compliance
Required
with:**

- New content in worker and handler training



PERC

Pesticide Educational Resources Collaborative



PERC Materials and Projects

Web site: <http://pesticideresources.org>

- How to Comply Manual
- Train the trainer program and manual (December 2018)
 - EPA-approved online course to qualify as a WPS pesticide safety trainer.
 - Manual for WPS pesticide safety trainers on training requirements (Spanish).
- Worker & handler training materials (all new content)
- WPS Handbook for Agricultural Employers
 - A resource for agricultural employers on basic WPS requirements.
- Pesticide Applicator Certification Seed Treatment manual and exam bank
 - A manual for pesticide applicators to prepare for certification in the seed treatment category. Exam questions for use by pesticide State Lead Agencies in seed treatment category certification exams.



Proposed Rule: WPS Revision of the AEZ

- November 2019 - EPA proposed narrow updates to the WPS to clarify and simplify the AEZ provisions.
- Based in part on implementation issues raised by SLAs and the agricultural community since 2015.
- EPA is proposing to:
 1. Modify the AEZ so it is applicable and enforceable only on a farm owner's property.
 2. Exempt immediate family members of farm owners from all aspects of the AEZ requirement.
 3. Add clarifying language that pesticide applications that are suspended due to individuals entering an AEZ may be resumed after those individuals have left the AEZ.
 4. Simplify the criteria for deciding whether pesticide applications are subject to a 25- or 100-foot AEZ.
- The “do not contact” provision remains in place



WPS Revision of the AEZ, continued

- The public comment period ends January 30, 2020
 - www.regulations.gov; Docket ID EPA-HQ-OPP-2017-0543.
- AEZ Tribal Outreach Calls
 - December 3, 2019, and January 9, 2020
- For more information, see webpage:
<https://www.epa.gov/pesticide-worker-safety/worker-protection-standard-application-exclusion-zone>
 - [AEZ Comparison Table](#)

Current WPS reg citation	2015 WPS requirement	Proposed Change	Why



Certification of Pesticide Applicators

40 CFR 171



Certification Plan Implementation Timeline

- Certifying authorities have until **March 4, 2020** to submit modified certification plans (**which may include provisions contingent upon legislative/regulatory action, etc.**) to EPA.
- **Existing plans remain in effect** until EPA approves or rejects the revised plan or **March 4, 2022**, whichever is earlier.
- Timeframe for implementation/compliance with revised certification plan will be decided on a **case-by-case basis** as part of EPA's review and approval of each revised certification plan.



Implementation Timeline for Certification Rule

12/12/2016
Revised C&T
final rule
signed by EPA
Administrator

1/4/2017
Revised C&T
final rule
published in
the Federal
Register

3/6/2017
Revised C&T
final rule
became
effective

3/4/2020
Date For
Certification
Plans to be
submitted to
EPA based on
1/4/2017 rule

3/4/2022
EPA Completes its
Review of Revised
Certification Plans
and some Revised
State Plans will
become effective*

* (States/EPA will determine timeframes for implementation and compliance with revised certification plans on a case-by-case basis as part of EPA's review and approval of each revised certification plan)



Review Approval Process Timeline: Present through Certification Plan Implementation

Phase	Phase Title	Timeline
Phase 1	Regional Review: Plan Questions & Issues; Draft Plan Submissions	Present - March 4, 2020
Phase 2	Regional Review: Initial Review of State and Tribal Plans Submitted to EPA	March 5, 2020 - July 6, 2020
Phase 3	EPA Regional Detailed Review and HQ Concurrence of Complete State/Tribal Plan Submissions	March 4, 2020 - November 1, 2021
Phase 4	Regional Approval of Revised State/Tribal Plans	March 4, 2020 – March 4, 2022
Phase 5	EPA Oversight of Certification Plan Implementation	After March 4, 2022



State Certification Plan Approval Process

- **States submit draft plan** to Regions for review
- Region resolves questions and issues with states
 - Certification Program lead or Project Officer
- Region **engages EPA's Certification Plan Work Group** for input, equivalency decisions, clarification, and consistency check, etc.
- Regional Administrator signs **letter (with approval date)** after OSCPP AA concurrence
- HQ publishes FR Notice(s) of group of approved plans



Tools, Information and Support

- **EPA Certification Plan Revisions Workgroup**
 - Work together to provide a consistent approach to EPA review and approval
- **CPA Q&As**
 - Responses to state plan and rule implementation questions with regular updates
- **Review/approval Process**
 - SLA summary packet released Oct. 11, 2019
- **Indian Country Plan Tribal Consultation**
 - Schedule estimated early 2020



EPA WPS and CPA Contacts

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Questions?