

**Final Rule:
Revision of the Application
Exclusion Zone Requirements in
the Worker Protection Standard
40 CFR 170**

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AEZ Requirements in a Nutshell

- Ensure people on the establishment (other than trained equipped handlers involved in the application) are **an appropriate distance away** from pesticide application equipment during ongoing pesticide applications
- Purpose of the AEZ
 - **Reduce incidents** (or probability of) in which people in areas adjacent to applications are affected by drift
 - **Reinforce prohibition** against applying in a manner that results in contact by establishing a well-defined area for excluding persons during applications
 - Provided as a guide on how to comply with “Do Not Contact” requirements
 - **Serve as a baseline protection measure** when product labels do not provide something more protective



WPS Revision of the AEZ

- On November 1, 2019, EPA proposed revisions intended to clarify and simplify the Application Exclusion Zone requirements in the WPS
 - Based on input received from state pesticide regulatory agencies and agricultural stakeholders after the adoption of the 2015 WPS rule
- Public comment period on the proposal closed January 30, 2020
 - www.regulations.gov; Docket ID EPA-HQ-OPP-2017-0543
 - 126 unique submissions to the docket containing over 28,000 comments
 - 3 mass mail campaigns
 - 96 public comments
 - 10 advocacy group submissions
 - 8 trade association/agricultural stakeholder comments
 - 5 state comments
 - 2 public health comments
 - 1 cooperative extension comment
- The final rule was published on **October 30, 2020**
 - balances the input EPA received from a wide range of stakeholders
- The rule will become effective **December 29, 2020**



Limiting the AEZ to Areas under the Owner or Employer's Control

- Modifying the AEZ so it is applicable and enforceable only on an agricultural owner or employer's property
- Applications can be made or resumed when individuals not employed by the establishment are in an area subject to an easement that falls within an AEZ.
- The "Do Not Contact" provision must be followed
 - EPA did not change the existing "Do Not Contact" provision that prohibits a handler or applicator from applying a pesticide in such a way that it contacts workers or other persons, on or off the establishment, either directly or through drift



Clarification of the Suspension Requirement at 40 CFR 170.505

- Clarifying that suspended applications due to individuals entering an AEZ on the establishment may be resumed after those individuals have left the AEZ



Immediate Family Exemption

40 CFR 170.601

- Allowing the owners and their immediate family to shelter in place inside closed buildings, housing, or shelters that fall within an AEZ
- Permits applications performed by third-party handlers to proceed provided that the owner has expressly instructed the handlers that only the owner's immediate family are inside the closed shelter *and* that the application should proceed despite their presence



Simplifying the AEZ Criteria

40 CFR 170.405(a)

- Simplifies and clarifies the criteria and factors for determining AEZ distances of either 100 or 25 feet basing the AEZ on application method and spray height
- EPA has removed language and criteria pertaining to spray quality and droplet size for ground spray applications
 - Previously:
 - 100-ft AEZ as a spray using a spray quality (droplet spectrum) of smaller than medium (volume median diameter of less than 294 microns)
 - 25-ft AEZ using an application method not identified under the 100-ft AEZ and when sprayed from a height of greater than 12 inches from the planting medium using a spray quality (droplet spectrum) of medium or larger (volume median diameter of 294 microns or greater)
- Ground spray applications sprayed from a height greater than 12 inches are subject to the same 25-foot AEZ



Simplifying the AEZ Criteria (cont.)

40 CFR 170.405(a)

- Revised AEZ Distance criteria now:
 - 100-ft AEZ for the following application methods
 - Aerially
 - Air blast or air-propelled applications
 - As a fumigant, smoke, mist, or fog
 - 25-ft AEZ for the following:
 - When the pesticide is sprayed from a height of greater than 12 inches from the soil surface or planting medium and not one of the application methods listed under the 100-ft AEZ
 - No AEZ when applications do not meet any of the previous criteria



Planned Outreach and Support

- OPP Update
- Calls/outreach with state lead agencies and stakeholder groups
- Presentations at upcoming stakeholder meetings
- Updates to webpages, AEZ/WPS guidances, and Q&As
- Support with updating EPA-approved trainings
 - Existing trainings will continue to be approved until revised
 - EPA will be working closely with stakeholders and training developers to update content or provide additional educational materials
- Future updates to be made available at <https://www.epa.gov/pesticide-worker-safety/worker-protection-standard-application-exclusion-zone>



Resources & Contacts

Certification & Worker Protection Branch Pesticide Re-evaluation Division

Contacts for WPS-Related Questions

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Available Resources

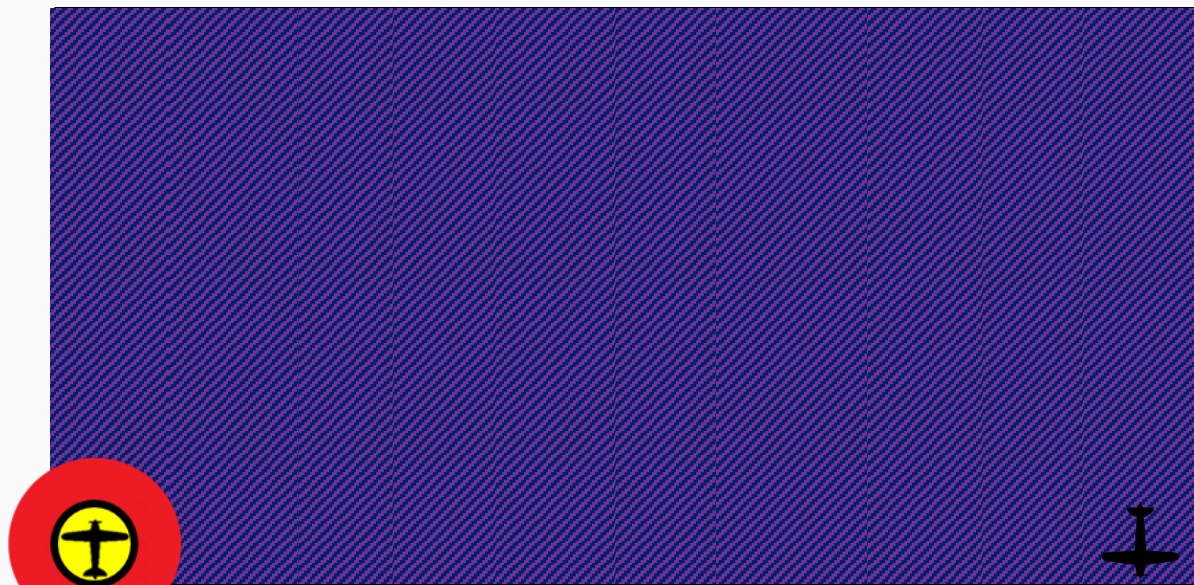
- 1) EPA website: <http://www.epa.gov/pesticide-worker-safety>
- 2) AEZ website: <https://www.epa.gov/pesticide-worker-safety/worker-protection-standard-application-exclusion-zone>
- 3) Pesticide Educational Resources Collaborate (PERC):
<http://www.pesticideresources.org/>

Questions?



Application Exclusion Zone in Outdoor Production

(click to animate slide)



When the application is concluded, the AEZ no longer exists.

