

MCN webinars
by MIGRANT CLINICIANS NETWORK

NATIONAL CONVERSATION:
Strengthening the Worker Protection Standard

Wednesday, March 5, 2014 10am PDT

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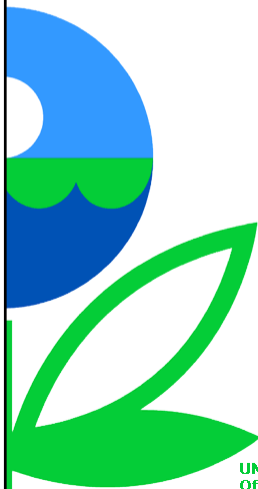
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Disclosure Statement

- *Faculty: Kevin Keane, Ed Zuroweste, MD and Amy Liebman, MPA, MA*
- *Disclosure: We have no real or perceived vested interests that neither relate to this presentation nor do we have any relationships with pharmaceutical companies, biomedical device manufacturers, and/or other corporations whose products or services are related to pertinent therapeutic areas.*

Learning Objectives

1. Review the revised Worker Protection Standard
2. Discuss the public comment process to obtain input for the WPS
3. Identify ways to participate in the comment process

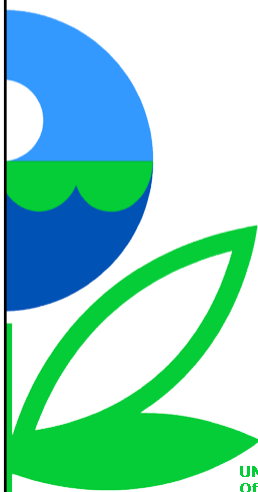


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WPS Overview

- The Agricultural Worker Protection Standard (WPS) was established to provide workplace protections for agricultural workers and pesticide handlers to prevent or reduce occupational pesticide exposure and incidents/illnesses.
- Scope: Agricultural establishments (farms, including nurseries and greenhouses, and forest operations)

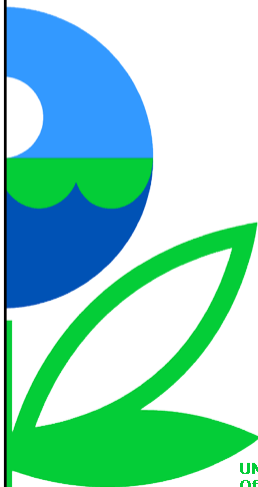


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WPS Overview

- Who is Protected by the Rule?
 - **Agricultural workers** - persons hired to perform tasks related to production of agricultural plants
 - **Pesticide handlers** - persons hired to mix, load and apply pesticides
 - **Bystanders** are protected in limited circumstances during pesticide applications

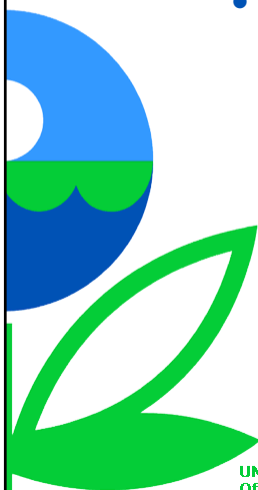


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WPS Overview

- Who Is Responsible for Providing WPS Protections
 - Agricultural owners/employers on crop-producing establishments
 - Employers on commercial pesticide handling establishments (firms that apply pesticides to crops for hire)

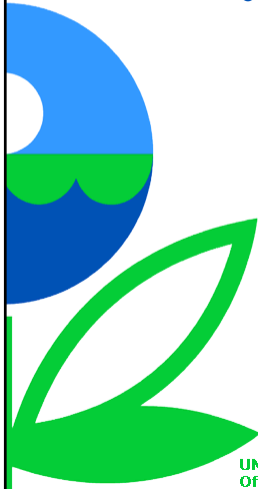


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WPS Overview

- The WPS provides exemptions for the following persons:
 - Owners and their immediate family members on wholly family-owned farms
 - Certified crop advisors and their employees

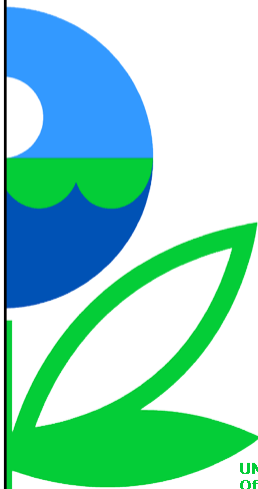


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WPS Overview

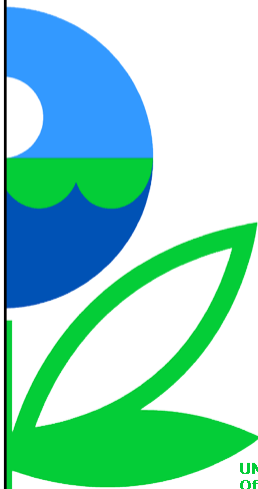
- The WPS works in combination with the pesticide labeling to provide protections
 - WPS has instructions on how to implement the label requirements
 - The labeling has product-specific requirements and restrictions to protect workers and handlers
 - WPS rule protections are too lengthy to place on every label



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Relationship Between Pesticide Labeling & WPS Requirements



Pesticide Labeling Requirements

- Establish length of the restricted entry interval (REI)
- Establish what PPE must be worn

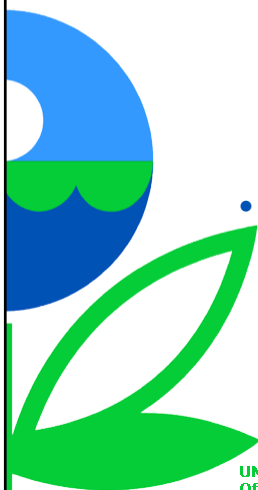
WPS Requirements

- Establish employer duties for how to notify workers about the REI (field posting)
- Establish employer duties for providing, maintaining, and ensuring proper fit of PPE

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Reasons for Rule Change



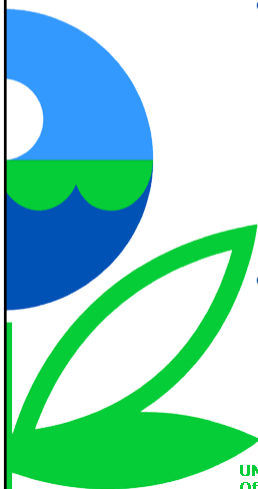
- Reduce Occupational Pesticide Exposure and Incidents
 - Workers and handlers face high risk of exposure to pesticides through their agricultural occupations
 - Current pesticide illnesses and incidents may be avoidable
- Environmental Justice
 - Studies suggest that farmworker families may have higher levels of pesticide exposure than non-farmworker families
 - Pesticide drift from fields/proximity to farms
 - Take-home transfer of pesticide residues
 - Training may help reduce exposures

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Reasons for Rule Change

- Improve Clarity of Rule to Increase Compliance
 - Add definitions to ensure clarity
 - Address WPS issues raised through Interpretive Guidance Workgroup
- Provide Better Enforcement Tools
 - Recordkeeping requirements to document compliance

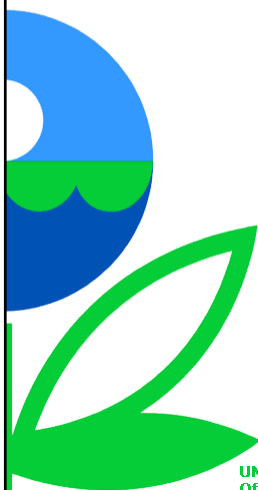


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Goals for the WPS Revisions

- Improve WPS protections for workers and handlers to prevent or reduce their occupational exposure to pesticides
- Reduce adverse effects resulting from unnecessary pesticide exposures
- Reduce unnecessary burdens on the regulated entities



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Current WPS Provisions

- Pesticide safety training
- Pesticide safety poster and information
- Notification to workers about treated areas
- Restrictions on entry into treated areas



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Current WPS Provisions

- Decontamination supplies
- Emergency assistance
- Access to application-specific information (hazard communication)
- Personal protective equipment (PPE)



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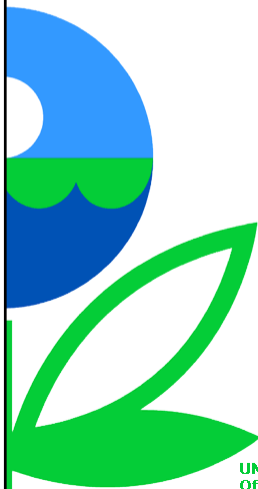
Proposed Changes: Training

Current Rule

- Pesticide safety training every 5 years
- Brief training required prior to entering treated area; delay allowed for full pesticide safety training for up to 5 days (“grace period”)

Proposal

- Pesticide training every year
- Expand training content
- “Grace period” allowed for 2 days
- Expand “grace period” training
- Require recordkeeping of training for 2 years
- Improve training verification



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Proposed Changes: Notification

Current Rule

- Oral or posted notification of treated areas unless labeling requires both
- Workers entering when restricted-entry interval (REI) in effect (early-entry workers) must receive PPE

Proposal

- Post treated areas when REI is greater than 48 hours
- Provide early-entry workers with oral notification covering
 - information about the pesticide application
 - specific task to be performed
 - amount of time that the worker is allowed to remain in the treated area
- Require recordkeeping of notification

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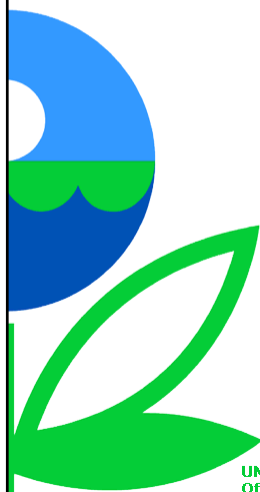
Proposed Changes: Hazard Communication

Current Rule

- Post application-specific information at central display until 30 days after REI expires

Proposal

- Reduce burden by removing requirement to post application-specific information at central display
- Make available application-specific information, labeling, and Safety Data Sheets (SDS)
- Retain application-specific information, labeling, and SDS for 2 years





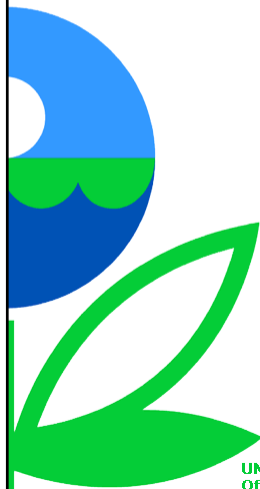
Proposed Changes: Minimum Age

Current Rule

- No minimum age

Proposal

- Require pesticide handlers and early entry workers (entering during REI) to be at least 16 years old
- Members of owner's immediate family are exempt from this requirement





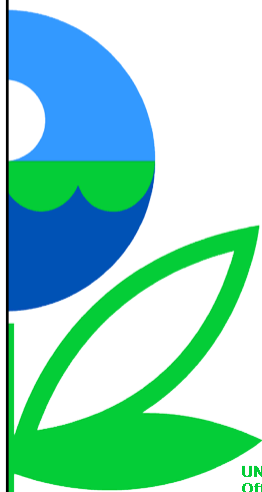
Proposed Changes: PPE

Current Rule

- Employers must provide PPE required by labeling & ensure respirator fits correctly
- Handlers can reduce PPE if a closed system is used. Current rule description requires no pesticide escape – vague standard difficult to comply with

Proposal

- Adopt by reference OSHA standard for respirators – fit test, evaluation, training
- Add specific requirements for closed systems based on existing CA standard





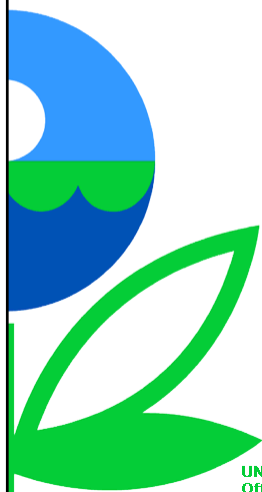
Proposed Changes: Extend Entry-Restricted Areas to Farms/Forests

Current Rule

- During pesticide applications, workers and others are prohibited from being in areas adjacent to treated areas (entry-restricted areas) **but for nurseries and greenhouses only**

Proposal

- Establish entry-restricted areas for farms and forests using same criteria
- WPS entry-restricted areas would be limited by the boundary of the establishment owner's property





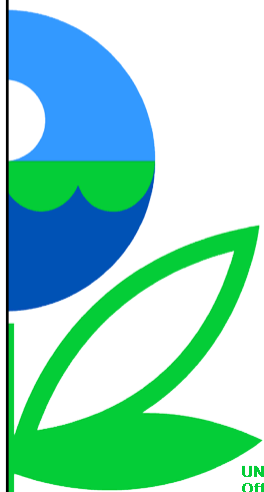
Proposed Changes: Decontamination

Current Rule

- Employers must provide “sufficient amount of water so that the workers/handlers may wash thoroughly”
- One pint of water required for eye flushing

Proposal

- Specify minimum amounts of water required for workers, handlers, and early-entry workers on a per worker or per handler basis
- Require running water at permanent mix/load sites for handler eye flushing





Proposed Changes: Emergency Assistance

Current Rule

- Employers must provide “prompt” transportation to an emergency medical facility for workers or handlers who may have been exposed to pesticides
- Upon request, employers must provide certain information, if available, to the exposed person or medical personnel

Proposal

- Define “prompt” as within 30 minutes of learning of the exposure
- Require employers to provide the product’s Safety Data Sheet (SDS), labeling, and specific information about the product, as well as the circumstances of the application and exposure, to either the exposed person or to treating medical personnel

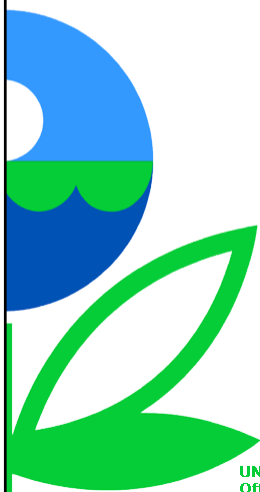
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Proposed Changes: Definitions

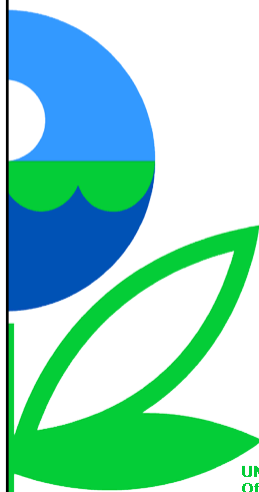
- Proposal revises the following key definition:
 - Immediate Family – expands number of farms eligible for owner and immediate family exemption (reduces cost/burden for wholly family-owned farms)
 - Definition of “employ” limited to persons receiving wages or salary
 - Remaining revisions to existing definitions clarify those terms
- Proposal adds the following key definitions:
 - Authorized representative, closed system, commercial pesticide handler employer, commercial production, enclosed space production, enclosed cab, entry-restricted area, forest operation, labor contractor, outdoor production, personal protective equipment, safety data sheet, use, and worker housing area





Monitoring Handler Exposure to Cholinesterase-Inhibiting Pesticides

- EPA considered proposing cholinesterase (ChE) monitoring of handlers to support mitigation of handlers' exposure to ChE-inhibiting pesticides, as recommended by stakeholders.
 - Consideration of California and Washington State's ChE monitoring rules
 - Determination that anticipated benefits of a ChE monitoring program would not justify the costs to handlers and employers and would be reactive to catching incidents after they occur rather than working to stop them from happening
- Proposed changes to expand handler training and to adopt OSHA respirator standards proactively address some of the risks to handler health identified by state-based ChE monitoring programs. Unreasonable adverse effects to handlers working with OPs and carbamates will be prevented through a combination of:
 - Product specific risk assessment and registration process
 - Label-based risk mitigation measures
 - Revised labeling with increased protections, replacing older labeling in the field. (reregistration process)
 - Proposed changes to handler training and respirator requirements

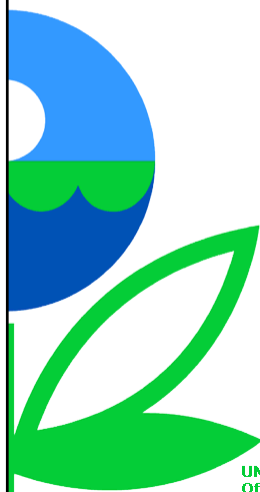


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Costs

- Annual Cost: \$61.9 - \$72.4 million
- \$25 – 30 per employee (worker/handler)
- \$400 for large farms (sales >\$750,000/year)
- \$150 for small farms, ~0.1% of annual sales
- Jobs impact: Would cost an additional \$5 to employ a worker and \$60 to employ a handler.

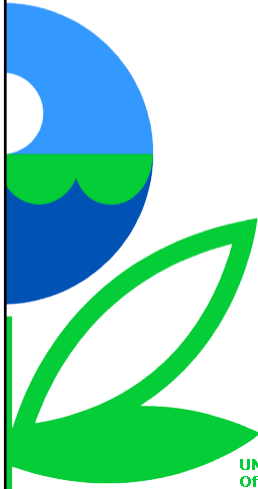


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Acute Benefits

- Estimated reduction in incidents of 50 – 60%, up to 2,800 incidents per year, with substantial underreporting
- Quantifiable benefits from preventing acute agricultural worker illnesses: \$10-15 million per year

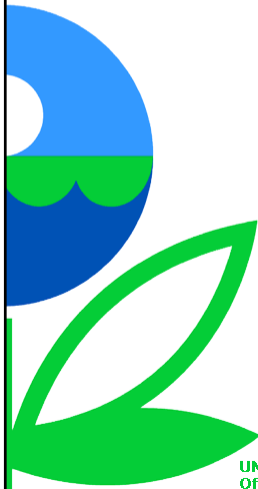


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Chronic Benefits

- OPP using “break-even analysis” approach to estimate the number of cases of chronic illnesses that the rule would have to prevent in order for the benefits to exceed the costs
- Break-even analysis develops estimate using cost to treat the illness and willingness to pay to avoid illness
- Illnesses considered in the break-even analysis chosen based on literature review and advice from the EPA’s Office of Policy
- Illnesses considered are non-Hodgkin’s lymphoma, prostate cancer, Parkinson’s disease, lung cancer, bronchitis and asthma, for which the literature shows possible association with pesticide exposure
- If only 0.8% (53 cases per year) of these illnesses among farmworkers are prevented by the rule, the benefits of the proposed rule would exceed the cost (>\$64M in benefits)



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- News
- Announcements
- Blog
- Calendar
- Health Centers
- Clinical Leadership
- Gallery
- MCN Forums
- Worker Protection Standard**

[EPA's page on the proposed Worker Protection Standard](#)

The EPA is seeking your input on the proposed changes. Your comments will help guide their final decision-making. Visit their WPS page for more information.

[Protect Farmworkers](#)

Created specifically for the WPS campaign, this website hosts farmworker stories, issues surrounding the WPS, ways to get involved, links to stakeholder organizations, and more.

Home : Community

Worker Protection Standard

MCN Endorses EPA's Efforts to Strengthen Farmworker Protections

The Migrant Clinicians Network (MCN) endorses the proposed changes announced this week by the Environmental Protection Agency to strengthen the Worker Protection Standard.

"We congratulate this administration for advancing these critically important protections for the nation's farm workers," said Amy Liebman, Director of Environmental and Occupational Health for MCN. "For far too long, this essential labor force has been treated as second class. We are encouraged that these changes will finally afford farm workers stronger safeguards that will protect their safety and health, ensuring a viable workforce, capable of putting food on our table."

MCN has spent more than a decade advocating for increased protections in the Worker Protection Standard of the Federal Insecticide, Fungicide and Rodenticide Act which was passed in 1947.

MCN stands behind stronger regulations and would like to see a WPS that includes:

- A more robust and frequent training regimen that ensures that all workers learn what their risks are, and how to limit those risks by properly protecting themselves and their families from exposure;
- Additional protections for workers who apply pesticides, including medical monitoring, effective respiratory protection such as fit testing for respirators, and a minimum age for all handlers;
- Improved worker access to information about what pesticides have been applied in their workplace and related health effects;
- Decontamination supplies for all workers on site and training on how to handle emergencies;
- Better notification for workers of when pesticides are being applied and tightening of entry exceptions;
- Better controls for pesticide mixing and loading;
- Better whistle blower protections for workers filing complaints and reporting exposures.

The EPA estimates that there are 10,000 to 20,000 workers every year who suffer from acute pesticide poisoning. And that number is probably low because farm workers don't often report exposures. But for those workers who do see a doctor, information is often the key.

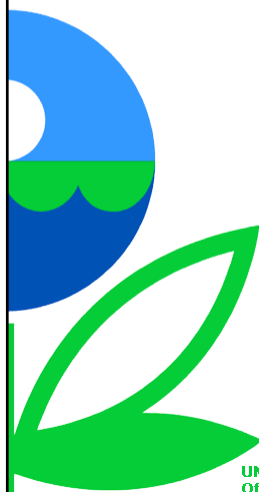
According to the Centers for Disease Control, short-term effects of pesticide exposures can include stinging eyes, rashes, blisters,



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Appropriate Web Sites for Commenters

- Notice of proposed rule making – docket - pesticide worker safety websites:
- <http://www.epa.gov/oppfead1/safety/workers/proposed/pre-pub-wps-proposed-rule.pdf>
- <http://www.regulations.gov> identified by docket number [EPA-HQ-OPP-2011-0184-0002](http://www.epa.gov/oppfead1/safety/workers/proposed/index.html)
- <http://www.epa.gov/oppfead1/safety/workers/proposed/index.html>



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