



Brief History of the Worker Protection Standard in Washington State



Issued originally in 1992 by the U.S. Environmental Protection Agency (USEPA), the [Federal Worker Protection Standard](#) (WPS; Title 40, Code of Federal Regulations, Part 170) is a federal regulation intended to protect employees on farms and in forests, nurseries, and greenhouses (known as agricultural establishments) from occupational exposures to agricultural pesticides. WPS is a national effort to lower the risk of pesticide exposure and to safeguard the health of agricultural workers (people involved in the production of agricultural plants) and of pesticide handlers (people who mix, load, or apply pesticides or other tasks involving direct contact with pesticides).

DIRECTIONS FOR USE
<p>AGRICULTURAL USE REQUIREMENTS</p> <p>Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR 170. This Standard contains requirements for the protection of agriculture workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides . . . The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard (WPS).</p>

WPS requires who are agricultural pesticide users or who employ pesticide handlers (employer-handler) or agricultural workers (employer-worker) who may be potentially exposed to pesticides to undertake measures that reduce the risk of pesticide-related illnesses and injury to employees. WPS requirements apply to any pesticide product with labeling that refers to the Worker Protection Standard. This labeling is on all pesticides registered for agricultural uses (Figure 1).

Figure 1. Known as the “Worker Protection Block,” reference to the WPS appears in the “Directions for Use” section of pesticide labels.

WPS requires the agricultural pesticide user or the employer of pesticide handlers or of agricultural workers to provide employees with

- **information** about exposure to pesticides (i.e., safety training, pesticide safety poster, access to pesticide labeling information, information to the nearest emergency medical facility),
- **protection** against exposures to pesticides (i.e., worker exclusion from treatment areas and areas under a restricted entry interval [REI], early entry protection, worker notification, monitoring while handling highly toxic pesticides, correct use of PPE), and
- means to **mitigate** exposures to pesticides (i.e., decontamination supplies and emergency assistance).

Enforcement of WPS requirements, as with most federal regulations, is delegated by the administrating federal agency through a Memorandum of Understanding with a State lead agency. Subsequently, the State legislature passes enabling legislation (RCW, Revised Code of Washington) that delegates enforcement authority to an agency.

To that end, in 1996, the Washington State Legislature directed the three State agencies with pesticide oversight responsibilities – WSDA, Labor and Industries (L&I), and Department of Health – to minimize duplication and to eliminate any conflicting requirements in the enforcement of WPS by defining their respective roles. This directive resulted in the adoption of nearly identical WPS rules by WSDA ([WAC 16-233](#)) and L&I ([WAC 296-307](#)). This action is unique in that no other rule in Washington State is enforced by multiple agencies.

In a formalized inter-agency “Memorandum of Understanding,” L&I is designated as the State lead agency in enforcement of the worker protection standard (Part I: Pesticides, Worker Protection Standard). L&I maintains jurisdiction over the health and safety of agriculture workers who may be exposed to pesticides as part of their duties. The L&I Division of Occupational Safety and Health (DOSH) administers the Washington State Industrial Safety and Health Act, which is the State equivalent to the Federal Occupational Safety and Health Administration (OSHA). In comparison, WSDA administers pesticide use requirements relative to the Worker Protection Standard (i.e., PPE and pesticide safety training, field posting, notice of applications, and entry restrictions).

To that end, using a pesticide in a manner that is inconsistent with WPS requirements is a violation of the federal pesticide law (Federal Insecticide, Fungicide, and Rodenticide Act, FIFRA; Figure 2) and of two State worker protection rules, in addition to the federal WPS.

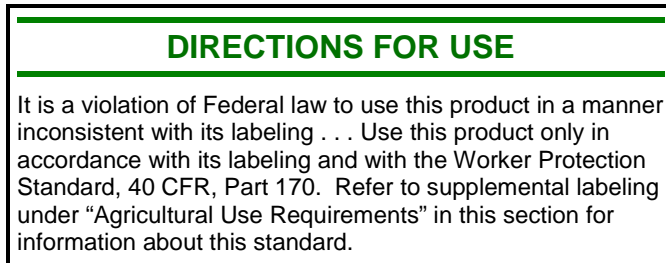


Figure 2. Misuse of a pesticide containing the “Agricultural Use Block” is a violation of two federal regulations: FIFRA and WPS.

WPS Decontamination Standards for Pesticide Handlers at Mix/Load Sites

As referenced in the preceding article, in Washington State, WSDA and Labor and Industries co-enforce the Worker Protection Standard (WPS). This article reviews [Section 250: Decontamination Standards for Pesticide Handlers](#) (WAC 16-233) that specifies the type and quantity of decontamination supplies – as well as the location – which handler-employers must provide to handlers to mitigate pesticide exposures. (This article does not address the exceptions for aerial applicators or, since mix and load sites presuppose vehicular access, for handling pesticides in remote areas).

The terms “worker” and “pesticide handler” are specifically defined in the WPS, based on the tasks being performed. Employers of persons who meet the criteria of these definitions must comply with the WPS. (The WPS manual [“How to Comply with the Worker Protection Standard for Agricultural Pesticides,”](#) revised September 2005, may be downloaded from this hyperlink.)

Handler-employers must provide decontamination supplies to pesticide handlers while performing handling tasks and to workers who are working in a pesticide-treated area while engaging in tasks that involve contact with anything that has been treated with a pesticide. Emergency assistance, in the form of transportation to a medical care facility and information about the pesticide(s), must also be made available.

This article will examine requirements for pesticide handlers only. By definition, a pesticide handler is anyone who performs a direct-contact task in the production of agricultural plants. Although many direct-contact tasks are listed on pesticide labels, the listing is not necessarily inclusive of all the activities recorded in the WPS (Figure 3).



Figure 3. List of handler direct-contact tasks that are typical of the soil fumigants.

WPS requires a handler-employer to provide pesticide handlers with decontamination supplies at a mix/load site (Figure 4). Decontamination supplies intended for routine washing, emergency eyeflushing, and PPE decontamination must be provided regardless of the number of employees.

Emergency eyewash supplies include

- ▶ At least one (1) pint of water that must be immediately available to each handler who is performing tasks for which the pesticide label requires protective eyewear.
- ▶ A plumbed or portable emergency eyewash at all pesticide mixing and loading stations or handler decontamination sites when a pesticide label
 - 1) requires protective eyewear or
 - 2) all permanent mixing and loading stations regardless of whether a label requires protective eyewear.



Figure 4. Temporary mix/load sites are subject to the WPS decontamination and emergency eyeflush requirements.

Immediately available means carried by the handler, on the vehicle that the handler is using, or otherwise immediately accessible.

The emergency eyeflush system must

- ▶ be capable of irrigating and flushing both eyes simultaneously (Figure 5),
- ▶ be capable of delivering at least 0.4 gallons of water per minute for 15 minutes (minimum six-gallon reservoir), and
- ▶ have an on-off valve that activates in one second or less and remains on without user assistance until intentionally turned off (Figure 6).



Figure 5. Eyes must be irrigated simultaneously.



Figure 6. Two types of commercially available emergency eyeflush stations that comply with L&I requirements.

Decontamination water must be of quality and of temperature that will not cause illness or injury when it contacts the skin or eyes, or if it is swallowed.

Supplies in event of a pesticide exposure include:

- ▶ soap and single use towels,
- ▶ ample water supply for routine washing or for washing the entire body in the case of an emergency (at least 10 gallons for one employee or 20 gallons for two or more employees at mixing and loading sites that do not have running water), and
- ▶ a clean change of clothes (e.g., one-size-fits-all overalls).

(Note: L&I also requires a shower for emergency decontamination.)

A truck driver who transfers a pesticide from a bulk tank or truck to another bulk tank (e.g., temporary field storage or chemigation application tank) is not a part of the application process and does not fall under WPS requirements. However, if the truck driver fills directly into an application machine (e.g., shank unit), then that driver becomes a part of the application process and is subject to WPS requirements (Figure 7).

PESTICIDE LABELING OVERRIDES WPS
 If the pesticide labeling contains specific instructions or requirements that conflict with the requirements of the Worker Protection Standard, **follow the instructions or requirements on the product labeling.**

A person is **not** a pesticide handler

- if he or she purchases pesticides and transports unopened containers to an agricultural establishment (i.e., farms, forests, nurseries, and greenhouses); transports unopened containers to the site where the pesticide is to be mixed, loaded, or applied; or places unopened containers into a pesticide storage facility; or
- if the container has been emptied or cleaned according to instructions on pesticide product labeling or, if the labeling has no such instructions, have been triple-rinsed or cleaned by an equivalent method, such as pressure rinsing.



Figure 7. Transportation to and transfer of a bulk pesticide to field storage tank are not covered by WPS.

Documents Required at a Mix/Load or an Application Site

No person shall distribute, transport, apply, store, dispose, or sell any pesticide unless it is in the registrant's or the manufacturer's unbroken, immediate container and the registered pesticide label is affixed to the container or bag ([WAC 16-228-1200\[11\]](#)). If the container (or bag) does not prominently display the pesticide label or if the label is not affixed, the pesticide is deemed to be misbranded ([RCW 15.58.130](#)).

Even with bulk materials – such as soil fumigants – a label must accompany the shipment and be affixed to the bulk tank (temporary field storage or chemigation application tank).

Where the pesticide label is placed depends on the nature of the activity and how the bulk tank is used:

- With a chemigation application, the full pesticide label must be affixed to each application tank, even if the tanks are manifolded together.
- For temporary field storage, a pesticide label and a placard in accordance with Uniform Fire Code Standard No. 79-3 must be attached to the bulk storage container in a prominent location. The pesticide label and Fire Code placard must remain intact and legible through active use of the container.
- With a delivery truck, the label must be affixed or attached to the tank or be placed in the truck cab, either in the driver-side door pouch or on the passenger seat.

However, does the Material Safety Data Sheet (MSDS) for the pesticide also need to be at the mix/load or application site?

The MSDS does not need to be available at these sites. However, [WAC 296-307-55020](#) requires that the MSDS be “readily accessible to your employees.”

Tessenderlo KERLEY
Material Safety Data Sheet
SECTAGON – K54
MSDS Number 2125 (Revised 10/5/2006) 6 Pages

Section 1: CHEMICAL PRODUCT and COMPANY IDENTIFICATION

1.1 Product Name: SECTAGON-K54 EPA REG # 61842-7
Chemical Family: Dithiocarbamate salt solution
Synonyms: Potassium N-methyldithiocarbamate, N-Methyldithiocarbamic acid, potassium salt, Carbamic acid, N-methyldithio-potassium salt, C₂H₄N₂S₂K

1.2 Manufacturer: Tessenderlo Kerley Inc.
2255 N. 44th Street, Suite 300
Phoenix, Arizona 85008-3279
Information: (602) 889-8300

1.3 Emergency Contact: (800) 877-1737 (Tessenderlo Kerley)
(800) 424-9360 (CHEMTREC)

Section 2: COMPOSITION, INFORMATION ON INGREDIENTS

2.1 Chemical Ingredients (% by wt.)
Potassium methyldithiocarbamate CAS # 137-41-7 54%
Inerts 46%
(See Section 8 for exposure guidelines)

Section 3: HAZARDS IDENTIFICATION

NFPA: Health - 2 Flammability - 0 Reactivity - 1

EMERGENCY OVERVIEW
Contact with skin or eyes may result in irritation.
Repeated/prolonged skin contact may cause hypersensitivity type dermatitis.
Inhalation may cause respiratory irritation.
Prolonged exposure to air will result in gradual decomposition, to form methyl isothiocyanate (MITC), which is poisonous.

Employers must ensure that employees have a basic knowledge of how to find information on an MSDS and how to properly make use of that information.

A Material Safety Data Sheet (MSDS) is a printed or electronic document that contains information on the potential hazards (health, fire, reactivity, and environmental) and how to work safely with the chemical product. MSDSs are prepared by the supplier or manufacturer of the material.

MSDSs must be (1) maintained for each hazardous chemical and (2) printed in English, although copies in other languages may be kept. The chemical manufacturer, supplier, or distributor should provide a MSDS for each pesticide. An MSDS must be provided with the initial shipment or transfer of the product, with the first shipment or transfer after an MSDS is updated, and whenever an MSDS is requested.

The MSDSs must be readily accessible to employees and the information must be immediately obtainable in an emergency. The MSDSs may be kept at a central location at the primary workplace facility and accessible by voice communication or with a laptop computer, providing employees are trained in using the equipment for accessing the information. In fact, the Chemical Hazard Communication Program ([WAC 296-307-55005](#)) requires employers engaged in businesses where chemicals are used, distributed, or produced for use or distribution to include a description of how MSDSs are to be obtained and maintained.

Electronic access (such as computer or fax), microfiche, Internet sites, and other alternatives to maintain paper copies of the MSDSs are permitted as long as they do not create barriers to immediate employee access. Barriers to immediate access of electronic MSDSs may include

- Power outages
- Equipment failure
- System delays
- Deficient user knowledge to operate equipment to retrieve information
- Location of equipment outside of the work area
- Locked in an office or a filing cabinet.

Although not required at the mix/load or application site, the MSDS contains more human health, environmental hazard, and incident response information about the pesticide than does the label. MSDSs convey what the hazards of the product are, how to use the product safely, what to expect if the recommendations are not followed, what to do if accidents occur, how to recognize symptoms of overexposure, and what to do if such incidents occur. Consequently, it is to the advantage of the pesticide handler to have on-site access to a product's MSDS.

IN SUMMARY

MSDSs may be maintained off-site as long as they are readily available to employees. "Readily available" means that the employer must ensure that MSDSs are available to employees within that employee's work shift or that it may be faxed to an emergency room should an employee require a pesticide exposure-related visit to a hospital or an emergency care facility. An employer must have a plan in place for making MSDSs available during those times that offices are closed or unstaffed.

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