

Worker Protection Standard

Reference Guide



Department of Consumer
and Business Services

Worker Protection Standard

Reference Guide

About this guide

This guide is for employers and agricultural workers (people employed in the production of agricultural plants) and pesticide handlers (people mixing, loading, or applying pesticides or doing certain tasks involving direct contact with pesticides).

Oregon employers have additional responsibilities related to the Worker Protection Standard (WPS). This information outlines Oregon's specific requirements for employers and summarizes the maximum requirements under the revised WPS in Oregon.

This publication does not include *exemptions and exceptions* that may allow some people to do less.

More information about Oregon's revised WPS is available here:
<https://osha.oregon.gov/Pages/topics/worker-protection-standard.aspx>

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Duties for all employers

The following requirements apply to all employers, including agricultural employers, employers of commercial pesticide handlers, and any other employers subject to the requirements of the WPS, such as farm labor contractors and employers providing services on farms. This is a summary of the requirements. Refer to the rules references for details.

Prevent retaliation *170.315*

Employers must not retaliate against a worker or handler who attempts to comply with the WPS, files a complaint, or provides information in an investigation of alleged WPS noncompliance.

Observe minimum age requirements *170.309(c)* and *170.313(c)*

Ensure that all early entry workers and all handlers are at least 18 years old.

Ensure compliance by supervisors and labor contractors *170.309(d), 170.313(d), and 170.317(c)*

Employers must provide sufficient information to supervisors (or labor contractors acting for them) to ensure compliance with the revised WPS by specifying:

- The compliance-related tasks supervisors or labor contractors must do, and
- The information they must provide to workers and handlers under their direction and control

Provide pesticide safety training 170.401, OAR 437-004-6401, 170.501, OAR 437-004-6501, and OAR 437-004-6502

- Make sure workers are trained on the WPS before performing tasks in an area where a WPS-labeled pesticide has been applied or a restricted-entry interval (REI) has been in effect within the past 30 days.
- Make sure handlers are trained before performing any handler activity. There is no grace period for worker or handler training.
- Ensure that workers and handlers are retrained at least annually.
- Trainers presenting orally, from written materials, or audio-visually must use [EPA-approved materials](#).
- Trainers must either be certified applicators, have completed an Environmental Protection Agency (EPA) approved train-the-trainer program, or be designated by the state or a tribal pesticide enforcement agency.
- Make sure training is delivered in a manner the employees can understand and that the trainer is present to respond to questions.
- Employers must maintain training records for two years from the training date for each worker and handler and provide the record to those employees upon request.

In Oregon, OAR 437-004-6502 applies for people who use the train-the-trainer qualifications described in 170.501(c)(4)(ii) to train WPS handlers. These trainers must complete an [EPA-approved train-the-trainer program](#) at least once every five years and maintain their own records of these trainings. This requirement does not apply to certified applicators as described in 170.501(c)(4)(iii).

Provide worksite-specific information 170.403 and 170.503(b)

All employers must tell workers and handlers where on the worksite to find the EPA Worker Protection Standard poster (or equivalent), application information, safety data sheets, and decontamination supplies.

Provide decontamination supplies 170.411 and 170.509

For workers, employers must provide access to decontamination supplies located together, outside of treated or restricted-entry areas, and within a quarter mile of all workers. You must ensure the following:

- Start each work period with 1 gallon of water per worker for routine and emergency decontamination. Water must be clean, safe for drinking, and cool enough for washing and eye flushing. Do not use water that is also used for mixing pesticides unless you ensure the safety of the water by using a backflow-prevention device, for example.
- Provide sufficient soap and single-use towels. Hand sanitizers and wet towelettes cannot be substituted for soap, water, and single-use towels.

For handlers, employers must provide access to decontamination supplies, located together. Supplies must be kept outside treated or restricted-entry areas, unless they are protected from contamination in closed containers. You must ensure the following:

- Place decontamination supplies at each mixing and loading site, and where handlers remove their personal protective equipment (PPE) at the end of a task.
- Start each work period with at least 3 gallons of water per handler for routine and emergency decontamination. Water must be clean, safe for drinking, and cool enough for washing and eye flushing. Do not use water that is also used for mixing pesticides unless you ensure the safety of the water by using a backflow-prevention device, for example.
- Provide plenty of soap and single-use towels. Hand sanitizers and wet towelettes cannot be substituted for soap, water, and single-use towels.
- Provide a clean coverall (or other clean change of clothing) for each handler. 170.509
- When handlers apply a pesticide product that requires protective eyewear, provide at least 1 pint of water per handler in portable containers that are immediately available.

Exchange information with other employers

170.309 and 170.313

Agricultural establishments are often multiemployer worksites – employers must communicate with all employers on their establishment.

In addition to WPS-specific responsibilities, you must communicate chemical hazard information as required by OSHA's Hazard Communication Standard.

- For Division 4 employers, OAR 437-004-9800 applies.
- For Division 2 or Division 7 employers, Division 2/Z, 1910.1200 applies.

Provide information to service providers who clean, repair, or adjust pesticide application equipment

Before allowing anyone not directly employed by the establishment to clean, repair, or adjust pesticide application equipment, you must provide the following information to them:

- A notice that the equipment may be contaminated with pesticides.
- The potentially harmful effects of pesticide exposure.
- Ways to limit exposure to pesticide residues when handling application equipment.
- How practices such as washing hands and laundering their work clothes can help prevent pesticide exposure and remove pesticide residues.

Agricultural employers must ensure that each worker and handler receives the protections required by the WPS by doing the following:

- Make sure any employer of commercial pesticide handlers is made aware of the specific location and description of treated areas where a restricted-entry interval is in effect if the commercial handler may be within a quarter mile of that area. The employer of commercial handlers must pass along this restricted entry information to handlers doing work at the establishment.

- Provide information to their supervisors and to labor contractors with WPS-affected workers or handlers that includes the following:
 - › WPS compliance-related tasks that the supervisors or labor contractors are expected to do.
 - › Worksite-specific information and any other directions that they are required to provide to the workers or handlers under their direction and control.

Employers of commercial pesticide handlers must provide the owner or operator of an agricultural establishment, where a pesticide will be applied, the following information:

- Location and description of areas to be treated.
- Date, estimated start time, and estimated end time of the application.
- Pesticide names, EPA registration numbers, active ingredients, and restricted-entry intervals.
- Type of notification required by the pesticide label – oral warnings, treated area posting, or both.
- All other safety requirements on pesticide labels pertaining to workers or other people.

Provide emergency assistance 170.309

If there is reason to believe a worker or handler has been exposed to pesticides on an agricultural establishment and needs emergency medical treatment during work or within 72 hours after employment, employers must promptly make transportation available to an appropriate emergency medical facility. The employer must provide information to medical personnel about *each pesticide product* that the person may have been exposed to. This information must include the following:

- Product names, EPA registration numbers, and active ingredients.
- Safety data sheets.
- Description of how the pesticides were used on the agricultural establishment, including any circumstances that could have resulted in exposure to the pesticide.

Responsibilities for agricultural employers

Provide pesticide safety, application, and hazard information

170.309, 170.311, and 170.313

An **agricultural employer** is a person who is an owner of, or is responsible for, the management or condition of a farm, forest operation, or nursery that is engaged in the production of agricultural plants (such as growing, maintaining, or otherwise producing plants for sale or trade) and who employs any worker or handler as defined in the WPS.

Agricultural employers must make pesticide safety information available at their establishment, allow workers and handlers unrestricted access, and keep the displayed information current and legible.

At a minimum, an agricultural employer must display the EPA Worker Protection Standard safety poster (or equivalent) before a pesticide application takes place and for 30 days after the restricted-entry interval expires.

The agricultural employer must also provide the safety data sheets and display the application information within 24 hours of the application and before workers enter treated areas.

Provide central posting information. The following information must be all together in an easily accessible central location:

- EPA Worker Protection Standard safety poster or equivalent information, including the establishment's emergency contact information.
- A copy of the safety data sheet for each WPS-labeled pesticide applied.
- Current information about pesticide applications:
 - › Product name, EPA registration number, and active ingredient.
 - › Crop or site treated location and description of the treated area.
 - › Date, start and end times of the application, and duration of restricted-entry interval.

Provide worksite-specific information 170.403, 170.411, and 170.503

In addition to pesticide safety training, employers must tell workers and handlers where on their establishment to find the following:

- The EPA Worker Protection Standard safety poster (or equivalent)
- Information about specific applications
- Safety data sheets for pesticide products
- Required decontamination supplies

This information must be made readily available for 30 days after the restricted-entry interval expires and kept in establishment records for an additional two years after the restricted-entry interval expires.

In Oregon, the Hazard Communication Standard and the Medical and Exposure Records Access rules also have requirements for employers to maintain safety data sheets for longer periods of time.

Display the EPA Worker Protection Standard safety poster (or equivalent) with decontamination supplies that are located at permanent sites.

Provide safety data sheets and application information within 15 days if a designated representative requests it.

Employers of commercial pesticide handlers do not have to comply with information display requirements, but must exchange specific information with the agricultural employer and provide site-specific information about applications and hazards to their own employees.



Duties for agricultural employers in Oregon with enclosed structures that are within an outdoor Application Exclusion Zone (AEZ) OAR 437-004-6405

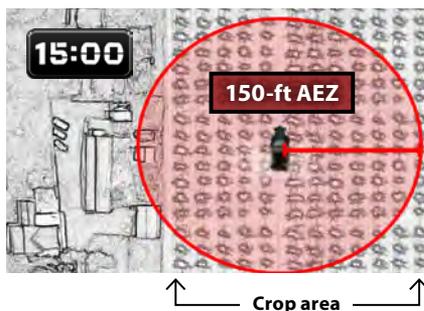
The Application Exclusion Zone (AEZ) for an outdoor crop area is an area surrounding the pesticide application equipment that must be free of all people other than appropriately trained and equipped handlers during pesticide applications. The zone is a circle with a radius of a certain distance (150 feet, 100 feet, or 25 feet), measured from the equipment, extending horizontally and down to the ground. The size of the radius is determined by how the pesticide is applied (the type of equipment used and spray quality) as well as whether or not respiratory protection is required for the applicator.

Because the zone may extend beyond the treated crop area, these protections apply to enclosed structures within an exclusion zone on agricultural establishments that are occupied at anytime, by employees or other people.

The agricultural employer must implement the AEZ protections as follows:

150-foot zones are required when the pesticide label requires the handler to use respiratory protection and *one* of the following applies:

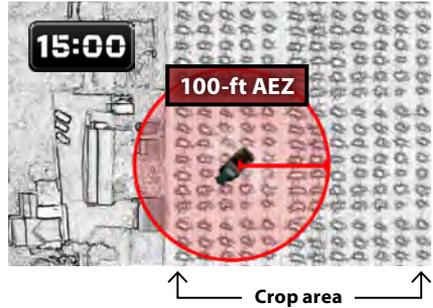
- The pesticide is applied by air blast sprayer.
- The pesticide is applied from an aircraft.
- The quality of the spray is fine or very fine.



All workers and labor housing occupants must evacuate the area within the zone until 15 minutes after the application equipment passes.

100-foot zones are required when the label does not require the handler to use respiratory protection and *one* of the following applies:

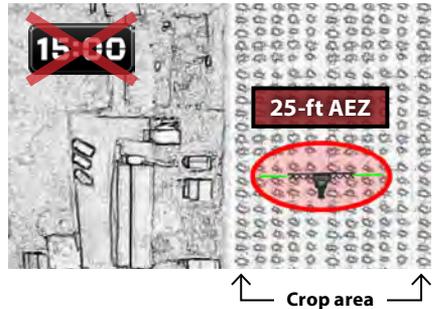
- The pesticide is applied by air blast sprayer.
- The pesticide is applied from an aircraft.
- The spray quality is fine or very fine.



Workers and labor housing occupants must either evacuate the AEZ or remain sheltered in an enclosed agricultural structure until 15 minutes after the application equipment passes. Workers not on paid status and labor housing occupants must be permitted to evacuate even if the employer otherwise allows them to remain in an enclosed agricultural structure.

25-foot zones are required when *all* of the following apply:

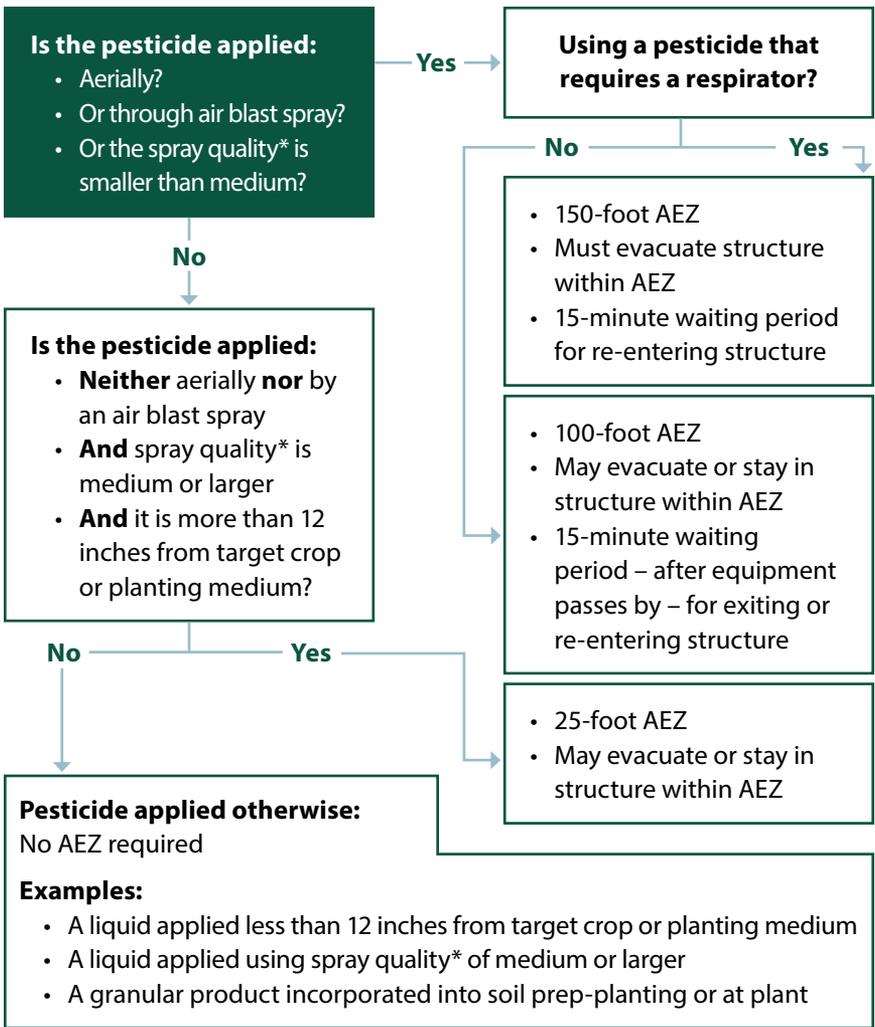
- The application is not by air blast sprayer.
- The pesticide is not applied from an aircraft.
- The pesticide is sprayed from a height greater than 12 inches from the crop or ground.
- The spray quality is medium or larger.



Workers and labor housing occupants must either remain sheltered in an enclosed agricultural structure or evacuate the AEZ while the application equipment passes.

No AEZ applies for appropriately trained and equipped handlers or for applications not covered by the circumstances previously described. Examples include applications of granular pesticide products, soil-incorporated products (other than fumigants), dipped cuttings, and pre-plant and at-plant pesticide applications when applied from a distance of less than 12 inches from the crop or ground and using a medium or larger spray quality.

Worker Protection Standard, Application Exclusion Zone (AEZ) decision matrix for outdoor crop production

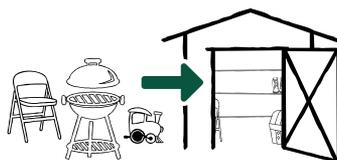


Duties for providers of agricultural labor housing that are within an Application Exclusion Zone (AEZ) OAR 437-004-6405

These additional requirements apply when a structure on an agricultural establishment is used as an agricultural labor housing facility and is within an AEZ.

Before the pesticide application, housing providers must communicate the following information to residents affected by the exclusion zone, including family members and other adult occupants. This information must be provided in a manner that is easy to understand and that effectively conveys what occupants of the housing must do to minimize exposure to outside air contaminants during nearby pesticide applications, including:

- When housing occupants must evacuate and when they are allowed to stay in the structures.
- When applications are scheduled to start and stop.
- When to close windows and doors. (This is required regardless of whether the affected people are staying inside or evacuating.)
- How to close potential air-intakes and how to take necessary measures to minimize exposure to outside air during the application.
- How long to maintain the protective measures.
- How to prevent contamination of personal or household items within the exclusion zone.
- How to recognize and report suspected pesticide residues on or in enclosed structures or on personal or household items within the exclusion zone.





Provide an information station

The housing provider must post the following information, including the name of the product being applied, at a station close to the housing:

- A detailed plan for pending pesticide applications with exclusion zones that could affect the housing. Employers must also develop a way of alerting occupants to changing information about pending applications.
- Where to find pesticide application and safety information — including the name of the product being applied — required by the WPS (central posting information).
- Information specific to the housing about how to prevent and reduce pesticide exposures. For instance, using closable storage boxes for shoes and boots to help keep pesticide residues out of the housing.

The housing provider must ensure that any spray drift that makes contact with labor housing areas within an AEZ is properly cleaned up with minimal employee or housing occupant exposure.

ORAR 437-004-6406

Duties for employers of WPS workers

All agricultural employers, labor contractors, and any other employers of workers that are affected by the WPS requirements must comply with the following protective measures:

Enforce restrictions during applications 170.405, OAR 437-004-6405, and OAR 437-004-6406

The agricultural employer must not allow or direct any worker or other person, other than an appropriately trained and equipped handler involved in the application, to enter or to remain in the exclusion zone during the application until the time specified has expired or other conditions have been met.

Enforce restricted-entry intervals (REIs) 170.309(l) and 170.407

Do not direct or allow any worker to enter or remain in the treated area until the restricted-entry interval has expired and all posted warning signs are removed or covered. (Refer to exceptions in 170.603.)

Employers must provide specific protections and detailed information for early entry workers (workers assigned to enter treated areas during a restricted-entry interval) as described in 170.605.

Provide notice about applications 170.409(a)

Give oral warnings to workers and post treated areas if both are required by the pesticide label. If both are not required by the label, post warning signs *if the restricted-entry interval is greater than:*

- 48 hours for outdoor production.
- Four hours for enclosed space production.

For all other applications, either orally warn workers or post warning signs. Workers who enter the establishment after applications begin must receive the same warnings at the start of their work period.

Post warning signs 170.409(b)

When required, post legible 14-by-16-inch WPS-warning signs *no more than* 24 hours before an application. Keep signs posted during the restricted-entry interval, and remove or cover them before workers enter and within three days after the end of the restricted-entry interval.

Post signs so they can be seen at all reasonably expected entrances to treated areas.

Warning signs can be smaller than 14 inches by 16 inches under certain conditions. All warning signs must meet specific rule requirements.

Give oral warnings 170.409(c)

Tell workers, in a manner they can understand, the following *before* each application:

- Location and description of treated area.
- Date and times entry is restricted with instructions not to enter the treated area during that time period.
- Specific size of the Application Exclusion Zone (AEZ) with instructions to stay clear of the application equipment and its exclusion zone.

Workers who enter the establishment after application starts must receive the same warning at the start of their work period.

Duties for employers of handlers

These requirements apply to agricultural employers of handlers and to employers of commercial pesticide handlers.

Enforce application restrictions and monitoring requirements for handlers *170.505*

Do not allow handlers to apply a pesticide so that it contacts anyone, either directly or through drift, other than appropriately trained and equipped handlers.

Enforce the requirement for handlers to suspend applications when anyone other than appropriately trained and equipped handlers enter an Application Exclusion Zone.

Ensure that sight or voice contact is maintained – at least every two hours – with any handler using a highly toxic pesticide. Highly toxic pesticides will have a skull and crossbones on the label.

Ensure that any handler applying a fumigant in an enclosed-space production area (such as greenhouses, high tunnels, or indoor grow houses) maintains constant voice or visual contact with another trained handler who is equipped with the same PPE as the handler.

Provide handlers with specific information about and access to pesticide labels *170.503*

Before handlers do any handling task, give them the instructions from the pesticide label for safe use of the pesticide. This instruction must be given in a manner that the handler can understand. Make sure that handlers have access to the pesticide label during the entire handling task.

Ensure equipment is maintained and in a safe condition

170.309, 170.507, and 170.313

Ensure that pesticide handling equipment is inspected before each day of use, and repaired or replaced as needed. On the agricultural employer's establishment, allow only appropriately trained and equipped handlers to repair, clean, or adjust pesticide equipment that could contain pesticides or residues.

See information for service providers on Page 6.

Provide and require the use of personal protective equipment (PPE) for handlers *170.507, OAR 437-004-6508, and 170.605*

Provide handlers with, at a minimum, the PPE required by the pesticide label. Ensure the following for protective equipment used:

- Inspected before each day of use.
- Repaired or replaced as needed.
- Clean and in good condition.
- Worn and used according to the manufacturer's instructions.



When a respirator is required by product labeling, provide handlers with the following:

- A medical evaluation to ensure the handler is physically able to use the respirator without adverse health effects.
- Training in proper respirator use.
- A fit test to ensure the respirator fits correctly.

Keep records of these items on the establishment for at least two years.

In Oregon, the full requirements of the Respiratory Protection Standard apply, except when selecting a respirator. The type of respirator specified on the product label is the required respirator for that product.

When pesticide labeling requires handlers to use PPE, take any steps necessary to prevent heat-related illness.

Provide handlers a clean area for the following:

- Storing personal clothing not in use
- Putting on PPE at start of task
- Taking off PPE at end of task

Do not allow anyone to take used PPE home.

Take care of personal protective equipment (PPE) 170.507(d)

Employers must ensure the following for workers' PPE:

- Store and wash used PPE separately from other clothing and laundry.
- If PPE will be reused, clean it before each day of reuse, according to the instructions from the PPE manufacturer. If the pesticide labeling specifies other requirements, follow those. If there are no other instructions, wash in detergent and hot water.
- Dry the clean PPE before storing or reusing.
- Store clean PPE away from personal clothing and apart from pesticide-contaminated areas.
- Regular work clothing is not considered to be PPE.

Replace air-purifying elements (filters, cartridges, canisters) on respirators, as required 170.507(d)(6) and (7)

Replace particulate filters or the entire filtering facepiece (dust-mask-type) respirator when users experience any of the following:

- Breathing becomes difficult.
- The filter/mask is damaged or torn.
- When the respirator label or pesticide label requires it.
- In the absence of any other instructions or indications, after eight hours of use.

Replace the vapor-removing cartridges and canisters on respirators when users experience any of the following:

- Odor, taste, or irritation.
- Difficulty breathing.
- When the respirator label or pesticide label requires it, whichever is shorter.
- In the absence of any other instructions or indications of service life, after eight hours of use.

Properly dispose of contaminated PPE 170.507(d)(2)

Discard – do not attempt to clean – coveralls and other absorbent materials that are heavily contaminated with pesticide having a signal word “danger” or “warning.” When discarding these items, make sure that they are no longer usable as apparel or for any other use.

Follow federal, state, and local laws when disposing of PPE that cannot be safely or effectively cleaned.

Provide instructions for people who clean PPE 170.507(d)(8)

Inform people who launder PPE that it may be contaminated with pesticides and about the potential for harmful effects if they are exposed. Also provide instructions about the following:

- How to properly clean the PPE.
- How to protect themselves when handling the contaminated PPE.
- How to decontaminate themselves after handling contaminated PPE.

Provide emergency eyewashes and eye-flushing supplies

OAR 437-004-6509

The employer must provide at least one eyewash system for handlers at each pesticide mixing and loading site when *one* of the following applies:

- A handler is mixing or loading a pesticide product with a label that includes the signal word “danger” or “danger/poison,” due to toxicity to the eye or the possibility of permanent eye damage.
- A handler is mixing or loading any pesticide using a closed system operating under pressure.

The eyewash must meet minimum requirements referenced in 437-004-6509(1), including:

- Eyewash is accessible within 10 seconds.
- Path is unobstructed and does not require doors to be opened.
- Equipment is clean, sanitary, and operating correctly.
- Eyewash water flows for at least 15 minutes.
- Valves stay open without using the hands.
- Equipment is installed, operated, and maintained according to manufacturer’s instructions.
- Measures are taken to prevent freezing and unauthorized Shutoff.

In Oregon, violations of any Oregon OSHA standards, including the Worker Protection Standard, will be subject to penalties as established in OAR chapter 437, division 1, General Administrative Rules, under the provisions of the Oregon Safe Employment Act.

Oregon OSHA Services

Oregon OSHA offers a wide variety of safety and health services to employers and employees:

Appeals

▶ **503-378-3272**

- Discusses Oregon OSHA's requirements and clarifies workplace safety or health violations.
- Discusses abatement dates and negotiates settlement agreements to resolve disputed citations.

Conferences

▶ **503-378-3272; oregon.conferences@dcbs.oregon.gov**

Hosts, co-hosts, and coordinates conferences throughout Oregon that enable employees and employers to learn and share ideas with local and nationally recognized safety and health professionals.

Consultations and Evaluations

▶ **503-378-3272; 800-922-2689; consult.web@dcbs.oregon.gov**

- Offers no-cost, on-site safety and health assistance to help Oregon employers recognize and correct workplace safety and health problems.
- Provides consultations in the areas of safety, industrial hygiene, ergonomics, occupational safety and health programs, assistance to new businesses, the Safety and Health Achievement Recognition Program (SHARP), and the Voluntary Protection Program (VPP).

Oregon OSHA Services (continued)

Enforcement Information

▶ **503-378-3272; 800-922-2689; enforce.web@dcbs.oregon.gov**

- Offers pre-job conferences for mobile employers in industries such as logging and construction.
- Inspects places of employment for occupational safety and health hazards and investigates workplace complaints and accidents.
- Provides abatement assistance to employers.

Public Education and Training

▶ **503-947-7443; 888-292-5247, Option 2; ed.web@dcbs.oregon.gov**

Provides workshops and materials covering management of basic safety and health programs, safety committees, accident investigation, technical topics, and job safety analysis.

Standards and Technical Resources

▶ **503-378-3272; 800-922-2689; tech.web@dcbs.oregon.gov**

- Develops, interprets, and gives technical advice on Oregon OSHA's safety and health rules.
- Publishes safe-practices guides, pamphlets, and other materials for employers and employees.
- Manages the Oregon OSHA Resource Center, which offers safety videos, books, periodicals, and research assistance for employers and employees.

Need more information? Call your nearest Oregon OSHA office.

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