



A Professional Society Representing the Nation's Crop Production, Research Consultants and Quality Assurance Professionals

WORKER PROTECTION STANDARD (WPS)

NAICC POSITION

NAICC seeks to reestablish the exemptions for early re-entry for the employees of certified crop consultants. NAICC asserts that EPA did not consider the education and experience level of employees of certified crop consultants when changing the exemption for employees. It is for this reason NAICC requests the exemption be reinstated for the employees under the direct supervision of certified crop consultants. This would allow certified crop consultants to determine the appropriate Personal Protective Equipment (PPE) needed by their employees to enter an active Re-entry Interval (REI). This determination would be based on the certified crop consultant's knowledge of the pesticide used and the task that the employee would be performing and the crop conditions. Without this exemption, the ability of crop consultants to perform Integrated Pest Management (IPM) activities will be greatly affected. Many growers will revert back to set spray schedules if the employees of certified crop consultants cannot enter fields during active REI's. This would greatly impact not only IPM but also resistance management as well.

BACKGROUND

In 1992, EPA developed the Worker Protection Standard. In it, crop advisors were classified as handlers. NAICC and others worked hard to help regulators realize that crop consultants are not handlers. The result was that in 1995, an exemption was given to state licensed or certified crop advisors. NAICC's Certified Professional Crop Consultant programs, CPCC, CPCC-I and CPCC-R, were approved by EPA to satisfy the certified crop advisor requirement. Later, the CPCC-R was approved to exempt researchers. In the exemption, certified crop advisors **and their employees under their direct supervision** were exempted from certain parts of the WPS.

EPA released its proposed updates and revisions to the existing worker protection regulation for pesticides, specifically to eliminate exemptions for personal protective equipment (PPE) for employees directly supervised by certified or licensed crop advisors in 2014. A 90-day comment period soon followed in which NAICC, and its members submitted their comments to EPA. The final rule of the WPS changes went into effect on January 1, 2018.

ISSUE

EPA removed the exemption for the employees of certified crop consultants to enter a field during an active REI and for the certified crop advisor to determine the appropriate PPE for his employees.

Due to the training given to employees and the educational background and experience of the certified or licensed crop advisor, employees will be aware of the precautions required when in contact with crop that has been recently treated and should be exempted from the WPS requirements for provisions for decontamination supplies and emergency assistance and from following the labeling requirements for PPE for early entry. With advancements in technology, all employees have ample access to labels, Material Safety Data Sheets (MSDS), and safety precaution information through electronic data, the Internet and direct access to the certified or licensed crop advisor.

The crop advisor's goal is to offer the most effective alternatives for pest management while considering resistance management and the effects of pesticide on beneficial insects and organisms. The crop advisor considers the tasks that needs to be performed by workers during the REI period and chooses a pesticide that will not endanger those workers. Furthermore, the crop advisors are responsible to the grower to provide the best and most economical recommendations and their employees are critical to providing these services. Certified or licensed crop advisors will NOT take risks when it comes to the employees' safety, the grower's bottom line or their own professional integrity.