

ENVIRONMENTAL ISSUES OF CONCERN TO FLORIDA CATTLEMEN

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THE FOLLOWING FACT SHEET IS AN EXAMPLE OF PROPOSED REGULATION CHANGES THAT WILL IMPACT FLORIDA CATTLEMEN.

PROPOSED WORKER PROTECTION STANDARDS (PART 170)

AGENCY ACTION

THE ENVIRONMENTAL PROTECTION AGENCY (EPA) IS PROPOSING REVISIONS TO ITS "WORKER PROTECTION STANDARDS FOR AGRICULTURAL PESTICIDES" (40 CFR PART 170). THESE REVISIONS WILL EXPAND THE SCOPE OF THE WORKER PROTECTION STANDARDS TO INCLUDE WORKERS IN NURSERIES, FORESTS, AND GREENHOUSES, IN ADDITION TO PERSONS ON FARMS WHO MAY BE EXPOSED TO PESTICIDES OR PESTICIDE RESIDUES, INCLUDING PESTICIDE MIXERS, LOADERS, APPLICATORS, FLAGGERS, AND THOSE WHO CLEAN AND REPAIR CONTAMINATED APPLICATION EQUIPMENT. PESTICIDES USED IN AND AROUND HABITATIONS, ON FAMILY FARMS, FOR CERTAIN PESTICIDE RESEARCH, AND IN POSTHARVEST OR INCIDENTAL APPLICATIONS, ARE NOT COVERED BY THE REGULATION.

THIS PROPOSAL CONTAINS BOTH REVISIONS AND ADDITIONS TO CURRENT REQUIREMENTS TO PROTECT WORKERS FROM UNREASONABLE ADVERSE EFFECTS OF PESTICIDE EXPOSURE. THE REVISIONS WILL: SPECIFY GENERIC INTERIM REENTRY INTERVALS; REQUIRE PERSONAL PROTECTIVE EQUIPMENT FOR PESTICIDE HANDLERS AND EARLY REENTRY WORKERS; AND EXPAND METHODS TO NOTIFY WORKERS OF AREAS THAT HAVE BEEN TREATED WITH PESTICIDES (ORAL WARNINGS, INFORMATION AVAILABLE ON REQUEST, AND FIELD POSTING). REENTRY INTERVALS AND REQUIREMENTS FOR PERSONAL PROTECTIVE EQUIPMENT ARE BASED ON THE ACUTE TOXICITY CATEGORY OF THE FORMULATED PRODUCT OR ACTIVE INGREDIENT, ROUTE OF EXPOSURE, AND METHODS OF APPLICATION. THEY MAY BE REBUTTED BY REGISTRANTS AND OTHERS BY SUBMISSION OF APPROPRIATE DATA.

NEW REQUIREMENTS INCLUDE DUTIES RELATED TO: WEARING AND CLEANING OF PERSONAL PROTECTIVE EQUIPMENT; TRAINING OF HANDLERS; PROVIDING INFORMATION AND TRANSPORTATION IN CASE OF MEDICAL EMERGENCIES; MAINTAINING CONTACT WITH HANDLERS OF HIGHLY TOXIC PESTICIDES WORKING ALONE; MONITORING OF CHOLINESTERASE LEVELS FOR COMMERCIAL PESTICIDE HANDLERS; PROVIDING WATER FOR ROUTINE AND EMERGENCY DECONTAMINATION WATER; AND PROVIDING PESTICIDE SAFETY INFORMATION TO WORKERS.

THE PROPOSED REVISIONS ALSO IDENTIFY THOSE RESPONSIBLE FOR CARRYING OUT THE REGULATIONS, INCLUDING OWNERS, SUPERVISORS, WORKERS, COMMERCIAL APPLICATORS, LABOR CONTRACTORS, AND OTHER CONTRACTORS. STATES ARE AUTHORIZED TO IMPOSE MORE STRINGENT WATER PROTECTION REQUIREMENTS AND MAY, AT THEIR OPTION, PLAY A ROLE IN IMPLEMENTING TRAINING AND CHOLINESTERASE MONITORING REQUIREMENTS. THE PROPOSAL SPECIFIES INFORMATION THAT MUST APPEAR ON LABELS OF

ALL PESTICIDE PRODUCTS SUBJECT TO PART 170, WHICH WILL APPEAR ON LABELS OF ALL PESTICIDE PRODUCTS SUBJECT TO PART 170, WHICH WILL APPEAR IN "LABELING REQUIREMENTS FOR PESTICIDES AND DEVICES" (40 CFR PART 156) WHEN THAT PART IS PUBLISHED AS A FINAL RULE.

BACKGROUND

IN 1974, EPA PROMULGATED PART 170 UTILIZING ITS AUTHORITY UNDER FIFRA. EPA'S ROLE IN PROTECTING WORKERS FROM PESTICIDE EXPOSURE HAS BEEN UPHELD AND REAFFIRMED IN SUBSEQUENT COURT DECISIONS. THE CURRENT PART 170 APPLIES ONLY TO WORKERS PERFORMING HAND LABOR OPERATIONS IN FIELDS, SPECIFICALLY EXCLUDING GREENHOUSE AND SOIL-INCORPORATED USES. IT LIMITS RESPONSIBILITY TO OWNERS AND LESSEES AND CONTAINS FOUR REQUIREMENTS: A PROHIBITION AGAINST SPRAYING WORKERS; SPECIFIC REENTRY INTERVALS FOR 12 PESTICIDES AND A GENERAL MINIMUM REENTRY INTERVAL FOR ALL OTHERS; MINIMUM PROTECTIVE CLOTHING FOR WORKERS ENTERING TREATED AREAS BEFORE THE EXPIRATION OF THE REENTRY INTERVAL; AND A REQUIREMENT FOR "APPROPRIATE AND TIMELY" WARNINGS TO WORKERS.

IN 1983, EPA ISSUED PR NOTICE 83-2 (PART OF ITS LABEL IMPROVEMENT PROGRAM), REQUIRING THAT CERTAIN INFORMATION BE PLACED ON LABELS OF "ALL OUTDOOR AGRICULTURAL USE PRODUCTS WHICH ARE APPLIED TO CROPS WHOSE CULTURE REQUIRES HAND LABOR." SEVEN TYPES OF STATEMENTS WERE REQUIRED TO APPEAR ON THE LABELING OF THESE PRODUCTS. IN EFFECT, PR 83-2 IMPLEMENTED PART 170, THROUGH PESTICIDE PRODUCT LABELS.

ALSO, IN 1983 EPA CONDUCTED A REVIEW OF PART 170, AND CONCLUDED THAT IT WAS INADEQUATE TO PROTECT WORKERS OCCUPATIONALLY EXPOSED TO PESTICIDES AND THEIR RESIDUES. TO CORRECT THESE PROBLEMS, EPA PUBLISHED AN ADVANCE NOTICE OF PROPOSED RULEMAKING TO REVISE PART 170 IN 1984. MOST WHO PROVIDED COMMENTS AGREED THAT REVISIONS TO PART 170 WERE APPROPRIATE; HOWEVER THERE WAS NO CONSENSUS ON THE FORM AND CONTENT OF REVISION.

REGULATORY NEGOTIATIONS TO REVISE PART 170 WERE INITIATED IN 1985. A NEGOTIATING COMMITTEE OF 25 MEMBERS, INCLUDING REPRESENTATIVES OF INDUSTRY, USER GROUPS, FARMWORKERS, STATE OFFICIALS, AND FEDERAL AGENCIES, WAS CONSTITUTED UNDER THE FEDERAL ADVISORY COMMITTEE ACT. THE COMMITTEE MET SEVERAL TIMES IN PLENARY SESSION AND IN WORKING SUBGROUPS TO DISCUSS WORKING DRAFTS OF THE REVISIONS.

IN FEBRUARY 1986 SOME REPRESENTATIVES WITHDREW FROM PARTICIPATION IN THE NEGOTIATIONS AND A COMMITTEE CONSENSUS WAS NOT REACHED. EPA CONTINUED THE REGULATORY DEVELOPMENT EFFORT UNDER TRADITIONAL RULEMAKING AND AS A RESULT, IS PROPOSING THESE REVISIONS TO 40 CFR PART 170.

COMPARISON OF PRESENT PART 170 AND PROPOSED REVISIONS

MAJOR PROVISIONS	PRESENT PART 170	PROPOSED REVISIONS
SCOPE	<ul style="list-style-type: none"> <input type="radio"/> COVERS WORKERS PERFORMING HAND LABOR OPERATIONS IN FIELDS <input type="radio"/> EXCLUSIONS: SOIL INCORPORATION, GREENHOUSES, PUBLIC PEST CONTROL, ANIMAL TREATMENTS, GOLF COURSES 	<ul style="list-style-type: none"> <input type="radio"/> COVERS PESTICIDE HANDLERS AND WORKERS ENGAGED IN ANY AGRICULTURAL TASKS ON OR IN FARMS, FORESTS, NURSERIES, AND GREENHOUSES <input type="radio"/> EXCLUSIONS: PUBLIC PEST CONTROL, ANIMAL TREATMENTS, GOLF COURSES, DOMESTIC SITES, INJECTION, RIGHTS-OF-WAY, POST-HARVEST, AND CERTAIN RESEARCH USES
RESPONSIBILITY	<ul style="list-style-type: none"> <input type="radio"/> OWNERS AND LESSEES HAVE DUTIES 	<ul style="list-style-type: none"> <input type="radio"/> OWNERS (PERSONS WITH PRESENT POSSESSORY INTEREST), SUPERVISORS, WORKERS, LABOR CONTRACTORS, AND APPLICATION CONTRACTORS HAVE DUTIES <input type="radio"/> OWNER'S RESPONSIBILITY LIMITED IF WORKER FAILS TO OBEY INSTRUCTIONS OR IF VIOLATION HAPPENS OFF THE PROPERTY
REENTRY	<ul style="list-style-type: none"> <input type="radio"/> REENTRY NOT PERMITTED DURING REENTRY INTERVAL UNLESS PROTECTIVE CLOTHING WORN <input type="radio"/> MINIMUM INTERVAL FOR ALL PESTICIDES: UNTIL SPRAYS DRY AND DUSTS SETTLE <input type="radio"/> SPECIFIC INTERVALS FOR 12 PESTICIDES OF EITHER 24 OR 48 HOURS <input type="radio"/> NO REENTRY IF SPECIAL CIRCUMSTANCES INDICATE A HAZARD 	<ul style="list-style-type: none"> <input type="radio"/> REENTRY NOT PERMITTED DURING REENTRY INTERVAL UNLESS 1) NO CONTACT WITH TREATED SURFACES OR 2) PROTECTIVE CLOTHING WORN, HANDLER TRAINING PROVIDED, AND HANDLER DECONTAMINATION WATER PROVIDED <input type="radio"/> MINIMUM INTERVAL FOR ALL PESTICIDES: UNTIL SPRAYS DRY, DUSTS SETTLE AND VAPORS DISPERSE <input type="radio"/> SPECIFIC INTERVALS (BASED ON ACUTE TOXICITY OF ACTIVE INGREDIENT, RE-BUTTABLE BY PART 158 REENTRY DATA): 48 HOURS FOR TOX 1 OP'S AND CARBAMATES, 24 HOURS FOR OTHER TOX 1 AND FOR TOX 2 OP'S AND CARBAMATES <input type="radio"/> SPECIAL RESTRICTIONS FOR GREENHOUSE REENTRY (E.G. FUMIGANTS)
PERSONAL PROTECTIVE EQUIPMENT	<ul style="list-style-type: none"> <input type="radio"/> PROTECTIVE CLOTHING DEFINED AS HAT, LONG-SLEEVED SHIRT, LONG-LEGGED PANTS, SHOES AND SOCKS <input type="radio"/> NO REENTRY ALLOWED WITHOUT PROTECTIVE CLOTHING AS DEFINED 	<ul style="list-style-type: none"> <input type="radio"/> ITEMS OF PERSON PROTECTIVE EQUIPMENT SPECIFIED ACCORDING TO 1) TYPE OF ACTIVITY (MIXING/LOADING, APPLICATION, EARLY REENTRY ETC), 2) ROUTE OF EXPOSURE, 3) SUBSTANCE EXPOSED TO (ACTIVE OF FORMULATED), AND 4) TOXICITY CATEGORY <input type="radio"/> MODIFICATION ALLOWED BASED ON DATA SUBMISSION AND ANTICIPATED EXPOSURE SCENARIO <input type="radio"/> DUTIES RELATED TO USE AND MAINTENANCE OF EQUIPMENT ARE SPECIFIED

NOTIFICATION	<input type="radio"/> WARNINGS FOR ALL WORKERS EXPECTED TO BE WORKING IN FIELDS TREATED OR TO BE TREATED <input type="radio"/> WARNINGS MAY BE GIVEN ORALLY, BY FIELD POSTING, OR BY CENTRAL BULLETIN BOARD NOTICE	<input type="radio"/> NOTIFICATION FOR ALL WORKERS WHO WILL BE WORKING IN OR NEAR A TREATED AREA <input type="radio"/> NOTIFICATION METHOD VARIES BY SITE: FARMS AND FORESTS -- POSTING FOR APPLICATIONS WITH > 48 HOUR INTERVAL, ORAL WARNINGS FOR ALL APPLICATIONS; NURSERIES AND GREENHOUSES -- POSTING OF ALL TREATED AREAS, NO ORAL WARNINGS <input type="radio"/> ADDITIONAL PESTICIDE-SPECIFIC INFORMATION AVAILABLE UPON REQUEST
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DECONTAMINATION	<input type="radio"/> NOT REQUIRED	<input type="radio"/> POTABLE WATER, SOAP, AND DISPOSABLE TOWELS MUST BE PROVIDED DURING HANDLING TASKS AND REENTRY ACTIVITIES. <input type="radio"/> EYE WASH DISPENSER REQUIRED DURING EXPOSURE TO PESTICIDES WITH TOX 1 OR 2 EYE IRRITATION
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TRAINING	<input type="radio"/> NOT REQUIRED	<input type="radio"/> HANDLERS AND EARLY REENTRY WORKERS: TRAINING IN PESTICIDE USE AND SAFETY, GIVEN BY CERTIFIED APPLICATOR OR TRAINER OF CERTIFIED APPLICATORS, STATES MAY PETITION EPA TO MODIFY TRAINING REQUIREMENTS <input type="radio"/> PESTICIDE SAFETY INFORMATION POSTED
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OTHER	<input type="radio"/> NOT REQUIRED <input type="radio"/> NOT REQUIRED <input type="radio"/> NOT REQUIRED <input type="radio"/> NOT REQUIRED	<input type="radio"/> CHOLINESTERASE MONITORING OF COMMERCIAL HANDLERS REQUIRED IF EXPOSURE TO TOX 1 OR ORGANOPHOSPHATE PESTICIDES ON 3 CONSECUTIVE DAYS OR 6 OUT OF 21 DAYS <input type="radio"/> RECORD-KEEPING BY COMMERCIAL HANDLER EMPLOYERS <input type="radio"/> STATES MAY MODIFY MONITORING REQUIREMENTS <input type="radio"/> HANDLERS MUST HAVE ACCESS TO PESTICIDE LABELING <input type="radio"/> EMERGENCY DUTIES: PROVIDE TRANSPORTATION, MEDICAL ASSISTANCE AND APPLICATION INFORMATION TO WORKERS SUSPECTING POISONING <input type="radio"/> HANDLERS OF HIGHLY TOXIC PESTICIDES MUST MAKE VISUAL OR VOICE CONTACT EVERY 2 HOURS WITH ANOTHER PERSON
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