

GROWERTALKS

GT in Brief

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EPA Proposes Stricter WPS Revisions

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In February, the Environmental Protection Agency (EPA) announced a proposed rule change to the pesticide Application Exclusion Zone (AEZ) requirements of its Agricultural Worker Protection Standards (WPS).

WPS outlines specific protections for workers in agricultural establishments, including greenhouses and nurseries. The proposed changes would apply to the “Application Exclusion Zone” or AEZ—which is any area that’s being treated with pesticides. The AEZ moves as the applicator and the equipment move.

Why change? Well, in 2020, EPA proposed changes that would have loosened the previous AEZ requirements, which were set in 2015. These previous rules were considered especially onerous to larger facilities. But due to legal challenges, the proposed 2020 changes never took effect, leaving the old regulations in place. Now EPA wants to officially “clean up” the regulations by going back to the 2015 AEZ rules. EPA said that in re-examining the 2020 rule, they determined rescinding several of them would help reduce potential exposures and promote the public health “for all populations and communities near agricultural establishments.”

For instance, the 2020 rules would have limited the AEZ to the agricultural employer’s property and not covered bystanders on adjacent properties. It also said spraying didn’t have to cease if someone other than an employee entered the AEZ, but within an easement that prevented the property owner from excluding them—like a utility repair person accessing utilities on a nursery property.

The new proposal will go back to the 2015 rules that require applications to be suspended if any worker or other person, other than “appropriately trained and equipped handlers” involved in the application, enters an AEZ, regardless of whether or not they’re in an area subject to an easement.

Also, the 2020 AEZ rules would have reduced the AEZ boundaries from 100 ft. away from the applicator to 25 ft. for certain ground-based sprayers using fine droplets, and simplified all ground-based sprays to be 25 ft. when sprayed at a height greater than 12 in.

Now, the EPA is proposing to reinstate the previous requirement of 100 ft. for ground-based fine spray applications, 25 ft. for ground-based applications using medium or larger droplets sprayed above 12-in., and reinstate all other applicable criteria from the 2015 WPS rules.

But don’t think that all the 2020 rules are being abandoned! EPA is proposing to keep some revisions, such as the provision clarifying that pesticide applications stopped due to individuals entering an AEZ may be resumed after they’ve left; and the provision allowing farm owners and immediate family to shelter within closed structures within an AEZ during applications. **GT**