

Cotton

Cotton Producers Facing The Worker Protection Standard

Winter 1999

Information Sheet 6

COTTON PRODUCERS WORKING WITH AERIAL AND GROUND APPLICATORS

WHENmust the handler-employer provide information to the agricultural employer about the pesticide application?

Information must be provided to the agricultural employer by the handler employer before a pesticide application is made to cotton fields on the farming establishment of the agricultural employer.

WHAT IF.....the pesticide cannot be applied on schedule?

The WPS requires information be provided by the handler employer to the agricultural employer about the pesticide application on the agricultural establishment before the application has taken place so that the agricultural employer can in turn provide appropriate protection to his workers and family.

If the pesticide is not applied as scheduled, the agricultural employer must be informed of the correct time and date of the application and make the correction before the application takes place, or as soon as practicable thereafter.

WHY.....is it important to know if a pesticide application was rescheduled?

Increased liability and violation of federal and state laws governing worker protection make it mandatory to know scheduling changes in pesticide applications. The WPS places certain requirements upon agricultural employers. One of the most important requirements involves keeping workers out of treated areas during applications and while the REI remains in effect, and providing workers with information, protective equipment and decontamination supplies when they enter treated fields within 30 days of expiration of the REI. **The obligation of the agricultural employer continues whether or not notification of an application occurs.** Therefore, the employer should take whatever steps are necessary to assure that he/she is informed of an application before a worker might enter treated areas.

SAMPLE LABELING

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This standard contains requirements for the protection of agricultural workers on farms, forests, nurseries and greenhouses and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), notification to workers and restricted entry interval. The requirements in this box apply to uses of this product that are within areas covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 48 hours. The REI is 72 hours in outdoor areas where average annual rainfall is less than 25 inches a year.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water is :

- coveralls over long-sleeved shirt and long pants
- chemical-resistant gloves, such as barrier laminate or viton
- chemical-resistant footwear plus socks
- protective eyewear
- chemical-resistant headgear

Notify workers of the application by warning them orally and by posting warning signs at entrances to treated areas.

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WHAT IF.....an application does not take place when scheduled and communication between the applicator and agricultural employer may be difficult to accomplish?

The EPA is willing to allow some rescheduled applications to go forward without requiring prior notification of the rescheduled application. This flexibility is available only in circumstances where an application has been previously scheduled (including day, date and time) and agreed upon by the applicator and agricultural employer; the prior notification required by the WPS has been provided; and the pre-arranged application subsequently does not take place as scheduled. Notification of the application by the handler employer must occur as soon as practicable after the rescheduled application and must occur within **24 hours of the rescheduled application.**

Applicators and employers must keep in mind that the agricultural employer is still liable if employees enter fields **during the REI or within 30 days of expiration of the REI** if any applicable WPS requirements are not met.

PLAN AHEAD.....to prevent increased liability.

Applicators and employers should determine in advance between themselves how notification of regularly scheduled applications should be accomplished, under what circumstances applications may take place without prior notification if previously scheduled applications do not occur on time and how notification of rescheduled applications should be accomplished.

AGREEMENTS ARE IMPORTANT....between agricultural employers and handler employers on a notification process that will ensure that workers will not be in an area while it is being treated or under an REI.

WHAT AGREEMENT SHOULD BE MADE....between the handler employer and agricultural employer?

- An application will never occur before the scheduled time.
- The agricultural employer will not permit workers into the area to be treated until he/she receives notification from the handler employer that 1) either the application will not take place until a specified time or 2) the application has taken place and specific information required in the WPS (Section 170.224) is provided to the agricultural employer.

HOW.....can the handler employer and agricultural employer comply through communication?

The most common methods of acceptable communication are:

- An oral exchange of the required information between the handler employer and agricultural employer prior to an application.
- Leaving a complete message on a telephone answering machine prior to the application and the receipt of the message by the agricultural employer prior to the application. This would be acceptable only if the handler employer and agricultural employer had agreed that by leaving a complete message on the answering machine notification could be accomplished.

IF.....the initial notification of an application cannot be made because of difficulty in reaching the agricultural employer, can notification be made after application?

No. There are no provisions for allowing notification after application due to difficulty in contacting the agricultural employer initially.



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