

● **FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (*WORKER SAFETY*)**

*STATUTORY CITATION:* 7 USC §§ 136 – 136y

*RELATED REGULATIONS:* 40 CFR Part 170

*GENERAL SUMMARY:* Under the authority of the Federal Insecticide, Fungicide, and Rodenticide Act, the Environmental Protection Agency has adopted safety standards for the protection of workers performing agricultural crop production activities, key provisions of which are summarized below. The regulations require agricultural employers, as well as employers of commercial pesticide handlers, to provide information and protections to field workers, pesticide handlers and others when pesticides are used on agricultural establishments in the production of agricultural plants.

*SPECIFIC TERMS AND CONDITIONS*

**AGRICULTURAL EMPLOYER DUTIES —**

**Information and Directions —** Agricultural employers and farm managers must assure that pesticides are used in a manner consistent with each product's labeling, and must provide their field workers and pesticide handlers with information and directions sufficient to assure they receive the protection of these provisions. Farm employers must also provide any labor contractor or other person who supervises any workers or handlers with information and directions necessary for compliance with these provisions.

**Emergency Assistance —** If, within 72 hours after commencement of employment, a farmworker or pesticide handler has experienced a potential pesticide exposure or shows symptoms of such exposure and needs emergency medical attention, the employer is obligated to (1) provide transportation from the farm or worker housing area to an appropriate medical care facility for treatment, and (2) provide relevant information to the medical personnel treating the worker, including the identity of the pesticide involved and the related safety data sheet.

**DISPLAY OF PESTICIDE SAFETY INFORMATION —** If workers or handlers are at an agricultural establishment where a pesticide product has been used or a restricted-entry interval has been in effect within the last 30 days, the farm employer or manager is required to display and maintain certain pesticide safety information, in a format that workers can understand and at a location easily accessible to them. Among other items, the prescribed information must include (1) recommended clothing, bathing and laundering practices to minimize pesticide exposure, (2) decontamination procedures in case of accidental exposure, and (3) emergency medical contact information.

**DISPLAY OF PESTICIDE APPLICATION AND HAZARD INFORMATION —** If workers or handlers are at an agricultural establishment where a pesticide product has been used or a restricted-entry interval has been in effect within the last 30 days, the farm employer is required to display prescribed information related to each pesticide product used, and to make the information accessible to workers and handlers during normal work hours. Among other things, the information must include (1) a copy of the product's safety data sheet, (2) the name, EPA registration number and active ingredients of the product, (3) the location and description of the area treated, (4) the dates and times the application started and ended, and (5) the duration of the restricted-entry interval specified on the product label. The pesticide application and hazard information must be displayed no later than 24 hours after the end of the application; it must remain displayed until at least 30 days after the end of the last restricted-entry interval, or until workers or handlers are no longer at the farm establishment.

**RETENTION OF RECORDS —** Whenever application and hazard information is required to be posted, the agricultural employer must keep the information for 2 years after the date the restricted-entry period expired. A worker or handler employed at the establishment while the information was required to be displayed is entitled to see or make a copy of the information within 15 days of requesting access to it.

**PROHIBITED ACTIONS —** It is unlawful for employers of agricultural workers and employers of pesticide handlers to retaliate against a worker for attempting to comply with these provisions, or to prevent or discourage a worker from complying or attempting to comply.

**AGRICULTURAL WORKER PROTECTION REQUIREMENTS —**

**Pesticide Safety Training —** In general, before any worker enters an area where a pesticide has been applied or a restricted-entry period has been in effect within the last 30 days, the employer must assure that the worker has received prescribed training within the last 12 months. The training may be oral or in audio-visual format, but it must be presented by a qualified trainer and in a manner the worker can understand. Among other topics, the information presented must include (1) where and in what form pesticides may be encountered during work activities, (2) the hazards of exposure, (3) the routes through which pesticides can enter the body, (4) signs and symptoms of common types of pesticide poisoning, (5) emergency first aid for pesticide injuries or poisoning, (6) routine and emergency decontamination procedures, (7) how to obtain emergency medical care, (8) the hazards from pesticide residues on clothing, (9) warnings about taking pesticides or pesticide containers home, and (10) the responsibility of agricultural employers for providing the information and protections outlined above. Beginning January 1, 2018, the training must also include instruction regarding use of protective clothing and equipment, bathing and laundering procedures, and other practices that help reduce the risk of pesticide exposures and illnesses.

**Entry to Treated Areas —** After a pesticide application to an outdoor agricultural area, the farm owner or manager may not allow or direct anyone other than an appropriately trained and equipped pesticide handler to enter or remain in the treated area. After a pesticide treatment, workers generally are not allowed to re-enter the area

before the restricted-entry interval specified on the pesticide label has expired and all treated area warning signs have been removed or covered.

**Notice of Applications** — Farm employers must provide workers with appropriate and timely notice of impending pesticide applications. In the case of a pesticide whose label requires both posted notification at the site of the treatment and oral notification of the workers, the employer must:

(1) Post signs of prescribed size that include the signal words "Danger," "Pesticides," and "Keep Out," in English and a non-English language read by the largest group of non-English-reading workers. The signs must be posted no sooner than 24 hours before the scheduled pesticide application, remain posted throughout the application and any restricted-entry period, and be removed within 3 days after the application or any restricted-entry period ends.

(2) Give workers oral warning, in a manner they can understand. Workers on the premises must receive the warning before the application begins; otherwise, the warning must be given at the start of the workers' first work period during which the application is taking place or the restricted-entry interval is in effect. The warning must include the location of the treated area, the time during which entry is restricted, and instructions not to enter the treated area until the restricted-entry period has expired.

Where the pesticide label does not require double notification, outdoor application of a pesticide with a restricted-entry interval of more than 48 hours generally requires posted notification only; in the case of products with restricted-entry intervals of 48 hours or less, the employer must notify workers of the application either by posting prescribed warning signs or giving prescribed oral notification.

**Decontamination Supplies for Workers** — For any agricultural worker who is performing an activity in an area where a pesticide was applied and who comes into contact with soil, water or plants treated with the product, the farm employer or manager is required to provide decontamination supplies for routine washing and emergency decontamination, including at least one gallon of water per worker and a supply of soap and single-use towels. These materials must be located no more than 1/4 mile from where the workers are working, or at the nearest place of vehicular access outside the treated area.

**AGRICULTURAL PESTICIDE HANDLER PROTECTION REQUIREMENTS** — Workers who are employed to mix, load, transfer or apply pesticides, or who deal with pesticide application equipment or assist with pesticide applications (including acting as flaggers), are covered by protections very similar to those outlined above that apply to agricultural workers. These include, among other things, requirements for safety training, knowledge regarding labeling requirements associated with each pesticide product used, the prohibition against exposing workers and others to pesticides by contact, the provision and use of personal protective equipment, and the provision of decontamination and eye-flushing supplies.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — Any state which has adopted adequate pesticide use laws and regulations, establishes and implements adequate procedures for their enforcement, and agrees to maintain records and make reports as required, may enter into a cooperative agreement with the federal government for the enforcement of pesticide use restrictions. Under terms of such an agreement and in accordance with an EPA-approved state plan, the state is regarded as having primary enforcement responsibility for pesticide use violations.

All states except Wyoming currently exercise primary enforcement responsibility for pesticide violations under the Federal Insecticide, Fungicide, and Rodenticide Act. For state enforcement agency identification and contact information, see the first entry under "*Pesticides & Agricultural Chemicals*" for each state.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *Office of Pesticide Programs, Office of Chemical Safety and Pollution Prevention, U.S. Environmental Protection Agency, Washington, D.C. 20460 (703-305-7090)*. In those states which have not been granted primary enforcement responsibility, and in any other state where EPA finds that the cooperating state agency has failed to take warranted enforcement action, EPA may exercise its enforcement powers directly. EPA compliance personnel are authorized to investigate complaints of misuse of pesticide products and for such purposes may enter fields and other workplaces, interview workers and employers, and inspect and copy records. After notice and opportunity for a hearing, the agency may assess civil money penalties against commercial and private applicators found to have violated any provision of the Act. Criminal penalties are also prescribed.