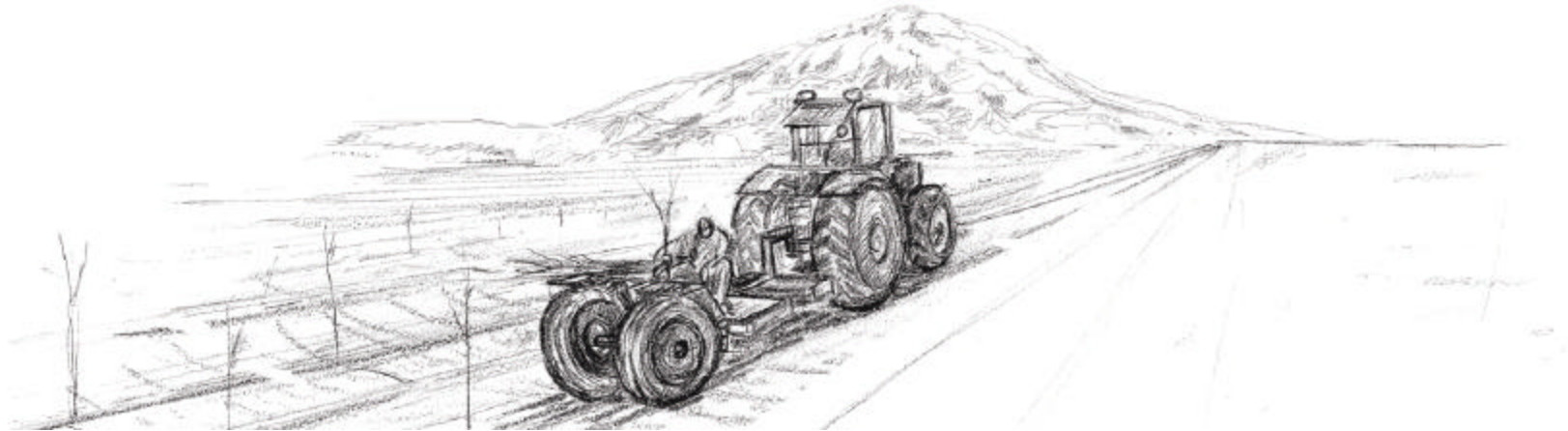


Impact of the Federal Worker Protection Standard on Pesticide Injuries and Illnesses



Challenges in Agricultural Health and Safety

San Francisco, CA

September 9, 2003

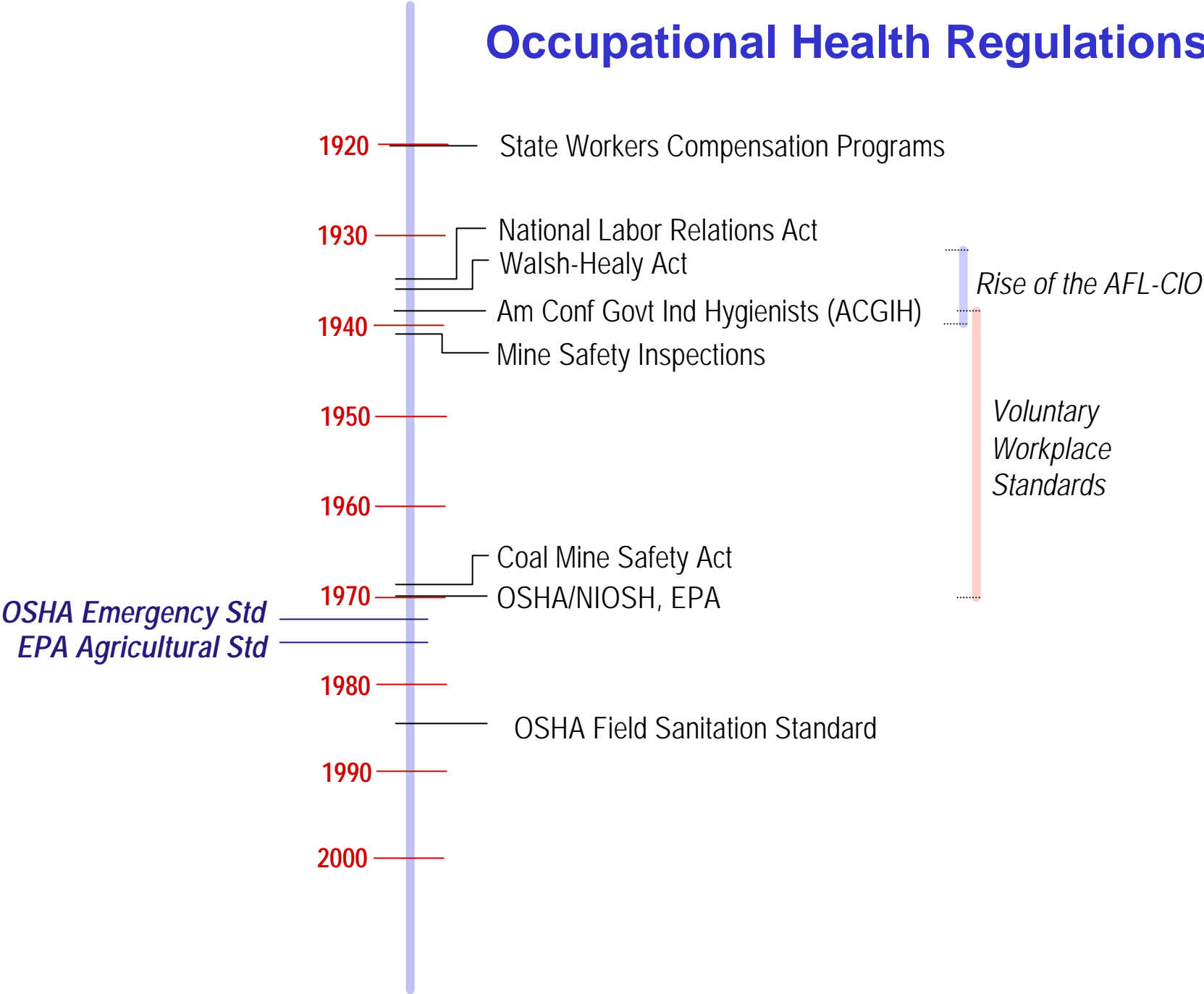
Key Findings

- No data are available to assess the impact of the federal Worker Protection Standard (WPS) on pesticide illnesses and injuries
- No process is in place to make such an assessment
- The recent national assessment of WPS did not address the development of such a process

SAFER WORKPLACES



Occupational Health Regulations



Occupational Health Standards

- First factory inspection laws
 - Massachusetts, 1877
- State worker compensation programs
 - 1920
- Safety and health requirements for federal contractors
 - Walsh-Healy Act, 1936

Occupational Health Standards

- **Minimum wage, restrictions on child labor**
 - Fair Labor Standards Act, 1938
- **First industry-wide standard**
 - Coal Mine Safety Act, 1969
- **Occupational Safety and Health Act**
 - Establishes federal agency, OSHA, 1970
- **Charge of Public Law 91-596**
 - “to assure as far as possible every working man and woman in the nation safe and healthful working conditions”

Elements of a Complete Occupational Health Standard

- Control procedures
- Requirements for personal protective equipment (PPE)
- Exposure monitoring
- Type and frequency of medical exams and other tests
- Labels, warnings
- Training
- Occupational exposure limit

Cesar Chavez with Bobby Kennedy



UFW Signs Contracts with 26 Growers July 29, 1970



UFW Contract -- Section 18

- > Union Health and Safety Committee
 - ❖ Free access to pesticide use records
 - ❖ Committee participates in pesticide use rules
- > No use of DDT, parathion and 4 other dangerous pesticides
- > Committee approves use of OP pesticides
- > Committee sets reentry intervals
- > OP use requires cholinesterase testing
 - ❖ Baseline and periodic testing
 - ❖ Testing paid for by employer

OSHA Petition 1972

- **Migrant Legal Action Program files petition, 1972**
 - Workers exposed to "grave danger"
 - Acute poisonings widespread
- **Substitution of methyl parathion for DDT as of Dec 31, 1972**
 - No effective controls available to protect against toxic exposure of farmworkers

OSHA Emergency Temporary Standard for Exposure to Organophosphorus Pesticides 1973

- Listed specific pesticides that are “highly toxic”
- Standard necessary to regulate exposure
 - Employee warning of pesticide hazards
 - Field reentry times
 - Sanitation and medical services

Florida Peach Growers Association Lawsuit against OSHA 1974

- OSHA Advisory Committees did not find justification for Emergency Temporary Standard
- Growers concede high toxicity, but do not agree this translates into hazard
- Growers acknowledge occasional outbreaks of OP poisoning, but usually mild
- Emergency Temporary Std vacated by court

OSHA Replaced by EPA

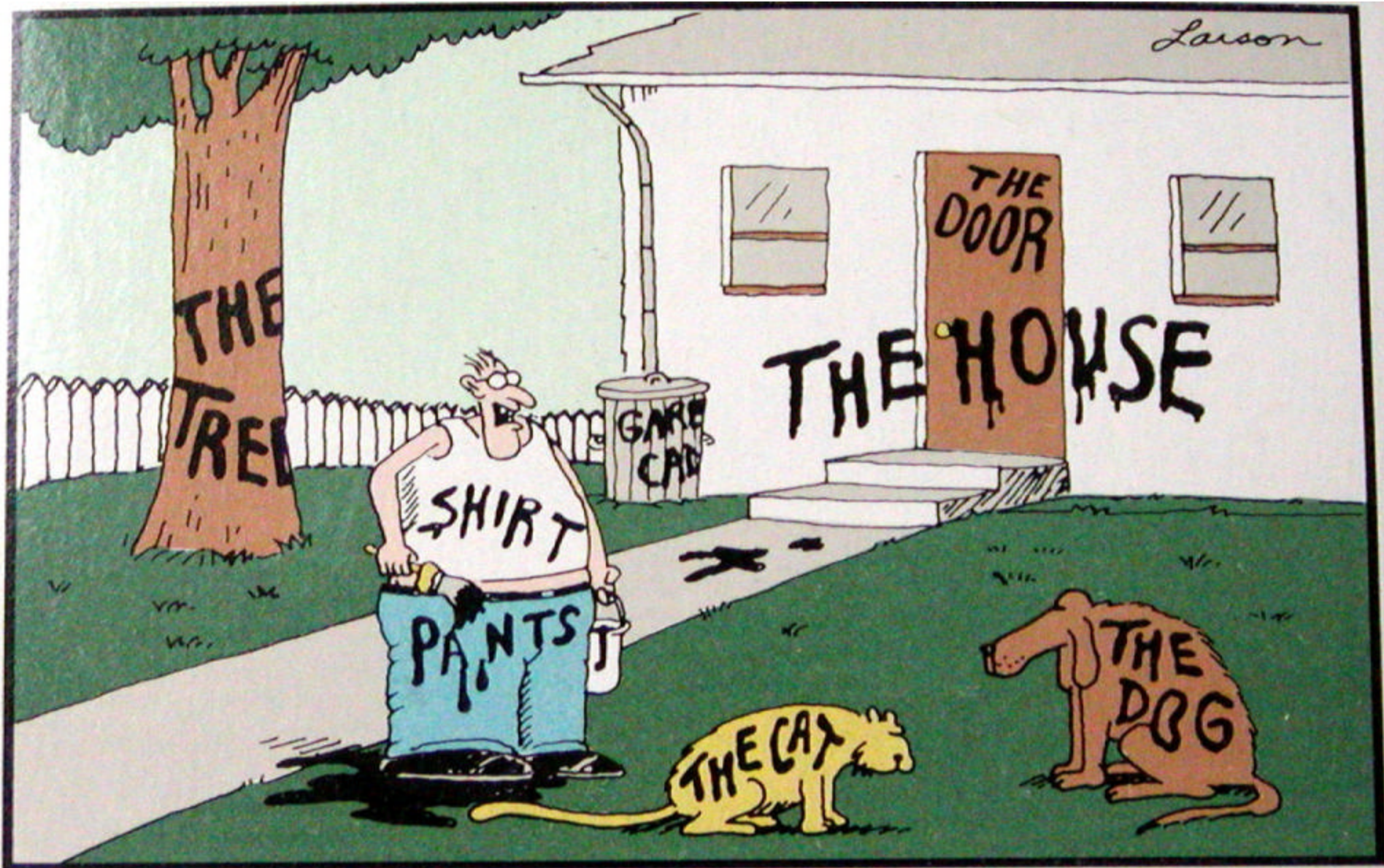


- EPA claims primary authority over reentry
- OSHA concedes authority to EPA in 1974
- District of Columbia Court of Appeals rules that EPA preempts OSHA, 1975
- EPA assumes control over reentry and other aspects of agricultural worker exposure to pesticides

1972 FIFRA Amendments

“There can be no question but that the bill (the Federal Environmental Pesticide Control Act of 1972) requires the Administrator to require that the labeling and classification of pesticides be such as to protect farmers, farm workers, and others coming in contact with pesticides or pesticide residues.”

-- Senate Committee on Agriculture and Forestry



“Now! ... *That* should clear up a few things around here!”

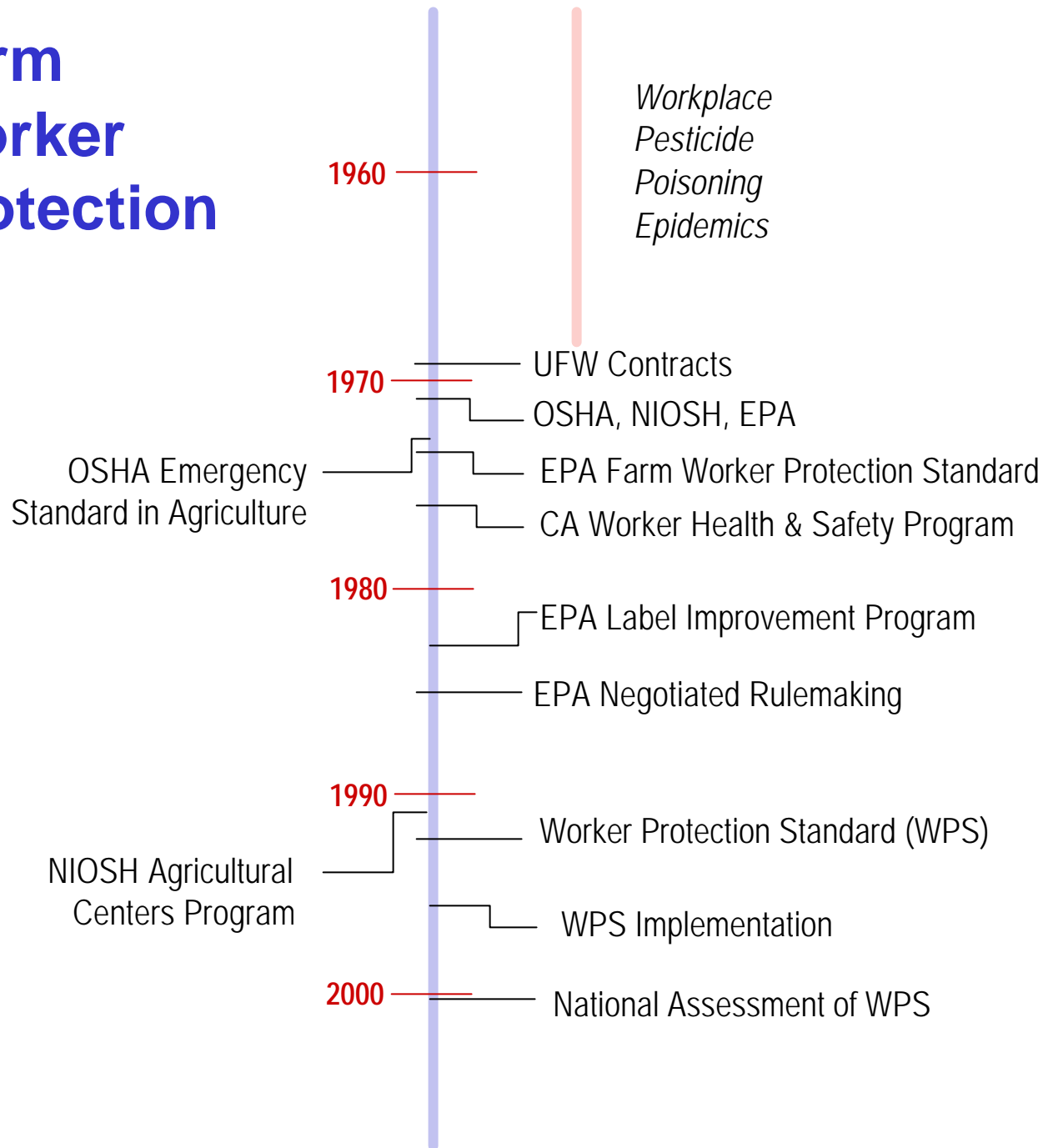
EPA Worker Protection Standards for Agricultural Pesticides 1974

- No direct spraying of workers and others
- No reentry “until sprays have dried and dusts have settled”, with longer reentry for 12 compounds
- CPC required for early reentry
- Requirement for “appropriate and timely” warnings

Worker Protection in the 1980's

- > EPA Farm Worker Safety Label Improvement Program, 1983
- > EPA review finds existing regulations inadequate
- > 1984 Advance Notice of Proposed Rulemaking
- > 1985 EPA initiates "regulatory negotiation"
 - ❖ Federal Advisory Committee Act
 - ❖ 25 representatives of various stakeholders
 - ❖ Farm worker groups withdraw in 1986
- > 1988 notice of proposed rulemaking

Farm Worker Protection



Key Elements of WPS

1. Protection from direct spray
2. Restricted-entry intervals
3. Use of personal protective equipment
4. Notification of workers
5. Decontamination supplies
6. Emergency assistance
7. Pesticide safety training
8. Access to labeling and site specific information

Modifications to WPS on a Chemical-by-Chemical Basis

- > Reregistration Eligibility Decisions
- > Risk assessments based on MOEs
- > Personal protective equipment is primary mitigation strategy for handlers
- > Engineering controls if PPE inadequate
- > Revised restricted-entry intervals
- > Changes in use restrictions

Margin of Exposure (MOE)

$$\text{MOE} = \frac{\text{NOAEL}}{\text{Worker Dose}}$$

MOE < 100 of concern to Agency

National Assessment of WPS 2000-2003

- > A “comprehensive review of EPA Worker Protection Program”
- > Goals
 - > Assess effectiveness of WPS implementation
 - > Identify key stakeholder concerns
 - > Determine program needs and priorities
- > Workshops
 - > Austin, TX -- June 2000
 - > Sacramento, CA -- December 2000
 - > Lake Buena Vista, Florida -- July 2001
 - > Washington DC -- March 2003

National Assessment of WPS Training and Communication

> **Training Issues**

- > New training materials and programs (e.g., train-the-trainer)
- > Retraining
- > Training record-keeping
- > Funding and resource distribution

> **Communication Issues**

- > Increase WPS outreach and awareness among workers
- > Greater hazard communication information for workers
- > Coordination with health care providers

National Assessment of WPS Enforcement, Complaint and Retaliation

- > **Enforcement Issues**
 - > EPA oversight of state programs
 - > Define inspection criteria
 - > Define penalty policy
 - > National reporting
 - > Incident reporting and tracking
- > **Complaint and Retaliation Issues**
 - ❖ Improve complaint process
 - ❖ Worker education on complaint process
 - ❖ Resolve retaliation problems

National Assessment of WPS Children's Health and Other Issues

- > **Children's Health Issues**
 - > Protection for children under 12 yrs old
 - > Appropriateness of child labor in agriculture
- > **Other Issues**
 - > Decontamination
 - > Engineering controls
 - > Risk assessment
 - > Inter-agency coordination
 - > Funding

What's Missing in WPS?

OSHA Std

EPA - WPS

Engineering controls

Protection from spray

PPE

PPE

Exposure monitoring

Medical surveillance

Emergency Assistance

Warnings

Worker notification

Labels

Access to labels

Training

Safety Training

Exposure limits

REI s; no handler limits

New Directions for WPS

- > New emphasis on engineering controls for pesticide handlers
- > Post-registration exposure assessment for handlers and field workers
- > Medical surveillance programs for OP pesticide handlers
- > Pesticide use reporting
- > Systematic reporting and tracking of pesticide injury and illness
- > New diagnostic capabilities

Western Agriculture

