

- wear the personal protective equipment specified on the pesticide labeling for early-entry tasks, and

- follow any other restrictions specified in the pesticides labeling or in any special exception under which the early entry takes place.

### Information Exchange



When a pesticide is applied to the establishment by a commercial handler (commercial applicator), the agricultural owner must make sure that the commercial handler employer is aware of:

- all areas on the agricultural establishment where pesticides will be applied or where an REI will be in effect while the commercial handler is on the establishment, and
- entry restrictions for those areas.

The commercial handler employer must also provide the agricultural owner with specific information about each pesticide application, whether both oral warnings and treated area posting are required, and any other protection requirements on the label for workers or other people.

### Nurseries and Greenhouses



There are many special requirements for greenhouse and nursery owners and operators. These include special application restrictions, ventilation criteria, early-entry restrictions, and additional handler protections. Consult the Worker Protection Standard for more information.

## EXEMPTIONS FOR AGRICULTURAL OWNERS

The EPA and the Board of Pesticides Control encourages you to provide all WPS protections to yourself and your family. Those protections which you are **NOT** required to provide for yourself or members of your immediate family include:

- information at a central location,
- pesticide safety training,
- decontamination sites,
- emergency assistance,
- notice about applications,
- monitoring of handlers,
- specific handling instructions,
- equipment safety,
- all the specific duties related to the care of PPE and the management of its use, and
- duties, other than those listed in this brochure, related to early entry.

**However, if you hire any workers or handlers other than your immediate family, you will be required to provide all WPS protections to those employees.** For more information about these provisions, see *WPS Brochure #1, Duties of Employers*.



Most pesticides used in the production of agricultural plants will require applicators and employers to comply with the Worker Protection Standard. A pesticide product is covered by the WPS if you see the heading *Agricultural Use Requirements* in the Directions for Use section of the pesticide labeling. However, not all pesticide uses are included in the WPS. As always, applicators should read the pesticide labeling carefully before using the product to determine if they must comply with the WPS.

## OTHER PUBLICATIONS AVAILABLE

### *Worker Protection Standard Brochure #1: Duties of Employers*

Topics include central information displays, pesticide safety training, notice about applications, personal protective equipment, and much more.

### *Worker Protection Standard Brochure #3: Nurseries & Greenhouses*

Designed to supplement Brochure #1, it describes the additional WPS requirements for nursery and greenhouse employers, including special application restrictions and ventilation criteria.

### *Personal Protective Equipment Guide: Avoiding Heat Stress*

A brief guide for both employers and employees on recognizing, avoiding and treating heat stress. Important information for anyone working in high temperatures, humidity and sunlight.

For more information about the Worker Protection Standard, contact:

Maine Board of Pesticides Control  
State House Station #28  
Augusta, Maine 04333-0028  
Telephone: (207)287-2731  
EMail: pesticides@maine.gov



## WORKER PROTECTION STANDARD Brochure #2 WPS and FAMILY BUSINESSES

The Worker Protection Standard (WPS) is a regulation issued by the U.S. Environmental Protection Agency (EPA). It protects persons who use pesticides in the production of agricultural plants on farms, in forests, nurseries, and greenhouses. The WPS requires employers to take steps to reduce the risk of pesticide-related illness and injury if they:

- use agricultural pesticides, or
- employ workers or pesticide handlers who are exposed to agricultural pesticides.

If you are an agricultural pesticide user and/or an employer of agricultural workers or pesticide handlers, the WPS requires you to provide to your employees and, in some cases, to yourself and others:

- information about,
- protections against, and
- ways to mitigate pesticide exposure.

Owners of agricultural establishments and members of their immediate family are exempt from many, but not all, Worker Protection Standard requirements. This brochure will help you determine if you qualify for *agricultural owner exemptions* and, should you qualify, describe your remaining responsibilities under the Worker Protection Standard.

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## QUALIFYING FOR AGRICULTURAL OWNER EXEMPTIONS

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Before determining if you qualify for agricultural owner exemptions, it is important to review several key definitions in the Worker Protection Standard.

### Agricultural Establishment

Agricultural establishment means any farm, forest, nursery or greenhouse.

### Agricultural Owner

An agricultural owner is any person who possess or has such interest (fee, leasehold, rental or other) in an agricultural establishment covered by the WPS.

A person who has leased an agricultural establishment *to* another person and who has granted that same person the right and full authority to manage and govern the use of that establishment is **NOT** an agricultural owner under the WPS.

### Immediate Family

Immediate family includes **only** spouse, children stepchildren, foster children, parents, stepparents, foster parents, brothers, and sisters.



### Agricultural Owner Exemptions

**Owners of agricultural establishments and members of their immediate family qualify for agricultural owner exemptions while performing tasks related to the production of agricultural plants on their own establishment.**

Agricultural owners, however, must provide all protections required by the WPS to persons who are **NOT** members of their immediate family. These persons would include:

- workers employed for specific hand-labor duties during the season or for the harvest, and

- handlers who clean personal protective equipment (PPE) or repair, clean, or maintain contaminated pesticide handling equipment.

The WPS does **NOT** allow any exemptions for:

- owners of commercial pesticide handling establishments (commercial applicators), or

- persons who operate or manage, but do not own, an agricultural establishment.

### Incorporated Agricultural Establishments

If your farm, forestry operation, nursery, or greenhouse is incorporated, **all stockholders** of the corporation must be members of your immediate family to qualify for agricultural owner exemptions. If any stockholders are not members of your immediate family, then the corporation is the "owner" for purposes of the WPS and you may not take advantage of the agricultural owner exemptions.

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## REQUIREMENTS OF AGRICULTURAL OWNERS

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If you qualify for agricultural owner exemptions, the following sections of the WPS **DO** apply to you and all members of your immediate family.

### Restrictions During Handling Tasks

The agricultural owner and all family members must use the PPE and other work attire listed on the pesticide label for the handling task being performed.

### Restrictions During Applications

As an agricultural employer, you must make sure:

- each pesticide is applied so that it does not contact, either directly or through drift, anyone (including you and your family members);



- you, your family members, and all other persons are kept out of areas being treated with pesticides;

- during certain pesticide applications in nurseries and greenhouses, you, your family members, and all other persons are kept out of specified areas immediately **around** the area being treated.

Only appropriately trained and equipped handlers may be in any of the above areas during pesticide applications.

### Restrictions During Restricted-Entry Intervals (REIs)

The restricted-entry interval is the time immediately after a pesticide application when entry into the treated area is limited. During an REI, **do not enter or allow members of your family to enter** a treated area or contact anything treated with the pesticide to which the REI applies.

When two (or more) pesticides are applied at the same time and have different REIs, make sure that you and your family members follow the longest of all labeled restricted-entry intervals.

### Exceptions to REIs

In general, you and members of your immediate family must stay out of a treated area during the restricted-entry interval. This restriction has two exceptions:

- early entry **with no contact**, and
- early entry **with contact** for short-term, emergency, or specially exempted tasks.

**No-contact early entry** means just that: no contact! You or family members may enter a treated area during an REI if you do **NOT** touch or are **NOT** touched by any pesticide residues, including residues found:

- **on plants**, including both agricultural plants and weeds,

- **on or in soil** or the planting medium,

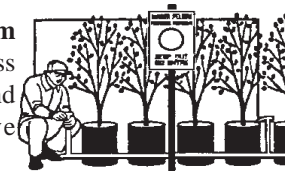
- **in water**, such as irrigation water or water standing in drainage ditches or puddles, or

- **in air**, if the pesticide remains suspended after application, such as after fumigation or after a smoke, mist, fog, or aerosol application.

**Avoiding contact by using personal protective equipment does NOT qualify as no-contact early entry.**

**Early-entry with contact** allows you or members of your family to enter a treated area during a restricted-entry interval in only three work situations:

- **short-term tasks** that last less than 1 hour and do not involve hand labor,



- **emergency tasks** that take place because of an agricultural emergency recognized by the Board of Pesticides Control (BPC), and

- **specific tasks** approved by EPA through a formal exception process.

For early-entry with contact, you must:

- wait at least 4 hours after the pesticide application is completed before entering,

- enter and work for only 1 hour in 24 hours when performing short-term tasks,