Approved:	1-27-94	
	Date	

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson David Corbin at 10:00 a.m. on January 20, 1994 in Room 423-S of the Capitol.

All members were present except: Quorum was present

Committee staff present: Raney Gilliland, Legislative Research Department

Jill Wolters, Revisor of Statutes Lila McClaflin, Committee Secretary

Conferees appearing before the committee:

Sue Ann Funk, Kansas State Board of Agriculture Forrest E. St. Aubin, Director, Division of Plant Health, Kansas State Board of Agriculture

Others attending: See attached list

The Chairperson called on Mr. St. Aubin for a briefing on The Worker Protection Standard - a newly revised EPA regulation affecting Kansas Agriculture.

Mr. St. Aubin introduced Sue Ann Funk and Gary Boutz with the Division of Plant Health. Mr. St. Aubin told the Committee The Worker Protetion Standard (WPS) is a regulation issued by the U. S, Environmental Protection Agency. The WPS covers agricultural pesticide users and/or employers of agricultural workers or pesticide handlers, regarding pesticides that are used in the production of agricultural plants on farms, forests, nurseries, and greehouses. The goal of the WPS is to limit workers' exposure to pesticides, to reduce adverse health effects when exposure occurs, and to inform and educate workers about hazards associated with occupational pesticide use. The WPS is being phased in over a three year period that started in August 21, 1992 and the final phase will be October 23, 1995 (Attachment 1)

Mr. St. Aubin and Sue Ann Funk responded to questions such as: the training requirements, where to obtain the training, where to purchase the pesticide safety poster, and the decontamination supplies such as the overalls. They responded the Division of Plant Health is working with the chemical and pesticide people to present the information at trade association meetings and public information meetings. They said the signs are available at the Department of Agriculture, and the label on the chemicals and pesticides inform you if posting and monitoring is necessary.

The meeting adjourned at 10:47 a.m.

The next meeting is scheduled for January 24, 1994.

GUEST LIST

COMMITTEE: Senate Agriculture DATE: 1-20-94

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NAME	ADDRESS	ORGANIZATION
Greg Krissek	Topeka KS	Dept. of Ag
Mikr Jensen	Man hadan	Ks Fork
Sue Ann Funk	Topeka	KS Dept. of Ag
Forrest St. Aubin	b.	in .
Gary Boutz	ų	દા
Arlan Holmes	TI	Div. of Budget
Diane Frener	Jopepa	KS Co-oplancil
Mike Note	Lawrence	Intern
H. Dean Garwood	Topeka	XS. Pest Contral Ass
Belo Birder	Hope	Dairy fameri
Russ FRED	TopekA	KUMA
marty Vanier	Manhattan	KAA
Chris Wilson	Wanego	KAAA
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REPORT ON THE WORKER PROTECTION STANDARD

GIVEN TO

THE SENATE COMMITTEE ON AGRICULTURE

\mathbf{BY}

FORREST ST. AUBIN DIRECTOR, DIVISION OF PLANT HEALTH KANSAS STATE BOARD OF AGRICULTURE

JANUARY 20, 1994

Senate ag Co 1-20-94 attachment

THE WORKER PROTECTION STANDARD - A NEWLY REVISED EPA REGULATION AFFECTING KANSAS AGRICULTURE

The Worker Protection Standard (WPS) is a regulation issued by the U.S. Environmental Protection Agency. The WPS covers agricultural pesticide users and/or employers of agricultural workers or pesticide handlers. It addresses pesticides that are used in the production of agricultural plants on farms, forests, nurseries, and greenhouses. This regulation, which was proposed in 1988 and substantially revises standards first established in 1974, is estimated to affect 3.9 million people nation-wide whose jobs involve exposure to agricultural pesticides used on plants. When the new standards are fully implemented, pesticide exposure risks to agricultural workers and pesticide handlers should be significantly reduced.

The provisions in the revised WPS are directed toward the working conditions of two types of employees:

- * Pesticide Handlers those who handle agricultural pesticides (mix, load, apply, clean or repair equipment, act as flaggers, etc.), and
- * Agricultural Workers those who perform tasks related to the cultivation and harvesting of plants on farms or in greenhouses, nurseries, or forests.

The WPS requires agricultural pesticide users and/or employers of agricultural workers or pesticide handlers to provide their employees and, in some cases, themselves and to others:

- (1) information about the hazards of pesticides,
- (2) protections against exposures to pesticides, and
- (3) ways to mitigate exposure to pesticides.

Although keeping records to demonstrate compliance with these provisions is not required, employers are being encouraged to maintain records in order to reduce the risk of liability.

The three provisions listed above are covered by the WPS as follows:

- (1) Provisions to inform employees about pesticide hazards To ensure that employees will be informed about exposure to pesticides, the WPS requires:
 - Pesticide safety training for workers and handlers
 - Pesticide safety poster to be displayed for workers and handlers

- Access to labeling information for pesticide handlers and early-entry workers, and
- Access to specific information a centrally located Pesticide Application List of pesticide treatments on the establishment.
- (2) Provisions to eliminate or reduce pesticide exposure This regulation limits pesticide exposures by establishing restricted-entry intervals (REI's) for all pesticide products which are used in the production of agricultural plants and for which REI's have not been set according to current standards. The REI is a period of time after application of a pesticide during which worker entry to the treated area is restricted. Overall exposure to pesticides is reduced by requiring employers to:
 - Prohibit handlers from applying a pesticide in a way that will expose workers or other persons,
 - Exclude workers from areas being treated with pesticides,
 - Exclude workers from areas that remain under an REI, with narrow exceptions,
 - Protect early entry workers who are doing permitted tasks in treated areas during an REI requirements include special instructions and duties related to correct use of personal protective equipment (PPE),
 - Notifying workers about treated areas so they can avoid inadvertent exposures, and
 - Protect handlers during handling tasks requirements include monitoring while handling highly toxic pesticides and duties related to correct use of PPE.
- (3) Provisions to mitigate exposure To mitigate pesticide exposures that employees receive, the WPS requires:
 - Decontamination sites providing handlers and workers an ample supply of water, soap, and towels for routine washing and emergency decontamination,
 - Emergency assistance making transportation available to a medical care facility if an agricultural worker or handler may have been poisoned or injured by a pesticide, and providing information about the pesticide(s) to which the person may have been exposed.

The Division of Plant Health is actively working with the regulated community to provide information about the WPS. This includes presentations to trade association meetings, inclusion of the WPS in the pesticide certified applicator training courses, and public information meetings.

The WPS is being phased in over a three year period. The initial publication was August 21, 1992. Key dates for the implementation of the WPS are as follows:

- April 21, 1993 After this date, label-specific requirements appearing on the label may be enforced once the product being used includes the new labeling. Label-specific requirements include restricted entry interval, personal protective equipment, and the requirement for posting an area of pesticide application.
- April 15, 1994 Generic requirements become enforceable when the label of the pesticide product being used makes reference to the WPS. Generic requirements include decontamination facilities; training; clean, inspecting, and maintaining of personal protective equipment; and emergency assistance when required.
- April 21, 1994 No pesticide without the WPS-required labeling may be sold or distributed by the manufacturer after this date.
- October 23, 1995 No pesticides without the WPS-required labeling may be sold or distributed by anyone after this date.

Enforcement of the WPS will be through compliance with the labelled directions. The Kansas Pesticide Law requires compliance with the label and prohibits the use of any pesticide in a manner inconsistent with its label. Compliance monitoring of the WPS will be accomplished through existing enforcement procedures, including the investigation of tips and complaints. A limited number of specific WPS inspections will be conducted as established per the EPA Enforcement Grant Agreement. Compliance with product labeling requirements will be conducted through routine marketplace inspections.

The goal of the WPS is to limit workers' exposure to pesticides, to reduce adverse health effects when exposure occurs, and to inform and educate workers about hazards associated with occupational pesticide use.