Message

From: Mutter, Andrew [mutter.andrew@epa.gov]
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To: R8 SLT [R8_SLT@epa.gov]
Subject: FW: EPA Finalizes Improvements to Pesticide Application Exclusion Zone Requirements

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EPA Finalizes Improvements to Pesticide Application Exclusion Zone Requirements

Final rule clarifies and simplifies application exclusion zone requirements while maintaining important worker protections

Goldsboro, N.C. (October 29, 2020) — Today, at Overman Farms in Goldsboro, N.C., U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler will announce that the agency has finalized important improvements to requirements for the pesticide application exclusion zone (AEZ)—the area surrounding pesticide application equipment that exists only during outdoor production pesticide applications. EPA's targeted changes improve the enforceability and workability of the AEZ requirements, decrease regulatory burdens for farmers, and maintain critical worker protections. Today's revisions are consistent with the 2018 Pesticide Registration Improvement Act (PRIA). The AEZ requirements are part of EPA's agricultural Worker Protection Standard (WPS) regulations.

"Since day one, the Trump Administration has been committed to protecting the health of all our citizens," **said EPA Administrator Wheeler.** "The changes to the AEZ requirements make it easier to ensure people near our nation's farms are protected, while simultaneously enhancing the workability of these provisions for farm owners and protecting the environment."

This final action balances the input EPA received from a wide range of stakeholders during the proposed action's 90-day comment period. EPA has clarified and simplified the AEZ requirements based in part on input from state pesticide regulatory agencies and agricultural stakeholders after the adoption of the 2015 WPS rule. Consistent with PRIA, EPA is only implementing changes related to the AEZ requirements in the WPS. These targeted changes include:

- AEZ requirements only apply within the boundaries of the agricultural establishment, removing off-farm responsibilities that were difficult for state regulators to enforce.

- Immediate family members of farm owners are now exempted from all aspects of the AEZ requirements. Farm owners and their immediate family are now able to shelter in place inside closed buildings, giving farm owners and immediate family members flexibility to decide whether to stay on-site during pesticide applications, rather than compelling them to leave even when they feel safe remaining.
- New clarifying language has been added so that pesticide applications that are suspended due to individuals entering an AEZ may be resumed after those individuals have left the AEZ.
- Simplified criteria to determine whether pesticide applications are subject to the 25- or 100-foot AEZ.

No changes were made to the "Do Not Contact" provision that prohibits a handler/applicator and the handler's employer from applying a pesticide in such a way that it contacts workers or other persons directly or through drift.

To read the rule in full, please visit: https://www.epa.gov/pesticide-worker-safety/worker-protection-standard-application-exclusion-zone

Background

The original WPS regulation was enacted in 1992 under EPA's Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorities to protect farm workers from pesticide exposures in production agriculture. The WPS requires owners and employers on agricultural establishments and commercial pesticide-handling establishments to protect employees on farms, forests, nurseries, and greenhouses from occupational exposure to agricultural pesticides.

In 2015, EPA finalized various significant revisions to the 1992 WPS. Among the 2015 revisions was a new provision requiring agricultural employers to keep workers and all other individuals out of an area called the "application exclusion zone" (AEZ) during outdoor pesticide applications. The AEZ is the area surrounding pesticide application equipment that exists only during outdoor production pesticide applications. The AEZ will be 25 feet in all directions for ground pesticide applications when sprayed from a height greater than 12 inches, and 100 feet in all directions for outdoor aerial, air blast, air-propelled, fumigant, smoke, mist and fog pesticide applications.

The initial intent of the AEZ was to supplement existing WPS provisions for farm workers to better protect them and other on-farm persons that could be contacted by pesticides. However, state regulators expressed concerns with enforcing the complex AEZ requirements and farm owners expressed concerns with applying and complying with pesticide regulations.

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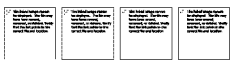

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