

# Environmental Justice Including PRIA 5 Implementation

May 31, 2023

Session Chair: Michael Goodis

Deputy Director, Office of Pesticide Programs

# Agenda

Goals: To update the PPDC on some of the EPA's environmental justice activities, including implementation of PRIA 5, stakeholder engagement, and the Executive Order on environmental justice, and discuss.

Presentations 90 minutes + 30 minutes for discussion

- Introductions – Michael Goodis (5 mins)
- OCSPP's EJ Science Advisor – Jason Todd (5 mins)
- Overview of EJ in EPA and OPP – Michael Goodis (5 mins)
- New Equity Executive Order – Michele Knorr (15 mins)
- PRIA 5 and Farmworker and Pesticide Charge with the National Environmental Justice Advisory Council (NEJAC) – Michael Goodis (15 mins)
- PRIA 5 Bilingual Labeling – Linda Arrington (20 mins)
- Worker Protection - Carolyn Schroeder (25 mins)

# Supporting EJ Documents

- NEJAC Charge Document
- PRIA 5 Overview/EJ-related activities
- Children's Health/CHPAC
- Early Organophosphate Pesticides Mitigation
- Ethylene Oxide (EtO) Risks and Mitigation

# Why does environmental justice matter?

*“Every person in the United States has the right to clean air, clean water, and a healthier life no matter how much money they have in their pockets, the color of their skin, or their zip code.”*

- Michael S. Regan, EPA Administrator



# What is environmental justice and why is it important?

- EPA defines environmental justice as the **fair treatment** and **meaningful involvement** of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies (EO 12898).
- **Many people of color, as well as low-income and indigenous populations, have been disproportionately burdened by pollution and denied equal access to a healthy environment. Finding solutions is our collective obligation.**
- **By considering the principles of environmental justice, complying with federal civil rights laws, and complying with applicable state environmental justice and civil rights policies and laws, environmental permitting programs can better identify and address discriminatory and/or unfair permitting processes and outcomes.**

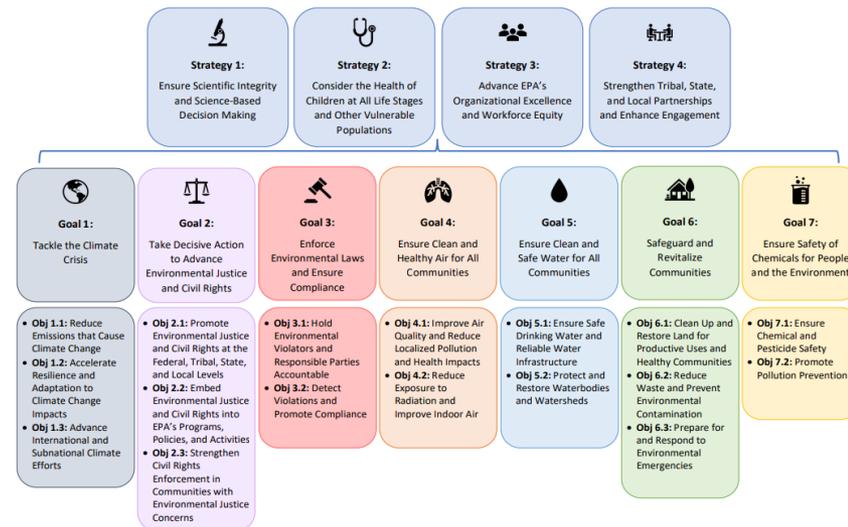
# FY 2022-2026 EPA Strategic Plan Framework

- **Mission:** To protect human health and the environment
- **Principles:** Follow the science, follow the law, be transparent, advance justice and equity
- **Goal 2: Take Decisive Action to Advance Environmental Justice and Civil Rights**
  - Objective 1: Promote environmental justice and civil rights at the federal, tribal, state and local levels
  - Objective 2: Embed environmental justice and civil rights into EPA programs, policies, and activities
  - Objective 3: Strengthen civil rights enforcement in communities with environmental justice concerns

FY 2022-2026 EPA Strategic Plan Framework

**Mission:** To Protect Human Health and the Environment

**Principles:** Follow the Science, Follow the Law, Be Transparent, Advance Justice and Equity



# EPA's Approach to Environmental Justice

- EPA's goal is to provide an environment where all people enjoy the same degree of protection from environmental and health hazards and equal access to the decision-making process to maintain a healthy environment in which to live, learn, and work.

## **EPA's Approach**

- Environmental Justice (EJ) is rooted in law
- Consider EJ in programmatic operations, objectives, outputs, etc.
- Include EJ in all partnerships
- Establish collaborative and creative approaches for protecting our most vulnerable communities
- Build holistic solutions
- Provide equal access to and fair treatment in the decision-making process



# Environmental Justice in OPP Programs: FIFRA Provisions

## Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

- The primary objective of FIFRA is to ensure that, when applied as instructed, pesticides will not generally cause unreasonable risk to human health or the environment.

## FIFRA includes provisions that align with environmental justice principles:

- Protecting workers from potential adverse effects of pesticides
- Assessing risk to human health and the environment (i.e., Risk Assessment)
- If risk of concern to workers are identified, evaluate potential risk management protections for workers who may be exposed (i.e., Risk Management)
- Implement programs to protect workers
  - Agricultural Worker Protection Standard
  - Pesticide Applicator Certification Regulation
  - Recognition and Management of Pesticide Poisoning

# EPA is also following direction from Executive Orders, including:

- EO 12898 (1994) *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*
- EO 13166 (2000) *Improving Access to Services for Persons with Limited English Proficiency*
- EO 13175 (2020) *Consultation and Coordination with Indian Tribal Governments*
- EO 14008 (2021) *Tackling the Climate Crisis at Home and Abroad*
- EO 13985 (2021) *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*
- EO 14096 (2023) *Revitalizing our Nation's Commitment to Environmental Justice for All*

A stylized graphic of a flower on the left side of the page. The flower has a light blue upper half and a light green lower half, with a white center. It has two large, light green leaves extending downwards and to the right.

# **EPA Equity Action Plans Executive Orders 13985 and 14091**

**May 31, 2023**

# **E.O. 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government**

“... [T]he Federal Government should pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. Affirmatively advancing equity, civil rights, racial justice, and equal opportunity is the responsibility of the whole of our Government.”

# Equity Definition (per E.O. 13985)

“...[T]he consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.”

# Equity Action Plan

E.O. 13985 directed federal agencies to assess whether underserved communities and their members face systemic barriers in accessing benefits and opportunities available, and to develop equity action plans to overcome these barriers.

# EPA's current Equity Action Plan

- Develop cumulative impacts framework for use in EPA's programs and activities
- Build capacity of underserved communities
- Develop EPA's internal capacity to engage underserved communities
- Strengthen EPA's external civil rights compliance program and ensure this compliance is an agency-wide responsibility
- Integrate community science into EPA's research and program implementation
- Make procurement and contracting more equitable

# E.O. 14091: Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government

“ . . . [T]he Federal Government shall continue to pursue ambitious goals to build a strong, fair, and inclusive workforce and economy; invest in communities where Federal policies have historically impeded equal opportunity—both rural and urban—in ways that mitigate economic displacement, . . . deliver environmental justice and implement the Justice40 Initiative; build prosperity in rural communities; . . . promote equity in science . . . ”

# Annual Equity Action Plans E.O. 14091

Plan due in September 2023 shall include:

- Update progress made since last year's plan;
- Potential barriers that underserved communities may face in accessing and benefitting from the agency's activities;
- Strategies, including new or revised policies and programs, to address identified barriers; and
- How the agency intends to meaningfully engage with underserved communities.

# Section 6 of Executive Order 14091

## Focus on Rural Communities

“Agencies shall undertake efforts, to the extent consistent with applicable law, **to help rural communities** identify and access Federal resources in order to create equitable economic opportunity”

# Input Sought for Equitable Access and Opportunities for Rural Communities

What EPA or other federal programs should be considered in developing this part of the plan?

Who should EPA engage with to inform the plan (e.g., public/private/community-based networks)?

How can EPA better provide access to its programs and activities (e.g., engagement with rural communities on funding opportunities)?

Any other issues that EPA should consider?

# Send Your Thoughts and Ideas to:

- Michele Knorr – [Knorr.Michele@epa.gov](mailto:Knorr.Michele@epa.gov),
- Rick Keigwin – [Keigwin.Richard@epa.gov](mailto:Keigwin.Richard@epa.gov), and
- Tom Tracy – [Tracy.Tom@epa.gov](mailto:Tracy.Tom@epa.gov)
- Please include all the names above and use “PPDC Equity Discussion” as your subject.

# PRIA 5 and Farmworker and Pesticide Charge with the NEJAC

Michael Goodis



# PRIA 5

- The Pesticide Registration Improvement Act or PRIA was first authorized in 2004
- PRIA created a registration service fee system whose purpose was to provide additional resources to OPP in order to achieve more predictable and faster registration decisions
- PRIA has been reauthorized 4 times
- The most recent reauthorization, the Pesticide Registration Improvement Extension Act of 2022 (PRIA 5) was signed into law on December 29, 2022

# PRIA 5 and Environmental Justice

- PRIA 5 continues or introduces a number of fee fund set-asides that are relevant to Environmental Justice, including:
  - New set asides for farmworker training and education (replaces worker protection activities set aside) and health care provider training relating to the recognition, treatment, and management of pesticide-related injuries and illnesses, as well as development of informational materials for technical assistance and training
  - Continuation of maintenance fee set asides for partnership grants, and pesticide safety education programs
  - New set-aside to support interagency agreement with NIOSH/CDC to support the SENSOR program, with a goal of increasing the number of participating states and prioritizing expansion in States with the highest numbers of agricultural workers
- PRIA 5 amends FIFRA to require Spanish language translation to end-use pesticide product labels;
  - EPA to seek stakeholder input on ways to make bilingual labeling accessible to farm workers – 180 days from date of enactment (June 2023).

# National Environmental Justice Advisory Council (NEJAC)

## About the NEJAC

- Federal Advisory Committee established in 1993
- Charged to provide the Administrator with advice and recommendations on integrating environmental justice considerations into the Agency's programs, policies, and day-to-day activities.

## Working Together

- NEJAC Farmworker and Pesticide Workgroup
- Building a charge together and obtain recommendations
- Continuing engagement on the workgroup's issues of importance (e.g., women and children's vulnerability, WPS, pesticide risk mitigation)

# Farmworker and Pesticide Charge

EPA seeks the advice and expertise of the NEJAC to provide technical information and recommendations to advance how the Agency:

- I. Develops new methods to provide access to information on bilingual (Spanish) pesticide labels for farmworkers;
- II. Strategizes to create a new farmworker indicator to measure progress in reducing disparities;
- III. Enhances its understanding and knowledge of exposure related to legally working children in agriculture, and
- IV. Trains inspectors who conduct Worker Protection Standard inspections.

# I. Establishing Farmworkers' Access to Bilingual (Spanish) Labels

- EPA wants to obtain early input from the NEJAC to understand how the program can build effective communication processes and mechanisms to successfully increase access and use of bilingual (Spanish) labels for farmworkers.

## **Focus:**

- Communications approaches, processes or strategies
- Technologies, mobile applications and internet access
- Sharing information effectively with farmworkers
- Identifying key components for an implementation plan

# II. Input on Building a New Environmental Justice Indicator

- EPA is exploring development of a farmworker indicator that the Agency could address through its programs. EPA requests the NEJAC's input to help refine the focus of a potential indicator.

## **Focus:**

- Identifying types of indicators most meaningful to farmworker communities
- Sharing environmental/health issues that are most urgent to farmworker communities
- Analyzing certain disparities related to environmental/health issues
- Providing datasets for potential use, addressing gaps, and reference points to measure disparities

# III. Strengthening EPA's Pesticide Exposure Assessment of Legally Working Children in Agriculture

- The Agency request that the NEJAC share quantitative information, research, and monitoring data; as well as factors to be considered for informing the analysis with additional or current information, related to legally working children in agriculture.

## **Focus:**

- Providing exposure data to inform analysis of comparative exposures between adult and children in agricultural settings
- Sharing quantitative data and sources of exposures and activities that are expected for children legally working in agriculture
- Offering additional data to reflect biometric differences amongst farmworker children populations in comparison to the general population

# IV. Expand or Enhance Training for Inspectors Who Conduct Worker Protection Inspections

- EPA requests the NEJAC suggest how EPA can incorporate a deeper understanding of farmworker concerns about WPS inspections into training materials.

## **Focus:**

- Providing feedback, observations, or experiences to help EPA enhance training
- Sharing communication approaches, processes, or strategies to increase information sharing and build trust between WPS inspectors and farmworkers

# Bilingual Labels

Linda Arrington

OPP/Pesticide Re-evaluation Division (PRD)

# PRIA 5 – Bilingual Labels

- The 2022 Reauthorization of the Pesticide Registration Improvement Act (PRIA 5) amended FIFRA requiring Spanish language translation to end-use pesticide product labels
  - Prioritized products with higher toxicity to complete all labels over several years
  - Labeling contained in the EPA Spanish Translation Guide
  - EPA to seek stakeholder input and implement a plan on ways to make bilingual labeling accessible to farm workers

# PRIA 5 - Bilingual Labels Deadlines

- Restricted Use Pesticides (RUPs) – 3 years from enactment (Dec 2025)
- Agricultural Non-RUPS:
  - Acute Toxicity Category I – 3 years (Dec 2025)
  - Acute Toxicity Category II – 5 years (Dec 2027)
- Antimicrobials and non-agricultural:
  - Acute Toxicity Category I – 4 years (Dec 2026)
  - Acute Toxicity Category I – 6 years (Dec 2028)
- All other products – 8 years (Dec 2030)
- Other label timing provisions for when the Spanish Translation Guide is updated

# Translation Guide

- Sections of the Translation Guide
  - Keep out of reach of children
  - Restricted use pesticide (RUP)
  - Signal word
  - First aid
  - Precautionary statements
  - Personal protective equipment (PPE)
  - Misuse statement
  - Storage and disposal
  - Example label language
    - Agricultural use requirements
    - Precautionary statements
- The Spanish Translation Guide is located at:
  - <https://www.epa.gov/pesticide-labels/spanish-translation-guide-pesticide-labeling>

## Signal Word

English	Spanish
Caution	Precaución
Warning	Aviso
Danger	Peligro
Danger - Poison	Peligro - Veneno

## First Aid

### Ingestion

Ingestion treatment for acute oral toxicity categories 1, 2, and 3. Not required for category 4 – may use statements below.	
English	Spanish
First Aid	Primeros Auxilios
If swallowed:	Si se Ingiere:
- Call a poison control center or doctor immediately for treatment advice.	- Llame de inmediato a un centro de control de envenenamientos o a un médico para consejo de tratamiento.
- Have person sip a glass of water if able to swallow.	- Si la persona puede tragar, haga que beba un vaso de agua lentamente.
- Do not induce vomiting unless told to by a poison control center or doctor.	- No induzca el vómito a menos que así se lo indique un centro de control de envenenamientos o un médico.
- Do not give anything to an unconscious person.	- No administre nada por boca a una persona que haya perdido el conocimiento.

# Bilingual Labels – Implementation

- Label changes to be through non-notification
  - a change may be made to a pesticide label without notifying EPA
- EPA shall cooperate and consult with State lead agencies for pesticide regulation to implement bilingual labeling
- EPA to seek stakeholder input on ways to make bilingual labeling accessible to farm workers – 180 days (June 2023)
- EPA shall develop and implement, and make publicly available, a plan for tracking the adoption of the bilingual labeling – 2 years (Dec 2024)
- EPA shall implement a plan to ensure that farm workers have access to the bilingual labeling – 3 years (Dec 2025)

# Non-notification Process

- Non-notifications are amendments that can be done on pesticide labels that are not required to have prior approval from OPP
  - 40 CFR 152.46(b) provides examples for non-notifications
  - Bilingual label language may be on any product without notification. The foreign text must be a true and accurate translation of the English text. Note: Both language versions of the labeling must appear on a container. Foreign text may be used on all or part of the labeling.
  - Non-notifications are not tracked by OPP
- PRIA 5 ensures consistencies for bilingual language for health and safety portions with the use of the Spanish Translation Guide
- PRIA 5 requires a tracking element for bilingual language labels

# Current Status - Stakeholder Engagement

- Presented bilingual labeling charge questions regarding farmworker access to the NEJAC – 3/30/23
- SFIREG Meeting – 4/17/23
- Quarterly Farmworker Advocacy Stakeholder Call – 4/17/23
- CLA RISE Conference – 4/19/23 & 4/20/23
- AAPCO WPS Committee Meeting – 4/20/23
- OCSPP/OECA/Regions Monthly Call – 4/26/23
- OCSPP Regional WPS Quarterly Call – 5/2/23
- PPDC Meeting – 5/31/23
- National Webinar – 6/15/23 <https://www.epa.gov/pesticides/register-epas-webinar-bilingual-pesticide-labels>.

# Spanish Labeling: Coordination at OPP

- Current OPP workgroup members:
  - Linda Arrington – PRD
  - Susan Bartow – PRD
  - Derek Berwald – BEAD
  - Joseph Daniels – AD
  - Tiffany Green – PRD
  - Jocelyn Hospital – PRD
  - Karen Milians – EFED
  - Briana Otte – BEAD
  - Shannon Rebersak – OGC
  - Ana Rivera-Lupiañez – PRD
  - Sergio Santiago – BEAD
  - Carolyn Schroeder – PRD
  - Stephen Smearman – BEAD
  - Monica Thapa – BPPD

# Worker Protection

Carolyn Schroeder

OPP, Pesticide Re-evaluation Division (PRD)



# Worker Protection Outline

- **Certification of Pesticide Applicators**
  - Overview of Rule and EPA's Role
  - Update on State/Tribal Certification Plan Reviews
  - Implementation of Certification Plans
- **Cooperative Agreements and PPDC Recommendations**
  - Overview of worker safety cooperative agreements
  - Summary of PPDC workgroup recommendations
- **Agricultural Worker Protection Standard**
  - Overview of Rule and Highlights of Current Efforts
  - Update on Application Exclusion Zone (AEZ)

# Certification of Pesticide Applicators

- EPA classifies pesticides as restricted use pesticides (RUPs) or general use (unclassified) pesticides.
- RUPs have the potential to cause unreasonable adverse effects to the environment and injury to applicators or bystanders without added restrictions.
  - RUPs can be used only by or under a certified applicator.
- Applicators are certified by pesticide State Lead Agencies, Tribes and Federal Agencies through certification programs.
  - All certification programs are required to have an EPA-approved plan.
- Pesticide Safety Education Programs (PSEPs) provide pesticide applicator education & training on the safe use of RUPs by applicators in all settings.

# EPA's Role, in a Nutshell

- Establishes minimum competency for pesticide applicators through the Certification of Pesticides Applicator rule
- Approves certification plans required by FIFRA
- Certifies applicators for areas of Indian country without an EPA-approved plan
- Supports certifying authorities, Pesticide Safety Education Programs (PSEPs), and other organizations to help implement certification and training (C&T) program
  - Funding through cooperative agreements
  - Development of guidance and educational materials
  - Technical Assistance

# CPA Rule Regulatory Deadline

- FIFRA requires an EPA-approved Certification Plan for RUP applicator certification programs
- Plans modified because of 2017 rule revision
- EPA's regulatory deadline for Certification Plan approval
  - **November 4, 2023 (extended from March 4, 2022)**
  - Extension informed by Regional projections and co-regulator/stakeholder comments
  - No additional extensions
- See Docket # EPA-HQ-OPP-2021-0831 at [www.regulations.gov](http://www.regulations.gov)

# Status of Certification Plan Approvals

- 68 certification plans in total
- All 62 SLA and Tribal plans have been reviewed by EPA and returned to the certifying authority for revisions
- **29 certification plans approved (SLA + Federal)**

## 6 Tribal Plans

- No approvals yet
- 6 / 6 plans back with tribes

## 56 SLA Plans

- 24 approved
- 15 / 32 with SLAs
- 17 / 32 with EPA after revisions

## 6 Federal Agency Plans

- 5 approved
- 1 / 1 EPA-administered Plan for Indian country - in internal review

Pesticide Worker Safety

CONTACT US

Pesticide Worker Safety Home

How EPA Protects Workers from Pesticide Risk

Recognition and Management of Pesticide Poisonings

In Case of Pesticide Poisoning

Agricultural Worker Protection Standard (WPS)

How to Get Certified as a Pesticide Applicator

Pesticide Containers

Pesticide Containment Structures

## Certification Standards for Pesticide Applicators

Esta página web está disponible [en español](#)

In 2017, EPA finalized stronger standards for people who use restricted use pesticides (RUPs). The revisions to the Certification of Pesticide Applicators (CPA) rule help ensure RUPs are used safely and reduce the likelihood of misapplication of RUPs.

The [2017 CPA final rule](#) required states, territories, tribes and federal agencies ([certifying authorities](#)) with existing EPA-approved certification plans to submit proposed modifications by March 4, 2020 to comply with the federal standards. Plans in place before March 4, 2020 remain in effect until EPA approves the proposed plan modifications, or until those plans otherwise expire on November 4, 2022, whichever is earlier. In February 2022, EPA issued a proposed rule seeking public comment on the need for further extending the deadline up to but not longer than November 4, 2024. [Read and comment on the proposed rule](#).

EPA has completed an initial review of all certifying authorities' proposed plan modifications submitted by March 4, 2020 and provided detailed feedback to all 56 State Lead Agencies (SLAs). EPA is currently collaborating with certifying authorities on resolving the Agency's comments so that plans may be ultimately approved.

EPA is tracking the progress of the review and approval of the proposed plan modifications made in response to the 2017 CPA final rule. Below is a table that represents the status of the 56 state and territory proposed plans.

### Status of Certification Plan Review, Updated May 27, 2022

	Plans Submitted to EPA	Plans with Certifying Authorities	Plans Resubmitted to EPA	Approved Plans*
<b>Description</b>	<i>EPA completed thorough reviews of certification plans and provided feedback to certifying authorities.</i>	<i>Certifying authorities are working on resolving EPA feedback.</i>	<i>EPA is reviewing the revisions made by certifying authorities in response to EPA feedback.</i>	<i>EPA has approved modified certification plans.</i>
<b>Number of Certification Plans (out of 56 States and Territories)</b>	56	38	15	3

\*Approved plans identified here may not yet be published in a FR Notice.

**Related Information**

- [EPA Extends Expiration Deadline for Pesticide Applicator Certification Plans](#)
- [Current Certification of Pesticide Applicators rule vs. Revised rule](#)
- [Learn more about certification of pesticide applicators](#)
- [Current standards for Certification of Pesticide Applicators](#)

# Certification Plan Communications

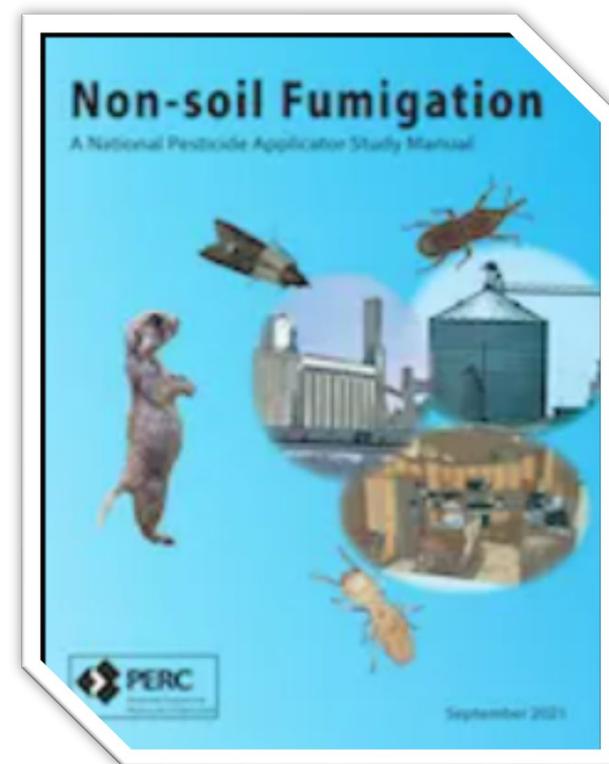
- Updates to [Web Page](#)
  - Biweekly updates
- [Federal Register Notices announcements](#)
  - 2 batches thus far
- [CPARD](#) public view
  - CWPB adding plans w/ regional and SLA concurrence

# Implementation Phase

- Certification plan revisions are (or will) translating to state and tribal program changes
  - Certifying authorities are making changes to certification/licensing programs, such as adding or updating applicator certification categories
  - State's approach may vary as long as competency standards addressed
- Changes may go into effect at different times, before or after the plan approvals, based on each plan's implementation schedule
- Meanwhile, existing plans and relevant parts of their programs remain in effect
- OCSP and OPP's cooperative agreements support implementation

# Pesticide Educational Resources Collaborative

- **Recipient:** UC Davis in collaboration with OR State
- **Coordinates the development of pesticide-related educational resources** (e.g., manuals, videos, guides) that meet national needs related to implementing the WPS and CPA regulations.
- **Applicator Certification Resources**
  - Updated seed treatment manual, non-soil fumigation certification manual, Core Manual addendum, noncertified applicator training
  - Revising the 2014 National Pesticide Applicator Certification Core Manual and Exam Bank (English expected in 2024; Spanish expected in 2025-26)
  - Revising the 2012 Soil Fumigation Manual and Exam Bank (English), expected in 2024





CONGRATULATIONS to PERC's  
**Agricultural Community-Based  
Program Awardees!**



# Agricultural Community-Based Program

- PERC's cooperative agreement also includes a sub-award program for Agricultural Community Based Project (Ag CBP) grants
- The first recipients for the AgCBP grants are [Campesinos Sin Fronteras \(CSF\)](#) and [Toxic Free North Carolina \(TFNC\)](#)
  - CSF awarded \$100,000 for 2 years to increase awareness of the risks associated with living by or working in agricultural fields in Yuma County, AZ for Spanish-speaking Latino farmworkers, pesticide applicators, and their families
  - TFNC awarded \$50,000 for 2 years for their project *Reducing Pesticide Risks for North Carolina Farmworkers by Increasing Awareness of the Worker Protection Standard*
- The PERC Advisory Board is currently reviewing applicants and will select up to 6 projects to be funded (\$25-100k) by January 2024

# Other Cooperative Agreements Supporting Education and Training



[National Farmworker Training Program](#) – Association of Farmworker Opportunity Programs (AFOP)

- Provides multiple occupational health safety training topics to the farmworker community

[National Pesticide Information Center \(NPIC\)](#) – Oregon State University

- Provides objective, science-based information about pesticides and pesticide-related topics to enable people to make informed decisions about pesticides and their use.

[PERC – Medical](#) – UC Davis in collaboration with OR State

- Helping medical professionals prevent, recognize, and treat pesticide-related illness by providing [resources](#) focused on pesticides and human health issues.

# PPDC Workgroup – Farmworker and Clinician Training

- Diverse group of stakeholders in 2021
  - Included representatives of industry, farmworker-serving community-based organizations, community-based organizations that serve Indian Tribes, national nonprofits, State regulators, university extension programs, farm bureaus, other federal agencies, and current grantees under EPA cooperative agreements
- Charged with providing EPA recommendations on how address reporting requirements for PRIA set-asides focused on farmworker protection activities
- Met nearly monthly and provided EPA with 2 sets of recommendations in October 2021
  - 15 farmworker training recommendations
  - 9 clinician training recommendations





# Worker Protection Current Efforts

- New cooperative agreements being developed to address:
  - PRIA 5 requirements
  - PPDC and other federal advisory committees' recommendations
  - Stakeholder input
  - WPS and Certification rule implementation
- Ongoing stakeholder and co-regulator engagements
- Educational events/opportunities for EPA staff
- Review and approval of training content for WPS worker and handler trainings
- Sentinel Event Notification System for Occupational Risks (SENSOR) Pesticides Program – new interagency agreement with CDC/NIOSH to focus on collecting better and more timely pesticide injury and illness data
- Reconsideration of WPS Application Exclusion Zone (AEZ) provisions through rulemaking

# PRIA 5 Set-asides for Worker Protection and Pesticide Safety

- New set asides created for:
  - **Farmworker training and education** (not more than \$7.5M over 5 years)
  - **Health care provider training** (not more than \$2.5M over 5 years)
  - **Technical assistance for grants** (not more than \$1.75M over 5 years)
- These set asides above replace the worker protection activities set aside (for a minimum of \$1M per year)
  - Increased funding
  - Specifies grants (instead of "activities")
  - Revises scope and applicant eligibility

## PRIA 5 Set-Asides (continued)

- **Pesticide incident surveillance** – to support interagency agreement with CDC/NIOSH for SENSOR program ( not more than \$500K per year)
- Continues set asides for:
  - **Partnership grants** (not more than \$500K per year)
  - **Pesticide safety education program** (not more than \$500K per year)

# Agricultural Worker Protection Standard (WPS)

- EPA revised the WPS in 2015 (40 CFR Part 170)
- The EPA has the WPS regulation for the purpose of preventing or reducing the risks of illness or injury resulting from pesticide handlers' and agricultural workers' **occupational exposures** to pesticides
- Agricultural employers are responsible for providing WPS protections to pesticide handlers and agricultural workers in the production of agricultural plants on farms, nurseries, in enclosed spaces (e.g., greenhouses), and in forests

## WPS AEZ Rule Reconsideration

- Through a notice and comment rulemaking, EPA is reconsidering parts of the WPS 2020 Application Exclusion Zone final rule
  - Consistent with Executive Order 13990 addressing the protection of public health and the environment and restoring science to tackle the climate crisis which identified the 2020 AEZ rule for reconsideration
  - Considers some of the issues raised in litigation
- Until further notice, the 2015 WPS requirements for the AEZ remain in effect

# AEZ Proposed Rule and Public Comment Period

- Published in the Federal Register on **March 13, 2023** ([88 FR 15346](#))
- The proposed rule was open for a 60-day public comment period
  - Comment period closed on **May 12, 2023**
  - The docket for public comments can be found here: [EPA-HQ-OPP-2022-0133](#) at [www.regulations.gov](http://www.regulations.gov)
- Guidance and periodic status updates on the AEZ and the associated litigation available at:
  - <https://www.epa.gov/pesticide-worker-safety/worker-protection-standard-application-exclusion-zone>

# AEZ Proposed Rule

- The Agency proposed to reinstate several provisions from the 2015 WPS to strengthen protections for farmworkers and bystanders including:
  - Where the AEZ requirements are applicable, including:
    - beyond an establishment's boundaries; and
    - when individuals are within easements (such as easement for utility workers to access telephone lines).
  - Reestablishing AEZ distances for ground-based spray applications (e.g., boom sprayers) of:
    - 25 feet for sprays using medium or larger droplet sizes when sprayed from a height greater than 12 inches from the soil surface or planting medium; and
    - 100 feet for sprays using fine droplet sizes.

## AEZ Proposed Rule (continued)

- EPA also proposed to retain
  - a clarification that suspended pesticide applications can resume after people leave the AEZ; and,
  - an “immediate family exemption” that allows only farm owners and the farm owners’ immediate family to remain inside enclosed structures or homes while pesticide applications are made.

# Public Comments and Next Steps

- Approximately 25 comments submitted on the AEZ
- Commenters include:
  - Non-governmental Organizations
  - Agricultural Trade Associations
  - Farm Bureaus
  - Public (i.e., individuals)
  - State Associations (AAPCO, NASDA, Washington state)
  - Joint State AGs comment (6 states)
  - A Federal Agency (USDA)
- Final Rule anticipated in early spring 2024