

Below is a table comparing the 2024 Final Rule: **“Pesticides; Agricultural Worker Protection Standard; Reconsideration of the Application Exclusion Zone Amendments (RIN 2070-AK92)”** to the original 2015 WPS AEZ requirements and the 2020 AEZ Rule that was never implemented due to a court-ordered stay.

AEZ Provisions	2015 WPS Final Rule	2020 AEZ Final Rule (Never implemented due to a court-ordered stay)	2024 Final Rule (effective December 3, 2024)	As further described in...*
“Do Not Contact”	Prohibition on applications from contacting people, either from direct contact or spray drift.	Same as the 2015 WPS requirements. Prohibition on applications from contacting people, either from direct contact or spray drift.	Same as the 2015 WPS requirements. Prohibition on applications from contacting people, either from direct contact or spray drift.	
Applicability of the AEZ off the establishment	AEZs can extend <u>off</u> the agricultural employer’s establishment.	AEZs limited to the agricultural employer’s establishment.	Restores the 2015 WPS requirements.	IV.A.1.
Applicability of the AEZ within Easements	Application suspension requirements for individuals within an AEZ are applicable in all situations, including when individuals are <u>within an easement</u> on the establishment.	Excepted the requirement to suspend applications when someone who is <u>not employed by the establishment</u> is within an AEZ, but <u>in an area subject to an easement</u> .	Restores the 2015 WPS requirements.	IV.A.2.
AEZ Distances	<ol style="list-style-type: none"> 1. 100 ft for aerial; airblast or air-propelled; and fumigant, smoke, mist, or fog applications. 2. 100 ft for ground-based, fine spray applications (i.e., smaller than medium droplet sizes). 3. 25 ft for ground-based sprays using medium or larger droplet sizes sprayed above 12 inches. 	<ul style="list-style-type: none"> • Distances based on application method and height of application. • Retained 100 ft for aerial; airblast or air-propelled; and fumigant, smoke, mist, or fog applications. • 25 ft for all ground-based applications sprayed above 12 inches, regardless of droplet size. 	Same as the 2015 WPS requirements; restores the 2015 AEZ distances based on “medium” droplet size.	IV.A.3.
Droplet Spectrum Criteria to Determine “Fine Spray” Application	<ol style="list-style-type: none"> 1. 100 ft AEZ using a droplet smaller than medium (<u>Volume Median Diameter (VMD) of less than 294 microns</u>) as a criterion for AEZ Distances. 2. 25 ft AEZ using a droplet size of medium or larger (<u>VMD greater than 294 microns</u>) sprayed about 12 inches as a criterion for AEZ Distances. 	Droplet spectrum and VMD not used for determining size of AEZ.	<ul style="list-style-type: none"> • Restores the 2015 “medium” droplet size criterion. • Eliminates VMD as a criterion. • Incorporates by reference the ASABE S572 defining droplet spectrum categories (i.e., better defines “medium” droplet size). 	IV.C
Clarification on Resuming Applications	1. Applications must be suspended if someone is within an AEZ. Rule does not specify when they can resume.	1. Applications must be suspended if someone is within an AEZ.	1. Applications must be suspended if someone is within an AEZ.	IV.B.1.

Suspended due to AEZ	2. According to 2018 guidance, can be resumed in <u>off-establishment situations</u> if the handler evaluates and determines no contact will occur.	2. Clarifies that suspended applications can resume after individuals are no longer within an AEZ. 3. 2018 Guidance no longer applicable since AEZ limited to the boundaries of the establishment.	2. Clarifies that suspended applications can resume after individuals are no longer within an AEZ. 3. 2018 Guidance on resuming applications thus superseded by the rule.	
Immediate Family Exemption	No exemptions for owners and their immediate family members.	Permits owners and their immediate family to remain inside closed buildings, housing, or shelters on the establishment within an AEZ.	Permits owners and their immediate family to remain inside closed buildings, housing, or shelters on the establishment within an AEZ.	IV.B.2.
Handler Training Requirements	Handlers must suspend a pesticide application if workers or other persons are in the AEZ.	Added to the training requirements: <ul style="list-style-type: none"> • A clarification that applications could resume after workers or other leave the AEZ. • Content about the immediate family exemption. • Content about limiting the AEZ requirements to within the establishment’s boundaries, excluding easements. 	Added to the training requirements: <ul style="list-style-type: none"> • A clarification that applications could resume after workers or other people leave the AEZ. • Content about the immediate family exemption. 	V.I.

*Sections of the 2024 Final Rule: **“Pesticides; Agricultural Worker Protection Standard; Reconsideration of the Application Exclusion Zone Amendments (RIN 2070-AK92)**