

Checklist for New York State Farmers and Certified Pesticide Applicators complying with the Worker Protection Standard (WPS)

This checklist is intended to be used by farmers and professional pesticide applicators as general guidance to assist with the regulatory requirements associated with the application and use of pesticides within the context of the Environmental Protection Agency's (EPA) Worker Protection Standard (WPS). It does not constitute a comprehensive overview of the Environmental Conservation Law (ECL) or the New York State pesticide regulations.

Pesticide Safety Information	Yes	No	N/A
Is the approved safety poster, or equivalent information, displayed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is emergency medical information displayed? (name, address and telephone number)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the Regional DEC office information displayed? (name, address and telephone number)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the following application information displayed for 30 days from the end of the Restricted Entry Interval (REI)? Location and Description of the treated area; Crop or Site Treated; Product Name; EPA Registration Number; Active Ingredient(s); Date and time application started and ended; Duration of the REI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are Safety Data Sheets (SDS) available to Workers and Handlers?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are application information and SDS's maintained for two years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are application information and SDS's provided to Workers, Handlers, and Designated Representatives within 15 days of a request?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the information legible, located where it can be readily seen and read by Workers and Handlers, and are they allowed unrestricted access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pesticide Exposure Incidents / Emergency Assistance	Yes	No	N/A
Have there been any pesticide exposure incidents on the farm?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
How are incidents reported for employees who become sick/injured by pesticides? _____			
Is prompt transportation to an emergency medical facility available for Workers or Handlers who become sick/injured by pesticides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is information provided to medical personnel regarding the pesticide to which employees may have been exposed? (SDS, product name, EPA Registration Number, active ingredients)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Who is the person responsible for providing transportation and pesticide information? _____			
Information Exchange	Yes	No	N/A
Does the Ag Establishment notify commercial applicators regarding the location of treated areas, labeling requirements, and REIs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do commercial applicators provide the establishment with application information before the application? How is this information provided? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Pesticide Safety Training Assurance	Yes	No	N/A
Have Workers been trained within the last 12 months before entering a treated area? (i.e., and area that was treated or where an REI has been in effect within the last 30 days)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Have Handlers been trained within the last 12 months before performing and handling task?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the information presented in a manner that the Workers and Handlers can understand? (such as through a translator and presenter that answers questions)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Have Workers and Handlers been informed, in a manner they can understand, of the establishment-specific safety information?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pesticide Safety Training Program	Yes	No	N/A
Does the content of the Worker training materials meet the required criteria?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the trainer qualified to train Workers? How? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does the content of the Handler training materials meet the required criteria?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the trainer qualified to train Handlers? How? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Who trains Workers and Handlers? _____			
Which training materials are used? _____			
Pesticide Safety Training Records	Yes	No	N/A
Are training records maintained for Workers for two years after the date of the training?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are copies of the record of the training provided to Workers upon request?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are training records maintained for Handlers for two years after the date of the training?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are copies of the record of the training provided to Handlers upon request?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Restrictions During Applications	Yes	No	N/A
Are Workers prohibited in the treated area during the application and until REIs have expired?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do both the employer and the Handler assure that no pesticide is applied (either directly or through drift) so as to contact anyone other than trained and PPE-equipped Handlers?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are Workers prohibited in an enclosed space during the application and until ventilation criteria have been met?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are Workers and others prohibited in the Application Exclusion Zone (AEZ)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does the Handler suspend an application if anyone except an equipped Handler is in the AEZ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Notification of Applications	Yes	No	N/A
Are applications in an enclosed space with a REI greater than 4 hours posted?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are applications in outdoor production with a REI great than 48 hours posted?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Are Workers given both oral and posted notification when required by the pesticide label?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are Workers given notification of applications (either orally or posted) for other applications?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are Workers told which method will be routinely used at this farm (oral or posted notification)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Posted Warning Signs	Yes	No	N/A
Does the employers use the approved WPS warning signs for posted notification?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are the signs visible from all reasonably expected points of Worker entry to the treated area, each access road, within 100 feet of worker housing, or in the corners of the treated area and other areas affording maximum visibility?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are the signs put up no earlier than 24 hours prior to the application and removed within three days after the end of the REI?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Oral Warnings	Yes	No	N/A
Are oral warnings given in a manner that Workers can understand?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do oral warnings include: location & description of the treated area; REI; instructions not to enter during the REI?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Handler Employer Requirements	Yes	No	N/A
Are Handlers at least 18 years old?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are Handlers monitored visually or by voice every two hours when handling Skull & Crossbones pesticides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does the Handler have a continuous visual or voice contact with another trained and PPE-equipped Handler when handling a fumigant in enclosed space production?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does the employer assure that Handlers read the label or are informed in a manner they can understand about the label requirements for safe use before performing any handling activity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does the Handler have access to the product labeling during handling activities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the Handler instructed in the safe operation of handling equipment before it is used?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is handling equipment inspected and repaired before each day of use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do only trained and PPE-equipped Handlers repair, clean, or adjust any handling equipment that contains pesticides or pesticide residues?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decontamination Sites	Yes	No	N/A
Do decontamination sites have soap, single-use towels, and enough water of a quality & temperature for washing & emergency eye flushing? (1 gallon/worker; 3 gallons/Handler & Early Entry Worker)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is one pint of eye flush water immediately available to Handlers using pesticides requiring protective eye wear and to Early Entry Workers when working in areas treated with pesticides requiring protective eye wear?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the decontamination site within ¼ mile of the work site or nearest point of vehicular access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Are decontamination sites provided for Workers entering treated area until 30 days following expiration of the REI? (Exception: 4 hour or less REI requires decontamination site for only 7 days.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are decontamination sites provided for Early Entry Workers prior, during, and after early entry?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the approved safety poster, or equivalent, at permanent decontamination sites and at OSHA field sanitation sites for 11+ employees (29 CFR 1928.110)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is one clean change of clothing provided to Handlers for use in an emergency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are decontamination supplies located at the mix/load site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are decontamination supplies for pilots kept in the airplane or at the aircraft loading site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are Handler decontamination supplies kept out of the treated area unless they are in enclosed containers?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are decontamination supplies located where Handlers remove PPE for washing after handling activities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At mix/load sites, when a pesticide requiring eye protection (or closed system operating under pressure) is used, is adequate eyeflush provided? (Minimum 6 gallons water to flow gently for approximately 15 minutes or system capable of delivering 0.4 gallons/minute for 15 minutes.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PPE for Handlers / Early Entry Workers	Yes	No	N/A
Does the employer provide the Handler / Early Entry Workers with the appropriate PPE in clean and operating condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does the employer assure that instruction on use and cleaning of PPE is given and that it is worn and used correctly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does the employer assure that PPE is inspected, cleaned, stored properly & repaired or replaced before each day of use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do Handlers / Early Entry Workers have a clean place to store personal clothing, put on PPE and remove PPE after use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is contaminated PPE disposed of properly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does the employer take appropriate measures to prevent heat-related illness for Handlers / Early Entry Workers using PPE?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Respirator Use Requirements	Yes	No	N/A
Do Handlers have a medical evaluation by a licensed physician or licensed health care professional?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Have Handlers been fit tested with the exact make, model, style, and size respirators used within the past 12 months? Who performs the fit test? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Have Handlers received training in the use of the respirator in the past 12 months?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Have records of the above 3 requirements been maintained for 2 years? (Note: some medical clearances extend longer than the 2-year retention time and need to be retained more than 2 years.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does the employer assure that filters are replaced on respirators when required?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Closed Systems	Yes	No	N/A
Are Handlers trained in the use of the closed system?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is protective eyewear worn when using closed systems under pressure?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is all the label PPE available immediately to a Handler in an emergency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do Handlers make PPE substitutions? What are they? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Enclosed Cabs	Yes	No	N/A
Are all label required PPE still immediately available and stored in a sealed container in the vehicle?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are Handlers aware that they must wear full PPE required by the label when they exit the vehicle in the treated area and must remove PPE before reentering the cab?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do Handlers make PPE substitutions? What are they? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Early Entry Workers	Yes	No	N/A
Are Early Entry Workers at least 18 years old?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Have Workers been provided the required information before activities during a REI?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are Early Entry Workers prohibited in treated areas during the first 4 hours after an application?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are Early Entry Workers limited to 1 hour of hand labor per 24 hours during the REI?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are Early Entry Workers who perform irrigation & limited contact activities limited to 8 hours of work in a 24-hour period?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If an agriculture emergency exception was used were all required conditions met?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anti-Retaliation	Yes	No	N/A
Was any employee threatened, intimidated, coerced, discriminated against or experienced retaliation for complying with or attempting to comply with WPS requirements, or for providing information regarding WPS violations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

This is not a comprehensive list and there may be additional requirements that go beyond this general checklist for pesticide applications in New York State. For example, there are posting, contracting, and permitting requirements for certain types of applications that are not included on this checklist. It is necessary to review the ECL Article 33, Article 15, and the regulatory requirements of 6NYCRR Part 320-329 to ensure compliance. Links to the ECL and regulations can be found on the New York State Department of Environmental Conservation's Website at: <http://www.dec.ny.gov/chemical/298.html>. If you have difficulty determining which sections apply to you, please contact the Bureau of Pesticides Management, Pesticide Enforcement & Compliance Assurance Section at 518-402-8727 or your local DEC regional office.