



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

December 13, 2017

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

Barbara P. Glenn, Ph.D.  
Chief Executive Officer  
National Association of State Departments of Agriculture  
4350 North Fairfax Drive, Suite 910  
Arlington, VA 22203

Subject: Update on EPA's Implementation of the Agricultural Worker Protection Standard

Dear Dr. Glenn:

The purpose of this letter is to provide you with an update to our May 11, 2017, letter, responding to the request submitted by the National Association of State Departments of Agriculture (NASDA) to extend the implementation of the revisions to the Agricultural Worker Protection Standard (WPS). In the agency's May 2017 response, we indicated our intention to extend the implementation of all revised provisions of the WPS until guidance and training were completed to allow state lead pesticide agencies to successfully implement the new rule.

Since May 2017, agency staff have continued to work collaboratively with the state departments of agriculture to better understand what support states need to implement the new standard. EPA staff have provided additional training, held meetings with agricultural stakeholders, and developed more guidance to help the agricultural community prepare for effective implementation of the revised WPS. Furthermore, the agency has sought feedback from affected stakeholders to identify which aspects of the rule might need clarification and, if necessary, revision. This conversation continued most recently as part of the November 2, 2017, meeting of the Pesticide Program Dialogue Committee (PPDC), a federal advisory committee providing advice to the Office of Pesticide Programs' policy and regulatory decisions. During the November 2017 meeting, the PPDC discussed three issues, also raised as part of the Regulatory Reform effort initiated by the agency in response to Executive Order 13771: 1) minimum age for agricultural handlers, 2) the designated representative provision, and 3) the application exclusion zone.

Based upon consideration of the feedback received over the past several months, the agency has determined that it is not necessary to extend the compliance dates for the revised WPS. EPA will allow the remaining provisions of the revised WPS to go into effect on January 2, 2018. However, in light of the concerns raised in the public comments submitted in response to Executive Order 13771 ("Reducing Regulation and Controlling Regulatory Costs" and Executive Order 13777 ("Enforcing the Regulatory Reform Agenda"), as well as some of the targeted suggestions for change expressed at the PPDC meeting, the EPA intends to issue a proposed rule

for public comment that would reconsider targeted aspects of the worker protection standard, namely the provisions related to minimum age, the designated representative provision, and the application exclusion zone. The agency will soon issue a notice in the Federal Register that announces that the EPA has initiated a rulemaking process to reconsider these aspects of the revised WPS. That Federal Register notice will also announce that the compliance dates in the revised WPS published on November 2, 2015 remain in effect and that the EPA does not intend to extend them.

The agency looks forward to continuing to work collaboratively with NASDA and all of the state lead pesticide agencies to ensure that agricultural workers are adequately protected when applying pesticides to produce America's food and fiber. In addition, we want to continue our joint efforts to ensure that as we work together to protect public health and the environment, we are also meeting the needs of the rural economy.

Sincerely,

A handwritten signature in cursive script that reads "Charlotte Bertrand". The signature is written in black ink and is positioned above the printed name and title.

Charlotte Bertrand  
Acting Principal Deputy Assistant Administrator