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August, 2014

The Honorable Gina McCarthy  
Administrator  
United States Environmental Protection Agency  
OPP Docket, Environmental Protection Agency Docket Center (EPA/DC)  
Mail Code: 28221T  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

RE: Docket Number: EPA-HQ-OPP-2011-0184 (Pesticides; Agricultural Worker Protection Standard Revisions)

Dear Administrator McCarthy:

On behalf the Association of Farmworker Opportunity Programs (AFOP), I am writing to express the association's strong support for the proposed revisions to the Worker Protection Standard (WPS). We deeply appreciate your consideration of our comments.

Founded in 1971, AFOP is an association of 52 non-profit and state agencies from across the country that provide important training and support services to migrant and seasonal farmworkers. The association's mission is to improve the quality of life for these farmworkers and their families by providing advocacy for the member organizations that serve them. The thread that binds the Association is the concept that training and education can provide the launching pad to a better and more stable life for the workers who plant, tend, and harvest the crops Americans consume at their tables.

AFOP also instructs member organizations in how to train farmworkers on pesticide safety and heat stress avoidance with the support of the Labor Department and the United States Environmental Protection Agency. Our members then follow up with workers to assess knowledge gained and retained, and changes in labor practice. We are particularly proud of these trainings' high level of effectiveness and the difference they have made in the health and safety of the lives of thousands of farmworkers.

AFOP's Health & Safety Programs has a proven record of training over 60,000 farmworkers on Worker Protection Standards since 2005. We are proud to have a network of over 130 trainers around the country with direct access to the farmworker community. Having this kind of impact has allowed us to expand our reach and provide more effective trainings by partnering with our 52 membership organizations and their affiliates, universities, schools, local government agencies, and local business that are trusted in the community.

Due to our extensive work with farmworkers, we understand how important these WPS revisions are to farmworkers and their stakeholders groups. Our association fully supports the changes because of the greater protections they will bring to the vulnerable migrant and seasonal farmworker population.

In particular, AFOP supports the following proposed changes:

## **1. PESTICIDE SAFETY TRAINING**

- **PROPOSED NEW PROTECTIONS:** Train workers and handlers every year. Stricter qualification for trainers of workers.

- **AFOP's Comments:**

Annual training will help workers, most of whom have limited formal education and low levels of literacy, to retain and apply the training content. Most OSHA standards require annual training in high hazard occupations.

Due to the extreme dangers of pesticide exposure, AFOP believes that annual safety training should be mandated for all farmworkers. Several studies suggest that rates of Alzheimer's, Parkinson's, colon cancer, liver damage, and reproductive cancers are significantly higher in the farmworker community than in the general public.

Based on AFOP's Health & Safety Programs data collected from pre-training tests, 95% of farmworkers that were previously trained got the same low score as those that had never been trained. Therefore, it is important to provide yearly training for more effective memory retention and to assure that workers and employers comply with occupational health & safety regulations.

The data collected also demonstrates that 43% of farmworkers that received several Worker Protection Standard trainings within a 5 year period, changed their behavior for the better, than those that had received only one training in the same period. For example, there was an increase of 37% of farmworkers wearing caps to protect themselves from the sun and pesticides

exposure while working in the fields; 42% of farmworkers admitted to start using long pants while working in the fields, and 49% of farmworkers started to use long sleeve shirts.

- **PROPOSED NEW PROTECTIONS:** Expand training content to include information on reducing take-home exposure. Workers and handlers would be trained on reducing take-home exposure and the hazards from residues on clothing, and warned not to take containers home.

➤ **AFOP's Comments:**

AFOP agrees that the content of the WPS trainings should be expanded to include reducing take-home exposure. Pesticides brought into the home on skin, shoes, clothes continue to affect the health of workers, and are a danger to their children and families. By providing them with the proper knowledge, health risks can be minimized.

Knowing to what to do in order to avoid putting yourself and your family at risk because of pesticide exposure is key to ensure a long healthy life. Including take-home information will help prevent health hazards among our children. A team of scientists from the University of Montreal and Harvard University discovered that exposure to organophosphate pesticides may be associated with increased risk of Attention-Deficit Hyperactivity Disorder (ADHD) in children. To read more about this study please access the following link:

<http://www.sciencedaily.com/releases/2010/05/100517132846.htm>

- **PROPOSED NEW PROTECTIONS:** Reduce "grace period" to two days before full WPS training is required, expand the content of the abbreviated, pre-grace period training, and require distribution of an information sheet listing training points.

➤ **AFOP's Comments:**

AFOP agrees that the changes are moving in the correct direction; however we think the grace period should be completely eliminated and farmworkers should be trained before they begin working in their dangerous environment, and have better enforcement of this rule.

Training workers before they start their labor will help decrease incidents rates of fatal and non-fatal agricultural injuries.

## **2. MANDATORY POSTING OF NO ENTRY SIGN:**

- **PROPOSED NEW PROTECTIONS:** Require posting of treated areas when Restricted-Entry Interval (REI) is greater than 48 hours. The REI is the interval after application during which worker entry is generally prohibited, except as allowed under the early entry exceptions.

➤ **AFOP's Comments:**

AFOP believes that required posting is a "must" regardless of the REI. However, this change places the burden on the worker, advocate or healthcare provider to obtain or request this information in non-emergency situations. Workers may not understand that they have the right to request such information, and if they do, most will fear retaliation or be unable to do so due to language barriers or literacy level.

### **3. MINIMUM AGE:**

- **PROPOSED NEW PROTECTIONS:** Require pesticide handlers and early-entry workers to be 16 years old.

➤ **AFOP's Comments:**

Although the proposed change of setting a minimum age of 16 is positive, AFOP believes that 16 is still too young to handle dangerous pesticides. To keep standards consistent between industries, AFOP suggests the minimum age for youth working with dangerous chemicals be placed at least at 18 years old.

Children younger than 18 are still developing, both mentally and physically. High levels of exposure to pesticides could have life-long health effects. Given the knowledge that a child's skin-to-weight ratio makes them more vulnerable to pesticide exposure, and the fact that the immune system of a youth is developing, it is vital that regulations help protect them from preventable health hazards. In addition, many minors do not have the maturity to follow all label instructions or take the necessary precautions to ensure the safety of other workers.

### **4. NO-ENTRY BUFFER AREAS ADJACENT TO AREAS BEING TREATED ON FARMS AND FORESTS:**

- **PROPOSED NEW PROTECTIONS:** Prohibit entry into 25-100-foot buffer areas around the field during pesticide application on farms, forests, nurseries, and greenhouses to protect persons from pesticide overspray and fumes. The buffer size depends on the type of application.

➤ **AFOP's Comments:**

AFOP believes this is an improvement, but also sees a need for greater protections for workers in adjacent areas owned by other employers or residential areas adjacent to the treated field.

**5. PERSONAL PROTECTIVE EQUIPMENT (PPE): RESPIRATORS AND CLOSED SYSTEMS:**

- **PROPOSED NEW PROTECTIONS:** Adopt the OSHA standard for respirators: fit test, medical evaluation, and training.

➤ **AFOP's Comments:**

AFOP agrees that workers personal protective equipment should be aligned with OSHA's standards and requirements. However, EPA should include dust or mist filtering masks, because the majority of agricultural pesticides with label requirements for handlers mandate the wearing of dust/mist filtering respirators. In addition, EPA should adopt the specific respiratory protection program to address in detail how respirators are properly selected, cleaned, stored, repaired, and replaced.

**6. NOTIFICATION FOR EARLY-ENTRY WORKERS:**

- **PROPOSED NEW PROTECTIONS:** In rare circumstances, early-entry workers can enter a treated area while the REI is in effect. For these situations, provide notification of the pesticide application (what was applied, when and where), specific task to be performed, and amount of time the worker is allowed to remain in the treated area, along with the pesticide hazard information from the labeling.

➤ **AFOP's Comments:**

AFOP is in agreement with this proposed change because it will help prevent any health and safety hazard, including unnecessary pesticide poisoning and heat-related illnesses.

In closing, we would like to thank you for putting forward these important changes, and look forward to their quick adoption.

Sincerely,



Daniel Sheehan  
Executive Director