

EPA mulls changes to pesticide rules

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The U.S. Environment Protection Agency (EPA) is in the final stages of developing new rules under the Agricultural Worker Protection Standard published in 1992.

A public comment period first announced in February has been extended until Aug. 18.

After that, EPA will announce the new regulations.

Proposed changes feature four revisions to rules related to pesticides.

They include increasing the frequency of mandatory training from once every five years to annually in order to educate farmworkers about the protections they are afforded under the rule, including restrictions on entering pesticide-treated fields and surrounding areas, decontamination supplies, access to information and use of personal protective equipment.

Other changes include expanded mandatory posting of “no entry” signs for areas where the most hazardous pesticides are being used. Buffer zones around such areas are intended to protect workers and others from pesticide overspray and fumes.

EPA also has proposed new measures to improve the ability of states to enforce compliance, including requiring employers to keep records of application-specific pesticide information.

The new rules also require that the use of respirators as personal protection equipment must be consistent with Occupational Safety and Health Administration (OSHA) standards for ensuring the respirators are providing protection, including fitting tests, medical evaluations and training.

EPA is also proposing a new minimum age of 16 be set for farmworkers who can legally handle pesticides.

Under the old regulations, there is no minimum age.

The Washington, D.C.-based Association of Farmworker Opportunity Programs (AFOP), a national federation of public and non-profit agencies that provides job training and other services for the country's farmworkers, has asked that the minimum age be 18.

“The goal of all of the proposed changes is to protect and improve the health and wellness of the farmworker community who are daily exposed to pesticides while bringing food to our tables,” said Melanie Forti, AFOP’s director of health and safety programs. “They are common sense changes that need to be implemented. They’re not 100 per cent perfect, but they are an improvement over what existed before.”

Added Robert Crumley, AFOP’s spokesman: “EPA is certainly moving in the correct direction in protecting the farmworkers who produce our food.”

There is no known formal opposition by commercial agribusinesses or anyone else to the proposed changes, Forti said.

“But there might be someone who is waiting until the last minute to present their comments,” she said.

In Florida, the agency responsible for educating farmworkers about their improved protections will be Florida Department of Education, one of 52 member agencies in the U.S. who receive federal funding under National Farmworker Jobs Program, explained Mario Zuniga, director of adult migrant program services in FDE's career and adult education division.

Zuniga is also a current member of AFOP's board of directors.

His department is funded by a federal grant from U.S. Department of Labor, as well as public and private agencies within Florida, to help support farmworkers via the National Farmworker Jobs Program, authorized by the Workforce Investment Act of 1998.

The Florida Department of Education Farmworker Jobs and Education Program (FJEP) provides workforce training for year-round, unsubsidized employment to eligible migrant and seasonal farmworkers.

It also delivers emergency stabilization services such as food and rent to those who choose to stay in farm work.

The program also provides pesticide safety and heat stress prevention training to eligible farmworkers.

“We are more of a resource than we are a regulatory agency,” Zuniga said.

He has on his staff and within local agencies his department funds people who are qualified to do the EPA-mandated pesticide training.

“The standards by themselves do nothing but set a requirement,” Zuniga said. “They don't talk about how providing the educational and training resources are going to get funded.”

That's where state agencies like his come into play, he said.

And there are challenges.

For example, there is no centralized database that shows who has received training, Zuniga said.

And many undocumented farmworkers are reluctant to come forward and take available training because they are afraid of being exposed and deported.

Zuniga's funding is up to U.S. Department of Labor.

Based on existing annual funding cycles, implementation of the new training will likely take a year or more to get funded.

And there is no certainty at the moment that these new initiatives will get funded. Because of ongoing political controversies in Washington over fiscal deficits, "we have many unfunded mandates at the moment," he said.

For more information on the proposed changes or to make comments, visit Regulations.gov and docket number EPA-HQ-OPP-2011-0184-0002.