

Agricultural Establishments that Qualify for the Exemption

The exemption allowed in the WPS applies only to the owners and their immediate family members, defined below, on any agricultural establishment where a majority of the establishment is owned by one or more members of the same family.

Majority of the establishments means that more than 50% of the equity in the establishment is owned by one or more members of the same immediate family.

If a majority of an agricultural establishment is owned by one or more members of the same family and the remaining portion of ownership is owned by members of another family, then the exemption applies to both families.

WPS Definition of Immediate Family

Includes only the following individuals: Spouse, parents, step parents, foster parents, father-in-law, mother-in-law, children, step-children, foster children, sons-in-law, daughters-in-law, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and first cousins. 'First cousin' means the child of a parent's sibling.



Qualifying owners and immediate family members **MUST COMPLY WITH ALL WPS respirator requirements.**

Whenever a respirator is required to be worn by the product's labeling, the correct respirator specified by the label must be used. At no cost to the employee, the handler employer must also provide each handler employee with the following:

- **medical evaluation**—by a physician or other licensed health care professional
- **annual fit testing**, and
- **annual respirator training**

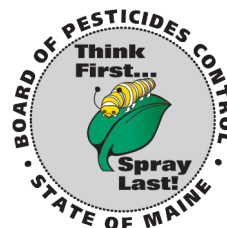
The handler employer must keep records of the medical proof of the medical evaluation, fit testing, and respirator training for two years from the date conducted for each handler.

For further information please contact the BPC or visit our website for links to additional WPS resources.

thinkfirstspraylast.org

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Worker Protection Standard

WPS EXEMPTIONS FOR OWNERS OF AGRICULTURAL ESTABLISHMENTS & THEIR IMMEDIATE FAMILY

(aka 'family farm' exemptions)



The WPS is a federal regulation issued by the Environmental Protection Agency (EPA). It is designed to protect agricultural workers and pesticide handlers on farms, forests, nurseries, and greenhouses from occupational pesticide exposure.

The WPS exempts owners of agricultural establishments and members of their immediate family from certain requirements.

It is important to note that:
No agricultural establishments that use WPS-labeled pesticide products are completely exempt from the WPS requirements.



Owners and their immediate family members that qualify for the exemption must still comply with many WPS requirements.

Owners and Immediate family must comply with the following WPS requirements:

- Follow all requirements for respirator training, fit testing, medical evaluation, and recordkeeping when a respirator is required by the pesticide labeling.
- Ensure that any pesticide applied is used in a manner consistent with the product's labeling.
- Use all PPE listed on pesticide labeling.
- Ensure pesticide is applied so that it does not contact anyone, including immediate family members.
- Keep everyone, including members of the immediate family, away from the treated area and the application exclusion zone during an application.
- Any handler making an application on the establishment must suspend a pesticide application if a worker or other person is in the application exclusion zone during the application.
- Keep immediate family members out of a treated area until an REI expires.

Qualifying owners must provide the following WPS protections to all non-family worker/handlers:

- Ensure minimum age for handlers and early entry workers.
- Provide emergency assistance.
- Provide handler training prior to cleaning, repairing, or adjusting pesticide application equipment.
- Display maintain and provide access to pesticide safety and hazard information.
- Provide WPS training for workers and handlers.
- Maintain decontamination sites and supplies.
- Provide oral and posted notifications of worker entry restrictions.
- Provide instruction in the safe operation of equipment used for mixing, loading, transferring, or applying pesticides.
- Keep records of pesticide application and hazard information as required by the WPS.
- Ensure equipment used for mixing, loading, and applying pesticides are inspected for leaks, clogs, worn/damaged parts and make the needed repairs prior to use.
- Ensure knowledge of labeling, application-specific, and establishment-specific information.
- Provide instructions on the use of personal protective equipment (PPE); inspect, clean, store and maintain PPE.
- Provide continuous visual or voice contact during fumigant applications or applications with a skull and crossbones symbol on the front, unless directed to by product label directions.
- Provide instruction on how to prevent, recognize, and treat heat related illness.

