

# **Application Exclusion Zone/ Protections During Applications**



**Region 3 WPS Training  
April 11-12, 2016**



# Agenda

- Existing protections during applications
- New protections during outdoor applications
  - Application exclusion zone (AEZ)
- Revised protections during enclosed space applications



# Existing Protections During Applications

## WPS Label statement:

- Requirement: “Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application.”
  - Who is responsible for compliance: Applicator (handler)
  - Who is protected: Workers & other persons (besides protected handlers)
  - Is the protection limited to the boundaries of the ag establishment? No, it extends beyond boundaries



# Existing Protections During Applications

## Handler employer & handler responsibilities:

- Requirement (170.210(a) & 170.505(a)): Handler employer & handler must ensure no pesticide is applied so as to contact worker or other person other than an appropriately trained and equipped handler involved in the application
  - Who is responsible for compliance: Handler employer and handler (applicator)
  - Who is protected: Workers & other persons (besides protected handlers)
  - Is the protection limited to the boundaries of the ag establishment?  
No, it extends beyond boundaries



# **New Protections During Applications in Outdoor Production**

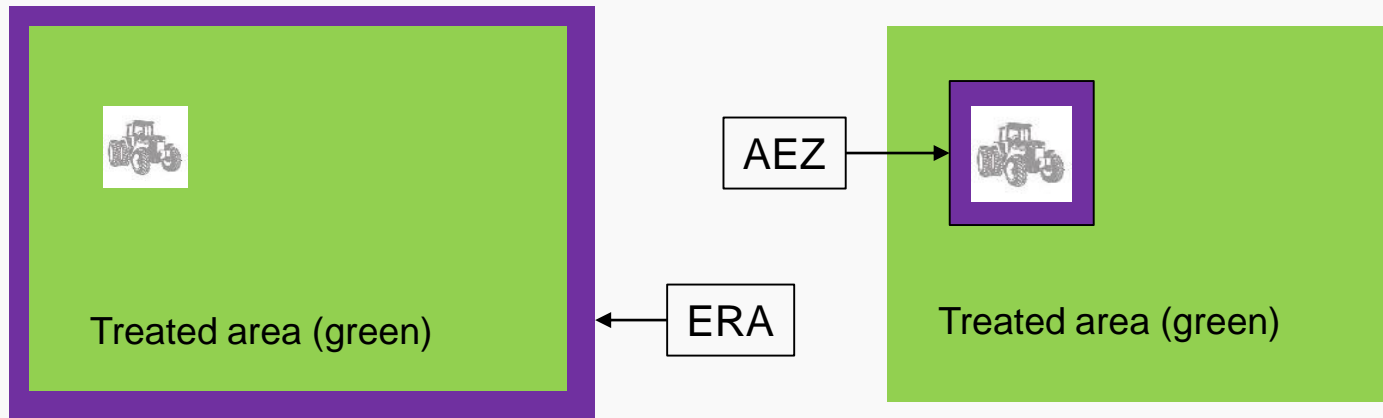


# New Protections During Applications in Outdoor Production

## Application Exclusion Zone (AEZ):

- Definition (170.305): *Application exclusion zone* means the area surrounding the application equipment that must be free of all persons other than appropriately trained and equipped handlers during pesticide applications.
- Requirement (170.405(a)(1)): Establishes AEZ distances in outdoor production of 25 or 100 feet around the application equipment based on application method

# AEZs in Outdoor Production

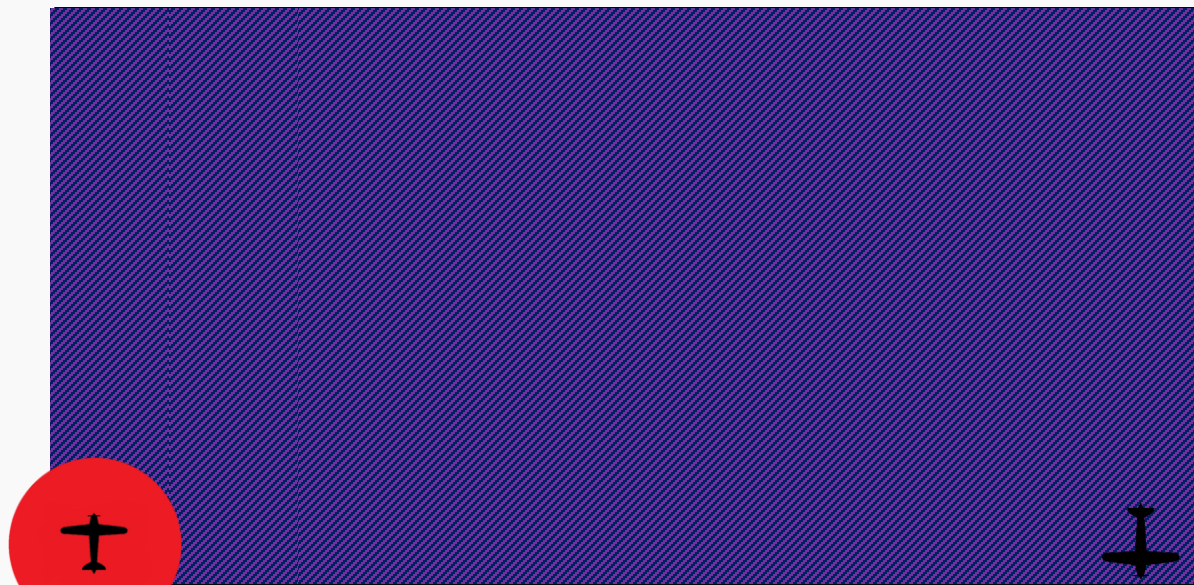


Existing (nurseries)  
& proposal: Entry-  
restricted area  
(ERA) is in purple

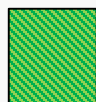
Final: Application  
exclusion zone  
(AEZ) is in purple



# Application Exclusion Zone in Outdoor Production



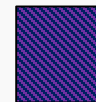
When the application is concluded, the AEZ no longer exists.



Field



AEZ



Treated Area





# AEZs in Outdoor Production (170.405(a)(1))

- 100 foot AEZ
  - Applied aerially, by air blast or with a spray quality smaller than medium (volume median diameter < 294 microns)
  - Applied as a fumigant, smoke, mist or fog
- 25 foot AEZ
  - Applied other than above & sprayed from a height of >12 inches from planting medium with spray quality of medium or larger
- No AEZ
  - Applied otherwise



# Droplet Size and Relation to AEZ

Pesticidestewardship.org

## Color Codes for Droplet Size

Category	Symbol	Color Code	Approximate VMD Range
Very Fine	VF	Red	< 150
Fine	F	Orange	150 – 250
Medium	M	Yellow	250 – 350
Coarse	C	Blue	350 – 450
Very Coarse	VC	Green	450 – 550
Extremely Coarse	XC	White	> 550

100 foot  
AEZ

25 foot  
AEZ



# New Protections During Applications in Outdoor Production

## Ag Employer's AEZ responsibilities:

- Requirement (170.405(a)(2)): During an application, the agricultural employer must keep workers and other persons out of the treated area and AEZ that is WITHIN the boundary of the establishment owner's property
  - Who is responsible for compliance: Ag employer
  - Who is protected: Workers & other persons (besides protected handlers)
  - Is the protection limited to the boundaries of the ag establishment? Yes



# New Protections During Applications in Outdoor Production

- Ag employer's AEZ requirements are effective **January 2, 2017**
- After January 2, 2017, NO application is allowed if workers or other persons are in the treated area or AEZ that is **WITHIN the boundary** of the establishment owner's property



# Current and Revised Protections After Applications in Outdoor Production

## Ag Employer's responsibilities:

- Requirement (170.405(a)(2)): After an application, the agricultural employer must keep **workers** out of the **treated area** until REI has expired & posted warning signs have been removed or covered
  - Who is responsible for compliance: Ag employer
  - Who is protected: Workers only (not other persons)
  - Is the protection limited to the boundaries of the ag establishment? Yes (treated area)



# New Protections During Applications in Outdoor Production

## Handler's AEZ responsibilities:

- Requirement (170.505(b)): Handlers must immediately ***suspend a pesticide application*** if any worker or other person (other than handler) is in AEZ (170.505(b))
  - Who is responsible for compliance: **Handler/applicator**
  - Who is protected: Workers & other persons (besides protected handlers)
  - Is the protection limited to the boundaries of the ag establishment? **No**



# New Protections During Applications in Outdoor Production

- Handlers' AEZ requirements are **NOT** effective until **January 1, 2018**
- Key Issue: What does “suspend a pesticide application” mean for the purposes of the WPS and the AEZ requirement?



# New Protections During Applications in Outdoor Production

- EPA has developed a WPS interpretive policy to clarify AEZ requirements and the meaning of “suspend a pesticide ” as used in 170.505(b)
- 1<sup>st</sup> WPS interpretive policy under revised rule





# New Protections During Applications in Outdoor Production

- Summary of the WPS interpretive policy to clarify AEZ requirements and the meaning of “suspend a pesticide application”:
  - If the AEZ extends beyond the boundary of the property of the agricultural establishment, and a worker or other person is within the AEZ, the applicator must temporarily suspend the application, and may not proceed until the applicator can ensure that the pesticide will not contact persons in the AEZ



# **Revised Protections During Applications for Enclosed Space Production**



# Revised Protections During Applications in Enclosed Space Production

- **Same:** Label statement
- **Similar to existing:** Handler employer & handler ensure application does not contact worker or other person (170.505(a))
- **New:** Handler must suspend application if worker or other person is in certain area (170.505(b))
- **Similar to existing:** Ag employer must keep workers & other persons out of certain areas identified in table (170.405(b))



## Revised Table – Entry Restrictions During Enclosed Space Production Pesticide Applications in 170.405(b)

A. When a pesticide is applied:	B. Workers <u>and other persons, other than appropriately trained and equipped handlers</u> , are prohibited in:	C. Until:	D. After the expiration of time specified in column C, the area subject to the REI is:
(1) As a fumigant.	Entire <u>enclosed space</u> plus any adjacent structure or area that cannot be sealed off from the treated area.	The ventilation criteria of paragraph (b)(3) of this section are met.	No <u>post-application entry restrictions</u> required by § 170.407 after criteria in column C are met.
(2) As a (i) Smoke, or (ii) Mist, or (iii) Fog, or (iv) <u>As a spray using a spray quality (droplet spectrum) of smaller than medium (volume median diameter of less than 294 microns).</u>	Entire enclosed space.	The ventilation criteria of paragraph (b)(3) of this section are met.	Entire enclosed space.
(3) Not as in (1) or (2), and for which a respiratory protection device is required for application by the pesticide product labeling.	Entire enclosed space.	The ventilation criteria of paragraph (b)(3) of this section are met.	Treated area.
(4) Not as in (1), (2) or (3), and: (i) From a height of greater than 12 inches from the planting medium, or (ii) <u>As a spray using a spray quality (droplet spectrum) of medium or larger (volume median diameter of 294 microns or greater).</u>	Treated area plus 25 feet in all directions of the treated area, but not outside the enclosed space.	Application is complete.	Treated area.
(5) Otherwise.	Treated area.	Application is complete.	Treated area.



# Revised Protections During Applications in Enclosed Space Production

## Table (170.405(b)(4)) - Entry Restrictions During Enclosed Space Production:

- Column B: expanded to align with reg text - includes other persons (other than ... handlers) and workers
- Fumigant (1): Description of space in column B and conditions in column D changed to be consistent with other changes to revised reg text
- Description of applications in (2) and (4) adjusted to be consistent with AEZ provisions



# Questions?

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