



**Tribal Pesticide Program Council**

**Summer 2023**

## **Worker Protection Standards**

Agricultural worker protection standards have been in place for decades to ensure worker and handler safety concerning pesticide exposure. The first Worker Protection Standard (WPS) for agricultural workers was passed in 1974 by the Environmental Protection Agency (EPA). The standards have since been revised based on the evolution of farming, technology, and pesticide safety data. Most recently, a large set of revisions to the WPS were passed in 2015 and revisions continue to be suggested and passed incrementally. These standards aim to protect over 2 million people across 600,000 agricultural establishments in the US. Having standards in place aims to minimize pesticide exposure thereby protecting workers and their families. Reducing accidents related to pesticide application can increase the health of this work force, reduce the amount of money lost due to time away from work, minimize days spent away from school and work due to illness, and prevent costly medical bills. There is much to know regarding who is protected, requirements for compliance, exemptions, challenges faced on tribal lands, and how the WPS can continue to be improved.

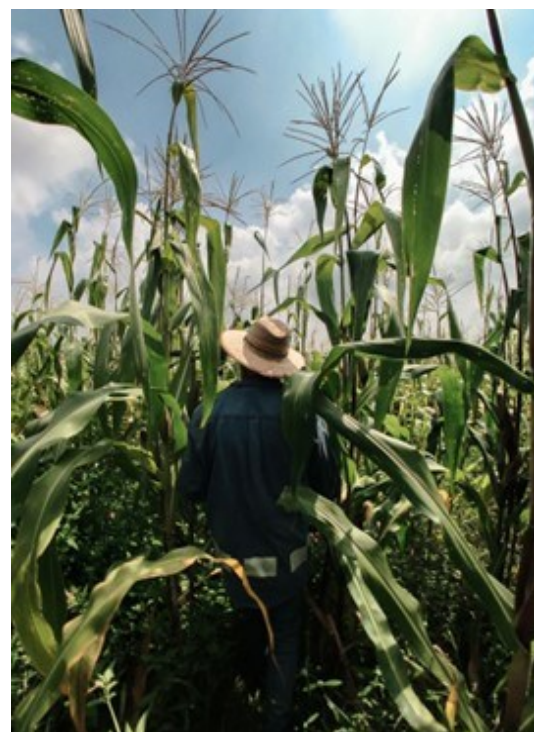


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### **Who does the WPS protect?**

Two specific groups are protected under the WPS; pesticide handlers and agricultural workers. Handlers are anyone who mixes, loads, and/or applies pesticides in their work. Workers are defined as those whose work is involved in growing and harvesting plants for commercial purposes in settings including farms, greenhouses, nurseries, and forests. Activities may include watering plants, repotting plants, carrying plants, and more. For both roles, those who assist them in their tasks are

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## Worker Protection Standards *(continued)*



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considered protected under WPS. These employees all come into contact with agricultural pesticides through occupational exposure and are protected by WPS whether they are employed or self employed. The WPS is enforced by EPA, the states, territories, and Tribes, and many states have additional requirements for worker protections; this means that every worker in the United States that fits the description above is legally protected under the WPS. Due to EPA's regulatory authority on tribal lands, WPS applies to agricultural businesses and employees in Indian country.

### **What are the Requirements for compliance?**

In general, employers are responsible for WPS compliance. Requirements for compliance focus on provisions of pesticide safety information, central location posting, maintaining application exclusion zones, employee training, personal protection equipment, restricted entry interval protocols, emergency preparedness, and the protection of employees by barring employers' ability to retaliate against employees due to pesticide related concerns. One way employers can ensure they are compliant with WPS is to complete a self evaluation check list. This resource can allow employers to check to see where their pesticide safety may be lacking and can empower employees to see if their working conditions are up to the current standards.

### **Who is Considered Exempt?**

Those who work in commercial agriculture but are the owners or immediate family members of the owners may be exempt from some parts of the WPS. With a rich history of sustenance rather than commercial farming, many people who farm on tribal lands may be owner operators and therefore exempt from WPS. Although subsistence farmers may not need to comply with WPS, family farms and subsistence farmers can still consider WPS to ensure their personal safety and the safety of their neighbors and ecosystems, if they do use pesticides. Those who keep livestock or other animals are exempt from WPS in the areas where livestock are kept. Plants that are treated with pesticides that are solely used for ornamental purposes or for shading an area are also exempt if they are not part of a commercial operation—for example bushes in public parks. There are various other circumstances where pesticides are used that are considered exempt from WPS. In these circumstances, employers and employees should consider WPS to ensure their safety and the safety of others. More information on exemptions can be found on EPA's website found in the list of links below.



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## Worker Protection Standards *(continued)*

### What are the challenges faced on tribal lands?

Like most pesticide related safety regulations, WPS does not consider exposure pathways that are unique to tribal ways of life, such as traditional gathering. WPS also fails to consider differences in access to information that is common on tribal lands due to factors such as lack of internet service. According to a USDA report based on 2012 census data, only 46% of farms residing on tribal lands have internet access compared to 70% of total farms within the US. In-person training may be more effective and accessible to tribal members who work on farms that use pesticides but could also pose greater costs due to the need for travel and lodging. WPS is very important to remote farms due to its ability to prevent acute poisonings and subsequent injuries. Long distances to emergency services common in rural tribal lands makes being prepared for pesticide-related emergencies paramount for worker safety. Standards that are part of WPS are meant to protect workers and when implemented can also protect residential neighbors, neighboring farms, and ecosystems from aerial pesticide drift and groundwater runoff. These practices can help to protect plants and animals that are valuable to the traditional cultures of those residing on tribal lands.

### Links

<https://www.epa.gov/pesticide-worker-safety/agricultural-worker-protection-standard-wps>

<https://www.epa.gov/pesticide-worker-safety/exemptions-worker-protection-standard>

<http://npic.orst.edu/reg/wps.html>

<https://pesticideresources.org/wps/index.html>

[https://www.nass.usda.gov/Statistics by State/Montana/Publications/Charts and Graphs/  
American Indian Profile 2012.pdf](https://www.nass.usda.gov/Statistics%20by%20State/Montana/Publications/Charts%20and%20Graphs/American%20Indian%20Profile%202012.pdf)

<https://www.azfb.org/Article/Amazing-Facts-about-Arizona-Agriculture-on-Tribal-Lands>

[https://agriculture.az.gov/sites/default/files/Self%20Evaluation%20Checklist%20-%20AZ%20Dept%  
20of%20Ag.pdf](https://agriculture.az.gov/sites/default/files/Self%20Evaluation%20Checklist%20-%20AZ%20Dept%20of%20Ag.pdf)



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### Conferences & Meetings

#### Tribal Lands and Environment Forum

The Institute for Tribal Environmental Professionals will be hosting its annual Tribal Lands and Environment Forum from **August 14-17** in Syracuse, NY. Proposals for presentations are being accepted through May 19. For more information about the conference please visit <https://sites.google.com/view/tlef2023/home>

#### ASPCRO Annual Conference

The Association of Structural Pest Control Regulatory Officials (ASPCRO) will hold its annual conference **August 21-25** in Reno, NV. For more information see <https://aspcro.org/meetings/#up-meeting>

#### NAPPC Conference

The North American Pollinator Protection Campaign (NAPPC) will host their annual conference **October 17-19** in Washington, DC. For more information see <https://www.pollinator.org/nappc/registration>

### Trainings & Courses

#### Federal Certification Training for Private Applicators of RUPs within Indian Country

The EPA will be holding its quarterly training for private applicators of RUPs virtually on **August 9-10**. For more information visit <https://www.epa.gov/pesticide-applicator-certification-indian-country/training-private-applicators-under-epa-plan>

#### Compliance PREP

The Pesticide Regulatory Education Program (PREP) Network will provide a compliance and enforcement management course on **August 28-31** in Denver, CO. For more information see <https://agsci.colostate.edu/agbio/prep/compliance-and-enforcement-management-course/>

#### New and Emerging Technology PREP

The PREP Network will provide a course on new and emerging technology **October 16-19** in Davis, CA. For more information visit <https://agsci.colostate.edu/agbio/prep/new-technology-and-emerging-issues-course/>

#### Basic PIRT

The Georgia Department of Agriculture will host a Basic Pesticide Inspector Residential Training (PIRT) on **December 4-7** in Savannah, GA. For more information see <https://www.epa.gov/compliance/pesticide-inspector-residential-training-pirt>



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The TPPC is a member-based organization with more than 78 members from 45 Tribes and tribal organizations as of January 2023, whose activities are funded by a cooperative agreement with the EPA. The Council serves as a tribal technical resource, and provides a forum for dialogue between Tribes and the EPA on program and policy development relating to pesticides issues and concerns. Assistance provided to Tribes includes support in building tribal pesticide programs and conducting pesticide education and training, and the preparation of resources for Tribes interested in specialized issues such as Integrated Pest Management and pollinators. Through its interaction with the EPA, the TPPC keeps Tribes informed of developments in the regulation of pesticides and pesticide use, and provides feedback to the EPA on such matters from a tribal perspective (though it is important to note that communication between the EPA and the TPPC does not substitute for direct government-to-government consultation).

**For information about how to join the TPPC, contact Mark Daniels at [mark.daniels@nau.edu](mailto:mark.daniels@nau.edu) or (928) 523-8897.**

