August 23, 1999

Land preparation is well under way in southwest Florida. Crops have been planted in several locations and most growers will have planted over the next few weeks.

Reports from the field indicate that armyworms are widely present throughout the area. No indication of species breakdown has been received at this time.

Indications are that whitefly counts are down as compared to the same time last year. While this is good news growers are urged not to become complacent and to continue to practice a good IPM program for whitefly control and be alert for early signs of TYLCV.

News that you can use:

Bureau of Compliance Monitoring Chief Declares New Policy

In his presentation, at the Pesticide Applicators Safety Workshop, held at the University of Florida/IFAS South West Florida Research and Education Center in Immokalee, on Tuesday August 17th 1999, Dale Dubberly: Chief of Compliance Monitoring with the Florida Department of Agriculture and Consumer Affairs announced a major shift in policy with regard to pesticide and Worker Protection Standard (WPS) compliance monitoring by his office.

Mr. Dubberly, speaking to over 105 pesticide applicators, handlers and agricultural producers from southwest Florida, in attendance at the meeting, proclaimed that the bureau would be moving from what he called a “compliance awareness” mode to an “enforcement” mode.

He went on to say that under the “compliance awareness” mode, agents from his office were relatively lenient with producers and issued warnings designed to help pesticide users come into compliance with the Worker Protection Standard.
Dubberly warned that under the new “enforcement” mode there would be no leniency and officers from the Bureau of compliance Monitoring would aggressively seek out and cite violations. He asserted that inspectors from his office would strictly follow the three page WPS inspection forms, which should be familiar to all users of agricultural chemicals in Florida. Mr. Dubberly explained that token compliance would not be adequate and areas such as the quality and depth of worker training would be investigated as well as adequacy of decontamination supplies. Is there enough water available to continually flush eyes for 15 minutes or for an exposed worker to completely bath and wash off pesticides?

It was explained that violations could potentially attract stiff penalties of up to $10,000 per violation and that after action by the Bureau of Compliance Monitoring, pesticide applicators could be subject further action under federal law by the EPA. He added that applicators would also be liable to civil action stemming from problems associated with pesticide or WPS violations.

The Bureau of Compliance Monitoring is part of the Florida Department of Agriculture and Consumer affairs and is charged by the US Department of Environmental Protection with enforcing the Worker Protection Standard and pesticide regulations in the state.

This announcement came as a shock to many of those in the audience, particularly in light of information provided by other speakers from the University of Florida and the Florida Department of Health which indicated that Florida growers have a very good record with regard to pesticide safety and that only a very small number of pesticide poisonings could be attributed to agriculture uses over a several year period. It was further indicated that the majority of pesticide poisonings in the state occurred in unregulated residential settings.

Mr. Dubberly did indicate that compliance levels were relatively good for most citrus and vegetable operations, but ornamental nurseries were lagging behind in overall compliance.

The Hendry County Extension Office has copies of WPS inspection forms available for growers who would like to perform a self audit before an inspector visits. Training materials and other information is also available.

Gene McAvoy
Hendry County Extension
LaBelle, FL

Worker Protection Standard Cannot Be Ignored

The bar for pesticide use has been significantly raised. "The label is the law" standard has been mentioned many times, with a specific warning to Florida pesticide users about increased scrutiny in this area from the Florida Department of Agriculture and Consumer Services.

It is important to realize, however, that label use is only part of the regulations that Florida pesticide compliance inspectors are being asked to implement. Another is whether or not operations are adhering to what is called "The Worker Protection Standard."

With reference to this, there is a three-page checklist that employees of the Bureau of Compliance Monitoring of the Division of Agriculture Environmental Services carry and are asked to fill out when inspecting agricultural operations. Copies of this checklist are available from the Hendry County Extension Office.

The U.S. Environmental Protection Agency (EPA) revised its 1974 Worker Protection Standard by issuing its new Worker Protection Standard (WPS) on August 21, 1992 (40 Code of Federal Regulations—40 CFR). The WPS, which became effective on October 20, 1992, expands coverage to include more employees and expands employers' requirements for training employees who handle pesticides, protecting employees from pesticide exposure, and providing emergency assistance to exposed employees. Some of the provisions of the WPS also apply to owners, operators, and members of their immediate families.

The WPS was designed for agricultural employers who have employees performing hand labor operations in fields, forests, nurseries, and greenhouses treated with pesticides, and/or employees handling pesticides in these locations. According to Mr. Runyan, the WPS covers more agricultural employers than most other laws and regulations. And although many laws and regulations affecting agricultural employment exempt farming enterprises that employ small numbers of hired farm workers, the WPS has no exemptions based on the number of employees. In addition, WPS provisions are complicated and likely to affect a large number of employers and their workers. Those actively employing pesticides in their operation should not ignore this important act and recent indications from the Bureau of Monitoring Compliance indicate it will be strictly enforced.

The general duties of the WPS require an agricultural employer or a pesticide handler-employer to:

1. Assure that each worker and handler subject to the standard receives the required protections.

2. Assure that any pesticide subject to the standard is used in a manner consistent with the labeling of the pesticide, including the requirements in the standard.

3. Provide sufficient information and directions to each person who supervises any worker or handler to assure that each worker or handler receives the required protection. The information and directions must specify which persons are responsible for actions required to comply with the standard.

4. Require each person who supervises any worker or handler to assure compliance by the worker or handler with the provisions of this standard and to assure that the worker or handler receives the required protection.

The general duties also prohibit agricultural and handler employers from taking any retaliatory actions against workers attempting to comply with this standard, or from taking any action that prevents or discourages any worker or handler from complying or attempting to comply with the WPS.

More specific obligations require everyone applying pesticides to obey instructions printed on the pesticide container's label. With reference specifically to the Worker Protection Standard, the following apply:

1. Only appropriately trained and equipped workers allowed in area during pesticide application.

2. Workers may enter a treated area before the REI has expired only if the worker will have no contact with pesticide residue or is entering for a short term, emergency, or specifically excepted tasks.

3. Workers must be provided with protective equipment in proper working order. Workers must be notified of pesticide applications, treated areas must be posted, and/or oral warnings must be given to workers as directed by labeling.

4. Pesticide safety poster must be on display in a central location.

5. Decontamination site must be provided and maintained if workers are required to enter treated area during a Restricted Entry Interval (REI) and the ensuing 30 days.
6. Emergency assistance must be provided to any worker when there is reason to believe the worker was poisoned or injured by pesticide.

Others are part of the Pesticide Handler Protection Standard:

1. Only appropriately trained and equipped handlers allowed in area being treated.

2. Handler handling highly toxic pesticides must be monitored every two hours.

3. Handler fumigating in a greenhouse must be in continuous voice or visual contact with another handler.

4. Handler must provide information to agricultural employer prior to applying any pesticide.

5. Each handler must have pesticide safety training from a qualified trainer.

6. Each handler must understand all labeling requirements related to safety before starting handling activity.

7. Handlers must use protective clothing.

8. Handlers must be provided with a decontamination site.

9. Handlers must be provided with emergency assistance.

This is a complex law with many provisions. Questions should be addressed to:

Mr. Dale Dubberly
3125 Conner Blvd., Bldg. 8 L-29,
Tallahassee, FL 32399-1650

Tel. 850-488-8731
Fax 850-488-8498.

Adapted from information provided by:
Dr Tom Sanford
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Gene McAvoy
Extension Agent II
Vegetable/Ornamental Horticulture 941-674-4092 phone
Hendry County Extension Office 941-860-8811 mobile
PO Box 68 941-674-4097 fax
LaBelle, FL 33975 gmcavoy@gnv.ifas.ufl.edu
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Tommy Smith: President  
Scott Smith: Vice President  
We Grow Plants for the Pros  
LaBelle, Florida Phone 941-675-2020  

**AGTROL International**  
6943 Scarboro Drive  
Fort Myers, Florida 33919  
Phone 941-437-9970 Fax 941-437-2646  

**Griffin LLC**  
5843 Deer Flag Drive  
Lakeland, Florida 33811  
Phone 941-607-9303 Fax 941-607-9403  

**Green Cay Farms, Inc.**  
Rt. 1, Box 331B  
Boynton Beach, Florida 33437-9727  
Phone 561-499-5345  

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