



NJDEP

COMPLIANCE ADVISORY

# Enforcement **ALERT**

Making You Aware of Anticipated Enforcement Activities

Compliance and Enforcement

Issued: June 2003

#2003-06

## DEP Plans Farm Inspection Initiative for Compliance with Worker Protection Standards

### Who is affected by this initiative?

Farms that use pesticides and that hire workers or handlers may be inspected as part of the New Jersey Department of Environmental Protection's initiative to ensure that state standards to protect people from unnecessary exposure to pesticides are followed. Workers are defined as employees who perform hand labor in the field; handlers are those who apply or otherwise handle pesticides). The Department is particularly interested in focusing on farms that operate as "day-haul" operations, which rely heavily on workers being transported by bus directly to the fields from home. The Department's Worker Protection Standards (WPS) are rules designed to minimize exposure of farm employees to pesticides, and includes requirements for pesticide safety education, exposure prevention, and mitigation for personal exposure to pesticides. Besides the farm owner, others who share responsibility for compliance with portions of the standards include commercial businesses that provide pesticide application-services to farms, and people who contract with a farmer to bring workers to the farm. These people are known as "crew leaders."

### Why is DEP Enforcement conducting these inspections?

The DEP is conducting this initiative to ensure that regulations designed to protect farm workers are being followed, and to identify common violations or trends so that farm owners who can use this information as a tool to avoid similar problems. In July 2002, a similar initiative was conducted in Atlantic, Cumberland and Gloucester counties. Fifty-eight farms were inspected, and 41 of these farms (71 percent) were not in full compliance. The 41 farms out of compliance represented a wide range of violations- from minor record keeping problems to more serious issues such as no training for workers or lack of a decontamination area. The following chart represents the violations found, in order of most frequent to least frequent. It also indicates the number of farms that had partial compliance versus no compliance with a particular regulation. Violations considered more serious and most directly related to safety education and exposure prevention are marked in bold Italics.

Violation Results- 2002 WPS Initiative

Citation N.J.A.C. 7:30-	Description of Requirement	# of Farms No Compliance	# of Farms Partial Compliance	Total	% of 58 Farms
8.8(b)	Maintain a list of names, active ingredients, and EPA Reg.# of pesticides applied	5	10	15	26%
12.6	Display specific pesticide application info (records, map)	9	5	14	24%
12.9	<b>Display pesticide safety information when required (poster, hospital info)</b>	8	4	12	21%
9.5(b)	<b>Maintain, and send list of pesticides stored (and location) to the local fire company with cover letter</b>	12	0	12	21%
12.10(a)	<b>Provide a decontamination site for workers</b>	5	6	11	19%
12.8(a)	<b>Assure that each worker has been trained properly</b>	9	1	10	17%

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12.5	<b>Post warning signs (in treated fields) when required</b>	8	1	9	16%
12.21	<b>Provide a decontamination site for pesticide handlers</b>	2	6	8	14%
8.8(a)	Maintain adequate records of pesticide applications	3	2	5	9%
9.5(h)	Any person who stores or displays any pesticide must have equipment immediately available for spill response and clean up.	3	0	3	5%
9.5(a)	<b>Store restricted use pesticides properly (area locked and warning sign posted)</b>	0	2	2	3%
12.16(a)	<b>Assure handler is trained properly</b>	1	0	1	2%
12.17(a)	<b>Assure that the handler either read the pesticide labeling or had been informed of necessary labeling requirements</b>	1	0	1	2%
10.2(h)	<b>Have back-flow prevention when filling application equipment</b>	1	0	1	2%

## What is DEP doing?

The DEP typically inspects 200 farms throughout each year for compliance with the WPS regulations. The initiatives conducted in 2002 and this year are more concentrated efforts in a specific geographic area to determine compliance trends, measure the success of previous compliance assistance efforts, and determine future strategies for increasing compliance. The DEP will be inspecting farms and interviewing the farm owner as well as workers employed at the farm. Violations will be issued if the farm is not in compliance. The DEP is particularly interested in farms that are day-haul operations to determine if workers that are brought to the farm fields directly from home (as opposed to workers that reside in camps on the farm) are less likely to receive adequate training.

## What should I do?

The following is a general list of things to check to ensure compliance and is by no means a complete list of requirements with which you need to comply.

1. Review the requirements for the WPS in the New Jersey Pesticide Control Regulations at *N.J.A.C. 7:30-12*.
2. Review records of employee training, inspect central safety posting for all required information, and ensure decontamination areas are adequate.
3. Review the above list of violations found during the 2002 initiative to ensure your farm is not making the same mistakes.

## Whom should I contact with questions?

**Pesticide Control Program-WPS Unit**

**(609) 984-6914**

## Where can I get more information?

The following web sites can be accessed for more information:

DEP Pesticide Control Program

<http://www.pcpnj.com>

Rutgers Cooperative Extension Services

<http://www.rce.rutgers.edu>

U.S. Environmental Protection Agency

<http://www.epa.gov/pesticides/health/worker.htm>

Please note this advisory is intended to be a summary explanation of a department initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the Enforcement number listed above.

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