

Worker Protection Standard (WPS) NJDEP Comparison Chart 2016

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Topic	Current NJDEP Requirement	Anticipated NJDEP Implementation
1-Training		
Frequency of Training for Workers and Handlers	Every 5 years with an annual orientation required.	Annual training and orientation required.
Training Grace Period for worker training	5-day grace period with abbreviated training.	No grace period. Workers must be trained before they work in an area where a pesticide has been used or a restricted-entry interval has been in effect in the past 30 days.
Qualifications of Trainers for workers	Handlers, certified applicators, State/Tribal/Federal approved trainers, and persons who have completed an EPA and the NJDEP Bureau of Pesticide Compliance approved train-the-trainer course.	Certified applicators, State/Tribal/Federal approved trainers, and persons who have completed an EPA and the NJDEP Bureau of Pesticide Compliance approved train-the-trainer course. Handler training alone, does not qualify an individual to train workers. See Appendix A-1: Train-The-Trainer Criteria and Approval Process
Expand training content for workers and handlers	11 basic training items for workers and 13 items for handlers.	Keep existing and expand content. Worker training topics expanding to 23 items, and handler training expanding to 36 items. Training on new content not required until January 2, 2018. See Appendix A-2: Worker Training Content See Appendix A-3: Handler Training Content
Recordkeeping of Training	5 years record retention and submission of NJDEP approved roster.	Five years record retention and submission of NJDEP approved roster. Employers shall provide copy of record of training to workers and handlers upon their request.
2- Hazard Communication		
Content and availability of hazard communications materials	Employer must display application-specific information at a central location before application occurs, or, if no workers or handlers are on the establishment, before next period workers/handlers are on establishment. Keep posted for 30 days after Restricted Entry Interval (REI) expires. Application records shall be maintained for 3 years.	Employer must display application information, fact sheets, and safety data sheets (SDSs) at central location within 24 hours of end of application and before workers enter that treated area. Display both for 30 days after REI expires. Keep application information and SDS for 3 years from end of REI and make available to workers, handlers, designated representatives (identified in writing) or treating medical personnel upon request.
Notification of treated areas under an REI	Farms, forests and nurseries: Post warning sign or give oral notification for any REI, unless label requires both. Greenhouses: all applications require signs to be posted.	Post warning sign if REI is greater than 48 hours (outdoor applications) or 4 hours (enclosed space applications (e.g., greenhouses)), otherwise option for posting or oral notification unless label requires both.
Warning sign	Red circle containing stern-faced man with upraised hand. At the top: "DANGER" and "PELIGRO", "PESTICIDES", "PESTICIDAS". At the bottom: "KEEP OUT", "NO ENTRE."	Red circle containing stern-faced man with upraised hand. At the top: "DANGER" and "PELIGRO", "PESTICIDES", "PESTICIDAS". At the bottom: "KEEP OUT", "NO ENTRE."
Information exchange between handler employer and agricultural employer	Agricultural employer must provide application information and a map of the farm depicting treated areas that the handler may be in (or walk within ¼ mile of). Handler employer must notify of changes to application plans before application begins.	Agricultural employer must provide application information on treated areas the handler may be in (or walk within ¼ mile of). Handler employer must notify before the application begins for certain changes and within 2 hours of end of application for most other changes, unless only change was less than 1 hour difference in application time.

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3- Minimum Age	3- Minimum Age	3- Minimum Age
Minimum age for handlers and early-entry workers	Minimum age for Handlers and early - entry workers is 16.	Handlers and early-entry workers must be at least 18 years old. (Members of owner's immediate family are exempt from this and most other requirements of the WPS.)
4-Entry Restrictions During Application for Outdoor Production	4-Entry Restrictions During Application for Outdoor Production	4-Entry Restrictions During Application for Outdoor Production
Agricultural employers must prohibit entry in areas during application for outdoor production. (Restrictions for greenhouses/enclosed space production are different.)	Farms and forests: No entry into treated area. Nurseries: No entry into treated area or an area up to 100 feet around the treated area, where the size of the additional area depends on type of application.	All outdoor production: No entry into treated area or the application exclusion zone, which is an area up to 100 feet area around the application equipment during pesticide application on farms, forests and nurseries. Size of the application exclusion zone depends on type of application. Revised descriptions of application methods. See Appendix B-1: Application Exclusion Zone (AEZ)
5-Applicator / Handler Suspend Application	5-Applicator / Handler Suspend Application	5-Applicator / Handler Suspend Application
Handlers and Applicators must suspend application in certain circumstances	Handlers and Applicators must apply pesticides so as not to contact workers or other persons. No specific requirement to suspend applications.	Handlers and Applicators must apply pesticides so as not to contact workers or other persons. Handler must suspend application if a worker or other person is in the application exclusion zone, an area up to 100 feet around the application equipment. Not required until January 2, 2018. See Appendix B-2: Applicator and Handler Suspend Application
6- Exemptions and Exceptions	6- Exemptions and Exceptions	6- Exemptions and Exceptions
Exemption for certified crop advisors and their employees	Crop advisor chooses PPE for themselves and their employees working under their direct supervision in a field during an REI. No requirement to provide decontamination supplies and emergency assistance for themselves and employees.	Only certified crop advisors are exempt from labeling PPE and WPS requirements as specified in exemption. Certified crop advisor employees must use label required PPE while working in a field during an REI, and employer must provide all required WPS protections, or rely on the PPE substitutions allowed under the crop advisors.
Exceptions to REIs for early entry workers – notification requirements	Inform early-entry workers of hazard information from the pesticide label.	Notify early-entry workers of application specifics, tasks to be performed, conditions of the early-entry exception, and hazard information from the pesticide label.
7- Basic Pesticide Safety Information	7- Basic Pesticide Safety Information	7- Basic Pesticide Safety Information
Display of pesticide safety information	Display a safety poster at central location.	Display pesticide safety information at a central location and at sites where decontamination supplies are located, if the decontamination supplies are at a permanent site or at a location with 11 or more workers or handlers.
Content of pesticide safety information	The safety poster must include 7 concepts about preventing pesticides from entering your body; the point that there are federal/state rules to protect workers and handlers; and the name, address and phone number of the nearest emergency medical care facility.	The 7 concepts about preventing pesticides from entering your body must be displayed. Additionally, the following information must be included: instructions for employees to seek medical attention as soon as possible if they have been poisoned, injured or made ill by pesticides; the name, address and telephone number of state or tribal pesticide regulatory authority; and the name, address and phone number of the nearest operating medical facility. New content for safety information display not required until January 2, 2018.

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8-Personal Protective Equipment	8-Personal Protective Equipment	8-Personal Protective Equipment
Respirators	Employer must provide respirator listed on label and ensure it fits. No recordkeeping required.	Employer must provide respirator and fit testing, training, and medical evaluation that conforms to OSHA standards for any handler required to wear any respirator by the labeling. Require recordkeeping of completion of fit test, training, and medical evaluation. See Appendix C: Respirator Requirements
Definition of chemical resistant	Made of a material that allows no measurable movement of the pesticide through the material during use.	Made of a material that allows no measurable movement of the pesticide through the material during use.
PPE exception for closed systems	Handlers using a closed system to mix or load pesticides with a signal word of DANGER or WARNING may substitute a long-sleeved shirt, long pants, shoes, socks, chemical-resistant apron, and any protective gloves specified on the labeling for handlers for the labeling-specified PPE.	Handlers using a closed system to mix or load pesticides with a signal word of DANGER or WARNING may substitute a long-sleeved shirt, long pants, shoes, socks, chemical-resistant apron, and any protective gloves specified on the labeling for handlers for the labeling-specified PPE.
PPE exception for crop advisors and their employees	Crop advisors and their employees entering treated areas while a REI is in effect to conduct crop-advisor tasks may wear the PPE specified on the pesticide labeling for early-entry activities instead of the PPE specified on the pesticide labeling for handling activities, provided certain conditions are met.	Certified crop advisors and their employees entering treated areas while a REI is in effect to conduct crop-advisor tasks may wear a standard set of PPE (coveralls, shoes plus socks and chemical-resistant gloves made of any waterproof material, and eye protection if the labeling of the pesticide product applied requires protective eyewear for handlers, as outlined in rule), OR the PPE specified on the pesticide labeling for early-entry activities instead of the PPE specified on the pesticide labeling for handling activities, provided certain conditions are met. (See exemption for certified crop advisor.)
PPE exception from eyewear for pilots in open cockpits	If product label requires eye protection, pilots in open cockpits may wear a helmet or a visor instead of label-required eye protection.	If product label requires eye protection, pilots in open cockpits may wear a helmet or a visor instead of label-required eye protection.
PPE - gloves for pilots in enclosed cockpits	Gloves are required for pilots in enclosed cockpits	Gloves are required for pilots in enclosed cockpits
PPE exception for enclosed cabs	Exceptions to the labeling-specified PPE are allowed when handling tasks are performed from inside an enclosed cab that meets the specifications defined in the rule and certain conditions are met. Exceptions to the labeling-required respiratory protection are allowed only if the cab has been certified by the manufacturer to provide respiratory protection equivalent to the respiratory protection required by the pesticide labeling for handling.	Maintain exception for dermal PPE as in existing rule with same conditions, but handlers in enclosed cabs must wear the labeling-specified respiratory protection except when the only labeling-specified respiratory protection is a particulate filtering face piece respirator (NIOSH approval number prefix TC-84A), previously called a dust/mist filtering respirator.
9-Decontamination Supplies	9-Decontamination Supplies	9-Decontamination Supplies
Quantity of water	Provide enough water for routine washing and emergency eye flushing for workers and handlers. For handlers, also provide enough to wash entire body in emergency.	Specific quantities now required: Provide 1 gallon for each worker and 3 gallons for each handler and each early entry worker as measured at beginning of workers' or handlers' work period.
Use of natural waters	May use clean water from springs, streams, lakes, or other sources in addition to water provided for decontamination.	Decontamination Water must be of a quality and temperature that will not cause injury or illness, when contacting the worker or handlers eyes, skin, or if swallowed.

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Eye wash for handlers	Provide enough water for emergency eye flushing. One pint of water in a portable container must be available to each handler if eye protection is required.	Provide a system capable of delivering 0.4 gallons/minute for 15 minutes, or 6 gallons of water able to flow gently for about 15 minutes at a mix/load site if handlers use products requiring eye protection or use a pressurized closed system. One pint of water in a portable container must be available to each handler applying pesticides if eye protection is required.
10- Emergency Assistance	10- Emergency Assistance	10- Emergency Assistance
Emergency Assistance	Provide prompt transportation to medical facility and provide any obtainable information about the product, antidote, first aid, and circumstances of exposure to the worker/handler or treating medical personnel.	Provide prompt transportation to medical facility. Promptly provide the SDS, product information (name, EPA Reg No and active ingredient) and circumstances of exposure to treating medical personnel.
11- Definitions	11- Definitions	11- Definitions
Immediate Family	Includes spouse, parents, stepparents, foster parents, children, stepchildren, foster children, brothers, and sisters.	Expand to also include all in-laws, grandparents, grandchildren, aunts, uncles, nieces, nephews and first cousins.
New Definitions	N/A	See Appendix D: Definitions Application Exclusion Zone (AEZ) Closed System Designated Representative Employ Enclosed Cab Enclosed Space Production Labor Contractor Outdoor production Personal Protective Equipment Safety Data Sheet Worker Housing Area See Appendix D: Definitions