

As an employer, the Wisconsin DNR (WDNR) is required to ensure that our contractors are following the federal Worker Protection Standard (WPS) requirements. To do that we will need to include language in our contracts where pesticide applications are part of the contract or for work contracted in an area where a pesticide was used in the last 30 days after the Restricted Entry Interval (REI) expired (ex. Tree planting crew). This regulation applies to the production of agricultural plants on a farm, forest, nursery, or greenhouse. WPS is only applicable to pesticide applications for the purpose of timber and seedling production.

Issued originally in 1992, the Environmental Protection Agency (EPA) Worker Protection Standard (WPS) is a federal regulation to reduce the risks of illness or injury to workers and handlers resulting from exposure to pesticides. This regulation applies to the production of agricultural plants on a farm, forest, nursery, or greenhouse. In 2015, WPS was revised and most of the revised requirements became effective on January 2, 2017. Additional requirements go into effect on January 2, 2018. WPS applies to the Division of Forestry within the DNR because we use, hire and contract the use of pesticides in the production of forest products. It should be noted that Cellu-Treat (pesticide treatment to prevent Heterobasidion Root Disease) does not currently fall under the WPS regulation.

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The proposed language to be included in contracts for pesticide applications for the purpose of timber production is:

As the pesticide contractor (commercial pesticide application business), you certify your business is licensed with the State of Wisconsin and all commercial pesticide applicators are also currently licensed and certified in the appropriate pesticide category for this treatment. Crew members who are mixing or loading pesticides, handling open pesticide containers, repairing equipment or are performing other pesticide related handling tasks besides applying pesticides who are not certified and licensed, must receive annual Worker Protection Standard pesticide handler training. You will provide proof that each member of the crew has been properly trained by supplying copies of certification numbers, license numbers and/or training records. An example training record form is attached to the contract paperwork.

The application will comply with all pesticide label requirements for use, precautions, safety, storage, and disposal of the product(s) including applicable requirements of the federal Worker Protection Standard. The pesticide label and Safety Data Sheet (SDS) will be on site when the pesticide application is being applied.

The proposed language to be included in contracts for work contracted in an area where a pesticide was used in the last 30 days after the Restricted Entry Interval (REI) expired is:

Pesticides have been applied in or near the contracted work area. Contracted workers may be in the treated area within 30 days following the expiration of the Restricted Entry Interval (REI) or come within a ¼ mile of that site within 30 days. As the contractor, you certify that all crew members working on this contract have received US Environmental Protection Agency approved federal Worker Protection Standard (WPS) worker training within the past twelve months. You will provide proof that each member of the crew has been properly trained by supplying copies of training records as required by WPS. An example training record form is attached to the contract paperwork.

In addition, during the 30 days following the end of the REI, you are required to provide decontamination supplies to the contracted workers as required by WPS.

The Wisconsin Department of Natural Resources will provide the contractor with all pesticide information required by WPS.