

Patricia D. Hastings

From: "Patricia D. Hastings" <hastings@AESOP.RUTGERS.EDU>
To: "NJinPAS Network" <NJinPASNetwork@AESOP.RUTGERS.EDU>; "Mid-Atlantic Information Network for Pesticides & Alternative Strategies" <MAINPASPartners@AESOP.RUTGERS.EDU>
Cc: "Nancy Santiago" <Nancy.Santiago@dep.state.nj.us>
Sent: Friday, June 06, 2003 8:36 PM
Subject: Worker Protection Citations Totaling More than \$200,000 for 5 Growers

Article that follows excerpted from EPA Pesticide Program Update from EPA's Office of Pesticide Programs 06/05/03. Although this is for Colorado, please heed.

Second notice: Please continue to get the word out to grower, nursery, and greenhouse operations (especially day-labor operations such as blueberry growers) to make sure that they are in compliance with State pesticide control regulations. The New Jersey Department of Environmental Protection (**NJDEP**) is still planning a **Worker Protection Standard (WPS) compliance enforcement initiative** for late June. See initial posting on the NJDEP initiative courtesy of Dr. George Hamilton @ <http://www.pestmanagement.rutgers.edu/NJinPAS/postings/WPSenforce.pdf>.

EPA CITES FIVE COLORADO GROWERS FOR FAILING TO COMPLY WITH AGRICULTURAL WORKER PROTECTION REGULATION
 (Environmental News 6/5/03)

Largest Worker Protection Standard Penalty in EPA History Proposed for Case Involving Over 200 Pesticide Safety Violations

The U.S. Environmental Protection Agency issued administrative complaints against five Colorado growers June 3, 2003 for violations of the Federal Insecticide, Fungicide, and Rodenticide Acts (FIFRA) Worker Protection Standard (WPS), a regulation aimed at reducing the risk of pesticide poisonings and injuries among agricultural workers and pesticide handlers.

The Colorado growers include David Petrocco Farms, Inc., Brighton, Colo., Bauserman Farms, Inc., Manzanola, Colo., Dionisio Farms, Pueblo, Colo., Villano Brothers, Inc., Ft. Lupton, and MJ Farms, Inc., Commerce City, Colo. In the case of David Petrocco Farms, Inc., EPA is proposing a civil penalty of \$231,990 for 229 violations of the WPS and FIFRA. This is the largest proposed federal WPS misuse penalty in EPA history.

"Environmental justice is one of the highest priorities for EPA's enforcement program, and this Agency will take whatever steps are necessary to ensure agricultural workers and pesticide handlers are protected from harmful exposure to pesticides," said John Peter Suarez, EPA Assistant Administrator for Enforcement and Compliance Assurance. **"The federal government will not tolerate growers who place their workers in harm's way because they fail to comply with the law."**

David Petrocco Farms employs about 250 mostly seasonal workers and averages \$12 million in annual sales. In 2001, David Petrocco Farms received a written warning notice from EPA documenting WPS violations that included not centrally displaying pesticide safety, emergency, and application information for its workers. In a follow-up inspection conducted in 2002, EPA inspectors found that the company still failed to post pesticide-specific application information about all the pesticides applied within the last 30 days in a central location accessible to all of their workers. Specific pesticide application information is crucial in obtaining the best medical care in case of emergency.

EPA also issued complaints on June 3, 2003 against the four other Colorado growers for violations that include failure to post emergency

information in a central location and failure to post pesticide-specific application information in a central location. For the violations, EPA is proposing civil administrative penalties ranging from \$2,200 to \$23,320.

The Colorado growers have 30 days to either pay the penalty or answer EPA's charges and request a hearing. They also may request an informal conference with EPA anytime to discuss the allegations.

WPS regulations are designed to reduce poisoning and injuries among agricultural workers and pesticide handlers. They regulate pesticide use and require that workers and pesticide handlers be given appropriate training, equipment and information. Data from the U.S. Bureau of Labor Statistics shows that **agricultural workers suffer from high rates of illnesses commonly correlated with chemical usage**. Tens of thousands of illnesses are reported each year. Workers may be injured from direct spray, drift or residue left by pesticides and handlers face additional risks from spills, splashes, inhalation or inadequate protective equipment.

The WPS offers protections to more than 3.5 million people who work with pesticides at over 560,000 workplaces. Specifically, growers are required to restrict entry to treated areas; provide notification of pesticide applications; post specific information regarding pesticide applications (what, where and when); assure that workers have received safety training; post safety information; provide decontamination supplies; and provide access to emergency assistance when needed.

State agencies generally have primary jurisdiction for enforcing WPS misuse violations. EPA, however, has primary jurisdiction in Wyoming and partial primary jurisdiction in Colorado. **EPA will also prosecute cases referred to it by the States.**

Regulated parties who want to come into compliance can find information concerning the WPS at www.epa.gov/pesticides/health/worker.htm.

Patricia D. Hastings
Program Associate - Pest Management
Rutgers Cooperative Extension
Mail: Blake Hall Room 243
93 Lipman Drive
New Brunswick, NJ 08901
Phone: 732-932-9801 (messages); 732-932-4271 (direct line)
Email: hastings@aesop.rutgers.edu

RCE Pest Management Office Home Page: <http://www.pestmanagement.rutgers.edu/index.htm>
NJinPAS Home Page: <http://www.pestmanagement.rutgers.edu/NJinPAS/index.htm>