



EPA Finalizes Rule to Protect Farmworkers, Families and Communities from Pesticide Exposures

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Contact Information

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WASHINGTON – Today, Oct. 2, the U.S. Environmental Protection Agency is announcing a final rule to restore the pesticide Application Exclusion Zone (AEZ) requirements under the 2015 Agricultural Worker Protection Standard (WPS). The AEZ is an area surrounding outdoor pesticide application equipment where people are prohibited while pesticides are applied. This rule finalizes the agency’s 2023 proposed rule [without change](https://www.epa.gov/newsreleases/epa-proposes-rule-protect-farmworkers-and-pesticide-handlers-exposures) and advances the Biden-Harris Administration’s commitment to environmental justice, protecting farmworkers, pesticide handlers, their families and agricultural communities. It reinstates AEZ protections, extends protections for neighboring communities, makes requirements easier to understand, and provides flexibilities for family farms without compromising protections.

“Farmworkers help to provide the food we feed our families every day and it’s EPA’s job to keep them safe from pesticides,” **said Assistant Administrator for the Office of Chemical Safety and Pollution Prevention Michal Freedhoff**. “No one should be at risk from pesticide related illness because of their job or where they live. Today’s rule is another significant step by the Biden-Harris Administration to protect public health and deliver on environmental justice.”

Application Exclusion Zone

The WPS regulation protects over two million agricultural workers (and their families) and pesticide handlers who work on over 600,000 agricultural establishments. In 2015, EPA made significant changes to the regulation to reduce incidents of pesticide exposure among farmworkers and their family members. Less pesticide exposure means a healthier workforce and fewer lost wages, medical bills, and absences from work and school.

These changes include creating the “Application Exclusion Zone” (AEZ), an area with additional requirements to protect workers and bystanders. This area immediately surrounds the pesticide application equipment during an outdoor pesticide application. The AEZ only exists during the application, moves with the equipment during application, and can extend outside of an agricultural establishment (e.g., school grounds, residential neighborhoods). The 2015 regulation required that pesticide applicators suspend their applications if anyone is in the AEZ. It also required employers to ensure that the AEZ requirements are understood and followed and prohibited employers from directing or allowing any of their workers to enter an AEZ. By requiring additional precautions in an AEZ, the 2015 regulation aimed to prevent pesticides from contacting farmworkers and bystanders.

In 2020, the previous administration published a rule limiting AEZ protections to agricultural establishments and shrinking the size of the AEZ from 100 feet to 25 feet for some ground-based spray applications. These changes would have meant that applicators no longer had to suspend applications if people in the AEZ were outside of an agricultural establishment, such as a neighboring property or in an easement. Additionally, some AEZs would have been sized smaller (e.g., 25 feet instead of 100 feet) even for some fine sprays, which tend to drift farther. Prior to the effective date of the 2020 AEZ Rule, petitions were filed in the U.S. District Court for the Southern District of New York (SDNY) and in the U.S. Second Circuit Court of Appeals challenging the 2020 Rule. The SDNY issued an order granting the petitioners’ request for a temporary restraining order and preliminary injunction enjoining the effective date of the rule. As a result, the 2020 AEZ Rule never went into effect.

In 2021, EPA began reviewing the 2020 AEZ Rule in accordance with Executive Order 13990, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*. The agency determined that the provisions in the 2020 AEZ Rule that weakened protections for farmworkers and nearby communities from pesticide exposure should be rescinded. The proposed rule to reinstate several provisions of the 2015 rule was published in March of 2023.

Final Rule Provisions

With today’s action, EPA is finalizing its 2023 proposed rule without change. The final rule reinstates several 2015 WPS provisions protecting farmworkers and bystanders, including:

1. The AEZ suspension requirement will apply beyond the boundaries of the agricultural establishment.
2. The AEZ suspension requirement will apply in easements on the establishment (for example, easements for utility workers to access telephone lines).
3. The AEZ distance for ground-based applications will be:
 - 25 feet for applications with medium or larger droplets when sprayed from a height greater than 12 inches from the soil surface or planting medium.
 - 100 feet for applications with fine droplets.

Additionally, the final rule includes two revisions that the agency believes provide clarity and flexibility for growers and farming families without increasing risk to farmworkers and bystanders:

1. An “immediate family exemption” that allows farm owners and their immediate family to remain inside enclosed structures or homes during pesticide application. This exemption, which is limited to farming families, provides them the flexibility to decide whether to stay on-site during pesticide applications, rather than compelling them to leave even when they feel safe remaining in their own homes.
2. A clarification that suspended pesticide applications can resume only after people leave the AEZ.

These changes are a critical part of EPA’s efforts to protect the health of farmworkers and support the agency’s priority to advance equity and justice for all communities. Learn more about EPA’s extensive efforts to train, support and enhance safe working conditions for agricultural workers at local, state and national levels on EPA’s website <<https://epa.gov/pesticide-worker-safety>>.

EPA will release interim guidance by the end of October to support the regulated community in complying with the new rule and will accept feedback on how to improve the guidance after its release.

The new rule will be effective 60 days after publication of the federal register notice and will be available in docket EPA-HQ-OPP-2022-0133 at the Regulations.gov [☞](http://www.regulations.gov) <<http://www.regulations.gov>> page.

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