

**RULES
OF THE
TENNESSEE DEPARTMENT OF AGRICULTURE**

**CHAPTER 0080-09-05
WORKER PROTECTION**

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0080-09-05-.01 DEFINITIONS.

Farm labor contractor means any person who does not own and is not responsible for the management or condition of an agricultural establishment; and who hires or contracts workers to perform activities related to the production of agricultural plants, in exchange for compensation of any kind.

Authority: T.C.A. §§ 4-3-203, 43-8-106, and 62-21-118. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016.

0080-09-05-.02 WORKER PROTECTION STANDARDS (WPS).

The department adopts by reference, as if fully stated herein, the federal standards for labeling requirements for pesticides and devices and worker protection standards, compiled at 40 C.F.R. Part 156, Subpart K, and Part 170.

Authority: T.C.A. §§ 4-3-203, 43-8-106, and 62-21-118. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016.

0080-09-05-.03 WPS TRAINER REQUIREMENTS.

- (1) Persons currently certified as a private applicator of restricted use pesticides or as a commercial applicator in categories C01, C03, or C10 are exempt from the pesticide safety trainer requirements and may provide WPS training required in 40 C.F.R. § 170.130(d)(1) and § 170.230(c)(1).
- (2) A trainer shall submit a signed roster to the Department verifying that workers and handlers have been trained according to the requirements of 40 C.F.R. § 170.130(d)(1) and § 170.230(c)(1). The roster shall include the following:
 - (a) The name, address, telephone number, and signature of the applicant; and,
 - (b) The date of the training.
- (3) The commissioner or designee shall be permitted to inspect places where WPS training is being held and to question trainers and attendees to determine compliance with the requirements of this rule.
- (4) Any of the following may be grounds for suspension, revocation, or denial of WPS Trainer privileges:
 - (a) Failure to follow worker or handler training requirements detailed under 40 C.F.R. §§ 170.130(d)(1), (4); 170.230(c)(1), (4);
 - (b) Failure to maintain training information or to fulfill verification requirements detailed under paragraph (2) of this rule;

(Rule 0080-09-05-.03, continued)

- (c) Acting as a trainer without authorization; or,
- (d) Revocation, suspension, or denial of trainer authorization in any jurisdiction within the previous three years.

Authority: T.C.A. §§ 4-3-203, 43-8-106, and 62-21-118. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016.

0080-09-05-.04 NOTICE TO FARM LABOR CONTRACTORS.

- (1) The owner or operator of an agricultural establishment shall provide the farm labor contractor who performs work on that agricultural establishment with:
 - (a) The location of the agricultural establishment's central posting site; and,
 - (b) Any restrictions on entering a treated area, as specified under 40 C.F.R. § 170.120(d), if a treated area is within 1/4 mile of a location where workers work and the treated area is not posted as required under 40 C.F.R. § 170.120(a)-(c).
- (2) The farm labor contractor shall:
 - (a) Post or provide workers in writing with the information required under 40 C.F.R. § 170.122 or the specific location of the central posting site for each agricultural establishment on which the worker will be working; and,
 - (b) Provide workers with restrictions on entering a treated area, as specified in 40 C.F.R. § 170.120(d), if the treated area is within 1/4 mile of a location where the worker will be working and the treated area is not posted as allowed or required under 40 C.F.R. § 170.120(a)-(c).

Authority: T.C.A. §§ 4-3-203, 43-8-106, and 62-21-118. **Administrative History:** Original rule filed April 1, 2016; effective June 30, 2016.