

**RULES
OF THE
TENNESSEE DEPARTMENT OF AGRICULTURE**

**CHAPTER 0080-06-27
WORKER PROTECTION**

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0080-06-27-.01 DEFINITIONS.

Farm Labor Contractor means any person who hires or contracts for services of workers, for any type of compensation, to perform activities related to the production of agricultural plants, but does not own, or is not responsible for, the management or condition of the agricultural establishment.

Authority: T.C.A. §§ 43-8-106 and 62-21-118. **Administrative History:** Original rule filed March 31, 2014; effective June 29, 2014.

0080-06-27-.02 WORKER PROTECTION STANDARD (WPS).

The Commissioner of Agriculture adopts by reference, including subsequent amendments, Part 170 of Title 40 of the Code of Federal Regulations titled Worker Protection Standards and Part 156 Subpart K of the Code of Federal Regulations titled Worker Protection Statements.

Authority: T.C.A. §§ 43-8-106 and 62-21-118. **Administrative History:** Original rule filed March 31, 2014; effective June 29, 2014.

0080-06-27-.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 Section.
- (4) The following may be grounds for suspension, revocation, or denial of WPS Trainer privileges:
 - (a) failing to follow the worker and handler training requirements prescribed in 40 C.F.R. §170.130(d)(1), §170.130(4), §170.230(c)(1) and §170.230(4);
 - (b) failing to maintain the training information prescribed in 0080-6-27-.03(2);

(Rule 0080-06-27-.03, continued)

- (c) acting as a trainer without authorization;
- (d) failing to fulfill the requirements of the verification as prescribed in paragraph (2); or
- (e) having had a similar authorization revoked, suspended, or denied in any jurisdiction within the last three years.

Authority: T.C.A. §§ 43-8-106 and 62-21-118. **Administrative History:** Original rule filed March 31, 2014; effective June 29, 2014.

0080-06-27-.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) the restrictions on entering a treated area, as specified in 40 C.F.R. § 170.120(d), if a treated area is within 1/4 mile of where workers will be working and the treated area is not posted as allowed or required in 40 C.F.R. §170.120(a), (b) and (c).
- (2) The farm labor contractor shall:
 - (a) post or provide workers in writing with the information in 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;
 - (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 where the worker is working and the treated area is not posted as allowed or required in 40 C.F.R. § 170.120(a), (b) and (c).

Authority: T.C.A. §§ 43-8-106 and 62-21-118. **Administrative History:** Original rule filed March 31, 2014; effective June 29, 2014.