

# EPA Publishes Notice Concerning Court-Ordered Stay of Effectiveness for Pesticide Application Exclusion Zone Provision of the Agricultural Worker Protection Standard

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As reported in our November 2, 2020, [blog item](#), on October 30, 2020, the U.S. Environmental Protection Agency (EPA) issued a final rule on the Agricultural Worker Protection Standard (WPS) regulation that revises the requirements on the pesticide application exclusion zone (AEZ), defined as an “area surrounding the point(s) of pesticide discharge from the application equipment that must generally be free of all persons during pesticide applications.” The final AEZ requirements were scheduled to go into effect on December 29, 2020, but on December 28, 2020, the U.S. District Court for the Southern District of New York issued an order in the case of *State of New York et al. v. EPA* that resulted in a stay of the requirements. Subsequent orders have extended this stay of the effectiveness.

EPA published a May 16, 2022, *Federal Register* notice stating that as of February 15, 2022, the effectiveness of the WPS final rule is stayed by court order until **August 22, 2022**. [87 Fed. Reg. 29673](#). According to the notice, EPA intends to publish another document in the *Federal Register* to address the status of the 2020 final rule if the stay of effectiveness expires or is lifted, but EPA “does not intend to publish additional *Federal Register* documents to announce any additional court orders entered to further stay the effectiveness of the 2020 final rule.”

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