

otherwise communicate with commenters but not have those discussions or communications sent to EPA and included in the EPA rulemaking record should conduct those discussions and communications outside the RIN-2070-AC69 ListServe or the EPA Bulletin Board.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically in the RIN-2070-AC69 ListServe or the EPA Bulletin Board, in accordance with the instructions for electronic submission, into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. All the electronic comments will be available to everyone who obtains access to the RIN-2070-AC69 ListServe or the EPA Bulletin Board; however, the official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document. (Comments submitted only in written form will not be transferred into electronic form and thus may be accessed only by reviewing them in the Public Response and Program Resources Branch as described above.)

Because the electronic comment process is still experimental, EPA cannot guarantee that all electronic comments will be accurately converted to printed, paper form. If EPA becomes aware, in transferring an electronic comment to printed, paper form, of a problem or error that results in an obviously garbled comment, EPA will attempt to contact the comment submitter and advise the submitter to resubmit the comment either in electronic or written form. Some commenters may choose to submit identical comments in both electronic and written form to ensure accuracy. In that case, EPA requests that commenters clearly note in both the electronic and written submissions that the comments are duplicated in the other medium. This will assist EPA in processing and filing the comments in the rulemaking record.

As with ordinary written comments, at the time of receipt, EPA will not attempt to verify the identities of electronic commenters nor to review the accuracy of electronic comments. Electronic and written comments will be placed in the rulemaking record without any editing or change by EPA except to the extent changes occur in the process of converting electronic comments to printed, paper form.

If it chooses to respond officially to electronic comments on this proposed rule, EPA will do so either in a notice in the **Federal Register** or in a response to comments document placed in the rulemaking record for this proposed rule. EPA will not respond to commenters electronically other than to seek clarification of electronic comments that may be garbled in transmission or conversion to printed, paper form as discussed above. Any communications from EPA employees to electronic commenters, other than those described in this paragraph, either through Internet or otherwise are not official responses from EPA.

#### **VII. Agency Decision on Proposed Exception**

EPA will publish in the **Federal Register** its decision whether to grant the requests for exception, as well as its final decision on a national exception. EPA will base its decision on whether the benefits of the exceptions outweigh the costs, including the value of the health risks attributable to the exception. An exception may be withdrawn by the Agency at any time if the Agency receives poisoning information or other data that indicate that the health risks imposed by the early-entry exception are unacceptable or if the Agency receives other information that indicates that the exception is no longer necessary or prudent.

#### **List of Subjects**

Administrative practice and procedure, Labeling, Occupational safety and health, Pesticides and pests.

Dated: January 3, 1995.

**Lynn R. Goldman,**

*Assistant Administrator for Prevention, Pesticides and Toxic Substances.*

[FR Doc. 95-585 Filed 1-6-95; 12:16 pm]

BILLING CODE 6560-50-F

#### **40 CFR Part 170**

[OPP-250101; FRL-4930-4]

#### **Exceptions to Worker Protection Standard Early Entry Restrictions; Limited Contact Activities**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed exceptions to rule; request for comment.

**SUMMARY:** EPA is proposing an exception to the Worker Protection Standard for Agricultural Pesticides (WPS), that would allow, under

specified conditions, workers to perform early entry limited contact tasks for up to 3 hours per day during a restricted entry interval (REI). Early entry is entry into a pesticide-treated area before the expiration of the REI.

**DATES:** Comments, data, or evidence should be submitted on or before February 27, 1995. EPA does not intend to extend this comment period.

**ADDRESSES:** Comments identified by the document control number OPP-250101 should be submitted in triplicate by mail to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. All written comments filed pursuant to this notice will be available for public inspection in Room 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305-5805, from 8:00 a.m. to 4:30 p.m. Monday thru Friday except legal holidays.

Comments and data may also be submitted electronically by any of three different mechanisms: by sending electronic mail (e-mail) to: Docket-OPPTS@epamail.epa.gov; by sending a "Subscribe" message to listserv@unixmail.rtpnc.epa.gov and once subscribed, send your comments to RIN-2070-AC69; or through the EPA Electronic Bulletin Board by dialing 202-488-3671, enter selection "DMAIL," user name "BB-USER" or 919-541-4642, enter selection "MAIL," user name "BB-USER." Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. All comments and data in electronic form must be identified by the docket number OPP-250101 since all five documents in this separate part provide the same electronic address. No CBI should be submitted through e-mail. Electronic comments on this proposed rule, but not the record, may be viewed or new comments filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in unit VI. of this document.

**FOR FURTHER INFORMATION CONTACT:** Cathy Kronopolus, Certification, Training and Occupational Safety Branch (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (703) 305-7371.

## SUPPLEMENTARY INFORMATION:

**I. Background**

Section 170.112(e) of the Worker Protection Standard for Agricultural Pesticides (WPS) (40 CFR part 170), published at 57 FR 38102 (August 21, 1992), provides the procedure for considering exceptions to the WPS provision that limits early entry during a restricted entry interval (REI) to perform agricultural tasks. EPA has received a request for exception to the early entry limitations for performing limited contact tasks from the National Association of State Departments of Agriculture (NASDA). EPA is considering a national exception to the WPS early entry restrictions for performing limited contact tasks. The purpose of this Notice is to solicit further information and comment to assist EPA in determining whether the conditions of entry under the proposed exception would pose unreasonable risks to workers performing the permitted limited contact tasks during a restricted entry interval. In addition, EPA solicits further information about the economic impact of granting or not granting the proposed exception.

This proposed WPS rule amendment is one of a series of Agency actions in response to concerns raised since publication of the final rule in August 1992 by those interested in and affected by the rule. In addition to this proposed amendment, EPA is publishing four other notices soliciting public comment on concerns raised by various affected parties. Other actions EPA is considering include: (1) modification to the worker training requirements; (2) exceptions to early entry restrictions for irrigation activities; (3) reduced restricted entry intervals (REIs) for low risk pesticides; and (4) requirements for crop advisors. The Agency is interested in receiving comments on all options and questions presented.

**A. Worker Protection Standard**

The Worker Protection Standard (WPS) promulgated at 57 FR 38102, August 21, 1992, is intended to reduce the risk of pesticide exposure and related poisonings and injuries among agricultural workers and pesticide handlers. The WPS includes provisions to: (1) eliminate or reduce exposure to pesticides; (2) mitigate exposures that occur; and (3) inform employees about the hazards of pesticides. Provisions to reduce exposure include application restrictions, use of personal protective equipment (PPE), and entry restrictions.

**B. Entry Restrictions**

Agricultural workers, in general, are prohibited from entering a pesticide-treated area during the restricted entry interval (REI) specified on the product labeling. REIs are the time period after the end of the pesticide application during which entry into the pesticide treated area is restricted. In the absence of pesticide-specific REIs, the WPS establishes a range of interim REIs, from 12 to 72 hours, depending upon the toxicity of the active ingredient(s) and other factors.

**C. Exceptions to Entry Restrictions**

The WPS contains exceptions to the general prohibitions against workers entering a pesticide-treated area during the REI. The exception provisions of §170.112 permit entry into the treated area during the REI (i.e. early entry) under specified conditions to perform tasks that result in contact with treated surfaces:

(1) *Short term tasks.* Section 170.112(c) permits exceptions to the general prohibition on work in treated areas during REIs for short-term tasks, with adequate PPE, decontamination, and exposure time limits.

(2) *Agricultural emergencies.* Section 170.112(d) permits exceptions to the prohibition against entry into treated areas during REIs for agricultural emergencies. The WPS permits early entry by workers to perform tasks while wearing early-entry PPE, and without time limits, in response to an agricultural emergency.

(3) *EPA-approved exception.* Section 170.112(e) permits exceptions to the prohibition on work in treated areas during REIs when EPA has approved a special exception. Case-by-case exceptions may be granted if affected persons or organizations persuade EPA that the benefits of the exception outweigh the risks associated with the exception.

In addition, §170.112(b) establishes an exception for activities where no contact with treated surfaces will occur. Under this provision, often referred to as 'no contact' entry, workers are allowed unlimited entry into pesticide-treated areas before the expiration of the REI without personal protective equipment when no contact with pesticide residues on treated surfaces or in soil, water, or air will occur.

**II. Request for Exception and Supporting Evidence**

In a July 8, 1994 petition for rulemaking, NASDA requested that EPA reduce WPS requirements for low contact work during the REI. In

particular, NASDA asked for limited PPE for low contact activities, consisting of coveralls, chemical-resistant gloves, and footwear, and a "somewhat longer period than the one-hour in twenty-four hour period currently allowed by the exception for short-term activities."

In a subsequent meeting with EPA on low contact activities, NASDA suggested defining low contact as follows:

Low contact means a task related to the production of agricultural plants that results in minimal body exposure. Personal protective equipment cannot be used to achieve low contact status for purposes of this definition, but rather the level of contact must be inherent in the nature of the task performed. The task must also meet one of the following:

(1) Results in only incidental worker body contact with treated surfaces due to the stage of growth (seedlings) or nature of the crop (size of plants), the way the task is performed (use of long handled tools or operator placement on equipment), or the way the pesticide was applied (soil incorporated).

(2) Is a very short-term task, involving worker body contact with treated surfaces that are of only a few minutes' duration and which occur at widely separated intervals.

This proposed definition was developed with the help of the American Association of Pesticide Control Officials (AAPCO).

NASDA also provided EPA with lists of tasks that they assert could require entry into treated areas during an REI, and proposed that allowance for the accomplishment of these tasks be covered under any definition of 'low contact'. The lists of proposed low or limited contact activities were provided to NASDA by state pesticide regulatory agencies. In reviewing the lists of tasks, EPA found: (1) many of the tasks may already be allowed under the exception for activities with no contact set out in §170.112(b), (2) other tasks were identified as clearly hand labor tasks or handler tasks that could result in substantial contact with pesticide treated surfaces, (3) many tasks were irrigation-related activities, which EPA is addressing in a separate exception proposal, and (4) some were non-hand labor tasks that could, in some circumstances, be accomplished with minimal contact with pesticide residues on treated plants, soil, and other surfaces, depending on how the task was performed.

**III. EPA's Exception Proposal****A. Background**

NASDA's membership includes state Departments of Agriculture, the state agencies that, in most instances, are responsible for enforcing the WPS. EPA

has seriously considered NASDA's request and acknowledges that there may be certain non-hand labor tasks that may be necessary while a treated area remains under an REI, such that the benefits resulting from the performance of these tasks outweigh the risks associated with the tasks as long as the workers can perform the early entry tasks with minimal contact. While the WPS does provide in §170.112 for exceptions for short-term tasks and 'no contact' tasks, EPA recognizes that there may be non-hand labor tasks that may not be able to be performed under the time limitations of the short-term (1 hour) exception, or may not completely fit under the provisions of the no contact or agricultural emergency exceptions.

*B. Discussion of EPA's proposal*

EPA proposes an exception that would allow workers to perform limited contact tasks for up to 3 hours during the REI if: (1) the tasks must be performed during the REI, (2) the inhalation exposure level or ventilation criteria have been met (3) the tasks result in minimal contact with treated surfaces, (4) contact with pesticides is limited to forearms, hands, lower legs, and feet, and (5) the specified PPE requirements are met.

There may be non-hand labor tasks that must be performed during the REI that are necessary for crop production. Examples of possible limited contact tasks include: (1) the operation and repair of weather monitoring equipment, and frost protection equipment, (2) repair of greenhouse heating, air conditioning, and ventilation equipment (3) repair of non-application field equipment, and (4) maintaining and moving beehives.

The following scenarios provide examples of limited contact tasks:

(1) The information collected from weather monitoring equipment is often critical for the successful implementation of integrated pest management and agricultural production (e.g., rainfall amounts, degree days). Weather information is used to schedule pesticide and irrigation applications, and it may be necessary to enter the treated area during an REI to collect the information. Weather equipment may be stationed in more than one location around a large treated area, and it may take longer than 1 hour for the worker to walk to each site to complete the information collection. The worker must walk through the treated area, but all of the treated plants are well below knee-height and/or are sufficiently spaced apart so that the task may be accomplished in a manner that results in minimal contact with treated surfaces, and such contact is only to lower arms, hands, lower legs, and feet.

(2) On occasion, unanticipated repairs must be made to non-application field equipment while in the treated area during an REI. The immediate repair of the non-application field equipment is necessary and important to crop production. The nature of the breakdown, and/or the size of the equipment may hinder the removal of the equipment from the treated field for repair, and the repair may not be able to be completed within an hour.

The proposed exception specifically excludes pesticides whose labeling requires "double notification", i.e., the labeling requires both the posting of treated areas and oral notification to workers. EPA requires double notification for a pesticide when exposure — for example, contact with treated surfaces — has the potential to cause acute illness or injury. For

pesticides that contain double notification requirements on their labeling, the short-term (1 hour per worker per day) exception at 40 CFR 170.112(c) and PPE requirements would still apply. For the convenience of commenters, the following Appendix A lists the active ingredients subject to WPS that may be subject to the double notification requirement.

**Appendix A**

*Worker Protection Standard "Double Notification" Active Ingredient List*

Please note that Appendix A (From PR Notice 93-7, Appendix 3-A) is incomplete in several respects: first, it does not contain the active ingredients in products already bearing mandatory posting requirements prior to adoption of the WPS and that must be retained under WPS; second, it may contain a few active ingredients that will be found to not require double notification upon further EPA review (such as reregistration), and third, active ingredients requiring double notification may be added during reregistration or other Agency action. Nonetheless, EPA believes that this list contains the bulk of the active ingredients subject to double notification. These listed pesticides contain an active ingredient categorized as highly toxic when absorbed through the skin (acute dermal toxicity), or as highly irritating (corrosive) when it contacts the skin, or otherwise is considered by EPA as high risk to workers. In addition, the exception excludes pesticides whose labels prohibit any person from entering during the REI. In other words, the label does not allow the use of the exceptions set out in §170.112.

COMMON NAME	CHEMICAL CODE	CAS NUMBER
aldicarb .....	098301	116-06-3
aldoxycarb .....	110801	1646-88-4
arsenic acid .....	006801	7778-39-4
arsenic trioxide .....	007001	1327-53-3
carbofuran .....	090601	1563-66-2
chlorflurenol .....	098801	2536-31-4
chloropicrin .....	081501	76-06-2
cuprous oxide .....	025601	1317-39-1
disulfoton .....	032501	298-04-4
dodine .....	044301	2439-10-3
endothall, dimethylcocoamine .....	038905	
endothall, disodium salt .....	038903	129-67-9
ethephon .....	099801	16672-87-0

COMMON NAME	CHEMICAL CODE	CAS NUMBER
ethoprop .....	041101	13194-48-4
fonofos .....	041701	944-22-9
(s)-(+)-lactic acid .....	128929	79-33-4
metam-sodium .....	039003	137-42-8
methamidophos .....	101201	10265-92-6
methyl bromide .....	053201	74-83-9
methyl parathion .....	053501	298-00-0
mevinphos .....	015801	7786-34-7
nicotine .....	056702	54-11-5
paraquat .....	061601	1910-42-5
parathion .....	057501	56-38-2
phorate .....	057201	298-02-2
profenofos .....	111401	41198-08-7
propargite .....	097601	2312-35-8
sabadilla alkaloids .....	002201	8051-02-3
sulfotepp .....	079501	3689-24-5
sulfuric acid .....	078001	7664-93-9
sulprofos .....	111501	35400-43-2
tefluthrin .....	128912	79538-32-2
terbufos .....	105001	13071-79-9
TPTH .....	083601	76-87-9

EPA is proposing to establish a reduced set of PPE for limited contact tasks, although the worker may wear the PPE specified on the label even if the early entry PPE specified on the label is less restrictive than the reduced set. Based on the limitations in the exception, EPA expects that contact will not be significant and a reduced set of PPE will be adequate.

EPA is proposing to limit the exception to 24 months (2 years), and to review and revise the terms of the exception as appropriate based upon experience during that 2 years.

#### C. Proposed Terms of Exception

EPA is proposing an exception to the early entry restriction for limited contact tasks, and is considering the following definition for 'limited contact task':

"For the purposes of this exception, the term 'limited contact task' means a non-hand labor task that is performed by workers that results in minimal contact with treated surfaces (including but not limited to soil, water, air, surfaces of plants, and equipment), and where such contact with treated surfaces is limited to the forearms, hands, lower legs, and feet."

Under the proposed exception, a worker may enter a treated area during a restricted entry interval to perform a limited contact task if the agricultural

employer ensures that the following requirements are met:

(1) The pesticide product does *not* have a statement in the pesticide product labeling requiring both the posting of treated areas and oral notification to workers ("double notification"), or a restriction prohibiting any person, other than an appropriately trained and equipped handler, from entering during the restricted entry interval.

(2) No hand labor activity is performed.

(3) The time in a treated area under a restricted entry interval for any worker does not exceed 3 hours in any 24 hour period.

(4) The personal protective equipment for early entry must be provided to the worker by the agricultural employer for all tasks. Such personal protective equipment shall either: (a) conform with the label requirements for early entry PPE; or (b) consist of coveralls, chemical resistant gloves, socks, and chemical resistant footwear. In either case, the PPE must conform to the standards set out in §170.112(c)(4)(i) through (x).

(5) Workers are notified verbally, before such workers enter a treated area, that the establishment is relying on this exception to allow workers to enter treated areas to perform limited contact tasks.

(6) The task cannot be delayed until after the expiration of the restricted entry interval, or the pesticide application could not be delayed until the task was completed.

(7) For all limited contact tasks, the requirements of §170.112(c)(3)-(9) are met. These are WPS requirements for all early entry situations that involve contact with treated surfaces, and include (a) a prohibition against entry during the first 4 hours, and until applicable ventilation criteria have been met, and until any label specified inhalation exposure level has been reached, (b) informing workers of safety information on the product labeling, (c) provision, proper management, and care of personal protective equipment, (d) heat-related illness prevention, (e) requirements for decontamination facilities, and (f) prohibition on taking personal protective equipment home.

#### IV. Options Considered

EPA considered including hand labor tasks in this exception, but determined that hand labor tasks could not be performed with limited contact. The WPS defines hand labor as any agricultural activity performed by hand or with hand tools that causes a worker to have substantial contact with surfaces (such as plants, plant parts, or soil) that may contain pesticide residues. These activities include, but are not limited to,

harvesting, detasseling, thinning, weeding, topping, planting, sucker removal, pruning, disbudding, roguing, and packing produce into containers in the field. Hand labor does not include operating, moving, or repairing irrigation or watering equipment or performing the tasks of crop advisors. Hand labor tasks involve substantial contact and are by nature high exposure scenarios and potentially high risk.

EPA considered eliminating the PPE requirement for coveralls, but has several concerns about eliminating this requirement. Under §170.112(c), early entry workers are required to remove PPE before going home and may not take it home. If only long sleeved shirts and long pants are worn, it may not be possible for workers to remove their work clothes when they leave the treated area, enter their vehicles, and return home. This could result in contamination of the vehicles from their clothing, causing an increased exposure risk to potentially toxic pesticide residues for all vehicle occupants. Additionally, EPA believes that coveralls will assure greater risk reduction for workers since the WPS requires agricultural employers to assure proper handling, care and maintenance of these items. There is no such requirement for personal clothing.

EPA considered requiring that protective eyewear be included in the minimum PPE requirement if required on the product labeling for early entry because of concern about workers rubbing or wiping residues into their eyes from hands, gloves, or sleeves. EPA decided not to propose a requirement for eyewear as part of the minimal set at this time because the performance of limited contact tasks should result in minimal worker contact with treated surfaces.

EPA considered eliminating PPE requirements for tasks that must be performed when unanticipated repairs of non-application field equipment arise, but rejected this option because EPA believes that in some instances equipment repair could result in significant exposure. Unanticipated equipment repairs would be expected to occur infrequently, and some repairs may be able to be performed with almost no contact to treated surfaces. EPA continues to be concerned that some PPE is needed to provide adequate protection for all worker activities given the range and nature of equipment repair tasks and the potential for even limited exposure to highly toxic pesticides.

## V. Comments Solicited

EPA is interested in a full range of comments and information on the proposed exception and on the exception options presented, and is providing 45 days for the submission of comments.

1. *Need for an exception.* EPA solicits comment on whether early entry for limited contact activities is necessary. Specifically, EPA requests comments on why specific limited contact tasks could not normally be delayed until the expiration of the REI, or why the application could not be delayed until the tasks are completed. EPA requests comments on why alternative practices would not be technically or financially viable (such as placing beehives and weather monitoring stations outside areas normally treated with pesticides). EPA also requests comments on the economic impacts on agricultural employers if they cannot enter the treated area during the REI for limited contact activities. Commenters should be task specific in their response.

EPA requests information on the expected costs in terms of decreased yield, grade or quality or other economic cost as a result of being unable to perform some tasks during an REI. In addition, EPA requests information on the frequency of tasks that must be done during an REI and the amount of time required to complete those tasks per occurrence and per agricultural establishment for a typical growing season.

2. *Definition of "limited contact".* EPA requests specific comments on the proposed definition of 'limited contact tasks'. EPA is particularly concerned about defining limited contact activities in a way that may inadvertently result in unnecessary routine early entry, which may increase risk to workers. Does the proposed definition encompass tasks or activities that are inherently high risk? Are there non-hand labor activities that should be covered by the exception but do not fall under the definition as proposed? EPA also requests information on whether worker exposures for the tasks that fall within the proposed exception could reasonably be limited to lower legs and feet, hands and forearms, or if greater exposure would result due to the nature of the activity.

EPA also solicits comments on whether there are hand labor tasks that must be done during the REI, and whether these tasks can be accomplished without subjecting workers to substantial contact.

3. *Safety and feasibility factors.* EPA requests information on the safety and

feasibility of a limited contact exception. Information should include, at minimum, the feasibility of performing the limited contact activity while wearing PPE; means of mitigating heat stress concerns; the cumulative amount of time required, per worker, per day for necessary limited contact activities; any suggested methods of reducing the worker's exposure for a given task; and any other alternative practices, such as mechanical devices that reduce workers' exposure to treated surfaces. The information should describe the costs (time and materials) of providing the protective measures in the terms of the proposed exception.

4. *Duration of exposure.* Because exposure is determined both by the amount and the duration of contact with pesticides, EPA proposes to limit the total amount of time in treated areas to perform limited contact tasks to 3 hours per worker per day. EPA believes most limited contact activities can be completed in significantly less than 3 hours, but certain circumstances may exist that would necessitate more than 3 cumulative hours of early entry. EPA requests comment on whether 3 hours is adequate, or if some amount of time less than 3 hours would be sufficient.

5. *Exclusion of "double notification".* EPA requests comments on the exclusion of double notification pesticides from this proposed exception. What impact, if any, on agricultural growers might result if double notification pesticides were to be excluded from the limited contact exception? Will the exclusion of double notification pesticides from the exception sufficiently reduce risk to workers? EPA also requests information on pesticide-related worker injuries or illnesses as a result of performing the types of tasks that would fall under this proposed limited contact exception.

6. *PPE requirements.* EPA solicits comments on the risks and benefits for the PPE options under a limited contact exception. Is PPE feasible for workers performing limited contact tasks, and to what extent is PPE necessary to reduce worker risk for different tasks?

EPA specifically requests information on whether protective eyewear should be included in the minimum PPE requirement if required on the product labeling for early entry because of concern about workers rubbing or wiping residues into their eyes from hands, gloves, or sleeves.

EPA is interested in any information concerning whether there are certain limited contact tasks (such as repair of non-application equipment and frost protection tasks) and early entry situations (such as entry into fields that

have been treated with toxicity category IV pesticides) that may not require the use of PPE, or may allow the use of a reduced set of PPE (e.g., only waterproof gloves and chemical resistant boots).

7. *Duration of exception.* EPA requests comments on whether the proposed 24 month (2-year) limit is appropriate for this exception, or why a longer or shorter period may be more practical.

## VI. Public Docket and Electronic Comments

A record has been established for this rulemaking under docket number "OPP-250101" (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as confidential business information (CBI), is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, CM #2, 1921 Jefferson Davis Highway, Arlington, VA. Written comments should be mailed to: Public Response and Program Resources Branch, Field Operations Division (7506C) Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

EPA is interested in a full range of comments and information on these proposed revisions and particularly welcomes comments supported by data. Comments are requested on: (1) general worker and handler hiring and employment practices, such as the rate of turnover and employment among agricultural workers and handlers, (2) the practicality and effectiveness of the proposed elimination of the grace period, including how the frequency of hiring would affect the frequency of training sessions, situations where training before entry would not be possible, mechanisms that are available or will be available to provide training on short notice and the estimated costs of reducing or eliminating the grace period or providing a weekly training regimen, (3) the proposal to eliminate the phase-in period for the training grace period and (4) the retraining interval, including the impacts of a retraining interval of less than 5 years, worker and handler retention of safety training information over time, whether agricultural workers and handlers have a greater need for retraining than

workers in other occupations, the effectiveness of the pesticide poster in reinforcing previous training and the burdens the various retraining options might place on agricultural employers or other entities that may perform worker or handler training. Comments should be distinguished as applying to workers, handlers, or both, as applicable.

As part of an interagency "streamlining" initiative, EPA is experimenting with submission of public comments on selected **Federal Register** actions electronically through the Internet in addition to accepting comments in traditional written form. This Notice is one of the actions selected by EPA for this experiment. From the experiment, EPA will learn how electronic commenting works, and any problems that arise can be addressed before EPA adopts electronic commenting more broadly in its rulemaking activities. Electronic commenting through posting to the EPA Bulletin Board or through the Internet using the ListServe function raise some novel issues that are discussed below in this Unit.

To submit electronic comments, persons can either "subscribe" to the Internet ListServe application or "post" comments to the EPA Bulletin Board. To "Subscribe" to the Internet ListServe application for this Notice, send an e-mail message to: listserver@unixmail.rtpnc.epa.gov that says "Subscribe RIN-2070-AC69 <first name> <last name>." Once you are subscribed to the ListServe, comments should be sent to: RIN-2070-AC69@unixmail.rtpnc.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. All comments and data in electronic form should be identified by the docket number OPP-250101 since all five documents in this separate part provide the same electronic address.

For online viewing of submissions and posting of comments, the public access EPA Bulletin Board is also available by dialing 202-488-3671, enter selection "DMAIL," user name "BB-USER" or 919-541-4642, enter selection "MAIL," user name "BB-USER." When dialing the EPA Bulletin Board type <Return> at the opening message. When the "Notes" prompt appears, type "open RIN-2070-AC69" to access the posted messages for this document. To get a listing of all files, type "dir/all" at the prompt line. Electronic comments can also be sent directly to EPA at:

Docket-OPPTS@epamail.epa.gov.

To obtain further information on the electronic comment process, or on submitting comments on this Notice electronically through the EPA Bulletin Board or the Internet ListServe, please contact John A. Richards (Telephone: 202-260-2253; FAX: 202-260-3884; Internet: richards.john@epamail.epa.gov).

Persons who comment on this Proposed Rule, and those who view comments electronically, should be aware that this experimental electronic commenting is administered on a completely public system. Therefore, any personal information included in comments and the electronic mail addresses of those who make comments electronically are automatically available to anyone else who views the comments. Similarly, since all electronic comments are available to all users, commenters should not submit electronically any information which they believe to be CBI. Such information should be submitted only directly to EPA in writing as described earlier in this Unit.

Commenters and others outside EPA may choose to comment on the comments submitted by others using the RIN-2070-AC69 ListServe or the EPA Bulletin Board. If they do so, those comments as well will become part of EPA's record for this rulemaking. Persons outside EPA wishing to discuss comments with commenters or otherwise communicate with commenters but not have those discussions or communications sent to EPA and included in the EPA rulemaking record should conduct those discussions and communications outside the RIN-2070-AC69 ListServe or the EPA Bulletin Board.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically in the RIN-2070-AC69 ListServe or the EPA Bulletin Board, in accordance with the instructions for electronic submission, into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. All the electronic comments will be available to everyone who obtains access to the RIN-2070-AC69 ListServe or the EPA Bulletin Board; however, the official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document. (Comments submitted only in written form will not be transferred into electronic form and thus may be accessed only by reviewing

them in the Public Response and Program Resources Branch as described above.)

Because the electronic comment process is still experimental, EPA cannot guarantee that all electronic comments will be accurately converted to printed, paper form. If EPA becomes aware, in transferring an electronic comment to printed, paper form, of a problem or error that results in an obviously garbled comment, EPA will attempt to contact the comment submitter and advise the submitter to resubmit the comment either in electronic or written form. Some commenters may choose to submit identical comments in both electronic and written form to ensure accuracy. In that case, EPA requests that commenters clearly note in both the electronic and written submissions that the comments are duplicated in the other medium. This will assist EPA in processing and filing the comments in the rulemaking record.

As with ordinary written comments, at the time of receipt, EPA will not attempt to verify the identities of electronic commenters nor to review the accuracy of electronic comments. Electronic and written comments will be placed in the rulemaking record without any editing or change by EPA except to the extent changes occur in the process of converting electronic comments to printed, paper form.

If it chooses to respond officially to electronic comments on this Proposed Rule, EPA will do so either in a notice in the **Federal Register** or in a response to comments document placed in the rulemaking record for this Proposed Rule. EPA will not respond to commenters electronically other than to seek clarification of electronic comments that may be garbled in transmission or conversion to printed, paper form as discussed above. Any communications from EPA employees to electronic commenters, other than those described in this paragraph, either through Internet or otherwise are not official responses from EPA.

#### **VII. EPA Decision on Proposed Exception**

EPA will publish in the **Federal Register** its final decision on whether to grant the request for a national exception. EPA will base its decision on whether the benefits of the exceptions outweigh the costs. An exception may be withdrawn by EPA at any time if EPA receives poisoning information or other data that indicate that the health risks imposed by the early entry exception are unacceptable or if EPA receives other information that indicates that the

exception is no longer necessary or prudent.

Dated: January 3, 1995.

**Lynn R. Goldman,**

*Assistant Administrator for Prevention, Pesticides and Toxic Substances.*

[FR Doc. 95-586 Filed 1-6-95; 12:15 pm]

BILLING CODE 6560-50-F

#### **40 CFR Part 156**

[OPP-00399; FRL-4927-6]

#### **Worker Protection Standard; Reduced Restricted Entry Intervals for Certain Pesticides, Request for Comments on Draft Policy**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice, Request for Comment.

**SUMMARY:** EPA is soliciting comments on a proposed policy, which would be issued in a Pesticide Regulation Notice (PRN) entitled: "Worker Protection Standard: Reduced Restricted Entry Intervals for Certain Pesticides. EPA proposes to allow registrants to reduce the interim Worker Protection Standard (WPS) restricted entry intervals (REIs) from 12 to 4 hours for certain low risk pesticides. A proposed list of active ingredients that are candidates for reduced interim WPS REIs would be included in the PRN. End-use products containing active ingredients that appear on the list would be evaluated using the criteria described within the PRN to determine if the current REI may be reduced to 4 hours. To facilitate the availability of the proposed policy to anyone who may be interested in commenting, this notice presents the proposed policy as it would appear in a PRN.

**DATES:** Written comments, identified by the docket number [OPP-00399], must be received on or before February 27, 1995.

**ADDRESSES:** By mail, submit comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Public Response and Program Resources Branch, Field Operations Division, RM 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. Telephone number for the OPP Docket is (703) 305-5805. Information submitted and any comment(s) concerning this notice may be claimed confidential by marking any part or all of that information as

"Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment(s) that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Information on the proposed notice and any written comments will be available for public inspection in Room 1128 at the Virginia address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

Comments and data may also be submitted electronically by any of three different mechanisms: by sending electronic mail (e-mail) to: Docket-OPPTS@epamail.epa.gov; by sending a "Subscribe" message to listserver@unixmail.rtpnc.epa.gov and once subscribed, send your comments to RIN-2070-AC69; or through the EPA Electronic Bulletin Board by dialing 202-488-3671, enter selection "DMAIL," user name "BB—USER" or 919-541-4642, enter selection "MAIL," user name "BB—USER." Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number OPP-00399 since all five documents in this separate part provide the same electronic address. No CBI should be submitted through e-mail. Electronic comments on this proposed rule, but not the record, may be viewed or new comments filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in unit XV. of this document.

**FOR FURTHER INFORMATION CONTACT:** By mail, Judy Smith or Ameesha Mehta, Certification, Training, and Occupational Safety Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 11th floor, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, 22202, (703)-305-7666.

**SUPPLEMENTARY INFORMATION:** The Agency is proposing to issue a Pesticide Regulation Notice (PRN) to allow registrants to reduce the current interim WPS REIs from 12 to 4 hours for certain low risk pesticides. In order to provide ample opportunity for review and