

VIII Conference Center, 999 18th Street, Denver, CO, 80202-2466.

**ADDRESSES:** Materials, or written comments, may be transmitted to the Committee through Joe Sierra, Designated Federal Official, NACEPT/IIC, U.S. EPA, Office of Cooperative Environmental Management (1601-F), 401 M Street, S.W., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Joseph Sierra, Designated Federal Official for the Information Impacts Committee at 202-260-6839.

Dated: May 28, 1996.

Joseph A. Sierra,

*Designated Federal Official.*

[FR Doc. 96-14457 Filed 6-6-96; 8:45 am]

**BILLING CODE 6560-50-M**

[FRL-5513-8]

**Community-Based Environmental Protection Committee of the National Advisory Council for Environmental Policy and Technology; Public Meeting**

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

**ACTION:** Notice of public meeting.

**SUMMARY:** Under the Federal Advisory Committee Act, Pub. L. 92463, EPA gives notice of a two-day meeting of the Community-Based Environmental Protection Committee of the National Advisory Council for Environmental Policy and Technology (NACEPT). NACEPT provides advice and recommendations to the Administrator of EPA on a broad range of environmental policy issues, and the Community-Based Environmental Protection Committee was formed to identify opportunities for harmonizing environmental policy, economic activity, and ecosystem management.

The meeting is being held to discuss recommendations the Committee plans to submit to EPA. Scheduling constraints preclude oral comments from the public during the meeting. Written comments can be submitted by mail, and will be transmitted to Committee members for consideration. **DATES:** The public meeting will be held on Wednesday, July 17, and Thursday, July 18, 1996, at the U.S. EPA Chesapeake Bay Program Office, 410 Severn Avenue, Annapolis, Maryland. On Wednesday, July 17, the Committee will meet from 9:00 a.m. to 5:00 p.m., and on Thursday, July 18, the Committee will meet from 8:30 a.m. to 4:00 p.m.

**ADDRESSES:** Written comments should be sent to: Mark Joyce, Office of

Cooperative Environmental Management, U.S. EPA (1601F), 401 M Street SW, Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Mark Joyce, Designated Federal Official, Direct line (202) 260-6889, Secretary's line (202) 260-9744.

Dated: May 23, 1996.

Mark Joyce,

*Designated Federal Official.*

[FR Doc. 96-14462 Filed 6-6-96; 8:45 am]

**BILLING CODE 6560-50-P**

[OPP-30112; FRL-5373-8]

**Chlorothalonil; Request for Exception to Worker Protection Standard's Prohibition of Early Entry Into Pesticide-Treated Areas to Harvest Muskmelons by Hand**

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

**ACTION:** Announcement of receipt of petition for an exception; request for comment.

**SUMMARY:** EPA's Worker Protection Standard (WPS) permits the Agency to grant exceptions to restrictions on worker entry into pesticide-treated areas. This permission is found in 40 CFR 170.112(e). The State of Indiana has petitioned the Agency to allow workers to enter into muskmelon fields that have been treated with chlorothalonil, to engage in hand harvesting before the 48-hour restricted entry interval (REI) has expired. An REI is the amount of time that must expire after a pesticide application before workers are allowed to enter the treated area. The request covers the period of June 15 through August 30, 1996, the general range of time when muskmelons are harvested. This Notice acknowledges receipt of Indiana's petition and invites comments from the public on the substance of the petition.

**DATES:** Comments, data, or evidence should be submitted on or before July 8, 1996.

**ADDRESSES:** The Agency invites any interested person to submit written comments identified by docket number "OPP-30112" to: By mail: Public Response and Program Resources Branch, Field Operations Division (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-

docket@epamail.epa.gov. 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 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number "OPP-30112." No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Libraries.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as 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 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. All written comments will be available for public inspection in Rm. 1132 at the Virginia address given above from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** Joshua First, Field Operations Division, Office of Pesticide Programs (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 1121, 1921 Jefferson Davis Highway, Crystal Mall #2, Arlington, VA, (703-305-7437), e-mail: first.joshua@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:**

I. Background

A. *Statutory Authority*

This Notice is issued under the authority of 40 CFR 170.112, authorized by section 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136w(a). Under FIFRA, EPA is authorized to mitigate unreasonable adverse effects that may result from exposure to pesticides, taking into account risks of pesticide exposure to human health and the environment and the benefits of pesticide use to society and the economy.

B. *The Worker Protection Standard*

Introduced in 1974, the Worker Protection Standard (WPS) is intended to reduce the risk of pesticide poisonings and injuries among agricultural workers who are exposed to pesticide residues, and to reduce the risk of pesticide poisonings and injuries

among pesticide handlers who may face more hazardous levels of exposure. Updated in 1992, the WPS scope now includes workers performing hand labor operations in fields treated with pesticides, workers in or on farms, forests, nurseries, and greenhouses, and pesticide handlers who mix, load, apply, or otherwise handle pesticides. The WPS contains requirements for pesticide safety training, notification of pesticide applications, use of personal protective equipment (PPE), restricted entry intervals following pesticide application, decontamination supplies, and emergency medical assistance.

### C. Early Entry Exceptions

In general, § 170.112 of the WPS prohibits agricultural workers from entering a pesticide-treated area during a restricted entry interval (REI). REIs are specified on the pesticide product label and typically range from 12 to 72 hours. Product-specific longer REIs have been set for a few pesticides.

The WPS contains the following exceptions to the general prohibition against worker entry into treated areas during the REI:

- (1) Entry resulting in no contact with treated surfaces.
- (2) Entry allowing short-term tasks (less than 1 hour) to be performed by workers wearing PPE and meeting other conditions.
- (3) Entry to perform tasks associated with agricultural emergencies.

Under § 170.112(e) of the WPS, EPA may establish additional exceptions to the Standard's provision of prohibiting early entry to perform routine hand labor tasks. Before implementing such changes, however, EPA is required to provide a 30-day public comment period. EPA will grant or deny a request for an exception based on a risk-benefit analysis. This analysis is required by 40 CFR 170.112(e)(3), and takes into account both the added risks and the benefits from allowing early entry to perform hand labor tasks.

Under 40 CFR 170.112(b) and (c), workers engaging in early entry work are not permitted to engage in hand labor, which results in substantial contact with pesticide-treated surfaces, and under § 170.112(d) and (e), workers are explicitly allowed to engage in hand labor. 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 treated surfaces (such as plants or soil) that may contain pesticide residues.

On June 10, 1994 (59 FR 30265), EPA granted an exception which allows, under specific conditions, early entry into pesticide-treated areas in

greenhouses to harvest roses by hand cutting. In the Federal Register of May 3, 1995 (60 FR 21953) (FRL-4950-9), two additional exceptions were granted which allow early-entry to perform irrigation and limited contact tasks under specified conditions.

On September 27, 1995 (60 FR 49841) (FRL-4974-4), EPA denied the State of Delaware an exception to the 48-hour REI for chlorothalonil that had been submitted in a petition. The petition had requested an exception for the purpose of allowing workers early entry (a 12-hour REI) into treated areas to hand harvest cantaloupes and squash. An additional 10 States submitted similar requests during the 30-day public comment period after EPA published notice of its receipt of Delaware's petition, and EPA denied those requests as well.

### D. Basic Information about Chlorothalonil

Chlorothalonil is a wettable granular fungicide used to control powdery mildew, downy mildew, and *Alternaria* leaf blight diseases, among others. Under the WPS, the REI has been set at 48 hours, an increase from 12 hours. The pre-harvest interval (PHI) for melons and squash is 0 days. The PHI is the period that must elapse, in days, from the last day of application to the first day that a crop can be harvested. Chlorothalonil is in acute Toxicity Category I for primary eye irritation and has been classified as a probable human carcinogen (Category B<sub>2</sub>). Chlorothalonil poses risks of severe eye irritation and delayed health effects (kidney effects). Currently EPA is working on a Reregistration Eligibility Document (RED) for chlorothalonil. A RED is a document that combines all scientific and economic information about a pesticide and which is used for determining whether or not a pesticide should be reregistered. The chlorothalonil RED is scheduled for completion this year.

## II. Summary of Indiana's Petition

The State of Indiana has petitioned the Agency under § 170.112(e) to allow early entry by workers into chlorothalonil-treated muskmelon fields to perform hand labor harvesting immediately after application of the fungicide. The current REI for chlorothalonil is 48 hours. Indiana's petition states that muskmelon growers will suffer substantial economic losses if they cannot harvest their crop on a daily basis. The time period for the exception requested is from June 15 through August 30, 1996.

### A. Need for Early Entry

According to the request, Indiana-grown muskmelons are under strong disease pressure from *Alternaria* leaf blight, anthracnose, bacterial wilt, gummy stem blight, and powdery mildew. According to Indiana, if unchecked, these diseases can destroy the crop and result in serious reductions in muskmelon yield and quality.

Indiana states that muskmelons ripen quickly, and must therefore be harvested daily to avoid the fruit becoming over-ripe. Indiana contends that considerable amounts of fruit could be damaged or lost during the 48-hour REI, and even during a 24-hour REI, due to the inability to harvest mature crops daily. Indiana states that over-ripe muskmelons are not harvested; their connection to the vine is cut; and they are simply left in the field. Moreover, Indiana contends that if left on their vines, mature (over-ripe) muskmelons act as "suckers," depriving less mature melons on the vine of nutrients necessary for their growth. Indiana estimated that a 7 percent crop loss would result from over-ripe fruit being left on the vine for 48 hours, and that a 2 percent loss would result from a 24-hour delay of harvest. It is also claimed that these over-ripe melons interfere with the production of female flowers, which are necessary for producing new fruit.

Indiana said that additional labor costs may be incurred to remove over-ripe fruit, posing a second set of costs to growers beyond costs associated with direct losses in sales.

Indiana states that fungicides applied after the first melon harvest result in greater muskmelon yields and a longer production period of fruit graded as United States Department of Agriculture (USDA) #1 quality. Powdery mildew is controlled primarily with "timely applications" of systemic fungicides, such as triadimefon and benomyl. Bacterial wilt is controlled through managing cucumber beetle populations, which spread the disease. *Alternaria* leaf blight, anthracnose, and gummy stem blight must be controlled with repeated applications of fungicides. Indiana says that, of the available appropriate fungicides for these three diseases, only chlorothalonil can be used during harvest, because muskmelons are harvested daily and chlorothalonil has a 0-day PHI. Indiana states that cultural controls for *Alternaria* leaf blight are not readily available and are not very effective in any case. Where powdery mildew is a problem, chlorothalonil is usually applied as necessary.

The alternative to chlorothalonil on muskmelons is mancozeb, which has a PHI of 5 days and is therefore not considered to be a practical alternative during the harvest. Indiana's petition implies that rescheduling chlorothalonil applications during the conventional 7-day spray schedule would not be practical because regardless of how a grower reschedules applications, there would be a 48-hour REI following a spray application; weather and crop maturity would most likely require harvest during that time.

According to Indiana, the average melon field size is 20 to 40 acres. Large fields are 250 acres. Other States have previously said that two to five workers are required to harvest for 1 hour per field, and that workers would harvest several fields over an 8-hour day. Machine harvesting of cantaloupe or squash is not possible. The State of Indiana says that it is open to suggestions from the Agency for any means to mitigate eye hazards to harvest crews posed by chlorothalonil. Indiana does not believe that workers should be required to wear any additional PPE, because EPA has stated that it believes that workers will not wear it (because of heat stress).

#### B. Proposed Terms of Exception

The State of Indiana has proposed the following terms:

1. Harvesting would be performed immediately after application.
2. All Indiana muskmelon growers would be required to use the MELCAST disease warning system (described below), and only apply chlorothalonil according to MELCAST times of predicted need. Indiana states that the MELCAST system is part of an integrated pest management program that results in two to four fewer annual chlorothalonil applications than the conventional 7-day program.
3. Limitations on current use patterns (and thereby lowering potential risk) by reducing the application rate and reducing the number of applications. The maximum chlorothalonil application rate would be 0.78 pounds of active ingredient per acre (lbs ai/acre), as opposed to the maximum rate of 1.5 lbs ai/acre. This lower rate would begin 2 days prior to the beginning of the melon harvest and continuing through the harvest.
4. Growers would be subject to unannounced inspections by the Office of Indiana State Chemist to ensure compliance, especially with the lower application rate of 0.78 pounds of active ingredient.

MELCAST is a computerized, weather-based disease advisory system

that helps growers determine when the most appropriate times are for applying only essential fungicides. The Purdue Cooperative Extension Service has shown that using MELCAST will result in two to four fewer fungicide applications without increasing risk of crop losses. MELCAST can be used with Alternaria leaf blight, anthracnose, and gummy stem blight. It is assumed that the State of Indiana believes that the costs of these measures are less than the expected costs associated with crop losses without the exception being granted.

#### C. Economic Impacts

The State of Indiana has claimed that a significant economic loss may occur if the 48-hour REI remains in effect. Indiana has said that the daily harvest of muskmelons is essential to maximize crop production. Indiana projects that, with a 0-day REI, a muskmelon crop that yields 4,500 melons per acre over a 4-week harvest period (picked every day) results in a net return of \$2,000 per day. With a 24-hour REI, Indiana calculates that the net return will be \$1,440 per acre, an income reduction of 28 percent. With the current 48-hour REI, Indiana has projected a net return of \$810 per acre, a 59 percent reduction from the best-case scenario of \$2,000 per acre. Indiana states that the vast majority of Indiana muskmelon growers derive their incomes from farms that are 40 acres or less. For these farmers, whose incomes are claimed to be between \$30,000 and \$40,000, a 28 percent or 59 percent reduction in income could seriously affect their ability to make a living from growing muskmelons.

The following are the most significant points that EPA needs to address before an economic analysis can be completed. First, the applicant did not estimate the loss of fruit to disease if chlorothalonil is not used at all. Such an estimate would also include the reduced costs of not using chlorothalonil. Because the applicant has projected the costs of adhering to the 48-hour REI to be quite high, it is possible that not using chlorothalonil at all could be preferable in some situations.

Second, it is unclear to EPA how cutting over-ripe muskmelons ("sucker fruit") from fruit-producing vines is considered an additional labor cost. EPA believes that it is labor that would have occurred in any case, and that picking fewer melons actually requires less labor. If the activity is claimed as an additional cost resulting from unproductive labor, the applicant has not clarified or explained that. Moreover, the applicant has not

explained how a delay in harvest of 1 day will result in all of the fruit that would have been harvested being over-ripe; nor has the applicant explained how over-ripe melons are automatically economically valueless.

Third, the applicant did not consider the relative savings in reduced usage of chlorothalonil due to implementing MELCAST, and assumed one application per week in projecting yield reductions. The use of the MELCAST system reportedly should reduce chlorothalonil applications to be, on average, less frequent than once every 7 days.

Finally, better explanation and documentation of the basis and methodology for estimating the stated quantitative yield loss estimates of 2 percent and 7 percent for the 24-hour REI and the 48-hour REI are needed.

#### D. Potential Risks

Prior to the introduction of WPS-based interim REIs, chlorothalonil's REI was 12 hours; its current REI is 48 hours. Based on new data received through its reregistration program, EPA is now reviewing the length of chlorothalonil's REI. At the current standard application rate (for muskmelons) of 1.5 lbs ai/acre, chlorothalonil appears to pose risks to most workers, risks that could be mitigated by a longer REI.

EPA has conducted several preliminary qualitative assessments, based on different assumptions, to evaluate the potential carcinogenic and toxicity risks from exposure to chlorothalonil. When chlorothalonil treatment begins before the harvest season at 1.5 lbs ai/acre, and then drops in rate to 0.78 lbs ai/acre during the harvest season (as Indiana is proposing), the risk is substantially reduced from the current treatment schedule. The REI for this application schedule would be 24 hours. However, because chlorothalonil has a half-life of 3.5 days, the residue remaining after the application at the rate of 1.5 lbs ai/acre, coupled with the subsequent rate of 0.78 lb ai/acre, will still leave residues that pose risks of some concern to workers, if they entered the treated site immediately after application.

It appears that still lower potential risk could be attained by reducing the chlorothalonil application to 0.78 lb ai/acre for the entire growing and harvesting season. Lowest risk seems to be posed by use of alternative fungicides prior to harvest with chlorothalonil application at the reduced rate starting just prior to the harvest period in order to accommodate the PHI of the alternatives.

EPA's assessment of worker risk from re-entry may be affected by additional information about foliar dislodgable residue, especially about chlorothalonil residue levels between applications, and other information.

### III. Comments and Information Solicited

The Agency is interested in receiving comments on this proposed exception. In particular, the Agency welcomes comments supported by data or additional information about muskmelons, about the potential risks associated with granting this exception request, about cultural practices, and about the potential economic impacts.

This would include evidence demonstrating whether or not the risks to workers would be acceptable given Indiana's proposed terms, and an REI of 0 hours. It would also include evidence about whether or not REIs of 4, 12, or 24 hours are appropriate given varying application schedules and the substitution of alternative fungicides during the growing season. An REI of 4 hours has not been proposed, and EPA maintains concerns about the potential worker risks associated with a 4-hour REI, but EPA nevertheless is soliciting comments on it. An alternative but similar application schedule using another fungicide (mancozeb) during the growing season may warrant an REI of 12 hours, and an application schedule similar to that proposed by Indiana might result in an REI of 24 hours.

The Agency is also interested in evidence about whether or not the use of PPE, engineering controls, or any additional decontamination procedures or safety training would be useful should the exception be granted. The Agency is interested in obtaining data on how heat stress from PPE can be mitigated, and if there are any reports of poisoning incidents involving harvesters being exposed to chlorothalonil.

The Agency also would like information about cultural practices and economic impacts, such as an appropriate time limit on activities performed during the REI; this would include information about the affect the WPS had on the 1995 melon season. Comments on feasible alternative fungicides or integrated pest management practices that would make early entry for hand harvesting unnecessary, and their associated costs, are also solicited. The Agency welcomes any additional information concerning the economic impact on Indiana's muskmelon industry (such as crop yield and/or price) resulting from continuing

to prohibit hand harvesting during chlorothalonil's 48-hour REI on muskmelons. Also solicited is additional information on the average life of muskmelon fruit, uses for over-ripe fruit, uses for canned muskmelon fruit and juice, and the stages of maturity that are required for different markets.

### IV. Public Record

Interested persons are invited to submit written comments on this action. Comments must bear a notation indicating the docket control number [OPP-30112].

A record has been established for this action under docket number "OPP-30112" (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 CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for the proposal as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

#### List of Subjects

Environmental protection,  
Occupational safety and health,  
Pesticides and Pests.

Dated: May 31, 1996.

Lynn R. Goldman,  
*Assistant Administrator for Prevention,  
Pesticides and Toxic Substances.*

[FR Doc. 96-14449 Filed 6-06-96; 8:45 am]  
BILLING CODE 6560-50-F

[FRL-5516-3]

### Strategic Plan for the Office of Research and Development

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Availability.

**SUMMARY:** This notice announces the availability of the Strategic Plan for the Office of Research and Development (EPA-600/R-96/059), prepared by the U.S. Environmental Protection Agency's (EPA) Office of Research and Development (ORD). This document describes the process and criteria for selecting ORD's high priority research and defines the foundation for ORD's management and budget planning process.

**DATES:** The Strategic Plan for the Office of Research and Development will be available to the public on or about June 7, 1996. Interested parties can access the Executive Summary of the Document via the Internet on the ORD Home Page (<http://www.epa.gov/ORD>) on or about June 3, 1996. In addition, the entire document will be available on the Internet on or about June 7, 1996.

**ADDRESSES:** The document is available for inspection at the EPA Headquarters Library, Waterside Mall, 401 M Street, SW., Washington, DC. EPA Library hours are 10:00 a.m. to 2:00 p.m., Monday through Friday, excluding holidays. On or about June 7, 1996, interested parties can obtain a single copy of the Strategic Plan by contacting: ORD Publications Office, Technology Transfer Division, National Risk Management Research Lab, U.S. Environmental Protection Agency, 26 W. Martin Luther King Drive, Cincinnati, OH 45268; Telephone: (513-569-7566.) Please provide your name and mailing address, and request the document by the title and EPA Document No. (EPA-600/R-96/059). A limited number of paper copies will be available from this source, and requests will be filled on a first come-first served basis. After the supply is exhausted, copies of the Strategic Plan can be purchased from the National Technical Information Service (NTIS) by calling (703) 487-4650 or sending a facsimile to (703) 321-8547. The NTIS order number for the Strategic Plan is (PB96-175385.)

**FOR FURTHER INFORMATION CONTACT:** Sherry Hawkins Office of Research and Science Integration, (8104), U.S. Environmental Protection Agency, Washington, D.C. 20460. Telephone (202) 260-5593; Facsimile (202-260-0106.)

**SUPPLEMENTARY INFORMATION:** In recent years, many important groups,