ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 170

RIN 2070–AC93

[OPP–250107A; FRL–5358–7]

Pesticide Worker Protection Standard; Language and Size Requirement for Warning Sign

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is amending the 1992 Worker Protection Standard (WPS) to allow the substitution of an alternative language for the Spanish portion of the warning sign. This change is designed to promote worker understanding of the information on the sign by allowing agricultural employers to tailor the sign to accommodate a work force whose predominant language is neither English nor Spanish. This would be an option for the agricultural employer and would not preclude the continued use of the English/Spanish sign, which would remain acceptable. This amendment also permits the use in nurseries and greenhouses of smaller warning signs no further apart than 25 feet and 50 feet, depending on the size of the smaller sign. This modification to the existing criteria in the use of small size signs in greenhouses and nurseries is intended to more clearly identify the treated area and enhance worker safety.

EFFECTIVE DATE: This rule will become effective August 26, 1996.

FOR FURTHER INFORMATION CONTACT: John R. MacDonald or Donald Eckerman, Office of Pesticide Programs (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Room 1121, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. Telephone: 703-305-7666. By electronic mail: eckerman.donald@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Entities potentially regulated by this action are agricultural employers who use pesticides that are regulated by the Worker Protection Standard.

Category	Regulated entities
Industry	Agricultural employers

This table is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be regulated by this action. To determine whether or not you are subject to regulation by this action, you should carefully examine 40 CFR part 180.

This document discusses the background leading to this final rule amending the WPS; summarizes the public comments on the provision of the proposed amendments published in the Federal Register of September 29, 1995 (60 FR 50682) (FRL–4969–4); provides EPA's responses to comments and final determination with respect to modification of the warning sign language and size requirement of the WPS, and provides information on the applicable statutory and regulatory review requirements.

I. Statutory Authority

This rule is issued under the authority of section 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136w(a). Under FIFRA, EPA may register a pesticide if its use does not cause unreasonable adverse effects on the environment. FIFRA also directs the cancellation of any pesticide found to cause unreasonable adverse effects on the environment. FIFRA section 2(u) defines unreasonable adverse effects on the environment to mean any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits to the use of any pesticide. Thus, in deciding how to regulate a pesticide, FIFRA requires EPA to balance the risk associated with pesticide exposure to human health and the environment and the benefits of pesticide use to society and the economy.

II. Background

In 1992 EPA revised the Worker Protection Standard (40 CFR part 170) (published in 57 FR 38102, August 21, 1992). The 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 hazardous levels of exposure. The 1992 WPS superseded a rule promulgated in 1974 and expanded the WPS scope not only to include workers performing hand labor operations in fields treated with pesticides, but also to include all other workers exposed to pesticide residues in or on farms, forests, nurseries, and greenhouses, as well as pesticide handlers who mix, load, apply, or otherwise handle pesticides. In general, the WPS contains requirements for pesticide safety training, notification of pesticide applications, decontamination supplies, emergency medical assistance, use of personal protective equipment, and restrictions for entry into treated areas during restricted entry intervals following pesticide application.

Section 170.120 of the WPS requires that warning signs containing prescribed graphics and text in both English and Spanish be posted around pesticide-treated areas. The words ''DANGER'' and ''PELIGRO,'' plus ''PESTICIDES'' and ''PESTICIDAS,'' are required at the top of the sign, and the words ''KEEP OUT'' and ''NO ENTRE'' are required at the bottom of the sign. All letters must be clearly legible and visible from all usual points of worker entry into the treated area. Also, the regulation allows additional information to be placed on the warning sign if the information does not detract from the appearance of the sign or change the meaning of the required information.

WPS § 170.120(c)(2) specifies that warning signs shall be at least 14 inches x 16 inches (standard) in size, and the letters shall be at least 1 inch in height, unless a smaller sign and smaller letters are necessary ''because the treated area is too small to accommodate a sign of this size.''

Also, the signs must remain visible and legible during the time they are required to be posted. On agricultural establishments, the signs must be visible from all usual points of worker entry to the treated area, or if there are no usual points of entry, signs must be posted in the corners of the treated area or in any other location affording maximum visibility. On farms and in forests and nurseries, usual points of entry include each access road, each border with any labor camp adjacent to the treated area, and each footpath and other walking route that enters the treated area. In greenhouses, usual points of entry include each aisle or other walking route that enters the treated area.

Since the WPS was issued in 1992, the National Association of State Departments of Agriculture, the American Association of Nurserymen, Oregon Association of Nurserymen, and other stakeholders have expressed an interest in addressing practical concerns with the WPS. The Agency received many requests and comments in the form of letters, petitions, and conversations at individual and public meetings to address concerns with the WPS, including some specifically suggesting a change to the warning sign requirements.

In response to comments received, on September 29, 1995, EPA proposed to allow the agricultural employer the option to replace the Spanish portion of

the warning sign with an appropriate language that is more representative of the language read by the workforce. EPA also proposed allowing the use of smaller signs in greenhouses and nurseries when use of a larger sign may interfere with operations or the clear identification of treated areas. EPA also proposed setting a minimum size requirement for smaller signs that would apply to all uses of small signs, including uses already allowed by the WPS. Signs would have to meet all other posting requirements of the rule, including that they be visible and legible during the time they are posted.

III. Summary of the Final Rule Amendment

The Agency is amending 40 CFR 170.120(c)(1) to allow the replacement of the Spanish portion of the warning sign with another language which is read by the largest group of workers at the work site who do not read English. The sign with substitute language must be in the same format as required by the regulations and be visible and legible.

Additionally, the Agency is amending 40 CFR 170.120(c)(2) to allow operators of nurseries and greenhouses to use a sign smaller than the standard size of 14 inches by 16 inches. The Agency is establishing criteria for two additional sign sizes. Regardless of the size of the treated area in nurseries and greenhouses, the agricultural employer may chose to utilize a sign smaller than the standard size sign. If a sign is used with DANGER and PELIGRO in letters at least ⅞ inch in height and the remaining letters at least ½ inch in height and a red circle at least 3 inches in diameter containing an upraised hand and a stern face, the signs may be no further than 50 feet apart. If a sign is used with DANGER and PELIGRO in letters at least 7⁄16 inch in height and the remaining letters at least ¼ inch in height and a red circle at least 1½ inches in diameter containing an upraised hand and a stern face, the signs may be no further than 25 feet apart. A sign with DANGER and PELIGRO in letters less than 7⁄16 inch in height or with any words in letters less than ¼ inch in height or a red circle smaller than 1½ inches in diameter containing an upraised hand and a stern face will not satisfy the requirements of the rule.

These changes modify the rule's existing criterion for allowing smaller signs in nurseries and greenhouses and facilitate posting treated areas. No other sections of the posted warning signs provision are affected by this final action.

IV. Summary of Response to Comments

EPA's proposal to change the language and size requirement for warning signs received 30 comments from farm worker groups, a farm supply company, States, a professional association, commodity groups, and agricultural employers.

A. Languages Other Than English or Spanish

In the September 29, 1995 proposal, EPA proposed to allow agricultural employers the option to replace the Spanish portion of the warning sign with an appropriate language that is more representative of the language read by the work force in order to promote worker understanding of the information on the sign and to enhance worker safety. For agricultural employers who wish to replace the Spanish portion of the sign, EPA proposed options to accomplish this, including the use of stickers with the appropriate second language, writing in the substitute language on a sign produced with a blank portion, or using originally produced warning signs with a second language other than Spanish.

Several comments from farmworker groups recommended that all languages represented by workers on a site, in addition to English and Spanish, be required on the warning signs. Farmworker Justice Fund, Inc. noted that agricultural employers must be aware of the languages used by their crews to comply with other provisions and legal requirements. On the other hand, the Rural Opportunities, Inc. noted concerns that signs may become crowded and result in confusion and be unreadable; they specifically opposed handwriting additional languages. The Migrant Legal Action Program, Inc. expressed concerns about the accuracy of translations, the need to update signs based on the changing composition of the work force, and an increased enforcement burden.

Comments from the agricultural equipment supply company, Gempler's, indicate that it can and will produce warning signs in different languages shortly after translations become available. The Farmworker Justice Fund, Inc. has suggested that EPA provide translations of the standard phrases contained on the warning sign in the various languages that may be encountered across the country.

Two state agencies support the EPA proposal while two different state agencies objected to the substitution of another language for Spanish. One of the objecting agencies noted that the symbols on the current sign are effective thereby negating the need for the proposed change and noted the difficulty and expense of complying, especially when there are frequent workcrew changes. The other state agency did not present supporting reasons for their objections.

The American Society of Safety Engineers (ASSE) commented that EPA should use the standards for signs adopted by the American National Standards Institute (ANSI). The recently adopted ANSI standard for signs relies heavily on symbols in lieu of language. ASSE believes this approach is especially valid with farmworkers, because of their high illiteracy rate in any language. Comments from agricultural employers generally supported the proposal and supported the option to permit handwriting of substitute languages for Spanish.

For several reasons, the Agency has decided to adopt the September 29, 1995 proposal and has decided against requiring employers to post warning signs with all languages represented in the workforce on the establishment. Under both the 1992 WPS and this final amendment, employers are permitted, but not required, to add languages.

The Agency is concerned that if every language read by the workers were required on every warning sign, the signs would become overcrowded with text or become so large that they would become unwieldy, or both. Additionally, the Agency believes it is unreasonable to impose a requirement that potentially could require an employer with a rapidly changing work force to change the warning sign posted with each hire.

EPA recognizes the benefit of presenting information in a language workers understand and that symbols are effective in conveying environmental warnings. Therefore, the red circle graphic currently required on the WPS warning sign should prove effective in reaching the worker population, even if the workers cannot read the text.

EPA also recognizes the potential for increased complexity and burden associated with using additional or substitute languages on the English/Spanish warning sign. EPA believes that the flexibility provided by this final rule, allowing employers to substitute languages, outweighs the potential for problems due to inaccurate translations and illegible signs. Employers can accomplish substitution by use of commercial prepared signs, handwritten signs, or by stickering over existing signs as long as the languages on the sign remain visible and legible. The Agency is committed to making publicly

available a list of acceptable translations of the required warnings, and believes that there will be an adequate supply of commercially produced signs before the rule becomes effective. Employers are currently using commercially produced English/Spanish signs which are readily available at reasonable cost. Although the 1992 WPS allows for handwritten signs, the Agency does not expect that handwritten signs will be used significantly more often under this rule amendment than under current practice. Nonetheless, the Agency believes it is appropriate to give employers the flexibility to prepare their own signs to respond to the needs of the work force, in the event that commercially produced signs are unavailable.

It appears that signs with a substitute language would benefit about 5% of the population of agricultural workers, since about 95% of the work force understand English or Spanish (U.S. Department of Labor, National Agricultural Worker Survey, 1990). The Association of Farmworker Opportunity Programs believes that the proportion of the agricultural work force that speaks neither English or Spanish is greater than 5%.

Moreover, the Agency acknowledges that agricultural employers must be aware of the languages used by workers to comply with other WPS provisions. This will enable the employer to readily identify the appropriate language(s) and choose a substitute language for the warning sign. State inspectors monitoring compliance with other WPS requirements, such as training, will become aware of the languages used on a particular establishment. This will enable inspectors to ascertain if a substitute language is appropriate on the warning sign.

B. Use of Smaller Signs

In addition to allowing the use of smaller signs when the treated area is too small to accommodate the 14 inches x 16 inches sign, EPA proposed allowing the use of smaller signs in greenhouses and nurseries when use of a larger sign may interfere with operations or the clear identification of treated areas. The proposal would not have precluded the continued use of a small sign based on space limitations, as presently allowed. EPA also proposed setting a minimum size requirement for smaller signs that would apply to all uses of small signs, including uses already allowed by the WPS. Signs would have to meet all other posting requirements of the rule, including that they be visible and legible during the time they are posted.

The 1992 WPS set standards for the large sign and permitted proportionally smaller signs. Minimum lettering size was established as was the relationship between the size of the hand in the symbol relative to the size of lettering as well as the color and contrast of the lettering and symbol with the background. Based on these specifications, commercial suppliers have marketed a standard size sign (14 inches x 16 inches) and smaller size signs, particularly 5 inches x 5 inches for use in greenhouses and nurseries. The commercially available 5 inches x 5 inches sign has ''DANGER'' and ''PELIGRO'' in letters 7/16 inch tall with the minimum size lettering of ¼ inch. The red circle graphic is 1¾ inches in diameter and the signs conform with all other requirements for WPS signs.

Nurseries and greenhouses in Oregon have been utilizing the commercially available 5 inches x 5 inches signs and Oregon OSHA requires these signs to be posted at a distance not exceeding 25 feet between signs. EPA has monitored the effectiveness of these smaller signs in coordination with Oregon and participated in field visits to sites where the smaller signs were in use.

All state agency comments supported the use of smaller size signs in greenhouses and nurseries. The ASSE's comments discussed previously in Unit IV.A. of this preamble pertains to this discussion as well. The ASSE commented that EPA should review the recommendations of the American National Standards Institute (ANSI) in regard to signs, especially lettering size, use of symbols and posting distances. The ANSI standards indicate that written statements on a sign are readable at a distance 300 times the height of the lettering. ASSE recommends that EPA use the ANSI standards for signs and supported the use of symbols in lieu of language.

Several farm worker groups commented that the need for smaller size signs in greenhouses and nurseries requires further substantiation, and that the effectiveness of smaller signs be field tested extensively. Worker organizations also expressed concerns that small signs would be chosen over large signs as a means of minimizing public awareness of pesticide applications.

Grower and commodity group comments were generally supportive of the proposal. However, some expressed concerns regarding the subjective nature of the proposed requirement that small signs can only be used when a large sign would interfere with operations or the clear identification of the treated area. They view these criteria as vague, unclear, and open to varied and inconsistent interpretation by government regulators.

After considering the comments and recognizing that there will be a range of different situations in greenhouses and nurseries where employers would want to use small signs, EPA has decided to establish criteria based upon size and posting distance for the use of smaller signs. EPA attempted to balance the concerns of the various parties with particular attention to the concerns of workers and greenhouse and nursery operators. EPA shared the concerns of the workers regarding the effectiveness of small signs. EPA also understands the greenhouse and nursery operators' desire for objective criteria on when small signs can be utilized. EPA believes that by specifying maximum posting distances in conjunction with minimum sign size, the warning message will still be effectively communicated. EPA further believes that this approach eliminates the need for the proposed requirement that small signs may be used only when the larger sign would interfere with operations or the clear identification of the treated area in greenhouses and nurseries. Therefore, the final rule permits the use of a small sign in greenhouses and nurseries at the discretion of the agricultural employer. Since this standard will result in greater cost than the large sign, EPA anticipates small sign use only in those instances where the benefits clearly justify the increased cost.

In addition to the standard size sign of at least 14 inches x 16 inches with letters at least one inch in height specified in the 1992 WPS, this amendment establishes two additional sets of criteria for signs. One set of criteria permits a sign with letters at least a ¼ inch in height, ''DANGER'' and ''PELIGRO'' words at least 7/16 inch in height and a red circle at least 1½ inches in diameter containing an upraised hand and a stern face to be posted at a distance not to exceed 25 feet. The second set of criteria permits a sign with letters at least ½ inch in height, ''DANGER'' and ''PELIGRO'' words at least ⅞ inch in height and a red circle at least 3 inches in diameter containing an upraised hand and a stern face to be posted at a distance not to exceed 50 feet. The lettering and symbols can always be larger and the posting distances closer. Given the larger scale operations in forests and on farms, the Agency is retaining the requirement for the standard size sign to be used in forests and on farms except where the size of the treated area would

not accommodate a 14 inches x 16 inches size sign.

EPA believes that proponents of using smaller warning signs inside greenhouses and in nurseries have adequately demonstrated the need for greater flexibility than allowed in the 1992 WPS. Representatives of greenhouse operators and nurserymen have repeatedly raised issues with using the standard-size 14 inches x 16 inches WPS warning signs, and have persuaded the Oregon Department of Occupational Safety that their concerns have sufficient merit to conduct considerable field testing with smaller signs in the Oregon horticultural industry. In addition, although there is no systematic survey of either the greenhouse or nursery industry, observations during site visits by EPA staff to a number of such operations in different parts of the country have supported the conclusion that more flexibility in using smaller signs would enhance worker safety by more clearly identifying treated areas as well as aid industry compliance. Finally, EPA notes that using more, smaller signs generally would cost more than using the minimum number of standard size warning signs. The Agency does not believe employers would seek regulatory changes that would increase compliance costs unless there were offsetting factors, such as greater convenience of operations and worker safety.

The smallest sign must contain a red circle at least 1½ inches in diameter containing an upraised hand and stern face, lettering at least ¼ inch tall with the ''DANGER'' and ''PELIGRO'' words at least 7⁄16 inch tall. EPA estimates that this size lettering and graphic will result in a minimum size sign of 4½ inches x 5 inches. When signs of this size are used they must be posted no more than 25 feet apart. This spacing means that any person who approaches a posted area will always be within 12½ feet of a warning sign before actually entering the treated area.

If the ANSI standard is applied to the 1½ inches in diameter red circle containing an upraised hand and stern face, the viewing distance is 37½ feet. Therefore, the red circle graphic on the sign easily meets the ANSI criteria for recognition when the posting distance is 25 feet. Also, under this criteria a 7⁄16 inch word could be read at 11 feet. If the worker entered anywhere other than exactly between the signs, the worker would be closer to a sign than 12½ feet.

The Agency believes that it is not necessary that all words on the WPS warning sign be large enough to be read for the sign to fulfill its purpose of alerting individuals that they are approaching an area that has been treated with pesticides and that entry into the area is prohibited. As with common traffic signs and other types of signs, it is sufficient that an individual recognize the sign to know what it means. This view is also expressed in the ANSI standard with respect to signs containing warning of environmental hazards. Since workers are required to be informed on the meaning of the WPS warning signs before they enter any area where pesticides have been recently used, EPA expects that most or all workers will understand the significance of the sign even if they cannot read all of the words on it.

Because there is ample technical basis and field experience showing that properly spaced small signs will provide acceptable notice to people approaching treated areas, EPA has decided that no further field trials are necessary at this time to support the promulgation of this final rule. The Agency, however, will continue to monitor the implementation of this provision and will consider further revision if reports identify additional concerns.

V. Public Docket

A record has been established for this rulemaking under docket number OPP-250107. This record is available for public inspection from 8 a.m. to 4:30 p.m., Monday through Friday. The public record is located in Rm. 1132, Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, VA.

VI. Statutory Review

As required by FIFRA section 25(a), this rule was provided to the United States Department of Agriculture (USDA) and Congress for review. The final rule was provided formally to USDA, as required by FIFRA. The USDA had no comment on the final rule. The FIFRA Scientific Advisory Panel waived its review.

VII. Regulatory Assessment Requirements

A. Executive Order 12866

Pursuant to Executive Order 12866 (58 FR 51735, October 4, 1993), it has been determined that this rule is not ''significant'' and is therefore not subject to OMB review. The Agency believes that the amendments associated with this action constitute regulatory relief, and therefore will not impose any additional costs. The analysis related to the costs of the sign requirements were discussed in conjunction with their promulgation in 1992 as part of the Worker Protection Standards. Each amendment provides an alternative to an existing requirement, allowing the regulated community to choose the most effective and appropriate language and size for the sign they use.

B. Executive Order 12898

Pursuant to Executive Order 12898 (59 FR 7629, February 16, 1994), entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, the Agency has considered environmental justice related issues with regard to the potential impacts of this action on the environmental and health conditions in low-income and minority communities.

C. Unfunded Mandates Reform Act

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995, (P.L. 104-4), this action does not result in the expenditure of $100 million or more by any State, local or tribal governments, or by anyone in the private sector, and will not result in any ''unfunded mandates'' as defined by Title II. The costs associated with this action are described in the Executive Order 12866 section above.

Under Executive Order 12875 (58 FR 58093, October 28, 1993), EPA must consult with representatives of affected State, local, and tribal governments before promulgating a discretionary regulation containing an unfunded mandate. This action does not contain any mandates on States, localities or tribes and is therefore not subject to the requirements of Executive Order 12875.

D. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Agency determined that this regulatory action does not impose any adverse economic impacts on small entities. I therefore certify that this regulatory action does not require a separate regulatory flexibility analysis. Information relating to this determination has been provided to the Chief Counsel for Advocacy of the Small Business Administration, and is included in the docket for this rulemaking. Any comments regarding the economic impacts that this proposed regulatory action may impose on small entities should be submitted to the Agency at the address listed above.

E. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business

Regulatory Enforcement Fairness Act of 1996 (Title II of Pub. L. 104-121, 110 Stat. 847), EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2) of the APA as amended.

F. Paperwork Reduction Act

The Office of Management and Budget (OMB) approved the existing information collection requirement related to these sign requirments under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and assigned OMB control number 2070-0148 (EPA ICR No. 1759.01). The amendments contained in this rule do not increase the burden hours or costs associated with this requirement, except to perhaps decrease any unnecessary burdens that may have resulted from the lack of these options. Since the base requirement and its burden have not changed, EPA has not prepared any amendment to the existing ICR.

An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. This notice satisfies that initial display and EPA is also amending the table at 40 CFR part 9, which lists all the currently approved information collection requests (ICR) control numbers issued by OMB for various regulations, which appears at 40 CFR part 9. This amendment updates the table to accurately display OMB approval of the information requirements contained in this final rule. The display of the OMB control number in this notice and its subsequent codification in the Code of Federal Regulations satisfies the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR 1320. The ICR was previously subject to public notice and comment prior to OMB approval. As a result, EPA finds that there is ''good cause'' under section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) to amend this table without additional notice and comment. Due to the technical nature of the table, further notice and comment would be unnecessary.

Send comments on the burden estimates and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to EPA at the address provided above, with a copy to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th St., NW., Washington, DC 20503, marked ''Attention: Desk Officer for EPA.'' Please remember to include the ICR number in any correspondence.

List of Subjects in 40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

List of Subjects in 40 CFR Part 170

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

Dated: June 18, 1996.

Carol M. Browner,

Administrator.

Therefore, 40 CFR chapter I is amended as follows:

PART 9–[AMENDED]

1. In part 9:

a. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136-136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601-2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 et seq., 1311, 1313d, 1314, 1321, 1326, 1330, 1344, 1345(d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-1, 300j-2, 300j-3, 300j-4, 300j-9, 1857 *et seq.*, 6901-6992k, 7401-7671q, 7542, 9601-9657, 11023, 11048.

b. Section 9.1 is amended by deleting the entry for 170.112 under the category ''Worker Protection Standards for Agricultural Pesticides'' and adding the following entry to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR citation	OMB control No.
* * * * *	
Worker Protection Standards for Agricultural Pesticides	
part 170	2070-0148

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PART 170—[AMENDED]

2. In part 170:

a. The authority citation for part 170 continues to read as follows:

Authority: 7 U.S.C. 136w.

b. In § 170.120, by revising paragraph (c)(2), redesignating existing paragraphs (c)(3) through (c)(7) as (c)(4) through (c)(8) respectively, and adding a new paragraph (c)(3) to read as follows:

§ 170.120 Notice of applications.

* * * * *

(c) * * *

(2) The standard sign shall be at least 14 inches by 16 inches with letters at least 1 inch in height. Farms and forests shall use the standard size sign unless a smaller sign is necessary because the treated area is too small to accommodate a sign of this size. In nurseries and greenhouses, the agricultural employer may, at any time, use a sign smaller than the standard size sign. Whenever a small sign is used on any establishment, there are specific posting distances depending on the size of the lettering and symbol on the sign. If a sign is used with DANGER and PELIGRO in letters at least 7/8 inch in height and the remaining letters at least 1/2 inch in height and a red circle at least 3 inches in diameter containing an upraised hand and a stern face, the signs shall be no further than 50 feet apart. If a sign is used with DANGER and PELIGRO in letters at least 7/16 inch in height and the remaining letters at least 1/4 inch in height and a red circle at least 1 1/2 inches in diameter containing an upraised hand and a stern face, the signs shall be no further than 25 feet apart. A sign with DANGER and PELIGRO in letters less than 7/16 inch in height or with any words in letters less than 1/4 inch in height or a red circle smaller than 1 1/2 inches in diameter containing an upraised hand and a stern face will not satisfy the requirements of the rule. All signs must meet the requirements of paragraph (c)(1) of this section.

(3) The employer may replace the Spanish portion of the warning sign with a non-English language read by the largest group of workers who do not read English. The replacement sign must be in the same format as the original sign and be visible and legible.

* * * * *

[FR Doc. 96–16201 Filed 6–25–96; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 170

[OPP–250108A; FRL–5358–8]

RIN 2070–AC93

Pesticide Worker Protection Standard; Decontamination Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is amending the 1992 Worker Protection Standard (WPS) by establishing the length of time for which decontamination supplies are required at 7 days following the expiration of pesticide restricted-entry intervals (REIs) of 4 hours or less. Pesticides with REIs of 4 hours or less have passed an EPA risk screening process because of their low acute toxicity, an absence of evidence of worker poisonings after the REI, and a lack of other concerns about toxicity. The decontamination requirements for all other pesticides are not affected by this amendment.

EFFECTIVE DATE: This rule will become effective August 26, 1996.

FOR FURTHER INFORMATION CONTACT: Linda Strauss or Joshua First, Office of Pesticide Programs (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location: Room 1121, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. By telephone: (703) 308-3240 or 305-7437. By electronic mail: strauss.linda@epamail.epa.gov or first.joshua@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Entities potentially regulated by this action are agricultural employers who use pesticides that are regulated by the Worker Protection Standard.

Category	Regulated entities
Industry	Agricultural employers

This table is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be regulated by this action. To determine whether or not you are subject to regulation by this action, you should carefully examine 40 CFR part 180.

This Federal Register document discusses the background and events leading to this final rule amending the WPS; summarizes the public's comments on the provisions of the