

D. Unfunded Mandates Reform Act

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995, EPA has assessed the effects of this regulatory action on State, local, or tribal governments, and the private sector. This action does not result in the expenditure by State, local, and tribal governments in the aggregate or by the private sector of \$100 million or more in any one year.

List of Subjects in Part 170

Environmental protection, Intergovernmental relations, Occupational safety and health, Pesticides and pests.

Dated: September 25, 1995.

Carol M. Browner,
Administrator.

Therefore, 40 CFR part 170 is proposed to be amended as follows:

Part 170—[Amended]

1. The authority citation for part 170 would continue to read as follows:

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

2. 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.

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(c) * * * *

(2) On all use sites, the sign shall be at least 14 inches by 16 inches 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. In nurseries and greenhouses only, a smaller sign may be used when a 14 inches by 16 inches sign may interfere with operations or the clear identification of the treated area. If a smaller sign is used, under any of the conditions above, it must be at least X inches x Y inches and meet the requirements of paragraph (c)(1) of this section.

(3) The grower may replace the Spanish portion of the warning sign with another non-English language which is read by a majority of workers who do not read English. The replacement sign must be in the same format as the original sign and be visible, legible, and weatherproof.

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[FR Doc. 95-24212 Filed 9-28-95; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 170**

[OPP-250108; FRL-4969-5]

Worker Protection Standard; Decontamination Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to amend the Worker Protection Standard (WPS) for agricultural pesticides by modifying the current requirements for decontamination sites for workers. EPA is proposing to shorten the time that decontamination sites are required when certain pesticides are used; all other decontamination provisions are unaffected by this proposal. The objective of the proposed change is to provide flexibility and encourage the use of low-toxicity pesticides, while ensuring that there is no increase in worker risk. EPA is also clarifying existing decontamination requirements so that agricultural employers will better understand their responsibilities under this WPS provision.

DATES: Written comments, data, or evidence must be identified by docket number and should be submitted on or before November 13, 1995.

ADDRESSES: Submit written comments in triplicate to: By mail: Program Resources Section, 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.

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 in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number "OPP-250108." 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. Additional information on electronic submissions can be found in Unit VIII. of this document.

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 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Joshua First or Allie Fields, Office of Pesticide Programs, Field Operations Division, Certification, Training, and Occupational Safety Branch (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. By telephone: (703) 305-7437 and (703) 305-5391, respectively. By e-mail: first.joshua@epamail.epa.gov or fields.allie@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Statutory Authority

This proposal is issued under the authority of section 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136w(a).

II. Background of the Worker Protection Standard

In 1992, EPA revised the Worker Protection Standard (40 CFR part 170) (57 FR 38102, August 21, 1992) which is intended to protect agricultural workers from risks associated with agricultural pesticides. The 1992 WPS expanded the scope of the original WPS to include not only workers performing hand labor operations in fields treated with pesticides, but also workers in or on farms, forests, nurseries, and greenhouses. It also included pesticide handlers who mix, load, apply, or otherwise handle pesticides for use at these locations in the production of agricultural commodities. The WPS contains other requirements for training, notification of pesticide applications, use of personal protective equipment, restricted entry intervals, decontamination, and emergency medical assistance.

This proposed WPS amendment is one of a series of Agency actions in response to concerns raised by persons affected by the final WPS rule since its publication in August 1992. In addition to this proposed amendment, EPA will also be publishing a notice soliciting public comment about possible modifications to the requirements for the WPS warning sign.

III. Current Worker Protection Standard Decontamination Requirement

Section 170.150 of the WPS requires that workers be provided with a decontamination site (water, soap, disposable towels) for washing off pesticide residues whenever a worker performs any task in an area where, within the last 30 days, a pesticide has been applied or a restricted-entry interval has been in effect, and the worker contacts anything that has been treated with the pesticide. Decontamination sites must consist of soap and single-use towels sufficient to meet workers' needs and enough water for routine washing and emergency eye flushing. The sites must be reasonably accessible to workers and not more than 1/4 mile from workers, or at the nearest place of vehicular access.

The water must be of a quality and temperature that will not cause injury when it contacts eyes, skin, or when it is ingested. Water cannot be stored in tanks used for mixing pesticides, unless the tank is equipped with functioning valves or mechanisms that prevent pesticides from entering the tank. EPA recommends that at least 1 gallon of water be available per worker for general washing. When workers are engaged in early-entry tasks in areas treated with pesticides that require protective eye wear, at least 1 pint of water must be immediately available to each worker for emergency eye flushing; this water must be carried by the worker, on the vehicle which the worker is using, or must be otherwise immediately available. At remote work sites, workers may use clean water from streams, springs, lakes, or other sources that are more accessible than the water at the decontamination site located at the nearest point of vehicular access.

Decontamination sites shall not be in areas being treated with pesticides. In general, decontamination sites shall not be in areas under a restricted entry interval (REI), unless workers are engaged in permitted early-entry tasks and are contacting treated surfaces. For workers who have performed early-entry tasks, employers must provide a decontamination site at the place where the workers remove their protective equipment with a sufficient amount of water to wash thoroughly. These requirements are discussed more fully in the next unit.

IV. Discussion of Comments Received and Clarification of Requirements

The Agency has received comments and requests from stakeholders that changes to the WPS decontamination

requirement be made. EPA has held meetings with agricultural industry representatives and farmworker representatives to discuss their concerns about potential changes in the decontamination requirement. EPA has also received written comments on the subject. Concerns expressed by stakeholders in both correspondence and in meetings are reviewed below.

A. Stakeholder Concerns

In a July 8, 1994, petition for rulemaking, the National Association of State Departments of Agriculture (NASDA) requested that EPA narrow WPS decontamination supply requirements to periods which EPA has previously identified as posing potential contact with residues. In particular, NASDA asked for decontamination supplies to be required only during REIs or "immediately following the pesticide application." NASDA stated that the duration of the 30-day requirement is "unnecessary and wasteful" because decontamination supplies must be provided even when there is no apparent risk.

NASDA stated that pesticide dusts and mists settle after a pesticide application, which minimizes the opportunity for workers to contact the pesticide residues. Moreover, NASDA argued that, unless EPA has a specific health-based concern about a particular pesticide, which should be reflected in the pesticide's REIs, decontamination supplies should not be required beyond a pesticide's REI because foliar residues should be largely dissipated by the time the REI expires; NASDA stated that risks are relatively low when foliar residues are mostly dissipated. NASDA also argued that it is impractical to place a decontamination site where potential risks from residues are arguably low, instead of in areas where potential risks are known to be high.

The Farm Bureau, the Cotton Council, and other stakeholders have stated in correspondence and in meetings with EPA that the requirement is unduly burdensome because there is little or no worker risk from what pesticide residues remain after the respective REIs expire. These commenters believe that the sites would be better utilized in more recently treated areas. Industry stakeholders comments have focused on the risks associated with pesticides' acute toxicity.

Some agricultural industry stakeholders stated that putting decontamination sites in areas of arguably low risk, such as areas where the REIs have expired, results in the inefficient use of transport equipment. For example, on some cotton farms

work crews are large, and decontamination supplies and facilities are transported in trailers. Commenters have stated that the trailers are expensive, are difficult to move around, and that purchasing several of them, instead of moving one trailer to the area most in need of a decontamination site, is an added burden and an inefficient use of equipment. Some commenters have stated that other vehicles, such as pickup trucks, are also not efficiently used, because large water tanks are kept in the truck's bed and the truck must remain with the workers.

On the other hand, stakeholders representing farmworker concerns have taken issue with the proposed changes to the decontamination requirement. For example, the Farmworker Justice Fund and the American Farmworker Opportunities Program have requested that EPA not make any changes to the requirement. They have stated that a change to the requirement may be perceived as a weakening of the requirement and might promote less compliance. Stakeholders representing farmworkers have said that implementing any of the possible changes mentioned in this proposal will weaken the requirement. They have said that these changes will result in increased risks to farmworkers, because the number of opportunities for farmworkers to wash themselves during working hours will decrease. These commenters have also stated that the requirement is easy to meet because of its low costs and, therefore, there is no basis for changing it.

B. Clarification of Current Worker Protection Standard Decontamination Requirement

EPA has received comments and requests to provide clarification about the WPS decontamination requirement. The Agency has realized from these questions that the requirement is not completely understood by agricultural employers. In response, EPA is providing the following information.

1. *When a decontamination site must be provided and when it is not required.* A decontamination site is only required whenever workers perform tasks resulting in contact with pesticide-treated surfaces in an area that has been treated with pesticides within the last 30 days, or an REI has been in effect in the area within the last 30 days. The decontamination site is not required to be left in or near a pesticide-treated area when workers are not present, nor is a decontamination site required to be left in or near a pesticide-treated area in the event that it might be needed at some future time.

Decontamination sites are not required when there are no workers present in the treated area. Decontamination sites are not required when workers are engaged in work that does not result in contact with pesticide-treated surfaces. For example, a decontamination site is not required for a worker who walks into a treated field to place a flag without handling the crop or otherwise contacting treated surfaces. Likewise, a decontamination site is not required for workers who enter fields where the treated surface(s) has been completely removed.

The removal of treated surfaces can occur during the harvest of some crops. However, not all harvesting will result in the removal of all treated surfaces. The harvest of some crops is accomplished in stages, such as melons. Melons ripen throughout the growing season and it is likely that many melons remaining in the field will have pesticides residues on them that are less than 30 days old, due to periodic retreatment. With other crops, such as orchard fruits, harvesting cannot completely remove all treated surfaces, which include tree leaves and branches. However, the remains of some field crops are plowed under after harvest. In that case, there would be no treated surfaces remaining.

2. *How to transport and provide a decontamination site.* Employers have expressed concern about ways to transport and provide decontamination sites, particularly the water. Employers have stated that providing large containers of water limits the use of the transport vehicle, which is often left stationary with the supplies in or on it. In response, the Agency would like to emphasize that the method of providing decontamination supplies is at the discretion of the employer. Examples of placement of the supplies can include in a shed, trailer, pickup truck, carboy, or enclosed container.

Decontamination water must be sufficient for workers' needs. If running water is not immediately available, EPA recommends that at least 1 gallon of water be provided for each worker. The water need not necessarily be in a single large container that would be kept in or on a vehicle. It can be provided in smaller containers, such as large and medium coolers, or even 1 gallon jugs. Whenever possible, EPA recommends that employers provide larger water containers. Small ones, such as 1 gallon jugs, are more easily contaminated because they are handled more, and more easily moved and knocked over than larger containers.

3. *Duration of decontamination sites.* The decontamination requirement does

not require that a permanent supply site be built, such as a shed. The requirement will be satisfied so long as the decontamination supplies are reasonably accessible to workers (within ¼ mile or at the nearest point of vehicular access), and the water is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed. Water can be kept at acceptable temperatures any number of ways, the most common being shade, although coolers are also common.

4. *Decontamination sites in areas under an REI.* A decontamination site can be placed in a pesticide-treated area, including an area under an REI. The decontamination site can be in an area under an REI only if intended for workers engaged in early entry tasks in that area.

In the case of workers engaged in early entry work in an area under an REI, it is the employer's discretion on where to provide the decontamination site. The site can be placed at the edge of the area under the REI, where there is less opportunity for it to contact pesticide residues. However, the employer may also wish to place the site in the area under the REI, where it would be closer to the workers. The site must be within ¼ mile of the work area or at the nearest point of vehicular access.

Workers entering areas under an REI in a vehicle, such as a truck or tractor, may bring decontamination supplies with them in the vehicle, so long as the supplies will not contact pesticides or their residues. One way of ensuring that the decontamination supplies do not contact pesticides or their residues is to store them in an enclosed container. An enclosed container can be a closable plastic bag, a hard plastic box with a sealable lid, or other similar container.

When decontamination sites are in a treated area, and there is no REI in effect, enclosed containers or other measures to ensure that the decontamination supplies do not contact pesticide residues are not required, although EPA recommends that they be used.

5. *Federal and State Occupational Safety and Health Administration (OSHA) Requirements.* The OSHA Field Sanitation Standard (29 CFR 1928.110) sets sanitation requirements similar to those promulgated by EPA for worker decontamination. Several states, such as Washington, California, and Oregon, have requirements similar to or stricter than the OSHA requirements. These states appear to be the exception, however. The vast majority of states do not have requirements similar to

OSHA's. To the extent that the provision of state and OSHA-required facilities coincide with WPS decontamination requirements, it is acceptable to use the state or OSHA-required facility. Therefore, employers meeting the OSHA or state requirement will not incur additional cost or burden in complying with the WPS decontamination requirement.

The OSHA standard requires agricultural employers who employ more than 10 workers at a given time to provide to those workers, among other things, hand washing facilities, including potable water, when workers are engaged in hand labor operations in the production of crops in the field. OSHA's Standard differs significantly from the WPS requirement in the following ways: It applies only to larger establishments; it applies to all hand labor (not work resulting in limited contact with pesticide-treated surfaces); and it applies only to more than 3 hours of labor. The WPS decontamination requirements apply to any labor resulting in any contact with treated surfaces.

6. *Length of time that decontamination sites are required after the REI.* Decontamination sites are required for 30 days after a pesticide has been applied or after a REI has expired. All but a few pesticides have at least 4-hour REIs; therefore, it is highly likely that decontamination sites will be required for 30 days in almost all situations where pesticides are used. If the employer wishes to do so, decontamination sites can be provided to employees for longer than 30 days.

Should the proposed change in this proposed rule be implemented, the period for which decontamination sites would be required for certain low-toxicity pesticides will be shortened from 30 days to between 1 and 15 days. The interval will be determined after the 45-day comment period on this proposed rule.

V. Options Considered and EPA's Proposal

EPA considered several possible changes to the decontamination requirement, and is proposing to change the length of time decontamination supplies are required for pesticide-treated areas that have been under a 4-hour REI, e.g., end-use products containing active ingredients that have passed EPA's low toxicity screening criteria. The Agency believes that this proposed change will provide regulatory flexibility and promote the use of low-toxicity pesticides, while ensuring that worker risk is not increased. Although the Agency is not proposing any of the

other changes it considered at this time, EPA desires comments on these possible changes. Should EPA receive comments on these options that the Agency finds to be compelling, it is possible that one or more of the options could be implemented.

A. Options EPA Considered

1. *Eliminating the requirement of a decontamination site after crops are harvested.* EPA considered the option of eliminating the decontamination requirement after certain crops are harvested. EPA is not proposing this option for the following reasons.

First, tasks which occur after harvesting can result in high exposures to pesticide-treated surfaces and, therefore, high exposures to pesticide residues if residues remain. Implementing this option would contradict EPA's regulation that tasks resulting in any contact with pesticide-treated surfaces must be accompanied by a decontamination site. Depending on the persistence of the pesticide residues and the time that has elapsed between application and harvest, the risks could still be high. For example, this option could not be applied to orchard crops, melons, and other crops where significant amounts of live plant material or foliage remain after the crop harvest. Because so many different crops leave similar amounts of foliage after harvest, determining the crops that are ineligible for this option would be too resource-intensive.

Second, in those cases where the treated surfaces have been completely removed during harvest, the rule already allows entry with no contact without requiring decontamination supplies.

Finally, the costs of providing a decontamination site (which consists of water, soap, and disposable towels) are quite low. In certain situations, potential exposure to pesticide residues from activities in treated areas, and potential risks, even after harvest, can be high. Therefore, the Agency believes that the risks avoided by having decontamination sites available to workers appear to justify the very small costs of meeting that requirement.

2. *Ending the decontamination requirement when REIs expire.* EPA considered eliminating the requirement for decontamination sites after the particular REI has expired. This option is appealing because the REI represents the time of greatest exposure potential and the greatest potential acute risk. The WPS establishes interim REIs, based on toxicity, for pesticides which have not been through the reregistration process. Excluding the interim REIs set by the

WPS, EPA sets permanent REIs through the registration, reregistration and special review processes to coincide with the dissipation of pesticide residues, thereby minimizing potential worker exposure to residues.

EPA is not proposing this option for several reasons. First, pesticide residues often remain even after the REI. The residues present after the REI may not always pose an acute risk, but EPA is also concerned about other risks that they may pose, such as reproductive effects and carcinogenicity. If the decontamination requirements were to be eliminated immediately following the expiration of the REI, the workers would be subject to higher risks. The Agency believes that washing with soap and water will mitigate, to a substantial extent, the potential acute, chronic, and subchronic risks posed by pesticide residues which may remain after the REI.

Second, EPA does not yet have complete data sets on residue dissipation for all pesticides which have not been through the reregistration process; thus, interim REIs may not accurately reflect all potential risk to workers. Based on its experience with the reregistration process, the Agency believes that some REIs may be increased in the future.

3. *Relating the length of time a decontamination site is required to toxicity category.* EPA considered relating the length of time a decontamination site is required to broad toxicity categories (such as Toxicity Categories I through IV). EPA is not willing to propose this option because many pesticides can present risk beyond the REI, particularly for the higher toxicity pesticides. Pesticides can also present other than acute risks and EPA believes that provision of decontamination supplies should continue as currently required for most pesticides.

EPA is willing to propose a reduced decontamination period for a specific subset of pesticides, such as certain determined low-toxicity pesticides that have had 4-hour REIs approved for their use. EPA believes that pesticides that qualify for 4-hour REIs have been shown to present far less risk than pesticides with longer REIs. EPA does not believe that it is prudent to completely eliminate the decontamination requirement for these low-toxicity pesticides based upon the assumption that additional risks, such as carcinogenicity and mutagenicity, may still exist.

B. Proposed Change

This proposal is in response to the input EPA has received from its stakeholders. It addresses only the requirement that decontamination sites be provided to workers for 30 days after the expiration of REIs. Other decontamination provisions will not be affected by this proposal.

1. *Reasons for proposal.* In considering the requests to change the decontamination requirement, EPA has reassessed the initial analysis used to establish the 30-day requirement. This reassessment is based on two factors. The first is the Agency's experience with recent data from the reregistration process. Through the reregistration process, it has been demonstrated that many pesticides pose additional risks, such as carcinogenicity and developmental effects. Second, agricultural pesticides that have not been through the reregistration process lack complete or substantially-complete data sets, making it difficult for the Agency to make an accurate estimate of the risks that these pesticides may pose. Although the Agency has established product specific REIs for pesticides that have completed the reregistration or special review processes, the Agency believes that products with permanent REIs, as well as those products with interim REIs should retain the 30 day decontamination period.

However, EPA has sufficient information to support the proposition that, because different pesticides pose different levels of risk, the current decontamination requirement does not adequately fit all pesticides. EPA is willing to decrease the time a decontamination site is required for pesticides which have been demonstrated to pose low or insignificant worker risks. The criterion EPA is using to determine which pesticides pose low or insignificant worker risks is a 4-hour REI. Any end-use pesticide that has had 4-hour REIs approved will have met or exceeded the standard for low or insignificant risk described in the May 3, 1995 Policy Statement (60 FR 21965).

In that policy statement, EPA identified 114 active ingredients which do not appear to pose any significant risks to workers. Based on substantial data sets (many of the 114 active ingredients have complete data sets) and a thorough screening of each pesticide, EPA believes that the 114 active ingredients listed in the Policy Statement present low risk. This is because of the active ingredients' low acute toxicity, an absence of reported worker poisonings associated with their

use, and because no other toxicity or risk concerns have been identified with them. For active ingredients lacking complete data sets, EPA substituted analog data, which the Agency believes is sufficient for the purpose of the screening. The screening process EPA employed could be compared to a shortened version of the reregistration process, in terms of determining potential risk.

EPA is comfortable with the degree of risk posed by the chemicals that qualify for the reduced REIs. EPA's screening process for active ingredients and end-use products was designed to eliminate chemicals that posed too many unknown risks because of data gaps, absence of chronic effects data, or no analog data. EPA believes that because the active ingredients associated with 4-hour REIs do not appear to pose any significant worker risks, decontamination supplies should be required for less than the current 30-day period. Therefore, the Agency proposes to reduce the 30-day decontamination requirement for all pesticides for which EPA approves 4-hour REIs.

2. *Proposal.* EPA is proposing a range of 1 to 15 days for those pesticides with 4-hour REIs. However, EPA will consider other lengths of time if appropriate data are submitted to support any requested periods. After 45 days from the publication of this proposed rule, EPA will evaluate public comments, select an interval, and issue its conclusions in the final rule.

This change is not proposed for situations where two or more pesticides are mixed together, unless the mixed pesticides have 4-hour REIs, or have all met or exceeded the criteria in the policy statement, or are designated by EPA as having the same or lower risk profile as those chemicals on the list of active ingredients in the policy statement.

Because of the low costs associated with providing decontamination sites and the potential risks workers face from exposure to pesticide residues, EPA is not proposing any other change to the decontamination requirement. EPA has not made the risk-benefit finding necessary to eliminate or otherwise alter the length of the decontamination requirement, except for products with 4-hour REIs.

VI. Solicitation of Comments

EPA is interested in receiving comments and information on the proposal and on options presented, and is providing 45 days for the submission of comments.

While stakeholders did not submit any data to support their request to shorten the period when decontamination sites are required, EPA believes that there is merit to the assertion that the 30-day decontamination requirement may be inappropriate for some low-toxicity pesticides. Therefore, EPA is issuing this proposal to notify the public about possible changes in the WPS decontamination requirement and to solicit information and comments. This information will assist EPA in determining whether the conditions resulting from the proposed change would pose unreasonable risks to workers. In addition, EPA is soliciting information about the economic impact of the proposed option in this document. EPA desires comments on all of the options considered by the Agency, as presented in this proposed rule.

EPA is especially interested in receiving information about the potential implications for regulatory compliance and enforcement that the proposed change might create. Many commenters have requested that the WPS be changed to better fit actual field situations. EPA has responded to these requests by making changes to the WPS where they are justified by weighing the risks and the benefits. However, EPA has received many comments that the WPS is too complicated as a result of these changes, and that these changes result in a more complex rule that is more difficult to comply with and to enforce. Any information that will help EPA resolve the relative trade-offs between regulatory flexibility and more complex regulations will be useful.

EPA is also interested in receiving worker exposure data or worker incident data related to decontamination requirements. Information on the possible risks to workers that could result from any of the proposed options is of interest to EPA. Information from sources such as state incident reporting, poison control centers, hospital surveys, and worker exposure studies (studies involving passive dosimetry are particularly desirable) is valuable.

VII. Statutory Requirements

As required by FIFRA section 25(a), this proposed rule was provided to the U.S. Department of Agriculture and to Congress for review. The FIFRA Scientific Advisory Panel waived its review.

VIII. Public Docket

A record has been established for this rulemaking under docket number

“OPP-250108” (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 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 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. The official rulemaking record is the paper record maintained at the address in “ADDRESSES” at the beginning of this document.

IX. Regulatory Assessment Requirements

A. Executive Order 12866

Pursuant to Executive Order 12866 (58 FR 51735, October 4, 1993), it has been determined that this is not a “significant regulatory action.” OMB has waived its review.

This proposal does not increase requirements which would increase costs to any person. Any optional changes implemented would reduce the regulatory burden.

B. Regulatory Flexibility Act

This proposed rule was reviewed under the provisions of section 3(a) of the Regulatory Flexibility Act, and it was determined that the rule would not have an adverse impact on any small entities. Moreover, this proposed rule would provide regulatory relief and would not impose any additional costs (in fact, it could lower costs). I therefore certify that this proposal does not require a separate analysis under the Regulatory Flexibility Act.

C. Paperwork Reduction Act

This proposal contains no information collection requirements, and is therefore not subject to the Paperwork Reduction Act.

List of Subjects in Part 170

Environmental protection,
Intergovernmental relations,
Occupational safety and health,
Pesticides and pests, and Reporting and
recordkeeping requirements.

Dated: September 25, 1995.

Carol M. Browner,
Administrator.

Therefore, it is proposed that 40 CFR
part 170 be amended as follows:

1. The authority citation for part 170
would continue to read as follows:

Part 170—[Amended]

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

In 170.150, by revising paragraph (a)
to read as follows:

§ 170.150 Decontamination.

(a) *Requirement.* (1) If any worker on
an agricultural establishment performs
an activity in an area where a pesticide
has been applied, or a restricted-entry
interval (REI) has been in effect, and the
worker contacts anything that has been
treated with the pesticide, including,
but not limited to, soil, water, plants,
plant surfaces, and plant parts, the

agricultural employer shall provide, in
accordance with this section, a
decontamination site for washing off
pesticide residues for a 30-day period
following the expiration of the REI.

(2) If the pesticide (end-use product)
that has been applied requires a REI of
4 hours or less, then notwithstanding
the requirement for 30 days in
paragraph (a)(1) of this section, the
agricultural employer shall provide a
decontamination site for not less than [1
to 15] days following the expiration of
the REI.

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[FR Doc. 95-24213 Filed 9-28-95; 8:45 am]

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