

lead time, until January 1, 1996, allows for a substantial number of workers to be trained before the 5-day grace period is effective. The majority of workers are expected to be trained the first year under a 15-day grace period. Training after the first year is expected to be limited to new entrants to the workforce and those whose training is not recognized by a new employer.

Therefore the Agency has decided to retain a 15-day grace period until January 1, 1996; thereafter a grace period of 5 days will become effective.

EPA is revising § 170.130(a)(3) by adding a new paragraph (i) to require that basic pesticide safety information be provided to workers before entry. The remaining paragraphs in this section are renumbered accordingly. Also EPA is revising § 170.130(a)(3)(iii) to eliminate the 15-day grace period on December 31, 1995 and replace it with a 5-day grace period.

EPA is adding a new paragraph § 170.130(c) to specify the content of the pesticide safety information. The remaining paragraphs in this section are renumbered accordingly and EPA is revising new § 170.130(e) by including a reference to new paragraph (c).

B. Retraining Interval for Workers and Handlers

EPA proposed the following options for the retraining interval: keep the 5 year retraining interval; establish a 3 year retraining interval; or require annual retraining.

The following types of comments were supportive of a 5-year retraining interval: the level of safety information was fairly basic; the training would be easily retained, especially as workers incorporate the training into their work habits; that WPS signs, posters, and supervisor instructions would reinforce worker safety protections. Some comments noted that a 5-year interval would allow States the flexibility to establish a more frequent retraining interval that might better adapt to existing agricultural practices, workforce characteristics and educational and administrative programs in each State. Some comments supported shorter retraining interval for handlers and a 5-year retraining interval for workers.

Some comments supported a 3-year retraining interval for both handlers and workers. A few comments supported a 3-year retraining period for handlers, noting increased risk of exposure for handlers compared to workers.

Numerous comments supported an annual retraining requirement noting the need for repetitive training to improve retention. Some comments

supported annual retraining for handlers only. A few comments indicated that training programs and materials were now available to reduce the costs of frequent training. However, many comments specifically noted that annual retraining would increase employer costs, especially for small growers, who may have to secure the services of trainers and interpreters.

EPA has decided to maintain the 5 year retraining interval for workers and handlers. The Agency believes that the 5-year interval is adequate to cover basic safety principles without undue burden. The 5-year retraining interval will continue to allow States and growers the flexibility to tailor their individual retraining intervals to best fit their needs and capabilities.

Therefore, no change is made to the retraining provision in § 170.130(a).

V. Reevaluation of Training Rule

The Agency is adopting this amendment in order to ensure that agricultural workers receive needed training while still providing the agricultural sector flexibility to address practical concerns with regard to the timing and cost of training. As discussed more fully above, the Agency believes that any added risks associated with pesticide exposure of workers from activities conducted during the 5-day grace period will be limited by other requirements in the WPS. EPA intends to reevaluate this decision after it has been implemented, because the WPS program is relatively new and there is relatively little experience either with the practical consequences of compliance or the extent of worker risks under the WPS.

The Agency intends to collect information over the next several growing seasons to evaluate the effectiveness of this amendment. In particular, EPA is interested in determining whether, collectively, the requirements imposed by the WPS successfully protect workers against pesticide poisonings. EPA is also interested in better characterizing the extent and timing of training and in understanding whether the 5-day grace period addresses the needs of growers and workers adequately. Finally, EPA would like to obtain information on the extent of compliance with the conditions in the training requirement and any practical problems with enforcement.

To obtain a better understanding of the implementation and impacts of this amendment, EPA will work with USDA and States to gather relevant information. The Agency will hold public meetings in agricultural areas to

provide those directly affected by the WPS—growers, enforcement staff, and agricultural workers—an opportunity to comment on these actions and the WPS rule in general. As appropriate, EPA may conduct surveys and review incident data to assess how the rules are affecting agriculture. The Agency invites any interested person who has concerns about the implementation of this action to send comments to the Agency at the address listed at the beginning of this rule under the ADDRESSES section.

VI. Public Docket

A record has been established for the rulemaking and this administrative decision under docket number "OPP-250097A" (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 rulemaking and this administrative decision, 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.

VII. Statutory Review

As required by FIFRA Section 25(a), this rule was provided to the USDA, and to Congress for review. EPA consulted informally with USDA during the development of the final rule and, through this exchange, addressed all of the Department's comments. The final rule was provided formally to USDA, as required by FIFRA. USDA had no