

(vi) Washing immediately in the nearest clean water if pesticides are spilled or sprayed on the body. As soon as possible, shower, shampoo, and change into clean clothes.

(3) Further training will be provided within 5 days.

\* \* \* \* \*

(e) *Verification of training.* (1) Except as provided in paragraph (e)(2) of this section, if the agricultural employer assures that a worker possesses an EPA-approved Worker Protection Standard worker training certificate, then the requirements of paragraph (a) and (c) of this section will have been met.

\* \* \* \* \*

[FR Doc. 95-10871 Filed 5-2-95; 8:45 am]

BILLING CODE 6560-50-F

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 170**

[OPP-250100A; FRL-4928-7]

RIN 2070-AC82

**Pesticide Worker Protection Standard; Requirements for Crop Advisors**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is amending the 1992 Worker Protection Standard (WPS), by exempting qualified crop advisors from some requirements. EPA is also exempting persons from certain of the WPS requirements while performing crop advising tasks under the direct supervision of a certified or licensed crop advisor. This rule also establishes a grace period for all persons doing crop advising tasks to allow time to acquire certification or licensing.

**EFFECTIVE DATE:** This rule will become effective July 17, 1995.

**FOR FURTHER INFORMATION CONTACT:** Donald E. Eckerman, 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, Crystal Mall #2, 1921 Jefferson Davis Highway., Arlington, VA 22202. Telephone: 703-305-5062, eckerman.donald@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** 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 proposed amendments (60 FR 2827, Jan. 11,

1995); provides EPA's response to comments and final determination with respect to amendment of the crop advisor provisions 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).

**II. Background**

In 1992, EPA revised the WPS (40 CFR part 170) (57 FR 38102, August 21, 1992), which 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. The 1992 WPS superseded a rule promulgated in 1974 and expanded the WPS scope to not only include workers performing hand labor operations in fields treated with pesticides, but also to include workers in or on farms, forests, nurseries, and greenhouses, as well as 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, restricted entry intervals following pesticide application, decontamination supplies and emergency medical assistance.

Under the 1992 WPS, crop advisors are defined by the tasks performed. Specifically, a person is a "crop advisor" when assessing pest numbers or damage, pesticide distribution, or the status or requirements of agricultural plants. The term does not include any person who is performing hand labor tasks. Crop consultants, pest control advisors, foresters, scouts and crop advisors while performing crop advising tasks on farms, nurseries, greenhouses and forests are included under the definition of crop advisor in the WPS.

During the 1992 rulemaking, the U.S. Department of Agriculture (USDA) expressed concerns about limiting the access of crop consultants and integrated pest management scouts to treated areas during and immediately following pesticide applications. In response to this concern, EPA included crop advisors in the definition of handlers. Thus, persons performing crop advisor tasks during pesticide application, and any restricted entry interval (REI), could enter treated areas as handlers. Employees of agricultural

establishments performing crop-advising tasks in a treated area within 30 days of the expiration of an REI are considered to be workers under 40 CFR part 170. Finally, employees of commercial pesticide handling establishments performing crop advisor tasks in a treated area after the expiration of an REI are not included in the scope of 40 CFR part 170.

Since the issuance of the 1992 WPS, farmworker groups have expressed an interest in enhancing specific protection measures, while grower groups, the National Association of State Departments of Agriculture and others have expressed an interest in addressing practical, operational concerns. The Agency received various requests and comments in the form of letters, petitions, and conversations at individual and public meetings to address concerns with the WPS, some specifically suggesting an exemption for crop advisors.

In response, EPA proposed five actions to revise elements of the WPS. These actions were published on January 11, 1995 (60 FR 2820), and proposed to: (1) Exempt those who perform crop advising tasks from certain requirements; (2) shorten the time periods before which employers must train workers and retrain workers and handlers in pesticide safety; (3) allow early entry to pesticide-treated areas to perform certain time-sensitive irrigation activities; (4) allow early entry to pesticide-treated areas to perform certain time-sensitive activities resulting in "limited contact" with pesticide-treated surfaces; and (5) allow workers to enter areas treated with certain lower risk pesticides after 4 hours rather than 12 hours.

This action addresses the proposed rulemaking (NPRM) to exempt those who perform crop advising tasks from certain requirements. The rule amendment established by this action will exempt certified or licensed crop advisors and persons under their direct supervision while performing crop advising tasks from certain handler requirements during the REI and certain worker requirements during the 30-day period after the expiration of the REI. However, crop advisors and persons under their direct supervision will not be able, under this exception, to enter the treated area until after pesticide application ends. If a person is a certified or licensed crop advisor, they will be exempt from the pesticide safety training required for workers and handlers.

Final determinations on the other four actions mentioned above are being