

notification"), or a restriction prohibiting any person, other than an appropriately trained and equipped handler, from entering during the restricted entry interval.

(6) The time in treated areas under a restricted entry interval for any worker does not exceed a maximum of 8 hours in any 24-hour period.

(7) For all limited contact tasks, the requirements of § 170.112(c)(3) through (c)(9) are met. These are WPS requirements for all early entry situations that involve contact with treated surfaces, and include:

(a) A prohibition against entry during the first 4 hours, and until applicable ventilation criteria have been met, and until any label-specified inhalation exposure level has been reached.

(b) Informing workers of safety information on the product labeling.

(c) Provision, proper management, and care of personal protective equipment.

(d) Heat-related illness prevention.

(e) Requirements for decontamination facilities.

(f) Prohibition on taking personal protective equipment home.

(8) The agricultural employer shall notify workers before entering a treated area, either orally or in writing, in a language the worker understands, that:

(a) The establishment is relying on this exception to allow workers to enter treated areas to complete limited contact tasks.

(b) No entry is allowed for the first 4 hours following an application, and until applicable ventilation criteria have been met, and until any label-specified inhalation exposure level has been reached.

(c) The time in a treated area under a restricted-entry interval for any worker cannot exceed 8 hours in any 24 hour period.

EPA reserves the right to withdraw exceptions, in accordance with § 170.112(e)(6), if the Agency receives information or any other data that indicates the health risks posed by activities permitted under the exception are unreasonable, that the provisions of this exception are being abused, or that indicates the exception no longer has benefits that outweigh the risks.

#### VI. Reevaluation of the Limited Contact Exception

The Agency is adopting this exception in order to provide the flexibility to the agriculture sector to avoid significant economic losses while providing protections for agricultural workers under the WPS. As discussed more fully above, the Agency believes that any added risks associated with pesticide

exposure of workers from activities permitted by this action will be limited by the specific conditions imposed in the exception. The Agency intends over the next several growing seasons to collect information to evaluate the effectiveness of this exception. In particular, EPA is interested in determining whether the conditions imposed by this action successfully protect workers against pesticide poisonings. EPA is also interested in better characterizing the circumstances in which this limited contact exception is being used and in understanding whether the exception addresses the needs of growers adequately. Finally, EPA would like to obtain information on the extent of compliance with the conditions in the exception and any practical problems with enforcement.

To obtain a better understanding of the implementation and impacts of this limited contact exception, 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 document under the ADDRESSES section.

#### VII. List of Exceptions in 40 CFR 170.112

EPA will be amending § 170.112 of the WPS by adding to § 170.112 new paragraph (e)(7)(iii) referencing this administrative exception for "limited contact" tasks and its effective date. EPA will ensure that the regulated community is aware of the terms and conditions of the exception, and is able to locate this and future administrative exceptions. This amendment to paragraph (e) of § 170.112 will be a technical amendment. It does not make any substantive changes in the WPS or in § 170.112.

#### VIII. Public Docket

A record has been established for the rulemaking and this administrative decision under docket number "OPP-250101A" (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 WPS 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.

#### IX. Consultations and Reviews

##### A. Statutory Reviews

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

##### B. OMB Review

This action was submitted to the Office of Management and Budget (OMB) for their informal review. Any comments or changes made during OMB's review have been documented in the public record.

##### C. Unfunded Mandates Reform Act

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995, which the President signed into law on March 22, 1995, EPA has assessed the effects of this administrative decision on State, local, and tribal governments, and the private sector. 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. In fact, this action actually involves a reduction in burden and overall cost.