

In addition to the consultations prior to proposal, EPA has had several informal consultations regarding the proposed rule with some States through the EPA regional offices and at regularly scheduled State meetings. No significant issues or information was identified as a result of EPA's discussion with the States.

List of Subjects in 40 CFR Part 170

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

Dated: April 24, 1995.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 95-10875 Filed 5-2-95; 8:45 am]

BILLING CODE 6560-50-F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 170

[OPP-250098A; FRL-4950-5]

Administrative Exception to Worker Protection Standard Early Entry Prohibition for Irrigation Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Administrative exception decision.

SUMMARY: EPA is granting an administrative exception to the 1992 Worker Protection Standard (WPS) allowing early entry into pesticide treated areas to perform certain irrigation activities. The exception is in response to formal requests the Agency received from the States of California and Hawaii, a petition from many organizations in the agricultural community, and informal requests from other States. The exception allows workers to perform necessary irrigation activities, which if delayed could cause significant economic loss, and that result in minimal contact with pesticide-treated surfaces, for a maximum of 8 hours in a 24-hour period during a restricted-entry interval (REI). EPA is granting this exception because it believes the benefits outweigh the risks and the potential risk from this exception is not unreasonable.

EFFECTIVE DATE: May 3, 1995.

ADDRESSES: The Agency invites any interested person who has concerns about the implementation of this action to submit written comments identified by docket number "OPP-250098A" to:

By mail: 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 22202.

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-250098A." 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 VII 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 4:30 p.m., Monday through Friday, excluding legal holidays.

The exception requests and all comments submitted on the proposed exception are available for public inspection in the Office of Pesticide Programs' public docket, Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. Office hours are 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Sara Ager, Office of Pesticide Programs (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: 1921 Jefferson Davis Highway, Rm. 1121, Crystal Mall #2, Arlington, VA, (703) 305-7666, ager.sara@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: This is one of a series of Agency actions to revise elements of the WPS. These actions were published on January 11,

1995 (60 FR 2820), and proposed to: (1) Shorten the time periods before which employers must train workers and retrain workers and handlers in pesticide safety; (2) exempt those who perform crop advising tasks from certain requirements; (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 allowing early entry to pesticide-treated areas to perform certain time-sensitive irrigation activities. Final determinations on the other four actions mentioned above are being published elsewhere in this issue of the **Federal Register**.

I. Background

On August 21, 1992, EPA issued a final rule (57 FR 38102) revising the Worker Protection Standard (WPS) for agricultural pesticides (40 CFR part 170). The WPS prohibits routine entry by workers into pesticide-treated areas during REIs. An REI is the time after the end of a pesticide application during which entry into the treated area is restricted. Section 170.112(e) of the WPS provides a process for considering exceptions to this prohibition against early entry to treated areas.

In 1994, both California and Hawaii specifically requested that EPA grant an exception to allow early entry to pesticide-treated areas, prior to the expiration of the REI, to perform necessary irrigation tasks involving limited contact with treated surfaces. Specifically, the Agency was asked to consider allowing unlimited early entry during the REI if workers would not have substantial contact with pesticide-treated surfaces. The Agency was also asked to consider establishing a single requirement for personal protective equipment (PPE) that could be worn by irrigation workers.

The irrigation exception requests from California and Hawaii, and a petition from a coalition of agricultural and commodity groups, persuaded EPA that there is a potential for significant economic impact if growers could not tend to irrigation tasks in a timely manner due to REIs. In response to these requests, EPA proposed a national exception for irrigation activities to be performed within the REI, provided certain conditions were met.

EPA received comments supporting and opposing the proposed exception.