

time in the treated area should be determined by the toxicity of the chemical, allowing up to 6 hours per 24-hour period.

EPA has designed this exception by balancing the benefits of giving employers the flexibility to perform irrigation tasks against the added risks resulting from increased exposure during early entry. In this case, one way to limit risk is to limit exposure to 8 hours, rather than to allow unlimited entry as commenters requested. Entry for up to 8 hours affords employers considerably more flexibility in using workers than a shorter period. EPA is retaining the 8 hours maximum time allowed within a 24-hour period. The Agency concludes that this is a sufficient amount of time to address most irrigation needs and, after considering this provision in combination with the other protections required under this exception, that the benefits of an 8-hour period outweigh the risk of exposure in that period.

F. Exclusion of Double-Notification Pesticides

Entry into areas treated with pesticides requiring double notification is not allowed under the terms of this exception. The "double-notification" provision relates to pesticides that are highly toxic, dermally irritating, or have other health effects that set them apart from other pesticides and requires growers to both post the treated area and orally notify workers of the application.

Several commenters opposing the exclusion of double-notification pesticides, asserted that the same tasks are necessary and believed the risks would be low since workers would have only "minimal contact with treated surfaces" and that PPE would provide adequate protection. Other alternatives proposed included: allowing entry to fields based on the height of the crop or on the nature of the task rather than the toxicity of the pesticide; and reducing the maximum time allowed in fields treated with double-notification pesticides.

Several commenters supported excluding double-notification pesticides and one commenter stated that the double-notification pesticides should also be excluded from the other exceptions. One commenter stated that category B or C carcinogens, identified as developmental or reproductive toxins or known to be sensitizers, and pesticides with the signal word DANGER should also be excluded from the exception. Another commenter expressed concern over the methodology of compiling the double-notification list and expressed concern

regarding other risky pesticide exposures, especially from the standpoint of eye exposure and chronic toxicity.

The Agency is convinced that allowing workers to enter a field treated with a double-notification pesticide before the expiration of the REI would pose an unreasonable risk. Incidental exposure to double-notification pesticides, such as brushing against a treated surface, more than with other pesticides, has the potential to cause an acute illness or a delayed effect. There are reports of acute poisonings which have occurred after short-term exposure to many of these highly-toxic pesticides. Thus, shortening the period allowed for early entry may still not provide adequate protection. EPA has data demonstrating that the majority of pesticides requiring double-notification are responsible for many reported incidents of worker poisonings. The Agency is prohibiting early entry during the REI to fields treated with pesticide products which require both the posting of treated areas and oral notification to workers (i.e. double-notification).

G. Notification Requirements to Workers

The exception proposed 10 posting requirements. Many of these requirements duplicated requirements of the WPS and one (the posting of the 2-year expiration date) is no longer relevant.

The Agency is requiring growers that use this exception to inform workers, either in writing or orally in language the worker understands, that: (1) The establishment is relying on the irrigation exception to allow workers to enter treated areas to complete irrigation tasks; (2) 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; and (3) the time in the treated area under a REI for any worker may not exceed 8 hours in any 24-hour period.

H. Poisoning Information

Several commenters supplied the Agency with poisoning incident data. Many poisoning incidents, while involving irrigators, appear to be accidents and would not be affected by this exception. Also, many of these pre-WPS incidents would constitute non-compliance with the federal WPS requirements if they had been in effect. These incidents have reinforced the Agency's conclusion about the potential for risk reduction by wearing PPE when entering treated fields before the REI expires.

Implementation of the WPS will reduce the number of pesticide-related incidents by requiring irrigators to wear PPE if entering before the REI expires and by not allowing any entry until the 4 hours after application and until inhalation/ventilation criteria have been met.

IV. Terms of the Exception

The terms of the exception are essentially the same as those proposed in the **Federal Register** of January 11, 1995 (60 FR 2830), with two minor differences; the final exception is not limited to 2 years and the 10 posting requirements have been changed to 3 notification requirements. It should be noted that because this exception allows tasks to be performed during the REI, all persons engaged in irrigation tasks under this exception must be trained.

The exception described in this document may be used unless early entry is expressly prohibited in product labeling. For example, some labels prohibit entry--including entry that would otherwise be permitted under the WPS and this exception--by any person other than trained and equipped handlers performing handling tasks for specified periods after the application.

Under the terms of this exception, a trained worker may enter a treated area during a REI to perform tasks related to operating, moving, or repairing irrigation or watering equipment, if the agricultural employer ensures that all of the following requirements are met:

1. The need for the task could not have been foreseen and cannot be delayed until after the expiration of the REI. A task that cannot be delayed is one that, if not performed before the REI expires, would cause significant economic loss, and there are no alternative practices which would prevent significant loss.

2. No hand labor activity is performed. (The WPS defines "hand labor" as any agricultural activity performed by hand or with hand tools that causes a worker to have substantial contact with surfaces (such as plants, plant parts, or soil) that may contain pesticide residues.)

3. The worker's only contact with treated surfaces (including but not limited to soil, water, surfaces of plants, crops, and irrigation equipment) is minimal and is limited to feet, lower legs, hands, and forearms.

4. The PPE for early entry must be provided to the worker by the agricultural employer for all tasks. Such PPE shall either: (a) conform with the label requirements for early-entry PPE; or (b) consist of coveralls, chemical resistant gloves, socks, and chemical