

private sector. In fact, this action actually involves a reduction in burden and overall cost.

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 were identified as a result of EPA's discussion with the States.

#### List of Subjects

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

Dated: April 24, 1995.

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*Assistant Administrator for Prevention, Pesticides and Toxic Substances.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 156

[OPP-00399A; FRL-4950-8]

#### Worker Protection Standard; Reduced Restricted Entry Intervals for Certain Pesticides

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

**ACTION:** Policy Statement.

**SUMMARY:** EPA is issuing a final policy statement on "Reduced Restricted Entry Intervals for Certain Pesticides." EPA will allow registrants to reduce the interim Worker Protection Standard (WPS) restricted entry intervals (REIs) from 12 to 4 hours for certain low risk pesticides. EPA developed a two Tiered screening process to determine the eligibility of all Toxicity Category III and IV pesticides. The first Tier screened all Toxicity III and IV active ingredients against the low toxicity criteria. This policy statement contains a candidate list of those active ingredients that meet the low toxicity criteria, and may be eligible for reduced REIs. End use products containing active ingredients that appear on the list are to be evaluated by the criteria set in the second Tier of the screening process, described in this policy, to determine if the current REI may be reduced to 4 hours.

**EFFECTIVE DATE:** This policy will become effective May 3, 1995.

**FOR FURTHER INFORMATION CONTACT:** Judy Smith or Ameesha Mehta, Office of

Pesticide Programs (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

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**SUPPLEMENTARY INFORMATION:** The Agency is issuing a final policy statement that allows registrants to reduce the current interim Worker Protection Standard (WPS) restricted entry intervals (REIs) from 12 to 4 hours for certain low risk pesticides. This policy is one of a series of Agency actions since the publication of the final WPS in August 1992. In addition, EPA is also publishing final actions regarding: (1) Worker training requirements; (2) allowing early entry for irrigation activities; (3) allowing provisions for limited contact activities; and, (4) reduced requirements for crop advisors. Final determinations on the other four actions mentioned above are being published elsewhere in this issue of the **Federal Register**.

#### I. Summary of the Policy

EPA will permit registrants to reduce the current interim WPS REIs from 12 to 4 hours for pesticides which contain specific active ingredients and which meet certain additional criteria. Using the criteria described in Unit III of this policy statement, the Agency screened a total of 495 active ingredients and determined that over 100 active ingredients met the low toxicity criteria. As a result, end use products containing these active ingredients may be eligible for a reduced REI. Unit IV of this policy statement lists the candidate active ingredients that the Agency has determined meet the low toxicity criteria.

Registrants of end use products which are subject to WPS, and which contain only these active ingredients may apply the criteria in Unit VI of this policy statement to determine whether their end use product qualifies for the reduced REI. To revise labeling to reflect the reduced REI, the Agency will allow registrants to use a streamlined notification process which is described in this policy statement until December 31, 1995. After that date, registrants must use the existing registration label amendment process to submit an application for a reduced REI. Such applications would be evaluated and approved on the basis of the criteria provided in this policy statement.

If the Agency becomes aware of information and determines at any time that the reduced REI is not appropriate,

EPA will inform and, after opportunity for discussion, may direct the registrant to revise the REI on the label.

If any person believes that an active ingredient, not listed as a candidate for reduced REI in Unit IV of this policy statement, meets the low toxicity criteria of this policy statement, and that the end use products containing that active ingredient should be eligible for a reduced REI, the registrant should contact EPA at the address provided in the FOR FURTHER INFORMATION CONTACT unit.

#### II. Background

The 1992 WPS established an interim minimum REI of 12 hours for all end use pesticide products for agricultural uses. Longer interim REIs were established for more toxic products. Many commenters, during the promulgation of the rule, stated that it was difficult to determine when the sprays have dried or dusts have settled; thus, judgment was required to assess when such REI had expired. Other commenters requested the Agency establish minimum REIs to protect workers against possible unknown chronic or delayed health effects as a product-specific health effect evaluation would take the Agency a long time to conduct. Therefore, the 12-hour minimum REI was established for two reasons: (1) To replace previous REI which was the statement "when sprays have dried and dusts have settled"; and (2) to incorporate a margin of safety for unknown chronic or delayed health effects.

Since 1992, numerous registrants and pesticide users have asked EPA to consider reducing the minimum 12-hour REI for lower toxicity products that they believe do not need a 12-hour REI to protect workers. In response to these concerns, on January 11, 1995, the Agency published a proposal (60 FR 2848) for public comment. The January proposal contained 75 candidate active ingredients that were eligible for 4-hour REIs. Many comments stated that all Toxicity Category III's and IV's should be included on the list. EPA screened a total of 495 WPS in-scope active ingredients, and has added 39 more active ingredients to the candidate list.

#### III. Policy and Rationale for Low Toxicity Criteria

The 1992 WPS revised a 1974 regulation that expressed REIs in terms of the statement "when sprays have dried and dusts have settled." This phrasing was sufficiently vague to cause both enforcement problems and concerns about necessary margins of safety for chronic or delayed health