

**ENVIRONMENTAL PROTECTION  
AGENCY**

**40 CFR Part 170**

[OPP-250097; FRL-4901-4]

RIN No. 2070-AC69

**Pesticide Safety Training for Workers  
and Handlers; Grace Period and  
Retraining Interval**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to revise the Worker Protection Standard (WPS) for agricultural pesticides by providing three options for a training grace period (number of days of employment before workers must be trained) and a phase-in period associated with the grace period. EPA is also proposing options for the retraining interval (number of years before workers or handlers must be retrained). The objective of the proposed changes to the Standard is to help meet the goal of providing a trained workforce capable of better protecting itself against pesticide illness and injury without imposing unreasonable costs on agricultural employers.

**DATES:** Written comments, identified by the document control number OPP-250097, must be received on or before February 10, 1995. EPA does not intend to extend this comment period.

**ADDRESSES:** By mail, submit written comments to: Public Response Section, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA. Information submitted as comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (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 p.m., Monday through Friday, excluding legal holidays.

Comments and data may also be submitted electronically by any of three different mechanisms: by sending

electronic mail (e-mail) to: Docket-OPPTS@epamail.epa.gov; by sending a "Subscribe" message to listserv@unixmail.rtpnc.epa.gov and once subscribed, send your comments to RIN-2070-AC69; or through the EPA Electronic Bulletin Board by dialing 202-488-3671, enter selection "DMAIL," user name "BB—USER" or 919-541-4642, enter selection "MAIL," user name "BB—USER." 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-250097 since all five documents in this separate part provide the same electronic address. No CBI should be submitted through e-mail. Electronic comments on this proposed rule, but not the record, may be viewed or new comments filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in unit VII. of this document.

**FOR FURTHER INFORMATION CONTACT:** Jeanne Heying, Certification and Training, and Occupational Safety Branch (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1109D, CM #2, 1921 Jefferson Davis Highway, Arlington VA, Telephone: 703-305-7371.

**SUPPLEMENTARY INFORMATION:**

**I. Statutory Authority**

This proposal 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**

This proposed WPS rule amendment is one of a series of Agency actions in response to concerns raised since publication of the final rule in August 1992 by those interested in and affected by the rule. In addition to this proposed amendment, EPA is publishing four other notices soliciting public comment on concerns raised by various affected parties. Other actions EPA is considering include: (1) Modifications to the requirements for those performing crop advisor tasks, (2) An exception to early entry restrictions for irrigation activities; (3) Reduced restricted entry intervals (REIs) for low risk pesticides; and (4) Reduced early entry restrictions for activities involving limited contact with treated surfaces.

FIFRA authorizes the EPA to regulate the sale, distribution, and use of pesticides in the United States. The Act requires generally that EPA license by registration each pesticide product sold or distributed in the United States, if use of the pesticide products will not cause "unreasonable adverse effects on the environment," a determination that takes into account the economic, social, and environmental costs and benefits of the use of any pesticide.

In 1992 EPA revised the Worker Protection Standard (40 CFR part 170) (57 FR 38102, August 21, 1992) which is intended to protect agricultural workers and handlers from risks associated with agricultural pesticides. The 1992 WPS superseded the original WPS promulgated in 1974. The 1992 WPS expanded the scope of the original WPS to include not only workers performing hand labor operations in fields treated with pesticides, but also workers in or on farms, forests, nurseries, and greenhouses, as well as handlers who mix, load, apply, or otherwise handle pesticides for use at these locations in the production of agricultural commodities. The WPS contains requirements for training, notification of pesticide applications, use of personal protective equipment, restricted entry intervals, decontamination, and emergency medical assistance.

In § 170.130(c)(4), the WPS sets out required training elements for workers, including information on pesticide hazards and exposures, signs and symptoms of pesticide poisoning, how to obtain emergency medical care, decontamination measures in case of exposure and other pesticide hazards that may arise in the course of their work.

Section 170.230(c)(4) of the WPS establishes the required training elements for handlers. These include generally the same information as for workers. However, handlers are provided additional information related to their handling activities: the meaning and format of pesticide labels; information on personal protective equipment; signs, symptoms and treatment for heat-related illness; handling pesticides and pesticide containers; environmental contamination and hazards to non-target species; and other information on their responsibilities as handlers. Training for handlers is more detailed than for workers, and is targeted specifically toward handling needs and responsibilities.

Training for workers or handlers may be conducted by certified applicators or other trainers who meet State, Federal,