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Because the electronic comment process is still experimental, EPA cannot guarantee that all electronic comments will be accurately converted to printed, paper form. If EPA becomes aware, in transferring an electronic comment to printed, paper form, of a problem or error that results in an obviously garbled comment, EPA will attempt to contact the comment submitter and advise the submitter to resubmit the comment either in electronic or written form. Some commenters may choose to submit identical comments in both electronic and written form to ensure accuracy. In that case, EPA requests that commenters clearly note in both the electronic and written submissions that the comments are duplicated in the other medium. This will assist EPA in processing and filing the comments in the rulemaking record.

As with ordinary written comments, at the time of receipt, EPA will not attempt to verify the identities of electronic commenters nor to review the accuracy of electronic comments. Electronic and written comments will be placed in the rulemaking record without any editing or change by EPA except to the extent changes occur in the process of converting electronic comments to printed, paper form.

If it chooses to respond officially to electronic comments on this proposed rule, EPA will do so either in a notice in the **Federal Register** or in a response to comments document placed in the rulemaking record for this proposed rule. EPA will not respond to commenters electronically other than to seek clarification of electronic comments that may be garbled in transmission or conversion to printed, paper form as discussed above. Any communications from EPA employees to electronic commenters, other than those described in this paragraph, either through Internet or otherwise are not official responses from EPA.

VIII. Statutory Requirements

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

USDA provided extensive written comment. The general tenor of USDA comments suggest suspending the proposed changes to the training

requirement until EPA observes the efficacy of current training provisions and the feasibility of a 0-day grace period. However, the Agency maintains that the options being proposed increase the chance of protection through earlier provision of safety training. The Agency intends to observe and evaluate the effectiveness of training in the field, with whatever option is selected.

USDA's specific comments focused on the following areas: (1) Elimination of the grace period; (2) retraining interval; (3) training requirements by category; (4) the regulatory impact analysis; (5) training verification.

(1) USDA expressed concern that elimination of the 5-day grace period would create costs for the employer, by preventing scheduled training for large groups, while providing little or no increase in the protection for workers. EPA believes that the elimination of the grace period will provide increased protection to workers by providing safety information before workers enter a treated area. The incremental cost incurred by the employer does not appear to outweigh the benefits that come with the potential prevention of exposure.

EPA and USDA have differing opinions regarding the employer recordkeeping burden necessitated by a grace period. However, it is agreed that, for state regulators to verify compliance with the regulations, some employer burden of recordkeeping would be necessary during a grace period.

USDA questions the need to train workers before they enter a treated field, due to other WPS protection provided workers, while EPA believes that these provisions are part of an integrated package of measures that are effective only after being explained through training. USDA suggests that, as a means to enhance understanding of pesticide safety, employers distribute the WPS worker training handbook to newly hired employees and follow with training in a few days, however this assumes that all employees would be able to read and understand the materials.

(2) USDA questions the need for a shorter retraining interval, however, professional training organizations and farmworker groups assert that more frequent retraining is needed in order to assure retention of the substance of training sessions. More frequent retraining is especially needed for workers who may have poor reading skills and cannot rely on written materials to recall all safety information.

(3) USDA expresses concern that clear distinctions be made among handlers, early-entry workers, production laborers

and harvesters, and that they may also warrant different training requirements. EPA believes that the current regulation's distinctions between workers, handlers, and early-entry workers address USDA's concerns since these categories have different training requirements. This proposal does not address the substance of training or the training requirements.

(4) USDA questions the strength of the conclusions of studies used in the regulatory impact analysis to support the assumption that risk is reduced through modifications of behavior after training. They also note that EPA uses the same number estimate for workers trained with a 0-day grace period and a 15-day grace period. In the absence of data, EPA did use the same estimate of workers, and, as a consequence, conservatively overestimated the cost of a 0-day grace period. USDA questions the accuracy of other data that EPA used in the analysis of the costs of a 0-day grace period, however, EPA used USDA data and agricultural census data for this analysis.

USDA asserts that the effect of a 0-day grace period could influence the employer to lower pay, possibly eliminate jobs. EPA believes that the cost of training would be small relative to the total cost of labor. USDA noted that EPA's estimate of the number of workers is incorrect. EPA used the same estimate of the number of workers as was used, and agreed upon by USDA, for the 1992 WPS. USDA pointed out that EPA's estimate of the number of handlers and workers is incorrect due to the use of 1987 data instead of 1990 data. EPA believed that the 1987 data were better in that they were agricultural census data as opposed to general census data.

USDA questions the use of 30 minutes per worker training session in EPA's cost estimates. EPA's worker training program was field tested in both English and Spanish, and, with questions, took approximately 30 minutes.

(5) USDA claims that the additional proof-of-identity requirement would be extremely difficult for employers to meet and would be a disincentive for employers to issue cards. This is a misreading of the WPS provision that ... "If the agricultural employer is aware or has reason to know that an EPA training verification card has not been issued in accordance with the provisions of WPS, or has not been issued to the employee bearing the card, or the date for retraining has past, an employee's possession of that training verification card does not relieve the employer of the training obligations under WPS."