

3. In §170.230, by revising the section heading and paragraphs (a) and (d)(2) to read as follows:

§170.230 Pesticide safety training for handlers.

(a) *Requirement.* Before any handler performs any handling task, the handler employer shall assure that the handler has been trained in accordance with this section during the last (Agency will insert 1, 3, or 5 years in the final rule based on public comment) counting from the end of the month in which the training was completed.

* * * * *

(d) * * *

(2) If the handler employer is aware or has reason to know that an EPA-approved Worker Protection Standard handler training certificate has not been issued in accordance with this section, or has not been issued to the handler bearing the certificate, or the handler training was completed more than (Agency will insert 1, 3, or 5 years in the final rule based on public comment) before the beginning of the current month, a handler's possession of that certificate does not meet the requirements of paragraph (a) of this section.

[FR Doc. 95-583 Filed 1-6-95; 12:17 pm]

BILLING CODE 6560-50-P

40 CFR Part 170

[OPP-250100; FRL-4928-7]

RIN 2070-AC82

Pesticide Worker Protection Standard; Requirements for Crop Advisors

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA is proposing to amend the worker protection requirements for agricultural establishments, by exempting certified or licensed crop advisors from the requirements. EPA is also proposing to exempt crop advising employees of certified or licensed crop advisors from the WPS requirements except pesticide safety training. A temporary exemption for all persons doing crop advising tasks to allow time for acquiring licensing or certification is also proposed.

DATES: Written comments must be received on or before February 10, 1995.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW.,

Washington, DC 20460. In person, bring comments to: Room 1132, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, VA 22202. Information submitted in any 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, including non-CBI copies, 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 listserver@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-250100 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 VI. of this document.

FOR FURTHER INFORMATION CONTACT:

Donald E. Eckerman Office of Pesticide Programs (7506C) Environmental Protection Agency 401 M Street, SW Washington, DC 20460 Office location and telephone number: Room 1101, Crystal Mall 2 1921 Jefferson Davis Highway Arlington, VA 22202 Telephone: 703-305-7371.

SUPPLEMENTARY INFORMATION: EPA is proposing this rule in response to

comments received from crop advisor groups requesting exemptions from the Worker Protection Standard (WPS). Specifically, EPA is proposing to amend 40 CFR Part 170, governing worker protection requirements on agricultural establishments, to exempt certified or licensed crop advisors from the requirements of the rule. EPA is also proposing to exempt crop advising employees of certified or licensed crop advisors from the WPS requirements except pesticide safety training. A temporary exemption for all persons doing crop advising tasks to allow time for acquiring licensing or certification is also proposed.

I. Statutory Authority

This proposed rule 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) modification to the worker training requirements; (2) exceptions 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. The Agency is interested in receiving comments on all options and questions presented.

FIFRA authorizes EPA to regulate the sale, distribution, and use of pesticides in the United States. The Act generally requires that EPA license by registration each pesticide product sold or distributed in the United States, if use of that the pesticide product 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 the product.

In 1992 EPA revised the WPS (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 and expanded the WPS scope to include not only workers performing hand labor operations in fields treated with