

university researchers who perform crop advisor tasks.

EPA is proposing, in §170.202(c)(2), §170.130(b)(2) and §170.230(b)(2) to exempt from the WPS protections, crop advisors who are licensed or certified by a program administered or approved by a State, Tribal, or Federal agency having jurisdiction over such licensing or certification, provided that the licensing or certification requires pesticide safety training that includes all the information set forth in §170.230(c)(4). EPA is also proposing in §170.202(c)(2) to exempt employees of licensed or certified crop advisors from the WPS protections except the pesticide safety training requirements.

Under EPA's proposal, certified or licensed crop advisors, (including government agency personnel, pesticide company representatives, or university researchers) would be exempt from the WPS requirements. Currently under the WPS, if employers of government agency personnel, pesticide company representatives, or university researchers do not have a contractual relationship or exchange compensation of any type with an agricultural establishment or commercial pesticide handling establishment for crop advising activities, then neither the agricultural employer nor the commercial pesticide handling establishment is required to provide the WPS protections to the government agency personnel, pesticide company representatives, or university researchers.

Also under EPA's proposal, those crop advisors who do not become certified or licensed will remain subject to the full requirements of the WPS if they are not employed by a licensed or certified crop advisor. After January 1, 1996 only crop advisors who are certified or licensed and their direct employees will be exempt. All others performing crop advising tasks will be subject to the full WPS requirements.

EPA solicits comments on other possible ways for crop advisors to obtain training and experience equivalent to being certified or licensed by a program administered or approved by a State, Tribal, or Federal agency. Commenters suggesting other types of programs should include information on the requirements for such programs and how completion of the program could be verified for enforcement purposes.

While EPA is willing to propose exempting the employees of certified or licensed crop advisors from WPS requirements, it remains concerned that employees may not have necessary protections readily available. EPA is interested in receiving comments on

industry practices that would assure that proper protections are available to employees. These include but are not limited to routine use of PPE and/or provision of PPE and decontamination supplies to employees.

#### **IV. Temporary Exemption for Crop Advisor Activities**

EPA is proposing in §170.202(c)(2) to exempt all individuals performing crop advisor activities until January 1, 1996. This will effectively extend the exemption for crop advisors in the delay legislation referenced earlier in this document and will allow those crop advisors who are not now licensed or certified to obtain such credentials prior to the end of the temporary exemption.

EPA would like comment on the proposed temporary exemption expiration date and its feasibility in terms of sufficient time for crop advisors to complete licensing or certification requirements. Also, is a total temporary exemption necessary? Should a subset of crop advisors be exempt? Or should the exemption apply to only a few of the WPS requirements?

#### **V. Technical Amendments**

EPA is revising §170.202 (c) which exempts owners of agricultural establishments from Subpart C requirements for handlers, by reorganizing the paragraph into two parts: one for owners of agricultural establishments and one for crop advisors. The existing exemption for agricultural owners is being redesignated as paragraph (1) and it has been reformatted. No substantive change has been made to the exemption for agricultural establishment owners.

#### **VI. Public Docket and Electronic Comments**

A record has been established for this rulemaking under docket number "OPP-250100" (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as confidential business information (CBI), is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, CM #2, 1921 Jefferson Davis Highway, Arlington, VA. Written comments should be mailed 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.

As part of an interagency "streamlining" initiative, EPA is experimenting with submission of public comments on selected **Federal Register** actions electronically through the Internet in addition to accepting comments in traditional written form. This proposed rule amendment is one of the actions selected by EPA for this experiment. From the experiment, EPA will learn how electronic commenting works, and any problems that arise can be addressed before EPA adopts electronic commenting more broadly in its rulemaking activities. Electronic commenting through posting to the EPA Bulletin Board or through the Internet using the ListServe function raises some novel issues that are discussed below in this Unit.

To submit electronic comments, persons can either "subscribe" to the Internet ListServe application or "post" comments to the EPA Bulletin Board. To "Subscribe" to the Internet ListServe application for this proposed exception, send an e-mail message to: [listserv@unixmail.rtpnc.epa.gov](mailto:listserv@unixmail.rtpnc.epa.gov) that says "Subscribe RIN-2070-AC69 <first name> <last name>." Once you are subscribed to the ListServe, comments should be sent to: RIN-2070-AC69@unixmail.rtpnc.epa.gov. All comments and data in electronic form should be identified by the docket number OPP-250100 since all five documents in this separate part provide the same electronic address.

For online viewing of submissions and posting of comments, the public access EPA Bulletin Board is also available by dialing 202-488-3671, enter selection "DMAIL," user name "BB-USER" or 919-541-4642, enter selection "MAIL," user name "BB-USER." When dialing the EPA Bulletin Board type <Return> at the opening message. When the "Notes" prompt appears, type "open RIN-2070-AC69" to access the posted messages for this document. To get a listing of all files, type "dir/all" at the prompt line. Electronic comments can also be sent directly to EPA at:

Docket-OPPTS@epamail.epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. To obtain further information on the electronic comment process, or on submitting comments on this proposed exception electronically through the EPA Bulletin Board or the Internet ListServe, please contact John A. Richards (Telephone: 202-260-2253;