

**PART 170—WORKER PROTECTION STANDARD**

1. The authority citation for Part 170 would continue to read as follows:

**Authority:** 7 U.S.C. 136w.

2. In Section 170.130 by paragraph (b) to read as follows:

**§170.130 Pesticide safety training for workers.**

\* \* \* \* \*

(b) *Exceptions.* The following persons need not be trained under this section:

(1) A worker who is currently certified as an applicator of restricted-use pesticides under part 171 of this chapter.

(2) A worker who satisfies the training requirements of part 171 of this chapter.

(3) A worker who satisfies the handler training requirements of §170.230(c).

(4) A person who is licensed or certified as a crop advisor by a program administered or approved by a State, Tribal or Federal agency having jurisdiction over such licensing or certification, provided that a requirement for such licensing or certification is pesticide safety training that includes all the information set out in §170.230(c)(4)

\* \* \* \* \*

3. In Section 170.202 by revising paragraph (c) to read as follows:

**§170.202 Applicability of this subpart.**

\* \* \* \* \*

(c) *Exemptions.* The handlers listed in this paragraph are exempt from the specified provisions of this subpart.

(1) *Owners of agricultural establishments.* (i) The owner of an agricultural establishment is not required to provide to himself or members of his immediate family who are performing handling tasks on their own agricultural establishment the protections of:

- (A) Section 170.210(b) and (c).
- (B) Section 170.222.
- (C) Section 170.230
- (D) Section 170.232.
- (E) Section 170.234.
- (F) Section 170.235.
- (G) Section 170.240(e) through (g).
- (H) Section 170.250.
- (I) Section 170.260.

(ii) The owner of the agricultural establishment must provide the protections required by paragraph (c)(1)(i) of this section to other handlers and other persons who are not members of his immediate family.

(2) *Licensed or certified crop advisors and their employees.* (i) A person who is licensed or certified as a crop advisor by a program administered or approved

by a State, Tribal or Federal agency having jurisdiction for such licensing or certification, provided that a requirement for such licensing or certification is pesticide safety training that includes all the information set out in §170.230(c)(4), is not required to provide to himself or his crop advisor employees the protections of:

- (A) Section 170.210(b) and (c).
- (B) Section 170.232.
- (C) Section 170.240.
- (D) Section 170.250.
- (E) Section 170.260.

(ii) Any individual when performing tasks as a crop advisor is exempt until January 1, 1996 from the requirements of:

- (A) Section 170.210(b) and (c).
- (B) Section 170.230.
- (C) Section 170.232.
- (D) Section 170.240.
- (E) Section 170.250.
- (F) Section 170.260.

5. In §170.230 by revising paragraph (b) to read as follows:

**§170.230 Pesticide safety training for handlers.**

\* \* \* \* \*

(b) *Exceptions.* The following persons need not be trained under this section:

(1) A handler who is currently certified as an applicator of restricted-use pesticides under part 171 of this chapter.

(2) A handler who satisfies the training requirements of part 171 of this chapter.

(3) A person who is licensed or certified as a crop advisor by a program administered or approved by a State, Tribal or Federal agency having jurisdiction over such licensing or certification, provided that a requirement for such licensing or certification is pesticide safety training that includes all the information set out in paragraph (c)(4) of this section.

\* \* \* \* \*

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**40 CFR Part 170**

[OPP-250098; FRL-4917-7]

**Exceptions to Worker Protection Standard Early Entry Restrictions; Irrigation Activities**

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

**ACTION:** Proposed exceptions to rule; request for comment.

**SUMMARY:** EPA is considering exceptions to the Worker Protection Standard for Agricultural Pesticides (WPS),

published at 57 FR 38102 (August 21, 1992), that would allow, under specified conditions, workers to perform early entry irrigation tasks for more than 1 hour per day during a restricted entry interval (REI). Early entry is entry to a pesticide-treated area before expiration of the REI.

**DATES:** Comments, data, or evidence should be submitted on or before February 27, 1995. EPA does not intend to extend this comment period.

**ADDRESSES:** Comments identified by the document control OPP-250098 should be submitted in triplicate by mail to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environment Protection Agency, 401 M St., SW., Washington, DC 20460. All written comments filed pursuant to this notice will be available for public inspection in Room 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305-5805, from 8:00 a.m. to 4:30 p.m. Monday thru Friday except 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-250098 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:** Jeanne Heying, Certification, Training and Occupational Safety Branch (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (703) 305-7666, or your regional or State official as noted in the List of Worker Protection Contact below.