

harvesting, detasseling, thinning, weeding, topping, planting, sucker removal, pruning, disbudding, roguing, and packing produce into containers in the field. Hand labor does not include operating, moving, or repairing irrigation or watering equipment or performing the tasks of crop advisors. Hand labor tasks involve substantial contact and are by nature high exposure scenarios and potentially high risk.

EPA considered eliminating the PPE requirement for coveralls, but has several concerns about eliminating this requirement. Under §170.112(c), early entry workers are required to remove PPE before going home and may not take it home. If only long sleeved shirts and long pants are worn, it may not be possible for workers to remove their work clothes when they leave the treated area, enter their vehicles, and return home. This could result in contamination of the vehicles from their clothing, causing an increased exposure risk to potentially toxic pesticide residues for all vehicle occupants. Additionally, EPA believes that coveralls will assure greater risk reduction for workers since the WPS requires agricultural employers to assure proper handling, care and maintenance of these items. There is no such requirement for personal clothing.

EPA considered requiring that protective eyewear be included in the minimum PPE requirement if required on the product labeling for early entry because of concern about workers rubbing or wiping residues into their eyes from hands, gloves, or sleeves. EPA decided not to propose a requirement for eyewear as part of the minimal set at this time because the performance of limited contact tasks should result in minimal worker contact with treated surfaces.

EPA considered eliminating PPE requirements for tasks that must be performed when unanticipated repairs of non-application field equipment arise, but rejected this option because EPA believes that in some instances equipment repair could result in significant exposure. Unanticipated equipment repairs would be expected to occur infrequently, and some repairs may be able to be performed with almost no contact to treated surfaces. EPA continues to be concerned that some PPE is needed to provide adequate protection for all worker activities given the range and nature of equipment repair tasks and the potential for even limited exposure to highly toxic pesticides.

V. Comments Solicited

EPA is interested in a full range of comments and information on the proposed exception and on the exception options presented, and is providing 45 days for the submission of comments.

1. *Need for an exception.* EPA solicits comment on whether early entry for limited contact activities is necessary. Specifically, EPA requests comments on why specific limited contact tasks could not normally be delayed until the expiration of the REI, or why the application could not be delayed until the tasks are completed. EPA requests comments on why alternative practices would not be technically or financially viable (such as placing beehives and weather monitoring stations outside areas normally treated with pesticides). EPA also requests comments on the economic impacts on agricultural employers if they cannot enter the treated area during the REI for limited contact activities. Commenters should be task specific in their response.

EPA requests information on the expected costs in terms of decreased yield, grade or quality or other economic cost as a result of being unable to perform some tasks during an REI. In addition, EPA requests information on the frequency of tasks that must be done during an REI and the amount of time required to complete those tasks per occurrence and per agricultural establishment for a typical growing season.

2. *Definition of "limited contact".* EPA requests specific comments on the proposed definition of 'limited contact tasks'. EPA is particularly concerned about defining limited contact activities in a way that may inadvertently result in unnecessary routine early entry, which may increase risk to workers. Does the proposed definition encompass tasks or activities that are inherently high risk? Are there non-hand labor activities that should be covered by the exception but do not fall under the definition as proposed? EPA also requests information on whether worker exposures for the tasks that fall within the proposed exception could reasonably be limited to lower legs and feet, hands and forearms, or if greater exposure would result due to the nature of the activity.

EPA also solicits comments on whether there are hand labor tasks that must be done during the REI, and whether these tasks can be accomplished without subjecting workers to substantial contact.

3. *Safety and feasibility factors.* EPA requests information on the safety and

feasibility of a limited contact exception. Information should include, at minimum, the feasibility of performing the limited contact activity while wearing PPE; means of mitigating heat stress concerns; the cumulative amount of time required, per worker, per day for necessary limited contact activities; any suggested methods of reducing the worker's exposure for a given task; and any other alternative practices, such as mechanical devices that reduce workers' exposure to treated surfaces. The information should describe the costs (time and materials) of providing the protective measures in the terms of the proposed exception.

4. *Duration of exposure.* Because exposure is determined both by the amount and the duration of contact with pesticides, EPA proposes to limit the total amount of time in treated areas to perform limited contact tasks to 3 hours per worker per day. EPA believes most limited contact activities can be completed in significantly less than 3 hours, but certain circumstances may exist that would necessitate more than 3 cumulative hours of early entry. EPA requests comment on whether 3 hours is adequate, or if some amount of time less than 3 hours would be sufficient.

5. *Exclusion of "double notification".* EPA requests comments on the exclusion of double notification pesticides from this proposed exception. What impact, if any, on agricultural growers might result if double notification pesticides were to be excluded from the limited contact exception? Will the exclusion of double notification pesticides from the exception sufficiently reduce risk to workers? EPA also requests information on pesticide-related worker injuries or illnesses as a result of performing the types of tasks that would fall under this proposed limited contact exception.

6. *PPE requirements.* EPA solicits comments on the risks and benefits for the PPE options under a limited contact exception. Is PPE feasible for workers performing limited contact tasks, and to what extent is PPE necessary to reduce worker risk for different tasks?

EPA specifically requests information on whether protective eyewear should be included in the minimum PPE requirement if required on the product labeling for early entry because of concern about workers rubbing or wiping residues into their eyes from hands, gloves, or sleeves.

EPA is interested in any information concerning whether there are certain limited contact tasks (such as repair of non-application equipment and frost protection tasks) and early entry situations (such as entry into fields that