

comment by all interested parties, this notice presents the proposed policy as it would appear in the PRN. Comments are invited on all aspects of the proposed PRN, but particularly on whether active ingredients should be added to or deleted from the list of candidate active ingredients, whether the criteria for allowing the REI reduce are appropriate, and whether there should be a time limit within which registrants may change their registrations by notification, as opposed to the submission of a formal registration amendment.

This proposed policy is one of a series of Agency actions in response to concerns raised since the publication of the final WPS in August 1992 by those interested in and affected by the rule. In addition to this draft PRN, EPA is also proposing and seeking public comment on actions regarding: (1) the worker training requirements; (2) the early entry restrictions for irrigation activities; (3) restricted intervals (REIs) for limited contact activities; and, (4) requirements for crop advisors.

### I. Summary of the Proposed PRN

The PRN would permit registrants to reduce the current interim WPS REIs from 12 to 4 hours for certain low risk pesticides. Using the criteria outlined below, the Agency screened 480 WPS "in-scope" pesticides and determined that the end-use products for 75 active ingredients would be eligible for REI reduction. Attachment A lists the potential candidate active ingredients that the Agency believes would be eligible for REI reduction under the PRN.

Registrants of end-use products containing these active ingredients may apply the criteria discussed below to determine whether their product would be eligible for the reduced REI. A registrant who wishes the Agency to consider an end-use product for a reduced REI that does not meet all criteria, would need to submit an application for amendment of the registration.

The Agency is proposing to allow registrants to revise labeling to reflect the reduced REI through a notification process that could be used until August 31, 1995. After that date, registrants would need to submit applications for amendment of a registration and await Agency approval. Such applications would be evaluated as routine amendments and approved on the basis of the criteria in the PRN.

If a registrant believes that an active ingredient, not listed as a candidate for reduced REI in Attachment A, meets the criteria discussed below, and that

products containing that active ingredient should be eligible for a reduced REI through the notification process, the registrant should immediately contact Judy Smith at the address provided in the FOR FURTHER INFORMATION CONTACT section.

If the Agency determines at any time that the reduced REI is not appropriate, EPA will direct the registrant to revise the REI on the label as appropriate.

### II. Applicability

The PRN would only apply as follows:

1. To products subject to the WPS labeling requirements in 40 CFR part 156, subpart K.
2. To products containing one or more of the active ingredients listed in Attachment A. A product which contains an active ingredient not listed in Attachment A would not be eligible for the notification procedures in the PRN.
3. To currently registered end-use products with interim WPS REIs. New registrations would not be within the scope of the PRN. Pending applications for registration will be considered against the criteria of this notice, and, if acceptable, would be permitted the reduced REI when registered.

### III. Background

The 1992 WPS established an interim minimum REI of 12 hours for all end-use pesticide products for agricultural uses. (Longer interim REIs were established for more toxic products.) The 12-hour minimum REI was established for two reasons: (1) to substitute for the "sprays have dried and dusts have settled" REI previously used; and (2) to incorporate a margin of safety for unknown adverse effects.

The Agency has been requested by numerous registrants and pesticide users to consider reducing the minimum 12 hour REI for lower toxicity products that they believe do not need a 12 hour REI to protect workers.

The REIs established through the WPS are interim measures until the reregistration process or other comprehensive EPA review process results in a definitive REI determination. In an effort to avoid diversion of Agency resources from the risk evaluation conducted in the reregistration process, regulatory relief in the form of a four hour REI is proposed for those active ingredients that clearly pose very low, post-application risks to workers.

### IV. Policy and Rationale

EPA has considered whether there may be some end-use products for which a 12-hour REI is not necessary,

and has identified a limited set of lower toxicity active ingredients for which it is prepared to allow reduction of the REI for EPs that meet certain criteria. The active ingredient list is limited because a reduction of the WPS REI from 12 to 4 hours could result in dermal and eye exposures that would equal exposures experienced by entry immediately following application, and because any risk mitigation benefits gained by not allowing workers to reenter treated areas before 12 hours is lost. For these reasons, the Agency is proposing to permit only those end-use products that contain active ingredients meeting the criteria in Unit IV to be eligible for a reduced REI.

The Agency believes that reducing the REIs for pesticides which meet the criteria below would not substantially increase risks to workers. Reducing the REI would provide agricultural producers with greater flexibility and may promote the use of these inherently less toxic products over those with greater risks and longer REIs.

After August 31, 1995, registrants must use the existing label amendment process to request a reduction in a REI.

### V. Criteria for Active Ingredient Selection

EPA considered for inclusion in Attachment A active ingredients in three categories: microbial pesticides (living organisms, including protozoans, fungi, bacteria, and viruses); biochemical pesticides (materials that occur in nature and possess a non-toxic mode of action to the target pest(s); and certain conventional chemical pesticides. The following criteria were used to select the active ingredients in Attachment A:

1. The active ingredient is in Toxicity category III or IV based upon data on acute dermal toxicity, primary skin irritation, and primary eye irritation. Acute oral toxicity data were used in place of acute dermal toxicity if no acute dermal data were available.
2. The active ingredient is not a sensitizer (or in the case of biochemical and microbial active ingredients, no known reports of hypersensitivity exist).
3. No known adverse health effects are associated with the active ingredient, i.e. carcinogenicity, mutagenicity, developmental effects, reproductive effects.
4. EPA does not possess incident information (illness or injury reports) that are "definitely" or "probably" related to post-application exposures to the active ingredient.
5. The active ingredient also may not be a cholinesterase inhibitor.