comment on the final rule. The FIFRA Scientific Advisory Panel waived its

VIII. Regulatory Assessment Requirements

A. Executive Order 12866

Pursuant to Executive Order 12866 (58 FR 51735, October 4, 1993), it has been determined that this is a "significant regulatory action" because it raises potentially novel legal or policy issues. This action was submitted to the Office of Management and Budget (OMB) for review under the Executive Order. Any comments or changes made during OMB review, have been documented in the public record.

The total cost of this regulatory action will depend upon the additional training costs that may be incurred as a result of a shorter training grace period for the period from January 1, 1996 to October 20, 1997, as well as the cost of providing basic safety information to all workers before they enter areas subject to WPS pesticide safety training. The cost of reducing the training grace period from 15 days to 5 days has been estimated by EPA and is presented in the Impact Assessment for the Worker Protection Standard, Training Provisions Rule. EPA has reviewed its Impact Assessment and has determined (with the concurrence of USDA) that whatever the incremental cost of this revision may be, it should be modest and that these additional costs are warranted.

B. Executive Order 12898

Executive Order 12898 (environmental justice) was taken into account in developing the WPS amendments.

C. Unfunded Mandates Reform Act

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995, which the President signed into law on March 22, 1995, EPA has assessed the effects of this regulatory action on State, local, and tribal governments, and the private sector. This action does not result in the expenditure of \$100 million or more by any State, local or tribal governments, or by anyone in the private sector. The costs associated with this action are described in Unit VIII.A. above.

In addition to the consultations prior to proposal, EPA has had several informal consultations regarding the proposed rule with some States through the EPA regional offices and at regularly scheduled State meetings. No significant issues or information was identified as a result of EPA's discussion with the States.

D. Regulatory Flexibility Act

This rule was reviewed under the provisions of sec. 3(a) of the Regulatory Flexibility Act, and it was determined that the rule would not have an adverse impact on small entities. The smallest entities regulated under the Worker Protection Standard are family-operated agricultural establishments with no hired labor. These operations are not subject to the WPS training requirements, and therefore have no training cost associated with this rule. These small entities (with no hired labor) represent about 45 percent of the agricultural establishments within the scope of the WPS. The smallest of those entities which do hire labor are those with only one hired employee. Estimated costs per worker or handler are similar for an establishment with one employee as for larger establishments, causing no significant disproportionate burden on small entities.

I therefore certify that this proposal does not require a separate analysis under the Regulatory Flexibility Act.

E. Paperwork Reduction Act

EPA has determined that there are no information collection burdens under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seg., associated with the requirements contained in this final amendment.

List of Subjects in 40 CFR Part 170

Environmental protection, Pesticides and pests, Intergovernmental relations, Occupational safety and health, Reporting and recordkeeping requirements.

Dated: April 26, 1995.

Lynn M. Browner,

Administrator.

Therefore, 40 CFR part 170 is amended as follows:

PART 170—[AMENDED]

1. The authority citation continues to read as follows:

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

2. Section 170.130 is amended by revising the section heading and paragraph (a)(3), redesignating paragraphs (c) and (d) as paragraphs (d) and (e), respectively, adding paragraph (c), and revising newly designated paragraph (e)(1) to read as follows:

§ 170.130 Pesticide safety training for workers.

(3) Requirements for other agricultural workers—(i) Information

before entry. As of January 1, 1996, and except as provided in paragraph (a)(2) of this section, before a worker enters any areas on the agricultural establishment where, within the last 30 days a pesticide to which this subpart applies has been applied or the restricted-entry interval for such pesticide has been in effect, the agricultural employer shall assure that the worker has been provided the pesticide safety information specified in paragraph (c), in a manner that agricultural workers can understand, such as by providing written materials or oral communication or by other means. The agricultural employer must be able to verify compliance with this requirement.

(ii) Training before the 6th day of entry. Except as provided in paragraph (a)(2) of this section, before the 6th day that a worker enters any areas on the agricultural establishment where, within the last 30 days a pesticide to which this subpart applies has been applied or a restricted-entry interval for such pesticide has been in effect, the agricultural employer shall assure that

the worker has been trained.

(iii) Exceptions during interim period. Until December 31, 1995, and except as provided by paragraph (a)(2) of this section, before the 16th day that a worker enters any areas on the agricultural establishment where, within the last 30 days a pesticide to which this subpart applies has been applied or a restricted-entry interval has been in effect, the agricultural employer shall assure that the worker has been trained. After December 31, 1995 this exception no longer applies.

(c) Pesticide safety information. The pesticide safety information required by paragraph (a)(3)(i) shall be presented to workers in a manner that the workers can understand. At a minimum, the following information shall be provided:

Pesticides may be on or in plants, soil, irrigation water, or drifting from

nearby applications.

(2) Prevent pesticides from entering your body by:

- (i) Following directions and/or signs about keeping out of treated or restricted areas.
- (ii) Washing before eating, drinking, using chewing gum or tobacco, or using the toilet.
- (iii) Wearing work clothing that protects the body from pesticide residues
- (iv) Washing/showering with soap and water, shampoo hair, and put on clean clothes after work.
- (v) Washing work clothes separately from other clothes before wearing them again.