definition of "limited contact task" will eliminate specific tasks that could result in greater exposure. EPA determined that hand labor tasks could not be performed with limited contact. The WPS defines hand labor as any agricultural activity performed by hand or with hand tools that causes a worker to have substantial contact with surfaces (such as plants, plant parts, or soil) that may contain pesticide residues. Allowing hand labor tasks would result in more frequent and longer periods of worker entry into the field. Generally, a worker performing hand labor is likely to have near-constant exposure to plant foliage, plant stems, and soil and therefore, higher exposure to pesticide residues. Therefore the Agency has limited the exception to non-hand labor tasks that are performed by workers that result in minimal contact with treated surfaces (including but not limited to soil, water, surfaces of plants, and equipment), and where such contact with treated surfaces is limited to the forearms, hands, lower legs, and feet.

To establish offsetting benefits to balance the potential risk to workers from early entry for "limited contact tasks," EPA is requiring that the limited contact task must be one that "cannot be delayed until after the expiration of the restricted entry interval" and, therefore, would constitute a significant economic loss if not undertaken. The Agency wishes to limit entry in the treated area during the REI and therefore is restricting entry to necessary tasks that cannot be delayed until the expiration of the REI.

C. Two Year Expiration Date

Under the proposal, this exception would have expired 24 months after the implementation date. Most comments were opposed to an expiration date and stated that 2 years was not sufficient time to gather data concerning any documented increase in poisoning incidents. Several comments were in favor of the two-year expiration as a period to be used to monitor the need for further restriction if necessary.

EPA believes that the two-year time period would not provide adequate time for EPA to evaluate the impact of the exception. In general, changes in pesticide use practices do not occur suddenly, and there is often a lag time in reporting and analysis of incident data. Therefore, EPA expects it might be several years before data would be available to evaluate the impact of this exception. Therefore, EPA has decided to remove the 24-month expiration. EPA, of course, may use the procedure in § 170.112(e)(6) to revoke the exception at any time that data become

available indicating that such action is necessary.

D. Personal Protective Equipment (PPE)

The Agency has concluded that a generic set of PPE, consisting of coveralls, chemical-resistant gloves and footwear, and socks, should be required for this exception. Several comments requested modifications to this requirement, including removing the requirement for coveralls, substituting long sleeve shirts and long pants for coveralls to avoid the effects of heat stress, making PPE optional, and tailoring PPE requirements to the size of the plant.

Several comments disagreed with eliminating protective eyewear, given that workers will be in recently-treated areas and that residues on workers' hands and gloves can be transferred to the eyes. A number of comments stated that workers should always use label PPE.

EPA is convinced that the use of coveralls, chemical-resistant gloves and footwear, and socks is appropriate for limited contact tasks. Given the nature and range of tasks permitted under this exception EPA has concluded that coveralls are more appropriate than long-sleeved shirts and long pants.

While the terms of the exception require that contact be limited to feet, lower legs, hands, and forearms, EPA believes that incidental, unintended, or unanticipated exposure to other parts of the body besides the lower legs, feet, forearms and hands may be possible and thus, is requiring coveralls as part of the generic PPE. The WPS requires that all PPE, which includes coveralls, be properly cleaned and maintained by agricultural employers. This PPE maintenance includes cleaning according to manufacturer's instructions. In the absence of these instructions, the PPE must be washed thoroughly in detergent and hot water. The PPE must also be inspected for leaks, holes, tears, or worn places before each day of use.

EPA has carefully considered comments supporting required eyewear and reviewed information in its possession that indicates a relatively low incidence of eye injuries to field workers by pesticides. EPA has concluded that rather than create a universal standard for eyewear to be used under the limited contact exception, the use of protective eyewear should be consistent with the early-entry PPE requirement on the labeling. Where eyewear is required on the label for early entry, it is also required for this exception.

In response to concerns regarding heat stress from wearing PPE, EPA has included in the exception a requirement that the agricultural employer assure that no worker is allowed or directed to perform the early-entry activity without implementing, when appropriate, measures to prevent heat-related illness. See Unit V.(7) of this document.

E. Time Allowed in the Treated Area During an REI

The Agency requested comments on the proposal to allow up to 3 hours allowable time to perform limited contact tasks during the REI, but for reasons outlined in this action has decided to allow no more than 8 hours of limited contact activity in a 24-hour period during an REI. Most of the comments requested an unlimited time be allowed for limited contact activities.

Some comments stated that the proposed time limit does not provide the needed flexibility in performing tasks, given the unpredictable and variable nature of farming and the necessity to perform certain tasks. Some comments stated further that without sufficient time, workers might feel pressured to work faster to complete the task, which could lead to safety risks, heat stress and exhaustion. In addition, several comments also stated that the proposed time limit would be difficult to enforce. Finally, several comments supported the proposed time limit for limited contact activities during the REI.

EPA has concluded that up to 8 hours in a 24-hour period in the treated area is sufficient time to perform almost all limited contact tasks. The Agency recognizes that, due to the vagaries of weather, pest populations, etc. unforeseen exigencies frequently occur in agriculture. These circumstances may necessitate more than the one-hour time limit currently allowed in the existing early entry exception. If limited contact activities can be completed in less than 8 hours, the exception does not authorize workers to remain in the treated areas to perform tasks that do not meet all of the conditions of the exception.

EPA concludes that early entry will not result in unreasonable risks to workers performing limited contact tasks, given that the allowable tasks are confined to those tasks that cannot be delayed until after the REI expires, that hand labor tasks are not permissible, and the exception does not apply where "double notification" pesticides have been applied. When workers do enter fields, exposure will be limited because of:

(1) The definition of the tasks.