

Montana, North Carolina, New Jersey, New York, Ohio, Oregon, Pennsylvania, Texas, and Washington. Most comments opposed a geographic limitation and several commenters stated their irrigation needs were similar to California and Hawaii. The greenhouse and nursery industry, which is national in scope, expressed the importance of watering-in pre-emergent herbicides. One commenter stated that a geographic limitation could pose an economic disadvantage to parts of the country where the exception is not applicable. However, another commenter stated, that a national exception would heighten the risk of poisonings and another commenter stated, that criteria should be established and applied on a case-by-case basis.

Based on the comments received, EPA has concluded that a nationwide irrigation exception is necessary. Although irrigation practices and the circumstances in which irrigation is employed vary considerably throughout the country, the need for early entry to perform irrigation tasks, that cannot be delayed without incurring significant economic loss, is common nationwide. The provisions of the exception which define the category of acceptable tasks limits those activities to ones which are needed nationwide. Granting exceptions for certain geographic areas is appropriate to address local, particularized needs. But in the present instance, EPA believes that such a case-by-case approach is unwarranted and overly burdensome given that the need is common and amenable to a more generalized exception.

The disruption of needed irrigation can lead to significant and even catastrophic economic losses. All types of irrigation require occasional maintenance, repair or adjustment necessitating early entry. This exception will allow such activities during the REI only if the failure to act during the REI will result in significant economic loss. By limiting the exception in this manner, EPA intends to prevent use of the exception for routine irrigation activities.

Furthermore, EPA's analysis takes into account the concern that this exception should adequately protect worker safety. Among other limitations to ensure appropriate protection for irrigation workers, EPA is limiting the tasks that may be engaged in by time (a maximum of 8 hours during any 24-hour period), necessity, and economic impact. These measures will provide workers with adequate protection while allowing growers the needed flexibility to prevent significant economic losses

due to problems with their irrigation systems.

C. Two-Year Expiration Date

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

EPA agrees with comments opposed to the 24-month expiration. The 2-year time period would not provide adequate time for EPA to evaluate the impact of the exception date. 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. EPA, of course, may use the procedure in § 170.112(e)(5) to revoke the exception at any time that data become available indicating that such action is necessary.

D. Personal Protective Equipment (PPE)

The Agency was asked to consider establishing a generic PPE set. Since irrigation workers may work in several different treated areas, they could be required to comply with several different label requirements for PPE. EPA proposed a generic PPE set which would consist of coveralls, chemical resistant gloves, socks, and chemical resistant footwear. EPA proposed that the employer may choose to provide employees with PPE that either: (a) conforms with the label requirements for early-entry PPE; or (b) conforms with the generic PPE. The proposed alternative generic PPE requirement includes eyewear, if on the label.

Several commenters expressed concern that irrigators may be at risk of heat stress from performing strenuous tasks in coveralls. Several commenters maintained that bodily contact with treated surfaces would be limited to areas protected by gloves and boots. One commenter mentioned that the use of gloves would be impractical for certain tasks.

Some commenters stated that the complete PPE was necessary because it could not be assumed that exposure would be only to feet, lower legs, hands and forearms. It was mentioned that irrigators may not have considerable contact with foliage, but do have significant contact with contaminated soil and pipes. Several commenters

responded favorably to the option of wearing generic PPE, in lieu of the label requirements, because it would reduce confusion for irrigators entering multiple fields in a single day. One commenter opposed the use of generic PPE, in lieu of the label PPE, because irrigation workers will be exposed through incidental exposure, such as residues dripping from orchards, irrigation water, or wiping perspiration from the face. Even while wearing PPE, injuries have been reported.

EPA has concluded that rather than require eyewear as part of the generic PPE, the use of protective eyewear should be consistent with the early-entry PPE requirement on the labeling. EPA is not requiring respiratory equipment because the exception expressly prohibits workers from entering treated fields during the first 4 hours after application and until applicable ventilation criteria have been met, and until any label-specified inhalation exposure level has been reached.

While the terms of the exception require that the contact be limited to feet, lower legs, hands, and forearms, the Agency believes that incidental, unintended, or accidental 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 PPE not be worn home and that it must be properly maintained by agricultural employers. The requirement for coveralls could decrease exposure risk to residues from long-sleeved shirts and long pants which could be worn home.

In response to concerns regarding heat stress from wearing PPE, EPA notes that the agriculture employer is required, under unit IV.7 of this document, to assure that no worker is allowed or directed to perform the early-entry activity without implementing, when appropriate, measures to prevent heat-related illness.

E. Time Allowed in the Treated Area

EPA proposed that the time in treated areas under the REI for each worker not exceed 8 hours in any 24-hour period.

Many comments recommended unlimited entry during the REI for irrigation. Several commenters favored the 8-hour limit in any 24-hour period and one commenter said it would be difficult and uncommon for an irrigator to exceed 8 hours in a treated area during even the longest work shift. One commenter indicated that pesticide-treated surfaces cannot be controlled and that PPE may not adequately protect for 8 hours. It was also suggested that