(5) Agricultural employers ensure that workers wear required PPE, and other PPE-related protections are provided.

(6) Measures are taken to avoid heat stress (see, A Guide to Heat Stress in Agriculture, EPA HW77 March 1994).

(7) Required decontamination supplies and decontamination areas are provided.

(8) Required PPE-related, heat-stressrelated, and labeling-specific safety information have been furnished.

Pursuant to The Pesticide Compliance Dates Extension Act, Pub. L. 103–231, April 6, 1994, implementation of some WPS provisions, including some entry restrictions, has been delayed until January 1, 1995. Until then, if irrigation workers contact with pesticide-treated surfaces is limited only to feet, lower legs, hands, and forearms, then coveralls plus chemical-resistant gloves and chemical-resistant footwear may be substituted for the early-entry PPE specified on the label. Also, until January 1, 1995, workers performing non-hand-labor tasks may work for an unlimited time in an area remaining under an REI. Starting January 1, 1995, routine early entry to perform non-hand labor tasks, including operating irrigation equipment, will be limited to 1 hour per worker each day if the entry would result in contact with pesticidetreated surfaces. In addition, irrigation workers must wear PPE specified on the pesticide label for early entry.

## D. Irrigation Tasks Allowed by the WPS After January 1, 1995

EPA has issued the following guidance in the publication *Worker Protection Questions & Answers*, clarifying circumstances in which irrigation tasks can take place during a restricted-entry interval pursuant to the restrictions at 40 CFR 170.112:

WPS was designed to reduce the opportunities for workers to be exposed to pesticide residues in treated areas during REIs. For example, with the exceptions noted below, irrigation pipe may not be moved during REIs when that task would bring workers into contact with treated surfaces. As a result, agricultural employers should schedule pesticide applications and irrigation so that the need for irrigation involving workers during REIs will be minimized. If, however, irrigation in a treated area under a REI is essential, it is permitted under WPS under the following conditions:

1. Without entry to treated Area. Some irrigation tasks take place at the edges of fields, which may not be within the treated area (area to which the pesticide has been directed.) An example may be the installation or removal of pipe for furrow irrigation. As long as such activities do not cause workers to enter the treated area, they may take place without time limit or use of PPE during the REI.

2. With Entry to Treated Area. a. By Pesticide Handlers. During chemigation or when pesticide labeling requires the pesticide to be watered-in, this task may be performed by trained handlers wearing the handler PPE specified on the product labeling. [See the Question and Answer on watering-in, found in the Handler Activities section of Worker Protection Questions & Answers, for additional details.]

b. *By Workers With No Contact.* WPS provides an exception for entry to treated areas, after any inhalation exposure level or ventilation criteria have been met, without PPE or other time limitation, when there will be no contact with the pesticide or its residues (40 CFR 170.112(b)]. Note, however, that PPE cannot be used to prevent the contact under this exception. This exception may apply to a variety of typical irrigation situations, e.g.:

Workers moving irrigation equipment or performing other tasks in the treated area after the pesticide was correctly soilincorporated or injected, provided the workers do not contact the soil subsurface by digging or other activities.

Workers walking or performing other tasks in furrows after the pesticides are applied to the soil surface in a narrow band on beds and there is no contact with those treated surfaces.

c. *Short Term* — Workers may enter treated areas during REIs to perform short-term tasks [40 CFR 170.112(c)] provided that:

(1) Such entry does not take place during the first 4 hours after application and until any inhalation exposure limits or ventilation criteria are met;

(2) The entry does not involve more than 1 hour per day per worker;

(3) The worker does not perform tasks defined in WPS to be hand labor (operating irrigation equipment is not hand labor under WPS);

(4) The worker wears the early-entry PPE specified on the pesticide labeling;

(5) Is correctly informed as required for early-entry workers in the WPS; and

(6) all other applicable requirements of 40 CFR 170.112 are met.

(d) Agricultural Emergencies. The WPS permits early entry by workers to perform tasks including irrigation while wearing early-entry PPE, and without time limits, in response to an agricultural emergency, as defined in the regulation at 40 CFR 170.112(d).

e. *EPA-Approved Exceptions.* Section 170.112(e) of WPS permits exceptions to the general prohibition on work in treated areas during REIs when EPA has approved a special exception. Exceptions may be requested of EPA as described in that section of the regulation.

The EPA publication *Worker Protection Questions & Answers* is available through the docket at EPA Headquarters.

## II. Evidence Necessary to Support Exception

The Worker Protection Standard establishes at 40 CFR 170.112(e)(2), a

process to allow the Agency to initiate an exception to WPS entry restrictions, or to grant exceptions upon request from interested persons, if the benefits associated with otherwise-prohibited early entry activities exceed the risks associated with those early entry activities.

As specified in existing WPS, at 40 CFR 170.112(e)(2), data supporting an exception request should include:

(1) Crop(s) and specific production task(s) for which the exception is requested, including an explanation of the necessity to apply pesticides of types and at frequencies such that the REI would interfere with necessary and time-sensitive tasks for the requested exception period.

(2) Geographic area, including unique exposures or economic impacts resulting from REI prohibitions.

(3) Evaluation, for each crop-task combination, of technical and financial viability of alternative practices, and projection of practices most likely to be adopted by growers if no exception is granted, including rescheduling pesticide application or irrigation tasks, non-chemical pest control, machine irrigation, or use of shorter-REI pesticides.

(4) Per-acre changes in yield, market grade or quality, and changes in revenue and production cost attributable to REI prohibitions for crop and geographic area, specifying data before and after WPS implementation. Also, include factors which cause changes in revenue, market grade or quality; product performance and efficacy studies; and source of data submitted and the basis for any projections.

(5) The safety and feasibility of the requested exception, including feasibility of performing irrigation activity wearing early-entry PPE required for pesticides used; means of mitigating heat-related illness; time required daily per worker to perform irrigation activity; and methods of reducing worker exposure. Mitigating factors discussed should include availability of water for routine and emergency decontamination, and mechanical devices to reduce worker contact with treated surfaces. Discussion of the costs of early entry should include decontamination facilities, worker training, heat stress avoidance procedures, and provision, inspection, cleaning and maintenance of PPÊ.

(6) Why alternative practices would not be technically or financially feasible.