chemical resistant gloves, and chemical resistant footwear instead of the personal protective equipment specified on the label.

The Congressional Record of March 24, 1994 provides further information concerning the legislative intent of the nature of the irrigation exception:

Section 2(b) provides, until January 1, 1995, optional PPE for early entry workers operating, moving, or repairing irrigation or watering equipment where contact with the treated surfaces is limited to hands, arms, lower legs, and feet. Instead of providing the PPE on the label specified for early entry, in this situation, the agricultural employer can provide to the irrigation workers the following PPE: chemical resistant boots, chemical resistant gloves, and coveralls. This exception is only for workers performing irrigation work.

In considering the terms of a proposed national exception, one concern is the need to learn from experience how the exception is being implemented, and whether workers truly are protected under the terms of the exception.

Therefore, the Agency is proposing to limit the exception to 2 years, and to review and revise the terms of the exception as appropriate based upon experience during that 2 years.

C. Proposed Terms of Exception

The Agency is considering the following proposed exception to early entry restrictions for irrigation tasks:

A worker may enter a treated area during a restricted-entry interval to perform tasks related to operating, moving, or repairing irrigation or watering equipment, if the agricultural employer ensures that the following requirements are met:

- (1) The worker's only contact with treated surfaces (including, but not limited to, soil, water, air, surfaces of plants, crops, and irrigation equipment if exposed to pesticides during application) is to the feet, lower legs, hands and forearms.
- (2) The tasks could not be delayed until after expiration of the restricted-entry interval or the pesticide application could not be delayed until after the task is completed.
- (3) The pesticide product does not have a statement in the pesticide product labeling requiring both the posting of treated areas and oral notification to workers ("double notification").
- (4) The personal protective equipment for early entry is provided to the worker. Such personal protective equipment shall either: (a) conform with the label requirements for early entry; or (b) coveralls, chemical resistant gloves, socks, and chemical resistant footwear.

- (5) No hand labor activity is performed.
- (6) The time in treated areas under a restricted-entry interval for any worker does not exceed 8 hours in any 24 hour period.
- (7) The requirements of 40 CFR 170.112(c)(3) through (9) are met. These are WPS requirements for all early-entry situations that involve contact with treated surfaces. They include (a) a prohibition against entry during the first 4 hours, and until applicable ventilation criteria have been met, and until any label-specified inhalation exposure level has been reached; (b) PPE definitions and requirements; (c) label-specific instructions; (d) heat-related illness avoidance measures; (e) decontamination requirements; and (f) a prohibition against wearing home or taking home PPE.
- (8) Notice about the exception for irrigation workers. The agricultural employer shall:
- (a) Notify early-entry irrigation workers orally, before such workers enter a treated area, that the establishment is relying on this exception to allow workers to enter treated areas to complete irrigation tasks.
- (b) post information about the terms and conditions of this exception. The posted information shall convey the following information:
- (i) The establishment is operating under the conditions of the exception for irrigation workers.
- (ii) No entry is allowed for the first 4 hours following an application, and until any exposure level has been reached or any ventilation criteria have been met.
- (iii) Time in treated areas under a restricted-entry interval for any worker does not exceed 8 hours in any 24 hour period.
- (iv) Decontamination and change areas are provided.
- (v) Basic safety training and labelspecific information must be provided to early-entry irrigation workers.
- (vi) The personal protective equipment specified on the product labeling for early-entry, or a set of coveralls, chemical resistant gloves, socks, and chemical resistant footwear must be provided, cleaned, and maintained for early-entry irrigation workers.
- (vii) Early-entry irrigation workers must be instructed in how to put on, use, and remove the personal protective equipment.
- (viii) Measures to prevent heat stress must be implemented when appropriate.

- (ix) A pesticide safety poster and information about pesticide applications must be displayed in a central location.
- (x) The exception expires on January 11, 1997.
- (9) This exception shall expire 24 months after the effective date.

V. Comments Solicited

The Agency is interested in a full range of comments and information on these exception requests, and is providing 45 days for submission of comments. Comments should be submitted in triplicate and addressed to the Document Control Officer (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

A. Possible Exceptions for Irrigation Tasks

The Agency requests comments on whether an exception (if granted) should be limited to a geographic region that would be comprised of two or more States in one area. Comments are requested on whether an exception should be limited to California, should be limited to Hawaii, should include other states with irrigation issues similar to California and Hawaii, or should include the whole country.

In determining whether to grant an exception, and, if so, whether the exception should or should not be limited to any particular geographic areas, the Agency will assess whether the risks and benefits associated with early-entry irrigation tasks differ across the country. In that regard, it should be noted that the California and Hawaii requests contained much information that may not apply to other parts of the country. This is particularly true with regard to the issue of the need to perform early-entry tasks. On this issue, the requestors identified a number of factors which may be unique to the two States involved. Commenters are encouraged to provide information about conditions in other States, and are particularly encouraged to include in their comments whether (and to what extent) the comments apply to particular geographic areas or to the whole country.

The Agency particularly welcomes comments and risk/benefit information (including scientific data, where available) on the California, Hawaii, and Agency proposed exceptions, addressing the following issues:

(1) The risks to workers under the various proposed exceptions, and whether risks differ among irrigation tasks or crop sites.