

DC 20460. In person, bring comments to: Rm. 1132, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number "OPP-250106." No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Libraries.

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FOR FURTHER INFORMATION CONTACT: Sara Ager or Ameesha Mehta, Office of Pesticide Programs (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 1121, 1921 Jefferson Davis Highway, Crystal Mall #2, Arlington, VA, (703) 305-7371, ager.sara@epamail.epa.gov or mehta.ameesha@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

A. Early Entry Exceptions

In general, § 170.112 of the Worker Protection Standard (WPS) prohibits agricultural workers from entering a pesticide-treated area during a restricted entry interval (REI). REIs are based on the toxicity of the active ingredient in the product. REIs are specified on the pesticide product label and typically range from 12 to 72 hours. Product-specific longer REIs have been set for a few pesticides.

The WPS currently contains the following exceptions to the general

prohibition against worker entry during the REI:

(1) Entry resulting in no contact with treated surfaces.

(2) Entry allowing short-term tasks (less than 1 hour) to be performed with personal protective equipment (PPE) and other conditions.

(3) Entry to perform tasks associated with agricultural emergencies.

Under these exceptions, workers engaging in early entry work are not permitted to engage in hand labor, which results in substantial contact with treated surfaces. 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 treated surfaces (such as plants or soil) that may contain pesticide residues.

Under § 170.112(e) of the WPS, EPA may establish additional exceptions to the Standard's provision of prohibiting early entry to perform routine hand labor tasks. EPA will grant or deny a request for an exception based on a risk-benefit analysis. This analysis takes into account both the added risks and the benefits from allowing early entry to perform hand labor tasks.

On June 10, 1994 (59 FR 30265), EPA granted an exception which allows, under specified conditions, early entry into pesticide-treated areas in greenhouses to harvest cut roses. In the **Federal Register** of May 3, 1995 (60 FR 21953), two additional exceptions were granted which allow early-entry to perform irrigation and limited contact tasks under specified conditions.

B. Chemical-Specific Information

Chlorothalonil is a wettable granular fungicide used to control Downey Mildew disease, and has been classified as a probable human (Category B₂) carcinogen. Chlorothalonil has eye irritation concerns and other delayed health effects (kidney effects). The REI has been set for 48 hours. The pre-harvest interval (PHI) for melons and squash is at 0-days. The PHI is the time duration that must elapse, in days, from the last day of application to the first day that a crop can be harvested. The Registration Eligibility Document (RED) is scheduled for completion this year and changes to the REI and the PHI may occur.

II. Summary of Delaware's Petition

The State of Delaware has petitioned under § 170.112(e) the Agency to allow early entry by workers into chlorothalonil-treated cantaloupe and squash fields to perform hand labor harvesting 24 hours after the spray application. Delaware's petition states

that if growers cannot harvest daily they will suffer substantial economic losses. The time period for the exception requested is from July 1 through September 15, 1995.

A. Need for Early Entry

According to the request, cantaloupe and squash are under severe disease pressure from Downey mildew in Delaware, and if unchecked, it can destroy the crop. The practice is to apply chlorothalonil every 7 days where Downy mildew is a problem. Delaware contends that considerable fruit could be damaged or lost during a 48-hour REI, due to the inability to harvest mature crops. The alternatives to chlorothalonil are Maneb or Penncozeb, both of which have a PHI of 5 days. Delaware states that rescheduling sprays would not be practical because the 7-day spray schedule is followed to protect against Downey mildew infection. Delaware contends that regardless of how a grower schedules sprays, there would be a 48-hour REI following a spray application, and weather and crop maturity may require harvest during that time. According to Delaware, the average plot size is 1 acre and requires 2 to 5 workers to harvest 1 hour per field. Workers would harvest several fields over an 8-hour day. Delaware also maintains that machine harvesting of cantaloupe or squash is not feasible. The State of Delaware is open to suggestions from the Agency for any means to mitigate possible eye hazards to harvest crews.

B. Proposed Terms of Exception

The State of Delaware has proposed the following protective measures:

1. No harvesting would be performed until 24 hours after application.
2. Growers harvesting cantaloupe and squash between 24 and 48 hours following the application of chlorothalonil would provide oral warnings to workers to avoid contacting their eyes with their hands and forearms or any clothing which may be in contact with the foliage during harvest. They would give this warning at the start of each workday.
3. Workers would be given instructions at the beginning of the workday to wash their hands, forearms, and faces after every 2 hours or at the conclusion of a period of picking if less than 2 hours.
4. To accommodate the increased use of water at the field decontamination site, the grower would provide 3 gallons of water or have running water available, as opposed to the recommended 1 gallon of water per worker.