# ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 170

[OPP-250107; FRL-4969-4]

Pesticide Worker Protection Standard; Language and Size Requirement for Warning Signs

**AGENCY:** Environmental Protection

Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to revise the Worker Protection Standard (WPS) to allow the substitution of an alternate language for the Spanish portion of the warning sign and to allow the use of smaller warning signs in greenhouses and nurseries where the use of the standard size sign may interfere with operations or the clear identification of treated areas. These changes will allow the flexibility to tailor the sign to accommodate a workforce whose predominant language is neither English nor Spanish. In addition, the changes will modify the rule's existing criterion for allowing smaller signs in nurseries and greenhouses and will facilitate posting of treated areas.

**DATES:** Written comments, identified by the docket control number OPP–250107, must be received on or before November 13,1995.

ADDRESSES: By mail, submit written comments to: Public Response Section, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: oppdocket@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 in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number OPP-250107. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit V. of this document. Information submitted as a comment concerning this document may be claimed confidential by marking

any part or all of that information as CBI.

Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the Virginia address given above from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: John MacDonald or Linda Strauss, Certification and Training, and Occupational Safety Branch (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Telephone: 703–305–7666, e-mail: strauss.linda@epamail.epa.gov.

#### SUPPLEMENTARY INFORMATION:

## I. Statutory Authority

This proposed rule is issued under the authority of section 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. sections 136-136y.

#### II. Background

In 1992 EPA revised the Worker Protection Standard (40 CFR part 170) (57 FR 38102, August 21, 1992) which is intended to protect agricultural workers and handlers from risks associated with agricultural pesticides. The 1992 WPS expanded the scope of the original WPS to include not only workers performing hand labor operations in fields treated with pesticides, but also workers in or on farms, forests, nurseries, and greenhouses, as well as pesticides handlers who mix, load, apply, or otherwise handle pesticides for use at these locations in the production of agricultural commodities. The WPS contains requirements for training, notification of pesticide applications, use of personal protective equipment, restricted entry intervals, decontamination, and emergency medical assistance.

This proposed WPS rule amendment is one of a series of Agency actions in response to concerns raised by stakeholders affected by the rule. In addition to this proposed amendment, elsewhere in this issue of the Federal Register, EPA is issuing another proposal soliciting public comment regarding modifying the requirements for decontamination supplies for

workers when low toxicity pesticides are used.

III. Current Requirements and Proposal for Bilingual Signs

#### A. Current Requirements

Section 170.120 of the WPS requires that signs warning of pesticide-treated areas be in both English and Spanish. The words "DANGER" and "PELIGRO," plus "PESTICIDES" and "PESTICIDAS," shall be at the top of the sign, and the words "KEEP OUT" and "NO ENTRE" shall be at the bottom of the sign. All letters must be clearly legible and visible from all usual points of worker entry into the treated area. Also, the regulation allows additional information to be placed on the warning sign if the information does not detract from the appearance of the sign or change the meaning of the required information.

## B. Reasons for this Proposal

In the preamble to the final regulation, EPA discussed its rationale for adoption of Spanish as the second language on the warning sign. EPA realized that non-English readers were not solely Spanish readers. However, EPA believed imposition of a requirement to identify all languages spoken and development of alternative signs would be an unnecessary burden on agricultural employers.

Since publication of the regulation, EPA has received a number of comments on the English/Spanish warning signs. These commenters are concerned about workers who do not read English or Spanish and have requested that EPA allow a grower to eliminate or replace the Spanish portion of the warning sign based upon the composition of the workforce. They stated that, in some parts of the country, Spanish-reading workers are not common and the requirement to include Spanish on the sign should be limited to those areas where a significant number of Spanish-reading workers are employed.

Farmworker representatives have commented that it should be mandatory to add to the warning sign all languages used by workers at the establishment.

### C. Proposal to Modify the Second Language Requirements on the Sign

In response to the above comments, EPA believes that allowing growers the option to replace the Spanish portion of the warning sign with an appropriate language that is more representative of the language read by the workforce will promote worker understanding of the information on the sign and enhance