worker safety. Presently, EPA believes that the number of farmworkers who read a language other than English or Spanish is approximately 5 percent of the United States farmworker population. EPA believes this represents a large enough population to warrant this proposal.

EPA considered the farmworker proposal that warning signs contain all languages spoken by workers on an establishment. While the Agency agrees that it would be ideal to have a warning sign(s) capable of being read by all workers, EPA believes that a requirement for multiple signs using different languages would be difficult to administer and would place an unnecessary burden on growers. Specifically, such a proposal could require frequent review of the languages spoken by the workforce and frequent sign modifications. The sign also could become cluttered and be less likely to be read and understood by the workers. Further, under the regulation, the WPSrequired training for workers must be presented in a manner that the workers can understand (such as through a translator) and must convey the purpose and posting of warning signs. For these reasons, EPA is not proposing adoption of a requirement that warning signs contain all languages read by workers on an establishment.

EPA is proposing the following for consideration and comment:

EPA proposes to allow growers the option of replacing the Spanish portion of the warning sign with the written language that is most read by the portion of the workforce that does not read English. If finalized, this would be an option for growers and would not preclude the continued use of the English/Spanish sign, which would remain acceptable. If the grower chooses this approach, the second language must represent a language read by a majority of workers who do not read English. The English portion of the sign must not be omitted. Workers capable of reading both English and other language(s) should be considered English readers.

Under this proposal, growers who wish to replace the Spanish portion of the sign may accomplish this in several ways, including: (1) Covering the Spanish portion with a sticker displaying the appropriate second language, (2) writing in the substitute language on a sign produced with a blank portion, or (3) using originally produced warning signs with a second language other than Spanish. This proposal would not affect other format and design requirements of the WPS, including the requirement that signs must be visible, legible and

weatherproof, during the time they are posted.

The proposed text that would give growers the option of replacing the Spanish portion of the sign with a language other than Spanish is located in the regulatory text of this document.

## D. Solicitation of Comments on Bilingual Signs

EPA is interested in receiving comments and information on the proposed option. Specifically, comments are requested on:

1. What are the advantages and disadvantages of changing the current warning sign provisions of the WPS to allow for the use of a non-Spanish second language?

2. What are the advantages and disadvantages of requiring all languages read by workers to be included on the

warning sign?

- 3. If growers wish to replace the Spanish portion of the sign with another language, how practical and effective are the proposed options? Are there methods other than those identified by EPA, which would be more effective in facilitating the proposed language substitution?
- 4. If growers choose to use a non-Spanish second language, how should growers identify the non-Spanish language which is read by a majority of workers who do not read English?
- 5. What are the costs, availability, production time, and general feasibility of producing signs with a second language other than Spanish under the provisions of the proposed regulation?
- IV. Current Sign Requirements and Proposal for Smaller Signs

## A. Current Requirements

WPS § 170.120(c)(2) specifies that warning signs must be 14" X 16" (standard) in size, and the letters shall be at least 1 inch in height, unless a smaller sign and smaller letters are necessary "because the treated area is too small to accommodate a sign of this size."

Also, the signs must remain visible and legible during the time they are posted. On agricultural establishments, the signs must be visible from all usual points of worker entry to the treated area, or if there are no usual points of entry, signs must be posted in the corners of the treated area or in any other location affording maximum visibility. On farms and in forests and nurseries, usual points of entry include each access road, each border with any labor camp adjacent to the treated area, and each footpath and other walking route that enters the treated area. In

greenhouses, usual points of entry include each aisle or other walking route that enters the treated area.

## B. Reasons for this Proposal

In the proposal of the 1992 regulation, the Agency did not propose a size requirement for warning signs, however signs were to be "clearly legible." However, in the response to comments on the proposal, the Agency explained that the final rule would specify a sign size because that would promote the use of generic signs and eliminate any ambiguity as to what is "clearly legible." The document also states that EPA would require 14" X 16" size signs, except where that size would be impractical, such as for posting individual potted plants and where numerous crops are grown in relatively small areas. In the final rule, however, use of the smaller sign was restricted only to areas where the size of the treated area would not accommodate a 14" X 16" size sign.

Since publication of the 1992 rule, the American Association of Nurserymen (AAN) has commented that use of smaller signs should not be limited to situations where the treated area is too small to accommodate a standard size sign, as the current rule requires. The AAN asserts that use of smaller signs should be an option in a wide variety of greenhouse and nursery production settings. The AAN reports that, as growers have tried to implement the current WPS sign requirements, the 14" X 16" (standard) size signs have been impractical and burdensome in greenhouses and nurseries, given the intensity and frequency of labor activity in these smaller-scale operations and their reliance on and requirement by WPS for posting. In greenhouses, all pesticide applications must be posted and oral notification to workers is required as well for some products. Although oral notification is an option in nurseries in most circumstances, posting is generally preferred by the industry because it would be difficult for workers to remember the locations of all the treated areas.

The AAN provides several reasons why the 14" X 16" signs interfere with operations and the clear identification of treated areas in greenhouse and nursery settings. First, they state that, as compared to farms and forests, the use of the standard size signs can result in crowding and confusion about the exact boundary of each of the treated areas because many signs can be required in a small area where there are different treatment regimes which are in close proximity. Second, installing, removing, and storing the standard size signs and