III. Current Worker Protection Standard Decontamination Requirement

Section 170.150 of the WPS requires that workers be provided with a decontamination site (water, soap, disposable towels) for washing off pesticide residues whenever a worker performs any task in an area where, within the last 30 days, a pesticide has been applied or a restricted-entry interval has been in effect, and the worker contacts anything that has been treated with the pesticide.

Decontamination sites must consist of soap and single-use towels sufficient to meet workers' needs and enough water for routine washing and emergency eye flushing. The sites must be reasonably accessible to workers and not more than 1/4 mile from workers, or at the nearest place of vehicular access.

The water must be of a quality and temperature that will not cause injury when it contacts eyes, skin, or when it is ingested. Water cannot be stored in tanks used for mixing pesticides, unless the tank is equipped with functioning valves or mechanisms that prevent pesticides from entering the tank. EPA recommends that at least 1 gallon of water be available per worker for general washing. When workers are engaged in early-entry tasks in areas treated with pesticides that require protective eye wear, at least 1 pint of water must be immediately available to each worker for emergency eye flushing; this water must be carried by the worker, on the vehicle which the worker is using, or must be otherwise immediately available. At remote work sites, workers may use clean water from streams, springs, lakes, or other sources that are more accessible than the water at the decontamination site located at the nearest point of vehicular access.

Decontamination sites shall not be in areas being treated with pesticides. In general, decontamination sites shall not be in areas under a restricted entry interval (REI), unless workers are engaged in permitted early-entry tasks and are contacting treated surfaces. For workers who have performed earlyentry tasks, employers must provide a decontamination site at the place where the workers remove their protective equipment with a sufficient amount of water to wash thoroughly. These requirements are discussed more fully in the next unit.

IV. Discussion of Comments Received and Clarification of Requirements

The Agency has received comments and requests from stakeholders that changes to the WPS decontamination

requirement be made. EPA has held meetings with agricultural industry representatives and farmworker representatives to discuss their concerns about potential changes in the decontamination requirement. EPA has also received written comments on the subject. Concerns expressed by stakeholders in both correspondence and in meetings are reviewed below.

A. Stakeholder Concerns

In a July 8, 1994, petition for rulemaking, the National Association of State Departments of Agriculture (NASDA) requested that EPA narrow WPS decontamination supply requirements to periods which EPA has previously identified as posing potential contact with residues. In particular, NASDA asked for decontamination supplies to be required only during REIs or "immediately following the pesticide application." NASDA stated that the duration of the 30-day requirement is "unnecessary and wasteful" because decontamination supplies must be provided even when there is no apparent risk.

NASDA stated that pesticide dusts

and mists settle after a pesticide application, which minimizes the opportunity for workers to contact the pesticide residues. Moreover, NASDA argued that, unless EPA has a specific health-based concern about a particular pesticide, which should be reflected in the pesticide's REIs, decontamination supplies should not be required beyond a pesticide's REI because foliar residues should be largely dissipated by the time the REI expires; NASDA stated that risks are relatively low when foliar residues are mostly dissipated. NASDA also argued that it is impractical to place a decontamination site where potential risks from residues are arguably low, instead of in areas where potential risks are known to be high.

The Farm Bureau, the Cotton Council. and other stakeholders have stated in correspondence and in meetings with EPA that the requirement is unduly burdensome because there is little or no worker risk from what pesticide residues remain after the respective REIs expire. These commenters believe that the sites would be better utilized in more recently treated areas. Industry stakeholders comments have focused on the risks associated with pesticides' acute toxicity.

Some agricultural industry stakeholders stated that putting decontamination sites in areas of arguably low risk, such as areas where the REIs have expired, results in the inefficient use of transport equipment. For example, on some cotton farms

work crews are large, and decontamination supplies and facilities are transported in trailers. Commenters have stated that the trailers are expensive, are difficult to move around, and that purchasing several of them, instead of moving one trailer to the area most in need of a decontamination site, is an added burden and an inefficient use of equipment. Some commenters have stated that other vehicles, such as pickup trucks, are also not efficiently used, because large water tanks are kept in the truck's bed and the truck must remain with the workers.

On the other hand, stakeholders representing farmworker concerns have taken issue with the proposed changes to the decontamination requirement. For example, the Farmworker Justice Fund and the American Farmworker Opportunities Program have requested that EPA not make any changes to the requirement. They have stated that a change to the requirement may be perceived as a weakening of the requirement and might promote less compliance. Stakeholders representing farmworkers have said that implementing any of the possible changes mentioned in this proposal will weaken the requirement. They have said that these changes will result in increased risks to farmworkers, because the number of opportunities for farmworkers to wash themselves during working hours will decrease. These commenters have also stated that the requirement is easy to meet because of its low costs and, therefore, there is no basis for changing it.

B. Clarification of Current Worker Protection Standard Decontamination Requirement

EPA has received comments and requests to provide clarification about the WPS decontamination requirement. The Agency has realized from these questions that the requirement is not completely understood by agricultural employers. In response, EPA is providing the following information.

1. When a decontamination site must be provided and when it is not required. A decontamination site is only required whenever workers perform tasks resulting in contact with pesticidetreated surfaces in an area that has been treated with pesticides within the last 30 days, or an REI has been in effect in the area within the last 30 days. The decontamination site is not required to be left in or near a pesticide-treated area when workers are not present, nor is a decontamination site required to be left in or near a pesticide-treated area in the event that it might be needed at some future time.