Decontamination sites are not required when there are no workers present in the treated area. Decontamination sites are not required when workers are engaged in work that does not result in contact with pesticide-treated surfaces. For example, a decontamination site is not required for a worker who walks into a treated field to place a flag without handling the crop or otherwise contacting treated surfaces. Likewise, a decontamination site is not required for workers who enter fields where the treated surface(s) has been completely removed.

The removal of treated surfaces can occur during the harvest of some crops. However, not all harvesting will result in the removal of all treated surfaces. The harvest of some crops is accomplished in stages, such as melons. Melons ripen throughout the growing season and it is likely that many melons remaining in the field will have pesticides residues on them that are less than 30 days old, due to periodic retreatment. With other crops, such as orchard fruits, harvesting cannot completely remove all treated surfaces, which include tree leaves and branches. However, the remains of some field crops are plowed under after harvest. In that case, there would be no treated surfaces remaining.

2. How to transport and provide a decontamination site. Employers have expressed concern about ways to transport and provide decontamination sites, particularly the water. Employers have stated that providing large containers of water limits the use of the transport vehicle, which is often left stationary with the supplies in or on it. In response, the Agency would like to emphasize that the method of providing decontamination supplies is at the discretion of the employer. Examples of placement of the supplies can include in a shed, trailer, pickup truck, carboy, or enclosed container.

Decontamination water must be sufficient for workers' needs. If running water is not immediately available, EPA recommends that at least 1 gallon of water be provided for each worker. The water need not necessarily be in a single large container that would be kept in or on a vehicle. It can be provided in smaller containers, such as large and medium coolers, or even 1 gallon jugs. Whenever possible, EPA recommends that employers provide larger water containers. Small ones, such as 1 gallon jugs, are more easily contaminated because they are handled more, and more easily moved and knocked over than larger containers.

3. *Duration of decontamination sites.* The decontamination requirement does not require that a permanent supply site be built, such as a shed. The requirement will be satisfied so long as the decontamination supplies are reasonably accessible to workers (within <sup>1</sup>/4 mile or at the nearest point of vehicular access), and the water is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed. Water can be kept at acceptable temperatures any number of ways, the most common being shade, although coolers are also common.

4. Decontamination sites in areas under an REI. A decontamination site can be placed in a pesticide-treated area, including an area under an REI. The decontamination site can be in an area under an REI only if intended for workers engaged in early entry tasks in that area.

In the case of workers engaged in early entry work in an area under an REI, it is the employer's discretion on where to provide the decontamination site. The site can be placed at the edge of the area under the REI, where there is less opportunity for it to contact pesticide residues. However, the employer may also wish to place the site in the area under the REI, where it would be closer to the workers. The site must be within <sup>1</sup>/<sub>4</sub> mile of the work area or at the nearest point of vehicular access.

Workers entering areas under an REI in a vehicle, such as a truck or tractor, may bring decontamination supplies with them in the vehicle, so long as the supplies will not contact pesticides or their residues. One way of ensuring that the decontamination supplies do not contact pesticides or their residues is to store them in an enclosed container. An enclosed container can be a closable plastic bag, a hard plastic box with a sealable lid, or other similar container.

When decontamination sites are in a treated area, and there is no REI in effect, enclosed containers or other measures to ensure that the decontamination supplies do not contact pesticide residues are not required, although EPA recommends that they be used.

5. Federal and State Occupational Safety and Health Administration (OSHA) Requirements. The OSHA Field Sanitation Standard (29 CFR 1928.110) sets sanitation requirements similar to those promulgated by EPA for worker decontamination. Several states, such as Washington, California, and Oregon, have requirements similar to or stricter than the OSHA requirements. These states appear to be the exception, however. The vast majority of states do not have requirements similar to OSHA's. To the extent that the provision of state and OSHA-required facilities coincide with WPS decontamination requirements, it is acceptable to use the state or OSHArequired facility. Therefore, employers meeting the OSHA or state requirement will not incur additional cost or burden in complying with the WPS decontamination requirement.

The OSHA standard requires agricultural employers who employ more than 10 workers at a given time to provide to those workers, among other things, hand washing facilities, including potable water, when workers are engaged in hand labor operations in the production of crops in the field. OSĤA's Standard differs significantly from the WPS requirement in the following ways: It applies only to larger establishments; it applies to all hand labor (not work resulting in limited contact with pesticide-treated surfaces); and it applies only to more than 3 hours of labor. The WPS decontamination requirements apply to any labor resulting in any contact with treated surfaces.

6. Length of time that decontamination sites are required after the REI. Decontamination sites are required for 30 days after a pesticide has been applied or after a REI has expired. All but a few pesticides have at least 4– hour REIs; therefore, it is highly likely that decontamination sites will be required for 30 days in almost all situations where pesticides are used. If the employer wishes to do so, decontamination sites can be provided to employees for longer than 30 days.

Should the proposed change in this proposed rule be implemented, the period for which decontamination sites would be required for certain lowtoxicity pesticides will be shortened from 30 days to between 1 and 15 days. The interval will be determined after the 45–day comment period on this proposed rule.

## V. Options Considered and EPA's Proposal

EPA considered several possible changes to the decontamination requirement, and is proposing to change the length of time decontamination supplies are required for pesticidetreated areas that have been under a 4– hour REI, e.g., end-use products containing active ingredients that have passed EPA's low toxicity screening criteria. The Agency believes that this proposed change will provide regulatory flexibility and promote the use of lowtoxicity pesticides, while ensuring that worker risk is not increased. Although the Agency is not proposing any of the