

103D CONGRESS
2D SESSION

S. 1913

AMENDMENT

In the House of Representatives, U. S.,

March 17, 1994.

Resolved, That the bill from the Senate (S. 1913) entitled “An Act to extend certain compliance dates for pesticide safety training and labeling requirements”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert:

1 ***SECTION 1. COMPLIANCE.***

2 *Until January 1, 1995, it shall not be a misuse under*
3 *section 12(a)(2)(G) of the Federal Insecticide, Fungicide,*
4 *and Rodenticide Act (7 U.S.C. 136j(a)(2)(G)) to use any*
5 *pesticide product in a manner inconsistent with the provi-*
6 *sions of 40 CFR part 170 that are (1) subject to the compli-*
7 *ance date specified in 40 CFR section 170.5(c) and (2) in-*
8 *corporated by reference on the label or labeling of any pes-*
9 *ticide product. This delay in compliance shall not apply*
10 *to specific worker protection requirements that appear di-*
11 *rectly on the label or labeling of the pesticide product.*

12 ***SEC. 2. REENTRY INTERVAL.***

13 *(a) IN GENERAL.—Notwithstanding the provisions of*
14 *40 CFR part 170, until January 1, 1995, a worker may*
15 *enter an area treated with a pesticide product during the*
16 *restricted entry interval specified on the label of the pes-*

1 *ticide product to perform tasks related to the production*
2 *of agricultural plants if the agricultural employer ensures*
3 *that—*

4 *(1) no hand labor activity is performed;*

5 *(2) no such entry is allowed for the first 4 hours*
6 *following the end of the application of the pesticide*
7 *product;*

8 *(3) no such entry is allowed until any inhala-*
9 *tion exposure level listed on the product labeling has*
10 *been reached; and*

11 *(4) the personal protective equipment specified*
12 *on the product labeling for early entry is provided in*
13 *clean and operating condition to the worker.*

14 *(b) PROTECTIVE EQUIPMENT FOR IRRIGATION*
15 *WORK.—For irrigation work for which the only contact*
16 *with treated surfaces is to the feet, lower legs, hands, and*
17 *arms, the agricultural employer may provide coveralls,*
18 *chemical resistant gloves, and chemical resistant footwear*
19 *instead of the personal protective equipment specified on*
20 *the label.*

21 **SEC. 3. CROP ADVISORS.**

22 *Notwithstanding the provisions of 40 CFR part 170,*
23 *until January 1, 1995, persons performing duties as crop*
24 *advisors shall not be considered workers or handlers under*
25 *40 CFR part 170 (or for the purposes of the pesticide label)*

1 *and shall not be subject to the requirements of 40 CFR part*
2 *170.*

3 **SEC. 4. SAFETY TRAINING.**

4 (a) *TRAINING MATERIALS.*—*Not later than September*
5 *23, 1994, the Administrator shall develop and distribute*
6 *pesticide safety training materials that convey, at a mini-*
7 *mum, the information referred in 40 CFR section*
8 *170.230(c)(4).*

9 (b) *IMPLEMENTATION.*—*The Administrator shall assist*
10 *the appropriate Federal, State, and tribal agencies in im-*
11 *plementing the pesticide safety training programs required*
12 *under 40 CFR part 170.*

13 **SEC. 5. DEFINITIONS.**

14 *As used in this Act:*

15 (1) *The term “hand labor” means any agricul-*
16 *tural activity performed by hand or with hand tools*
17 *that causes a worker to have substantial contact with*
18 *surfaces (such as plants, plant parts, or soil) that*
19 *may contain pesticide residues. These activities in-*
20 *clude, but are not limited to, harvesting, detasseling,*
21 *thinning, weeding, topping, planting, sucker removal,*
22 *pruning, disbudding, roguing, and packing produce*
23 *into containers in the field. The term “hand labor”*
24 *shall not include operating, moving, or repairing irri-*

1 *gation or watering equipment or performing the tasks*
2 *of crop advisors.*

3 (2) *The term “agricultural employer” means any*
4 *person who hires or contracts for the services of work-*
5 *ers, for any type of compensation, to perform activi-*
6 *ties related to the production of agricultural plants,*
7 *or any person who is an owner of or is responsible*
8 *for management or condition of an agricultural estab-*
9 *lishment that uses such workers.*

10 (3) *The term “worker” means any person, in-*
11 *cluding a self-employed person, who is employed for*
12 *any type of compensation and who is performing ac-*
13 *tivities relating to the production of agricultural*
14 *plants on an agricultural establishment. The term*
15 *“worker” shall not include any person employed by a*
16 *commercial pesticide handling establishment to per-*
17 *form tasks as a crop advisor.*

18 (4) *The term “Administrator” means the Admin-*
19 *istrator of the Environmental Protection Agency.*

1 **SEC. 6. EFFECTIVE PERIOD.**

2 *The provisions in this Act shall be effective until Janu-*
3 *ary 1, 1995.*

Attest:

Clerk.