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January 30, 2020

OPP Docket, Environmental Protection Agency Docket,
Mail Code: 28221T
1200 Pennsylvania Ave. NW
Washington, DC 20460-0001

RE: Docket No. EPA-HQ-OPP-2017-0543. Pesticides; Agricultural Worker Protection Standard; Revision of Application Exclusion Zone Requirements

The NCC is the central organization of the United States cotton industry. Its members include producers, ginner, cottonseed processors and merchandizers, merchants, cooperatives, warehousemen and textile manufacturers. A majority of the industry is concentrated in 17 cotton-producing states stretching from California to Virginia. U.S. cotton producers cultivate between 10 and 14 million acres of cotton with production averaging 12 to 20 million 480-lb bales annually. The downstream manufacturers of cotton apparel and home furnishings are located in virtually every state. Farms and businesses directly involved in the production, distribution and processing of cotton employ more than 125,000 workers and produce direct business revenue of more than \$21 billion. Annual cotton production is valued at more than \$5.5 billion at the farm gate, the point at which the producer markets the crop. Accounting for the ripple effect of cotton through the broader economy, direct and indirect employment surpasses 280,000 workers with economic activity of almost \$75 billion. In addition to the cotton fiber, cottonseed products are used for livestock feed and cottonseed oil is used as an ingredient in food products as well as being a premium cooking oil.

EPA is proposing to revise the Application Exclusion Zone (AEZ) provision at 170.505(b) that requires handlers to “suspend the application” if a worker or other person is in the AEZ, which as currently described moves with the application equipment and can therefore extend beyond the boundaries of the agricultural property or establishment. The proposal would limit the AEZ to within the boundaries of the agricultural establishment. This change would bring the pesticide handlers' duty to suspend applications in 170.505(b) in line with the agricultural employers' duty to exclude persons from the AEZ in 170.405(a)(2) so the two requirements are more consistent.

The AEZ is an area surrounding pesticide application equipment that exists only during outdoor pesticide applications. The existing requirement at 170.505(b) requires pesticide handlers (applicators) making a pesticide application to temporarily suspend the application if any worker or other person (besides trained/equipped handlers assisting in the application) is in the AEZ. The handler's obligation to suspend applications applies if a worker or other person is in any portion of the AEZ—on or off the property or establishment. EPA is not proposing any changes to the existing provision in the 2015 Worker Protection Standards (WPS) that prohibits a handler/applicator and employer from applying a pesticide in such a way that it contacts workers or other persons directly or through drift. This provision will be the mechanism for ensuring the

protections of individuals off the establishment from the potential exposures to pesticides from nearby agricultural pesticide applications.

The NCC agrees with the change outlined above.

The NCC also agrees with language added to clarify when to resume an application after an unauthorized person enters an AEZ; and to clarify that suspended applications due to unauthorized entry were not meant to be permanent.

The NCC also agrees with eliminating the language pertaining to spray quality and droplet size and clarifying the criterion for AEZ distances.

The NCC suggests that EPA make the AEZ wind directional. This would make it comparable to buffer zones, and since drift moves downwind, it would have the same protection as an all-around AEZ without the burden of constantly worrying about who or what is within an omnidirectional distance from application equipment.

Thank you for the opportunity to comment on this issue and thank you for proposing these revisions to clarify the regulation.

Regards,

A handwritten signature in black ink that reads "Steve Hensley". The signature is written in a cursive, flowing style.

Steve Hensley
Senior Scientist, Regulatory and Environmental Issues
National Cotton Council