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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 110

[SD-94-001]

RIN 0581-AB22

Recordkeeping Requirements for Certified Applicators of Federally Restricted Use Pesticides

AGENCY: Agricultural Marketing Service (AMS).

ACTION: Final rule; delay of effective date.

SUMMARY: The Agricultural Marketing Service (AMS), United States Department of Agriculture, is delaying the effective date of a final rule previously published in the **Federal Register** on February 10, 1995, which amended the regulations at 7 CFR Part 110 governing recordkeeping of federally restricted use pesticides by certified applicators. This action delays the rule's effective date from May 11, 1995, to August 1, 1995.

EFFECTIVE DATE: The effective date of the regulation published on February 10, 1995, amending 7 CFR Part 110, is August 1, 1995.

FOR FURTHER INFORMATION CONTACT: Bonnie Poli, Chief, Pesticide Records Branch, Science Division, AMS, 8700 Centreville Road, Suite 200, Manassas, VA 22110, 703-330-7826.

SUPPLEMENTARY INFORMATION:

Background

As part of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 136i-1), Congress mandated the establishment by the Secretary of Agriculture, in consultation with the Administrator of the Environmental Protection Agency, of requirements for recordkeeping by all certified

applicators of federally restricted use pesticides.

The regulations at 7 CFR part 110, "Recordkeeping Requirements for Certified Applicators of Federally Restricted Use Pesticides," (hereinafter referred to as the regulations) require certified pesticide applicators to maintain records of federally restricted use pesticide applications for a period of 2 years. The regulations also provide for access to pesticide records or record information by federal or state officials, or by licensed health care professionals when needed to treat an individual who may have been exposed to restricted use pesticides, and penalties for enforcement of the recordkeeping and access provisions.

On April 6, 1994, AMS published a document in the **Federal Register** (59 FR 16400-16403) proposing to amend the recordkeeping regulations for federally restricted use pesticides. The final regulations revise the definitions of the terms "medical emergency" and "licensed health care professional," provide new requirements for recording location of "spot applications" of federally restricted use pesticides, reduce the time period for a certified applicator to make a record of the application of a federally restricted use pesticide, clarify the circumstances under which licensed health care professionals may obtain, utilize, and release restricted use pesticide records or record information, and clarify the penalty provisions in the regulations. The final rule was published on February 10, 1995, (60 FR 8118-8124). The effective date of the final rule that was published on February 10, 1995 was May 11, 1995.

Since the publication of the final rule, AMS has received a number of comments from agricultural organizations expressing concern that the May 11, 1995, effective date did not allow certified applicators adequate time to be informed of the new requirements or make changes in existing recordkeeping procedures. The May 11, 1995, effective date also comes at the peak of spring planting season for many private certified applicators, the majority of whom are farmers. Based on these comments and re-evaluation of the timing of the effective date, AMS has determined that additional time is appropriate for the final regulations to become effective. The additional time

will provide AMS adequate time to inform certified applicators of the new pesticide recordkeeping requirements and will reduce the burden on certified applicators to make changes in recordkeeping procedures during the peak of the spring planting season.

Therefore, the Effective Date of the final rule that was published February 10, 1995, (60 FR 8118-8124), is delayed from May 11, 1995 to August 1, 1995.

Dated: May 8, 1995.

William J. Franks, Jr.,

Director, Science Division.

[FR Doc. 95-11656 Filed 5-10-95; 8:45 am]

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Animal and Plant Health Inspection Service

9 CFR Parts 92 and 98

[Docket No. 94-110-2]

Limited Ports; Denver, CO

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations concerning importation of animals and animal germ plasm by removing Denver, CO, from the list of limited ports of entry for animals and animal products that do not require restraint or holding facilities. The port has handled few importations and no longer has the personnel required to effectively provide inspection services for this location.

EFFECTIVE DATE: June 1, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. David Vogt, Senior Staff Veterinarian, Import/Export Products, National Center for Import and Export, VS, APHIS, Suite 3B05, 4700 River Road, Unit 39, Riverdale, MD 20737-1231; (301) 734-8172.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR parts 92 and 98 (referred to below as the regulations) restrict the importation of specified animals, animal products, and animal germ plasm into the United States to prevent the introduction of various animal diseases. The regulations designate limited ports of entry for germ plasm and certain animals and animal products, such as test specimens, that