

chemical-resistant gloves, chemical-resistant footwear and chemical-resistant headgear for overhead exposures) for all non-homeowner uses of oryzalin. The RED also required a chemical-resistant apron for mixers and loaders of all non-homeowner, end-use oryzalin liquid products. The additional PPE were required to mitigate exposure to oryzalin due to carcinogenicity concerns.

In the Oryzalin RED, the Agency used the Pesticide Handler Exposure Database (PHED), Version 1.0, to derive exposure estimates for mixers, loaders and applicators. In August 1995, DowElanco requested that the Agency reconsider the additional PPE requirements. In responding to this request, the Agency conducted a new risk and exposure assessment using an updated version of this same database (PHED 1.1) that contained more accurate information. The updated PHED database became available after the Oryzalin RED document had been published. The refined assessment indicated that the PPE requirements in the RED were overly restrictive, however, the refined risk estimates still showed that baseline PPE (i.e., long-sleeved shirt, long pants, socks and shoes) were not adequately protective of mixers and loaders of the liquid formulations and applicators using hand-held equipment.

For mixers and loaders of oryzalin liquids and applicators using hand-held equipment, the Agency is now requiring, chemical-resistant gloves, long-sleeved shirt, long pants, shoes, and socks. Additionally, for mixers and loaders of oryzalin liquids, a chemical-resistant apron is required. PPE for all other formulations will be determined based on the acute toxicity of the end-use product, as per guidance provided by the Worker Protection Standard (WPS).

For the low-pressure handwand use scenario, the refined oryzalin exposure and risk assessment used the high-pressure handwand data set rather than the low-pressure handwand data set. The Agency believes that the high-pressure handwand data set more closely approximates the type of spray equipment used to apply oryzalin to ornamentals and turfgrass. The risk estimates for applicators with the high-pressure handwand scenario were 3.5 x 10⁻⁵ with the baseline PPE and chemical-resistant gloves, which is in the acceptable range for applicators.

Electronic copies of the REDs and RED fact sheets can be downloaded from the Pesticide Special Review and Reregistration Information System at (703) 308-7224, and also can be reached

on the Internet via EPA's website at: <http://www.epa.gov/REDs/>.

The official record for this notice, as well as the public version, has been established for this notice under docket control number "OPP-34152" (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located at the address in "ADDRESSES" at the beginning of this document.

Electronic comments can be sent directly to EPA at:
opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comment and data will also be accepted on disks in WordPerfect 5.1 or 6.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket control number (OPP-34152). Electronic comments on this notice may be filed online at many Federal Depository Libraries.

List of Subjects

Environmental protection.

Dated: October 23, 1998.

Jack E. Housenger,

Acting Director, Special Review and Reregistration Division, Office of Pesticide Programs.

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ENVIRONMENTAL PROTECTION AGENCY

[PB-402404-DE; FRL-6037-3]

Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; the State of Delaware's Authorization Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for comments and opportunity for public hearing.

SUMMARY: On August 27, 1998, the State of Delaware submitted an application for EPA approval to administer and enforce training and certification requirements, training program accreditation requirements, and work practice standards for lead-based paint

activities in target housing and child-occupied facilities under section 402 of the Toxic Substances Control Act (TSCA). This notice announces the receipt of Delaware's application, provides a 45-day public comment period, and provides an opportunity to request a public hearing on the application.

DATES: Comments on the authorization application must be received on or before December 21, 1998. Public hearing requests must be received on or before December 7, 1998.

ADDRESSES: Submit all written comments and/or requests for a public hearing identified by docket control number "PB-402404-DE (in duplicate)" to: U.S. Environmental Protection Agency, Region III, Waste and Chemicals Management Division, Toxics Programs and Enforcement Branch (3WC33), 1650 Arch St., Philadelphia, PA 19103-2029.

Comments, data, and requests for a public hearing may also be submitted electronically to: johnson.artencia@epa.gov. Follow the instructions under Unit IV. of this document. No information claimed to be Confidential Business Information (CBI) should be submitted through e-mail.

FOR FURTHER INFORMATION CONTACT: Artencia R. Johnson (3WC33), Waste and Chemicals Management Division, U.S. Environmental Protection Agency, Region III, 1650 Arch St., Philadelphia, PA 19103, Telephone: (215) 814-5754; e-mail: johnson.artencia@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On October 28, 1992, the Housing and Community Development Act of 1992, Pub. L. 102-550, became law. Title X of that statute was the Residential Lead-Based Paint Hazard Reduction Act of 1992. That Act amended TSCA (15 U.S.C. 2601 *et seq.*) by adding Title IV (15 U.S.C. 2681-92), entitled "Lead Exposure Reduction."

Section 402 of TSCA authorizes and directs EPA to promulgate final regulations governing lead-based paint activities in target housing, public and commercial buildings, bridges and other structures. Those regulations are to ensure that individuals engaged in such activities are properly trained, that training programs are accredited, and that individuals engaged in these activities are certified and follow documented work practice standards. Under section 404, a State may seek authorization from EPA to administer and enforce its own lead-based paint activities program.

On August 29, 1996 (61 FR 45777) (FRL-5389-9), EPA promulgated final TSCA section 402/404 regulations governing lead-based paint activities in target housing and child-occupied facilities (a subset of public buildings). Those regulations are codified at 40 CFR part 745, and allow both States and Indian Tribes to apply for program authorization. Pursuant to section 404(h) of TSCA, EPA is to establish the Federal program in any State or Tribal Nation without its own authorized program in place by August 31, 1998.

States and Tribes that choose to apply for program authorization must submit a complete application to the appropriate Regional EPA Office for review. Those applications will be reviewed by EPA within 180 days of receipt of the complete application. To receive EPA approval, a State or Tribe must demonstrate that its program is at least as protective of human health and the environment as the Federal program, and provides for adequate enforcement (section 404(b) of TSCA, 15 U.S.C. 2684(b)). EPA's regulations (40 CFR part 745, subpart Q) provide the detailed requirements a State or Tribal program must meet in order to obtain EPA approval.

A State may choose to certify that its lead-based paint activities program meets the requirements for EPA approval, by submitting a letter signed by the Governor or Attorney General stating that the program meets the requirements of section 404(b) of TSCA. Upon submission of such certification letter, the program is deemed authorized. This authorization becomes ineffective, however, if EPA disapproves the application.

Pursuant to section 404(b) of TSCA, EPA provides notice and an opportunity for a public hearing on a State or Tribal program application before authorizing the program. Therefore, by this notice EPA is soliciting public comment on whether Delaware's application meets the requirements for EPA approval. This notice also provides an opportunity to request a public hearing on the application. If a hearing is requested and granted, EPA will issue a **Federal Register** notice announcing the date, time, and place of the hearing. EPA's final decision on the application will be published in the **Federal Register**.

II. State Program Description Summary

The following summary of Delaware's proposed program has been provided by the applicant.

The State of Delaware, Department of Health and Social Services (DHSS), Division of Public Health (DPH), Office of Lead Poisoning Prevention (OLPP),

under whose jurisdiction Delaware's childhood lead reduction initiatives reside, is the entity within State government that has promulgated the required regulations. The program will be at least as protective of human health and the environment as future Federal programs and will provide for adequate enforcement. The main thrust of Delaware's OLPP Program will be devoted to implement and enforce the required regulations based upon enacted legislation authorizing the establishment of a statewide lead prevention program. These required regulations, entitled "State of Delaware Regulations Governing Lead-Based Paint Hazards," became effective August 11, 1998. DPH's OLPP staff; Delaware State Housing Authority and other local housing authorities; Division of Professional Regulations; Department of Natural Resources and Environmental Control; City of Wilmington's Housing Inspections Department; private industry and industry trade associations (realtors, contractors, etc.); and other local and community-based outreach groups. The combined and coordinated efforts of these agencies will continue to play a vital role in the implementation of DPH's Office of Lead Poisoning Prevention Program.

Delaware has a total population of approximately 739,337 people located in three counties. The most heavily populated county is New Castle with a population of 478,068. The population of Kent County is 123,528 and of Sussex County 137,741. Wilmington is the largest city with a population of 71,517. Delaware's birth through 5-year old population is 60,284.

Universal screening legislation in Delaware, the Childhood Lead Poisoning Prevention Act, implemented in March 1995, requires private health care providers to order blood lead screening on all children at or around 12 months of age. All screening services are covered by third party insurance. Uninsured children and those without a medical home will continue to be screened at DPH Child Health Clinics. Environmental inspections and lead hazard reduction will occur at least in the homes of children with elevated blood lead levels >20 mcg/dL. In addition, targeted screening and investigations will occur in high risk neighborhoods, in day care centers, and the Head Start centers.

The lack of lead-safe housing is a problem in Delaware. Based on 1990 census information, it is estimated that approximately 144,000 owner and renter occupied homes in Delaware built prior to 1980 contain some level of lead-based paint. The DPH OLPP

Program has been monitoring blood lead levels in children since 1975. Utilizing existing OLPP data and 1990 U.S. Census information, the DPH has identified target areas with the City of Wilmington. However, the existence of lead-based paint in these target areas has not been confirmed. In addition, there is insufficient data on housing in the remainder of the State to conclusively identify other high risk areas.

III. Federal Overfiling

TSCA section 404(b) makes it unlawful for any person to violate, or fail or refuse to comply with, any requirement of an approved State or Tribal program. Therefore, EPA reserves the right to exercise its enforcement authority under TSCA against a violation of, or a failure or refusal to comply with, any requirement of an authorized State or Tribal program.

IV. Public Record and Electronic Submissions

The official record for this action, as well as the public version, has been established under docket control number "PB-402404-DE." Copies of this notice, the State of Delaware's authorization application, and all comments received on the application are available for inspection in the Region III office, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The docket is located at U.S. Environmental Protection Agency, Region III, Waste and Chemicals Management Division, Toxics Programs and Enforcement Branch (3WC33), 1650 Arch St., Philadelphia, PA.

Electronic comments can be sent directly to EPA at:
johnson.artencia@epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1/6/1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number "PB-402404-DE." Electronic comments on this document may be filed online at many Federal Depository Libraries. Information claimed as CBI should not be submitted electronically.

Commenters are encouraged to structure their comments so as not to contain information for which CBI claims would be made. However, any information claimed as CBI must be marked "confidential," "CBI," or with some other appropriate designation, and a commenters submitting such

information must also prepare a nonconfidential version (in duplicate) that can be placed in the public record. Any information so marked will be handled in accordance with the procedures contained in 40 CFR part 2. Comments and information not claimed as CBI at the time of submission will be placed in the public record.

V. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

EPA's actions on State or Tribal lead-based paint activities program applications are informal adjudications, not rules. Therefore, the requirements of the Regulatory Flexibility Act (RFA, 5 U.S.C. 601 *et seq.*), Executive Order 12866 ("Regulatory Planning and Review," 58 FR 51735, October 4, 1993), and Executive Order 13045 ("Protection of Children from Environmental Health Risks and Safety Risks," 62 FR 1985, April 23, 1997), do not apply to this action. This action does not contain any Federal mandates, and therefore is not subject to the requirements of the Unfunded Mandates Reform Act (2 U.S.C. 1531-1538). In addition, this action does not contain any information collection requirements and therefore does not require review or approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

B. Executive Order 12875

Under Executive Order 12875, entitled, "Enhancing Intergovernmental Partnerships" (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or Tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representative of affected State, local, and Tribal governments, the nature of their concerns, copies of any written communications from the governments and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and Tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant mandates."

Today's action does not create and unfunded Federal mandate on State, local, or Tribal governments. This action

does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this action.

C. Executive Order 13084

Under Executive Order 13084, entitled, "Consultation and Coordination with Indian Tribal Governments" (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute and that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the Tribal governments. If the mandate is unfunded, EPA must provide OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected Tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's action does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this action.

Authority: 15 U.S.C 2682, 2684.

List of Subjects

Environmental protection, Hazardous substances, Lead, Reporting and recordkeeping requirements.

Dated: October 27, 1998.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

[FR Doc. 98-29810 Filed 11-5-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[PB-402404-MD; FRL-6037-4]

Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; The State of Maryland Authorization Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for comments and opportunity for public hearing.

SUMMARY: On July 31, 1998, the State of Maryland submitted an application for EPA approval to administer and enforce training and certification requirements, training program accreditation requirements, and work practice standards for lead-based paint activities in target housing and child-occupied facilities under section 402 of the Toxic Substances Control Act (TSCA). This notice announces the receipt of Maryland's application, provides a 45-day public comment period, and provides an opportunity to request a public hearing on the application.

DATES: Comments on the authorization application must be received on or before December 21, 1998. Public hearing requests must be received on or before December 7, 1998.

ADDRESSES: Submit all written comments and/or requests for a public hearing identified by docket control number "PB-402404-MD" (in duplicate) to: Environmental Protection Agency, Region III, Waste and Chemicals Management Division, Toxics Programs and Enforcement Branch (3WC33), 1650 Arch St., Philadelphia, PA 19103-2029. Comments, data, and requests for a public hearing may also be submitted electronically to: johnson.artencia@epa.gov. Follow the instructions under Unit IV. of this document. No information claimed to be Confidential Business Information (CBI) should be submitted through e-mail.

FOR FURTHER INFORMATION CONTACT: Artencia R. Johnson (3WC33), Waste and Chemicals Management Division, U.S. Environmental Protection Agency, Region III, 1650 Arch St., Philadelphia, PA 19103, Telephone: (215) 814-5754, e-mail address: johnson.artencia@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On October 28, 1992, the Housing and Community Development Act of 1992, Pub. L. 102-550, became law. Title X of that statute was the Residential Lead-Based Paint Hazard Reduction Act of