

Miller (FL)	Regula	Spence
Mollohan	Roberts	Stearns
Moorhead	Rogers	Stenholm
Murphy	Rohrabacher	Stump
Myers	Ros-Lehtinen	Stupak
Nussle	Roth	Sundquist
Oberstar	Royce	Talent
Ortiz	Santorum	Tauzin
Oxley	Sarpalius	Taylor (MS)
Packard	Saxton	Taylor (NC)
Parker	Schaefer	Tejeda
Paxon	Schiff	Thomas (CA)
Penny	Sensenbrenner	Thomas (WY)
Peterson (MN)	Shaw	Upton
Petri	Shuster	Volkmer
Pombo	Skeen	Vucanovich
Portman	Skelton	Walker
Poshard	Smith (MI)	Walsh
Quillen	Smith (NJ)	Weldon
Quinn	Smith (OR)	Wolf
Rahall	Smith (TX)	Young (AK)
Ravenel	Solomon	Young (FL)

NOT VOTING—18

Brown (CA)	Grandy	Livingston
Collins (IL)	Green	Manton
Conyers	Hancock	Meek
Farr	Hastings	Michel
Fowler	Kanjorski	Natcher
Gallo	Kaptur	Tucker

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶25.16 PESTICIDE SAFETY

On motion of Mr. DE LA GARZA, by unanimous consent, the Committee on Agriculture was discharged from further consideration of the bill of the Senate (S. 1913) to extend certain compliance dates for pesticide safety training and labeling requirements.

Mr. DE LA GARZA submitted the following amendment in the nature of a substitute which was agreed to:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. COMPLIANCE.

Until January 1, 1995, it shall not be a misuse under section 12(a)(2)(G) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136j(a)(2)(G)) to use any pesticide product in a manner inconsistent with the provisions of 40 CFR Part 170 that are (1) subject to the compliance date specified in 40 CFR section 170.5(c) and (2) incorporated by reference on the label or labeling of any pesticide product. This delay in compliance shall not apply to specific worker protection requirements that appear directly on the label or labeling of the pesticide product.

SEC. 2. REENTRY INTERVAL.

(a) IN GENERAL.—Notwithstanding the provisions of 40 CFR Part 170, until January 1, 1995, a worker may enter an area treated with a pesticide product during the restricted entry interval specified on the label of the pesticide product to perform tasks related to the production of agricultural plants if the agricultural employer ensures that—

- (1) no hand labor activity is performed;
- (2) no such entry is allowed for the first 4 hours following the end of the application of the pesticide product;
- (3) no such entry is allowed until any inhalation exposure level listed on the product labeling has been reached; and
- (4) the personal protective equipment specified on the product labeling for early entry is provided in clean and operating condition to the worker.

(b) PROTECTIVE EQUIPMENT FOR IRRIGATION WORK.—For irrigation work for which the only contact with treated surfaces is to the feet, lower legs, hands, and arms, the agricultural employer may provide coveralls, chemical resistant gloves, and chemical re-

sistant footwear instead of the personal protective equipment specified on the label.

SEC. 3. CROP ADVISORS

Notwithstanding the provisions of 40 CFR Part 170, until January 1, 1995, persons performing duties as crop advisors shall not be considered workers or handlers under 40 CFR Part 170 (or for the purposes of the pesticide label) and shall not be subject to the requirements of 40 CFR Part 170.

SEC. 4. SAFETY TRAINING.

(A) TRAINING MATERIALS.—Not later than September 23, 1994, the Administrator shall develop and distribute pesticide safety training materials that convey, at a minimum, the information referred in 40 CFR section 170.230(c)(4).

(b) IMPLEMENTATION.—The Administrator shall assist the appropriate Federal, State, and tribal agencies in implementing the pesticide safety training programs required under 40 CFR part 170.

SEC. 5. DEFINITIONS.

As used in this Act:

(1) The term "hand labor" means any agricultural activity performed by hand or with hand tools that causes a worker to have substantial contact with surfaces (such as plants, plant parts, or soil) that may contain pesticide residues. These activities include, but are not limited to, harvesting, detasseling, thinning, weeding, topping, planting, sucker removal, pruning, disbudding, roguing, and packing produce into containers in the field. The term "hand labor" shall not include operating, moving, or repairing irrigation or watering equipment or performing the tasks of crop advisors.

(2) The term "agricultural employer" means any person who hires or contracts for the services of workers, for any type of compensation, to perform activities related to the production of agricultural plants, or any person who is an owner of or is responsible for management or condition of an agricultural establishment that uses such workers.

(3) The term "worker" means any person, including a self-employed person, who is employed for any type of compensation and who is performing activities relating to the production of agricultural plants on an agricultural establishment. The term "worker" shall not include any person employed by a commercial pesticide handling establishment to perform tasks as a crop advisor.

(4) The term "Administrator" means the Administrator of the Environmental Protection Agency.

SEC. 6. EFFECTIVE PERIOD.

The provisions in this Act shall be effective until January 1, 1995.

When said bill, as amended, was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said amendment.

¶25.17 FREEDOM OF ACCESS TO CLINICS

On motion of Mrs. SCHROEDER, pursuant to House Resolution 374, the bill of the Senate (S. 636) to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes; was taken from the Speaker's table.

When said bill was considered and read twice.

Mrs. SCHROEDER, pursuant to House Resolution 374, moved to strike out all after the enacting clause and insert the provisions of H.R. 796, as passed by the House.

After debate,

Mrs. SCHROEDER moved the previous question on the amendment and the bill.

Mr. SMITH of New Jersey moved to lay on the table the motion to amend the Senate bill.

The question being put, viva voce,

Will the House lay on the table the motion to amend the Senate bill?

The SPEAKER pro tempore, Mr. STUDDS, announced that the nays had it.

Mr. SMITH of New Jersey demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 175
negative } Nays 240

¶25.18 [Roll No. 68]

YEAS—175

Allard	Goodling	Packard
Applegate	Goss	Parker
Archer	Grams	Paxon
Armey	Gunderson	Penny
Bachus (AL)	Hall (OH)	Peterson (MN)
Baker (CA)	Hall (TX)	Petri
Baker (LA)	Hancock	Pombo
Ballenger	Hansen	Portman
Barcia	Hastert	Poshard
Barrett (NE)	Hayes	Quillen
Bartlett	Hefley	Quinn
Barton	Herger	Rahall
Bateman	Hobson	Ravenel
Bentley	Hoekstra	Regula
Bevill	Hoke	Roberts
Bilirakis	Holden	Rogers
Bliley	Hunter	Rohrabacher
Blute	Hutchinson	Ros-Lehtinen
Boehner	Hutto	Roth
Bonilla	Hyde	Royce
Browder	Inglis	Sangmeister
Bunning	Inhofe	Santorum
Burton	Inslee	Sarpalius
Buyer	Istook	Saxton
Callahan	Johnson, Sam	Schaefer
Calvert	Kaptur	Sensenbrenner
Camp	Kasich	Shaw
Canady	Kildee	Shuster
Clinger	Kim	Skeen
Coble	King	Skelton
Collins (GA)	Kingston	Smith (MI)
Combest	Klink	Smith (NJ)
Costello	Knollenberg	Smith (OR)
Cox	Kyl	Smith (TX)
Crane	LaFalce	Solomon
Crapo	Leach	Spence
Cunningham	Levy	Stearns
de la Garza	Lewis (CA)	Stenholm
Deal	Lewis (FL)	Stump
DeLay	Lightfoot	Stupak
Diaz-Balart	Linder	Sundquist
Dickey	Manzullo	Talent
Doolittle	McCandless	Tauzin
Dornan	McCollum	Taylor (MS)
Dreier	McCrery	Taylor (NC)
Duncan	McDade	Tejeda
Dunn	McHugh	Thomas (CA)
Ehlers	McInnis	Thomas (WY)
Emerson	McKeon	Upton
Everett	McMillan	Volkmer
Ewing	McNulty	Vucanovich
Fields (TX)	Mica	Walker
Fish	Miller (FL)	Walsh
Gallegly	Mollohan	Waldon
Gekas	Moorhead	Wolf
Gilchrest	Myers	Young (AK)
Gillmor	Nussle	Young (FL)
Gingrich	Oberstar	
Goodlatte	Ortiz	