

**List of Subjects**

Environmental protection, Pesticides and pests, Product registration.

Dated: March 22, 1995.

**Stephen L. Johnson,**

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 95-7959 Filed 4-4-95; 8:45 am]

BILLING CODE 6560-50-F

[PF-624; FRL-4948-2]

**Rohm & Haas Co.; Notice of Filing of Pesticide Petitions**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has received from the Rohm & Haas Co. petitions to establish pesticide tolerances for benzoic acid, 3,5-dimethyl-1-(1,1-dimethylethyl)-2-(4-ethylbenzoyl) hydrazide, in or on apples and walnuts.

**ADDRESSES:** By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Information submitted and any comment(s) concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment(s) that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Information on the proposed test and any written comments will be available for public inspection in Rm. 1132 at the Virginia address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Rick Keigwin, Product Manager (PM-10), Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 713, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703)-305-7618; e-mail: keigwin.rick@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** This notice announces that EPA has received

from the Rohm & Haas Co., Independence Mall West, Philadelphia, PA 19105, notices of filing under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) for pesticide petitions (PP) 4E4375 and 4F4280 to amend 40 CFR part 180 to establish tolerances for benzoic acid, 3,5-dimethyl-1-(1,1-dimethylethyl)-2-(4-ethylbenzoyl) hydrazide, in or on the raw agricultural commodities apples at 1.0 part per million (ppm) (PP 4E4375) and walnuts at 0.1 ppm (PP 4F4280). The proposed analytical method for determining residues is HPLC separation with UV detection.

**List of Subjects**

Environmental protection, Agricultural commodities, Pesticides and pests.

**Authority:** 21 U.S.C. 346a and 348.

Dated: March 30, 1995.

**Susan Lewis,**

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 95-8345 Filed 3-31-95; 1:06 pm]

BILLING CODE 6560-50-F

[OPP-66209; FRL-4943-4]

**Mevinphos; Amendment to Cancellation Order and FIFRA Section 6(g) Notification**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of issuance of amended cancellation order.

**SUMMARY:** On June 30, 1994, Amvac Chemical Corporation (Amvac) of Los Angeles, California, requested voluntary cancellation of all registrations containing mevinphos (2-carbomethoxy-1-methylvinyl dimethyl phosphate, alpha and beta isomers, trade name Phosdrin). Pursuant to section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA canceled all mevinphos registrations on July 1, 1994. The Cancellation Order contained certain limitations upon the distribution, sale, and use of existing stocks of canceled pesticide products containing mevinphos. EPA has modified the existing stocks provision of the Cancellation Order to extend the period for sale, distribution, and use of existing stocks of certain canceled products containing mevinphos through November 30, 1995. At the end of this period, all product in the channels-of-trade, including product in the hands of growers, will be subject to a recall which has some provisions for reimbursement. Product sold after

February 27, 1995, will be labelled with additional protective requirements. This notice also amends the timeframe for reporting the possession of canceled mevinphos products as required under section 6(g) of FIFRA.

**DATES:** The amended cancellation order became effective January 13, 1995.

**FOR FURTHER INFORMATION CONTACT:** By mail: Richard Dumas, Special Review Branch, Special Review and Reregistration Division (7508W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Special Review Branch, 3rd floor, 2800 Crystal Drive, Arlington, VA, (703) 308-8015.

**SUPPLEMENTARY INFORMATION:****I. Introduction****A. Background**

On June 30, 1994, Amvac requested voluntary cancellation of all pesticide product registrations containing mevinphos as an active ingredient. On July 1, 1994, EPA issued a Cancellation Order for all mevinphos registrations pursuant to FIFRA section 6(f)(1). In the **Federal Register** of August 1, 1994 (59 FR 38973), EPA issued a Notice announcing receipt of the request for cancellation, the Cancellation Order, and the FIFRA section 6(g) notification requirements. The Cancellation Order prohibited the distribution and sale of existing stocks of canceled pesticide products containing mevinphos after December 31, 1994, and prohibited the use of existing stocks after February 28, 1995. Existing stocks refer to those stocks of previously-registered mevinphos products which were in the United States and were packaged, labeled, and released for shipment prior to the cancellation on July 1, 1994. Also, the Order required Amvac to develop and implement an acceptable Recall Plan for the recall of mevinphos products that were in the hands of dealers and distributors after December 31, 1994.

On December 28, 1994, EPA amended the Cancellation Order by extending distribution and sale of existing stocks of canceled mevinphos products through January 14, 1995, to facilitate work on a pending agreement between EPA and Amvac. On January 13, 1995, EPA entered into an agreement with Amvac and issued a new amendment to the Cancellation Order which changed the existing stocks provisions in the amended Cancellation Order by extending the period for distribution, sale, and use of mevinphos, established new use restrictions, and ordered the recall of mevinphos products.

The EPA registration numbers canceled by the Cancellation Order are: 5481-113, 5481-114, 5481-161, 5481-248, 5481-411, 5481-412, 5481-425, CA80001800, CA81000300, CA86006300, CA86007300 and any supplemental registrations of the registrations listed above.

*B. Restrictions on Distribution, Sale, and Use*

The Cancellation Order, as amended on December 28, 1994, provided that no person may distribute or sell mevinphos products after January 14, 1995, and that no person may use mevinphos products after February 28, 1995. The Amended Cancellation Order and Recall Order, issued January 13, 1995, prohibits all distribution, sale, and use of mevinphos products after November 30, 1995. The extension of the date for use, sale, and distribution does not affect the registration of mevinphos products in any way. All mevinphos registrations remain canceled, and will not be considered for registration. Moreover, all production of mevinphos products for use in the United States ceased July 1, 1994.

*C. Relabeling Requirements and Additional Restrictions on Use of Mevinphos Products*

Because of the risks that mevinphos poses to workers, the Cancellation Order as amended requires Amvac to relabel mevinphos products in the hands of dealers and distributors to reflect additional use restrictions. The additional required use restrictions are as follows: (1) Use of hand-held application equipment and air blast sprayers is prohibited; (2) applicators and other handlers must wear a respirator with either an organic vapor removing (O/V) cartridge with a prefilter approved for pesticides (MSHA/NIOSH) approval number prefix (TC-230), or a canister with a prefilter approved for pesticides (MSHA/NIOSH) approval number prefix (TC-14G); (3) applicators and other handlers must use protective eyewear; (4) applicators and other handlers must wear: coverall over long shirt and long pants; chemical-resistant apron (for mixing/loading and cleaning equipment); chemical-resistant gloves, such as Barrier Laminate, Butyl Rubber, Nitrile, Neoprene Rubber, Polyvinyl Chloride, or Viton; chemical-resistant footwear plus socks; and chemical-resistant headgear for overhead exposure; (5) use of protective measures described in 2, 3, and 4 apply even when a closed loading system is used; and (6) all applications in greenhouses and on grapes are prohibited.

New labelling also must contain information on the recall and last legal date for distribution, sale, and use. The specific language required on new labelling is as follows:

This product may not be sold, distributed, or used after November 30, 1995. Any product remaining after that date may be returned to Amvac Chemical Corporation which will arrange for storage and transportation. You may obtain reimbursement for the purchase price of any unopened containers in accordance with the terms of the Recall Plan. To obtain information on storage, return, and the reimbursement process, call 1-800-205-5330. If you dispose of this product, you must comply with applicable requirements for hazardous waste under federal and state law.

The additional use restrictions, recall information, and the November 30, 1995 deadline for legal distribution, sale, and use are contained in a Notice that will become a part of labelling for all mevinphos product sold or distributed after February 27, 1995. All mevinphos products sold and distributed after February 27, 1995, must have a one-inch-by-two-inch sticker affixed to each container directing users to read the Notice containing new labelling requirements. The Notice must accompany each container sold after February 27, 1995. Amvac is relabeling at its own cost. Amvac reports that it initiated the restickering program immediately after reaching agreement with the Agency and that the program is now completed.

*D. Recall*

When the Agency reached its agreement with Amvac on June 30, 1994, Amvac agreed to develop and implement an acceptable recall plan covering existing stocks of mevinphos in the hands of dealers and distributors. As part of the agreement between Amvac and EPA reached on January 13, 1995, Amvac submitted to EPA a proposed recall plan for the recall of existing stocks of mevinphos product. EPA has accepted Amvac's proposed plan and has ordered Amvac to begin implementing the recall plan on December 1, 1995. Amvac's recall plan, which is exemplary, includes provisions for recall of all mevinphos products down through the end-user, including opened and partially filled containers. Additionally, holders of unopened containers of Amvac product or those products that are supplemental registrations of Amvac products will be reimbursed for the purchase price. Reimbursement will go through the distribution chain, where dealers reimburse end-users, distributors

reimburse dealers, and Amvac reimburses distributors. Reimbursement to all holders provides a strong incentive to return mevinphos products. Finally, Amvac is assuming all costs associated with transportation, collection, and storage of mevinphos products that are being recalled.

The mevinphos registrations subject to the recall and reimbursement are: 5481-113, 5481-114, 5481-161, 5481-248, 5481-411, 5481-412, 5481-425, CA80001800, CA81000300, CA86006300, CA86007300, and supplemental registrations 5481-161-34704, 5481-114-34704, and 5481-412-34704. Mevinphos products that are not Amvac products or its supplemental registrations are subject to this recall, but they are not eligible for reimbursement. For example, products produced by Shell, Dupont, and Helena may not be eligible for reimbursement, but are subject to the recall.

*E. Modified Reporting Schedule Under Section 6(g)*

In the July 1, 1994 Cancellation Order, any person holding canceled mevinphos product was required to report holdings under section 6(g) of FIFRA. Producers, exporters, applicants for a registration, applicants or holders of an experimental use permit, dealers, distributors, and retailers were to report by January 31, 1995. Commercial applicators were to report by March 28, 1995. All persons must now report by December 31, 1995.

**II. Agency Rationale for Amendment**

On July 1, 1994, when the Agency accepted the voluntary cancellation and allowed the use of existing stocks through February 28, 1995, there were many reasons to accept the voluntary cancellation rather than issuing a notice of intent to suspend notice as the Agency was prepared to do to resolve the risks posed by mevinphos. Had the Agency issued the suspension and Amvac contested the suspension and requested an administrative hearing, production and distribution could have continued throughout the legal proceedings. This outcome could have resulted in significantly greater use and almost certainly a larger volume of potential hazardous waste at all levels of the channels-of-trade (particularly, at the grower level) than would have occurred had the Agency not agreed to a voluntary cancellation that allowed existing stocks. Mevinphos would have become a hazardous waste only when it was intended for disposal and not when it would be returned under the recall program. Moreover, even if the Agency had prevailed in an administrative hearing, Amvac could have appealed

the decision and further production and use might have been allowed during the appeal process. In addition, Amvac had agreed to conduct a recall of mevinphos products in the hands of dealers and distributors. If the Agency had to mandate a recall rather than utilize a voluntary recall, it would have had to do so through a rulemaking process which can take more time to implement than the voluntary program agreed to by Amvac. Finally, the Agency anticipated that a safer alternative, NTN, would be registered by end of 1994 that would have mitigated the economic impact on growers from the loss of mevinphos. Weighing the risk and benefit outlined above, the Agency believed that it was in the public's interest to enter into the agreement with Amvac that is reflected in the July 1, 1994 Cancellation Order.

On June 29, 1994, California imposed some additional restrictions on mevinphos use. The specific restrictions were not known to the Agency at the time it came to agreement with Amvac. It is now the Agency's understanding that these restrictions possibly along with other factors such as low pest pressure lead to significantly less use of mevinphos during the rest of 1994. Consequently, there was significantly more mevinphos product in the hands of growers, dealers, and distributors than originally anticipated by the Agency on July 1, 1994. Because of the quantity of existing stocks in the channels-of-trade, Amvac indicated there were substantial difficulties and costs associated with the recall program and it expressed reluctance to undertake such an extensive recall. If the product was not recalled in a timely manner pursuant to a voluntary recall, then the potential for illegal use and risk associated with possession of a potential hazardous waste would be greater than expected. In addition, the safer alternative that the Agency expected to be available by the end of 1994 has yet to be registered. Consequently, the economic impact of enforcing the existing stocks provisions of the July 1, 1994 Cancellation Order would have been greater than originally anticipated. The potential for greater existing stocks at all levels in the channels-of-trade for a longer time and greater potential economic impacts than originally anticipated were considerations for the Agency extending the last date for distribution, sale, and use of existing stocks on January 13, 1995.

In addition to extending the use of existing stocks, the Agency also required that additional protective measures for the use of mevinphos, a relabelling program, and an expanded recall of mevinphos products be carried

out by Amvac. The protective measures are intended to reduce exposure during the extended use period. Product in the hands of dealers and distributors will be relabelled to include the new protective measures, information on the recall, including an 800 number, and the last legal use date. Amvac has agreed to recall and reimburse any person possessing any unopened mevinphos product produced by Amvac or by supplemental registrants, even stocks held by growers, to accept mevinphos products produced by other companies including Dupont, Shell, and Helena and to accept opened containers of mevinphos product. A voluntary recall that includes opened and partially filled containers and goes down through the end-user is unprecedented. Because of the recall which includes reimbursement provisions, growers are less likely to have a potential hazardous waste for an extended period. This plan reduces potential accidental poisonings and the opportunity for illegal use in the future. The minimization of the holding of hazardous waste, accidental poisonings, and illegal use along with the imposition of additional protective measures for workers were important benefits contributing to the Agency's decision.

The Agency believes that the amount of mevinphos product used by November 30, 1995, will likely be no more than the amount originally anticipated when the Agency entered into the agreement with Amvac on July 1, 1994. This level of use combined with the requirement for additional protective measures for those using the product during the extended use period leads the Agency to believe that exposure to agricultural workers from the continued use of mevinphos will be no greater, and likely less, than the Agency anticipated in July of 1994.

An additional benefit associated with the new arrangement is that it allows the Agency to avoid the uncertainty associated with litigation over the cancellation and recall.

The Agency has considered the risks and benefits of extending the distribution, sale, and use of existing stocks of products containing mevinphos. When the risk of continued use through November 30, 1995, is weighed against the benefits, both economic and in terms of risk reduction, the Agency believes that the agreement signed on January 13, 1995, was in the best interest of the public.

Dated: March 27, 1995.

**Daniel M. Barolo,**

*Director, Office of Pesticide Programs.*

[FR Doc. 95-8344 Filed 4-4-95; 8:45 am]

BILLING CODE 6560-50-F

---

## FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1046-DR]

### (California); Amendment to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

---

**SUMMARY:** This notice amends the notice of a major disaster for the State of California, (FEMA-1046-DR), dated March 12, 1995, and related determinations.

**EFFECTIVE DATE:** March 24, 1995.

**FOR FURTHER INFORMATION CONTACT:** Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster for the State of California dated March 12, 1995, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 12, 1995:

Alameda, Alpine, Calaveras, Contra Costa, Merced, San Francisco, San Joaquin, and San Mateo Counties for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

**Richard W. Krimm,**

*Associate Director, Response and Recovery Directorate.*

[FR Doc. 95-8248 Filed 4-4-95; 8:45 am]

BILLING CODE 6718-02-M

---

### Changes to the Hotel and Motel Fire Safety Act National Master List

**AGENCY:** United States Fire Administration, FEMA.

**ACTION:** Notice.

---

**SUMMARY:** The Federal Emergency Management Agency (FEMA or Agency) gives notice of additions and corrections/changes to, and deletions from, the national master list of places of public accommodations which meet the fire prevention and control guidelines under the Hotel and Motel Fire Safety Act.

**EFFECTIVE DATE:** May 5, 1995.