

Mr. Tim Hunt, OMB Control No. 2040-0027, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW, Washington, DC 20503.

Dated: April 13, 1995.

Joseph Retzer,

Director, Regulatory Information Division.

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[OPP-38511; FRL-4911-8]

Dichlorvos (DDVP); Deletion of Certain Uses and Directions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; Intent to delete certain dichlorvos (DDVP) uses.

SUMMARY: This notice, issued pursuant to section 6(f)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 136d(f)(1), announces EPA's receipt of a request from Amvac Chemical Corp. of Los Angeles, CA, the sole technical registrant of dichlorvos, for the amendment of its dichlorvos registrations through voluntary deletion of the following uses from its technical (EPA Reg. No. 5481-96) and end-use labels, and a request to waive the 90-day comment period on this notice: in or on domestic dwellings (except for impregnated resin strips, total-release foggers, crack and crevice applications, and spot applications); rangeland grasses; greenhouses; tomatoes; tobacco; tobacco warehouses; food service establishments (except nonfood-handling areas); food-manufacturing establishments: bottling plants (including wineries, breweries, and soft drink plants), frozen food plants (including pizza plants and ice cream plants) (except nonfood-manufacturing areas); food-processing establishments: meat, poultry, and seafood slaughtering and/or packing plants (including those for edible fats and oils), frozen food plants (including those for fruits and vegetables), dairy product plants (including milk-processing plants) (except nonfood-processing areas); all aerial applications; and aircraft and buses. EPA intends to approve the proposed amendments at the close of the comment period unless Amvac withdraws or amends its request.

DATES: Written comments must be submitted on or before May 19, 1995.

ADDRESSES: Submit written comments in triplicate, identified by the docket control number, [OPP-38511], 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, deliver comments to: Rm. 246, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

FOR FURTHER INFORMATION CONTACT: By mail: Dennis Utterback, Special Review and Reregistration Division (7508C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Special Review Branch, third floor, Crystal Station #1, 2805 Jefferson Davis Hwy., Arlington, VA, (703)-308-8026; e-mail: utterback.dennis@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: This notice provides background on Agency actions regarding dichlorvos, lists the uses Amvac Chemical Corp. is proposing to delete and the uses it intends to support, and states the provisions for existing stocks.

I. Introduction

Dichlorvos is the commonly accepted name for 2,2-dichlorovinyl dimethyl phosphate, an organophosphate insecticide. Technical dichlorvos is produced by Amvac Chemical Corp. (Amvac) and is available as a 99.99% active ingredient technical product for formulating dichlorvos end-use products. Dichlorvos is a contact and stomach poison with fumigant action resulting in cholinesterase inhibition. Dichlorvos is used in the formulation of insecticide products for a wide range of uses in home and commercial establishments, as aerosols, liquid sprays, wettable powders, emulsifiable concentrates, soluble concentrates, pour-ons, granulars, and impregnated materials (resin strips and flea collars).

There are two ongoing activities which may affect the proposed use deletions specified in this notice: the dichlorvos Special Review and the pending revocation of the pesticide food additive regulation for packaged and bagged processed nonperishable food. Anyone interested in retaining these uses proposed for deletion in this notice should be aware that future action by EPA resulting from the Special Review or food additive regulation revocation may alter the status of one or more dichlorvos uses.

On February 24, 1988, EPA initiated a Special Review (previously referred to as an RPAR) for pesticide products containing dichlorvos. EPA determined that exposure to dichlorvos from the registered uses may pose an unreasonable carcinogenic risk and inadequate margins of exposure for

cholinesterase inhibition to exposed individuals. The risks of concern detailed in the 1988 notice were for the general population from consumption of foods containing residues of dichlorvos, for those involved in the application of dichlorvos, for workers reentering treated areas, for residents/occupants of treated areas, for people exposed to pets treated with dichlorvos, and for pets treated with dichlorvos. EPA expects to issue a proposed determination, as a result of the Special Review, in 1995.

In the **Federal Register** of October 3, 1991 (56 FR 50190), EPA proposed under section 409 of the Federal Food, Drug and Cosmetic Act (FFDCA) to revoke the food additive regulation for residues of the pesticide dichlorvos in or on packaged or bagged nonperishable processed food. The final rule revoking the food additive regulation was published on November 10, 1993, with an effective date of 120 days later. EPA later stayed the effective date indefinitely, pending Agency consideration of a petition from Amvac. This revocation remains stayed. If this action becomes effective it will mean the packaged and bagged processed nonperishable food treated with dichlorvos will likely be adulterated under FFDCA and the food may not be legally sold. However, a food additive regulation revocation by itself would not prohibit the legal sale or use of dichlorvos, under FIFRA, on packaged and bagged processed nonperishable food. To rectify this situation, EPA intends to cancel the related uses as soon as possible after any food additive regulation revocation becomes final.

II. Deleted Uses

Amvac Chemical Corp., the sole registrant of the technical grade of the active ingredient dichlorvos, has requested to amend its dichlorvos registrations by deleting all uses and directions for use in or on domestic dwellings (except for impregnated resin strips, total-release foggers, crack and crevice applications, and spot applications); rangeland grasses; greenhouses; tomatoes; tobacco; tobacco warehouses; food service establishments (except nonfood-handling areas); food-manufacturing establishments: bottling plants (including wineries, breweries, and soft drink plants), frozen food plants (including pizza plants and ice cream plants) (except nonfood-manufacturing areas); food-processing establishments: meat, poultry, and seafood slaughtering and/or packing plants (including those for edible fats and oils), frozen food plants (including those for fruits and vegetables), dairy product plants (including milk-

processing plants) (except nonfood-processing areas); all aerial applications; and aircraft and buses.

III. Uses Supported

Amvac, manufacturer of technical-grade dichlorvos, is supporting the following uses under reregistration. A detailed technical label will be sent to every dichlorvos registrant to provide guidance as to the specific uses that can be formulated from this technical product. The only uses for which this product could be used to formulate end-use products would be as follows:

Domestic Uses

Use of impregnated resin pest strip in campers, trailers, homes, cabins, garages, basements, and garbage cans. Use of total-release fogger (less than 1% active ingredient) in homes, cabins, garages, and basements. Use of total-release fogger (greater than 1% active ingredient) and nontotal-release aerosol in homes, cabins, garages, and basements only by a licensed pest control operator (PCO). Use of nontotal-release fogger and liquid formulations only by PCO in domestic dwellings. Dog and cat flea collars.

Agricultural Uses

Use of impregnated resin pest strip over nonperishable packaged and bagged or bulk stored raw and processed commodities. Use of impregnated resin strip and total-release fogger (less than 1% active ingredient) in animal buildings and dairy milk rooms. Use of commercial aerosol/foggers only by PCO in warehouses, silos, bulk bins, and in food-processing, food-manufacturing, and food-handling and storage plants containing nonperishable packaged or bagged or bulk raw or processed food commodities and the nonfood areas of these sites. Liquid formulations for a variety of agricultural uses including animal premises and direct livestock animal treatment. Liquid formulations for use in mushroom houses and only for use by PCO. Liquid formulations for use only in commercial application equipment for space treatment and for use by PCO in warehouses, silos, bulk bins and food-processing, food-manufacturing, and food service establishments containing nonperishable, packaged, or bagged raw or processed food commodities or bulk raw or processed food commodities, and non-food handling areas. Use of nontotal-release aerosol only by PCO in animal buildings and dairy barns (milk rooms).

Other Uses

Use of impregnated dispenser in enclosed outdoor utility equipment. Use of impregnated resin pest strip in museum collections, insect traps, garbage cans, catch basins, and trash dumpsters. Use of total-release fogger (greater than 1% active ingredient) and only by PCO in warehouses, railroad cars, theaters, and industrial plants. Liquid formulations for crack and crevice use only (not space spray) and only by PCO in nonfood areas of commercial, industrial, and institutional sites, kennels, outside surfaces of buildings, refuse dumps, refuse and solid waste containers, and wine cellars. Liquid formulations only for veterinary use for direct application to domestic animals.

IV. Scope of this Notice

This notice pertains to all Amvac end-use registrations and technical registrations. On the effective date of this document, Amvac must delete the appropriate uses from its labels. Since Amvac is the sole registrant of the technical-grade dichlorvos, there will no longer be a manufacturing use product available from which to formulate any dichlorvos-registered products for the uses Amvac is requesting to delete, unless Amvac withdraws its request. End-use registrants are being notified by certified mail of Amvac's decision to delete these uses. End-use registrants who purchase technical dichlorvos with a revised label may only formulate their products for the uses allowed on the technical label. For purposes of public information, Amvac will allow dichlorvos to be formulated for those uses listed in Section III of this notice. Any registrant that does not change its label to conform to the new technical label will be in violation of FIFRA. If any of the end-use registrants (or any other persons) desire to retain any of the uses for which deletion is requested, they are encouraged to contact Amvac to seek retention of that use. EPA intends to approve the proposed amendments at the close of the comment period unless Amvac withdraws or amends its request. The following list specifies the registrations affected by this notice: 5481-9, 5481-13, 5481-41, 5481-73, 5481-96, 5481-200, 5481-201, 5481-202, 5481-203, 5481-204, 5481-205, 5481-206, 5481-207, 5481-208, 5481-216, 5481-217, 5481-220, 5481-240, 5481-241, 5481-334, 5481-338, 5481-340, 5481-341, 5481-342, 5481-343, 5481-344, 5481-345, 5481-346, 5481-347, 5481-348.

V. Existing Stocks Provisions

Under the authority of FIFRA section 6(a)(1), EPA will establish certain limitations on the distribution and use of existing stocks of dichlorvos products subject to any final cancellation notice. EPA defines the term "existing stock" to mean any quantity of dichlorvos products in the United States on the effective date an application for amendment of registration is granted by the Agency. Such existing stocks include dichlorvos products that have been formulated, packaged, and labeled and are being held for shipment or release or have been shipped or released into commerce.

The Agency will permit Amvac to sell and distribute existing stocks of products with current labels for up to 1 year after the effective date of an amendment. Any sale or distribution of such products by Amvac after that 1-year period which do not bear labeling consistent with any amendment granted pursuant to this notice will be a violation of federal law. Any existing stocks remaining in the possession of all other persons after 1 year may continue to be sold, distributed, and used until such existing stocks are exhausted.

EPA reserves the right to amend this existing stocks provision should conditions warrant such amendment. Users need to be aware that it is their responsibility to determine whether residues of dichlorvos-treated food will result in illegal residues under FFDCA.

VI. Comments

Persons interested in commenting on the proposed use deletions are invited to submit their written comments on or before May 19, 1995 to the address given above. Registrants should be aware that EPA will consider these comments in the context of other ongoing Agency activities relating to dichlorvos.

List of Subjects

Environmental protection, Agricultural commodities, Pesticides and pests.

Dated: April 7, 1995.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

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