

Dated: July 3, 1995.

**C. Michael Baker,**

*Acting Designated Federal Official, National Environmental Education Advisory Council.*

[FR Doc. 95-16758 Filed 7-6-95; 8:45 am]

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[OPP-180974; FRL 4957-8]

**Pirate; Receipt of Application for Emergency Exemption, Solicitation of Public Comment**

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

**ACTION:** Notice.

**SUMMARY:** EPA has received a specific exemption request from the Alabama Department of Agriculture and Industries, Mississippi Department of Agriculture and Commerce, Tennessee Department of Agriculture, Louisiana Department of Agriculture and Forestry, and the Arkansas Plant Board (hereafter referred to as the "Applicants") for use of the pesticides, Pirate and Tebufenozide to control beet armyworms (BAW) on up to 2,125,000 acres in the southeastern region of the cotton belt. In accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant these exemptions.

**DATES:** Comments must be received on or before July 24, 1995.

**ADDRESSES:** Three copies of written comments, bearing the identification notation "OPP-180974," should be submitted by mail to: Public Response and Human Resource 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, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: oppdocket@epamail.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 in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPP-180974]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on

electronic submissions can be found below in this document.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as 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 that does not contain CBI must be provided by the submitter for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed pursuant to this notice will be available for public inspection in Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Margarita Collantes, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 6th Floor, Crystal Station I, 2800 Jefferson Davis Highway, Arlington, VA, (703) 308-8347; e-mail: collantes.margarita@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at her discretion, exempt a State agency from any registration provision of FIFRA if she determines that emergency conditions exist which require such exemption.

The Applicants have requested the Administrator to issue a specific exemption for use of the insecticides pirate, available as Pirate 3SC from American Cyanamid Co., and tebufenozide, available as Confirm 2F from Rohm & Haas Co., to control beet armyworms (BAW) on up to 2,125,000 acres of cotton in the southeastern region of the cotton belt due to an inadequate supply of both. (American Cyanamid has indicated that it can potentially supply enough pirate to treat approximately 500,000 acres. Rohm & Haas estimates supplies of Confirm 2F being sufficient to treat approximately 350,000 acres.) Information in accordance with 40 CFR part 166 was submitted as part of this request.

According to the Applicants, the beet armyworm (BAW) has historically been an occasional or sporadic pest of cotton in these southern states. In recent years, statewide yield losses have totaled into the millions of dollars and unsuccessful control attempts have costs growers additional millions. Damage in 1994 was not as widespread and severe due

to the fact that the BAW is a hot, dry weather pest and the cooler and wetter conditions in 1994 may have prevented further widespread infestations. Several insecticides (chlorpyrifos, thiodicarb, profenofos, sulprofos and diflubenzuron) are currently registered and recommended for BAW control. However, based on field experiences over a 6-year period (1988-93) and research trials, none provide the level of control necessary against high populations to be economically or biologically acceptable. Entomologists, growers and consultants recognize that the best control for BAW's is the utilization of naturally occurring parasites and predators. However, due to economically damaging levels of other insects such as boll weevils, aphids, plant bugs, bollworms and budworms, growers have no alternative but to apply insecticides (extremely toxic phosphates) for control of these insects. When this occurs, naturally occurring parasites and predators are destroyed.

In 1995, the areas of greatest concern are those that are in the initial years of the boll weevil eradication program (BWEP). It has been noted that the most destructive BAW damage has occurred in areas where the highest number of phosphate insecticide application were being applied to control boll weevils. This program expanded in August of 1994. Each planted acre in this area will likely require multiple malathion applications for boll weevils control. Therefore, little usage can be made of naturally occurring parasites and predators during the 1995 season. Therefore, Alabama, Louisiana, Mississippi, Tennessee, and Arkansas are requesting emergency exemptions for the use of Pirate 3SC and Confirm 2F based on the following: (1) BAW outbreaks are increasing in number and intensity throughout the southeastern area of the cotton belt, (2) the BAW is not effectively controlled with insecticides currently available, (3) cotton producers cannot afford the yield losses and control costs associated with presently available insecticides, (4) insecticide use would be drastically reduced if an effective insecticide was available, and (5) pheromone trap catches currently indicate the presence of BAW in southeastern region of cotton belt.

Under the proposed exemptions, Pirate may be applied at the rate of 0.15 to 0.2 lbs a.i./A (8.53 fl. oz.) of the 3SC formulation per acre, and Confirm may be applied at the rate of 0.125 to 0.250 lbs a.i./A (8 to 16 fl. ozs) of product per acre. Pirate or Confirm may be applied using ground or aerial application equipment, in a minimum of 10 gallons

per acre total volume by ground or 5 gallons of spray solution per acre by air.

Alabama's and Mississippi's 1994 requests for the use of Pirate to control the BAW on cotton were denied due to the risk of unreasonable adverse effects to non-target birds, aquatic organisms and the environment. Alabama has proposed a 75 foot buffer between cotton fields treated with Pirate and aquatic areas to mitigate these concerns.

Tebufenozide, as either the technical or the 2F formulation, produces minimal to no toxicity following acute exposures. Following subchronic or chronic exposure, tebufenozide does produce organ toxicity after multiple exposures at high doses to laboratory animals. The primary target organ for toxicity is the hemopoietic system and the toxicity was characterized as a regenerative anemia. Tebufenozide produced marginal reproductive effects following multiple exposures of very high doses to rats and was found to be moderately toxic to aquatic and aquatic invertebrate organisms and highly toxic to oysters.

This notice does not constitute a decision by EPA on the applications themselves. The regulations governing section 18 require that the Agency publish notice of receipt in the **Federal Register** and solicit public comment on an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient not contained in any currently registered pesticide) [40 CFR 166.24 (a)(1)]. Pirate is a new chemical.

A record has been established for this notice under docket number "[OPP-180974]" (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 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

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.

The official record for this notice, as well as the public version, as described above will be kept in paper form.

Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above. The Agency will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the Alabama Department of Agriculture, Mississippi Department of Agriculture and Commerce, Louisiana Department of Agriculture and Forestry, Tennessee Department of Agriculture and the Arkansas State Plant Board.

#### List of Subjects

Environmental protection, Pesticides and pests, Crisis exemptions.

Dated: June 23, 1995.

#### Peter Caulkins

*Acting Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 95-16555 Filed 7-6-95; 8:45 am]

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#### [OPP-36140C; FRL-4957-9]

#### Inert Ingredients in Pesticide Products; Reclassification of Certain List 3 Inert Ingredients to List 4B

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

**ACTION:** Notice.

**SUMMARY:** EPA is issuing a list of inert ingredients formerly considered to be inert ingredients of unknown toxicity (List 3) for which it now has sufficient information to conclude that their current use patterns in pesticide products will not adversely affect public health and the environment and can therefore be reclassified to List 4B.

**EFFECTIVE DATE:** July 7, 1995.

**ADDRESSES:** By mail, submit written comments identified by the document control number 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. 1132, Crystal Mall Bldg. #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Information submitted as a comment concerning this

document 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 that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. The public docket is available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: 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. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number, [OPP-36140C]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

**FOR FURTHER INFORMATION CONTACT:** By mail: Mary Waller, Registration Support Branch, Registration Division (7505W), Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location and telephone number: 2800 Crystal Drive, 6th Floor, Arlington, VA 22202, (703)-308-8811; e-mail: waller.mary@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** EPA announced its policy on toxic inert ingredients in pesticide products in the **Federal Register** of April 22, 1987 (52 FR 13305). Through its policy, EPA encourages the use of the least toxic inert ingredients available and requires the development of data necessary to determine the conditions of safe use of products that contain toxic inert ingredients. In developing this policy, EPA categorized inert ingredients into the following four lists according to toxicity:

List 1—Inerts of toxicological concern.

List 2—Potentially toxic inerts, with high priority for testing.

List 3—Inerts of unknown toxicity.

List 4—Inerts of minimal concern.

In the **Federal Register** of November 22, 1989 (58 FR 48314), EPA issued a