

Dated: February 28, 1997.

Peter Caulkins,
Acting Director, Registration Division, Office
of Pesticide Programs.

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[OPP-181036; FRL 5593-6]

Propamocarb Hydrochloride; Receipt of Applications for Emergency Exemptions, Solicitation of Public Comment

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received specific exemption requests from the Pennsylvania Department of Agriculture and the California Department of Pesticide Regulation (hereafter referred to as the "Applicants") to use the pesticide propamocarb hydrochloride (CAS 25606-41-1) to treat potentially up to 5,500 acres in Pennsylvania and 190,000 acres in California of tomatoes to control immigrant strains of late blight which are resistant to historically used control materials. The Applicants propose the first food use of an active ingredient therefore, in accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant the exemptions.

DATES: Comments must be received on or before March 27, 1997.

ADDRESSES: Three copies of written comments, bearing the identification notation "OPP-181036," should be submitted by mail to: Public Response and Program 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: 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-181036]. 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.

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 No. 2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT By mail: Libby Pemberton, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number and e-mail: Floor 6, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA, (703) 308-8326; e-mail:

pemberton.libby@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 specific exemptions for the use of propamocarb hydrochloride on tomatoes to control late blight. Information in accordance with 40 CFR part 166 was submitted as part of this request.

Recent failures to control late blight in tomatoes as well as potatoes with the registered fungicides, have been caused almost exclusively by immigrant strains of late blight *Phytophthora infestans*, which are resistant to the control of choice, metalaxyl. Before the immigrant strains of late blight arrived, all of the strains in the U.S. were previously controlled by treatment with metalaxyl. The Applicants state that presently, there are no fungicides registered in the U.S. that will provide adequate control of the immigrant strains of late blight. The Applicants state that the requested chemical has been shown to be effective against these strains of late blight. The active ingredient holds current registrations throughout many European

countries for control of this disease. The Applicants indicate that at least a 50 percent yield reduction is expected based on the current infestation. Net revenues are expected to be reduced by over \$500 million for the affected acreage without the use of the requested chemical.

The Applicants propose to apply propamocarb hydrochloride, manufactured by AgrEvo USA Company, as Tattoo C, at a maximum rate of 0.9 lbs. a.i. (2.3 pt of product) per acre by chemigation, ground or air, with a maximum of 5 applications per season. A 7-day Preharvest Interval (PHI) will be observed. Use under these exemptions could potentially amount to a maximum 175,950 lbs. of propamocarb hydrochloride.

This notice does not constitute a decision by EPA on the applications. The regulations governing section 18 require publication of a notice of receipt of an application for a specific exemption proposing the first food use of an active ingredient. Such notice provides for opportunity for public comment on the applications. Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above.

A record has been established for this rulemaking under docket number [OPP-181036] (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 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 rulemaking, 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 rulemaking record which will also include all comments submitted directly in writing.

The official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemptions requested by the Pennsylvania Department of Agriculture and the California Department of Pesticide Regulation.

List of Subjects

Environmental protection, Pesticides and pests, Emergency exemptions.

Dated: February 28, 1997.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

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[PF-721; FRL-5592-7]

BASF Corporation; Pesticide Tolerance Petition Filing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing.

SUMMARY: This notice announces the filing of pesticide petitions proposing the tolerances for residues of the pesticide pyridaben, [2-tert-butyl-5-(4-ter-butylbenzylthio)-4-chloropyridazin-3(2H)-one] and its metabolites PB-7 (2-tert-butyl-5-[4-(1-carboxy-1-methylethyl)benzylthio]-4-chloropyridazin-3(2H)-one) and PB-9 (2-tert-butyl-4-chloro-5-[4-(1,1-dimethyl-2-hydroxyethyl)benzylthio]-chloropyridazin-3(2H)-one). BASF is petitioning EPA for the establishment of tolerances for use of pyridaben to control certain pests on apples, pears, citrus, almonds, peaches (imported commodity), plums (imported commodity), and grapes (imported commodity). The proposed tolerances for pyridaben are: apples at 0.6 ppm, wet apple pomace at 1.0 ppm, pears at 0.75 ppm, citrus at 0.5 ppm, dried citrus pulp at 1.5 ppm, citrus oil at 10.0 ppm, almonds at 0.05 ppm, almond hulls at 4.0 ppm, peaches at 0.05 ppm, plums at 0.05 ppm, and grapes at 0.75 ppm. The proposed tolerances for pyridaben and its metabolites are: milk at 0.01 ppm, meat at 0.05 ppm, meat by-products at 0.05 ppm, and fat at 0.05 ppm. This summary was prepared by the petitioner.

DATES: Comments, identified by the docket control number [PF-721], must be received on or before April 11, 1997.

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 Highway, Arlington, VA 22202. 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 5.1 file format or in ASCII file format. All comments and data in electronic form must be identified by the docket control number [PF-721]. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit II. of this document.

Information submitted as comments concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). The CBI should not be submitted through e-mail. Information marked as CBI 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 may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Richard Keigwin, Product Manager (PM) 10, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail: Crystal Mall #2, Rm. 210, 1921 Jefferson Davis Highway, Arlington, VA 22202, 703-305-6788, e-mail: keigwin.richard@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA has received pesticide petitions (PP) 5F4543 (on citrus), 4E4370 (on imported commodities) and 6F4651 (apples), 6F4741 (almonds), and 6F4721 (pears) from BASF Corporation, Agricultural Products, PO Box 13528, Research Triangle Park, NC 27709. The petition proposes, pursuant to section 408 of the Federal Food, Drug and Cosmetic Act

(FFDCA), 21 U.S.C section 346a, to amend 40 CFR part 180 to establish tolerances for the pesticide pyridaben [2-tert-butyl-5-(4-ter-butylbenzylthio)-4-chloropyridazin-3(2H)-one] in or on the raw agricultural commodities: apples, wet apple pomace, pears, citrus, dried citrus pulp, citrus oil, almonds, almond hulls, peaches, plums, and grapes, respectively. The petition also proposes to establish tolerances for pyridaben and its metabolites PB-7 (2-tert-butyl-5-[4-(1-carboxy-1-methylethyl)benzylthio]-4-chloropyridazin-3(2H)-one) and PB-9 (2-tert-butyl-4-chloro-5-[4-(1,1-dimethyl-2-hydroxyethyl)benzylthio]-chloropyridazin-3(2H)-one) in or on the raw agricultural commodities: milk, meat, meat-by-products, and fat. EPA has determined that the petitions contain data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of this petition. Additional data may be needed before EPA rules on the petition.

As required by section 408(d) of the FFDCA, as recently amended by the Food Quality Protection Act (FQPA), Pub. L. 104-170, BASF included in the petition a summary of the petition and authorization for the summary to be published in the Federal Register in a notice of receipt of the petition. The summary represents the views of BASF. EPA is in the process of evaluating the petition. As required by section 408(d)(3) of the FFDCA, EPA is including the summary as a part of the notice of filing. EPA may have made minor edits to the summary for the purpose of clarity.

I. Petition Summary

A. Plant and Animal Metabolism

BASF Corporation notes that metabolism in plants and animals is understood.

B. Analytical Method

The proposed analytical method involves extraction, partition, clean-up and detection of residues by gas chromatography/electron capture detector (gc/ecd).

C. Magnitude of the Residues

Nine pear residue trials were conducted in six states. Residues of pyridaben were measured by gc/ecd. The method of detection had a limit of detection of 0.05 parts per million (ppm). Residues ranged from 0.07 to 0.58 ppm.

Twelve apple residue trials were conducted in six states. Residues of