

D. Cumulative Effects

Azoxystrobin is a new class of chemistry for pesticides, a beta-methoxyacrylate fungicide. Azoxystrobin has the same biochemical mode of action as the naturally occurring strobilurins, inhibition of electron transport. Since there are no other registered pesticides in this chemical class or with this mode of action or mechanism of action, cumulative exposure assessment is not appropriate at this time.

No evidence or information exists to suggest that toxic effects produced by azoxystrobin would be cumulative with those of any other chemical compounds.

E. Safety Determination

1. *U.S. population in general.* Using the conservative assumptions described above, based on the completeness and reliability of the toxicity data, Zeneca estimates that the aggregate exposure to azoxystrobin will utilize 0.5 percent of the RfD for the U.S. population. This chronic dietary exposure analysis is based on food consumption for the combined years 1989–1992 in the USDA's Nationwide Food Consumption Survey and analysis using Technical Assessment Systems, Inc.'s "EXPOSURE 1" analysis software. Generally there are no concerns for exposures below 100 percent of the RfD. The EPA defines the RfD to represent the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risk to human health.

2. *Infants and children.* In assessing the potential for additional sensitivity of infants and children to residues of azoxystrobin Zeneca has considered the 2-generation reproduction study in the rat and the developmental toxicity studies in the rat and rabbit. Azoxystrobin showed no evidence of reproductive toxicity. Azoxystrobin caused no developmental toxicity in the rat or rabbit up to and including dose levels shown to be maternally toxic. There were no adverse effects, in the rat or rabbit, on the number, survival and growth of the fetuses in utero.

Based on the current toxicological data requirements, the database relative to pre- and post- natal effects for children is complete. Further, azoxystrobin shows no evidence of reproductive or developmental toxicity, therefore we suggest that use of an additional uncertainty factor is not warranted and that the RfD of 0.18 mg/kg/day is appropriate for assessing aggregate risk to infants and children.

Using the conservative exposure assumption described above, Zeneca concludes that the percent of the RfD

that will be utilized by aggregate exposure to residues of azoxystrobin ranges from 0.8 percent for the population subgroups Nursing infants and children 7–12 years old up to 1.6 percent for the population subgroup Children 1–6 years old. Zeneca concludes that there is reasonable certainty that no harm will result to infants and children from aggregate exposure to azoxystrobin residues.

F. International Tolerances

There are no Codex Maximum Residue Levels established for azoxystrobin.

II. Public Record

Interested persons are invited to submit comments on this notice of filing. Comments must bear a notation indicating the docket control number, [PF-715]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above from 8:30 a.m. to 4 p.m., Monday through Friday, except legal holidays.

A record has been established for this notice under docket control number [PF-715] (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 Rm. 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 ASCII files 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.

Authority: 21 U.S.C. 346a.

List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 24, 1997.

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

[FR Doc. 97-5683 Filed 3-11-97; 8:45 am]

BILLING CODE 6560-50-F

[OPP-181035; FRL 5591-3]

Mancozeb; 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 Wisconsin Department of Agriculture, Trade, and Consumer Protection (hereafter referred to as the "Applicant") to use the pesticide, mancozeb (CAS 8018-01-7), formulated as Dithane DF, to treat up to 5,000 acres of ginseng to control stem and leaf blight. Since this request proposes a use which has been requested or granted in any 3 previous years, and a complete application for registration and petition for tolerance has not yet been submitted to the Agency; and since mancozeb has also been the subject of a Special Review, EPA is soliciting public comment before making the decision whether or not to grant the exemption, in accordance with 40 CFR 166.24(a)(5) and (6).

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

ADDRESSES: Three copies of written comments, bearing the identification notation "OPP-181035," 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-181035]. 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 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: Andrea Beard, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Floor 6, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA, (703) 308-8791; e-mail: beard.andrea@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 Applicant has requested the Administrator to issue a specific exemption for the use of mancozeb on ginseng to control stem and leaf blight. Information in accordance with 40 CFR part 166 was submitted as part of this request.

According to the Applicant, *Alternaria blight* rarely kills the ginseng root, which is the marketed portion; however, loss of the foliage results in significant root yield loss in a harvested crop, and retards root growth and overwintering ability in younger crops. Infestations of *Alternaria blight* in one season greatly increase the potential for epidemics in subsequent seasons, since the fungus remains in the infected plant debris. Rovral 50W, the only fungicide carrying a section 3 label for use against

Alternaria blight on ginseng, is no longer effective since *Alternaria panax* has developed a resistance to it. If not controlled, *Alternaria blight* can be expected to infest all of Wisconsin's 5,000 acres of ginseng and growers will suffer significant economic loss.

Under the proposed exemption, 2.0 lbs of product (1.5 lbs of a.i.) per acre may be used on up to 5,000 acres. A maximum of 12 applications at a minimum of 7-day intervals may be made by ground equipment. Therefore, use under this exemption could potentially result in application of up to 120,000 lbs. product (90,000 lbs. a.i.) total.

This notice does not constitute a decision by EPA on the application itself. 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 if the requested chemical has been subject to a Special Review, and is intended for a use that could pose a risk similar to the risk posed by any use of the pesticide which is or has been subject of the Special Review. [40 CFR 166.24 (a)(5)].

The Agency initiated a Special Review of the ethylene bisdithiocarbamate (EBDC) fungicides on July 17, 1987, which includes mancozeb. A notice of final determination was issued March 2, 1992. The Agency took this action based on an assessment of the risks from exposure to ethylenethiourea (ETU) present in, or formed as a result of metabolic conversion from pesticide products containing the active ingredient mancozeb. ETU, a potential human carcinogen, teratogen, and thyroid toxicant, is present as a contaminant, degradation product, and metabolite of all the EBDC pesticides. The Agency concluded that the estimated cumulative risk of 10^{-5} from all current 55 food uses was unacceptable and, therefore, canceled the following 11 food uses: apricots, carrots, celery, collards mustard greens, nectarines, peaches, rhubarb, spinach succulent beans and turnips. These cancellations reduce estimated lifetime dietary risk to 1.6×10^{-6} which the Agency has determined does not outweigh the benefits of the 44 retained uses.

The regulations also require the Agency to publish a notice of receipt in the Federal Register and solicit public comment on an application for a specific exemption if an emergency exemption has been requested or granted for that use in any 3 previous years, and a complete application for

registration of that use has not been submitted to the Agency [40 CFR 166.24(a)(6)]. Exemptions for the use of mancozeb on ginseng have been requested for the past ten years (1987 - 1996). The registrant, Rohm and Haas, has indicated that they intend to pursue a registration in cooperation with IR-4 this year, and it is expected that an application for registration will be submitted to the Agency before the end of 1997.

A record has been established for this notice under docket number [OPP-181035] (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 Resource Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

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The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the Wisconsin Department of Agriculture, Trade, and Consumer Protection.

List of Subjects

Environmental protection, Pesticides and pests, Emergency exemptions.

Dated: February 28, 1997.

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

[FR Doc. 97-6014 Filed 3-11-97 8:45 am]

BILLING CODE 6560-50-F

[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.

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