

work together in a timely manner to prevent, assess, safely cleanup, and sustainably reuse brownfields. As part of this Initiative, EPA has awarded cooperative agreements to States (including U.S. territories), political subdivisions (including cities, towns, counties), and Indian tribes to capitalize Brownfields Cleanup Revolving Loan Fund pilots. The purpose of these pilots is to test brownfields cleanup revolving loan fund models that direct special efforts toward facilitating coordinated public and private brownfields cleanup efforts at the federal, state, and local levels.

In fiscal year 1999, the EPA expects to select up to 63 new BCRLF pilots to be funded up to \$500,000 per pilot by the end of June 1999.

Eligible entities for FY 1999 BCRLF pilots, as in previous years, will be entities that have been awarded Brownfields Assessment Demonstration Pilots prior to FY99. In addition, political subdivisions with jurisdiction over sites that have either (1) been the subject of a targeted brownfields assessment (formerly called targeted site assessments), or (2) been selected by the U.S. EPA prior to January 1, 1999 to be the subject of a targeted brownfields assessment, are also eligible for a single BCRLF pilot award. BCRLF pilot proposals do not have to be limited to sites identified, characterized, or assessed under a previously awarded assessment pilot or targeted brownfields assessment.

Proposals from coalitions, formed among the eligible entities, are permitted to apply, but a single eligible entity must be identified as the legal recipient. Additionally, a letter of support from each coalition member must be included as an attachment.

Eligible entities must demonstrate through their proposal: (1) An ability to manage a revolving loan fund and environmental cleanups; (2) a need for cleanup funds; (3) commitment to creative leveraging of EPA funds with public-private partnerships and in-kind services; and (4) a clear plan for sustaining the environmental protection and related economic development activities initiated through the BCRLF program. The eligible entities must meet EPA's threshold and evaluation criteria. There is no guarantee of an award. Also, the size of the awards may vary (for example, from \$50,000 to \$500,000), depending on the proposal's responses to the evaluation criteria.

Funding for the brownfields cleanup revolving loan fund pilots is authorized under section 104(d)(1) of the Comprehensive Environmental Response, Compensation, and Liability

Act of 1980, as amended, (CERCLA or Superfund), 42 U.S.C. 9604(d)(1).

#### Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Date Signed: January 8, 1999.

Approved:

**Linda Garczynski,**

*Director, Outreach and Special Projects Staff,  
Office of Solid Waste and Emergency Response.*

[FR Doc. 99-1002 Filed 1-14-99; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

[OPP-64039; FLR-6056-5]

#### Isufenphos; Receipt of Request to Cancel Registrations

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

**ACTION:** Notice of Receipt to Cancel Registrations.

**SUMMARY:** In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of its receipt of requests for amendment by Bayer Corporation, the sole U.S. registrant of the insecticide isufenphos, to terminate their registrations for all products containing isufenphos. This notice describes the Agency's current intention to grant Bayer Corporation's request for cancellation of all product registrations for the organophosphate isufenphos. It further provides an opportunity for the public to provide comment on the pending cancellation. Finally, this notice describes the terms and conditions under which the Agency intends to allow existing stocks to be sold, distributed, and/or used if the cancellations take effect.

**DATES:** In order to be considered, public comment on this notice must be

received by March 16, 1999. Unless the cancellation request is withdrawn or adverse comments are received, the Agency intends to publish a final cancellation notice in the **Federal Register** on or about March 16, 1999, subject to the existing stocks provision specified herein.

**ADDRESSES:** By mail, submit written comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to: Rm. 119, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically to: opp-docket@epamail.epa.gov. Follow the instructions under Unit V of this document. No Confidential Business Information (CBI) should be submitted through e-mail.

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. 119 at the address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Philip Poli, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number and e-mail: Reregistration Branch 3, Crystal Mall #2, 6th floor, 1921 Jefferson Davis Highway, Arlington, VA; (703) 308-8038; e-mail: poli.philip@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:**

#### I. Introduction

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may, at any time, request that any of its pesticide registrations be canceled or amended. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, the EPA Administrator may approve or deny the request consistent

with the provisions established pursuant to section 6(f)(1).

On December 11, 1998 Bayer Corporation transmitted a letter to the Agency requesting a phased cancellation of all their isofenphos product registrations. The Agency is providing a 60-day comment period, during which the public may submit comments concerning this action. If any current registrant of isofenphos notifies the Agency during the 60-day comment period of an agreement to transfer one or more of Bayer's registrations, EPA will not issue the cancellation order provided that the following conditions are met. Within 30 days of notifying the Agency of its intention to transfer a registration, a request for transfer of registration must be submitted to the Agency in accordance with 40 CFR 152.135. Once all required documentation have been submitted, the Agency will notify the transferor and transferee of its approval. Thereafter, the transferee will be regarded as the registrant for all purposes under FIFRA. The new registrant or transferee would be responsible for ensuring all data requirements are satisfied including all outstanding requirements consistent with established deadlines since Bayer Corporation has outstanding studies which are approaching the required due date.

The Agency will proceed with the cancellation of these isofenphos products according to the scheduled dates within unless the request for voluntary cancellation is withdrawn by Bayer Corporation, a registration is transferred, or substantive comments are received from the public which cause the Agency to reconsider its approach to canceling the Bayer Corporation isofenphos registrations. If the Agency grants some or all of the request for voluntary cancellation, it will publish a final cancellation order in the **Federal Register** canceling some or all registrations of isofenphos. Once an active ingredient is canceled, any person wishing to bring the pesticide back on the market would need to apply to EPA for a "new chemical" registration. Such a registration generally would not be approved until all applicable data requirements are satisfied.

## II. Background

Isofenphos is the common name for an insecticide of the organophosphate class; its trade name is Oftanol. The chemical name for isofenphos is 1-methylethyl 2-[ethoxy[(1-methylethyl)-amino]-phosphinothioyl]-oxy]benzoate. Bayer Corporation is the sole technical manufacturer of isofenphos and manufactures the technical material overseas. Isofenphos is presently registered in the United States for use

on turf and ornamentals for control of white grubs and molecrickets, although only turf use products are currently being sold. Most residential use is by lawn care professionals. There are no current registered uses on food crops in the United States, and all tolerances have been revoked. The Agency published a notice in the **Federal Register** of Monday, October 26, 1998 revoking the food use tolerances for isofenphos (63 FR 57067)(6035-8).

## III. Voluntary Cancellation Request

Bayer Corporation requested voluntary phased cancellation of all its product registrations containing the active ingredient isofenphos in a letter to the Agency dated December 11, 1998. In addition to declining sales and diminishing use, Bayer Corporation cited the availability of registered alternatives and the introduction of new and advanced ingredients for grub and mole cricket control as contributing to its decision to seek voluntary cancellation. The company further concluded that the expenditures necessary to generate the outstanding data required to fulfill reregistration program requirements could not be recovered, and that such studies would likely not be complete until after the projected sales "life" of the product. The registrations for which Bayer has requested product cancellation are listed below in the following Table.

TABLE —ISOFENPHOS REGISTRATIONS WITH REQUESTS TO CANCEL PESTICIDE REGISTRATIONS

Registration Number	Product Name	Action Requested
EPA Reg. No. 3125-435	Oftanol 5% Granular Turf & Ornamental Insecticide	Cancel Registration
EPA Reg. No. 3125-330	Oftanol 5% Granular Insecticide	Cancel Registration
EPA Reg. No. 3125-331	Oftanol 1.5% Granular Insecticide	Cancel Registration
EPA Reg. No. 3125-350	Lawn Food and Insecticide	Cancel Registration
EPA Reg. No. 3125-342	Oftanol 2 Insecticide	Cancel Registration effective September 30, 1999
EPA Reg. No. 3125-326	Oftanol Technical	Action Requested Cancel Registration effective December 31, 1999

According to Bayer's request, cancellation of Bayer Corporation's isofenphos registrations would be accomplished in three steps over a 12-month period. First, if the Agency publishes a final cancellation order as proposed by this notice, the following product registrations would be immediately canceled:

- Oftanol 5% Granular Turf and Ornamental Insecticide, EPA Reg. No. 3125-435
- Oftanol 5% Granular Insecticide, EPA Reg. No. 3125-330
- Oftanol 1.5% Granular Insecticide, EPA Reg. No. 3125-331
- Lawn Food and Insecticide, EPA Reg. No. 3125-350

Second, Bayer's product Oftanol 2 Insecticide (EPA Reg. No. 3125-342) would be canceled on September 30, 1999. Bayer requested an existing stocks provision that would allow Bayer until September 30, 2000 to deplete any remaining inventory of Oftanol 2 Insecticide. Third, the cancellation of Oftanol technical will become effective on December 31, 1999. Bayer will discontinue any further sales and/or distribution of Oftanol technical as of this date.

Further, because sales of isofenphos have been steadily declining since 1994, Bayer has agreed to limit the sale of Oftanol Technical in 1999 to the level

of current 1998 sales. Finally, Bayer also stated in its December 11, 1998 letter to the Agency that they will notify formulator customers of the schedule for discontinuance of their isofenphos product registration "to give them adequate transition time to develop or identify alternative products."

The Agency has reviewed Bayer Corporation's proposed phased cancellation and agrees with the basic tenets of the approach which have been described above. To better involve the public in the implementation of the Food Quality Protection Act of 1996 (FQPA), the Agency and the United States Department of Agriculture

(USDA) established the Tolerance Reassessment Advisory Committee (TRAC) on April 30, 1998. The TRAC was established as a subcommittee under the auspices of EPA's National Advisory Council for Environmental Policy and Technology. It provides a forum for a broad range of interest groups to provide input on a variety of matters including tolerance reassessment and reregistration. The organophosphate pesticides' tolerance reassessment and reregistration eligibility decision activities are being brokered through the TRAC process.

To ensure the public has full access to the documents and analysis providing the basis for its regulatory decision making, the Agency has established public dockets for the organophosphate pesticides currently undergoing tolerance reassessment and reregistration. The public dockets include preliminary human health risk assessments and where available, ecological risk assessments that have been conducted by the Agency. Registrants' corrections to these assessments, rebuttal comments, and other public comments on the Agency's risk assessments have been docketed also.

Isofenphos, is in the first group of 9 of a total of 43 organophosphates that are slated to have tolerance reassessment and reregistration eligibility decision made via the TRAC's enhanced stakeholder involvement process. However, since the sole technical registrant, Bayer Corporation has elected to voluntarily cancel its existing registrations on a schedule that the Agency believes is consistent with the scheduling goals fundamental to the TRAC process, the Agency is proposing to cancel Bayer's registrations consistent with the terms and conditions described in this notice. The information currently available to the Agency on the human health environmental consequences of allowing Bayer Corporation's proposed phased cancellation of isofenphos products is not expected to trigger imminent hazard or other unreasonable adverse effect concerns. Moreover, the Agency believes that given the declining market for isofenphos, it is unlikely distribution, sale, or use of existing stocks of a relatively small volume of canceled products would pose significant human health or environmental risks. The public is invited to provide comment on this Agency action and is encouraged to consider all documentation and risk assessments currently available in providing those comments.

#### IV. Existing Stocks

If the Agency grants any or all of the requested cancellations, it is likely that the Agency will establish an existing stocks provision consistent with the following schedule. Bayer Corporation requested in its December 11, 1998 voluntary cancellation letter a 1-year existing stocks provision for its end-use product Oftanol 2 Insecticide (EPA Reg. No. 3125-342). The effective date of cancellation for this product will be September 30, 1999. Any remaining product inventory will be depleted subject to a 1-year existing stock provision, whereby Bayer Corporation may sell and distribute all remaining inventory until September 30, 2000.

EPA will continue to permit, after September 30, 2000 (EPA Reg. No. 3125-342) and December 31, 1999 (EPA Reg. No. 3125-326), the sale, distribution and use of existing stocks of product containing isofenphos already in the channels of distribution by persons other than the registrant or supplemental registrants, (i.e., stocks already in the hands of dealers or users). EPA will also continue to permit the sale, distribution and use of existing stocks of the following product registrations already in the hands of dealers or users:

- Oftanol 5% Granular Turf and Ornamental Insecticide, EPA Reg. No. 3125-435
- Oftanol 5% Granular Insecticide, EPA Reg. No. 3125-330
- Oftanol 1.5% Granular Insecticide, EPA Reg. No. 3125-331
- Lawn Food and Insecticide, EPA Reg. No. 3125-350

EPA believes it is appropriate to allow sale and use until stocks already in the channels of distribution are exhausted rather than impose a time limit on use of existing stocks, so that persons who have legally purchased stocks of isofenphos will be able to sell or use those stocks without violating the cancellation order (although the Agency may place restrictions if such stocks are not exhausted in a reasonable time). Continued use of existing stocks of a canceled product until such stocks are exhausted would likely be permitted, provided that such use is consistent with the previously-approved labeling for the product.

#### V. Public Record and Electronic Submission of Comments

The official record for this rulemaking, as well as the public version, has been established for this rulemaking under docket control number [OPP-64039] (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 official rulemaking record is located at the address in "ADDRESSES" at the beginning of this document.

Electronic comments can be sent directly to EPA at:  
opp@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 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number [OPP-64039]. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries.

#### Lists of Subjects

Environmental protection, Agricultural commodities, Pesticides and pests, Product registrations

Dated: January 7, 1999.

**Jack E. Housenger,**

*Acting Director, Special Review and Reregistration Division, Office of Pesticide Programs.*

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#### ENVIRONMENTAL PROTECTION AGENCY

[OPP-34169; FRL-6056-9]

#### Increasing Transparency For the Tolerance Reassessment Process; Availability of Preliminary Risk Assessments for Seven Organophosphates

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the availability of documents that were developed as part of the Environmental Protection Agency's process for making reregistration eligibility decisions for the organophosphate pesticides and for tolerance reassessments consistent with the Federal Food, Drug, and Cosmetic Act (FFDCA) as amended by the Food Quality Protection Act of 1996 (FQPA). These documents are the preliminary human health risk assessment and related documents for chlorethoxyfos