

8. Strategy to address the authority over pesticide use on Federal Facilities - California.

9. Inspector Credentials Authorization Procedures update.

10. Pesticide Regulatory Education Program 2000.

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12. Updates from the Office of Pesticide Programs and the Office of Enforcement and Compliance Assurance.

13. SFIREG issues update report.

14. Other topics as appropriate.

List of Subjects

Environmental protection.

Dated: November 29, 1999.

Jay Ellenberger,

Director, Field and External Affairs Division,
Office of Pesticide Programs.

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ENVIRONMENTAL PROTECTION AGENCY

[OPP-64043; FRL-6394-8]

Azinphos Methyl; Receipt of Requests For Amendments to Delete Uses; Request For Cancellation, and Advance Notification of Tolerance Revocation and Modifications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The companies that hold the pesticide registrations of pesticide products containing azinphos methyl (*O,O*-dimethyl-*S*-((4-oxo-1,2,3-benzotriazin 3(4*H*)-yl)methyl) phosphorodithioate) have asked EPA to amend their registrations to delete use on cotton in Louisiana and east of the Mississippi River, and on sugarcane, ornamentals (except for nursery stocks), Christmas trees, shade trees, and forest trees. One company has also asked EPA to cancel some of its registrations of pesticide products containing azinphos methyl. Pursuant to section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is announcing the Agency's receipt of these requests from the registrants. The requests to cancel certain uses from the registrations are the result of an agreement between EPA and several registrants regarding the registration of products containing azinphos methyl. Given the potential risks that azinphos methyl use on cotton in Louisiana and east of the Mississippi River, sugarcane,

ornamentals (except for nursery stock), Christmas trees, shade trees, and forest trees has on drinking water and ecosystems, EPA intends to grant the requested amendments to delete uses. The Agency also intends to grant the requested registration cancellations. In addition, EPA plans to issue a cancellation order for the deleted uses and the canceled registrations at the close of the comment period for this announcement. After publication of the cancellation order, any distribution, sale, or use of azinphos methyl products will only be permitted if such distribution, sale, or use is consistent with the terms of that order.

DATE: Comments on the requested amendments to delete uses and the requested registration cancellations must be submitted to the address provided below by January 3, 2000.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the "SUPPLEMENTARY INFORMATION" section. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP-64043 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Barry O'Keefe, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, telephone number: 703-308-8035, e-mail address: okeefe.barry@epa.gov.

SUPPLEMENTARY INFORMATION: This announcement consists of five parts. The first part contains general information. The second part addresses the registrants' requests for amendments to delete uses and for voluntary cancellation of registrations. The third part proposes existing stock provisions that will be set forth in the cancellation order that the Agency intends to issue at the close of the comment period for this announcement. The fourth part provides advance notification of tolerance revocation and modifications the Agency intends to propose. And the fifth part sets forth the Agency's import tolerance guidance.

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you manufacture, sell, distribute, or use azinphos methyl products. The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does

not apply because this action is not a rule, for purposes of 5 U.S.C. 804(3). If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed in the "FOR FURTHER INFORMATION CONTACT" section.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain copies of this document and certain other available support documents from the EPA Internet Home Page at <http://www.epa.gov/>. You may access this document by selecting "Laws and Regulations" on EPA's Home Page and then looking up the entry for this document under the "Federal Register - Environmental Documents." You can also go directly to the "Federal Register" listings at <http://www.epa.gov/fedrgstr/>. To access information about the risk assessment for azinphos methyl, go to the Home Page for the Office of Pesticide Programs or go directly <http://www.epa.gov/oppsrrd1/op/azm.htm>.

2. *In person.* The Agency has established an official record for this action under docket control number [OPP-64043]. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is 703-305-5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number [OPP-64043] in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is 703-305-5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: "opp-docket@epa.gov," or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by the docket control number 34161. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI 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. In addition to one complete version of the comment that includes any

information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the "FOR FURTHER INFORMATION CONTACT" section.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

- Explain your views as clearly as possible.
- Describe any assumptions that you used.
- Provide copies of any technical information and/or data you used that support your views.
- If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
- Provide specific examples to illustrate your concerns.
- Make sure to submit your comments by the deadline in this announcement.
- To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Receipt of Requests to Delete Uses And to Cancel Registrations

A. Requests for Amendments to Delete Uses

In a memorandum of agreement ("Agreement") effective August 2, 1999, EPA and a number of registrants of products containing azinphos methyl agreed to several voluntary measures to

reduce the dietary, agricultural worker, and ecosystem risks associated with azinphos methyl exposure. EPA initiated the negotiations with registrants after azinphos methyl, as currently registered, was found to pose an unacceptable dietary risk to children ages 1 to 6 years old, risks of concern to agricultural workers, and unacceptable risks to birds, aquatic invertebrates, fish, and terrestrial mammals. As part of the Agreement, the signatory registrants, among other things, agreed to reduce application rates on pome fruit, to cap production of azinphos methyl products available in the United States, and to take a number of steps to reduce worker exposure. The signatory registrants also agreed to delete the use of azinphos methyl products on cotton in Louisiana and east of the Mississippi River, sugarcane, ornamentals (except for nursery stocks), Christmas trees, shade trees, and forest trees. In return, EPA agreed not to initiate any cancellation or suspension proceedings under section 6(b) or 6(c) of FIFRA to achieve the risk reduction measures set forth in the Agreement.

In order to delete azinphos methyl use on cotton in Louisiana and east of the Mississippi River, sugarcane, ornamentals (except for nursery stocks), Christmas trees, shade trees, and forest trees, the signatory registrants have submitted requests to amend their registrations of pesticide products containing azinphos methyl to delete such uses pursuant to section 6(f)(1)(A) of FIFRA. In addition, a registrant that did not sign the Agreement has also submitted a request to amend its registrations of pesticide products containing azinphos methyl to delete such uses. The registrations for which amendments were requested are identified in the following Table 1.

TABLE 1.—REGISTRATIONS WITH REQUESTED AMENDMENTS

Company	Reg. No	Product	SLNs
Bayer Corporation	3125-108	85% Technical	NJ94000300
.....	3125-102	22.2% Emulsifiable Concentrate	
.....	3125-301	50% Wettable Powder	
Makhteshim Chemical Works, Ltd.	11678-4	85% Technical	
.....	11678-53	85% Formulation Intermediate	
Makhteshim-Agan of North America, Inc.	66222-11	50% Wettable Powder	
.....	66222-12	22.1% Emulsifiable Concentrate	
.....	66222-16	22.1% Emulsifiable Concentrate	
Gowan Company	10163-78	50% Wettable Powder	AZ94000800
.....	10163-80	22.2% Emulsifiable Concentrate	
.....	10163-95	85% Technical	
.....	10163-138	35% Wettable Powder	
.....	10163-139	35% Wettable Powder	

TABLE 1.—REGISTRATIONS WITH REQUESTED AMENDMENTS—Continued

Company	Reg. No	Product	SLNs
.....	10163-180	50% PVA (Water Soluble Bags)	
Micro-Flo Corporation	51036-76	22.2% Emulsifiable Concentrate	AZ99000500
.....	51036-130	35% Wetttable Powder	AZ99000500
.....	51036-164	50% Water Dispensable Granules	AZ99000500
Platte Chemical Company	34704-691	22.2% Emulsifiable Concentrate	

Under section 6(f)(1)(A) of FIFRA, registrants may request, at any time, that their pesticide registrations be amended to delete one or more pesticide uses. Section 6(f)(1)(B) of FIFRA requires that EPA provide a 30-day period in which the public may comment before the Agency may act on the request for voluntary cancellation. However, such comment period may be waived upon a registrant's request. In addition, section 6(f)(1)(C) of FIFRA requires that EPA provide a 180-day comment period on a request for voluntary termination of any minor agricultural use before granting the request, unless (1) the registrants request a waiver of the comment period, or (2) the Administrator determines that continued use of the pesticide would

pose an unreasonable adverse effect on the environment. The registrants have requested that EPA waive the 180-day comment period. In light of this request, EPA is granting the request to waive the 180-day comment period and is providing a 30-day public comment period before taking action on the requested amendments to delete uses.

As part of the Agreement negotiated with the registrants, the registrants agreed to relabel all stocks of azinphos methyl products that are under their control by December 1, 1999. Any distribution or sale of existing stocks of azinphos-methyl products by the registrants will be unlawful after December 1, 1999. Any distribution or sale of such stocks by persons other than the registrants will be unlawful after December 31, 1999. Given the

potential risks that azinphos methyl use on cotton in Louisiana and east of the Mississippi River, sugarcane, ornamentals (except nursery stock), Christmas trees, shade trees, and forest trees has on drinking water and ecosystems, EPA intends to grant the requested amendments to delete uses at the close of the comment period for this announcement.

B. Request for Voluntary Cancellation

In addition to requesting amendments to delete uses, one registrant has submitted a request for voluntary cancellation of some of its registrations of pesticide products containing azinphos methyl. The registrations for which cancellation was requested are identified in the following Table 2.

TABLE 2.—REGISTRATIONS WITH CANCELLATION REQUESTS

Company	Reg. No	Product	SLNs
Micro-Flo Corporation		22.2% Emulsifiable Concentrate	TX89001100
.....	51036-205	50% Wetttable Powder	
.....	51036-207	22.2% Emulsifiable Concentrate	

Under section 6(f)(1)(A) of FIFRA, registrants may request, at any time, that EPA cancel any of their pesticide registrations. The registrant has requested that EPA waive any applicable comment periods before taking action on its request for cancellation. In light of this request, EPA is granting the request to waive the 180-day comment period and is providing a 30-day public comment period before taking action on the requested cancellations. Given the potential risks that azinphos methyl use poses, EPA intends to grant the requested cancellations at the close of the comment period for this announcement.

III. Proposed Existing Stocks Provisions

The registrants have requested voluntary amendment of the azinphos methyl registrations identified in Table 1 and voluntary cancellation of the

azinphos methyl registrations identified in Table 2. Pursuant to section 6(f) of FIFRA, EPA intends to grant the requests for voluntary amendment and cancellation. For purposes of the cancellation order that the Agency intends to issue at the close of the comment period for this announcement, the term "existing stocks" will be defined, pursuant to EPA's existing stocks policy at 56 FR 29362, Wednesday, June 26, 1991, as those stocks of a registered pesticide product which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of the amendment or cancellation. Any distribution, sale, or use of existing stocks after the effective date of the cancellation order that the Agency intends to issue that is not consistent with the terms of that order will be considered a violation of section 12(a)(2)(K) and /or 12(a)(1)(A) of FIFRA.

A. Distribution or Sale by Registrants

Unless existing stocks of products identified in Table 1 are relabeled in a manner consistent with the Agreement, the distribution or sale of such stocks by registrants will not be lawful under FIFRA after December 31, 1999, except for the purposes of returns and relabeling, shipping such stocks for export consistent with the requirements of section 17 of FIFRA, or for proper disposal. In addition, the distribution or sale of existing stocks of products identified in Table 2 by registrants will not be lawful under FIFRA after December 31, 1999, except for the purposes of shipping such stocks for export consistent with the requirements of section 17 of FIFRA or for proper disposal.

B. Distribution or Sale by Other Persons

Unless existing stocks of products identified in Table 1 are relabeled in a

manner consistent with the Agreement, the distribution or sale of such stocks by persons other than registrants will not be lawful under FIFRA after December 31, 1999, except for the purposes of returns and relabeling, shipping such stocks for export consistent with the requirements of section 17 of FIFRA, or for proper disposal. The distribution or sale of existing stocks of products identified in Table 2 by persons other than registrants will not be lawful under FIFRA after December 31, 1999, except for the purposes of shipping such stocks for export consistent with the requirements of section 17 of FIFRA or for proper disposal.

C. Use of Existing Stocks

The use of existing stocks of products identified in Tables 1 and 2 on cotton in Louisiana and east of the Mississippi River, sugarcane, ornamentals (except nursery stock), Christmas trees, shade trees, and forest trees will be lawful under FIFRA until stocks are depleted provided that the use is in accordance with either the directions for use contained in the Agreement or the existing labeling of that product.

IV. Notification of Intent to Revoke Tolerances

This document also serves to give notice that the Agency intends to propose to revoke the tolerance found in 40 CFR 180.154 for residues of azinphos-methyl in or on sugarcane with a revocation/expiration date of June 30, 2000. Accordingly, the Agency will issue such a proposed rule to be published in the **Federal Register**. In the August 2, 1999, Agreement, the registrants agreed to cancel the use of azinphos methyl products on sugarcane. The Agreement states that azinphos methyl manufacturing-use products may not be reformulated for use on sugarcane, and that end-use product labels intended for use in the 2000 growing season shall not have sugarcane listed as a use site in the directions for use section.

In addition, this document serves to give notice that the Agency intends to propose to lower tolerances found in 40

CFR 180.154 for residues of azinphos-methyl in or on apples, crabapples, cranberries, grapes, pears, and quinces. The Agency will issue such a proposed rule to be published in the **Federal Register**. In the August 2, 1999, Agreement, the registrants agreed to submit a petition requesting specific tolerance modifications for these fruits to be effective January 1, 2000. The Agency has received such a petition and intends to lower these tolerances to help reduce acute dietary risks that currently exceed the margins of safety deemed acceptable by the Agency.

V. Import Tolerance Guidance

The Agency recognizes that interested parties may want to retain a tolerance in the absence of a U.S. registration, to allow legal importation of food into the United States. To assure that all food marketed in the United States is safe, under the FFDCA, EPA may require the same technical chemistry and toxicology data for such import tolerances (tolerances without related U.S. registrations) as required to support U.S. food use registrations and any resulting tolerances. In addition, EPA may require residue chemistry data (crop field trials) that are representative of growing conditions in exporting countries in the same manner that the Agency requires representative residue chemistry data from different U.S. regions to support domestic use of the pesticides and the tolerance. Interested parties should contact the Agency for written guidance on adapting U.S. residue chemistry data requirements to non-U.S. growing conditions in order to support an import tolerance.

List of Subjects

Environmental protection, Memorandum of Agreement, Pesticides and pests.

Dated: November 23, 1999.

Lois Rossi,

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

[FR Doc. 99-31350 Filed 11-30-99; 3:02 pm]

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ENVIRONMENTAL PROTECTION AGENCY

[OPP-34209; FRL-6395-6]

Availability of Reregistration Eligibility Decision Documents for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces availability and starts a 60-day public comment period on the Reregistration Eligibility Decision (RED) documents for the pesticide active ingredients Captan, S-Ethyl dipropylthiocarbamate (EPTC), Folpet, Niclosamide and 3-trifluoromethyl-4-nitrophenol (TFM or Lampricide), and Pebulate. The RED represents EPA's formal regulatory assessment of the health and environmental data base of the subject chemical, and presents the Agency's determination regarding which pesticidal uses are eligible for reregistration.

DATES: Comments, identified by docket control number OPP-34210, must be received on or before February 1, 2000.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the "SUPPLEMENTARY INFORMATION." To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP-34210 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Carol Stangel, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 308-8007; and e-mail address: stangel.carol@epa.gov.