

**ENVIRONMENTAL PROTECTION AGENCY**

[OPP-2005-0072; FRL-7716-3]

**EBDC Fungicides Mancozeb, Maneb, and Metiram; Notice of Receipt of Requests to Voluntarily Cancel, Amend, or Terminate Uses of Certain Pesticide Registrations****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**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 receipt of requests by the registrants to voluntarily amend their registrations to terminate certain uses of products containing the pesticides mancozeb, maneb, and metiram. The requests would terminate mancozeb uses in or on residential lawns/turf, foliar application to cotton, and pineapple seed propagation treatment; maneb use on residential lawns/turf; and metiram use on roses. EPA intends to grant these requests at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit its further review of the requests, or unless the registrants withdraw their requests within this period. Upon acceptance of these requests, any sale, distribution, or use of products listed in this notice will be permitted only if such sale, distribution, or use is consistent with the terms as described in the final order.

**DATES:** Comments, identified by docket ID number OPP-2005-0072, must be received on or before August 1, 2005.

**ADDRESSES:** Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** For mancozeb, Christina Scheltema, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-2201; fax number: (703) 308-8005; e-mail address: [scheltema.christina@epa.gov](mailto:scheltema.christina@epa.gov).

For maneb and metiram, Tawanda Spears, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-

8050; fax number: (703) 308-8005; e-mail address: [spears.tawanda@epa.gov](mailto:spears.tawanda@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. General Information***A. Does this Action Apply to Me?*

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

*B. How Can I Get Copies of this Document and Other Related Information?*

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPP-2005-0072. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

*C. How and To Whom Do I Submit Comments?*

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on

the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically.* If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at <http://www.epa.gov/edocket/>, and follow the online instructions for submitting comments. Once in the system, select "search," and then key in docket ID number OPP-2005-0072. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail.* Comments may be sent by e-mail to [opp-docket@epa.gov](mailto:opp-docket@epa.gov), Attention: Docket ID Number OPP-2005-0072. In contrast to EPA's electronic public docket, EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is

placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail.* Send your comments to: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001, Attention: Docket ID Number OPP-2005-0072.

3. *By hand delivery or courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA, Attention: Docket ID Number OPP-2005-0072. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

#### *D. How Should I Submit CBI to the Agency?*

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is 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 docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

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

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

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at your estimate.
5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the comment period deadline identified.
8. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

#### **II. Background on the Receipt of Requests to Terminate Certain Uses for the EBDC Pesticides Mancozeb, Maneb, and Metiram**

This notice announces receipt by EPA of requests from the registrants BASF, Cerexagri, Dow AgroSciences, and Griffin LLC to amend to terminate certain uses of 17 mancozeb product registrations, 3 maneb product registrations, and 1 metiram registration (Tables 1-3). These pesticides are broad spectrum ethylenbisdithiocarbamate (EBDC) fungicides used on a variety of agricultural crops, ornamentals, and turf. In letters dated April 18, 2005, Cerexagri, Dow AgroSciences, and Griffin LLC have requested that EPA terminate the uses of mancozeb on residential lawns/turf, foliar application to cotton, and pineapple propagation (seed piece treatment). The registrants named above are no longer supporting these uses and wish to have them removed from product labels. However, these three registrants are retaining some mancozeb turf uses, specifically, use on sod farms, seed farms, golf courses, professionally managed college and professional sports fields, and industrial and commercial lawns. Further, in a letter dated April 18, 2005, Cerexagri has requested that EPA terminate use of maneb on residential lawns/turf and remove this use from product labels. This registrant intends to retain use of maneb on sod farms. Last, in a letter dated March 14, 2005, BASF has requested that EPA terminate use of metiram on roses.

**III. What Action is the Agency Taking?**

This notice announces receipt by EPA of requests from registrants to amend mancozeb, maneb, and metiram product registrations to terminate uses. The affected products and the registrants making the requests are identified in Tables 1–4 of this unit.

Under section 6(f)(1)(A) of FIFRA, registrants may request, at any time, that their pesticide registrations be canceled or amended to terminate one or more pesticide uses. Section 6(f)(1)(B) of FIFRA requires that before acting on a request for voluntary cancellation, EPA

must provide at minimum a 30-day public comment period on the request for voluntary cancellation or use termination. In addition, section 6(f)(1)(C) of FIFRA requires that EPA provide a 180-day comment period on a request for voluntary cancellation or 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.

Each of the mancozeb, maneb, and metiram registrants have requested that EPA waive the 180-day comment period, and provide either a 30 or 60 day comment period, in their letters. For consistency, EPA will provide a 60-day comment period on the proposed requests.

Unless a request is withdrawn by the registrant within 60 days of publication of this notice, or if the Agency determines that there are substantive comments that warrant further review of this request, an order will be issued amending the affected registrations.

TABLE 1.—MANCOZEB PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR DELETION OF CERTAIN USES

Registration No.	Product Name	Uses Proposed for Deletion
4581-357	Penncozeb Turf and Ornamentals Fungicide	residential lawns/turf
4581-358	Penncozeb 80WP	cotton (foliar application), pineapple propagation
4581-370	Penncozeb 75DF	cotton (foliar application), pineapple propagation
4581-394	Penncozeb 4FL Flowable Fungicide	cotton (foliar application), pineapple propagation, residential lawns/turf
62719-387	Dithane M45	cotton (foliar application), pineapple propagation
62719-388	Fore 80WP Rainshield	residential lawns/turf
62719-396	Dithane F-45 Rainshield	cotton (foliar application), pineapple propagation
62719-398	Dithane M-45 Flowable M	cotton (foliar application), pineapple propagation, residential lawns/turf
62719-401	Dithane DF70	cotton (foliar application), pineapple propagation, residential lawns/turf
62719-402	Dithane DF Rainshield	cotton (foliar application), pineapple propagation
62719-418	RH-0611 WP	residential lawns/turf
62719-422	Fore WSP T & O Fungicide	residential lawns/turf
62719-423	Dithane WSP Agricultural Fungicide	cotton (foliar application), pineapple propagation, residential lawns/turf
1812-360	ManKocide/Junction	residential lawns/turf
1812-414	Manzate 75DF/Pentathlon DF	cotton (foliar application), residential lawns/turf
1812-415	Manzate 80WP	cotton (foliar application), pineapple seed piece treatment, residential lawns/turf
1812-416	Manzate Flowable/Pentathlon LF	cotton (foliar application), residential lawns/turf

TABLE 2.—MANEB PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR USE DELETIONS

Registration No.	Product Name	Uses Proposed for Deletion
4581-255	Maneb 80WP Fungicide	residential lawns/turf
4581-359	Maneb 4FL	residential lawns/turf

TABLE 2.—MANEB PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR USE DELETIONS—Continued

Registration No.	Product Name	Uses Proposed for Deletion
4581-371	Maneb 75DF Dry Flowable Fungicide	residential lawns/turf

TABLE 3.—METIRAM PRODUCT REGISTRATION WITH PENDING REQUEST FOR USE DELETION

Registration No.	Product Name	Uses Proposed for Deletion
7969-105	Polyram 80DF Fungicide	Roses

Table 4 of this unit includes the names and addresses of record for the registrants of the products listed in Tables 1–3 of this unit.

TABLE 4.—REGISTRANTS REQUESTING USE DELETIONS

EPA Company No.	Company Name and Address
1812	Griffin LLC, P.O. BOX 30, Newark, DE 19714
4581	Cerexagri Inc., 630 Freedom Business Center, King of Prussia, PA 19406
7969	BASF Corporation Agricultural Products, P.O. BOX 13528, Research Triangle Park, NC 27709-3528
62719	Dow AgroSciences, 9330 Zionsville Rd, Indianapolis, IN 46268

#### IV. What is the Agency's Authority for Taking this Action?

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 to terminate one or more uses. 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, following the public comment period, the Administrator may approve such a request.

#### V. Procedures for Withdrawal of Request and Considerations for Certain Reregistration of Mancozeb, Maneb, and Metiram

Registrants who choose to withdraw a request for cancellation must submit such withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**, postmarked

before 60 days after date of publication in the **Federal Register**. This written withdrawal of the request for cancellation will apply only to the applicable FIFRA section 6(f)(1) request listed in this notice. If the product(s) have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

#### VI. Provisions for Disposition of Existing Stocks

If the request for use termination is granted as discussed above, the Agency intends to issue a cancellation order that will allow the registrant to continue to sell and distribute existing stocks of products bearing old labeling for 18 months after the date of the use termination order. Persons other than the registrant to continue to sell and/or use existing stocks of products bearing old labeling until such stocks are exhausted, provided that such use is consistent with the terms of the previously approved labeling on, or that accompanied, the cancelled product. The order will specifically prohibit any use of existing stocks that is not consistent with such previously approved labeling. If, as the Agency currently intends, the final cancellation order contains the existing stocks provision just described, the order will be sent only to the affected registrants of the cancelled products. If the Agency determines that the final cancellation order should contain existing stocks provisions different than the ones just described, the Agency will publish the cancellation order in the **Federal Register**.

#### List of Subjects

Environmental protection, Pesticides and pests, EBDCs, Mancozeb, Maneb, Metiram.

Dated: May 18, 2005.

Susan Lewis,

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

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BILLING CODE 6560–50–S

#### ENVIRONMENTAL PROTECTION AGENCY

[OPP–2004–0283; FRL–7712–3]

#### Nitrapyrin Reregistration Eligibility Decision; Notice of Availability

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the availability of EPA's Reregistration Eligibility Decision (RED) for the pesticide nitrapyrin [2-chloro-6-(trichloromethyl)pyridine], and opens a public comment period on this document. The Agency's risk assessments and other related documents also are available in the nitrapyrin Docket. Nitrapyrin is a nitrification inhibitor, and is used on corn, sorghum, and wheat. EPA has reviewed nitrapyrin through the public participation process that the Agency uses to involve the public in developing pesticide reregistration and tolerance reassessment decisions. Through these programs, EPA is ensuring that all pesticides meet current health and safety standards.

**DATES:** Comments, identified by docket ID number OPP–2004–0283, must be received on or before August 1, 2005.

**ADDRESSES:** Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Plummer, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–0076; fax number: (703) 308–7042; e-mail address: [plummer.stephanie@epa.gov](mailto:plummer.stephanie@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

##### A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale,