

health protections for infants and children from pesticide risks.

During 1998 and 1999, EPA and the U.S. Department of Agriculture (USDA) established a subcommittee of the National Advisory Council for Environmental Policy and Technology (NACEPT), the Tolerance Reassessment Advisory Committee (TRAC), to address FFDCA issues and implementation. TRAC comprised more than 50 representatives of affected user, producer, consumer, public health, environmental, states, and other interested groups. The TRAC met from May 27, 1998, through April 29, 1999.

As a result of the 1998 and 1999 TRAC process, EPA decided that the FQPA implementation process and related policies would benefit from providing notice and comment on the major science policy issues. The TRAC identified nine science policy areas it believed were key to implementation of tolerance reassessment. EPA agreed to provide an opportunity for public comment on each of the nine issues by announcing their availability in the **Federal Register**. In a notice published in the **Federal Register** of October 29, 1998 (63 FR 58038) (FRL-6041-5), EPA described its intended approach. Since then, EPA has issued a series of draft and revised documents concerning the nine science policy issues. Publication of today's notice is intended to update the public on the status of the science paper "Use of the Pesticide Data Program (PDP) in Acute Risk Assessment."

#### *B. EPA's Use of a Decomposition Methodology for Acute Dietary Risk Assessment*

In May 1999, EPA published the policy paper "Use of the Pesticide Data Program (PDP) in Acute Risk Assessment" (<http://www.epa.gov/fedrgstr/EPA-PEST/1999/May/Day-26/p13034.htm>) for public comment. This science policy document was developed to explain a particular statistical methodology, known as decomposition, for using information from the U.S. Department of Agriculture's (USDA) PDP in risk assessments of acute exposure to pesticide residues in food. The PDP tests commodities in the U.S. food supply for pesticide residues. The decomposing methodology consists of extrapolating from data on pesticide residues in composite samples of fruits and vegetables to residue levels in single units of fruits and vegetables.

Prior to publishing this policy, EPA policy did not use PDP residue data in acute dietary exposure assessments because of a concern that using these composite results could produce

exposure estimates that would be biased low, underestimating high-end pesticide residues, and therefore would be inappropriate for human health risk assessments. Using a decomposing methodology could address these concerns.

OPP consulted the FIFRA Scientific Advisory Panel (SAP) in 1999 and 2000 on a variety of decomposition methodologies and technical issues surrounding the use of those methodologies. The SAP reports from those meetings are available at: <http://www.epa.gov/scipoly/SAP/meetings/1999/may/final.pdf> and <http://www.epa.gov/scipoly/sap/meetings/2000/february/partialfinalreport06292000.pdf>. The SAP recommended that the Agency use decomposing and stated that "for acute dietary exposure estimation, it is the residues in single items of produce that are of interest rather than "average" residues measured in composited samples." The Panel concluded that overall, a methodology called MaxLIP was the preferred method, but recommended additional studies and validation using actual individual samples of residues to develop a more complete understanding of methods of analysis.

For a time, OPP incorporated decomposition into risk assessment of acute exposure to pesticide residues in food. However, due to the time-consuming nature of the analysis, combined with the perception that utilizing decomposition was not making much of a difference in terms of risk estimates, the practice was discontinued. OPP has continued to evaluate the impact of conducting acute dietary risk assessments using residue levels measured in composite samples versus residue levels estimated to be present in decomposited samples. The key question has been the degree to which use of composite samples may underestimate risk at the high end of the exposure distribution. This assessment, though still exploratory, confirms OPP's initial impression that decomposition does not have a critical influence on the risk assessment. While, as expected, the results vary for each pesticide-commodity combination, findings suggest that use of composite residues may result in estimated exposures that are reasonably similar to those resulting from single-units (i.e., decomposited results).

#### **III. International Interest in Working Together on Dietary Risk Assessment Analysis**

EPA's evaluation of the impact of decomposing is ongoing. Currently,

EPA is in the process of comparing results from the decomposition methodology to a method known as the "variability factor" used in other countries, including the member States in the European Union. EPA anticipates working collaboratively with the European Union, through the European Food Safety Authority (EFSA), to share data, to better characterize the differences between the two methodologies, and to better understand the risk assessment and risk management implications. EPA believes that seeking to develop a globally harmonized approach in this aspect of dietary risk assessment will benefit all involved by increasing understanding and facilitating the sharing of data as well as the assessments derived from those data. In addition, the process will facilitate better understanding and resolutions of trade questions and issues that may result from differences in approach.

#### **IV. Withdrawing this Science Policy is Responsive to EPA's Office of Inspector General's Recommendations**

This action is responsive to the recommendations made by EPA's Office of Inspector General during its review of EPA's implementation of FQPA. In its report "Opportunities to Improve Data Quality and Children's Health through the FQPA" issued January 10, 2006, <http://www.epa.gov/oig/reports/2006/20060110-2006-P-00009.pdf>, the Office of Inspector General recommended that EPA should update the status of its Science Policy issue papers. This **Federal Register** notice updates the public on the status of one of the Science Policy papers.

#### **List of Subjects**

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

Dated: September 22, 2010.

**Steve A. Owens,**

*Assistant Administrator, Office of Chemical Safety and Pollution Prevention.*

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#### **ENVIRONMENTAL PROTECTION AGENCY**

**[EPA-HQ-OPP-2010-0248; FRL-8845-9]**

#### **Notice of Receipt of Requests for Amendments to Delete Uses in 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 request for amendments by registrants to delete uses in certain pesticide registrations. 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 amended to delete one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any request in the **Federal Register**.

**DATES:** The deletions are effective March 28, 2011, unless the Agency receives a written withdrawal request on or before March 28, 2011. The Agency will consider a withdrawal request postmarked no later than March 28, 2011.

Users of these products who desire continued use on crops or sites being deleted should contact the applicable registrant on or before March 28, 2011.

**ADDRESSES:** Submit your withdrawal request, identified by docket identification (ID) number EPA-HQ-OPP-2010-0248, by one of the following methods:

- *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P),

Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

**FOR FURTHER INFORMATION CONTACT:** Christopher Green, Information Technology and Resources Management Division, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 347-0367; e-mail address: [green.christopher@epa.gov](mailto:green.christopher@epa.gov).

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

This action is directed to the public in general. Although this action may be of particular interest to persons who produce or use pesticides, 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 information in this notice, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

EPA has established a docket for this action under docket ID number EPA-HQ-OPP-2010-0248. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

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

This notice announces receipt by the Agency of applications from registrants to delete uses in certain pesticide registrations. These registrations are listed in Table 1 of this unit by registration number, product name, active ingredient, and specific uses deleted:

TABLE 1.—REQUESTS FOR AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

EPA Registration No.	Product Name	Active Ingredient	Delete from Label
228-675	Nufarm Diquat SPC 2 L Herbicide	Diquat dibromide	Soybeans and Sorghum
1381-190	Sterling Herbicide	Benzoic acid	Cotton and Rest Areas
10163-196	Prefar 4E	Bensulide	Residential Uses
10163-198	Prefar 4E	Bensulide	Residential Uses
10163-199	Prefar 4E	Bensulide	Residential Uses
10163-200	Prefar 4E	Bensulide	Field Grown Flowers, Bulbs, Ornamentals and Tank Mix Recommendation with Alanap
10163-204	Prefar 4E	Bensulide	Residential Uses
34688-76	Aquatreat DNM-30	Nabam and Sodium dimethyldithiocarbamate	Fuel Oils, Lubricating Oils and Hydraulic Fluids in Marine Environments
67064-2	Admiral Liquid	Acid Blue 9	Fish Farms and Fish Hatcheries
82633-2	Sharda Diquat Concentrate	Diquat dibromide	Sorghum (seed crop only) and Soybean (seed crop only)
83529-13	Diquash Ag	Diquat dibromide	Sorghum (seed crop only) and Soybean (seed crop only)

Users of these products who desire continued use on crops or sites being

deleted should contact the applicable registrant before March 28, 2011 to

discuss withdrawal of the application for amendment. This 180-day period

will also permit interested members of the public to intercede with registrants prior to the Agency's approval of the deletion.

Table 2 of this unit includes the names and addresses of record for all registrants of the products listed in Table 1 of this unit, in sequence by EPA company number.

TABLE 2.—REGISTRANTS REQUESTING AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

EPA Company Number	Company Name and Address
228	Nufarm Americas, Inc. 150 Harvester Drive Suite 200 Burr Ridge, IL 60527
1381	Winfield Solutions, LLC. P.O. Box 64589 MS 5705 St. Paul, MN 55164-0589
10163	Gowan, Co. P.O. Box 5569 Yuma, AZ 85366-5569
34688	Akzo Nobel Surface Chemistry, LLC. 7140 Heritage Village Plaza Gainesville, VA 20156
67064	Becker Underwood, Inc. 801 Dayton Avenue Ames, IA 50010
82633	Sharda Worldwide Exports Pvt Ltd. 7460 Lancaster Pike Suite 9 Hockessin, DE 19707
83529	Sharda USA, LLC. 7460 Lancaster Pike Suite 9 Hockessin, DE 19707

### III. 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 amended to delete one or more uses. The 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

Administrator may approve such a request.

### IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for use deletion must submit the withdrawal in writing to Christopher Green using the methods in **ADDRESSES**. The Agency will consider written withdrawal requests postmarked no later than March 28, 2011.

### V. Provisions for Disposition of Existing Stocks

The Agency has authorized the registrants to sell or distribute product under the previously approved labeling for a period of 18 months after approval of the revision, unless other restrictions have been imposed, as in special review actions.

#### List of Subjects

Environmental protection, Pesticides and pests.

Dated: September 21, 2010.

#### Oscar Morales,

*Director, Information Technology and Resources Management Division, Office of Pesticide Programs.*

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2010-0796; FRL-8847-6]

### Biopesticides Registration Review Final Decisions; Notice of Availability

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the availability of EPA's final registration review decisions for the pesticides listed in the table in Unit II.A. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, that the pesticide can perform its intended function without causing unreasonable adverse effects on human health or the environment. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

**FOR FURTHER INFORMATION CONTACT:** For pesticide-specific information, contact: The person listed for the specific pesticide of interest provided in the

table in Unit II.A., Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

*For general information on the registration review program, contact:* Kevin Costello, Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; *telephone number:* (703) 305-5026; *fax number:* (703) 308-8090; *e-mail address:* [costello.kevin@epa.gov](mailto:costello.kevin@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, farm worker, 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 for the specific pesticide of interest provided in the table in Unit II.A.

###### B. How can I get copies of this document and other related information?

EPA has established a docket for this action under the docket identification (ID) number for the specific pesticide of interest provided in the table in Unit II.A. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

##### II. Background

###### A. What action is the Agency taking?

Pursuant to 40 CFR 155.58(c), this notice announces the availability of EPA's final registration review decisions for the pesticides shown in the following table.

Capsaicin is a naturally occurring polymer that comprises the principal active element of chili peppers (genus *Capsaicum*). Capsaicin is used as a fungicide, insect repellent and