

revised guidance document. The recommendations in the guidance document also represent the Agency's substantial experience, over the last decade, in developing and articulating effective procedures for collecting high quality data on pesticide movement into ground water.

*B. What is the Agency's Authority for Taking this Action?*

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), section 3.

**List of Subjects**

Environmental protection, prospective ground-water monitoring studies.

Dated: January 10, 2008.

**Donald J. Brady,**

*Acting Director, Environmental Fate and Effects Division, Office of Pesticide Programs.*  
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**BILLING CODE 6560-50-S**

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OPP-2007-1166; FRL-8343-3]

**Organic Esters of Phosphoric Acid Risk Assessments Risk Reduction Options; Notice of Availability**

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the availability of EPA's risk assessments, and related documents for the pesticide organic esters of phosphoric acid, and opens a public comment period on these documents. The public is encouraged to suggest risk management ideas or proposals to address the risks identified. EPA is developing a Reregistration Eligibility Decision (RED) for organic esters of phosphoric acid through a modified, 4-Phase public participation process that the Agency uses to involve the public in developing pesticide reregistration decisions. This is Phase 3 of the 4- Process. Through this program, EPA is ensuring that all pesticides meet current health and safety standards.

**DATES:** Comments must be received on or before March 17, 2008.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2007-1166, by one of the following methods:

• *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

• *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'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.

*Instructions:* Direct your comments to docket ID number EPA-HQ-OPP-2007-1166. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [regulations.gov](http://www.regulations.gov) or e-mail. The [regulations.gov](http://www.regulations.gov) website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [regulations.gov](http://www.regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. 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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* All documents in the docket are listed in the docket index available in [regulations.gov](http://www.regulations.gov). To access the electronic docket, go to <http://www.regulations.gov>, select "Advanced Search," then "Docket Search." Insert the docket ID number where indicated and select the "Submit" button. Follow the instructions on the [regulations.gov](http://www.regulations.gov) website to view the docket index or access available documents. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is

restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. 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 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.

**FOR FURTHER INFORMATION CONTACT:**

Heather Garvie, Antimicrobials Division (7510P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-0034; fax number: (703) 305-5620; e-mail address: [garvie.heather@epa.gov](mailto:garvie.heather@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. What Should I Consider as I Prepare My Comments for EPA?*

1. *Submitting CBI.* Do not submit this information to EPA through [regulations.gov](http://www.regulations.gov) or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, 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 claimed as CBI. In addition to one complete version of the comment that includes 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. Information so marked will not be disclosed except in

accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- iv. Describe any assumptions and provide any technical information and/or data that you used.
- v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- vi. Provide specific examples to illustrate your concerns and suggest alternatives.
- vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- viii. Make sure to submit your comments by the comment period deadline identified.

## II. Background

### A. *What Action is the Agency Taking?*

EPA is releasing for public comment its human health and environmental fate and effects risk assessments and related documents for organic esters of phosphoric acid, and soliciting public comment on risk management ideas or proposals. Organic esters of phosphoric acid are used as a fungistat and bacteristat largely on carpet backing. Other uses include incorporation into vinyl products, plastics, polymers, coatings, synthetics/nonwoven textiles, sealants, adhesives, caulks, and filters. No direct or indirect food contact uses are approved on registered end-use product labels. EPA developed the risk assessments and risk characterization for organic esters of phosphoric acid through a modified version of its public process for making pesticide reregistration eligibility and tolerance reassessment decisions. Through these programs, EPA is ensuring that pesticides meet current standards under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA).

Organic esters of phosphoric acid are registered for use as a material preservative (added during manufacture

of product) in such household, industrial, and institutional materials as: carpet backing; epoxy flooring, coating, tile and grout products; vinyl products (wall coverings, car tops, awnings, tarpaulins, tents, sails, drapes, shower curtains, flooring products, and films not for food contact); plastic furniture (not for food service or storage); acrylic, urethane, wax and varnish floor sealers, finishes, and maintainers (carpets shampoos, dry extraction compounds and cleaners, spot removers); polyvinyl acetate indoor and outdoor paints; polymeric laminates (not for food preparation surfaces); polymer concrete; synthetic and non-woven textiles (wall coverings, car tops, awnings, tarpaulins, tents, sails, drapes, shower curtains); polymeric packaging film (not for food contact); water, oil and solvent based paints, stains, and other coating systems for use on interior and exterior surfaces, substrates, machinery and equipment, including heating, ventilating and air conditioning systems; molded polymeric and polymer concrete bath tubs, showers, bathroom sinks, bathroom countertops and bathroom accessories; natural and synthetic polymeric sealants, adhesives and caulking compounds; textile upholstery, mattresses, mattress ticking and mattress covers; vinyl upholstery, mattresses, mattress ticking and covers; topical treatment of textile products including apparel, outerwear and undergarments; air filters for furnaces, air conditioners, air purification devices, automobiles, and recirculating air handling systems.

EPA is providing an opportunity, through this notice, for interested parties to provide comments and input on the Agency's risk assessments for organic esters of phosphoric acid. Such comments and input could address, for example, the availability of additional data to further refine the risk assessments, such as information regarding the paint/coatings uses, an inhalation toxicity study, or a dermal absorption study and leaching/extraction data to verify the transfer factor for clothing and mattress covers could address the Agency's risk assessment methodologies and assumptions as applied to this specific pesticide.

Through this notice, EPA also is providing an opportunity for interested parties to provide risk management proposals or otherwise comment on risk management for organic esters of phosphoric acid. Risks of concern associated with the use of organic esters of phosphoric acid are: Residential dermal exposure resulting from the application of paint; residential post-

application dermal exposure of children and adults to treated mattresses; residential post-application incidental ingestion exposure of children to carpet cleaners; residential post-application dermal exposure of children and adults to treated textiles; and residential post-application incidental ingestion exposure of children to treated textiles; occupational dermal exposure resulting from the application of paint; and occupational inhalation exposure resulting from the application of paint using an airless sprayer. In targeting these risks of concern, the Agency solicits information on effective and practical risk reduction measures.

EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical, unusually high exposure to organic esters of phosphoric acid, compared to the general population.

EPA is applying the principles of public participation to all pesticides undergoing reregistration and tolerance reassessment. The Agency's Pesticide Tolerance Reassessment and Reregistration; Public Participation Process, published in the **Federal Register** on May 14, 2004 (69 FR 26819) (FRL-7357-9), explains that in conducting these programs, the Agency is tailoring its public participation process to be commensurate with the level of risk, extent of use, complexity of the issues, and degree of public concern associated with each pesticide. For organic esters of phosphoric acid, a modified, 4-Phase process with one comment period and ample opportunity for public consultation seems appropriate in view of its refined risk assessments, and/or other factors. However, if as a result of comments received during this comment period EPA finds that additional issues warranting further discussion are raised, the Agency may lengthen the process and include a second comment period, as needed.

All comments should be submitted using the methods in **ADDRESSES**, and must be received by EPA on or before the closing date. Comments will become part of the Agency Docket for organic esters of phosphoric acid. Comments received after the close of the comment period will be marked "late." EPA is not

required to consider these late comments.

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

Section 4(g)(2) of FIFRA, as amended, directs that, after submission of all data concerning a pesticide active ingredient, "the Administrator shall determine whether pesticides containing such active ingredient are eligible for reregistration," before calling in product-specific data on individual end-use products and either reregistering products or taking other "appropriate regulatory action."

### List of Subjects

Environmental protection, Antimicrobials, Organic esters of phosphoric acid, and Pesticides pests.

Dated: January 8, 2008.

### Frank Sanders,

Director, Antimicrobials Division, Office of Pesticide Programs.

[FR Doc. E8-540 Filed 1-15-08; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2007-1164; FRL-8344-2]

### Pesticide Product Registration Approval

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

**ACTION:** Notice.

**SUMMARY:** This notice announces Agency approval of applications to register the pesticide products R-Octenol, Technical Indole-3-Acetic Acid, Quillaja Extract, and Shake-Away Critter Repellent Granules containing active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(5) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

**FOR FURTHER INFORMATION CONTACT:** See the table for the name of the contact persons: Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001:

Contact Person	EPA Registration No.
Todd Peterson <i>peterson.todd@epa.gov</i> (703) 308-7224	52991-19 80917-4

Contact Person	EPA Registration No.
Driss Benmhend <i>benmhend.driss@epa.gov</i> (703) 308-9525	82572-1
M. Duggard <i>duggard.mari@epa.gov</i> (703) 308-0028	57538-28

### SUPPLEMENTARY INFORMATION:

#### I. General Information

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

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. 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 a docket for this action under docket identification (ID) number EPA-HQ-OPP-2007-1164. 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.

In accordance with section 3(c)(2) of FIFRA, a copy of the approved label, the list of data references, the data and other scientific information used to support registration, except for material

specifically protected by section 10 of FIFRA, are also available for public inspection. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001. Such requests should: Identify the product name and registration number and specify the data or information desired.

A paper copy of the fact sheet, which provides more detail on this registration, may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Rd., Springfield, VA 22161.

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>.

#### II. Did EPA Approve the Applications?

The Agency approved the applications after considering all required data on risks associated with the proposed use of R-(-)-1-octen-3-ol, Indole-3-acetic acid, Saponins of *Quillaja saponaria*, fox urine, and information on social, economic, and environmental benefits to be derived from use. Specifically, the Agency has considered the nature of the chemical and its pattern of use, application methods and rates, and level and extent of potential exposure. Based on these reviews, the Agency was able to make basic health and safety determinations which show that use of R-(-)-1-octen-3-ol, Indole-3-acetic acid, Saponins of *Quillaja saponaria*, and fox urine when used in accordance with widespread and commonly recognized practice, will not generally cause unreasonable adverse effects to the environment.

#### III. Approved Applications

1. EPA issued a notice, published in the **Federal Register** of September 6, 2006 (71 FR 52538) (FRL-8087-9), which announced that Bedoukian Research, Inc., 21 Finance Drive, Danbury, CT 06810, had submitted an application to register the pesticide product, Roctenol, Insect Attractant (EPA File Symbol 52991-RO), containing R-(-)-1-octen-3-ol at 98%. This product was not previously registered.

The application was approved on July 3, 2007, as R-Octenol (EPA Registration Number 52991-19) for a technical grade active ingredient/manufacturing use product to be formulated into end use products as an insect attractant. (T. Peterson).