

**Federal Register** Notices pertaining to the perchlorate regulatory determination and all peer review comments before issuing a final regulatory determination for perchlorate. EPA intends to issue a regulatory determination as expeditiously as possible following consideration of the comments and information received by the Agency.

Dated: September 17, 2009.

**Michael H. Shapiro,**

*Acting Assistant Administrator, Office of Water.*

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**BILLING CODE 6560-50-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

**[EPA-HQ-OPP-2009-0218; FRL-8421-5]**

### **Estimating the Drinking Water Component of a Dietary Exposure Assessment; Science Policy, Notice of Withdrawal**

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

**ACTION:** Notice.

**SUMMARY:** EPA hereby withdraws the pesticide science policy document entitled "Estimating the Drinking Water Component of a Dietary Exposure Assessment," that was issued in November 1999. This science policy was developed during the implementation of the new safety standard in section 408 of the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. EPA's assessment of exposure to residues in drinking water no longer involves performing screening level assessments as described in this policy paper. Instead, the Agency now routinely develops estimates of exposure to pesticides in drinking after using the more advanced methods that EPA has described in other science policy papers.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Behl, Environmental Fate and Effects Division, Office of Pesticide Programs (7507P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: 703-305-6128; fax number: 703-305-6309; e-mail address: [behl.betsy@epa.gov](mailto:behl.betsy@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. General Information**

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

This action is directed to the public in general. This action, however, may be of interest to persons who produce or formulate pesticides or who register

pesticide products. Since other entities may also 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?**

EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2009-0218. 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**

The Food Quality Protection Act of 1996 (FQPA) significantly amended the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA). Among other changes, FQPA established a stringent health-based standard ("a reasonable certainty of no harm") for pesticide residues in foods to assure protection from unacceptable pesticide exposure and strengthened health protections for infants and children from pesticide risks.

During 1998 and 1999, EPA and the United States 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 was comprised of 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.

In order to continue the constructive discussions about FFDCA, EPA and USDA established, under the auspices of NACEPT, the Committee to Advise on Reassessment and Transition (CARAT). The CARAT provided a forum for a broad spectrum of stakeholders to consult with and advise the Agency and the Secretary of Agriculture on pest and pesticide management transition issues related to the tolerance reassessment

process. The CARAT was intended to further the valuable work initiated by earlier advisory committees toward the use of sound science and greater transparency in regulatory decision-making, increase stakeholder participation, and advise on reasonable transition strategies that reduce risks without jeopardizing American agriculture and farm communities.

As a result of the 1998 and 1999 TRAC process, EPA decided that the implementation process and related policies would benefit from providing notice and comment on major science policy issues. The TRAC identified nine science policy areas it believed were key to implementation of tolerance reassessment. EPA agreed to provide one or more documents for 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 this notice is intended to update the public on the status of the science paper "Estimating the Drinking Water Component of a Dietary Exposure Assessment."

##### **III. Summary: Why this Policy is No Longer Needed**

As a result of the new procedures for estimating concentrations of pesticide residues in drinking water, this notice announces the withdrawal of "Estimating the Drinking Water Component of a Dietary Exposure Assessment," <http://www.epa.gov/fedrgstr/EPA-PEST/1999/November/Day-10/6044.pdf>.

In assessing the risks of pesticide exposure, scientists frequently use mathematical models to predict pesticide concentrations in food, water, residential, and occupational environments. This notice pertains to how the Agency determines pesticide risk from drinking water. (For more information on the models the Agency uses to estimate concentrations of pesticides in drinking water see <http://www.epa.gov/oppefed1/models/water/models4.htm>). The current approach provides a more realistic estimate of exposure through drinking water since actual drinking water consumption data and reported body weight from the Combined Survey of Food Intake by Individuals (CSFII) are used, rather than the standard assumptions used in the approach discussed in "Estimating the Drinking Water Component of a Dietary Exposure Assessment."

This action is also 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 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 which has been superseded by other guidance.

#### List of Subjects

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

Dated: September 16, 2009.

**Stephen A. Owens,**

*Assistant Administrator, Office of Prevention,  
Pesticides and Toxic Substances.*

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#### ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2007-1145; FRL-8959-6]

#### Final Risk and Exposure Assessment Report for Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur

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

**ACTION:** Notice of availability of final  
report.

**SUMMARY:** On or about September 15, 2009, the Office of Air Quality Planning and Standards (OAQPS) of EPA is making available a final report, *Risk and Exposure Assessment for Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur: Final Report*. The purpose of this document is to convey the approach taken to assess environmental exposures to ambient oxides of nitrogen and sulfur and to characterize associated public welfare risks, as well as to present the results of those assessments.

**FOR FURTHER INFORMATION CONTACT:** Dr. Anne Rea, Office of Air Quality Planning and Standards (Mail code C539-02), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; e-mail: [rea.anna@epa.gov](mailto:rea.anna@epa.gov); telephone: 919-541-0053; fax: 919-541-0840.

#### General Information

##### *A. How Can I Get Copies of This Document and Other Related Information?*

1. **Docket.** EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2007-1145. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Office of Air and Radiation Docket is (202) 566-1742.

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/>.

Under section 108(a) of the Clean Air Act (CAA), the Administrator identifies and lists certain pollutants which "cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare." The EPA then issues air quality criteria for listed pollutants, which are commonly referred to as "criteria pollutants." The air quality criteria are to "accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of [a] pollutant in the ambient air, in varying quantities." Under section 109 of the CAA, EPA establishes National Ambient Air Quality Standards (NAAQS) for each listed pollutant, with the NAAQS based on the air quality criteria. Section 109(d) of the CAA requires periodic review and, if appropriate, revision of existing air quality criteria. The revised air quality criteria reflect advances in scientific knowledge on the effects of the pollutant on public health or welfare. The EPA is also required to periodically review and revise the NAAQS, if appropriate, based on the revised criteria.

The EPA is currently conducting a joint review of the existing secondary (welfare-based) NAAQS for oxides of nitrogen (NO<sub>x</sub>) and oxides of sulfur (SO<sub>x</sub>). Because NO<sub>x</sub>, SO<sub>x</sub>, and their associated transformation products are linked from an atmospheric chemistry perspective as well as from an environmental effects perspective, and because of the National Research Council's (NRC's) 2004

recommendations to consider multiple pollutants in forming the scientific basis for the NAAQS, EPA has decided to jointly assess the science, risks, and policies relevant to protecting the public welfare associated with oxides of nitrogen and oxides of sulfur. This is the first time since NAAQS were established in 1971 that a joint review of these two pollutants has been conducted. Since both the Clean Air Scientific Advisory Committee (CASAC) and EPA have recognized these interactions historically, and the science related to these interactions has continued to evolve and grow to the present day, there is a strong basis for considering them together.

As part of its review of the secondary NAAQS for NO<sub>x</sub> and SO<sub>x</sub>, EPA is preparing an assessment of exposures and characterization of risks for adverse ecological effects associated with atmospheric NO<sub>x</sub> and SO<sub>x</sub> deposition. A draft plan describing the proposed approaches to assessing ecological exposures and effects is described in the draft document, *Draft Scope and Methods Plan for Risk/Exposure Assessment: Secondary NAAQS Review for Oxides of Nitrogen and Oxides of Sulfur*. This document was released for public review and comment in March 2008 and was the subject of a consultation with the CASAC on April 2 and 3, 2008. Comments received from that consultation were considered in developing the document titled, *Risk and Exposure Assessment to Support the Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur: First Draft*, which was released for public review and comment in August 2008. This document was the subject of a CASAC review on October 1-2, 2008. Comments received from that review were considered in developing the document titled, *Risk and Exposure Assessment to Support the Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur: Second Draft*, which was released for public review and comment in June 2009 and was the subject of a CASAC review on July 22-23, 2009. In preparing the final risk and exposure assessment report, EPA considered comments received from CASAC and the public at and subsequent to that meeting.

The *Risk and Exposure Assessment for Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur: Final Report* being released at this time conveys the approach taken to assess ecological effects due to the deposition of ambient NO<sub>x</sub> and SO<sub>x</sub>.