

pictures or video footage to help clarify your comment. The following information would be helpful to EPA in characterizing regional and crop differences in use practices and possible effects on potential risk:

- Crop.
- Fumigant use.
- Average acres grown per enterprise.
- Maximum acres fumigated per day.
- Percent of the acres grown that are fumigated.
- Typical application rate (lb a.i./acre).
- Minimum application rate used (lb a.i./acre)(for high pest pressure situations).
- Time of year that soil is fumigated.
- Fumigation cycle (every crop cycle, 1 time/year, 1 time/2 years).
- Target pests (by category or specific pests).
- Method of application (e.g., chemigation, soil injection, specific equipment used, etc).
- Methods or actions taken to reduce emissions (e.g., polyethylene tarps, water seal, or soil cap).
- Could high-density polyethylene (HDPE) or high barrier tarps be used on this crop?
- Time between treatment and next production activity (e.g., time until planting).
- Typical crops following the fumigated crop (only if they benefit from the fumigation).
- Regulatory restrictions in your area on this fumigant or an alternative fumigant (such as weather restrictions).
- Soil restrictions on this fumigant or an alternative fumigant.
- Any restrictions or concerns about minimum soil temperature, hilly terrain, etc.
- Best available alternative (another fumigant or strategy such as leaving land fallow, etc).
- Could the use of different fumigants be alternated to achieve similar efficacy (e.g., metam sodium followed by 1,3-D)? Specify how.
- Yield or quality impacts that are likely to result from moving to the next best available alternative (i.e., change in commodity price or grade).
- Would moving to the next best alternative impact key market windows? How?
- Cost per acre of active ingredient.
- Cost per acre of other fumigation inputs (e.g., irrigation and equipment).
- Is there a crop budget available for your area and crop?
- Do you know of any other contacts or other sources of information for this crop that could provide information on acreage, prices, pests, etc?

- Are there non-chemical alternatives that can be used in place of fumigants? Describe use.

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 dazomet, 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, EPA is tailoring its public participation process to be commensurate with the level of risk, extent of use, complexity of issues, and degree of public concern associated with each pesticide. EPA plans to review dazomet through the full, 6-Phase public participation process.

Comments should be limited to issues raised within the risk assessment and associated documents. Failure to comment on any such issues as part of this opportunity will not limit a commenter's opportunity to participate in any later notice and comment processes on this matter. All comments should be submitted using the methods in Unit I. of the **SUPPLEMENTARY INFORMATION**, and must be received by EPA on or before the closing date. Comments will become part of the Agency Docket for dazomet. 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."

Section 408(q) of the FFDCA, 21 U.S.C. 346a(q), requires EPA to review tolerances and exemptions for pesticide residues in effect as of August 2, 1996, to determine whether the tolerance or exemption meets the requirements of section 408(b)(2) or (c)(2) of FFDCA. This review is to be completed by August 3, 2006.

#### **List of Subjects**

Environmental protection, Pesticides and pests.

Dated: June 29, 2005.

**Debra Edwards,**

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

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**BILLING CODE 6560-50-S**

## **ENVIRONMENTAL PROTECTION AGENCY**

**[OPP-2004-0295; FRL-7720-4]**

### **Cyhexatin; Tolerance Reassessment Decision**

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the availability of EPA's Tolerance Reassessment Decision (TRED) for the pesticide cyhexatin. The Agency's risk assessments and other related documents also are available in the Cyhexatin Docket. Through the tolerance reassessment program, EPA is ensuring that all pesticides meet current health and food safety standards.

**FOR FURTHER INFORMATION CONTACT:** Tom Myers, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8589; fax number: (703) 308-8041; e-mail address: [myers.tom@epa.gov](mailto:myers.tom@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-2004-0295. 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 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. 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. Once in the system, select “search,” then key in the appropriate docket ID number.

## II. Background

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

EPA has reassessed risks associated with use of the pesticide cyhexatin, and on June 13, 2005, reached a tolerance reassessment and risk management decision. Cyhexatin is used as an insecticide/acaricide to control mites on a variety of crops. The last U.S. product registration was canceled in 1989. There are currently 41 tolerances for cyhexatin. However, the manufacturers have indicated that they are only supporting the tolerance for orange juice

for import purposes. Therefore, EPA will revoke all existing cyhexatin tolerances and a tolerance with no U.S. registrations will be established for orange, juice. The orange juice tolerance, in effect, replaces the existing citrus tolerance. This tolerance will be time-limited pending submission and review of confirmatory generic data. The Agency is now issuing a Report on Food Quality Protection Act (FQPA) Tolerance Reassessment Progress and Risk Management Decision for Cyhexatin, known as a TRED, as well as all related technical support documents.

EPA must review tolerances and tolerance exemptions that were in effect when FQPA was enacted in August 1996, to ensure that these existing pesticide residue limits for food and feed commodities meet the safety standard established by the new law. Tolerances are considered reassessed once the safety finding has been made or a revocation occurs. EPA has reviewed and made the requisite safety finding for the orange juice tolerance only. The 41 existing cyhexatin tolerances will be proposed for revocation.

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, EPA is tailoring its public participation process to be commensurate with the level of risk, extent of use, complexity of issues, and degree of public concern associated with each pesticide. Due to its uses, risks, and other factors, cyhexatin was reviewed through the modified 4-Phase public participation process. Through this process, EPA worked extensively with stakeholders and the public to reach the regulatory decisions for cyhexatin.

The tolerance reassessment program is being conducted under Congressionally mandated time frames, and EPA recognizes the need both to make timely decisions and to involve the public. A comment period is not needed for the cyhexatin TRED because all issues related to this pesticide were resolved through consultations with stakeholders. The Agency therefore is issuing the cyhexatin TRED without a comment period. However, the proposed tolerance revocation for cyhexatin will include a 30-day public comment period.

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

Section 408(q) of the FFDCA, 21 U.S.C. 346a(q), requires EPA to review tolerances and exemptions for pesticide residues in effect as of August 2, 1996, to determine whether the tolerance or exemption meets the requirements of section 408(b)(2) or (c)(2) of FFDCA. This review is to be completed by August 3, 2006.

### List of Subjects

Environmental protection, Pesticides and pests.

Dated: June 29, 2005.

**Debra Edwards,**

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

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## ENVIRONMENTAL PROTECTION AGENCY

[OPP-2005-0124; FRL-7721-9]

### 1,3-Dichloropropene Risk Assessment; Notice of Availability

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the availability of EPA’s human health risk assessment for the soil fumigant 1,3-Dichloropropene (1,3-D), which is commonly referred to as telone, and opens a public comment period on this document. Although 1,3-D has undergone reregistration and a Reregistration Eligibility Decision was published for 1,3-D in December 1998, EPA is concurrently assessing six soil fumigants to ensure that its risk assessment approaches are consistent, and to ensure that risk tradeoffs and economic outcomes can be adequately predicted in reaching risk management decisions for the five other soil fumigants. EPA has developed a human health risk assessment for 1,3-D and is seeking comment through a public participation process in order to make available current and accurate information on this pesticide. Using this approach, EPA expects to address risks of concern for the five other soil fumigants while maintaining key use benefits.

**DATES:** Comments, identified by docket identification (ID) number OPP-2005-0124, must be received on or before September 12, 2005.

**ADDRESSES:** Comments may be submitted electronically, by mail, or