

public comments on several of these crops in response to its 2007 usage analysis available at [regulations.gov](http://regulations.gov) under docket ID number EPA-HQ-OPP-2002-0262-0063. With regard to the 2007 usage analysis, the Agency received and considered comments from various stakeholders concerning apple, cherry, cotton, peach, pear, potato, cucurbit, pepper, tomato, Christmas tree, macadamia nut, and pineapple uses of endosulfan. The Agency also received but did not consider comments from stakeholders regarding grape and green bean uses of endosulfan because these uses were cancelled as a result of the 2002 Reregistration Eligibility Decision (RED).

In addition to comments on the eight impact assessments, the Agency requests that stakeholders provide any additional information they may have on the importance of endosulfan use in agriculture. In particular, since publishing the 2007 usage analysis, the Agency has not received any comments suggesting that use of endosulfan is important for the following crops:

- Almond,
- Apricot,
- Blueberry,
- Broccoli,
- Brussels spouts,
- Cabbage,
- Carrots,
- Cauliflower,
- Celery,
- Citrus (nonbearing trees and nursery stock),
- Collard greens,
- Crops grown for seed (alfalfa, cabbage, collard greens, cucumber, kale, kohlrabi, melons, pumpkin, radish, rutabaga, squash, turnip),
- Dry beans,
- Dry peas,
- Eggplant,
- Filbert,
- Kale,
- Lettuce,
- Mustard greens,
- Nectarine,
- Ornamental trees, Shrubs, and Woody plants,
- Plum and Prune,
- Sweet corn,
- Sweet potato,
- Strawberry,
- Tobacco,
- Turnip, and
- Walnut.

When commenting on the eight impact assessments and the importance of endosulfan use on the crops listed above, stakeholders may want to consider the following questions:

1. What additional usage information is available to supplement the 2007 and 2009 analyses?

2. What effect would extended REIs or other risk management measures have on the ability of growers to perform necessary post-application activities?

3. For what crops and against what pests is the use of endosulfan critical, and why?

4. Are there any local or niche uses of endosulfan that are critical, and why?

5. What alternatives are available for control of the pests targeted by endosulfan?

In the April 29, 2009 issue of the **Federal Register**, the Agency published a separate Notice to solicit comments on petitions from the National Resources Defense Council and the Pesticide Action Network North America requesting that EPA cancel all uses of endosulfan. Please see docket ID number EPA-HQ-OPP-2008-0615 (FRL-8410-2) in [regulations.gov](http://regulations.gov) to access the petitions and related documents, as well as to submit comments on the petitioners' requests to cancel all uses of endosulfan.

The Agency asks that comments on the Agency's eight impact assessments and any additional information on the importance of endosulfan use in agriculture be submitted to docket number EPA-HQ-OPP-2002-0262 within 60 days.

#### *B. What Is the Agency's Authority for Taking This Action?*

This action is taken under authority of FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3).

#### **List of Subjects**

Environmental protection, Pesticides, and pests.

Dated: April 13, 2009.

**Richard P. Keigwin, Jr.,**

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

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## **ENVIRONMENTAL PROTECTION AGENCY**

**[EPA-HQ-OPP-2009-0191; FRL-8407-7]**

### **Organic Arsenicals; Amendment to Reregistration Eligibility Decision**

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

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's decision to modify certain provisions of the 2006 Reregistration Eligibility Decision (RED) for the organic arsenical pesticides monosodium methanearsonate (MSMA), disodium methanearsonate (DSMA), calcium acid

methanearsonate (CAMA), and cacodylic acid and its sodium salt. EPA has reached an agreement in principle with the technical registrants of these pesticides to implement the 2006 RED, which is being revised in part under the terms of the agreement for these pesticides. The Agency's revisions to the organic arsenicals RED reflect public comments received during the comment period on the RED and new data and information submitted by the registrants and other stakeholders.

**FOR FURTHER INFORMATION CONTACT:** Tom Myers, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8589; fax number: (703) 308-8005; 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 a docket for this action under docket identification (ID) number EPA-HQ-OPP-2009-0191. 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.

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. Background

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

Section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) directs EPA to reevaluate existing pesticides to ensure that they meet current scientific and regulatory standards. In 2006, EPA issued a RED for the organic arsenicals MSMA, DSMA, CAMA, and cacodylic acid and its sodium salt under section 4(g)(2)(A) of FIFRA. In response to a notice of availability published in the **Federal Register** on August 9, 2006 (71 FR 45554) (FRL-8085-9), the Agency received substantive comments and new data and information from commenters including the technical registrants. The Agency's response to comments is available for viewing in the public docket. EPA and the technical registrants of these pesticides reached an agreement in principle in January 2009 to implement the RED as revised in part under the terms of the agreement. The RED amendment reflects changes resulting from Agency consideration of the comments and new data and information received, as well as the terms of the agreement in principle. The RED amendment for the organic arsenicals concludes EPA's reregistration eligibility decision-making process for these pesticides.

The label table incorporated into the organic arsenicals RED amendment includes modifications which specify label language for the uses of MSMA.

### 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, Pesticides and pests.

Dated: March 25, 2009.

**Richard P. Keigwin, Jr.,**

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

[FR Doc. E9-10330 Filed 5-5-09; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2009-0241; FRL-8410-4]

### Pesticide Product Registration Approval

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

**ACTION:** Notice.

**SUMMARY:** This notice announces Agency approval of an application to register the pesticide product Bull Run Japanese and Oriental Beetle Trap containing an active ingredient 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:** Leonard Cole, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-5412; e-mail address: [cole.leonard@epa.gov](mailto:cole.leonard@epa.gov).

### 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-2009-0241. 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 Application?

The Agency approved the application after considering all required data on risks associated with the proposed use of Z-7-Tetradec-2-one, 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 Z-7-Tetradec-2-one in accordance with widespread and commonly recognized practice, will not generally cause unreasonable adverse effects to the environment.