

Comment Period from 02/04/2014 to 02/19/2014.

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Dated: January 14, 2014.

**Cliff Rader,**

*Director, NEPA Compliance Division, Office of Federal Activities.*

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**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2013-0069; FRL-9904-61]

### Pesticide Emergency Exemptions; Agency Decisions and State and Federal Agency Crisis Declarations

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

**ACTION:** Notice.

**SUMMARY:** EPA has granted emergency exemptions under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for use of pesticides as listed in this notice. The exemptions were granted during the period April 1, 2013 to September 30, 2013 to control unforeseen pest outbreaks.

**FOR FURTHER INFORMATION CONTACT:** Lois Rossi, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (703) 305-7090; email address: [RDfRNotices@epa.gov](mailto:RDfRNotices@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. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

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

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

The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2013-0069, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460-0001. The 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 OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

##### II. Background

EPA has granted emergency exemptions to the following State and Federal agencies. The emergency exemptions may take the following form: Crisis, public health, quarantine, or specific.

Under FIFRA section 18, EPA can authorize the use of a pesticide when emergency conditions exist. Authorizations (commonly called emergency exemptions) are granted to State and Federal agencies and are of four types:

1. A "specific exemption" authorizes use of a pesticide against specific pests on a limited acreage in a particular State. Most emergency exemptions are specific exemptions.
2. "Quarantine" and "public health" exemptions are emergency exemptions issued for quarantine or public health purposes. These are rarely requested.
3. A "crisis exemption" is initiated by a State or Federal agency (and is confirmed by EPA) when there is insufficient time to request and obtain EPA permission for use of a pesticide in an emergency.

EPA may deny an emergency exemption: If the State or Federal agency cannot demonstrate that an emergency exists, if the use poses unacceptable risks to the environment, or if EPA cannot reach a conclusion that the proposed pesticide use is likely to result in "a reasonable certainty of no harm" to human health, including exposure of residues of the pesticide to infants and children.

If the emergency use of the pesticide on a food or feed commodity would result in pesticide chemical residues, EPA establishes a time-limited tolerance meeting the "reasonable certainty of no

harm standard" of the Federal Food, Drug, and Cosmetic Act (FFDCA).

In this document: EPA identifies the State or Federal agency granted the exemption, the type of exemption, the pesticide authorized and the pests, the crop or use for which authorized, and the duration of the exemption.

### III. Emergency Exemptions

#### A. U.S. States and Territories

##### Alabama

Department of Agriculture and Industries

*Specific exemption:* EPA authorized the use of mandipropamid on greenhouse grown basil to control downy mildew; April 19, 2013 to December 31, 2013.

*Specific exemption:* EPA authorized the use of potassium salt of hop beta acids in beehives to control varroa mite; May 1, 2013 to December 31, 2013.

##### Arkansas

State Plant Board

*Specific exemption:* EPA authorized the use of anthraquinone on rice seed to repel blackbirds; May 9, 2013 to June 15, 2013.

##### California

Department of Pesticide Regulation

*Specific exemption:* EPA authorized the use of mandipropamid on greenhouse and shade house grown basil to control downy mildew; June 20, 2013 to June 19, 2014.

*Specific exemption:* EPA authorized the use of methoxyfenozide on dates to control carob moth; July 11, 2013 to October 15, 2013.

##### Delaware

Department of Agriculture

*Specific exemption:* EPA authorized the use of dinotefuran on pome fruits and stone fruits to control the brown marmorated stink bug; May 31, 2013 to October 15, 2013.

*Specific exemption:* EPA authorized the use of bifenthrin on apple, peach, and nectarine to control the brown marmorated stink bug; June 7, 2013 to October 15, 2013.

##### Illinois

Department of Agriculture

*Specific exemption:* EPA authorized the use of mandipropamid on basil to control downy mildew; April 5, 2013 to October 15, 2013.

## Kansas

## Department of Agriculture

*Specific exemption:* EPA authorized the use of potassium salt of hop beta acids in beehives to control varroa mite; April 9, 2013 to December 31, 2013.

## Louisiana

## Department of Agriculture and Forestry

*Specific exemption:* EPA authorized the use of fluxapyroxad on rice to control sheath blight; May 1, 2013 to August 1, 2013.

*Specific exemption:* EPA authorized the use of imidacloprid on sugarcane to control West Indian cane fly on May 23, 2013; Effective dates June 1, 2013 to August 31, 2013.

## Maryland

## Department of Agriculture

*Specific exemption:* EPA authorized the use of dinotefuran on pome fruits and stone fruits to control the brown marmorated stink bug; May 31, 2013 to October 15, 2013.

*Specific exemption:* EPA authorized the use of bifenthrin on apple, peach, and nectarine to control the brown marmorated stink bug; June 7, 2013 to October 15, 2013.

## Michigan

## Department of Agriculture and Rural Development

*Crisis exemption:* EPA concurred with the reduced preharvest interval for the use of spinetoram on blueberries to control spotted wing drosophila; July 9, 2013.

*Specific exemption:* EPA authorized the use of dinotefuran on pome fruits and stone fruits to control the brown marmorated stink bug; May 31, 2013 to November 30, 2013.

## New Jersey

## Department of Environmental Protection

*Specific exemption:* EPA authorized the use of bifenthrin on apple, peach, and nectarine to control the brown marmorated stink bug; July 16, 2013 to October 15, 2013.

*Specific exemption:* EPA authorized the use of dinotefuran on pome fruits and stone fruits to control the brown marmorated stink bug; August 2, 2013 to October 15, 2013.

## New Mexico

## Department of Agriculture

*Specific exemption:* EPA authorized the use of spirotetramat on dry bulb onions to control thrips; April 12, 2013 to October 31, 2013.

## New York

## Department of Environmental Conservation

*Specific exemption:* EPA authorized the use of bifenthrin on apple, peach, and nectarine to control the brown marmorated stink bug; June 7, 2013 to October 15, 2013.

## North Carolina

## Department of Agriculture and Consumer Services

*Specific exemption:* EPA authorized the use of dinotefuran on pome fruits and stone fruits to control the brown marmorated stink bug; May 31, 2013 to October 15, 2013.

*Specific exemption:* EPA authorized the use of bifenthrin on apple, peach, and nectarine to control the brown marmorated stink bug; June 7, 2013 to October 15, 2013.

## Oklahoma

## Department of Agriculture, Food, and Forestry

*Specific exemption:* EPA authorized the use of potassium salt of hop beta acids in beehives to control varroa mite; May 1, 2013 to December 31, 2013.

## Oregon

## Department of Agriculture

*Specific exemption:* EPA authorized the use of fipronil on rutabaga and turnip to control the cabbage maggot; June 24, 2013 to September 30, 2013.

## Pennsylvania

## Department of Agriculture

*Specific exemption:* EPA authorized the use of dinotefuran on pome fruits and stone fruits to control the brown marmorated stink bug; May 31, 2013 to October 15, 2013.

*Specific exemption:* EPA authorized the use of bifenthrin on apple, peach, and nectarine to control the brown marmorated stink bug; June 7, 2013 to October 15, 2013.

*Specific exemption:* EPA authorized the use of etofenprox to control sciarid and phorid flies in mushroom houses; September 6, 2013 to September 6, 2014.

## South Carolina

## Department of Pesticide Regulation

*Specific exemption:* EPA authorized the use of fluridone on cotton to control glyphosate-resistant Palmer amaranth; April 15, 2013 to August 1, 2013.

## Tennessee

## Department of Agriculture

*Specific exemption:* EPA authorized the use of sodium salt of fomesafen on

immature soybean (edamame) to control glyphosate-resistant Palmer amaranth; July 1, 2013 to July 31, 2013.

## Virginia

## Department of Agriculture and Consumer Services

*Specific exemption:* EPA authorized the use of dinotefuran on pome fruits and stone fruits to control the brown marmorated stink bug; May 31, 2013 to October 15, 2013.

*Specific exemption:* EPA authorized the use of bifenthrin on apple, peach, and nectarine to control the brown marmorated stink bug; June 7, 2013 to October 15, 2013.

## Washington

## State Department of Agriculture

*Specific exemption:* EPA authorized the use of lambda-cyhalothrin on asparagus to control European asparagus aphid (*Brachycolus asparagi*); June 28, 2013 to September 30, 2013.

## West Virginia

## Department of Agriculture

*Specific exemption:* EPA authorized the use of dinotefuran on pome fruits and stone fruits to control the brown marmorated stink bug; May 31, 2013 to October 15, 2013.

*Specific exemption:* EPA authorized the use of bifenthrin on apple, peach, and nectarine to control the brown marmorated stink bug; June 7, 2013 to October 15, 2013.

## B. Federal Departments and Agencies

## Agriculture Department

*Quarantine exemption:* EPA authorized the use of ethylene oxide (ETO) to sterilize the interior surfaces of enclosed animal and auxiliary isolator units at the National Veterinary Services Laboratories and the National Animal Disease Center. May 14, 2013 to December 31, 2014.

## National Aeronautics and Space Administration

*Specific exemption:* EPA authorized the use of ortho-phthalaldehyde (OPA) to control aerobic/microaerophilic water bacteria in the internal active thermal control system coolant of the International Space Station; August 9, 2013 to August 8, 2014.

## List of Subjects

Environmental protection, Pesticides and pests.

Dated: January 10, 2014.

**Lois Rossi,**

*Director, Registration Division, Office of  
Pesticide Programs.*

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2013-0026; FRL-9904-69]

### Pesticide Products; Registration Applications for New Active Ingredients

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

**ACTION:** Notice.

**SUMMARY:** EPA has received several applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

**DATES:** Comments must be received on or before February 18, 2014.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number and the EPA File Symbol of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001.

- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.htm>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

#### FOR FURTHER INFORMATION CONTACT:

Susan Lewis, Antimicrobials Division (AD) (7510P), email address: [ADFRNotices@epa.gov](mailto:ADFRNotices@epa.gov); and Robert McNally, Biopesticides and Pollution Prevention Division (BPPD) (7511P), email address: [BPPDFRNotices@epa.gov](mailto:BPPDFRNotices@epa.gov); main telephone number: (703)

305-7090, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001. As part of the mailing address, include the contact person's name, division, and mail code.

#### 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. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

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

###### 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://regulations.gov) or email. 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:

- Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- 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.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- 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. Registration Applications

EPA has received several applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the provisions of FIFRA section 3(c)(4), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications. For actions being evaluated under the Agency's public participation process for registration actions, there will generally be an additional opportunity for a public comment period on the proposed decision. Please see the Agency's public participation Web site for additional information on this process (<http://www.epa.gov/pesticides/regulating/registration-public-involvement.html>). EPA received the following applications to register pesticide products containing an active ingredient not included in any currently registered products:

1. *EPA File Symbol:* 81179-G. *Docket ID Number:* EPA-HQ-OPP-2013-0759. *Applicant:* BioProdx, Inc., 8520 NW. 2nd Pl., Gainesville, FL 32607-1423. *Active ingredient:* Tobacco mild green mosaic tobamovirus U2. *Product Type:* Herbicide. *Proposed Uses:* Post-emergent herbicide for control of tropical soda apple (*Solanum viarum*) in or on forestry areas, grass and grass-legume pastures, rangeland, sod-production fields, turf, Conservation Reserve Program areas, other natural areas (e.g., wildlife management areas and Florida Greenways and Trails), and rights-of-way (e.g., power lines, railroads, and fire lanes). (BPPD)

2. *EPA File Symbol:* 89265-R. *Docket ID Number:* EPA-HQ-OPP-2013-0792. *Applicant:* Noxilix, Inc., 1450 South Rolling Rd., Baltimore, MD 21227. *Active ingredient:* Dinitrogen Tetroxide/Nitrogen Dioxide. *Product Type:* Gaseous sterilant. *Proposed Uses:* Industrial, Commercial and Institutional Facilities. (AD).