

that risk issues unrelated to the dietary risk of EBDC use on potatoes are not relevant for this hearing. Typically, the scope of the subpart D hearing would be determined by a detailed cancellation order from the earlier proceeding. However, as described above, there was no prior hearing because the parties to the earlier proceeding agreed to a settlement. Had there been a hearing and subsequent detailed cancellation order, the scope of this subpart D hearing would have been determined by that order. Since there was no detailed cancellation order, EPA's 1992 NOIC (as it relates to EBDC use on potatoes) must be used to determine the issues to be considered in the present hearing because it is the best evidence of what issues would have been presented at the cancellation hearing had it taken place. (57 FR 7484, March 2, 1992).

The NOIC was the result of a regulatory process known as "Special Review."<sup>3</sup> The NOIC stated that the basis for the initiation of the Special Review for the uses of EBDC fungicides. Specifically, for potatoes, the following issues were of concern: "carcinogenic, developmental, and thyroid effects caused by ethylenethiourea (ETU)." (57 FR at 7487). Had a cancellation hearing been held, these would have been the issues for the hearing. Only information related to these three risks, or to dietary exposures associated with these three risks, is material to the issue of whether the 1992 cancellation order should be modified to allow for a shorter PHI than called for in the NOIC.

The relevant statutory standard for determining whether dietary risks are acceptable under FIFRA is not the same today as it was in 1992. At the time of the 1992 cancellation proceedings, the presence of late blight in the New England states was relevant to a reduced PHI of 3 days being allowed in those states. At this time, however, whether late blight has spread nationwide and whether EBDCs are necessary are not appropriate for consideration by the ALJ when determining whether the 1992 cancellation order must be modified.

The 1996 Food Quality Protection Act amendments to FIFRA and FFDCA require that dietary risks associated with a pesticide chemical's residue on food now be evaluated under the risk-only safety standard as set forth in FFDCA section 408(b). The safety determination that now must be made is whether there is a "reasonable certainty that no harm

will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures." FFDCA section 408(b)(2)(A)(ii). Since this standard is a risk-only evaluation, EPA determined that it was necessary to amend the statement of issues to reflect the correct statutory standard and to eliminate the consideration of factual issues, such as the need for the pesticide, that are not relevant to the applicable standard.<sup>4</sup>

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

EPA regulation at 40 CFR 164.132 states that the procedures for the hearing "shall follow the Rules of Practice set forth in subparts A and B." In subpart B, specifically 40 CFR 164.23(b), the Administrator has the authority to amend the statement of issues EPA set forth in a Notice of Hearing at any time prior to the commencement of the public hearing. Pursuant to these provisions, and the fact that a public hearing has not yet commenced, EPA is amending the statement of issues it issued in its July 2007 Notice of Hearing to ensure that the hearing is focused on the issues that are relevant to the risk-only determination. In light of this amendment, the ALJ may determine that additional time is necessary to permit the parties to prepare for matters raised in this amendment; and, upon such determination, the hearing shall be delayed for appropriate period. See 40 CFR 164.23(b).

#### **List of Subjects**

Environmental protection, EBDC fungicides, Pesticides and pests.

Dated: November 30, 2007.

**Steven Bradbury,**

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

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#### **ENVIRONMENTAL PROTECTION AGENCY**

**[EPA-HQ-OPP-2007-0937; FRL-8153-1]**

#### **Para-dichlorobenzene; Reregistration Eligibility Decision for Low-Risk Pesticide; Notice of Availability**

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the availability of EPA's Reregistration Eligibility Decision (RED) for the pesticide para-dichlorobenzene, and opens a public comment period on this document, related risk assessments, and other support documents. EPA has reviewed the low-risk pesticide para-dichlorobenzene through a modified, streamlined version of the public participation process that the Agency uses to involve the public in developing pesticide reregistration and tolerance reassessment decisions. Through these programs, EPA is ensuring that all pesticides meet current health and safety standards.

**DATES:** Comments must be received on or before February 11, 2008.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2007-0937, 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-2007-0937. 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 [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.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 [www.regulations.gov](http://www.regulations.gov), your e-mail address will be automatically captured and

<sup>3</sup>The purpose of Special Review is to help the Agency determine whether to initiate procedures to cancel, deny, or reclassify registration of a pesticide product because uses of that product may cause unreasonable adverse effects on the environment. See 40 CFR part 154.

<sup>4</sup>The presence of late blight nationwide and the need for EBDC fungicides is not relevant to the risk-only finding that the court must make in order to determine whether the earlier cancellation order must be modified.

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 [www.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 [www.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:** Molly Clayton, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 603-0522; fax number: (703) 308-7070; e-mail address: [clayton.molly@epa.gov](mailto:clayton.molly@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 [www.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?*

Under section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is reevaluating existing pesticides to ensure that they

meet current scientific and regulatory standards. Using a modified, streamlined version of its public participation process, EPA has completed a RED for the low-risk pesticide, para-dichlorobenzene under section 4(g)(2)(A) of FIFRA. Para-dichlorobenzene is a fumigant insecticide, and is registered for use on indoor use sites only. It is used as a moth and beetle repellent in products which are applied to commercial and residential use sites such as closets and storage containers, and to repel lice and mites from bird cages. It is also used in empty bee supers (stored indoors), to repel wax moths. When formulated into varpal rope, it is used in attics to repel snakes, mice, rats, squirrels, and attic wombats. EPA has determined that the database to support reregistration is substantially complete and that products containing para-dichlorobenzene will be eligible for reregistration, provided the risks are mitigated either in the manner described in the RED or by another means that achieves equivalent risk reduction. Upon submission of any required product specific data under section 4(g)(2)(B) of FIFRA and any necessary changes to the registration and labeling (either to address any concerns identified in the RED or as a result of product specific data), EPA will make a final reregistration decision under section 4(g)(2)(C) of FIFRA for products containing para-dichlorobenzene.

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 issues, and degree of public concern associated with each pesticide. EPA can expeditiously reach decisions for pesticides like para-dichlorobenzene, which pose few risks of concern. Once EPA assesses uses and risks for such low risk pesticides, the Agency may go directly to a decision and prepare a document summarizing its findings, such as the para-dichlorobenzene RED.

The reregistration program is being conducted under congressionally mandated timeframes, and EPA recognizes the need both to make timely decisions and to involve the public in finding ways to effectively mitigate pesticide risks. Para-dichlorobenzene,

however, poses few risks that require mitigation. The Agency therefore is issuing the para-dichlorobenzene RED, its risk assessments, and related support materials simultaneously for public comment. The comment period is intended to provide an opportunity for public input and a mechanism for initiating any necessary amendments to the RED. All comments should be submitted using the methods in **ADDRESSES**, and must be received by EPA on or before the closing date. These comments will become part of the Agency Docket for para-dichlorobenzene. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

EPA will carefully consider all comments received by the closing date and will provide a Response to Comments Memorandum in the Docket and [www.regulations.gov](http://www.regulations.gov). If any comment significantly affects the document, EPA also will publish an amendment to the RED in the **Federal Register**. In the absence of substantive comments requiring changes, the para-dichlorobenzene RED will be implemented as it is now presented.

#### *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: December 5, 2007.

**Steven Bradbury**,

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

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#### **ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OPP-2007-1063; FRL-8155-1]

#### **Pesticide Registration Review; New Antimicrobials Dockets Opened for Review and Comment**

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

**ACTION:** Notice.

**SUMMARY:** EPA has established registration review dockets for the following pesticides: Mineral bases, strong (known as Sodium Hydroxide), PC Code 075605, Case Number 4065; Coco Alkyl Amine, salts (known as Alkyl Amine Hydrochloride), PC Code 069152, Case Number 3051; and Capric Acid (known as Decanoic Acid), PC Code 128955, Case Number 5038. With this document, EPA is opening the public comment period for these registration reviews. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. Registration review dockets contain information that will assist the public in understanding the types of information and issues that the Agency may consider during the course of registration reviews. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

**DATES:** Comments must be received on or before March 11, 2008.

**ADDRESSES:** Submit your comments identified by the docket identification (ID) number for the specific pesticide of interest provided in the table in Unit III.A., 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 the docket ID numbers listed in the table in Unit III.A. for the pesticides you are commenting on. 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 [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.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 [www.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 at [www.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 [www.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 electronically 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:** For information about the pesticides included in this document, contact the specific Chemical Review Managers for