

Ave., NW., Washington, DC 20460–0001; telephone number: (703) 347–8028; fax number: (703) 308–7070; e-mail address: miederhoff.eric@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, farm worker 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–2004–0348. 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 malathion under section 4(g)(2)(A) of FIFRA. In response to a notice of availability published in the **Federal Register** of November 29, 2006 (71 FR 69114) (FRL–8104–2), the Agency received substantive public comments and new data from the technical registrant. The Agency’s response to comments is available for viewing in the

public docket. The revised malathion RED reflects changes resulting from Agency consideration of these comments and the new data received on provisions of the RED, as well as efforts by the Agency to appropriately mitigate overall risk. The revised RED for malathion concludes EPA’s reregistration eligibility decision-making process for this pesticide.

In response to a Data Call-In issued in October 2004, the Agency received a special acute and repeat dose comparative cholinesterase (ChE) assay with malaoxon (the active ChE inhibiting metabolite of malathion) and malathion in March 2008. The study and post-RED comments have enabled the Agency to refine several toxicological assumptions for malathion. If these refined values were to be incorporated into the human health risk assessments for malathion, the estimate of risk from exposure to malathion would likely be reduced. Although the human health risk assessments have not been revised to include the new toxicity assumptions, the refinements from those used in the RED, which were sufficient to demonstrate a level of risk below the Agency’s level of concern, confirm that conclusions in the human health risk assessments were adequately conservative to protect human health.

The revised malathion RED includes a revised label table that modifies label language for consumer products, ultra low volume applications, and the use patterns for a number of specific crops. Additional revisions include: Updates on the status of two endangered species assessments that include malathion; clarification of how the Boll Weevil Eradication Program was considered in the Agency’s residential risk assessments; descriptions of recent studies examining isomalathion (an impurity present in malathion). A comparison of reassessed U.S. tolerances (listed in 40 CFR 180.111) relative to Canada, Mexico, and Codex maximum residue limits has also been added. Additionally, the Agency has revised the confirmatory data requirements for malathion, removing the requirement for an aerobic aquatic metabolism study with malathion and a comparative Che study with malathion and malaaxon.

After considering public comments submitted after the 2006 RED was issued, for a limited number of crops, the Agency has increased the allowed number of applications per crop cycle from what was proposed for these crops in the 2006 RED. In the 3 years since the RED was issued, several comments raised substantive concerns about

whether the proposed use patterns would allow efficacious control of target pests. The Agency investigated these claims and found that in some cases, an adjustment to the allowed number of applications was justified. Although the Agency routinely evaluates the needs of pesticide users during the development of its REDs, new concerns arise during public comment periods, particularly for pesticides available for as wide a variety of applications as malathion. Recent endangered species assessments conducted both by the Agency and the National Marine and Fisheries Service which include malathion, are based on the highest use rates that appear on current, EPA-approved product labels. These labels have not yet been revised to implement use rate reductions specified by the malathion RED. The increases to the allowed number of applications of malathion to certain crops introduced in the revised RED remain, without exception, reduced from those rates which were utilized in recent endangered species assessments.

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, Malathion, Pesticides and pests.

Dated: June 18, 2009.

Peter Caulkins,

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

[FR Doc. E9–14864 Filed 6–23–09; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2009–0390; FRL–8422–1]

Notice of Suspension of Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice, pursuant to section 6(f)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act

(FIFRA), announces that certain Notices of Intent to Suspend issued by EPA pursuant to section 3(c)(2)(B) of FIFRA have become final and effective suspension orders. The Notices of Intent to Suspend were issued following the Agency's issuance of a Data Call-In notice (DCI), which required the registrant, Bonide Products Inc., of the affected pesticide products containing the pesticide active ingredients carbaryl and sodium acifluorfen to take appropriate steps to secure certain data, and following the registrant's failure to submit these data or to take other appropriate steps to secure the required data. The subject data were determined to be required to maintain in effect the existing registrations of the affected products. Failure to comply with the data requirements of a DCI is a basis for suspension of the affected registrations under section 3(c)(2)(B) of FIFRA.

DATES: Each Notice of Intent to Suspend included in this **Federal Register** notice became a final and effective suspension order automatically by operation of law 30 days after the date of the registrant's receipt of the mailed Notice of Intent to Suspend.

FOR FURTHER INFORMATION CONTACT: Terria Northern, Office of Pesticide

Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-7093; e-mail address: northern.terria@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, farm worker 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-2009-0390. 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. Registrant Issued Notices of Intent to Suspend, Active Ingredients, Products Affected, and Date Issued

Each Notice of Intent to Suspend was sent via the U.S. Postal Service (USPS) return receipt requested to the registrant for the products listed in Table 1 of this unit.

TABLE 1. —LIST OF PRODUCTS

| Registrant Affected | Active Ingredient | EPA Registration Number | Product Name | Date EPA Issued Notice of Intent to Suspend | Date Registrant Received Notice of Intent to Suspend |
|-----------------------|--------------------|-------------------------|--|---|--|
| Bonide Products, Inc. | Carbaryl | 4-142 | Grubtox Lawn and Insect Control | February 5, 2009 | February 9, 2009 |
| Bonide Products, Inc. | Carbaryl | 4-143 | Bonide Sevin 5% Dust Insecticide | February 5, 2009 | February 9, 2009 |
| Bonide Products, Inc. | Carbaryl | 4-333 | Bonide Slug, Snail and Sowbug Bait | February 5, 2009 | February 9, 2009 |
| Bonide Products, Inc. | Carbaryl | 4-413 | Bonide Sevin Garden Dust | February 5, 2009 | February 9, 2009 |
| Bonide Products, Inc. | Sodium acifluorfen | 4-433 | KleenUp Grass & Weed Killer Ready to Use | April 7, 2009 | April 13, 2009 |

III. Basis for Issuance of Notice of Intent to Suspend; Requirement List

Bonide Products, Inc. received the carbaryl Notice of Intent to Suspend on February 9, 2009, and the sodium acifluorfen Notice of Intent to Suspend

on April 13, 2009, as evidenced by the USPS return receipt cards. No requests for hearings were received concerning either Notice of Intent to Suspend within the time frame specified by FIFRA and in each of the issued Notice

of Intent to Suspend. Bonide Products, Inc. failed to submit the required data or information or to take other appropriate steps to secure the required data for their pesticide product as listed in Table 2 of this unit.

TABLE 2.—LIST OF REQUIREMENTS

| EPA Registration Number | OPPTS Harmonized Guideline # as Listed in Applicable DCI | Requirement Name | Date EPA Issued DCI | Date Registrant Received DCI | Final Data Due Date | Reason for Notice of Intent to Suspend |
|-------------------------|--|---|---------------------|------------------------------|---------------------|--|
| 4-142 | 830.6317 830.6320 | Storage Stability Corrosion Characteristics | March 10, 2005 | April 1, 2005 | April 16, 2008 | No data received |
| 4-143 | 830.6317 830.6320 | Storage Stability Corrosion Characteristics | March 10, 2005 | April 1, 2005 | April 16, 2008 | No data received |
| 4-333 | 830.6317 830.6320 | Storage Stability Corrosion Characteristics | March 10, 2005 | April 1, 2005 | April 16, 2008 | No data received |
| 4-413 | 830.6317 830.6320 | Storage Stability Corrosion Characteristics | March 10, 2005 | April 1, 2005 | April 16, 2008 | No data received |
| 4-433 | 830.1800 830.6317 830.6320 | Enforcement Analytical Method Storage Stability Corrosion Characteristics | January 25, 2005 | January 30, 2005 | September 25, 2005 | No data received |

IV. Status of Products

Effective March 7, 2009 (for EPA registration numbers 4-142, 4-143, 4-333, and 4-413), and May 7, 2009 (for EPA registration number 4-433), the registrant subject to this notice, including all supplemental registrants of products listed in Table 1 of Unit II., may not legally distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the products listed in Table 1 of Unit II. Persons other than the registrant subject to this notice, as defined in the preceding sentence, may continue to distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the products listed in Table 1 of Unit II. Nothing in this notice authorizes any person to distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the products listed in Table 1 of Unit II. in any manner which would have been unlawful prior to the suspension.

If the registrations for the products listed in Table 1 of Unit II. are currently suspended as a result of failure to comply with another FIFRA section 3(c)(2)(B) Data Call-In notice or section 4 Data Requirements notice, this notice will be in addition to any existing suspension, i.e., all requirements which are the bases of the suspension must be satisfied before the registration will be reinstated.

It is the responsibility of the basic registrant to notify all supplementary registered distributors of a basic registered product that this suspension action also applies to their supplementary registered products. The basic registrant may be held liable for violations committed by their distributors.

Any questions about the requirements and procedures set forth in this notice or in the subject FIFRA section 3(c)(2)(B) Data Call-In notice, should be addressed to the person listed under **FOR FURTHER INFORMATION CONTACT.**

VI. What is the Agency's Authority for Taking this Action?

The Agency's authority for taking this action is contained in sections 3(c)(2)(B) and 6(f)(2) of FIFRA, 7 U.S.C. 136 *set seq.*

List of Subjects

Environmental protection, Pesticides and pests.

Dated: June 17, 2009.

Richard P. Keigwin,

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

[FR Doc. E9-14854 Filed 6-23-09; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2009-0143; FRL-8421-4]

Industrial Economics, Incorporated; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that pesticide related information submitted to EPA's Office of Pesticide Programs (OPP) pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), including information that may have been claimed as Confidential Business Information (CBI) by the submitter, will be transferred to Industrial Economics, Incorporated in accordance with 40 CFR 2.307(h)(3) and 2.308(i)(2). Industrial Economics, Incorporated has been awarded multiple contracts to perform work for OPP, and access to this information will enable Industrial Economics, Incorporated to fulfill the obligations of the contract.

DATES: Industrial Economics, Incorporated will be given access to this information on or before June 29, 2009.

FOR FURTHER INFORMATION CONTACT: Felicia Croom, Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: