

a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the Administrator may approve such a request.

## VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. The cancellation order issued in this notice includes the following existing stocks provisions.

For the products identified or referenced in Tables 1A, 1B, and 1C of Unit II, the registrant will be allowed to sell and distribute the subject products through the effective date of this cancellation order, March 18, 2009. In addition, existing stocks of carbofuran products may be sold or used until they are depleted, or until the effective date for the revocation of the associated tolerances.

Consistent with EPA's prior determinations, the Agency continues to intend to allow use on artichokes through December 31, 2010. No comments were received on whether there are sufficient stocks of product to allow for this use, and the Agency therefore concludes that no additional carbofuran production will be needed to address this use. The existing stocks provision included in a **Federal Register** notice published December 10, 2008, (73 FR 75105; FRL-8393-7) regarding several carbofuran products is superseded by the existing stocks provisions in this cancellation order.

### List of Subjects

Environmental protection, Pesticides and pests.

Dated: February 6, 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-2008-0525; FRL-8398-4]

### Carbaryl; Amending Product Registrations to Terminate Uses and Eliminate Certain Application Methods

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

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's order for the amendments to terminate uses and eliminate certain application methods, voluntarily requested by the registrants and accepted by the Agency, of products containing the pesticide carbaryl, pursuant to section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This order follows two **Federal Register** Notices of Receipt of Requests dated August 20, 2008 and October 15, 2008, respectively, from the carbaryl registrants to voluntarily terminate certain uses of and eliminate certain application methods for their carbaryl product registrations. These are not the last carbaryl products registered for use in the United States. In the August 20 and October 15, 2008 Notices, EPA indicated that it would issue an order implementing the amendments to terminate uses, unless the Agency received substantive comments within the 30-day comment period that would merit its further review of these requests, or unless the registrants withdrew their requests within this period. The Agency received five comments on the notice but none merited further review of the requests. Further, the registrants did not withdraw their requests. Accordingly, EPA hereby issues in this notice an order granting the requested amendments to terminate uses and eliminate certain application methods. Any distribution, sale, or use of the carbaryl products subject to this order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

**DATES:** The termination of uses and elimination of application methods for carbaryl products specified in this notice are effective April 17, 2009.

**FOR FURTHER INFORMATION CONTACT:** Christina Scheltema, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington,

DC 20460-0001; telephone number: (703) 308-2201; fax number: (703) 308-8005; e-mail address: [scheltema.christina@epa.gov](mailto:scheltema.christina@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-2008-0525. 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. What Action is the Agency Taking?

This notice announces the amendment to terminate uses and eliminate certain application methods for carbaryl products, as requested by registrants, of certain end-use and/or manufacturing-use carbaryl products registered under section 3 of FIFRA. These registrations are listed in sequence by registration number in Tables 1 and 2 of this unit.

TABLE 1—CARBARYL PRODUCT REGISTRATIONS AMENDED TO TERMINATE USES OR ELIMINATE CERTAIN APPLICATION METHODS

EPA Registration Number	Product Name	Uses Being Terminated and/or Application Methods Being Eliminated
239-1349	Ortho Sevin® 5 Dust	Poultry and poultry premises; domestic pets and premises
239-2181	Ortho Sevin® Garden Dust	Domestic Pets and Premises; succulent/fresh beans and peas (subgroup 6B)
239-2514	Get-A-Bug Snail, Slug and Insect Killer	Succulent/fresh beans and peas (subgroup 6B); leafy vegetables (except Brassica vegetables)
239-2628	Ortho Sevin® Liquid Brand Carbaryl Insecticide Formula II	Succulent/fresh beans and peas (subgroup 6B); poultry and poultry premises
264-315	Sevin® Brand 85 Sprayable Carbaryl Insecticide	Pea and bean, succulent shelled (subgroup 6B); millet; wheat; preplant root dip for sweet potato; dip drench for nursery stock, vegetable transplants, bedding plants, and foliage plants; ULV application for adult mosquito control; outdoor pet sleeping quarters
264-316	SEVIN® 80 Solupak	Pea and bean, succulent shelled (subgroup 6B); millet; wheat; preplant root dip for sweet potato; dip/drench for nursery stock, vegetable transplants, bedding plants, and foliage plants; ULV application for adult mosquito control ; outdoor pet sleeping quarters
264-328	Sevin® Brand 80%Dust Base	Agricultural uses
264-333	SEVIN® brand XLR PLUS Carbaryl Insecticide	Pea and bean, succulent shelled (subgroup 6B); millet; wheat; preplant root dip for sweet potato; dip/drench for nursery stock, vegetable transplants, bedding plants, and foliage plants; ULV application for adult mosquito control; outdoor pet sleeping quarters
264-334	SEVIN® brand RP2 Carbaryl Insecticide	Pea and bean, succulent shelled (subgroup 6B); preplant root dip for sweet potato; outdoor pet sleeping quarters; liquid broadcast use for residential lawns
264-335	SEVIN® brand RP4 Carbaryl Insecticide	Pea and bean, succulent shelled (subgroup 6B); millet; wheat; preplant root dip for sweet potato; preplant root dip/drench for nursery stock, vegetable transplants, bedding plants, and foliage plants; ULV application for adult mosquito control; outdoor pet sleeping quarters; liquid broadcast use for residential lawns
264-349	SEVIN® brand 4F Carbaryl Insecticide	Pea and bean, succulent shelled (subgroup 6B); millet; wheat; preplant root dip for sweet potato; preplant root dip/drench for nursery stock, vegetable transplants, bedding plants, and foliage plants; ULV application for adult mosquito control; outdoor pet sleeping quarters
264-429	SEVIN® brand Granular Carbaryl Insecticide	Leafy vegetables (except Brassica)
264-526	SEVIN® brand 80 WSP Carbaryl Insecticide	Pea and bean, succulent shelled (subgroup 6B); millet; wheat; preplant root dip for sweet potato; preplant root dip/drench for nursery stock, vegetable transplants, bedding plants, and foliage plants; ULV application for adult mosquito control; outdoor pet sleeping quarters
432-885	SEVIN® Brand Granular Carbaryl Insecticide	Leafy vegetables (except Brassica)
432-982	SEVIN® Brand 97.5% Insecticide	Pea and bean, succulent shelled (subgroup 6B); preplant root dip/ drench treatment for nursery stock, vegetable transplants, bedding plants, and foliage plants
432-1211	AES Carbaryl Insecticide Spray, RTU	Pea and bean, succulent shelled (subgroup 6B)
432-1212	SEVIN® Grub Killer Granules	Leafy vegetables (except Brassica); pea and bean, succulent shelled (subgroup 6B)
432-1213	SEVIN® Granules Ant, Flea, Tick, and Grub Killer	Leafy vegetables (except Brassica); pea and bean, succulent shelled (subgroup 6B)
432-1226	SEVIN® 40WSP Carbaryl Insecticide	Preplant root dip/drench for nursery stock, vegetable transplants, bedding plants, and foliage plants; outdoor pet sleeping quarters; liquid broadcast use on residential lawns

TABLE 1—CARBARYL PRODUCT REGISTRATIONS AMENDED TO TERMINATE USES OR ELIMINATE CERTAIN APPLICATION METHODS—Continued

EPA Registration Number	Product Name	Uses Being Terminated and/or Application Methods Being Eliminated
432-1227	SEVIN® SL Carbaryl Insecticide	Outdoor pet sleeping quarters; liquid broadcast use on residential lawns
432-1237	BES Garden Dust 10%	Pea and bean, succulent shelled (subgroup 6B)
432-1238	AES Carbaryl Insecticide Spray-RTU	Pea and bean, succulent shelled (subgroup 6B)
432-1239	BES Garden Dust 5%	Bean succulent shelled
432-1244	AES SEVIN® Granules Ant, Flea, Tick, and Grub Killer (1% Sevin)	Leafy vegetables (except Brassica)
769-574	Suregard Brand Sevin® 80S Carbaryl Insecticide	Pea and bean, succulent shelled (subgroup 6B); preplant root dip (sweet potato); wheat
769-728	Sevin® Brand Carbaryl Insecticide 5% Turf Insecticide Granules	Pea and bean, succulent shelled (subgroup 6B); leafy vegetables (except Brassica)
769-971	Sevin® Brand 80% DB	Pea and bean, succulent shelled (subgroup 6B); preplant root dip (sweet potato); use of dust formulations in/on agricultural crops; wheat
769-972	Security Brand 50% Sevin® Wettable	Pea and bean, succulent shelled (subgroup 6B)
769-976	Sevin® Brand Carbaryl Insecticide 2% Granular Insecticide	Leafy vegetables (except Brassica)
829-128	SA-50 Brand Sevin® 5% Dust	Direct application to domestic pets or dwellings; Succulent/fresh peas and beans (subgroup 6B); all agricultural uses
829-285	Cutworm and Cricket Bait	Succulent/fresh peas and beans (subgroup 6B); leafy vegetables (except Brassica vegetables)
2935-366	Wilbur-Ellis Sevin® 5 Bait	Wheat; peas and beans, succulent or fresh (subgroup 6B); leafy vegetables (except Brassica vegetables)
5887-43	Black Leaf Sevin® Brand Carbaryl Insecticide	Pea and bean, succulent shelled (subgroup 6B); direct applications to domestic animals (dogs and cats) and their dwellings/premises
5905-251	Helena Sevimol 4 Carbaryl Insecticide	Pea and bean, succulent shelled (subgroup 6B)
7401-38	Ferti-Lome Liquid Sevin® Home Garden Spray	Pea and bean, succulent (fresh) shelled (subgroup 6B)
7401-69	Ferti-Lome Garden Dust	Pea and bean, succulent (fresh) shelled (subgroup 6B); direct applications to domestic pets or pet premises (indoor or outdoor)
7401-166	Hi-Yield 10% Carbaryl Garden Dust	Pea and bean, succulent (fresh) shelled (subgroup 6B); domestic pets or pet premises (indoor or outdoor)
8119-5	Corry's Slug, Snail and Insect Killer	Leafy vegetables (except Brassica)
9198-146	The Andersons 8.0% Granular Carbaryl	Peas and beans, succulent or fresh (subgroup 6B); leafy vegetables (except Brassica)
9198-223	The Andersons Insect Killer Granules with 2.0% Carbaryl	Peas and beans, succulent or fresh (subgroup 6B); leafy vegetables (except Brassica)
11656-21	Coastox Carbaryl Cutworm Bait	Pea and bean, succulent shelled (subgroup 6B); leafy vegetables (except Brassica)
19713-49	Drexel Carbaryl 4L	Succulent beans and peas; preplant dip for sweet potato; wheat; millet; dip or drench treatment to nursery stock or transplants, etc; indoor uses; ULV mosquito adulticide; all applications using backpack sprayers

TABLE 1—CARBARYL PRODUCT REGISTRATIONS AMENDED TO TERMINATE USES OR ELIMINATE CERTAIN APPLICATION METHODS—Continued

EPA Registration Number	Product Name	Uses Being Terminated and/or Application Methods Being Eliminated
19713-50	Drexel Carbaryl 80S	Succulent beans and peas; preplant root dip for sweet potato; wheat; millet; poultry or poultry premises; seedling dip/drench for nursery stock; pet premises; pet sleeping quarters; ULV mosquito adulticide; all applications using backpack sprayers
19713-53	Drexel Carbaryl 10D	All agricultural uses; succulent beans and peas
19713-75	Drexel Carbaryl Technical	Succulent beans and peas; proso millet
19713-89	Carbaryl 2L	Succulent beans and peas; preplant dip for sweet potato; indoor applications; ULV mosquito adulticide; all applications using backpack sprayers
19713-212	Carbaryl 10D	Dust for agricultural use; cotton; succulent beans; poultry; dogs; cats (household pets)
19713-213	Carbaryl 5D	All agricultural uses; succulent beans and peas
19713-244	Carbaryl 80 Dust Base	Succulent peas and beans, (subgroup 6B); wheat; millet; poultry; dogs and pets; all indoor uses (domestic dwellings, residential and commercial, barns); formulation into products for dip or drench treatments
19713-363	Carbaryl 85 Sprayable	Succulent beans and peas; preplant dip for sweet potato; root dip or drench treatments; ULV mosquito adulticide; all applications using backpack sprayers
34704-289	10% Sevin® Granules	Pea and bean, succulent shelled (subgroup 6B); leafy vegetables (except Brassica)
34704-447	Carbaryl 4L	Pea and bean, succulent shelled (subgroup 6B); millet; wheat; preplant root dip for sweet potato; seedling dips or drenches; all indoor applications
71096-15	Bonide Snail, Slug and Sowbug Bait	Pea and bean, succulent shelled (subgroup 6B); leafy vegetables (except Brassica)
82200-1	Turf and Garden Seven®% Granular Carbaryl Insecticide	Leafy vegetables (except Brassica)

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of this unit, in sequence by EPA company number.

TABLE 2—REGISTRANTS OF CANCELLED AND/OR AMENDED [CARBARYL PRODUCTS

EPA Company Number	Company Name and Address
239	The Ortho Business Group, c/o The Scotts Company LLC P.O. Box 190 Marysville, Ohio 43040
264	Bayer CropScience PO Box 12014 Research Triangle Park, NC 27709

TABLE 2—REGISTRANTS OF CANCELLED AND/OR AMENDED [CARBARYL PRODUCTS—Continued

EPA Company Number	Company Name and Address
432	Bayer Environmental Science 2 TW Alexander Drive, PO Box 12014 Research Triangle Park, NC 27709
769	Value Gardens Supply 9100 W. Bloomington Freeway, Suite 113 Bloomington, MN 55431
829	Southern Agricultural Insecticides, Inc. P.O. Box 218 Palmetto, Florida 34220
2935	Wilbur Ellis Company P.O. Box 1286 Fresno, California 93715

TABLE 2—REGISTRANTS OF CANCELLED AND/OR AMENDED [CARBARYL PRODUCTS—Continued

EPA Company Number	Company Name and Address
5887	Value Gardens Supply 9100 W. Bloomington Freeway, Suite 113 Bloomington, MN 55431
5905	Helena Chemical Company 225 Schilling Boulevard, Ste. 300 Collierville, Tennessee 38017
7401	Voluntary Purchasing Groups, Inc. P.O. Box 460, 230 FM 87 Bonham, Texas 75418

TABLE 2—REGISTRANTS OF CANCELLED AND/OR AMENDED [CARBARYL PRODUCTS—Continued

EPA Company Number	Company Name and Address
8119	Matson, LLC c/o Registrations by Design, Inc. 118 1/2 East Main Street, Ste. 1 Salem, Virginia 24153-3805
9198	The Andersons Lawn Fertilizer Division, Inc. P.O. Box 119 Maumee, Ohio 43537
11656	Western Farm Service, Inc. 2787 W. Bullard, Suite 105 Fresno, California 93711
19713	Drexel Chemical Company 1700 Channel Avenue PO Box 13327 Memphis, TN 38113-0327
34704	Loveland Products, Inc. 7251 W 4th Street (80634) PO Box 1286 Greely, CO 80632-1286
71096	Or-Cal, Inc. 17220 Westview Road Oswego, Oregon 97034
82200	Viachem, LLC 9701 Fields Road, No. 2400 Gaithersburg, Maryland 20878

### III. Summary of Public Comments Received and Agency Response to Comments

EPA received four public comments on the August 20, 2008 6(f) Notice (73 FR 49184) and one comment on the October 15 6(f) Notice (73 FR 61121), from Jan Meneley of AgBio Inc., Dr. Steven Booth of Willapa Bay/Grays Harbor Oyster Grower Association, C. Weeber, a private citizen, and from two anonymous private citizens. The comment from C. Weeber requested that EPA evaluate carbaryl use on pine trees in residential areas, which is not one of the uses being deleted, and is therefore not relevant to this action. The comment from Steven Booth focused on the importance of a special local need registration of carbaryl for control of burrowing shrimp in oyster beds in Willapa Bay, WA, which is also not one of the registrations being amended, and

is therefore not relevant to this action. The comments received from private citizens requested cancellation of all carbaryl uses, including use to control Mountain Pine Beetle in Colorado, and further testing of carbaryl. These commenters do not, however, object to the deletion of uses or elimination of application methods that are the subject of this order. Nor do these commenters provide information that would lead the Agency to further review or deny the requests. Accordingly, the Agency does not believe that the comments submitted during the comment period merit further review or a denial of the requests for amendments to terminate uses of and eliminate certain application methods for carbaryl products.

### IV. Cancellation Order

Pursuant to FIFRA section 6(f), EPA hereby approves the requested amendments to terminate uses of and eliminate certain application methods for carbaryl registrations identified in Table 1 of Unit II. Accordingly, the Agency orders that the carbaryl product registrations identified in Tables 1 of Unit II. are hereby amended to terminate the affected uses and application methods. Any distribution, sale, or use of existing stocks of the products identified in Table 1 of Unit II. in a manner inconsistent with any of the Provisions for Disposition of Existing Stocks set forth in Unit VI. will be considered a violation of FIFRA.

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

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the Administrator may approve such a request.

### VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which were packaged, labeled, and released for shipment prior to the effective date of the cancellation or termination action. The existing stocks provisions of this order terminating uses and eliminating certain application methods are as follows and are effective immediately.

Provided that these stocks bear labels previously approved by EPA, registrants may sell and distribute existing stocks of the affected products for 18 months from the effective date of this order, with the exception of Scotts Ortho Business Group and Matson LLC, who may sell and distribute existing stocks of EPA Registration Numbers 239-2514 and 8119-5, respectively, in Table 1 of Unit II. for 24 months from the effective date of this order. Thereafter the distribution and sale of existing stocks by registrants of any of the products listed in Table 1 that bear the terminated uses or application methods will not be lawful under FIFRA, except for the purposes of shipping such stocks for export consistent with section 17 of FIFRA or for proper disposal. This order allows persons other than the registrant to continue to sell and/or use existing stocks of canceled products until such stocks are exhausted, provided that such use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled product. This order specifically prohibits any use of existing stocks that is not consistent with such previously approved labeling.

### List of Subjects

Environmental protection, Pesticides and pests, Carbaryl, SEVIN®.

Dated: February 27, 2009.

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

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

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8779-5]

### Public Water System Supervision Program Revision for the State of Arkansas

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

**ACTION:** Notice of proposed approval.

**SUMMARY:** Notice is hereby given that the State of Arkansas is revising its approved Public Water System Supervision Program adopting regulations for the Ground Water Rule (GWR), promulgated by EPA on November 26, 2006. The GWR will provide for increased protection against microbial pathogens in public water systems that use ground water sources. EPA has determined that the proposed GWR revisions are no less stringent than the corresponding Federal regulations.