

to pyriproxyfen and have similar effects on animals. In consideration of potential cumulative effects of pyriproxyfen and other substances that may have a common mechanism of toxicity, there are currently no available data or other reliable information indicating that any toxic effects produced by pyriproxyfen would be cumulative with those of other chemical compounds. Thus, only the potential risks of pyriproxyfen have been considered in this assessment of aggregate exposure and effects.

Valent will submit information for EPA to consider concerning potential cumulative effects of pyriproxyfen consistent with the schedule established by EPA **Federal Register** of August 4, 1997 (62 FR 42020) (FRL-5734-6) and other subsequent EPA publications pursuant to the Food Quality Protection Act (FQPA).

#### E. Safety Determination

1. *U.S. population—i. Chronic dietary exposure and risk s adult sub-populations.* The results of the chronic dietary exposure assessment described above demonstrate that estimates of chronic dietary exposure for all existing, pending and proposed uses of pyriproxyfen are well below the chronic RfD of 0.35 mg/kg/bwt day. The estimated chronic dietary exposure from food for the overall U.S. population and many non-child/infant subgroups is from 0.00014 to 0.00042 mg/kg/bwt day, 0.04 to 0.12% of the RfD. Addition of the small but worse case potential chronic exposure from drinking water (calculated above) increases exposure by only 0.00002 mg/kg/bwt day and does not change the maximum occupancy of the RfD significantly. Generally, the Agency has no cause for concern if total residue contribution is less than 100% of the RfD. It can be concluded that there is a reasonable certainty that no harm will result to the overall U.S. population or any non-child/infant subgroups from aggregate, chronic dietary exposure to pyriproxyfen residues.

ii. *Acute dietary exposure and risk s adult sub-populations.* No acute dietary endpoint and dose were identified in the toxicology data base for pyriproxyfen; therefore, it can be concluded that there is a reasonable certainty that no harm will result to the overall U.S. Population or any non-child/infant subgroups from aggregate, acute dietary exposure to pyriproxyfen residues.

iii. *Non-dietary exposure and aggregate risk s adult sub-populations.* Acute, short term, and intermediate term dermal and inhalation risk assessments for residential exposure are not required

due to the lack of significant toxicological effects observed. The results of a chronic residential post-application exposure and risk assessment for pet collar uses demonstrate that potential risks from pet collar uses do not exceed the Agency's level of concern. The estimated chronic term MOE for adults was 430,000.

2. *Infants and children—i. Safety factor for infants and children.* In assessing the potential for additional sensitivity of infants and children to residues of pyriproxyfen, FFDC section 408 provides that EPA shall apply an additional margin of safety, up to ten-fold, for added protection for infants and children in the case of threshold effects unless EPA determines that a different margin of safety will be safe for infants and children.

The toxicological data base for evaluating prenatal and postnatal toxicity for pyriproxyfen is complete with respect to current data requirements. There are no special prenatal or postnatal toxicity concerns for infants and children, based on the results of the rat and rabbit developmental toxicity studies or the 2-generation reproductive toxicity study in rats. Valent concludes that reliable data support use of the standard 100-fold uncertainty factor and that an additional uncertainty factor is not needed for pyriproxyfen to be further protective of infants and children.

ii. *Chronic dietary exposure and risks infants and children.* Using the conservative exposure assumptions described above, the percentage of the RfD that will be utilized by chronic dietary (food only) exposure to residues of pyriproxyfen ranges from 0.00023 mg/kg/bwt day for nursing infants, up to 0.00091 mg/kg/bwt day for children (1 to 2 years of age), 0.07 to 0.26% of the RfD, respectively. Adding the worse case potential incremental exposure to infants and children from pyriproxyfen in drinking water (0.00009 mg/kg/bwt day) does not materially increase the aggregate, chronic dietary exposure and only increases the occupancy of the RfD by 0.009% to 0.010% for children (1 to 2 years of age). EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. It can be concluded that there is a reasonable certainty that no harm will result to infants and children from aggregate, chronic dietary exposure to pyriproxyfen residues.

iii. *Acute dietary exposure and risk s infants and children.* No acute dietary

endpoint and dose were identified in the toxicology data base for pyriproxyfen; therefore, it can be concluded that there is a reasonable certainty that no harm will result to infants and children from aggregate, acute dietary exposure to pyriproxyfen residues.

iv. *Non-dietary exposure and aggregate risk s infants and children.* Acute, short term, and intermediate term dermal and inhalation risk assessments for residential exposure are not required due to the lack of significant toxicological effects observed. The results of a chronic residential post-application exposure and risk assessment for pet collar uses demonstrate that potential risks from pet collar uses do not exceed the Agency's level of concern. The estimated chronic term MOE for children was 61,000.

#### F. International Tolerances

There are no presently existing Codex MRLs for pyriproxyfen.

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BILLING CODE 6560-50-S

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-2004-0350; FRL-7684-8]

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

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

**ACTION:** Notice.

**SUMMARY:** EPA has granted or denied emergency exemptions under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for use of pesticides as listed in this notice. The exemptions or denials were granted during the period July 1, 2004 to September 30, 2004 to control unforeseen pest outbreaks.

**FOR FURTHER INFORMATION CONTACT:** See each emergency exemption or denial for the name of a contact person. The following information applies to all contact persons: Branch Chief, Emergency Response Team, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-9366.

**SUPPLEMENTARY INFORMATION:** EPA has granted or denied emergency exemptions to the following State and Federal agencies. The emergency exemptions may take the following

form: Crisis, public health, quarantine, or specific. EPA has also listed denied emergency exemption requests in this notice.

### 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 111)
- Animal production (NAICS 112)
- Food manufacturing (NAICS 311)
- Pesticide manufacturing (NAICS

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 an official public docket for this action under docket identification number OPP-2004-0350. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket 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/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment

system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select "search," then key in the appropriate docket ID number.

### II. Background

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 a particular form of specific exemption 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 or denial, the type of exemption, the pesticide authorized and the pests, the crop or use for which authorized, number of acres (if applicable), and the duration of the exemption. EPA also gives the **Federal Register** citation for the time-limited tolerance, if any.

### III. Emergency Exemptions and Denials

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

##### Arkansas

State Plant Board

*Crisis:* On July 6, 2004, for the use of sodium chlorate on wheat as a harvest aid. This program ended on July 10, 2004. Contact: (Libby Pemberton)  
 On September 3, 2004, for the use of acephate on soybeans to control stink bugs. This program ended on September 18, 2004. Contact: (Libby Pemberton)  
*Quarantine:* EPA authorized the use of propiconazole on soybeans to control soybean rust; effective from the time when soybean rust is introduced to the U.S., to March 1, 2007. Contact: (Andrew Ertman)

##### California

Environmental Protection Agency, Department of Pesticide Regulation  
*Specific:* EPA authorized the use of myclobutanil on peppers to control powdery mildew; August 5, 2004 to October 15, 2004. Contact: (Stacey Groce)

##### Colorado

Department of Agriculture  
*Specific:* EPA authorized the use of acibenzolar-S-methyl on onions to control iris yellow spot virus; July 27, 2004 to September 1, 2004. Contact: (Libby Pemberton)

##### Florida

Department of Agriculture and Consumer Services  
*Crisis:* On July 21, 2004, for the use of thiophanate-methyl on cotton to control fusarium. This program ended on August 5, 2004. Contact: (Stacey Groce)  
*Quarantine:* EPA authorized the use of myclobutanil on soybeans to control soybean rust; effective from the time when soybean rust is introduced to the U.S., to March 1, 2007. Contact: (Andrew Ertman)  
 EPA authorized the use of propiconazole on soybeans to control soybean rust; effective from the time when soybean rust is introduced to the U.S., to March 1, 2007. Contact: (Andrew Ertman)

##### Idaho

Department of Agriculture  
*Specific:* EPA authorized the use of diflubenzuron on alfalfa to control Mormon crickets and grasshoppers; September 7, 2004 to October 31, 2004. Contact: (Libby Pemberton)

##### Kansas

Department of Agriculture  
*Quarantine:* EPA authorized the use of myclobutanil on soybeans to control

soybean rust; effective from the time when soybean rust is introduced to the U.S., to March 1, 2007. Contact: (Andrew Ertman)

#### **Kentucky**

Department of Agriculture

*Crisis:* On June 25, 2004, to allow reduced plant back interval to soybeans in flooded corn fields previously treated with mesotrione or atrazine. This program ended on July 9, 2004. Contact: (Libby Pemberton)

On July 27, 2004, for the use of azoxystrobin on tobacco to control blue mold. This program ended on October 15, 2004. Contact: (Libby Pemberton)

#### **Louisiana**

Department of Agriculture and Forestry  
*Crisis:* On September 3, 2004, for the use of acephate on soybeans to control stink bugs. This program ended on September 18, 2004. Contact: (Libby Pemberton)

*Specific:* EPA authorized the use of methoxyfenozide on soybeans to control soybean loopers and saltmarsh caterpillar; July 14, 2004 to September 30, 2004. Contact: (Stacey Groce)

#### **Massachusetts**

Department of Food and Agriculture  
*Specific:* EPA authorized the use of thiamethoxam on cranberries to control cranberry weevil; August 12, 2004 to October 1, 2004. Contact: (Stacey Groce)

#### **Minnesota**

Department of Agriculture  
*Quarantine:* EPA authorized the use of tebuconazole on soybeans to control soybean rust; effective from the time when soybean rust is introduced to the U.S., to March 1, 2007. Contact: (Andrew Ertman)

#### **Mississippi**

Department of Agriculture and Commerce  
*Quarantine:* EPA authorized the use of myclobutanil on soybeans to control soybean rust; effective from the time when soybean rust is introduced to the U.S., to March 1, 2007. Contact: (Andrew Ertman)  
EPA authorized the use of propiconazole on soybeans to control soybean rust; effective from the time when soybean rust is introduced to the U.S., to March 1, 2007. Contact: (Andrew Ertman)

#### **Missouri**

Department of Agriculture  
*Quarantine:* EPA authorized the use of myclobutanil on soybeans to control soybean rust; effective from the time when soybean rust is introduced to the U.S., to March 1, 2007. Contact: (Andrew Ertman)

EPA authorized the use of propiconazole on soybeans to control soybean rust; effective from the time when soybean rust is introduced to the U.S., to March 1, 2007. Contact: (Andrew Ertman)

#### **Montana**

Department of Agriculture

*Specific:* EPA authorized the use of diflubenzuron on alfalfa to control Mormon crickets and grasshoppers; September 7, 2004 to October 31, 2004. Contact: (Libby Pemberton)

#### **New York**

Department of Environmental Conservation

*Crisis:* On July 21, 2004, for the use of quinoxyfen on cucurbits to control powdery mildew. This program ended on September 30, 2004. Contact: (Stacey Groce)

*Quarantine:* EPA authorized the use of myclobutanil on soybeans to control soybean rust; effective from the time when soybean rust is introduced to the U.S., to March 1, 2007. Contact: (Andrew Ertman)

EPA authorized the use of propiconazole on soybeans to control soybean rust; effective from the time when soybean rust is introduced to the U.S., to March 1, 2007. Contact: (Andrew Ertman)

#### **North Carolina**

Department of Agriculture

*Quarantine:* EPA authorized the use of myclobutanil on soybeans to control soybean rust; effective from the time when soybean rust is introduced to the U.S., to March 1, 2007. Contact: (Andrew Ertman)

EPA authorized the use of propiconazole on soybeans to control soybean rust; effective from the time when soybean rust is introduced to the U.S., to March 1, 2007. Contact: (Andrew Ertman)

*Specific:* EPA authorized the use of tebufenozide on sweet potatoes to control armyworms; July 23, 2004 to December 31, 2004. Contact: (Andrew Ertman)

EPA authorized the use of bifenthrin on sweet potatoes to control beetle complex; August 12, 2004 to September 30, 2004. Contact: (Libby Pemberton)

#### **North Dakota**

Department of Agriculture

*Specific:* EPA authorized the use of zeta-cypermethrin on flax to control grasshoppers; July 28, 2004 to September 30, 2004. Contact: (Libby Pemberton)

#### **Ohio**

Department of Agriculture

*Quarantine:* EPA authorized the use of propiconazole on soybeans to control soybean rust; effective from the time when soybean rust is introduced to the U.S., to March 1, 2007. Contact: (Andrew Ertman)

*Specific:* EPA authorized the use of dimethenamid-p on green onions to control common purslane and prostrate pigweed; August 31, 2004 to November 15, 2004. Contact: (Stacey Groce)

#### **Oklahoma**

Department of Agriculture

*Quarantine:* EPA authorized the use of myclobutanil on soybeans to control soybean rust; effective from the time when soybean rust is introduced to the U.S., to March 1, 2007. Contact: (Andrew Ertman)

EPA authorized the use of propiconazole on soybeans to control soybean rust; effective from the time when soybean rust is introduced to the U.S., to March 1, 2007. Contact: (Andrew Ertman)

#### **Oregon**

Department of Agriculture

*Specific:* EPA authorized the use of bifenazate on potatoes to control spider mites; August 1, 2004 to September 15, 2004. Contact: (Andrew Ertman)

#### **Pennsylvania**

Department of Agriculture

*Quarantine:* EPA authorized the use of myclobutanil on soybeans to control soybean rust; effective from the time when soybean rust is introduced to the U.S., to March 1, 2007. Contact: (Andrew Ertman)

EPA authorized the use of propiconazole on soybeans to control soybean rust; effective from the time when soybean rust is introduced to the U.S., to March 1, 2007. Contact: (Andrew Ertman)

#### **South Carolina**

Clemson University

*Quarantine:* EPA authorized the use of myclobutanil on soybeans to control soybean rust; effective from the time when soybean rust is introduced to the U.S., to March 1, 2007. Contact: (Andrew Ertman)

EPA authorized the use of propiconazole on soybeans to control soybean rust; effective from the time when soybean rust is introduced to the U.S., to March 1, 2007. Contact: (Andrew Ertman)

EPA authorized the use of tebuconazole on soybeans to control soybean rust; effective from the time when soybean rust is introduced to the U.S., to March 1, 2007. Contact: (Andrew Ertman)

#### **South Dakota**

Department of Agriculture  
*Quarantine:* EPA authorized the use of tebuconazole on soybeans to control soybean rust; effective from the time when soybean rust is introduced to the U.S., to March 1, 2007. Contact: (Andrew Ertman)

#### Texas

Department of Agriculture  
*Crisis:* On June 25, 2004, for the use of hexythiazox on corn to control the Banks grass mite and the two-spotted spider mite. This program ended on August 31, 2004. Contact: (Andrew Ertman)

*Quarantine:* EPA authorized the use of myclobutanil on soybeans to control soybean rust; effective from the time when soybean rust is introduced to the U.S., to March 1, 2007. Contact: (Andrew Ertman)

EPA authorized the use of propiconazole on soybeans to control soybean rust; effective from the time when soybean rust is introduced to the U.S., to March 1, 2007. Contact: (Andrew Ertman)

*Specific:* EPA authorized the use of hexythiazox on corn to control the Banks grass mite and the two-spotted spider mite; June 25, 2004 to August 31, 2004. Contact: (Andrew Ertman)

#### Washington

Department of Agriculture  
*Specific:* EPA authorized the use of bifenazate on potatoes to control spider mites; August 1, 2004 to September 15, 2004. Contact: (Andrew Ertman)

#### B. Federal Departments and Agencies

##### Agriculture Department

Animal and Plant Health Inspector Service

*Quarantine:* EPA authorized the use of paraformaldehyde to decontaminate high security animal laboratories, biological safety cabinets, equipment, and holding rooms at the following USDA facilities: (1) National Animal Disease Center (NADC), Ames, Iowa; (2) National Veterinary Services Laboratories (NVSL): Diagnostic Virology and Diagnostic Bacteriology Laboratories, Ames, Iowa; (3) Center for Biologics Laboratories (CVBL), Ames, Iowa; (4) NVSL Foreign Animal Disease Diagnostic Laboratory (FADDL), Plum Island, New York; (5) the Plum Island Animal Disease Center (PIADC), Plum Island, N.Y., and (6) the National Wildlife Research Center (NWR) in Fort Collins, Colorado; July 30, 2004, to July 30, 2007. Contact: (Libby Pemberton)

##### Defense Department

*Quarantine:* EPA authorized the use of paraformaldehyde on biological safety

cabinets, glove boxes, ductwork and unique items to prevent the release of infectious microorganisms from containment areas at ECBC facilities at Aberdeen Proving Ground, MD; July 30, 2004, to July 30, 2007. Contact: (Libby Pemberton)

#### List of Subjects

Environmental protection, Pesticides and pest.

Dated: December 9, 2004.

#### Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 04-27771 Filed 12-21-04; 8:45 am]

BILLING CODE 6560-50-S

### ENVIRONMENTAL PROTECTION AGENCY

[OPP-2004-0199; FRL-7688-7]

#### Issuance of Experimental Use Permits

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

**ACTION:** Notice.

**SUMMARY:** EPA has granted experimental use permits (EUPs) to the following pesticide applicants. An EUP permits use of a pesticide for experimental or research purposes only in accordance with the limitations in the permit.

#### FOR FURTHER INFORMATION CONTACT:

Mike Mendelsohn, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8715; e-mail address: [mendelsohn.mike@epa.gov](mailto:mendelsohn.mike@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who conduct or sponsor research on pesticides, 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 information in this action, 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 an official public docket for this action under docket identification (ID) number OPP-2004-0199. The official public docket consists of the documents

specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket 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/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select "search," then key in the appropriate docket ID number.

Information on the EUPs cited in this notice are also available on the "Current Plant Incorporated Protectant (PIP) Experimental Use Permits" web page on the EPA Internet. This page provides a consolidated list of active PIP EUPs with direct edocket links at [http://www.epa.gov/pesticides/biopesticides/pips/current\\_pip\\_eups.htm](http://www.epa.gov/pesticides/biopesticides/pips/current_pip_eups.htm).

##### II. EUPs

EPA has issued the following EUPs:  
524-EUP-96. Extension/Amendment. Monsanto Company, 800 North Lindbergh Blvd., St. Louis, MO 63167. This EUP allows the use of 2.8 pounds of the plant-incorporated protectant *Bacillus thuringiensis* Cry3Bb1 protein and the genetic material necessary for its production (vector ZMIR39) in corn on 2,530 acres of field corn for breeding and observation nursery, inbred seed increase production, line per se and hybrid yield, insect efficacy, product characterization and performance/labeling, insect resistance management, non-target organism and benefit, seed treatment, swine growth and feed efficiency, dairy cattle feed efficiency,