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## 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. EPA has completed a Reregistration Eligibility Decision (RED) for the pesticide, 2,4-D under section 4(g)(2)(A) of FIFRA. 2,4-D is a widely used phenoxy herbicide used to control broadleaf weeds in agriculture on a variety of field, fruit, and vegetable crops; on residential and other lawns; on turf and rights-of-way; in forestry; and in aquatic settings. 2,4-D and its related salts and esters are active ingredients in approximately 660 registered pesticide products. The chemical forms of 2,4-D supported for reregistration and addressed in the RED document include: 2,4-D acid, 2,4-D dimethylamine salt (DMAS), 2,4-D isopropyl acid (IPA), 2,4-D triisopropyl acid (TIPA), 2,4-D ethylhexyl ester (EHE), 2,4-D butoxyethyl ester (BEE), 2,4-D diethylamine (DEA), 2,4-D isopropyl ester (IPE), and 2,4-D sodium salt. There are currently over 100 tolerances for 2,4-D. EPA has determined that the data base to support reregistration is substantially complete and that products containing 2,4-D are eligible for reregistration, provided the risks are mitigated in the manner described in the RED. Upon submission of any required product specific data under section 4(g)(2)(B) and any necessary changes to the registration and labeling (either to address 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) for products containing 2,4-D.

EPA must review tolerances and tolerance exemptions that were in effect when the Food Quality Protection Act (FQPA) was enacted in August 1996, to

ensure that these existing pesticide residue limits for food and feed commodities meet the safety standard established by the new law. Tolerances are considered reassessed once the safety finding has been made or a revocation occurs. EPA has reviewed and made the requisite safety finding for the 2,4-D tolerances included in this notice.

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, EPA 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. Due to its uses, risks, and other factors, 2,4-D was reviewed through the full 6-Phase public participation process. Through this process, EPA worked extensively with stakeholders and the public to reach the regulatory decisions for 2,4-D. Two 60-day public comment periods were held for 2,4-D. The first was held in the summer of 2004, when EPA invited public comment on the Agency's preliminary human health and ecological risk assessments for 2,4-D. The approximately 50 comments received were considered in revising the risk assessments and developing preliminary risk mitigation options, which were issued for public review and a second comment period in January 2005. Over 1,000 comments were received during the second public comment period. EPA revised the risk assessments again in response to public comments and input received, as reflected in the 2,4-D RED. Because two public comment periods as well as numerous opportunities for informal consultation were offered during the development of this decision, and since all risk mitigation issues have been resolved, EPA does not plan to request additional public comment on the 2,4-D RED. The Agency therefore is issuing the 2,4-D RED without a comment period.

### 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."

Section 408(q) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(q), requires EPA to review tolerances and exemptions for pesticide residues in effect as of August 2, 1996, to determine whether the tolerance or exemption meets the requirements of section 408(b)(2) or (c)(2) of FFDCA. This review is to be completed by August 3, 2006.

## List of Subjects

Environmental protection, Pesticides and pests.

Dated: July 29, 2005.

**Debra Edwards,**

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

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## FEDERAL HOUSING FINANCE BOARD

### Sunshine Act Meeting Notice; Announcing a Partially Open Meeting of the Board of Directors

*Time and Date:* The open meeting of the Board of Directors is scheduled to begin at 10 a.m. on Wednesday, August 10, 2005. The closed portion of the meeting will follow immediately the open portion of the meeting.

*Place:* Board Room, First Floor, Federal Housing Finance Board, 1625 Eye Street NW., Washington, DC 20006.

*Status:* The first portion of the meeting will be open to the public. The final portion of the meeting will be closed to the public.

*Matter To Be Considered at the Open Portion: Data Reporting Requirements for the Membership Database.* Through the Membership Database, the Federal Home Loan Banks (Banks) electronically submit to the Finance Board certain status and financial information on Bank members on a monthly and quarterly basis. The Board of Directors will consider a resolution adopting the current staff requirements for submission of this information.

*Matter To Be Considered at the Closed Portion: Periodic Update of Examination Program Development and Supervisory Findings.*

*Contact Person for More Information:* Janice A. Kaye, Senior Attorney-Advisor, Office of General Counsel, at 202-408-2505 or [kayej@fhfb.gov](mailto:kayej@fhfb.gov).

By the Federal Housing Finance Board.

Dated: August 3, 2005.

**John P. Kennedy,**

*General Counsel.*

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## FEDERAL TRADE COMMISSION

### Public Workshop: Marketing, Self-Regulation & Childhood Obesity

**AGENCIES:** Federal Trade Commission (FTC or Commission); Department of Health and Human Services (HHS).

**ACTION:** Notice of Extension of Public Comment Period.

**SUMMARY:** Due to requests for additional time to prepare more comprehensive comments in response to the issues that were addressed by the public workshop, an amendment is being issued to the Notice Announcing Public Workshop: Marketing, Self-Regulation & Childhood Obesity to extend the time period during which persons may submit written comments on the workshop until August 12, 2005.

**DATES:** Comments must be received on or before Friday, August 12, 2005.

**ADDRESSES:** Comments should refer to "Food Marketing to Kids Workshop—Comment, Project No. P034519" to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope, and should be mailed or delivered, with two complete copies, to the following address: Federal Trade Commission/Office of the Secretary, Room 159-H (Annex H), 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580. Because paper mail in the Washington area and at the Agency is subject to delay, please consider submitting your comments in electronic form, as prescribed below. Comments containing confidential material, however, must be filed in paper form, must be clearly labeled "Confidential," and must comply with Commission Rule 4.9(c).<sup>1</sup>

Comments filed in electronic form should be submitted by clicking on the following Web link: <https://secure.commentworks.com/ftc-foodmarketingtokids> and following the instructions on the Web-based form. To ensure that the Commission considers

an electronic comment, you must file it on the Web-based form at the <https://secure.commentworks.com/ftc-foodmarketingtokids> Web link.

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments, whether filed in paper or electronic form, will be considered by the Commission, and will be available to the public on the FTC Web site, to the extent practicable, at <http://www.ftc.gov>. As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at <http://www.ftc.gov/ftc/privacy.htm>.

#### FOR FURTHER INFORMATION CONTACT:

Richard Kelly, (202) 326-3304, or Michelle Rusk, (202) 326-3148, FTC, Bureau of Consumer Protection. The FTC staff contacts can be reached by mail at: Federal Trade Commission, 601 New Jersey Avenue, N.W., Washington, DC 20580. Jennifer Bishop, (202) 690-8384, HHS, Office of the Assistant Secretary for Planning and Evaluation. The HHS staff contact can be reached by mail at: The U.S. Department of Health and Human Services, 200 Independence Avenue, S.W., Room 447-D, Washington, DC 20201.

A detailed agenda and additional information on the workshop is posted on the FTC's Web site at [www.ftc.gov/bcp/workshops/foodmarketingtokids/index.htm](http://www.ftc.gov/bcp/workshops/foodmarketingtokids/index.htm).

#### SUPPLEMENTARY INFORMATION:

##### Background and Workshop Goals

Obesity in children has recently become one of the top public health issues in the United States. As a result, increased attention has been given to the importance of a balanced and nutritious diet and physical activity in childhood to ensure healthy growth and development and prevent chronic conditions and disease, such as obesity. Within both the government and the private sector, multiple efforts are being taken or proposed to find and implement effective measures to reverse the rise of childhood obesity. These include a wide variety of approaches, including identifying and funding additional research on childhood obesity, considering changes to food and beverage labeling, encouraging physical activity, and educating parents and children about the importance of

physical activity and eating a balanced, nutritious diet.

One frequent area of attention is the role of food and beverage advertising and marketing directed to children. Industry members in the United States have adopted their own set of guidelines to encourage responsible advertising, including food advertising, to children. These guidelines are administered by the Council of Better Business Bureau's Children's Advertising Review Unit (CARU). In recent years, many individual companies in the food, beverage, and restaurant industries, and in the media and entertainment industries, have also taken actions to advance responsible food and beverage marketing to children and promote healthy lifestyles.

In light of the widespread public interest in marketing of food and beverages to children, the FTC and HHS hosted a public workshop, "Marketing, Self-Regulation & Childhood Obesity," in Washington, DC on July 14 and 15, 2005. The workshop provided a forum for discussion of ongoing industry self-regulatory efforts that seek to address the marketing of food and beverages to children.<sup>2</sup> At the workshop, participants discussed industry members' efforts to address concerns about marketing to children, and CARU's efforts to encourage responsible industry advertising. It also provided a forum to hear from consumer advocacy and public health groups concerning current industry practices. Specific topics and issues addressed at the workshop are set forth in the FTC and HHS Notice Announcing Public Workshop: Marketing, Self-Regulation & Childhood Obesity, published in the **Federal Register** on May 12, 2005.

##### Extension of Time for Filing Comments

The time period during which public comments may be submitted is extended. Interested parties may submit written comments on the published questions and other related issues addressed by the workshop until August 12, 2005. Especially useful are any studies, surveys, research, and empirical data. All comments should be filed as prescribed in the **ADDRESSES** section

<sup>1</sup> The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. See Commission Rule 4.9(c), 16 CFR 4.9(c).

<sup>2</sup> The workshop focused on food and beverage marketing to children. It did not cover other possible contributors to childhood obesity, including sedentary behaviors like watching television, playing electronic games on a computer, or decreases in exercise, or the marketing of related sedentary entertainment products.