

(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 dimethipin 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 limited uses, low risks, and other factors, dimethipin was reviewed through the modified 4-Phase process. Through this process, EPA worked extensively with stakeholders and the public to reach the regulatory decisions for dimethipin. The Agency decided that a comment period on the RED was not necessary, as there were no comments received during the Phase 3 public comment period and no mitigation measures were required.

#### *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: October 21, 2005.

**Debra Edwards,**

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

[FR Doc. 05-21757 Filed 11-1-05; 8:45 am]

**BILLING CODE 6560-50-S**

## **ENVIRONMENTAL PROTECTION AGENCY**

**[OPP-2005-0256; FRL-7743-4]**

### **Ethylenebisdithiocarbamate (EBDC) Fungicides Mancozeb, Maneb, and Metiram; Notice of Receipt of Requests to Voluntarily Cancel, Amend, or Terminate Uses of Certain Pesticide Registrations**

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

**ACTION:** Notice.

**SUMMARY:** In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of requests by the registrants to voluntarily cancel and/or amend their registrations to terminate uses of certain products containing the pesticides mancozeb, maneb, and metiram. The requests would terminate mancozeb use on athletic fields and pachysandra; maneb use on apples, grapes, kadota figs, and sweet corn; and maneb seed treatment use for peanuts and rice. EPA has also received a request to terminate the use of the fungicide product, Maneb 80 WP Fungicide (EPA Reg. No. 4581-255), on sod farm turf. In addition, EPA has received a request for voluntary cancellation of the metiram product registration for Potato Seed Treater Fungicide (EPA Reg. No. 2935-540). These requests would not terminate the last mancozeb, maneb, and metiram products registered for use in the United States. EPA intends to grant these requests at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit its further review of the requests, or unless the registrants withdraw their requests within this period. Upon acceptance of these requests, any sale, distribution, or use of products listed in this notice will be permitted only if such sale, distribution, or use is consistent with the terms as described in the final order.

**DATES:** Comments must be received on or before December 2, 2005.

**ADDRESSES:** Comments, identified by docket identification (ID) number 2005-0256, may be submitted electronically,

by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.**

**FOR FURTHER INFORMATION CONTACT:** For mancozeb, Christina Scheltema, Special Review and Reregistration Division (7508C), 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).

For maneb and metiram, Tawanda Spears, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8050; fax number: (703) 308-8005; e-mail address: [spears.tawanda@epa.gov](mailto:spears.tawanda@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 persons 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 ID number OPP-2005-0256. 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, to 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. Once in the system, select "search," then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. 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. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

#### C. How and to Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically.* If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. 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.

i. *EPA Dockets.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at <http://www.epa.gov/edocket/>, and follow the online instructions for submitting comments. Once in the

system, select "search," and then key in docket ID number OPP-2005-0256. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail.* Comments may be sent by e-mail to [opp-docket@epa.gov](mailto:opp-docket@epa.gov), Attention: Docket ID number OPP-2005-0256. In contrast to EPA's electronic public docket, EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail.* Send your comments to: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001, Attention: Docket ID number OPP-2005-0256.

3. *By hand delivery or courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA, Attention: Docket ID number OPP-2005-0256. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

#### D. How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, 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 CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any 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 and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the persons listed under **FOR FURTHER INFORMATION CONTACT.**

*E. What Should I Consider as I Prepare My Comments for EPA?*

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at your estimate.
5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the comment period deadline identified.
8. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

**II. Background on the Receipt of Requests to Terminate Certain Uses for the EBDC Pesticides Mancozeb, Maneb, and Metiram**

This notice announces receipt by EPA of requests from the registrants Cerexagri, Dow AgroSciences, Griffin LLC, and Wilbur-Ellis Company to amend or to terminate certain uses of 16 mancozeb product registrations, 3 maneb product registrations, and 1 metiram product registration (Tables 1–3 of Unit III). These pesticides are broad spectrum EBDC fungicides used on a variety of agricultural crops, ornamentals, and turf. In letters dated August 25, August 29, and September 16, 2005, Cerexagri, Dow AgroSciences, and Griffin LLC respectively, have requested that EPA terminate the uses of mancozeb on athletic fields and pachysandra. The registrants are no longer supporting these uses and wish to have them removed from product labels. However, these three registrants are retaining some mancozeb turf uses, specifically, use on sod farms, grass grown for seed, golf courses, and commercial and industrial lawns. Further, in a letter dated September 12, 2005, Cerexagri has requested that EPA terminate use of maneb on apples, grapes, kadota figs, peanut seed, rice seed, and sweet corn, and remove these uses from the appropriate product labels. Cerexagri's September 12, 2005 letter also requests deletion of the sod farm turf use from the Maneb 80 WP Fungicide label. Last, in a letter dated June 20, 2005, Wilbur-Ellis Company requested voluntary cancellation of the metiram product registration for Potato Seed Treater Fungicide (EPA Reg. No. 2935–540).

**III. What Action is the Agency Taking?**

This notice announces receipt by EPA of requests from registrants to amend or cancel certain mancozeb, maneb, and metiram product registrations to terminate uses. The affected products and the registrants making the requests are identified in Tables 1-4 of this unit.

Under section 6(f)(1)(A) of FIFRA, registrants may request, at any time, that their pesticide registrations be canceled or amended to terminate one or more pesticide uses. Section 6(f)(1)(B) of FIFRA requires that before acting on a request for voluntary cancellation, EPA must provide a 30-day public comment period on the request for voluntary cancellation or use termination. In addition, section 6(f)(1)(C) of FIFRA requires that EPA provide a 180-day comment period on a request for voluntary cancellation or termination of any minor agricultural use before granting the request, unless:

1. The registrants request a waiver of the comment period, or
2. The Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

Each of the registrants affected by this notice has requested, in their letters, that EPA waive the 180-day comment period. EPA is thus providing a 30-day comment period.

Unless a request is withdrawn by the registrant within 30 days of publication of this notice, or if the Agency determines that there are substantive comments that warrant further review of this request, an order will be issued canceling and/or amending the affected registrations to delete certain uses.

TABLE 1.—MANCOZEB PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR USE DELETIONS

Registration No.	Product name	Uses proposed for deletion
1812–360	MANKOCIDE®/JUNCTION®	Athletic fields, pachysandra
1812–414	MANZATE® 75 DF/PENTATHLON® DF	Athletic fields, pachysandra
1812–415	MANZATE® 80 WP	Athletic fields, pachysandra
1812–416	MANZATE® Flowable/PENTATHLON® LF	Athletic fields, pachysandra
4581–358	Penncozeb® 80WP	Athletic fields, pachysandra
4581–370	Penncozeb® 75 DF	Athletic fields, pachysandra
4581–394	Penncozeb® 4FL	Athletic fields, pachysandra
62719–387	Dithaner M45	Athletic fields, pachysandra
62719–388	Forer 80WP Rainshield®	Athletic fields, pachysandra
62719–396	Dithane F-45 Rainshield	Athletic fields, pachysandra

TABLE 1.—MANCOZEB PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR USE DELETIONS—Continued

Registration No.	Product name	Uses proposed for deletion
62719-398	Dithane M-45 Flowable M	Athletic fields, pachysandra
62719-401	Dithane WSP Agricultural Fungicide	Athletic fields, pachysandra
62719-423	Dithane WSP Agricultural Fungicide	Athletic fields, pachysandra
62719-402	Dithane DF Rainshield	Athletic fields, pachysandra
62719-418	RH-0611 WP	Athletic fields, pachysandra
62719-422	Fore WSP T and O Fungicide	Athletic fields, pachysandra

TABLE 2.—MANEB PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR USE DELETIONS

Registration No.	Product name	Uses proposed for deletion
4581-255	Maneb 80WP Fungicide	Apples, grapes, kadota figs, sweet corn, and seed treatment for peanuts and rice, and sod farm turf
4581-359	Maneb 4FL	Apples, grapes, kadota figs, sweet corn, and seed treatment for peanuts and rice
4581-371	Maneb 75DF Dry Flowable Fungicide	Apples, grapes, kadota figs, sweet corn, seed treatment for peanuts and rice

TABLE 3.—METIRAM PRODUCT REGISTRATION WITH REQUEST FOR VOLUNTARY CANCELLATION

Registration No.	Product name	Company name
2935-540	Potato Seed Treater Fungicide	Wilbur-Ellis Company

Table 4 of this unit includes the names and addresses of record for the registrants of the products listed in Tables 1-3 of this unit.

TABLE 4.—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION AND/OR AMENDMENTS TO DELETE USES

EPA Company No.	Company name and address
1812	Griffin LLC P.O. BOX 30 Newark, DE 19714
2935	Wilbur-Ellis Company Product Regulatory Department 2737 S. Golden State Blvd. Fresno, CA 93715
4581	Cerexagri Inc. 630 Freedom Business Center Suite 402 King of Prussia, PA 19406
62719	Dow AgroSciences 9330 Zionsville Rd. Indianapolis, IN 46268

#### IV. 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.

#### V. Procedures for Withdrawal of Request and Considerations for Reregistration of Mancozeb, Maneb, and Metiram

Registrants who choose to withdraw a request for cancellation must submit such withdrawal in writing to the persons listed under **FOR FURTHER INFORMATION CONTACT**, postmarked before December 2, 2005. This written withdrawal of the request for

cancellation will apply only to the applicable FIFRA section 6(f)(1) request listed in this notice. If the products have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

#### 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. If the request for use termination is granted as discussed in this notice, the Agency intends to issue a cancellation order that will allow the registrant to continue to sell and distribute existing stocks of products bearing old labeling for 18 months after the date of the use termination order. Persons other than the registrant may continue to sell and/or use existing stocks of products bearing old labeling until such stocks are exhausted, provided that such use is consistent with the terms of the previously approved labeling on, or that accompanied, the cancelled product. The order will specifically prohibit any use of existing stocks that is not consistent with such previously approved labeling. If, as the Agency currently intends, the final cancellation order contains the existing stocks provision just described, the order will be sent only to the affected registrants of the cancelled products. If the Agency determines that the final cancellation order should contain existing stocks provisions different than the ones just described, the Agency will publish the cancellation order in the **Federal Register**.

#### List of Subjects

Environmental protection, Pesticides and pests, EBDCs, Mancozeb, Maneb, Metiram.

Dated: October 20, 2005.

J. E. Leahy, Jr.,

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

[FR Doc. 05-21626 Filed 11-1-05; 8:45 am]

BILLING CODE 6560-50-S

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-2002-0311; FRL-7739-7]

### Endangered Species Protection Program Field Implementation

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

**ACTION:** Notice.

**SUMMARY:** This document describes how EPA's Office of Pesticide Programs intends to implement its Endangered Species Protection Program (ESPP or the Program). The goal of the ESPP is to carry out responsibilities under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) in compliance with the Endangered Species Act (ESA), while at the same time not placing unnecessary burden on agriculture and other pesticide users. This document describes EPA's approach to implementing its responsibilities under section 7(a)(2) of ESA subsequent to a determination by EPA that geographically specific risk mitigation is necessary to protect federally listed threatened or endangered species or their critical habitat. For purposes of the ESPP, the term "listed species" or "endangered species" will encompass species listed as threatened or endangered, plus designated critical habitat of these species; the term "county" will include counties, parishes, and similar political boundaries of U.S. Territories. The implementation approach relies on pesticide labels, as appropriate, referring the pesticide user to geographically specific Endangered Species Protection Bulletins that will contain enforceable use limitations for the pesticide necessary to ensure the pesticide's use will not jeopardize the continued existence of a listed species.

**FOR FURTHER INFORMATION CONTACT:** For technical information: Arthur-Jean B. Williams, Environmental Fate and Effects Division (7507C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305-7695; fax number: (703) 305-6309; e-mail address: [williams.arty@epa.gov](mailto:williams.arty@epa.gov).

For field implementation information: Mary Powell, Field and External Affairs

Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305-7384; fax number: (703) 308-3259; e-mail address: [powell.mary@epa.gov](mailto:powell.mary@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 particular interest to State and Tribal regulatory partners, other interested Federal agencies, environmental or public interest groups, pesticide registrants and pesticide users. Since other entities may also 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 technical 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-2002-0311. 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 view public comments, to 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

###### A. What Action is the Agency Taking?

This Notice describes EPA's field implementation plan for putting in place any geographically specific pesticide use limitations EPA deems necessary to ensure EPA's compliance with ESA section 7(a)(2). This approach will be used to put in place pesticide use limitations identified as necessary by EPA during the course of its endangered species risk assessment process or through consultations with the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS). These protections or use limitations will be enforceable by EPA under section 12 of FIFRA.

This Notice is organized into four units. Unit I. provides general information about applicability of this document and the availability of additional information. Unit II. provides background information, including the Agency's legal authority for taking this action, and a summary of public comments on EPA's proposed approach (67 FR 71549, December 2, 2002) (FRL-7283-7) and its response to those comments. Unit III. describes the Program, including its scope, overall approach, and Endangered Species Protection Bulletins. Unit IV. contains references to other documents used in the development of and referenced in this Notice.

EPA will begin using this approach to implement geographically specific risk mitigation for the protection of listed species or their critical habitat upon publication of this Notice. EPA's plan as described in this document, however, is not a legally binding regulation and EPA may decide to revise, amend, or act at variance with the terms of this document without providing notice and comment under section 553 of the Administrative Procedure Act.

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

Since 1970, EPA has had responsibility for regulating the sale, distribution, and use of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). EPA has granted registrations, or licenses, for thousands of pesticides containing hundreds of active ingredients. These