

II. Background

A. What Action is the Agency Taking?

EPA has reassessed the uses of imazaquin and the one existing tolerances or legal residue limits. On December 20, 2005, EPA reached a tolerance reassessment decision for this low risk pesticide. Imazaquin is an imidazolinone herbicide which controls weeds by inhibiting the synthesis of specific amino acids (valine, leucine and isoleucine) necessary for plant growth. It is registered as a pre-plant, preemergence and early postemergence herbicide for use on soybeans, primarily across the central Midwest from Kentucky to Illinois and across the mid-South in Arkansas, Louisiana and Mississippi. It is also registered for pre- and postemergence weed control on ornamentals and warm season turfgrass in both residential and non-residential settings. The turf and ornamental uses are concentrated across the southern U.S. because of imazaquin's lack of selectivity on cool season grasses. The Agency is now issuing for comment the resulting Report on Food Quality Protection Act (FQPA) Tolerance Reassessment Progress and Risk Management Decision for imazaquin, known as a TRED, as well as related risk assessments and technical support documents.

EPA developed the imazaquin TRED through a modified, streamlined version of its public process for making tolerance reassessment and reregistration eligibility decisions. Through these programs, the Agency is ensuring that pesticides meet current standards under the Federal Food, Drug, and Cosmetic Act (FFDCA) and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended by FQPA. EPA must review tolerances and tolerance exemptions that were in effect when the FQPA was enacted, 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 imazaquin 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** of May 14, 2004 (69 FR 26819) (FRL-7357-9) explains that in conducting these programs, the Agency 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. EPA can expeditiously reach decisions for pesticides like imazaquin, which pose no risk concerns, and require no risk mitigation. Once EPA assesses uses and risks for such low risk pesticides, the Agency may go directly to a decision and prepare a document summarizing its findings, such as the imazaquin TRED.

The tolerance reassessment program is being conducted under Congressionally mandated time frames, and EPA recognizes the need both to make timely decisions and to involve the public in finding ways to effectively mitigate pesticide risks. Imazaquin, however, poses no risks that require mitigation. The Agency therefore is issuing the imazaquin TRED, its risk assessments, and related support documents simultaneously for public comment. The comment period is intended to provide an opportunity for public input and a mechanism for initiating any necessary amendments to the TRED. All comments should be submitted using the methods in Unit I. of the **SUPPLEMENTARY INFORMATION**, and must be received by EPA on or before the closing date. These comments will become part of the Agency Docket for imazaquin. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

EPA will carefully consider all comments received by the closing date and will provide a Response to Comments Memorandum in the Docket and electronic EDOCKET. If any comment significantly affects the document, EPA also will publish an amendment to the TRED in the **Federal**

Register. In the absence of substantive comments requiring changes, the decisions reflected in the TRED will be implemented as presented. These decisions may be supplemented by risk mitigation measures when EPA considers its cumulative assessment of the cumulative group pesticides.

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

Section 408(q) of the 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: December 19, 2005.

Debra Edwards,

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

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2005-0512; FRL-7749-6]

Pesticide Product; Registration Approval

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces Agency approval of applications to register the pesticide products, Dutch Trig® and Heads Up Plant Protectant, containing active ingredients not included in any previously registered product pursuant to the provisions of section 3(c)(5) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: The Regulatory Action Leader, Biopesticides and Pollution Prevention Division (7511C), listed in the following table:

File Symbol	Regulatory Action Leader	Mailing Address	Telephone number and E-mail Address
71927-1	Sharlene R. Matten	USEPA/OPP/BPPD (7511C) 1200 Pennsylvania Ave., NW Washington D.C. 20460	(703) 605-0514 matten.sharlene@epa.gov

File Symbol	Regulatory Action Leader	Mailing Address	Telephone number and E-mail Address
81853-1	Todd Peterson	USEPA/OPP/BPPD (7511C) 1200 Pennsylvania Ave., NW Washington D.C. 20460	(703) 308-7224 peterson.todd@epa.gov

SUPPLEMENTARY INFORMATION:**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 code 111)
- Animal production (NAICS code 112)
- Food manufacturing (NAICS code 311)
- Pesticide manufacturing (NAICS code 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 a docket for this action under Docket identification number (ID) EPA-HQ-OPP-2005-0512; FRL-7749-6. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy 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.

In accordance with section 3(c)(2) of FIFRA, a copy of the approved label, the list of data references, the data and other scientific information used to support registration, except for material specifically protected by section 10 of FIFRA, are also available for public inspection. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and

must be addressed to the Freedom of Information Office (A-101), 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001. The request should: Identify the product name and registration number and specify the data or information desired.

A paper copy of the fact sheet, which provides more detail on this registration, may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Rd., Springfield, VA 22161.

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/>.

Agency Website. EDOCKET, EPA's electronic public docket and comment system was replaced on November 25, 2005, by an enhanced federal-wide electronic docket management and comment system located at <http://www.regulations.gov>. Follow the online instructions.

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. Did EPA Approve the Application?

The Agency approved the application after considering all required data on risks associated with the proposed use of *Verticillium* isolate WCS 850 and Saponins of *Chenopodium quinoa*, and information on social, economic, and environmental benefits to be derived from its use. Specifically, the Agency has considered the nature of the chemical and its pattern of use, application methods and rates, and level and extent of potential exposure. Based on these reviews, the Agency was able to make basic health and safety determinations which show that use of *Verticillium* isolate WCS 850 and

Saponins of *Chenopodium quinoa* in accordance with widespread and commonly recognized practice, will not generally cause unreasonable adverse effects to the environment.

III. Approved Application

EPA issued a notice, published in the **Federal Register** of August 10, 2005 (70 FR 46507) (FRL-7724-3), which announced that ARCADIS Innovative Tree Services, 1114 Benfield Boulevard, Suite A, Millersville, MD 21108, had submitted an application to register the pesticide product, Dutch Trig®, a fungicide. (EPA File Symbol 71927-R), containing the active ingredient, *Verticillium* isolate WCS 850. This product is intended to protect elm trees from Dutch elm disease. The application was approved on October 19, 2005, as Dutch Trig® (EPA Registration Number 71927-1).

EPA issued another notice, published in the **Federal Register** of December 15, 2004 (69 FR 75063-75065) (FRL-7687-7), which announced that Heads Up Plant Protectants Inc., c/o Walter G. Talarek, PC, 1008 Riva Ridge Drive, Great Falls, VA, 22066, had submitted an application to register the pesticide product, Heads Up Plant Protectant, a fungicide. (EPA File Symbol 81853-R), containing Saponins of *Chenopodium quinoa*, with saponins at 49.65%. This product was not previously registered. The application was approved on September 16, 2005, as Heads Up Plant Protectant, (EPA Registration Number 81853-1).

List of Subjects

Environmental protection, Chemicals, Pesticides and pests.

Dated: December 15, 2005.

Phil Hutton,

Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

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