

The phrase, "metaldehyde can be fatal to children and dogs...if ingested" and its variants in the precautionary statements are being revised in response to a comment that fatal poisonings of children have not been ascribed to metaldehyde. Because nonlethal incidents in children have been recorded, the subject phrase is revised to note that metaldehyde may be harmful to children if ingested.

Also in reference to precautionary labeling, some commenters suggested that it is premature to require two poisoning hotline numbers, one each for incidents in humans and in domestic animals, or to designate that poisoning calls be routed to NPIC. The Agency has reexamined its requirements and agrees that its concerns can be addressed through the use of a standardized incident handling and data collection system, covering both human and domestic animal exposures, by entities that the registrants choose for their hotline service.

Other changes to the precautionary statements were made in response to comments on the environmental hazard statements, as detailed in the amendment, and can be viewed from the docket.

The Agency solicited ideas for a graphic warning to be placed on the front of residential end-use product labels. The purpose of the graphic is to draw attention to the need for keeping children and pets out of treated areas from the time the metaldehyde product is applied until the applied product is no longer visible. No comments were submitted offering alternatives to the graphic suggested by the RED, so the RED is now revised to require that the suggested graphic, i.e., a red circle with the words "Children" and "Pets" within the circle and with a red bar running diagonally through it, be incorporated onto the front of the label.

The Agency received comments on key general application restrictions and repeating language in the Directions for Use portions of the labels. The Agency determined that some additional restrictions would be added, that the repetition was warranted, and that unusual restrictions must be offset from the surrounding text by the use of boldface or other contrasting type. The Agency also abbreviated the cultural practices language to be more concise. These changes are incorporated into the amended label table to the RED.

One registrant requested that the number of applications allowed on blueberries be increased from two per season to three. During development of the original mitigation plan, the Agency consulted an expert in the field who

advised that blueberry growers have a critical need for a third application in years of high rainfall and high pest pressure. The Agency's restriction to two applications per season was made in error and the number of applications is increased to three in the amended RED. Three applications per season is a decrease from the assessed five per season.

Based on comments from stakeholders and additional research findings obtained after the RED was released, the Agency has determined that the requirement for adding blue dye to metaldehyde pellets will be withdrawn. The comments and information led the Agency to conclude that the blue-dyed pellets would not with certainty reduce wildlife ingestion of metaldehyde formulations, and that the blue color might turn out to be attractive to children.

USDA's Animal and Plant Health Inspection Service commented that some use sites the Agency excluded from product labels (such as railroad rights-of-way) were essential to the Service's program for controlling invasive slug and snail species that threaten plant and human health. The Agency is allowing these use sites within a "Special Use Box" on the labels of products that have been used this way in the past or which may be used in this manner. The Special Use Box indicates that such applications must only be made in response to Federal and/or State mollusk eradication operations.

The body of the RED is revised in several places to expand on EPA findings and correct errors based on comments submitted by the registrants. The comparison of costs for metaldehyde and alternatives is revised to address the differences in maximum vs. typical application rates. A passage describing the potential for exposures other than ingestion to cause death in domestic animals is corrected to note that while such exposures are possible, they are not known to be fatal.

The metaldehyde RED will be implemented with the changes cited above, as detailed in the amendment and the revised label table posted on the public docket.

#### *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."

#### **List of Subjects**

Environmental protection, Pesticides and pests.

Dated: June 26, 2007.

**Peter Caulkins,**

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

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**BILLING CODE 6560-50-S**

## **ENVIRONMENTAL PROTECTION AGENCY**

**[EPA-HQ-OPP-2007-0081; FRL-8136-3]**

### **Notice of Filing of a Pesticide Petition for an Exemption from the Requirements of a Tolerance for Thymol (as Present in Thyme Oil) in or on Food Commodities**

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the initial filing of a pesticide petition proposing the exemption of regulations for residues of thymol (as present in thyme oil) in or on various food commodities.

**DATES:** Comments must be received on or before August 6, 2007.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2007-0081 and the pesticide petition number (PP) 6F7147, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460-0001.

- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

*Instructions:* Direct your comments to docket ID number EPA-HQ-OPP-2007-0081. EPA's policy is that all comments

received will be included in the docket without change and may be made available on-line at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.regulations.gov](http://www.regulations.gov) website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. 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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** All documents in the docket are listed in the docket index available in [www.regulations.gov](http://www.regulations.gov). To access the electronic docket, go to <http://www.regulations.gov>, select "Advanced Search," then "Docket Search." Insert the docket ID number where indicated and select the "Submit" button. Follow the instructions on the [www.regulations.gov](http://www.regulations.gov) website to view the docket index or access available documents. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. 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 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.

**FOR FURTHER INFORMATION CONTACT:**  
Adam Heyward, Product Manager (PM)  
34, Antimicrobials Division (7510P),  
Office of Pesticide Programs,  
Environmental Protection Agency, 1200  
Pennsylvania Ave., NW., Washington,  
DC 20460-0001; telephone number:  
(703) 308-6422; e-mail address:  
[heyward.adam@epa.gov](mailto:heyward.adam@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. What Should I Consider as I Prepare My Comments for EPA?

1. **Submitting CBI.** Do not submit this information to EPA through [www.regulations.gov](http://www.regulations.gov) or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, 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 claimed as CBI. In addition to one complete version of the comment that includes 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. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. **Tips for preparing your comments.** When submitting comments, remember to:

- i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- iv. Describe any assumptions and provide any technical information and/or data that you used.
- v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- vi. Provide specific examples to illustrate your concerns and suggest alternatives.
- vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- viii. Make sure to submit your comments by the comment period deadline identified.

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

EPA is printing notice of the filing of a pesticide petition received under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. EPA has determined that the pesticide petition described in this notice contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the pesticide petition. Additional data may be needed before EPA rules on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition included in this notice, prepared by the petitioner, is included in a docket EPA has created for this rulemaking. The docket for this petition is available on-line at <http://www.regulations.gov>.

###### New Exemption from Tolerance

**PP 6F7147.** Sensible Life Products (Division of LBD, Ltd.), 34-7 Innovation Dr., Ontario, Canada L9H7H9, proposes to establish an exemption from the requirement of a tolerance for residues of the antimicrobial, thymol (as present in thyme oil) in or on food commodities when used as a hard surface disinfectant. Because this petition is a request for an exemption from the requirement of a tolerance without

numerical limitations, no analytical method is required.

### List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 27, 2007.

**Betty Shackelford,**

*Acting Director, Antimicrobials Division,  
Office of Pesticide Programs.*

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BILLING CODE 6560-50-S

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2007-0432; FRL-8134-4]

### (E,E)-9,11-Tetradecadien-1-yl Acetate; Receipt of Application for Emergency Exemption, and Solicitation of Public Comment

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

**ACTION:** Notice.

**SUMMARY:** EPA has received a quarantine exemption request from the United States Department of Agriculture/Animal and Plant Health Inspection Service (USDA/APHIS) to use the pesticide (E,E)-9,11-tetradecadien-1-yl acetate (CAS No. 30562-09-5) to treat host plants to control the Light Brown Apple Moth (LBAM). The Applicant proposes the use of a new chemical which has not been registered by EPA. Due to the unique nature of this emergency situation, in which the time to review the conditions of this situation was short, it was not possible to issue a solicitation for public comment, in accordance with 40 CFR 166.24, prior to the Agency's decision to grant these exemptions.

**DATES:** EPA is waiving the public comment period, as allowed in 40 CFR 166.24, due to the short period of time available with which to review this situation and render a timely decision. However, comments may still be submitted and will be evaluated.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2007-0432, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200

Pennsylvania Ave., NW., Washington, DC 20460-0001.

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**Instructions:** Direct your comments to docket ID number EPA-HQ-OPP-2007-0432. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [regulations.gov](http://www.regulations.gov) or e-mail. The Federal [regulations.gov](http://www.regulations.gov) website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [regulations.gov](http://www.regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. 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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

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### FOR FURTHER INFORMATION CONTACT:

Andrew Ertman, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-9367; fax number: (703) 605-0781; e-mail address: [ertman.andrew@epa.gov](mailto:ertman.andrew@epa.gov).

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