

wastewater utilities with easy-to-use resources to assess the risk associated with climate change and to identify potential adaptation strategies. EPA proposes to establish a Climate Ready Water Utilities program that will enable water and wastewater utilities to develop and implement long-range plans that account for climate change impacts. The program recognizes that any comprehensive approach to climate change must include both adaptation and mitigation. It should also engage a broad range of water sector stakeholders. The National Drinking Water Advisory Council (NDWAC), established under the Safe Drinking Water Act, as amended (42 U.S.C. 300f *et seq.*), provides practical and independent advice, consultation and recommendations to the Agency on the activities, functions and policies related to the implementation of the Safe Drinking Water Act. On May 28, 2009, NDWAC voted on and approved the formation of the Climate Ready Water Utilities Working Group. After this working group completes its charge, it will make recommendations to the full NDWAC. The full NDWAC will, in turn, make appropriate recommendations to the EPA.

*Working Group Charge:* The charge for the Climate Ready Water Utilities Work Group (CRWUWG) is to evaluate the concept of "Climate Ready Water Utilities" and provide recommendations to the full NDWAC on the development of an effective program for drinking water and wastewater utilities, including recommendations to: (1) Define and develop a baseline understanding of how to use available information to develop climate change adaptation and mitigation strategies, including ways to integrate this information into existing complementary programs such as the Effective Utility Management and Climate Ready Estuaries Program; (2) Identify climate change-related tools, training, and products that address short-term and long-term needs of water and wastewater utility managers, decision makers, and engineers, including ways to integrate these tools and training into existing programs; and (3) Incorporate mechanisms to provide recognition or incentives that facilitate broad adoption of climate change adaptation and mitigation strategies by the water sector into existing EPA Office of Water recognition and awards programs or new recognition programs.

*Selection Criteria:* The EPA is looking to create a diverse CRWUWG. Potential CRWUWG nominations could include individuals from stakeholder organizations such as wastewater and

drinking water utilities, State and local officials, public health officials, environmental organizations, academia, and climate experts. The Agency is looking for a range of utility representation in terms of the size of the population served, geographic location, as well as investor- and publicly-owned and operated facilities. This is not an exhaustive list; it is only intended to provide a framework to consider potential nominees.

Potential nominees should possess the following qualifications: Occupy a senior position within their organization; have broad experience outside their current position; demonstrate experience dealing with public policy issues; have extensive experience with and understanding of water utilities; and be knowledgeable on climate change. CRWUWG members should: Be recognized experts in their fields; be as impartial and objective as possible; collectively represent an array of backgrounds and perspectives within the water sector and related disciplines; and be available to fully participate in the working group.

The schedule remains flexible; however, it is estimated that the first CRWUWG meeting will be convened in the fall of 2009, and subsequent meetings will be conducted over a relatively short time frame, approximately one year. Over the course of this period, CRWUWG members will be asked to attend up to five meetings, participate in conference calls and video-conferencing as necessary, participate in the discussion of key issues at all meetings, and review and finalize the products and outputs of the working group.

*Nomination of a Member:* Any interested person or organization may nominate qualified individuals for membership to the working group. All nominees should be identified by their name, occupation, position, address, and telephone number. To be considered, all nominations must include a current resume providing the nominee's background, experience and qualifications, in addition to a statement (not to exceed two (2) paragraphs) about their particular expertise and interest in potential climate change impacts on water utilities. Please note that the Agency will not formally acknowledge or respond to nominations. Additional sources may be utilized in the solicitation of nominees.

Dated: June 26, 2009.

**Cynthia C. Dougherty,**

*Director, Office of Ground Water and Drinking Water.*

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2009-0191; FRL-8422-6]

### Organic Arsenicals; Notice of Receipt of Requests to Voluntarily Cancel or to Amend to 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 pesticide organic arsenicals. The organic arsenicals include the pesticides monosodium methanearsonate (MSMA), disodium methanearsonate (DSMA), calcium acid methanearsonate (CAMA), and cacodylic acid and its sodium salt. The requests would terminate the following uses of MSMA: Residential; forestry; non-bearing fruit and nuts; citrus, bearing and non-bearing; bluegrass, fescue and ryegrass grown for seed; drainage ditch banks; railroad, pipeline, and utility rights of way; fence rows; storage yards; and similar non-crop areas. In addition, the requests terminate all uses of MSMA in Florida except for use on cotton grown in Calhoun, Columbia, Escambia, Gadsden, Hamilton, Holmes, Jackson, Jefferson, Okaloosa, Santa Rosa, Suwannee, Walton, and Washington counties. The requests would not terminate the last MSMA products registered for use in the United States. These requests for voluntary cancellation and amendment of MSMA containing products are the result of an agreement in principle signed by the EPA and the technical registrants of the organic arsenicals on January 16 and February 5, 2009. As part of the agreement, the registrants have requested voluntary cancellation of all products containing DSMA, CAMA, and cacodylic acid and its sodium salt. The requests would terminate the last DSMA, CAMA, and cacodylic acid and its sodium salt 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 August 7, 2009.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2009-0191, 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 Facility'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-2009-0191. 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 at <http://www.regulations.gov>. 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:** Tom Myers, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8589; fax number: (703) 308-8005; e-mail address: [myers.tom@epa.gov](mailto:myers.tom@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 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. Background on the Receipt of Requests to Cancel and/or Amend Registrations to Delete Uses**

This notice announces receipt by EPA of requests from registrants to cancel or amend organic arsenical product registrations. The organic arsenicals are herbicides registered for application to cotton, bearing and non-bearing fruit and nut trees, commercial turf, golf courses, athletic fields, parks and residential lawns among other sites. In letters received by the Agency, the registrants have requested EPA to cancel affected product registrations and/or to amend to terminate uses of pesticide product registrations identified in this notice in Tables 1 and 2. Specifically, the registrants have requested voluntary cancellation of all products containing DSMA, CAMA, cacodylic acid and its

sodium salt. In addition, the registrants have requested that certain uses of MSMA be terminated in accordance with the agreement in principle. The requests would terminate the following uses of MSMA: Residential; forestry; non-bearing fruit and nuts; citrus, bearing and non-bearing; bluegrass, fescue and ryegrass grown for seed; drainage ditch banks; railroad, pipeline, and utility rights of way; fence rows; storage yards; and similar non-crop areas. In addition, the requests terminate all uses of MSMA in Florida except for use on cotton grown in Calhoun, Columbia, Escambia, Gadsden, Hamilton, Holmes, Jackson, Jefferson, Okaloosa, Santa Rosa, Suwannee, Walton, and Washington counties. The requests would not terminate the last MSMA products registered for use in the United States. The requests would terminate the last DSMA, CAMA, and

cacodylic acid and its sodium salt products registered for use in the United States.

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

This notice announces receipt by the Agency of requests from registrants to cancel or amend to terminate uses of organic arsenicals product registrations. The affected products and the registrants making the requests are identified in Tables 1–3 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.

The organic arsenical registrants have requested that EPA waive the 180-day comment period. EPA will provide a 30-day comment period on the proposed requests.

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 or amending the affected registrations.

TABLE 1.—ORGANIC ARSENICAL PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration Number	Product Name	Chemical Name
239-2510	Ortho Crabgrass Killer Formula II	CAMA
239-2572	Ortho Crabgrass Killer Spray	CAMA
538-10	Scotts Summer Crabgrass Control	DSMA
538-169	Scotts Spot Grass and Weed Control	Cacodylic acid
		Cacodylic acid, sodium salt
538-178	Scotts Post Emergent Crabgrass Control	MSMA
769-635	SMCP MSMA 70W Liquid MSMA Plus Surfactant	MSMA
769-636	SMCP MSMA 70 Liquid	MSMA
769-637	SMCP MSMA 6.66	MSMA
769-664	X-CEL Veg Kil	Cacodylic acid
		Cacodylic acid, sodium salt
769-705	SMCP MSMA HC 8 Liquid High Concentrate	MSMA
769-916	Science Grass and Weed Top-Killer	Cacodylic acid
		Cacodylic acid, sodium salt
769-975	Liquid Edger Herbicide	Cacodylic acid
		Cacodylic acid, sodium salt
869-175	Green Light Liquid Edger	Cacodylic acid
		Cacodylic acid, sodium salt
869-243	Green Light MSMA Crabgrass Killer 2	MSMA
2217-229	Selective Crabgrass Killer Contains DSMA	DSMA
2217-434	Crabgrass Killer	DSMA
2217-512	Nutgrass Killer	MSMA
2217-513	Crabgrass Killer	MSMA

TABLE 1.—ORGANIC ARSENICAL PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration Number	Product Name	Chemical Name
2217-630	Gordon's Crabgrass and Nutgrass Killer	MSMA
2217-808	EH 795 Residential Herbicide	MSMA
		2,4-D dimethylamine salt
		Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmetharamine (1:1)
2217-815	EH 1335 Herbicide	Propanoic acid 2-(4-chloro-2-methylphenoxy)-, (R) compd with N-methylmetharamine (1:1)
		MSMA
		2,4-D dimethylamine salt
2217-830	EH 1378 Herbicide	Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmetharamine (1:1)
		MSMA
		2,4-D dimethylamine salt
5481-67	Alco Ho No Mo Liquid	Propanoic acid 2-(4-chloro-2-methylphenoxy)-, (R) compd with N-methylmetharamine (1:1)
		Cacodylic acid
		Cacodylic acid, sodium salt
5481-227	DSMA Liquid Plus Surfactant	DSMA
5481-228	MSMA 40 Plus Surfactant	MSMA
5481-229	MSMA 60 Plus Surfactant	MSMA
5481-230	MSMA 66 Concentrate	MSMA
5481-231	MSMA 80 Concentrate	MSMA
5887-172	Improved Crabgrass Killer	MSMA
5905-67	MSMA Arsonate Liquid	MSMA
5905 GA-82-0011	MSMA Arsonate Liquid	MSMA
7401-23	Ferti-Lome Crabgrass and Dallis Grass Killer	MSMA
7401-246	Hi-Yield Super Decimate+Surfactant	MSMA
7401-366	Ferti-Lome Improved Bermuda Grass Killer	MSMA
		Cacodylic acid, sodium salt
8660-48	Crabgrass Killer	DSMA
8660-63	Clean-Up Herbicide	Cacodylic acid
		Cacodylic acid, sodium salt
8660-120	Vertagreen Crabgrass & Weed Killer	MSM
8660-121	Greenup Nutgrass & Chickweed Killer	MSMA
9779-86	Riverside 612 Herbicide	MSMA
9779-96	Riverside 120 Herbicide	MSMA

TABLE 1.—ORGANIC ARSENICAL PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration Number	Product Name	Chemical Name
9779-128	DSMA Herbicide	DSMA
9779-155	Riverside 145 Herbicide	MSMA
9779-170	Riverside MSMA 4	MSMA
9779-174	Riverside DSMA Liquid Plus Surfactant	DSMA
9779-317	Prometryne+MSMA	MSMA
		Prometryn
10088-74	Lawn and Turf Weed Control	MSMA
19713-45	Drexel DSMA Liquid	DSMA
19713-113	Drexel DSMA 81P	DSMA
19713-117	Drexel Kack Herbicide	Cacodylic acid
		Cacodylic acid, sodium salt
19713-141	Drexel Ezy-Pickin Cotton Defoliant	Cacodylic acid
		Cacodylic acid, sodium salt
19713-153	Kack Plus MSMA Herbicide	MSMA
		Cacodylic acid
		Cacodylic acid, sodium salt
19713-162	MSMA 6 Tree Killer	MSMA
19713-276	IDA, INC. DSMA Slurry	DSMA
19713-311	Pearson's Easy-Edger and Cleaner	Cacodylic acid
		Cacodylic acid, sodium salt
19713-530	Drexel DSMA 81 Dry Powder	DSMA
19713-532	DSMA Slurry	DSMA
19713-533	Super Dal-E-Rad Calar	CAMA
19713-534	APC Holdings DSMA Liquid	DSMA
19713-535	APC Holdings DSMA Liquid 4	DSMA
28293-234	Unicorn Liquid Edger	Cacodylic acid
		Cacodylic acid, sodium salt
28293-361	Unicorn Weed Edger	Cacodylic acid
		Cacodylic acid, sodium salt
33955-510	Acme Weed Killer Nonselective Herbicide for General Weed Control	Cacodylic acid
		Cacodylic acid, sodium salt
33955-553	Acme Ready-To Use Weed & Grass Killer	Cacodylic acid
		Cacodylic acid, sodium salt
42519-4	Cacodylate 3.25	Cacodylic acid
		Cacodylic acid, sodium salt
42519-8	Sodium Cacodylate Solution	Cacodylic acid

TABLE 1.—ORGANIC ARSENICAL PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration Number	Product Name	Chemical Name
		Cacodylic acid, sodium salt
42519-10	Leaf-All	Cacodylic acid
		Cacodylic acid, sodium salt
46515-1	Liquid Fence & Grass Edger	Cacodylic acid
		Cacodylic acid, sodium salt
46515-12	Super K-Gro Ready-to-Use Crabgrass Killer	CAMA
59144-20	Liquid Edger Ready-to-Use	Cacodylic acid
		Cacodylic acid, sodium salt
61483-19	DSMA Liquid	DSMA
61483-20	Super Arsonate	MSMA
61483-25	Ansar 529 HC Herbicide	MSMA
61483-40	DSMA 4	DSMA
72155-1	Herbicide 3D RTU	MSMA
		2,4-D dimethylamine salt
		Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmetharamine (1:1)
		Propanoic acid 2-(4-chloro-2-methylphenoxy)-, (R) compd with N-methylmetharamine (1:1)
72155-3	Lawn Herbicide TN Concentrate	MSMA
		2,4-D dimethylamine salt
		Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmetharamine (1:1)
		Propanoic acid 2-(4-chloro-2-methylphenoxy)-, (R) compd with N-methylmetharamine (1:1)
72155-5	Lawn Herbicide 3D Concentrate	MSMA
		2,4-D dimethylamine salt
		Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmetharamine (1:1)]
		Propanoic acid 2-(4-chloro-2-methylphenoxy)-, (R) compd with N-methylmetharamine (1:1)
72155-6	Lawn Herbicide 3D-40 Concentrate	MSMA
		2,4-D dimethylamine salt
		Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmetharamine (1:1)]
		Propanoic acid 2-(4-chloro-2-methylphenoxy)-, (R) compd with N-methylmetharamine (1:1)

TABLE 2.—ORGANIC ARSENICAL PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR AMENDMENT

Registration Number	Product Name	Chemical name
2217-709	Quadmec Turf Herbicide	MSMA
		2,4-D dimethylamine salt
		Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmetharamine (1:1)
		Propanoic acid 2-(4-chloro-2-ethylphenoxy)-, (R) compd with N-methylmetharamine (1:1)
2217-797	EH 1143 Herbicide	MSMA
		MCPA, dimethylamine salt
		Benzoic acid, 3,6-dichloro-2-methoxy-, compd with N-methylmetharamine (1:1)
		Propanoic acid 2-(4-chloro-2-ethylphenoxy)-, (R) compd with N-methylmetharamine (1:1)
5905-66	MSMA Plus	MSMA
5905-162	Helena Brand MSMA High Concentrate	MSMA
5905-164	MSMA Plus HC	MSMA
9779-133	Riverside 912 Herbicide	MSMA
19713-40	Drexar 530	MSMA
19713-41	Drexel MSMA 6.6	MSMA
19713-42	MSMA 6 Plus	MSMA
19713-151	Drexel MSMA 8	MSMA
19713-267	IDA, Inc. MSMA 4 Plus	MSMA
19713-269	IDA, Inc. MSMA 6.6	MSMA
19713-278	IDA, Inc. MSMA 6 Plus	MSMA
19713-528	Diumate	MSMA
		Diuron
19713-529	Drexel MSMA 600 Herbicide	MSMA
19713-531	Drexel MSMA 660	MSMA
19713-550	Drexel MSMA 120	MSMA
42519-1	Target 6.6	MSMA
42519-3	Target 6 Plus	MSMA
42750-28	Weed Hoe 120	MSMA
42750-29	Weed Hoe 108	MSMA
61483-13	Daconate	MSMA
61483-14	Daconate 6	MSMA
61483-15	Bueno-6	MSMA
61483-17	Daconate Super Brand	MSMA
61483-18	Bueno	MSMA
62719-339	MSMA 6.6	MSMA

TABLE 2.—ORGANIC ARSENICAL PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR AMENDMENT—Continued

Registration Number	Product Name	Chemical name
62719-340	MSMA Plus S	MSMA
62719-343	MSMA 51%	MSMA

Table 3 of this unit includes the names and addresses of record for the registrants of the products listed in Table 1 and Table 2 of this unit.

TABLE 3.—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION AND/OR AMENDMENTS

EPA Company No.	Company Name and Address
239	The Scotts Co., d/b/a/ The Ortho Group, PO Box 190, Marysville, OH 43040
538	The Scotts Co., 14111 Scottslawn Rd, Marysville, OH 43041
769	Value Gardens Supply, LLC d/b/a/ Value Garden Supply, PO Box 585, Saint Joseph, MO 64502
869	Valent GI Corp., c/o Valent USA Corp., Agent For: Green Light Co., 1600 Riviera Ave. Suite 200, Walnut Creek, CA 94596
2217	PBI/Gordon Corp., PO Box 014090, Kansas City, MO 64101-0090
5481	Amvac Chemical Corp., d/b/a/ Amvac, 4695 Macarthur Ct., Suite 1250, Newport Beach, CA 92660-1706
5887	Value Gardens Supply, LLC d/b/a/ Value Garden Supply, PO Box 585, Saint Joseph, MO 64502]
5905	Helena Chemical Co., 7664 Moore Rd., Memphis, TN 38120
7401	Mandava Associates, LLC, Agent for: Voluntary Purchasing Groups, Inc., N. Dallas Pkwy., Suite 200, Plano, TX 75024

TABLE 3.—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION AND/OR AMENDMENTS—Continued

EPA Company No.	Company Name and Address
8660	United Industries Corp., d/b/a Sylorr Plant Corp., PO Box 142642, St. Louis, MO 63114-0642
9779	Winfield Solutions, LLC, PO Box 64589, St. Paul, MN 55164-0589
10088	Athea Laboratories Inc., PO Box 240014, Milwaukee, WI 53224
19713	Drexel Chemical Co., PO Box 13327, Memphis, TN 38113-0327
28293	Phaeton Corp., d/b/a/ Unicorn Laboratories, PO Box 290, Madison, GA 30650
33955	PBI/Gordon Corp., PO Box 014090, Kansas City, MO 64101-0090
42519	Luxemborg-Pamol, Inc., 5100 Poplar Ave. Suite 2700, Memphis, TN 38137
42750	Albaugh Inc., 1525 NE 36th Street, Ankeny, IA 50021
46515	Celex, Division of United Industries Corp., PO Box 142642, St. Louis, MO 63114-0642
59144	RegWest Company, LLC, Agent for: Gro Tec, Inc., 30856 Rocky Rd. Greely, CO 80631-9375
61483	KMG-Bernuth, Inc., 9555 W. Sam Houston Pkwy South, Suite 600, Houston, TX 77099
62719	Dow Agrosciences LLC, 9330 Zionsville Rd 308/2e, Indianapolis, IN 46268-1054

TABLE 3.—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION AND/OR AMENDMENTS—Continued

EPA Company No.	Company Name and Address
72155	Bayer Advanced, PO Box 12014, 2 TW Alexander Dr., Research Triangle Park, NC 27709

#### 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 Organic Arsenicals

Registrants who choose to withdraw a request for cancellation must submit such withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**, postmarked before August 7, 2009. 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 product(s) 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. In any order issued in response to these requests for cancellation of product registrations, EPA proposes to include the following provisions for the treatment of any existing stocks of the



products identified or referenced in Table 1 in Unit III.

In any order issued in response to these requests for amendments to terminate uses, the Agency proposes to include the following provisions for the treatment of any existing stocks of the products identified or referenced in Table 2 in Unit III.

The registrants have requested voluntary cancellation of the arsenic registrations identified in Table 1 and voluntary amendment to terminate certain uses of the arsenic registrations identified in Table 2. Pursuant to section 6(f) of FIFRA, EPA intends to grant the requests for voluntary cancellation and amendment.

As outlined in the organic arsenicals Agreement in Principle the following existing stocks dates are being proposed. EPA encourages stakeholders to submit comments on these existing stocks timeframes. Comments will be evaluated and the final existing stocks timeframes will be incorporated into the cancellation order which will be published in the **Federal Register**.

After December 31, 2009, registrants would be prohibited from selling or distributing existing stocks of products containing MSMA labeled for all uses, except cotton, sod farms, golf courses, and highway rights-of-way. Also, after December 31, 2009, registrants would be prohibited from selling or distributing existing stocks of products containing DSMA, CAMA, cacodylic acid and its sodium salt.

After June 30, 2010, persons other than registrants would be prohibited from selling or distributing existing stocks of products containing MSMA labeled for all uses, except cotton, sod farms, golf courses, and highway rights-of-way, and products containing DSMA, CAMA, and/or cacodylic acid and its sodium salt.

After December 31, 2010, use of products containing MSMA labeled for all uses, except cotton, sod farms, golf courses, and highway rights-of-way and products containing DSMA, CAMA, cacodylic acid and its sodium salt would be prohibited.

After December 31, 2012, registrants would be prohibited from selling or distributing existing stocks of products containing MSMA labeled for use on sod farms, golf courses, and highway rights-of-way.

After June 30, 2013, persons other than registrants would be prohibited from selling or distributing existing stocks of products containing MSMA labeled for use on sod farms, golf courses, and highway rights-of-way.

After December 31, 2013, use of products containing MSMA labeled for

all uses, except cotton, would be prohibited.

If the request for voluntary cancellation and use termination is granted, the Agency intends to publish the cancellation order in the **Federal Register**.

#### List of Subjects

Environmental protection, Pesticides and pests.

Dated: June 30, 2009.

**Peter Caulkins**,

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

[FR Doc. E9-16054 Filed 7-7-09; 8:45 am]

**BILLING CODE 6560-50-S**

### ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2009-0399; FRL-8423-4]

#### Pesticide Products; Registration Application for a New Use

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

**ACTION:** Notice.

**SUMMARY:** This notice announces receipt of an application to register a pesticide product that proposes a new use for its active ingredient pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

**DATES:** Comments must be received on or before August 7, 2009.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2009-0399, 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 Facility'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-2009-

0399. 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 at <http://www.regulations.gov>. 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:** Andrew Bryceland, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: