

acetochlor equivalents, in or on the following raw agricultural commodity when present therein as a result of the application of acetochlor to the growing crops in paragraph (a) of 40 CFR 180.470; peanut at 0.03 ppm. An adequate enforcement method for residues of acetochlor in crops has been approved. Acetochlor and its metabolites are hydrolyzed to either EMA or HEMA, which are determined by HPLC-OCED and expressed as acetochlor equivalents. Contact: Susan Stanton, (703) 305-5218, e-mail address: [stanton.susan@epa.gov](mailto:stanton.susan@epa.gov).be determined by measuring residues of pyrasulfotole (AE0317309) (5-hydroxy-1,3-dimethyl-1H-pyrazol-4-yl)-[2-(methylsulfonyl)-4-(trifluoromethyl)phenyl]methanone and its metabolite (5-Hydroxy-3-methyl-1H-pyrazol-4-yl)-[2-(methylsulfonyl)-4-(trifluoromethyl)phenyl] methanone, calculated as the stoichiometric equivalent of pyrasulfotole in or on cattle, goat, hog, sheep, and horse meat at 0.04 ppm; cattle, goat, hog, sheep, and horse fat at 0.04 ppm; cattle, goat, hog, sheep, and horse, meat byproducts except liver at 2 ppm and cattle, goat, hog, sheep, and horse, liver at 8 ppm. The analytical method is an LC/MS/MS method which quantifies pyrasulfotole and its metabolite (5-Hydroxy-3-methyl-1H-pyrazol-4-yl)[2-(methylsulfonyl)-4-(trifluoromethyl)phenyl]methanone with an LOQ of 0.01 mg/kg. Contact: Bethany Benbow, (703) 347-8072, e-mail address: [benbow.bethany@epa.gov](mailto:benbow.bethany@epa.gov).

7. *PP 0G7682*. (EPA-HQ-OPP-2010-0217). Valent U.S.A. Corporation, P.O. Box 8025, Walnut Creek, CA 94596 (as Agent for Sumitomo Chemical Co., Ltd), proposes to establish a time-limited tolerance in 40 CFR part 180 for residues of the insecticide clothianidin, (E)-1-(2-chloro-1,3-thiazol-5-ylmethyl)-3-methyl-2-nitroguanidine, in or on rice, grain at 0.01 ppm. Adequate enforcement methodology LC/MS/MS analysis is available to enforce the tolerance expression. Contact: Marianne Lewis, (703) 308-8043, e-mail address: [lewis.marianne@epa.gov](mailto:lewis.marianne@epa.gov).

#### Amended Tolerances

*PP 9E7675*. (EPA-HQ-OPP-2010-0063). IR-4, IR-4 Project Headquarters, Rutgers, The State University of New Jersey, 500 College Rd. East, Suite 201 W, Princeton, NJ 08450, proposes to delete the established tolerances in 40 CFR 180.593 for residues of the miticide/ovicide etoxazole, 2-(2,6-difluorophenyl)-4-[4-(1,1-dimethylethyl)-2-ethoxyphenyl]-4,5-dihydrooxazole, in or on strawberry, grape, cucumber, and vegetable, cucurbit subgroup 9A since they will be covered by the proposed new tolerances

in 2. under "New Tolerances" of this Unit. Contact: Andrew Ertman, (703) 308-9367, e-mail address: [ertman.andrew@epa.gov](mailto:ertman.andrew@epa.gov).

#### New Tolerance Exemptions

1. *PP 0E7686*. (EPA-HQ-OPP-2010-0233). Dow Agrosiences, LLC, 9330 Zionsville Rd., Indianapolis, IN 46268, proposes to establish an exemption from the requirement of a tolerance for residues of choline hydroxide (CAS No. 123-41-1) under 40 CFR 180.920 when used as a pesticide inert ingredient in pesticide formulations. A limitation for use as a neutralizing agent in herbicide-only products is proposed. Based on the proposed use, the choline cation is the species of interest for end-use products. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: Deirdre Sunderland, (703) 603-0851, e-mail address: [sunderland.deirdre@epa.gov](mailto:sunderland.deirdre@epa.gov).

2. *PP 0E7692*. (EPA-HQ-OPP-2010-0231). Rhodia, Inc. c/o SciReg, Inc., 12733 Director's Loop, Woodbridge, VA 22192, proposes to establish an exemption from the requirement of a tolerance for residues of castor oil, ethoxylated, oleate (CAS No. 220037-02-5) with a minimum number average molecular weight (in amu) of 1,200 under 40 CFR 180.960 when used as an emulsifier and surfactant pesticide inert ingredient in pesticide formulations. Rhodia is requesting that castor oil, ethoxylated, oleate, with a minimum number average molecular weight (in amu) of 1,200 be exempt from the requirement of a tolerance based upon the definition of a low-risk polymer under 40 CFR 723.250. Therefore, Rhodia believes that an analytical method to determine residues in treated crops is not relevant. Contact: Karen Samek, (703) 347-8825, e-mail address: [samek.karen@epa.gov](mailto:samek.karen@epa.gov).

3. *PP 9E7648*. (EPA-HQ-OPP-2010-0232). Exponent Inc., 1150 Connecticut Ave., NW., Suite 1100, Washington, DC 20036, on behalf of Plant Impact plc, 12 S. Preston Office Village, Cuerdan Way, Bamber Bridge, Preston, PR5 6BL, United Kingdom, proposes to establish a low risk polymer exemption from the requirement of a tolerance for residues of Castor oil, ethoxylated, dioleate (CAS No. 110531-96-9) under 40 CFR 180.960 when used as a pesticide inert ingredient with a surfactant function in pesticide formulations. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: Deirdre Sunderland,

(703) 603-0851, e-mail address: [sunderland.deirdre@epa.gov](mailto:sunderland.deirdre@epa.gov).

4. *PP 0F7695*. (EPA-HQ-OPP-2010-0261). BASF Corporation, P.O. Box 13528, Research Triangle Park, NC, 27709, proposes to establish an exemption from the requirement of a tolerance for the metabolites of ametoctradin, M650F03, (7-amino-5-ethyl[1,2,4]triazolo[1,5-a]pyrimidine-6-y-l)acetic acid, and M650F04, 7-amino-5-ethyl[1,2,4]triazolo[1,5-a]pyrimidine-6-carboxylic acid in or on all food crops. The proposed enforcement method for ametoctradin was fully validated. Ametoctradin is extracted with a mixture of methanol/water. An aliquot of the extract is centrifuged and partitioned against dichloromethane. The final determination of ametoctradin is performed by high performance liquid chromatography-mass spectrometry (HPLC-MS/MS). This method has an LOQ of 0.01 mg/kg and is suitable for enforcement purposes. Contact: Shaunta Hill, (703) 347-8961, e-mail address: [hill.shaunta@epa.gov](mailto:hill.shaunta@epa.gov).

#### List of Subjects

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

Dated: May 6, 2010.

**Lois Rossi,**

*Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 2010-11978 Filed 5-18-10; 8:45 am]

**BILLING CODE 6560-50-S**

#### ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2010-0282; FRL-8824-8]

#### Pesticides; Draft Guidance for Pesticide Registrants on False or Misleading Pesticide Product Brand Names

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

**ACTION:** Notice of availability.

**SUMMARY:** The Agency is announcing the availability of and seeking public comment on a draft Pesticide Registration Notice (PR Notice) entitled "False or Misleading Pesticide Product Brand Names." PR Notices are issued by the Office of Pesticide Programs (OPP) to inform pesticide registrants and other interested persons about important policies, procedures, and registration related decisions, and serve to provide guidance to pesticide registrants and OPP personnel. This particular draft PR

Notice provides guidance to applicants, registrants and distributors concerning pesticide product brand names that may be false or misleading, either by themselves or in association with particular company names or trademarks.

**DATES:** Comments must be received on or before June 18, 2010.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2010-0282, 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-2010-0282. 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:** Jeff Kempter, Antimicrobials Division (7510P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-5448; fax number: (703) 308-6467; e-mail address: [kempter.carlton@epa.gov](mailto:kempter.carlton@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. General Information**

###### *A. Does this Action Apply to Me*

This action is directed to the public in general although this action may be of particular interest to those persons who are required to register pesticides. 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 information in this notice, 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 Guidance Does this PR Notice Provide?**

This draft PR Notice provides guidance to applicants, registrants and distributors on pesticide product brand names that may be false or misleading, either by themselves or in association with particular company names or trademarks. The Agency previously announced the availability of this draft PR Notice for public comment (67 FR 14941; FRL-6809-9) on March 28, 2002 and received comments from 28 parties (EPA docket ID number EPA-HQ-OPP-2002-0084). The Agency has reviewed those comments, made appropriate changes to the draft PR Notice, and written responses to the comments (see the Responses to Comments document posted to the docket ID number EPA-HQ-OPP-2010-0282).

The revised draft PR Notice clarifies how statutory and regulatory provisions that prohibit pesticide labeling from being false or misleading apply to product brand names. Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) sections 12(a)(1)(E) and 2(q)(1)(A), and 40 CFR 156.10(b)(2) and

40 CFR 156.10(a)(5), products with brand names that, in a false or misleading manner, state or imply safety, efficacy or comparative claims, or are otherwise false or misleading in any particular, are considered to be misbranded and may not be sold or distributed.

The revised, draft PR Notice explains the statutory and regulatory requirements that a pesticide product brand name, either by itself or containing or located in close proximity to a company name or trademark, not be false or misleading. The draft PR Notice provides examples of potentially false or misleading product brand names. Finally, the draft PR Notice states that the Agency will be applying these regulations as interpreted in this notice when evaluating applications for new products or brand names, reviewing notifications for alternate or changed brand names, reviewing applications for registration, or conducting registration reviews. The draft PR Notice encourages applicants and registrants to review their product names in light of its guidance, and, if warranted, take corrective action within two years of the issuance of the final PR Notice. The draft PR Notice explains that after the final implementation date, EPA may consider the guidance in the final PR Notice when determining whether a product is misbranded under FIFRA.

### III. Do PR Notices Contain Binding Requirements?

The PR Notice discussed in this notice is intended to provide guidance to EPA personnel and decisionmakers and to pesticide registrants. While the requirements in the statute and Agency regulations are binding on EPA and the applicants, this PR Notice is not binding on either EPA or pesticide registrants, and EPA may depart from the guidance where circumstances warrant and without prior notice. Likewise, pesticide registrants and applicants may assert that the guidance is not appropriate categorically or not applicable to a specific pesticide or situation.

### List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: May 12, 2010.

**Steven Bradbury,**

*Acting Director, Office of Pesticide Programs.*

[FR Doc. 2010-11977 Filed 5-18-10; 8:45 am]

**BILLING CODE 6560-50-S**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2009-1005; FRL-8824-4]

### Petitions Concerning Whether Ammonia or Urea Sold or Distributed and Used for Certain Purposes Should Be Regulated as Pesticides

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

**ACTION:** Notice.

**SUMMARY:** This notice makes available for review and public comment three petitions concerning the regulatory status under the Federal Insecticide Fungicide and Rodenticide Act (FIFRA) of products containing ammonia or urea sold or distributed for use in the presence of sodium hypochlorite as a biocide or as part of a biocidal system in the production of pulp and paperboard products. The notice also makes available for review and public comment documents associated with the petitions which have also been placed in a docket created for this matter. That docket may be accessed as described in this Notice. The Agency registered as "pesticides" two products containing ammonia as the active ingredient based on applications for registration and supporting data submitted by Buckman Laboratories, Inc. (Buckman). The Agency has also registered an ammonium bromide product for a similar use in the pulp and paperboard industry. Another company, Nalco, Inc. (Nalco) is currently selling unregistered ammonia and urea products to the pulp and paperboard industry for use in a manner similar to those of the three registered products. Nalco informed EPA of its view that Buckman's ammonia products were not "pesticides" and argued therefore that EPA should not have registered them under FIFRA. Nalco petitioned the Agency to cancel Buckman's registrations for the two ammonia products. Subsequently, the Agency received two other petitions from Buckman and Ashland Hercules Water Technologies (Ashland-Hercules), which would also be affected by any Agency decision relative to the contested uses of ammonia and urea, supporting the decision to register ammonia and further requesting that the Agency find Nalco's sale and distribution of its unregistered ammonia product to be contrary to law. Ashland-Hercules also raised issues relative to the safe use and risks associated with the unregistered use of urea in chlorinated water in pulp and paper mill use scenarios and asked that the Agency find that Nalco's sale and

distribution of its urea product was unlawful.

**DATES:** Comments must be received on or before July 19, 2010.

**ADDRESSES:** Submit your comments identified by the docket identification (ID) number EPA-HQ-2009-1005, 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 the docket ID number EPA-HQ-2009-1005. 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.