

7090; e-mail:

fehrenbach.margie@epamail.epa.gov or  
murray.linda@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** The PPDC is composed of a balanced group of participants from the following sectors: federal agencies and state governments; consumer and environmental/public interest groups, including representatives from the general public; academia; the public health community; pesticide industry and user groups. The Committee was formed to foster communication and understanding among the parties represented on the Committee and with OPP. The Committee also provides advice and guidance to OPP regarding pesticide regulatory, policy, and implementation issues.

PPDC meetings are open to the public. Outside statements are welcome. Oral statements will be limited to five minutes per individual or group. Any person who wishes to file a written statement can do so before or after a Committee meeting. These statements will become part of the permanent file and will be provided to the Committee members for their information.

Materials will be available for public review at the following address: U.S. Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 305-5805.

Major topics to be discussed at the April 16-17, 1998 meeting include: registration review; update on the FQPA safety factor (10x); FQPA consumer brochure; Approach for Reassessing Tolerances for Organophosphates (ARTO); section 18 issues; and, ecological issues.

### List of Subjects

Environmental protection.

Dated: March 16, 1998.

**Marcia E. Mulkey,**

*Director, Office of Pesticide Programs.*

[FR Doc. 98-8066 Filed 3-26-98; 8:45 am]

BILLING CODE 6560-50-F

### ENVIRONMENTAL PROTECTION AGENCY

[OPP-64037; FRL 5778-4]

#### Notice of Receipt of Request to Voluntarily Cancel Rid-A-Bird Perch 1100 Solution According to Memorandum of Agreement

**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 request by the registrant, Rid-A-Bird, Inc. of Wilton, Iowa, to voluntarily cancel Rid-A-Bird Perch 1100 Solution and is publishing the Memorandum of Agreement (MOA) dated November 5, 1997, between the Agency and Registrant affecting the terms and conditions of this registration and its cancellation.

**DATES:** The effective date of this cancellation is March 1, 1999. EPA is providing a 180-day opportunity for comment on the request for voluntary cancellation of Rid-A-Bird Perch 1100 Solution. To comment, or for further information, contact: By mail: Dennis R. Deziel, Office of Pesticide Programs (7508W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location for commercial courier, delivery, telephone number and e-mail: Rm. 3W26, Crystal Station, 2900 Crystal Drive, Arlington, VA 22202, (703) 308-8173; e-mail: deziel.dennis@epamail.epa.gov.

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

Section 6(f)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, provides that a pesticide registrant may, at any time, request that any of its pesticide registrations be canceled, and pursuant to section 6(f)(1)(C), EPA must provide a 180-day opportunity for comment on a request for voluntary cancellation unless that period is waived by the registrant or EPA. In this case the Registrant has requested voluntary cancellation through the signing of a MOA dated November 5, 1997, with the Agency. This MOA modifies the terms and conditions of this registration and its cancellation.

The Act further provides that EPA must publish a notice of receipt of any such request in the **Federal Register** before acting on the request. In this case the Agency is including the text of the MOA in this Notice of Receipt.

##### II. Background

The MOA sets forth the terms between the EPA and Rid-A-Bird, Inc. "Registrant" regarding Rid-A-Bird Perch 1100 Solution or "the product," EPA Reg. No. 7579-2, a registration held by the Registrant under FIFRA containing the active ingredient fenthion, which is also known under the chemical name of *O,O*-Dimethyl *O*-(4-(methylthio)-m-tolyl) phosphorothioate.

The Rid-A-Bird Perch 1100 Solution is currently registered for control of

starlings, English sparrows, and pigeons at the following sites: (1) In and around farm buildings and feed lots; (2) building tops and structural steel; (3) inside other buildings; (4) power plants and sub-stations; (5) storage yards; (6) loading docks; and (7) bridges. EPA believes that this product may pose a significant risk to non-target species feeding on pest species killed by the Rid-A-Bird Perch 1100 Solution at these sites. This concern is supported by numerous incidents in the United States involving mortality to non-target species such as: barn swallows; crows; screech, short-eared, and great-horned owls; kestrels; sharp-shinned, Cooper's, and red-tailed hawks; the peregrine falcon; and the bald eagle.

EPA and the Registrant have entered into an agreement in an effort to make future poisoning incidents from the Registrant's perch products less likely. The MOA serves as the Registrant's request for voluntary cancellation of the Rid-A-Bird Perch 1100 Solution with an effective date of March 1, 1999. After this date, the Registrant may not distribute or sell the Rid-A-Bird Perch 1100 Solution except for the purposes of recall or disposal. Persons other than the Registrant and producers of the product may continue to distribute, sell or use the product until October 1, 1999. Any use of existing stocks must be in accordance with the previously approved labeling accompanying the products. In addition, the Registrant will complete by December 1, 1999, a recall of product held by distributors, sellers or users of the Rid-A-Bird Perch product after the expiration of the existing stocks date.

The Registrant has also agreed to seek an experimental use permit (EUP) to conduct experiments necessary to support an application for the registration of a perch product containing the new active ingredient CPT, which is also known under the chemical name of 3-chloro-4-methylbenzenamine, or 3-chloro-p-toluidine. A perch with CPT is expected to reduce secondary poisonings, because available data indicate that CPT is less toxic to most birds of prey than is fenthion. EPA has agreed to conduct an expedited review of the EUP application and any subsequent application submitted by the Registrant to support the registration of a CPT perch product.

The Agreement does not affect any other uses of products containing the active ingredient fenthion. In addition, because this is the only current fenthion bird perch product, the Agreement does not affect other registrants of products containing fenthion.

**III. Voluntary Cancellation Request**

This Notice announces receipt by the Agency of a request to cancel a pesticide

product registered under section 3 of FIFRA. This registration is listed in the following Table 1.

TABLE 1. — REGISTRATION WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Product Name	Chemical Name
7579-2	Rid-A-Bird Perch 1100 Solution	Fenthion

This cancellation is effective March 1, 1999.

The following Table 2 includes the name and address of record for the registrant of the product in Table 1.

TABLE 2. — REGISTRANT REQUESTING VOLUNTARY CANCELLATION

EPA Company No.	Company Name and Address
7579	Rid-A-Bird, Inc. P.O. Box 436 Wilton, IA 52778

**IV. Additional Information**

As a convenience to the reader, the MOA reads as follows:

*Memorandum of Agreement Between the Environmental Protection Agency and Rid-A-Bird, Inc. Regarding the Registration of the Rid-A-Bird Perch Product Containing Fenthion*

This Memorandum sets forth the terms of an Agreement "Agreement" between the United States Environmental Protection Agency (EPA) and Rid-A-Bird, Inc. "Registrant" regarding Rid-A-Bird Perch 1100 Solution or "the product," EPA Reg. No. 7579-2, a registration held by the Registrant under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) containing the active ingredient fenthion, which is also known under the chemical name of *O,O*-Dimethyl *O*-(4-(methylthio)-m-tolyl) phosphorothioate.

The Rid-A-Bird Perch 1100 Solution is currently registered for control of starlings, English sparrows, and pigeons at the following sites: (1) in and around farm buildings and feed lots; (2) building tops and structural steel; (3) inside other buildings; (4) power plants and sub-stations; (5) storage yards; (6) loading docks; and (7) bridges.

This Agreement serves as the Registrant's request for voluntary cancellation of the Rid-A-Bird Perch 1100 Solution with an effective date of March 1, 1999. After this date, the Registrant may not distribute or sell the Rid-A-Bird Perch 1100 Solution except for the purposes of recall or disposal. Persons other than the Registrant and producers of the product may continue to distribute, sell or use the product until October 1, 1999. In addition, the Registrant will complete by December 1, 1999 a recall of product held by distributors, sellers or users of the Rid-A-Bird Perch product after the expiration of the existing stocks date. The Registrant has also agreed to seek an experimental use permit (EUP) to conduct experiments necessary to support an application for the registration of a perch product containing the new active ingredient CPT, which is also known under the chemical name of 3-chloro-4-

methylbenzenamine. EPA has agreed to conduct an expedited review of the EUP application and any subsequent application submitted by the Registrant to support the registration of a CPT perch product.

The Agreement does not affect any other uses of products containing the active ingredient fenthion. In addition, because this is the only current fenthion bird perch product, the Agreement does not affect other registrants of products containing fenthion. The specific terms of this Agreement are as follows:

1. This Agreement constitutes the Registrant's request for the voluntary cancellation of the Rid-A-Bird Perch 1100 Solution pursuant to section 6(f) of FIFRA. The terms of the cancellation will be as follows:

(a) The effective date of cancellation will be March 1, 1999. The Registrant and any producer of the product may not distribute or sell the canceled product after such date except for the purposes of recall or proper disposal.

(b) Existing stocks of the canceled product in the possession of persons other than the Registrant or any producer of the product may not be distributed, sold or used after October 1, 1999 except for the purposes of recall or proper disposal.

(c) The Registrant agrees as a condition of continued registration of the product that it may not withdraw this request for voluntary cancellation.

2. The Registrant agrees as a condition of continuing registration of the Rid-A-Bird Perch 1100 Solution to submit an amendment to include on the label or in supplemental labeling the following statements on all products sold or distributed by the Registrant or any producer of the product after May 1, 1998:

(a) This product may not be used in starling roosting areas.

(b) This product may not be used on sites utilized by over 200 starlings.

(c) This product may not be used after October 1, 1999.

The Registrant agrees to submit proposed labeling to EPA to implement these changes no later than April 1, 1998.

3. EPA will, as expeditiously as possible, review the Registrant's proposed labeling submitted pursuant to paragraph 2, and will make a good faith effort to act on the proposed labeling within 10 working days of receipt.

4. The Registrant agrees to complete a recall of all canceled product at its own expense by December 1, 1999. The registrant agrees that it will contact any customer who has purchased 1 gallon or more of the product in the year preceding the expiration date of the existing stocks period under paragraph 1(b) (October 1, 1999 or a later date if the existing stocks date is extended pursuant to paragraph 7) to provide information on the return of the product. The communication must inform the customer that the existing stocks date will soon expire; that any further distribution, sale or use of the product after the expiration of the existing stocks date is unlawful; that the Registrant is recalling all unused and unopened product down to the user level; and that the Registrant will bear the cost of transportation and provide a full refund (or equivalent value) for any returned product. The Registrant agrees to maintain a log that records the name of each customer contacted and the date of the communication. The Registrant agrees that if the recall is not completed prior to the registration of a CPT perch solution product (should EPA issue a registration for such a product), completion of the recall pursuant to the terms of this agreement shall be a condition of the registration of its CPT perch solution product.

5. The Registrant Agrees to submit an application for an experimental use permit under section 5 of FIFRA and 40 CFR part 172 for a product containing the active ingredient CPT by November 15, 1997. Data requirements for the EUP application are set forth in Appendix A, "Proposed Data Requirements for Rid-A-Bird CPT Bird Control Perch for Experimental Use Permit and Registration - September 10, 1997 [interested parties can obtain a copy of

Appendix A, "proposed data requirements," by contacting Mr. Dan Peacock at (703) 305-5407]. Within two months of receipt of a complete EUP application, EPA will review all information contained in the EUP application and will provide the Registrant with lists of:

- (a) the terms and conditions EPA intends to impose upon issuance of the EUP;
- (b) revised data requirements for registration of a CPT Perch Solution product (if changed by the EUP review); and
- (c) the results of all reviews of data and rationales for extrapolating data from Starlicide to satisfy CPT requirements.

6. After receipt by the Registrant of the above EUP review, EPA agrees to meet with the Registrant and/or its representatives at least once, if requested, to discuss any issue involving the EUP and registration of CPT.

7. EPA agrees to review any complete application submitted by the Registrant for registration of a perch solution product containing the active ingredient CPT within 4 months of receipt. If EPA's total review time for complete EUP and registration applications for perch solution products containing CPT exceeds 6 months in the aggregate, the existing stocks provisions of the cancellation order as set forth in paragraph 1(b), and the date for the recall of all canceled product as set forth in paragraph 4, shall each be extended by a period equal to the additional time utilized by EPA for the review of the applications. The effective date of cancellation under paragraph 1(a) shall not be extended unless EPA determines, in its discretion, to extend the date.

8. The parties acknowledge that the labeling restrictions set forth in paragraph 2 apply only to the Rid-A-Bird Perch 1100 Solution and are not necessarily applicable to the registration of a CPT perch product by the Registrant. The acceptability of labeling and proposed uses for a CPT perch product will be evaluated on their own merits by EPA pursuant to section 3 of FIFRA.

9. The Registrant agrees that failure to comply with any of the conditions of registration set forth in this Agreement shall be grounds for cancellation of the Rid-A-Bird

Perch 1100 Solution under section 6(e) of FIFRA.

10. The Registrant agrees that it will not challenge or assist any person in challenging this Agreement in any forum.

11. This Agreement constitutes the complete agreement reached by EPA and the Registrant.

12. This Agreement shall take effect if the Registrant and EPA sign the Agreement. The effective date shall be the date that the last party signs the Agreement.

Dated this 3rd and 5th day of November, 1997.

*Steven Johnson, Acting Director, Office of Pesticide Programs, U.S. Environmental Protection Agency, /s/ 11/5/97.*

*Keith Wilson, President, Rid-A-Bird, Inc., /s/ 11/3/97.*

### List of Subjects

Environmental protection, Agricultural commodities, Pesticides and pests.

Dated: March 18, 1998

**Linda A. Travers,**

*Director, Information Resources and Services Division, Office of Pesticide Programs.*

[FR Doc. 98-8067 Filed 3-26-98; 8:45 am]

BILLING CODE 6560-50-F

## ENVIRONMENTAL PROTECTION AGENCY

[PF-799; FRL-5579-6]

### Notice of Filing of Pesticide Petitions

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the initial filing of pesticide petitions proposing the establishment of

regulations for residues of certain pesticide chemicals in or on various food commodities.

**DATES:** Comments, identified by the docket control number PF-799, must be received on or before April 27, 1998.

**ADDRESSES:** By mail submit written comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7506C), Office of Pesticides Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by following the instructions under "SUPPLEMENTARY INFORMATION." No confidential business information should be submitted through e-mail.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). CBI should not be submitted through e-mail. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** The product reviewer listed in the table below:

Product Manager	Office location/telephone number	Address
Ann Sibold .....	Rm. 212, CM #2, 703-305-6502, e-mail:sibold.ann@epamail.epa.gov.	1921 Jefferson Davis Hwy, Arlington, VA
Joseph M. Tavano .....	Rm. 214, CM #2, 703-305-6411, e-mail:tavano.joseph@epamail.epa.gov.	Do.

**SUPPLEMENTARY INFORMATION:** EPA has received pesticide petitions as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemicals in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that these petitions contain data or information regarding the elements set forth in 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 petition. Additional data may be needed before EPA rules on the petition.

The official record for this notice of filing, as well as the public version, has been established for this notice of filing under docket control number [PF-799] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30

a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located at the address in "ADDRESSES" at the beginning of this document.

Electronic comments can be sent directly to EPA at:  
opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comment and data will also be accepted on disks in