

developmental and reproductive toxicity studies with pyriithiobac sodium. When the weight of these facts is considered, an additional safety factor is not warranted for developmental effects. As stated above, aggregate exposure assessments utilized significantly less than 1% of the RfD for either the entire U.S. population or any of 22 population subgroups including infants and children. Therefore, it may be concluded that there is reasonable certainty that no harm will result to infants and children from aggregate exposure to pyriithiobac sodium residues.

#### F. International Tolerances

There are no established Codex MRLs for pyriithiobac sodium on cottonseed. An established Mexican tolerance for pyriithiobac sodium on cottonseed is identical to the United States tolerance. Compatibility is not a problem at this time.

### 3. Magna Bon Corporation

PP 8F4982

EPA has received a pesticide petition [PP 8F4982] from Magna Bon Corporation, 3213 Ocean Drive, Vero Beach, FL 32963 proposing, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR part 180 to establish an exemption from the requirement of a tolerance for copper sulfate pentahydrate on the RAC copper sulfate pentahydrate at 0.050 ppm. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; 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.

#### A. Residue Chemistry

1. *Plant metabolism.* Copper sulfate pentahydrate has been used for years as a micronutrient, added to soils for up-take into plants for sustaining vigorous growth. The metabolism is well-known in plant physiology as a vital component of plant growth. The labeled rate will not exceed any applications given during growth. The product will be applied post-harvest and no additional metabolism of harvested products is expected.

2. *Analytical method.* Standard methodology for copper sulfate is adequate.

3. *Magnitude of residues.* The cover letter (attached) notes the various clearances based on uses in plants, animals, humans and potable water.

The products will be applied according to labels approved by EPA which are at or below the levels on the current labeled rates for application to growing crops. The plants will only be exposed to washes of the product. Since the product is not systemic, the product can be washed from the surface of the plant or animal parts before being consumed.

#### B. Toxicological Profile

The toxicology of copper compounds are well-known. The toxicology file for Mega Bon Corporation registrations are incorporated by reference.

1. *Acute toxicity.* Copper and the salts are solids. Individuals use copper bracelets, and chains in contact with their skin as jewelry. There is no known skin sensitization. Please refer to 21 CFR 184.1261 when used as a human supplement.

2. *Genotoxic.* There is no known genotoxicity. All studies have been negative.

3. *Reproductive and developmental toxicity.*<sup>1</sup>

4. *Subchronic toxicity.*<sup>1</sup>

5. *Chronic toxicity.*<sup>1</sup>

6. *Animal metabolism.*<sup>1</sup>

7. *Metabolite toxicology.*<sup>1</sup>

#### C. Aggregate Exposure

1. *Dietary exposure.* Copper is used in vitamins and occurs on a very small part of the daily foods. However, the small amount that may occur on plants is washed off prior to food preparation.

Copper being used as a crop protector or as a post-harvest application may add little to the exposure given the use pattern and general application of new fungicides.

i. *Food.* The total consumption of all agricultural, fish, shell-fish, and meat treated with copper sulfate pentahydrate can be calculated as being at or below daily minimums of mineral requirements for humans. In addition, the plant and meat products are washed before cooking.

ii. *Drinking water.* A food additive tolerance of 2 ppm in potable water is established under 40 CFR 185.1200 for residues of copper from use of copper compounds.

2. *Non-dietary exposure.* The population is exposed to copper compounds on an almost daily basis. Dermal exposure is the most prevalent. There have been several impingements by the copper compounds with little to no effect.

<sup>1</sup>Although there are no guideline studies for this data requirement *per se*, there is adequate information in the extensive open literature on copper sulfate to characterize its toxicity.

#### D. Cumulative Effects

The amount of copper sulfate pentahydrate used to treat the harvested plant products, fish, shellfish, poultry, and meat would be a way of lowering bacterial, fungi and even-viral organisms from becoming a problem under most circumstances.

#### E. Safety Determination

1. *U.S. population.* Using the copper sulfate pentahydrate would reduce costs of protecting the above-mentioned products and giving adequate protection to such target post-harvested crops, fish, shellfish, poultry, and meat products without harm to humans, animals, plants, plant products, and the environment.

2. *Infants and children.* Foods are washed and processed. Copper sulfate pentahydrate is a solid, but will be washed. The foods are further processed with little or no detectable levels. The copper in the application is a vital nutrient for infants and children.

#### F. International Tolerances

The countries of the world have not restricted copper for the purposes we request.

[FR Doc. 99-17317 Filed 7-13-99; 8:45 am]

BILLING CODE 6560-50-F

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-00609; FRL-6088-6]

### Pesticides; Policy Issues Related to the Food Quality Protection Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

**SUMMARY:** To assure that EPA's policies related to implementing the Food Quality Protection Act are transparent and open to public participation, EPA is soliciting comments on a draft science policy paper entitled "The Role of Use-Related Information in Pesticide Risk Assessment and Risk Management." This notice is the tenth in a series concerning science policy documents related to the Food Quality Protection Act and developed through the Tolerance Reassessment Advisory Committee.

**DATES:** Written comments, identified by docket control number OPP-00609 should be submitted by September 13, 1999.

**ADDRESSES:** Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as

provided in Unit I.C. of the "SUPPLEMENTARY INFORMATION" section. To ensure proper receipt by EPA, your comments must identify docket control number OPP-00609 in the subject line on the first page of your response.

**FOR FURTHER INFORMATION CONTACT:** Debby Sisco, Environmental Protection Agency (7503C), 401 M St., SW., Washington, DC 20460, telephone number: (703) 308-8121; fax: (703) 305-8091; e-mail address: sisco.debby@epa.gov.

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

**A. Does This Notice Apply to Me?**

You may be potentially affected by this notice if you manufacture or formulate pesticides. Potentially affected categories and entities may include, but are not limited to:

| Categories          | NAICS | Examples of potentially affected entities        |
|---------------------|-------|--|
| Pesticide Producers | 32532 | Pesticide manufacturers<br>Pesticide formulators |

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 could also be affected. If available, the North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this notice affects certain entities. If you have any questions regarding the applicability of this announcement to you, consult the person listed in the "FOR FURTHER INFORMATION CONTACT" section.

**B. How Can I Get Additional Information or Copies of This Document or Other Documents?**

1. *Electronically.* You may obtain electronic copies of this document and the draft science policy paper from the Office of Pesticide Programs Home Page at <http://www.epa.gov/pesticides/>. On the Office of Pesticide Programs Home Page select "TRAC" and then look up the entry for this document. You can also go directly to the listings at the EPA Home Page at <http://www.epa.gov/>. On the Home Page select "Laws and Regulations" and then look up the entry

for this document under "Federal Register—Environmental Documents." You can go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

2. *Fax on demand.* You may request a faxed copy of this document, as well as supporting information, by using a faxphone to call (202) 401-0527 and selecting item 6039. You may also follow the automated menu.

3. *In person or by phone.* If you have any questions or need additional information about this action, you may contact the technical person identified in the "FOR FURTHER INFORMATION CONTACT" section. In addition, the official record for the draft science policy paper listed in the "SUMMARY" section, including the public version, has been established under docket control number OPP-00609 (including comments and data submitted electronically as described below). This record not only includes the documents that are physically located in the docket, but also includes all the documents that are referenced in those documents. A public version of each record, including printed, paper versions of any electronic comments, which does not include any information claimed as Confidential Business Information (CBI), is available for inspection in Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Public Information and Records Integrity Branch the telephone number is (703) 305-5805.

**C. How and to Whom Do I Submit Comments?**

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, you must identify docket control number OPP-00609 in the subject line on the first page of your response.

1. *By mail.* Submit written comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

2. *In person or by courier.* Deliver written comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

3. *Electronically.* Submit your comments and/or data electronically by e-mail to: [opp-docket@epa.gov](mailto:opp-docket@epa.gov). Do not submit any information electronically

that you consider to be CBI. Submit electronic comments as an ASCII file, avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard computer disks in WordPerfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number. Electronic comments on this notice may also be filed online at many Federal Depository Libraries.

**D. How Should I Handle CBI Information That I Want to Submit to the Agency?**

You may claim information that you submit in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please call the Public Information and Records Integrity Branch. The PIRIB telephone number is (703) 305-5805.

**E. What Should I Consider As I Prepare My Comments for EPA?**

EPA invites you to provide your views on the various draft science policy papers, new approaches we have not considered, the potential impacts of the various options (including possible unintended consequences), and any data or information that you would like the Agency to consider. You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide solid technical information and/or data to support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate.
5. Indicate what you support, as well as what you disagree with.
6. Provide specific examples to illustrate your concerns.
7. Make sure to submit your comments by the deadline in this notice.
8. At the beginning of your comments (e.g., as part of the "Subject" heading), be sure to properly identify the document you are commenting on. You

can do this by providing docket control number OPP-00609, along with the name, date, and **Federal Register** citation.

## II. Background

On August 3, 1996, the Food Quality Protection Act of 1996 (FQPA) was signed into law. Effective upon signature, the FQPA significantly amended the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA). Among other changes, FQPA established a stringent health-based standard ("a reasonable certainty of no harm") for pesticide residues in foods to assure protection from unacceptable pesticide exposure; provided heightened health protections for infants and children from pesticide risks; required expedited review of new, safer pesticides; created incentives for the development and maintenance of effective crop protection tools for farmers; required reassessment of existing tolerances over a 10-year period; and required periodic re-evaluation of pesticide registrations and tolerances to ensure that scientific data supporting pesticide registrations will remain up-to-date in the future.

Subsequently, the Agency established the Food Safety Advisory Committee (FSAC) as a subcommittee of the National Advisory Council for Environmental Policy and Technology (NACEPT) to assist in soliciting input from stakeholders and to provide input to EPA on some of the broad policy choices facing the Agency and on strategic direction for the Office of Pesticide Programs. The Agency has used the interim approaches developed through discussions with FSAC to make regulatory decisions that met FQPA's standard, but that could be revisited if additional information became available or as the science evolved. As EPA's approach to implementing the scientific provisions of FQPA has evolved, the Agency has sought independent review and public participation, often through presentation of many of the science policy issues to the FIFRA Scientific Advisory Panel (SAP), a group of independent, outside experts who provide peer review and scientific advice to OPP.

In addition, as directed by Vice President Albert Gore, EPA has been working with the U.S. Department of Agriculture (USDA) and another subcommittee of NACEPT, the Tolerance Reassessment Advisory Committee (TRAC), chaired by the EPA Deputy Administrator and the USDA Deputy Secretary, to address FQPA issues and implementation. TRAC

comprises more than 50 representatives of affected user, producer, consumer, public health, environmental, states and other interested groups. The TRAC has met six times as a full committee from May 27 through April 29, 1999.

The Agency has been working with the TRAC to ensure that its science policies, risk assessments of individual pesticides, and process for decision making are transparent and open to public participation. An important product of these consultations with TRAC is the development of a framework for addressing key science policy issues. The Agency decided that the FQPA implementation process and related policies would benefit from initiating notice and comment on the major science policy issues.

The TRAC identified nine science policy issue areas they believed were key to implementation of FQPA and tolerance reassessment. The framework calls for EPA to provide one or more documents for comment on each of the nine issues by announcing their availability in the **Federal Register**. In accordance with the framework described in a separate notice published in the **Federal Register** of October 29, 1998 (63 FR 58038) (FRL-6041-5), EPA has been issuing a series of draft documents concerning nine science policy issues identified by the TRAC related to the implementation of FQPA.

In addition to the nine science policy issues, the Agency has decided to make available several more draft policy documents which are related to the implementation of FQPA, but which are not purely science policy issues. This notice announces the availability of a draft document as identified in the "SUMMARY" section.

## III. Summary of "The Role of Use-Related Information in Pesticide Risk Assessment and Risk Management"

In assessing the risks of pesticides and in making risk management (regulatory) decisions, EPA uses a wide range of data and information, such as how each pesticide is applied, where it is used, and how much is actually used. This paper summarizes the types of use-related information used by EPA in risk assessment and risk management, where the data come from, and how the Agency employs these data.

EPA pesticide use data come from a variety of sources for both agricultural and non-agricultural pesticides use sites. There are three general categories of methods for obtaining use data: Agreements with other regulatory entities that produce pesticide-use data; purchases from vendors whose business is to obtain pesticide-use data; and

voluntary submissions of data from interested parties who have developed such data.

EPA also obtains use information from a variety of interested parties. For example, registrants who are going through the special review and/or reregistration process may have submitted data in support of a new use, risk mitigation, or in support of a registrant sponsored risk study. Individual states submit data in support of emergency exemption (FIFRA section 18) requests. Growers and food processors have also submitted use data. Additionally, state departments of agriculture, as part of their extension program efforts, provide use data or pesticide use recommendations for crops grown under their jurisdictions.

The kinds of pesticide use information which risk assessors use in developing human dietary risk assessments are equally important to those who develop drinking water and ecological risk assessments. This use-related information is used to assess human exposure to pesticides in drinking water; to assess fish and wildlife exposure to pesticides; and to interpret monitoring results and develop models that can be used to accurately estimate pesticide concentrations in drinking water and surface and ground water.

Use-related information plays a vital, even critical role in EPA's formulation of risk management decisions for pesticides in registration, reregistration, tolerance reassessment, and special review. The availability or lack of use-related information can significantly influence the outcome of EPA's regulatory decisions about pesticides under review, especially if they pose significant risks.

The way in which use information has been incorporated into risk assessments has changed since the passage of the Food Quality Protection Act in 1996. EPA has been working to enhance its pesticide use data base by working more closely with the U.S. Department of Agriculture, California EPA, registrants, and grower groups as well as other stakeholders. The draft science policy paper lists projects EPA is currently working on for this purpose.

## IV. Questions/Issues for Comment

While comments are invited on any aspect of the draft science policy paper, EPA is particularly interested in comments on the following questions and issues.

1. Is the EPA's description of the kinds of use and usage data obtained and evaluated by EPA complete? Are

there other data or sources which the Agency should consider?

2. Are the ways in which usage data are employed in risk assessment and risk management of pesticides clear?

#### V. Policies Not Rules

Each draft policy document discussed in this notice is intended to provide guidance to EPA personnel and decision-makers, and to the public. As a guidance document and not a rule, the policy in this guidance is not binding on either EPA or any outside parties. Although this guidance provides a starting point for EPA risk assessments, EPA will depart from its policy where the facts or circumstances warrant. In such cases, EPA will explain why a different course was taken. Similarly, outside parties remain free to assert that a policy is not appropriate for a specific pesticide or that the circumstances surrounding a specific risk assessment demonstrate that a policy should be abandoned.

EPA has stated in this notice that it will make available revised guidance after consideration of public comment. Public comment is not being solicited for the purpose of converting any policy document into a binding rule. EPA will not be codifying this policy in the Code of Federal Regulations. EPA is soliciting public comment so that it can make fully informed decisions regarding the content of each guidance document.

The "revised" guidance will not be unalterable. Once a "revised" guidance document is issued, EPA will continue to treat it as guidance, not a rule. Accordingly, on a case-by-case basis EPA will decide whether it is appropriate to depart from the guidance or to modify the overall approach in the guidance. In the course of inviting comment on each guidance document, EPA would welcome comments that specifically address how a guidance document can be structured so that it provides meaningful guidance without imposing binding requirements.

#### VI. Contents of Docket

Documents that are referenced in this notice will be inserted in the docket under docket control number OPP-00609. In addition, the documents referenced in the framework notice, which published in the **Federal Register** on October 29, 1998 (63 FR 58038) have also been inserted in the docket under docket control number OPP-00557.

#### List of Subjects

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

Dated: June 29, 1999.

**Susan H. Wayland,**

*Acting Assistant Administrator for  
Prevention, Pesticides and Toxic Substances.*

[FR Doc. 99-17318 Filed 7-13-99; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-6377-8]

#### Notice of Proposed Administrative Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

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

**ACTION:** Notice; request for public  
comment.

**SUMMARY:** In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement concerning the Voda Petroleum Inc., Site, Clarksville City, Texas with the parties referenced in the Supplementary Information portion of this document.

The settlement requires the settling parties to pay a total of \$62,203.28 as payment of past response costs to the Hazardous Substances Superfund. The settlement includes a covenant not to sue pursuant to section 107 of CERCLA, 42 U.S.C. 9607.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at 1445 Ross Avenue, Dallas, Texas, 75202-2733.

**DATES:** Comments must be submitted on or before August 13, 1999.

**ADDRESSES:** The proposed settlement and additional background information relating to the settlement are available for public inspection at 1445 Ross Avenue, Dallas, Texas, 75202-2733. A copy of the proposed settlement may be obtained from Carl Bolden, 1445 Ross Avenue, Dallas, Texas, 75202-2733 at (214) 665-6713. Comments should reference the Voda Petroleum Superfund Site, Clarksville City, Texas

and EPA Docket Number 6-10-98, and should be addressed to Carl Bolden at the address listed above.

#### FOR FURTHER INFORMATION CONTACT:

Michael Boydston, 1445 Ross Avenue, Dallas, Texas, 75202-2733 at (214) 665-7376.

#### SUPPLEMENTARY INFORMATION:

American Norit Company, Inc.  
Andrews Transmission  
ATP Results Inc.  
Ben E. Keith  
Billy Cox Trucking  
Bright Truck Leasing Corp.  
Brown & Root  
Burland Enterprises  
Carrier Air Conditioning  
Central Power and Light  
Channel Shipyard  
Chaparral Steel  
City Motor Supply, Inc.  
City of Dallas, TX  
City of Jefferson, TX  
City of Plano, TX  
Clarke Checks  
Continental Can Co./Crown Beverage  
Coors Dist.  
CPL Industries  
D & D Radiator and Muffler  
Dallas Power and Light  
Daniel Oil  
Dart  
Denfense Reutilization & Marketing (Fort Polk)  
Denfense Reutilization & Marketing (Kelly AFB)  
Denfense Reutilization & Marketing (Richards Gebaur AFB)  
Delta Chemical/Delta Solvents/Delta Distributors  
Dowell/Schlumberger  
Dunlap Swain  
Eaton Corp.  
Exxon, USA  
Firestone  
General Electric Co.  
General Telephone Co.  
Gentry Trucking  
Georgia Pacific  
Gifford Hill Cement  
Gifford Hill Readymix  
Greyhound Lines, Inc  
GTE  
Harris Brothers Co.  
Hertz—Penske Leasing  
Highland Pump Co.  
Industrial Lubricants  
Industrial Solvents  
Ingersoll—Rand Company  
Inland Container Corporation  
J & E Die Casting  
Kelly Truck Terminal, Inc.  
Kmart  
Lance, Inc.  
Lockheed missiles & Space Co., Inc.  
Lone Star Logistics  
Lube-O-Seal  
Lubrizol  
M Lipsitz & Company, Inc.  
MacMilan Bloedel Containers  
Marathon Battery Co.  
Mathews  
Metro Aviation  
Metro-Ford Truck