



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON, D.C. 20460

OFFICE OF  
CHEMICAL SAFETY  
AND POLLUTION PREVENTION

September 17, 2012

MEMORANDUM

**SUBJECT:** Effects Determination for Disulfoton (PC Code 032501) Relative to the Bay Checkerspot Butterfly (BCB), Valley Elderberry Longhorn Beetle (VELB), California Tiger Salamander [Central California, Santa Barbara County, and Sonoma County Distinct Population Segments (CTS-CC, CTS-SB, CTS-SC)], California Clapper Rail, (CCR), California Freshwater Shrimp (CFWS), San Francisco Garter Snake (SFGS), Delta Smelt (DS), and Tidewater Goby (TG), and their Designated Critical Habitats.

**FROM:** Rosanna Louie-Juzwiak, Risk Assessment Process Leader  
Environmental Risk Branch 3  
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**THROUGH:** Dana S. Spatz, Chief  
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Environmental Risk Branch 3  
Environmental Fate and Effects Division

**TO:** Anita Pease, Associate Director  
Environmental Fate and Effects Division

Attached is the Disulfoton Product Cancellation Order from 74 FR 48551-48554, effective as of September 23, 2009, which cancelled the last disulfoton products registered for use in the United States. Sale and distribution of existing stocks by registrants remaining at the cancellation date were prohibited after December 31, 2010 for all disulfoton products, with the exception of the registrant for EPA Reg. No. 264-723, whose sale and distribution of existing stocks were prohibited after June 30, 2011.

As such, a No Effect (NE) determination has been made with respect to the potential direct and indirect effects to the federally threatened Bay Checkerspot butterfly (*Euphydryas editha bayensis*) (BCB), Valley Elderberry Longhorn beetle (*Desmocerus californicus dimorphus*) (VELB), California Tiger salamander Central California Distinct Population Segment (*Ambystoma californiense*) (CTS-CC; federally endangered in Sonoma and Santa Barbara counties), and Delta smelt (*Hypomesus transpacificus*) (DS), and the federally endangered California Tiger salamander, the Sonoma County Distinct Population Segment (CTS-SC) and Santa Barbara County Distinct Population Segment (CTS-SB), California clapper rail (*Rallus longirostris obsoletus*) (CCR), California freshwater shrimp (*Syncaris pacifica*) (CFWS), San

Francisco garter snake (*Thamnophis sirtalis tetrataenia*) (SFGS), and Tidewater goby (*Eucyclogobius newberryi*) (TG). Similarly, a NE determination has been made for the designated critical habitats for these species. These effects determinations address potential risk to the San Francisco Bay species for which disulfoton was alleged to be of concern in a complaint made by the Center for Biological Diversity against the United States Environmental Protection Agency (EPA) on May 30, 2007 (Case No: 07-2794-JCS).

The Endangered Species Act requires that EPA assess uses of currently registered pesticides relative to any potentially affected listed species. Because disulfoton has been cancelled throughout the United States and is no longer registered, the determination of NE also applies to all listed species and to designated critical habitat of all listed species.

As required by the Alternative Consultation Agreement EPA entered into with the U.S. Fish and Wildlife Service and National Marine Fisheries Service (Services), this document was developed in conjunction with staff that have been trained by the Services to make such determinations. Additionally, this memo was subjected to internal EPA peer review.

Please let me know if you have any questions regarding this assessment and effects determination for disulfoton relative to the BCB, VELB, CTS-CC, DS, CTS-SC, CTS-SB, CCR, CFWS, SFGS, and TG and potential modification to designated critical habitat(s) or as it relates to all other federally listed threatened or endangered species and designated critical habitat.

Attachment

Butoxide, Resmethrin, 2,4-DB, and 2,4-DP.

#### IV. Cancellation Order

Pursuant to FIFRA section 6(f), EPA hereby approves the requested cancellations of Aldicarb, Aliphatic Solvents, Carbaryl, Copper Salts, Copper Sulfate, Cypermethrin, Naphthalene Acetic Acid, Piperonyl Butoxide, Resmethrin, 2,4-DB, and 2,4-DP registrations identified in Table 1. Accordingly, the Agency orders that the product registrations identified in Table 1 are hereby canceled. Any distribution, sale, or use of existing stocks of the products identified in Table 1 in a manner inconsistent with any of the Provisions for Disposition of Existing Stocks set forth in Unit VI. will be considered a violation of FIFRA.

#### V. 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.

#### 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. The cancellation order issued in this notice includes the following existing stocks provisions.

The effective date of cancellation will be the date of the cancellation order.

The orders effecting these requested cancellations will generally permit a registrant to sell or distribute existing stocks until all stocks are exhausted, unless other factors (such as hazard) necessitate modified terms. Exceptions to this general rule will be made if a product poses a risk concern, or is in noncompliance with reregistration requirements, or is subject to a data call-in.

Unless the provisions of an earlier order apply, existing stocks already in the hands of dealers or users can be distributed, sold, or used legally until they are exhausted, provided that such further sale and use comply with the EPA-approved label and labeling of the affected product. Exception to these general rules will be made in specific cases when more stringent restrictions on sale, distribution, or use of the products or their ingredients have already been imposed, as in a special review action, or where the Agency has identified significant potential risk concerns associated with a particular chemical.

#### List of Subjects

Environmental protection, pesticides, and pests.

Dated: September 14, 2009.

**Richards P. Keigwin, Jr**

*Director, Pesticide Re-evaluation Division,  
Office of Pesticide Programs.*

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#### ENVIRONMENTAL PROTECTION AGENCY

**[EPA-HQ-OPP-2009-0503; FRL-8437-1]**

#### Disulfoton and Methamidophos; Product Cancellation Order

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

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's order for the cancellations, voluntarily requested by the registrants and accepted by the Agency, of pesticide products containing disulfoton or methamidophos, pursuant to section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This cancellation order follows a July 22, 2009 Federal Register Notice of Receipt Requests (FRL-8427-2) from the disulfoton and methamidophos registrants to voluntarily cancel their product registrations. These are the last disulfoton and methamidophos products registered for use in the United States. In the July 22, 2009 Notice, EPA indicated that it would issue an order implementing the cancellations, unless the Agency received substantive comments within the 30 day comment period that would merit its further review of these requests, or unless the registrants withdrew their requests within this period. The Agency did not receive any comments on the notice. Further, the registrants did not withdraw their requests. Accordingly, EPA hereby issues in this Notice a cancellation order granting the requested cancellations. Any distribution, sale or use of disulfoton and methamidophos products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stock provisions.

**DATES:** This order is effective on September 23, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Chemical Review Manager	Pesticide	Office location for Mail and Special Courier	Telephone Number	e-mail address
Joy Schnackenberg	Methamidophos	Pesticide Re-evaluation Division, (7508P) Environmental Protection Agency 1200 Pennsylvania Ave., NW. Washington, DC 20460-0001	(703) 308-8072	schnackenberg.joy@epa.gov

Chemical Review Manager	Pesticide	Office location for Mail and Special Courier	Telephone Number	e-mail address
Eric Miederhoff	Disulfoton	Pesticide Re-evaluation Division Office of Pesticide Programs Environmental Protection Agency 1200 Pennsylvania Ave., NW. Washington, DC 20460–0001	(703) 347–8028	<a href="mailto:miederhoff.eric@epa.gov">miederhoff.eric@epa.gov</a>

## 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. How Can I Get Copies of this Document and Other Related Information?

1. *Docket*. EPA has established a docket for these actions under docket identification (ID) number EPA–HQ–OPP–2009–0503. Additional information regarding these pesticide active ingredients is available in: Docket ID number EPA–HQ–OPP–2009–0054 for disulfoton and docket ID number EPA–HQ–OPP–2009–0842 for methamidophos. 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 Office of Pesticide Programs (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.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the “**Federal Register**” listings at <http://www.epa.gov/fedrgstr>.

## II. What Action is the Agency Taking?

This notice announces the cancellations, as requested by registrants, of all disulfoton and methamidophos products registered under sections 3 and 24(c) of FIFRA. These registrations are listed in sequence by registration number in Table 1 of this Unit.

TABLE 1.—DISULFOTON AND METHAMIDOPHOS PRODUCTS SUBJECT TO THIS CANCELLATION ORDER

Registration Number	Product Name	Active Ingredient
264–723	Di-Syston 15% Granular	Disulfoton
264–725	Disulfoton Technical	Disulfoton
264–729	Monitor 4	Methamidophos
264–734	Disulfoton 8 Emulsifiable Systemic Insecticide	Disulfoton
264–741	Monitor Technical	Methamidophos
264–744	Monitor 60% Concentrate	Methamidophos
264–1020	Monitor 4 Spray	Methamidophos
264–1021	Valent Monitor Technical	Methamidophos
432–1286	Systemic 2 in 1 Rose Care 10–10–10 Rose Food with Insecticide	Disulfoton
5481–8989	Terraclor Super-X Soil Fungicide With Di-Syston	Disulfoton
72155–49	Flower Rose and Shrub Care	Disulfoton
AR970004	Monitor 4	Methamidophos
CA050010	Di- Syston 8 Emulsifiable Systemic Insecticide	Disulfoton
CA780163	Monitor 4	Methamidophos
CA810044	Di- Syston 8 Emulsifiable Systemic Insecticide	Disulfoton

TABLE 1.—DISULFOTON AND METHAMIDOPHOS PRODUCTS SUBJECT TO THIS CANCELLATION ORDER—Continued

Registration Number	Product Name	Active Ingredient
CA840192	Di- Syston 8 Emulsifiable Systemic Insecticide	Disulfoton
CA980013	Monitor 4	Methamidophos
DE910002	Monitor 4	Methamidophos
FL800046	Monitor 4	Methamidophos
FL900003	Monitor 4	Methamidophos
GA900001	Monitor 4	Methamidophos
IN790001	Monitor 4	Methamidophos
LA040011	Monitor 4 Liquid Insecticide	Methamidophos
MD910009	Monitor 4	Methamidophos
MI060002	Di- Syston 8 Emulsifiable Systemic Insecticide	Disulfoton
NC860005	Di- Syston 8 Emulsifiable Systemic Insecticide	Disulfoton
NC880001	Di- Syston 15% Granular	Disulfoton
NC890007	Monitor 4	Methamidophos
NC920011	Di- Syston 15% Granular	Disulfoton
NJ960010	Monitor 4	Methamidophos
OH790008	Monitor 4	Methamidophos
OR040030	Di- Syston 8 Emulsifiable Systemic Disulfoton Insecticide	Disulfoton
OR050024	Di- Syston Disulfoton 8 Emulsifiable Systemic Insecticide	Disulfoton
SC780007	Monitor 4 Liquid Insecticide	Methamidophos
TN060002	Monitor 4 Liquid Insecticide	Methamidophos
TX860007	Di- Syston 8 Emulsifiable Systemic Insecticide	Disulfoton
TX910016	Monitor 4	Methamidophos
VA910005	Monitor 4	Methamidophos
WA040015	Di- Syston 8 Emulsifiable Systemic Insecticide	Disulfoton
WA040028	Di-Syston 15% Granular	Disulfoton
WA920026	Di- Syston 8 Emulsifiable Systemic Insecticide	Disulfoton



Table 2 of this unit includes the names and addresses of record, in sequence by EPA company number, for all registrants of the products in Table 1.

TABLE 2.—REGISTRANTS OF CANCELLED PRODUCTS

EPA Company Number	Company Name and Address
264	Bayer CropScience 2 T.W. Alexander Drive Research Triangle Park, North Carolina 27709
432	Bayer Environmental Science 2 T.W. Alexander Drive PO Box 12014 Research Triangle Park, North Carolina 27709
5481	Amvac Corporation 4695 Macarthur Court, Suite 1250 Newport Beach, California 92660-1706
72155	Bayer Advanced 2 T.W. Alexander Drive PO Box 12014 Research Triangle Park, North Carolina 27709

### III. Summary of Public Comments Received and Agency Response to Comments

The Agency did not receive any comments on the Notice, published on July 22, 2009, that announced receipt of the requests for voluntary cancellation and opened a 30-day public comment period that ended on August 21, 2009.

### IV. Cancellation Order

Pursuant to FIFRA section 6(f), EPA hereby approves the requested cancellations of registrations identified in Table 1 of Unit II. Accordingly, the Agency orders that the disulfoton and methamidophos product registrations identified in Table 1 of Unit II are to be canceled on their designated effective dates. For disulfoton FIFRA Section 3 products, the cancellations for EPA Reg. Nos. 264-723, 264-734, 5481-8989, and 432-1286 are effective December 31, 2009. Cancellations for EPA Reg. Nos. 264-725 and 72155-49 are effective December 31, 2010. For all methamidophos products, cancellations are effective December 31, 2009. For both disulfoton and methamidophos, the effective cancellation dates for all FIFRA 24(c) Special Local Need registrations is December 31, 2009.

Any distribution, sale or use of existing stock of the products identified in Table I of Unit II in a manner

inconsistent with any of the Provisions for Disposition of Existing Stocks set forth in Unit VI will be considered a violation of FIFRA.

### V. 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.

### 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. The cancellation order issued in this notice includes the following existing stock provisions. Bayer (Bayer CropScience, Bayer Environmental Science, and Bayer Advanced) may sell and distribute existing stocks of EPA Reg. Nos. 264-725, 264-729, 264-734, 264-741, 264-744, 264-1020, 264-1021, and 432-1286 until December 31, 2010. Bayer may sell and distribute existing stocks of EPA Reg. Nos. 264-723 and 72155-49 until June 30, 2011. Amvac Chemical Corp. may sell and distribute existing stocks of EPA Reg. No. 5481-8989 until December 31, 2010. For both methamidophos and disulfoton, Bayer and Amvac may sell and distribute existing stocks of State-registered products until December 31, 2010. For all affected methamidophos and disulfoton products, persons other than Bayer and AMVAC may sell and distribute existing stocks until exhausted. Use of the products canceled by this Notice may continue until existing stocks are exhausted, provided that such use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products. The foregoing applies to all products in Table 1, both State-registered and federally-registered products.

### List of Subject

Environmental protection, Pesticides and pests.

Dated: September 16, 2009.

**Richard P. Keigwin, Jr.,**

*Director, Pesticide Re-evaluation Division,  
Office of Pesticide Programs.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8960-7]

### Proposed Administrative Agreement and Order on Consent Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act for Certain Remedial Activities at the South Minneapolis Residential Soil Contamination Site

**AGENCY:** U.S. Environmental Protection Agency ("EPA").

**ACTION:** Notice; Request for public comment on proposed CERCLA administrative agreement and order on consent with Open Arms of Minnesota for the South Minneapolis Residential Soil Contamination Superfund Site.

**SUMMARY:** Notification is hereby given of a proposed administrative agreement concerning certain remedial activities at the South Minneapolis Residential Soil Contamination hazardous waste site in Minneapolis, Minnesota (the "Site"). EPA proposes to enter into this agreement under the authority of sections 122, 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1984, as amended ("CERCLA"), with the approval and participation of the U.S. Department of Justice. The proposed agreement has been executed by Open Arms of Minnesota (the "Settling Party").

Under the proposed agreement, the Settling Party, which represents that it is a Bona Fide Prospective Purchaser under CERCLA, would perform the remedial actions required under EPA's September 5, 2008 Record of Decision for the Settling Party's properties at 2514 and 2518 Bloomington Avenue South, Minneapolis, Minnesota. The Settling Party would also pay EPA's costs of overseeing these actions.

For thirty days following the date of publication of this notice, EPA will receive written comments relating to this proposed agreement. EPA will consider all comments received and may decide not to enter this proposed agreement if comments disclose facts or considerations which indicate that the proposed agreement is inappropriate, improper or inadequate.