



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

OFFICE OF
CHEMICAL SAFETY
AND POLLUTION PREVENTION

June 28, 2013

MEMORANDUM

SUBJECT: Effects Determination for Methidathion (PC Code 100301) 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
Environmental Fate and Effects Division

THROUGH: Dana S. Spatz, Chief
Melissa Panger, Ph.D., Senior Scientist
Environmental Risk Branch 3
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TO: Donald Brady, Ph.D., Director
Environmental Fate and Effects Division

This memorandum summarizes the most recent regulatory actions concerning methidathion (PC 100301) as a pesticide active ingredient, and the resulting effects determination relative to the Bay Checkerspot Butterfly (*Euphydryas editha bayensis*) (BCB), Valley Elderberry Longhorn Beetle (*Desmocerus californicus dimorphus*) (VELB), California Tiger Salamander (*Ambystoma californiense*) [Central California, Santa Barbara County, and Sonoma County Distinct Population Segments (CTS-CC, CTS-SB, CTS-SC)], California Clapper Rail (*Rallus longirostris obsoletus*) (CCR), California Freshwater Shrimp (*Syncaris pacificus*) (CFWS), San Francisco Garter Snake (*Thamnophis sirtalis tetrataenia*) (SFGS), Delta Smelt (*Hypomesus transpacificus*) (DS), and Tidewater Goby (*Eucyclogobius newberryi*) (TG), and their Designated Critical Habitats. Attached is the Methidathion Product Cancellation Order from 75 FR 30824 (FRL-8828-4), effective as of December 30, 2012, which cancelled the last methidathion products registered for use in the United States.

Pursuant to 40 CFR §155.50, the U.S. Environmental Protection Agency (EPA) formally initiated registration review for methidathion. The docket (EPA-HQ-OPP-2008-0723) opened on March 18, 2009, which described the EPA's preliminary work plan for reviewing methidathion

to determine whether it continues to meet the FIFRA standard for registration. On April 7, 2010, a Notice of Receipt of requests to voluntarily cancel all pesticide registrations containing methidathion was published in the *Federal Register* (75 FR 17735) (FRL-8819-1). No comments were received during the 30-day comment period. On June 2, 2010, EPA published the Product Cancellation Order for all pesticide registrations containing methidathion in the *Federal Register* (75 FR 30824) (FRL-8828-4). The provisions for disposition of existing stocks, subject to the Product Cancellation order, are as follows:

- After December 31, 2012, registrants are prohibited from selling or distributing existing stocks of products containing methidathion labeled for all uses.
- After December 31, 2014, persons other than registrants are prohibited from selling or distributing existing stocks of products containing methidathion labeled for all uses. Existing stocks of products containing methidathion labeled for all uses, already in the hands of users, can be used legally until they are exhausted, provided that the use complies with the EPA-approved label and labeling of the affected product.

EPA published the methidathion Registration Review Proposed Final Decision Notice of Availability in the *Federal Register* (75 FR 44253) on July 28, 2010, for a 60-day public comment period. The public comment period closed on September 27, 2010; one comment was received, but did not change the proposed registration review final decision for methidathion. The final registration review decision for methidathion was completed on September 29, 2010, on the basis that the June 2, 2010 Product Cancellation order cancelled the last remaining products, and concluded the registration review for methidathion.

The Endangered Species Act requires that EPA assess uses of currently registered pesticides relative to any potentially affected listed species. EPA concludes No Effect (NE) for all of the listed species (and no modification to their designated critical habitat) because the June 2, 2010 Product Cancellation Order for all pesticide registrations containing methidathion and the deadlines for the provisions for disposition of the existing stocks, sales and distribution included in the cancellation order ensure that methidathion sale, distribution of existing stocks by registrants would cease by December 31, 2012. Furthermore, the prohibition of the continued distribution or selling of products containing methidathion after December 31, 2014, would ensure that its use will continue to decline, as stocks are exhausted, and will entirely cease in the United States once the stocks are exhausted.

This NE determination has been made with respect to the potential direct and indirect effects to the federally threatened BCB, VELB, CTS-CC, and DS, and the federally endangered CTS-SC, CTS-SB, CCR, CFWS, SFGS, and TG. Similarly, a NE determination has been made for the designated critical habitats for these species (*i.e.*, BCB, VELB, CTS-CC, CTS-SB, DS, and TG). These effects determinations address potential risk to the San Francisco Bay species for which methidathion 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).

Please let me know if you have any questions regarding this assessment and effects determination for methidathion 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:

- June 2, 2010, Methidathion; Cancellation Order for Pesticide Registrations. *Federal Register* (75 FR 30824) (FRL-8828-4)

References:

- USEPA (2009). Methidathion Summary Document Registration Review: Initial Docket March 2009. Office of Pesticide Programs, United States Environmental Protection Agency. Washington, D.C. March 17, 2009.
- USEPA (2010). Methidathion Registration Review Final Decision September 2010. Office of Pesticide Programs, United States Environmental Protection Agency. Washington, D.C. September 29, 2010.

Estimated Total Annual Hour Burden: 2,293.

Estimated Total Annual Cost: \$121,573, which includes \$121,573 in labor costs, no capital/startup costs and no operating and maintenance costs.

EPA will consider any comments received and may amend any of the above ICRs, as appropriate. Then the final ICR packages will be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue one or more **Federal Register** notices pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR(s) to OMB and the opportunity to submit additional comments to OMB. If you have any questions about any of the above ICRs or the approval process, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: May 20, 2010.

Lisa C. Lund,

Director, Office of Compliance.

[FR Doc. 2010-13173 Filed 6-1-10; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2008-0723; FRL-8828-4]

Methidathion; Cancellation Order for Pesticide Registrations

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 products containing methidathion, pursuant to section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This cancellation order follows a April 7, 2010, **Federal Register** notice of receipt of requests from the registrants listed in Unit II., Table 2, of this notice, to voluntarily cancel these product registrations. These are the last products containing this pesticide registered for use in the United States. In the April 7, 2010 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. 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 the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stock provisions.

DATES: The cancellations are effective December 30, 2012.

FOR FURTHER INFORMATION CONTACT: Jose Gayoso, Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 347-8652; fax number: (703) 308-8005; e-mail address: gayoso.jose@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, agricultural advocates, the chemical industry, pesticide users, and members of the public interested in the sale, distribution, or use of pesticides. Since others 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 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?

EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2008-0723. 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 for 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.

II. What Action is the Agency Taking?

This notice announces the cancellations, as requested by registrants, of products registered under section 3 of FIFRA. These registrations are listed in sequence by registration number in Table 1 of this unit.

TABLE 1.—METHIDATHION PRODUCT CANCELLATIONS

Registration Number	Product Name	Chemical Name
100-530	Methidathion Technical	Methidathion
10163-236	Supracide 2E Insecticide	Methidathion
10163-244	Supracide 25-W	Methidathion
10163-245	Methidathion Technical	Methidathion
10163-AZ-00-0005	Supracide 2E Insecticide	Methidathion
10163-CA-01-0002	Supracide 2E Insecticide	Methidathion
10163-CA-01-0009	Supracide 25-W	Methidathion
10163-CA-01-0011	Supracide 25-W	Methidathion
10163-CA-02-0002	Supracide 2E Insecticide	Methidathion
10163-CA-04-0023	Supracide 2E Insecticide	Methidathion
10163-CO-01-0003	Supracide 2E Insecticide	Methidathion
10163-FL-99-0013	Supracide 25-W	Methidathion
10163-ID-00-0005	Supracide 2E Insecticide	Methidathion
10163-ID-04-0007	Supracide 2E Insecticide	Methidathion
10163-KS-05-0006	Supracide 2E Insecticide	Methidathion
10163-MT-00-0008	Supracide 2E Insecticide	Methidathion
10163-NV-00-0001	Supracide 2E Insecticide	Methidathion
10163-NV-01-0001	Supracide 2E Insecticide	Methidathion
10163-OK-05-0003	Supracide 2E Insecticide	Methidathion

TABLE 1.—METHIDATHION PRODUCT CANCELLATIONS—Continued

Registration Number	Product Name	Chemical Name
10163-OR-00-0010	Supracide 2E Insecticide	Methidathion
10163-OR-02-0018	Supracide 2E Insecticide	Methidathion
10163-TX-05-0003	Supracide 2E Insecticide	Methidathion
10163-UT-00-0006	Supracide 2E Insecticide	Methidathion
10163-WA-00-0006	Supracide 2E Insecticide	Methidathion
10163-WY-05-0001	Supracide 2E Insecticide	Methidathion

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of this unit in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1 of this unit.

TABLE 2.—REGISTRANTS OF CANCELLED PRODUCTS

EPA Company Number	Company Name and Address
000100	Syngenta Crop Protection, Inc., P. O. Box 18300, Greensboro, NC 27419-8300
010163	Gowan Company, P. O. Box 5569, Yuma, AZ 85366-5569

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

During the public comment period provided, EPA received no comments in response to the April 7, 2010 **Federal Register** notice (75 FR 17735; FRL-8819-1) announcing the Agency's receipt of the requests for voluntary cancellations of products listed in Unit II., Table 1.

IV. Cancellation Order

Pursuant to FIFRA section 6(f), EPA hereby approves the requested cancellations of methidathion registrations identified in Unit II., Table 1. Accordingly, the Agency hereby

orders that the product registrations identified in Unit II., Table 1 are canceled. The effective date of the cancellations that are the subject of this notice is December 30, 2012. Any distribution, sale, or use of existing stocks of the products identified in Unit II., Table 1, in a manner inconsistent with any of the provisions for disposition of existing stocks set forth in Unit VI. of this notice will be 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 the request in the **Federal Register**. Thereafter, following the public comment period, the EPA Administrator may approve such a request. The notice of receipt for this action was published for comment on April 7, 2010. The comment period closed on May 7, 2010.

VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States and were packaged, labeled, and released for shipment prior to the effective date of the action. The existing stock provisions for the products subject to this order are as follows:

After December 31, 2012, registrants are prohibited from selling or distributing existing stocks of products containing methidathion labeled for all uses.

After December 31, 2014, persons other than registrants are prohibited from selling or distributing existing stocks of products containing methidathion labeled for all uses.

After December 31, 2014, existing stocks of products containing methidathion labeled for all uses, already in the hands of users can be used legally until they are exhausted, provided that the use complies with the EPA approved label and labeling of the affected product.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: May 21, 2010.

Richard P. Keigwin, Jr.,
Director, Pesticide Re-evaluation Division,
Office of Pesticide Programs.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-9157-3; Docket ID No. EPA-HQ-ORD-2010-0396]

Draft Toxicological Review of Formaldehyde in Support of Summary Information on the Integrated Risk Information System (IRIS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public comment period and listening session.

SUMMARY: EPA is announcing a 90-day public comment period and a public listening session for the external review draft human health assessment titled, "Toxicological Review of Formaldehyde Inhalation Assessment: In Support of Summary Information on the Integrated Risk Information System (IRIS)" (EPA/635/R-10/002C). The draft assessment was prepared by the National Center for Environmental Assessment (NCEA) within the EPA Office of Research and Development (ORD). EPA is releasing this draft assessment solely for the purpose of pre-dissemination peer review under applicable information quality guidelines. This draft assessment has not been formally disseminated by EPA. It does not represent and should not be construed to represent any Agency policy or determination. A committee of the National Research Council, acting under the auspices of National Academy of Sciences (NAS), will conduct an independent scientific peer review of the EPA draft human health assessment of formaldehyde. The peer review committee will hold meetings, some of which may involve public sessions. Public sessions will be announced before each meeting on the National Academies Web site (<http://www8.nationalacademies.org/cp/projectview.aspx?key=49207>). The public comment period and NAS scientific peer review are separate processes that provide opportunities for all interested parties to comment on the assessment. Due to the timing of the NAS peer review meetings, one or more NAS meetings may take place before the close of EPA's public comment period (see **DATES** below). For NAS meetings that occur during the public comment period, EPA will provide all public