

US EPA ARCHIVE DOCUMENT

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**ENVIRONMENTAL PROTECTION
AGENCY**

[OPP-180814; FRL-3812-1]

**Receipt of Application for Specific
Exemption To Use Oxyfluorfen;
Solicitation of Public Comment****AGENCY:** Environmental Protection
Agency (EPA).**ACTION:** Notice.

SUMMARY: EPA has received a specific exemption request from the Oregon Department of Agriculture (hereafter referred to as "Applicant") for use of the herbicide oxyfluorfen to control various weeds in grasses grown for seed in Oregon. EPA is soliciting comment before making the decision whether or not to grant this specific exemption request.

DATE: Comments must be received on or before July 27, 1989.

ADDRESS: Three copies of written comments, bearing the identification notation "OPP-180814," should be submitted by mail to: Public Docket and Freedom of Information Section, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

In person, bring comments to: Room 246, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information." Information so marked 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 to the submitter. All written comments will be available for inspection in Rm. 236 at the address given above from 8 a.m. to 4 p.m., Monday through Friday excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Libby Pemberton, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Office location and telephone number: Rm. 716C, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-1806).

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at his discretion, exempt a State agency from any registration provision of FIFRA if he determines that emergency conditions exist which require such exemption.

The Applicant has requested the Administrator to issue a specific exemption to permit the use of the herbicide oxyfluorfen (CAS 42874 03 3) available as Goal 1.6E, EPA Reg. No. 707-174, to control various weeds in grasses grown for seed. Information in accordance with 40 CFR Part 166 was submitted as part of this request.

Oregon has requested authorization to apply up to 30 ounces of Goal 1.6E herbicide (0.375 pounds active ingredient) per acre on 165,800 acres of grasses grown for seed.

According to the Applicant, weed control in grasses grown for seed has relied on herbicides developed for use in conjunction with thermal sanitation. Increasingly stringent restrictions on the use of open field burning as a sanitation practice in grass seed production in Oregon have seriously limited the number of grass seed fields burned in recent years. The traditional herbicide does not adequately control seedling grasses in unburned situations. Without the use of oxyfluorfen, the Applicant expects a loss of \$63 million in sales.

Oxyfluorfen was referred to Special Review in January 1980 because pesticide products containing oxyfluorfen as an active ingredient were shown to be contaminated with perchloroethylene (PCE), a liver carcinogen in B6C3F1 mice. The Special Review process was completed on June 23, 1982, and the decision was made to continue registration of the herbicide subject to certain restrictions (on PCE) pertaining to formulation of the product (47 FR 27118).

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 require publication of a notice in the Federal Register of receipt of an application for a specific exemption proposing use of a pesticide which contains an active ingredient which has been the subject of a Special Review and is intended for a use that could pose a risk similar to the risk posed by any use of a pesticide which is or has been the subject of a Special Review (40 CFR 166.24(a)(5)).

Accordingly, interested persons may submit written views on this subject to the Field Operations Division (H7506C), at the address given above. The Agency will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the Oregon Department of Agriculture.

Dated: June 16, 1989.

Anne E. Lindsay,

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

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