

A. Residue Chemistry

1. *Analytical method.* A practical analytical method for copper-ethylenediamine complex is not required for crop use since it is expected that no residues will occur in RACs.

2. *Magnitude of residues.* Residues are not expected in the RAC (potatoes) since the potato tubers are underground and only the vines which are above ground are treated.

B. Toxicological Profile

The Agency does not require subchronic, chronic, reproductive or developmental toxicity studies for the copper salts.

Copper-ethylenediamine(Komeen) is slightly to moderately toxic upon acute oral, dermal and inhalation exposure, slightly irritating to the skin and moderately irritating to the eye.

Acute toxicity. The acute oral lethal dose LD₅₀ (95% confidence limits) for Komeen was 498 milligram(mg)/kilogram(kg) (349–710 mg/kg).

The acute dermal LD₅₀ for Komeen was determined to be >2,000 mg/kg.

The acute inhalation lethal concentration LC₅₀ (95% confidence limits) for Komeen was 0.81 mg/liter(l) (0.26-1.37 mg/l).

Komeen was shown to be moderately irritating to the eye with all signs of ocular irritation cleared within 10 days of treatment.

C. Aggregate Exposure

1. *Dietary (food) exposure.* Based on the proposed used pattern of potato vine desiccation, no copper residues are expected to occur on potatoes and the dietary exposure would be negligible by comparison to the normal daily intake of copper. A single day's diet may contain 10 mg or more of copper. The daily recommended allowance of copper for adults nutritional needs is 2 mg.

2. *Drinking water.* Copper is ubiquitous in the environment and found in natural water. In 1991, the USEPA established a maximum contamination level (MCL) for copper in drinking water of 1.3 mg/l. No impact on copper levels found naturally in water would occur as a result of potato vine desiccant use for this product.

3. *Non-dietary exposure.* Copper is registered for use as an aquatic herbicide for outdoor residential sites. Any contributions to aggregate exposure from this use would not be expected to be significant.

4. *Potential for endocrine effects.* Since copper is required for homeostasis, low copper dietary exposures would not be expected result in any adverse endocrine effects.

D. Cumulative Effects

Griffin believes that no cumulative adverse effects are expected from long-term exposure to copper salts. No other elements are expected to produce cumulative toxicity with copper.

E. Safety Determination

Copper compounds such as copper sulfate pentahydrate are considered as Generally Recognized as Safe (GRAS) by the Food and Drug Administration and as such are exempt from the requirement of a tolerance when used as aquatic herbicides (40 CFR 180.1021). Copper compounds are also exempt from the requirement of a tolerance when applied to growing crops when used as a plant fungicide in accordance with good agricultural practices (40 CFR 180.1001(b)(1)). Copper-ethylenediamine complex is registered as an aquatic herbicide under the trade name, Komeen.

1. *U.S. population.* Copper is a component of the human diet and an essential element. Use of copper-ethylenediamine complex is not expected to increase the amount of copper in the diet as a result of potato vine desiccation.

2. *Infants and children.* Infants and children also require copper in their diets and Griffin believes that no special sensitivity for this population subgroup would be expected as a result of the proposed use.

F. International Tolerances

No international tolerances have been established for copper-ethylenediamine complex.

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ENVIRONMENTAL PROTECTION AGENCY

[OPP-181049; FRL 5751-6]

Bifenthrin; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the California Department of Pesticide Regulations (hereafter referred to as the "Applicant") to use the pesticide bifenthrin (CAS #8657-04-3 *cis* and 83322-02-5 *trans*), formulated as Capture 2EC, to treat up to 22,000 acres of broccoli, cauliflower, cabbage, and rapini; and 40,000 acres of lettuce, to

control silverleaf whitefly. An emergency exemption has been requested for this use for the previous 6 years. Since this request proposes a use which has been requested or granted in any 3 previous years, and a complete application for registration and petition for tolerance has not yet been submitted to the Agency, EPA is soliciting public comment before making the decision whether or not to grant the exemption, in accordance with 40 CFR 166.24(a)(6). **DATES:** Comments must be received on or before November 13, 1997. **ADDRESSES:** Three copies of written comments, bearing the identification notation "OPP-181049," should be submitted by mail 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. In person, bring comments to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically to: opp-docket@epamail.epa.gov. Follow the instructions under "SUPPLEMENTARY INFORMATION." No Confidential Business Information (CBI) 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 CBI. 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 will be included in the public docket by EPA without prior notice. The public docket is available for public inspection in Rm. 1132 at the Virginia address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Andrea Beard, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number and e-mail: Crystal Mall #2, Rm. 267, 1921 Jefferson Davis Highway, Arlington, VA, (703) 308-9356; e-mail: beard.andrea@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at her discretion, exempt a state agency from any registration provision of

FIFRA if she determines that emergency conditions exist which require such exemption. The Applicant has requested the Administrator to issue a specific exemption for the use of bifenthrin on broccoli, cauliflower, cabbage, lettuce, and rapini to control whiteflies. Information in accordance with 40 CFR part 166 was submitted as part of this request.

According to the Applicant, materials are still not available to growers which will provide them with satisfactory late season control of the silverleaf whitefly. An alternative is available for early season control (imidacloprid), which the registrant (Bayer, Inc.) does not want used throughout the growing season, in order to avoid potential for the whitefly to develop resistance to imidacloprid. The Applicant states that when used in a complementary fashion (imidacloprid for early season control, and bifenthrin for late), these two materials have helped the growers to continue to grow a marketable crop in the past several years. Without this use of bifenthrin, the Applicant claims that growers will suffer significant economic loss due to inadequate control of the silverleaf whitefly in the aforementioned crops.

Under the proposed exemption, a maximum of four applications for lettuce, and five applications for broccoli, cauliflower, cabbage, and rapini would be made at 0.08 to 0.1 lb. active ingredient (5.2 to 6.4 fl. oz. of product) per acre, by ground or air equipment. At the maximum rates and acreages, the uses proposed in this request could result in a potential total of 27,000 lbs. of active ingredient used. Other restrictions proposed include: a 20-day pre-harvest interval; aquatic buffer zones of 25 ft. for ground and 150 ft. by air; and buffer zones around endangered species habitat of 40 yards for ground and 200 yards by aerial application.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 require publication of a notice of receipt of an application for a specific exemption proposing a use which has been requested or granted in any 3 previous years, and a complete application for registration and/or tolerance petition has not been submitted to the Agency [40 CFR 166.24 (a)(6)]. Such notice provides for opportunity for public comment on the application.

The official record for this notice, as well as the public version, has been established for this notice under docket number [OPP-181049] (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 notice 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. Comments and data will also be accepted on 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 [OPP-181049]. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the California Department of Pesticide Regulation.

List of Subjects

Environmental protection, Pesticides and pests, Emergency exemptions.

Dated: October 17, 1997.

James Jones,

Acting Director, Registration Division, Office of Pesticide Programs.

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ENVIRONMENTAL PROTECTION AGENCY

[OPP-181050; FRL 5752-5]

Emamectin Benzoate; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the Florida Department of Agriculture (hereafter referred to as the "Applicant") to use the pesticide emamectin benzoate (CAS 137512-74-4) (formulated as "Proclaim 5SG") to control the diamondback moth on up to 13,400 acres of the *Brassica* (cole) leafy vegetable group in Florida. The Applicant proposes the use of a "new" chemical (an active ingredient not currently found in any registered

product). In accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant the exemption.

DATES: Comments must be received on or before November 13, 1997.

ADDRESSES: Three copies of written comments, bearing the identification notation "OPP-181050," should be submitted by mail to: Public Information and Records Integrity Branch, Information Resources Services Division, (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically to: opp-docket@epamail.epa.gov. Follow the instructions under "SUPPLEMENTARY INFORMATION." No Confidential Business Information (CBI) 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 CBI. 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 will be included in the public docket by EPA without prior notice. The public docket is available for public inspection in Rm. 1132 at the Virginia address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Olga Odiott, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number and e-mail: Rm. 268, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 308-9363; e-mail: odiott.olga@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at her discretion, exempt a state agency from any registration provision of FIFRA if she determines that emergency conditions exist which require such exemption. The Applicant has requested the Administrator to issue a specific exemption for the use of emamectin benzoate on the *Brassica* (cole) leafy vegetable group to control the diamondback moth. Information in