

#### IV. Statements of Administrator Findings Under TSCA Section 5(a)(3)(C)

In this unit, EPA provides the following information (to the extent that such information is not claimed as Confidential Business Information (CBI) on the PMNs, MCANs and SNUNs for which, during this period, EPA has made findings under TSCA section 5(a)(3)(C) that the new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment:

- EPA case number assigned to the TSCA section 5(a) notice.
- Chemical identity (generic name, if the specific name is claimed as CBI).
- Web site link to EPA's decision document describing the basis of the "not likely to present an unreasonable risk" finding made by EPA under TSCA section 5(a)(3)(C).

*EPA Case Number:* P-17-0190;  
*Chemical identity:* Butanoic acid, 3-oxo-, 2-[(2-methyl-1-oxo-2-propen-1-yl)oxy]ethyl ester, polymer with cycloalkyl 2-methyl-2-propenoate, ethenylbenzene, 2-ethylhexyl 2-propenoate, methyl 2-methyl-2-propenoate and 2-methylpropyl 2-methyl-2-propenoate (generic name);  
*Web site link:* <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-76>.

*EPA Case Number:* P-16-0508;  
*Chemical identity:* Terephthalic acid and alcohol ester polymer hydroxy glycol and 2-Ethylhexyl alcohol; polymer exemption flag (generic name);  
*Web site link:* <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-74>.

*Authority:* 15 U.S.C. 2601 *et seq.*

Dated: November 20, 2017.

**Greg Schweer,**

*Chief, New Chemicals Management Branch, Chemical Control Division, Office of Pollution Prevention and Toxics.*

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#### ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2017-009; FRL-9971-02]

#### Pesticide Emergency Exemptions; Agency Decisions and State and Federal Agency Crisis Declarations

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

**ACTION:** Notice.

**SUMMARY:** EPA has granted or denied emergency exemptions under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for use of pesticides as listed in this notice. The exemptions or denials were granted during the period July 1, 2017 to September 30, 2017 to control unforeseen pest outbreaks.

**FOR FURTHER INFORMATION CONTACT:** Michael L. Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; main telephone number: (703) 305-7090; email address: [RDfRNNotices@epa.gov](mailto:RDfRNNotices@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed at the end of the emergency exemption or denial.

###### B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2017-0009, is available at <https://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <https://www.epa.gov/dockets>.

#### II. Background

EPA has granted or denied emergency exemptions to the following State agencies. There were no emergency exemptions from any Federal agencies during the time period covered by this notice (July 1, 2017 through September 30, 2017).

The emergency exemptions may take the following form: Crisis, public health, quarantine, or specific. EPA has also listed denied emergency exemption requests in this notice.

Under FIFRA section 18 (7 U.S.C. 136p), EPA can authorize the use of a pesticide when emergency conditions exist. Authorizations (commonly called emergency exemptions) are granted to State and Federal agencies and are of four types:

1. A "specific exemption" authorizes use of a pesticide against specific pests on a limited acreage in a particular State. Most emergency exemptions are specific exemptions.

2. "Quarantine" and "public health" exemptions are emergency exemptions issued for quarantine or public health purposes. These are rarely requested.

3. A "crisis exemption" is initiated by a State or Federal agency (and is confirmed by EPA) when there is insufficient time to request and obtain EPA permission for use of a pesticide in an emergency.

EPA may deny an emergency exemption: If the State or Federal agency cannot demonstrate that an emergency exists, if the use poses unacceptable risks to the environment, or if EPA cannot reach a conclusion that the proposed pesticide use is likely to result in "a reasonable certainty of no harm" to human health, including exposure of residues of the pesticide to infants and children.

If the emergency use of the pesticide on a food or feed commodity would result in pesticide chemical residues, EPA establishes a time-limited tolerance meeting the "reasonable certainty of no harm standard" of the Federal Food, Drug, and Cosmetic Act (FFDCA).

In this document: EPA identifies the agency granted the exemption or denial, the type of exemption, the pesticide authorized and the pests, the crop or use for which authorized, number of acres (if applicable), and the duration of the exemption. EPA also gives the citation in Title 40 of the Code of Federal Regulations (40 CFR) for the time-limited tolerance(s), if any.

**III. Emergency Exemptions and Denials****A. U.S. States and Territories**

American Samoa

Department of Health

*Crisis exemption:* On July 14, 2017 the American Samoa Department of Health declared a crisis exemption for use of deltamethrin for control of *Aedes* species of mosquito, vectors of the Zika virus, in outdoor residential areas. Effective July 14, 2017 to July 29, 2017.

California

Department of Pesticide Regulation

*Crisis exemption:* On July 21, 2017, the California Department of Pesticide Regulation declared a crisis exemption for the use of sulfoxaflor on a maximum of 270,000 acres of cotton to control the tarnished plant bug. The use season is expected to last until October 31, 2017, and a specific request was also submitted.

*Specific exemptions:* EPA authorized the use of bifenthrin on a maximum of 18,000 acres of pomegranates to control the leaf-footed plant bug. A time-limited tolerance in connection with this action has been established in 40 CFR 180.442(b). August 8, 2017 to December 31, 2017.

EPA authorized the use of sulfoxaflor on a maximum of 270,000 acres of cotton to control the tarnished plant bug. Permanent tolerances in connection with an earlier registration action are established in 40 CFR 180.668(a). August 15, 2017 to October 31, 2017.

EPA authorized the use of flonicamid on a maximum of 365 acres of prickly pear cactus fruit and nopalitos (pads) to control the cochineal scale insect. Time-limited tolerances in connection with this action will be established in 40 CFR 180.613(b). August 15, 2017 to August 15, 2018.

Hawaii

Department of Agriculture

*Specific exemption:* EPA authorized the use of tolfenpyrad on a maximum of 500 acres of watermelon to control melon thrips. A time-limited tolerance in connection with this action has been established in 40 CFR 180.675(b). Effective August 28, 2017 to August 28, 2018.

Idaho State

Department of Agriculture

*Specific exemption:* EPA authorized the use of pyridate on a maximum of 9,500 acres of mint for postemergence control of herbicide-resistant annual weeds such as redroot pigweed,

*Armaranthus retroflexus* and other broadleaf weeds. Tolerances in connection with an earlier registration action are established in 40 CFR 180.462(a). July 13, 2017 to August 31, 2017.

Indiana

Office of the Indiana State Chemist

*Specific exemption:* EPA authorized the use of pyridate on a maximum of 11,200 acres of mint for postemergence control of herbicide-resistant annual weeds such as redroot pigweed, *Armaranthus retroflexus* and other broadleaf weeds. Tolerances in connection with an earlier registration action are established in 40 CFR 180.462(a). July 13, 2017 to August 31, 2017.

Kentucky

Department of Agriculture

*Specific exemption:* EPA authorized the use of sulfoxaflor on a maximum of 13,000 acres of sorghum (grain and forage) to control sugarcane aphid. Time-limited tolerances in connection with this action have been established in 40 CFR 180.668(b). July 28, 2017 to November 30, 2017.

Michigan

Department of Agriculture

*Specific exemption:* EPA authorized the use of pyridate on a maximum of 11,250 acres of mint for postemergence control of herbicide-resistant annual weeds such as redroot pigweed, *Armaranthus retroflexus* and other broadleaf weeds. Tolerances in connection with an earlier registration action are established in 40 CFR 180.462(a). July 13, 2017 to August 31, 2017.

EPA denied a specific exemption request for the use of chlorothalonil in sugar beets for control of *Cercospora* leaf spot. The request was denied because EPA is unable to make a “reasonable certainty of no harm” determination at this time, which is required to allow additional uses of chlorothalonil. July 24, 2017.

Minnesota

Department of Agriculture

EPA denied a specific exemption request for the use of chlorothalonil in sugar beets for control of *Cercospora* leaf spot. The request was denied because EPA is unable to make a “reasonable certainty of no harm” determination at this time, which is required to allow additional uses of chlorothalonil. July 24, 2017.

New Jersey

Department of Agriculture

*Specific exemptions:* EPA authorized the use of bifenthrin on a maximum of 8,200 acres of apples, peach, and nectarines, to control the brown marmorated stink bug. Time-limited tolerances in connection with this action have been established in 40 CFR 180.442(b). Effective September 8, 2017 to October 15, 2017.

North Dakota

Department of Agriculture

EPA denied a specific exemption request for the use of chlorothalonil in sugar beets for control of *Cercospora* leaf spot. The request was denied because EPA is unable to make a “reasonable certainty of no harm” determination at this time, which is required to allow additional uses of chlorothalonil. July 24, 2017.

Oregon

Department of Agriculture

*Specific exemption:* EPA authorized the use of pyridate on a maximum of 5,200 acres of mint for postemergence control of herbicide-resistant annual weeds such as redroot pigweed, *Armaranthus retroflexus* and other broadleaf weeds. Tolerances in connection with an earlier registration action are established in 40 CFR 180.462(a). July 13, 2017 to August 31, 2017.

Washington

Department of Agriculture

*Crisis exemption:* On the July 14, 2017 the Washington Department of Agriculture declared a crisis exemption for use of lambda-cyhalothrin on asparagus to control the European asparagus aphid. The use season was expected to last until October 31, 2017, and a specific exemption request was also submitted.

*Specific exemptions:* EPA authorized the use of sulfoxaflor on a maximum of 15,000 acres of alfalfa grown for seed to control lygus bugs. July 7, 2017 to August 31, 2017.

EPA authorized the use of pyridate on a maximum of 16,000 acres of mint for postemergence control of herbicide-resistant annual weeds such as redroot pigweed, *Armaranthus retroflexus* and other broadleaf weeds. Tolerances in connection with an earlier registration action are established in 40 CFR 180.462(a). July 13, 2017 to August 31, 2017.

EPA authorized the use of lambda cyhalothrin on a maximum of 7,000 acres of asparagus to control the

European asparagus aphid, effective August 2, 2017 to October 31, 2017. As required by 40 CFR 166.24, because an emergency exemption for this use has been requested for more than 5 years and an application for registration has not yet been received by EPA, a Notice of Receipt with opportunity for public comment published in the **Federal Register**, on July 10, 2017 (82 FR 31777) (FRL-9963-16) with public comment period closing on July 25, 2017.

#### Wisconsin

##### Department of Agriculture

*Specific exemption:* EPA authorized the use of pyridate on a maximum of 3,100 acres of mint for postemergence control of herbicide-resistant annual weeds such as redroot pigweed, *Armaranthus retroflexus* and other broadleaf weeds. Tolerances in connection with an earlier registration action are established in 40 CFR 180.462(a). July 13, 2017 to August 31, 2017.

#### Wyoming

##### Department of Agriculture

*Specific exemption:* EPA authorized the use of indaziflam on a maximum of 300,000 acres of rangeland, pastures, and Conservation Reserve Program to control medusahead and venenata. Time-limited tolerances in connection with this action will be established in 40 CFR 180.653(b). September 14, 2017 to September 14, 2018.

**Authority:** 7 U.S.C. 136 *et seq.*

Dated: November 27, 2017.

#### Michael L. Goodis,

Director, Registration Division, Office of Pesticide Programs.

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2017-0599; FRL-9971-44-OAR]

### Proposed Information Collection Request; Comment Request; Recordkeeping and Reporting for the Renewable Fuel Standard Program

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency is planning to submit an information collection request (ICR), "Recordkeeping and Reporting for the Renewable Fuel Standard (RFS) Program," EPA ICR No. 2546.01, OMB Control No. 2060-NEW) to the Office of

Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.* Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a request for approval of a new collection. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

**DATES:** Comments must be submitted on or before February 6, 2018.

**ADDRESSES:** Submit your comments, referencing Docket ID No. EPA-HQ-OAR-2017-0599, online using [www.regulations.gov](http://www.regulations.gov) (our preferred method), by email to [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information for which disclosure is restricted by statute.

#### FOR FURTHER INFORMATION CONTACT:

Anne-Marie Pastorkovich, Attorney/Advisor, Office of Air and Radiation/Office of Transportation and Air Quality, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., (6405A), Washington, DC 20460; telephone number: 202-343-9623; fax number: 202-343-2800; email address: [pastorkovich.anne-marie@epa.gov](mailto:pastorkovich.anne-marie@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at [www.regulations.gov](http://www.regulations.gov) or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the

burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

This ICR package is a new information collection that is intended to streamline and update estimates related to RFS. This new collection includes elements of some existing RFS ICRs. The goal of this new, consolidated ICR is to put all RFS estimates into one, consistent, and easy-to-understand format. We hope that this single RFS ICR package will assist interested parties in better understanding all of the information collection activities associated with RFS.

#### What is the RFS program?

The RFS program was created under the Energy Policy Act of 2005 (EPA Act), which amended the Clean Air Act (CAA). The Energy Independence and Security Act of 2007 (EISA) further amended the CAA by expanding the RFS program. EPA implements RFS in consultation with U.S. Department of Agriculture and the Department of Energy. The RFS program is a national policy that requires a certain volume of renewable fuel to replace or reduce the quantity of petroleum-based transportation fuel, heating oil or jet fuel.

Obligated parties under the RFS program are refiners or importers of gasoline or diesel fuel. Obligated parties, and exporters of renewable fuel, must meet an annual Renewable Volume Obligation (RVO). Parties meet their RVO by blending renewable fuels into transportation fuel, or by obtaining credits (called "Renewable Identification Numbers", or RINs). EPA calculates and establishes RVOs every year through rulemaking, based on the CAA volume requirements and projections of gasoline and diesel production for the coming year. The standards are converted into a percentage and obligated parties must