

points. The purpose of this peer-review workshop is to review the comments provided independently by the reviewers and to receive further comment based on their discussion.

The EPA has undertaken this task in response to emerging scientific knowledge of the biological, human health, and environmental effects of dioxin. Significant advances have occurred in the scientific understanding of mechanisms of dioxin toxicity, of the carcinogenic and other adverse health effects of dioxin in people, of the pathways to human exposure, and of the toxic effects of dioxin to the environment.

In 1985 and 1988, the Agency prepared assessments of the human health risks from environmental exposures to dioxin. These assessments were reviewed by the Agency's SAB. At the time of the 1988 risk assessment, there was general agreement within the scientific community that there could be a substantial improvement over the existing response approach, but there was no consensus as to a more biologically defensible methodology. The Agency was asked to explore the development of such a method. The current reassessment activities are in part in response to this request.

The EPA is making each phase of the current reassessment of dioxin an open and participatory effort. It previously has convened two public meetings (on November 15, 1991, and April 28, 1992) to inform the public of the Agency's plans and activities, to hear and receive public comments and reviews of the proposed plans for the reassessment, and receive any current, scientifically relevant information.

The Agency convened two peer-review workshops to review draft documents related to EPA's scientific reassessment of the health effects of dioxin. The first workshop was held September 10 and 11, 1992, to review a draft exposure assessment titled, *Estimating Exposures to Dioxin-Like Compounds*. The second workshop was held September 22-25, 1992, to review eight chapters of a draft health assessment document. The epidemiology chapter was also reviewed in another workshop on September 8-9, 1993. It should be noted that outside scientists have been heavily involved in the writing and peer review of these draft documents. Drafts of the health and exposure documents were made available for public review and comment in the fall of 1994, both with a formal public comment period and at a number of public meetings that were held around the country. The SAB reviewed the documents in May 1995.

The purpose of the March 1997 peer-review workshop is to review the draft of a revised and expanded dose-response modeling chapter. The revised chapter evaluates the scientific quality and strength of the dose-response modeling in the evaluation of toxic health effects, both cancer and noncancer, from exposure to dioxin, with an emphasis on the specific congener, 2,3,7,8-TCDD. A critical analysis of all available data has been performed. It is hoped that the peer-review workshop will provide a thoughtful and critical review of the dose-response portion of the dioxin reassessment.

Dated: February 20, 1997.

William H. Farland,

Director, National Center for Environmental Assessment.

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[OPP-00470; FRL-5591-6]

Plant Pesticides Resistance Management; Notice of Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Meeting.

SUMMARY: EPA will hold a public meeting on March 21, 1997, to solicit public comment on resistance management plans for plant pesticides, including the necessity for such plans, critical elements of resistance management plans and requirements for successful implementation.

DATES: The meeting will be held on March 21, 1997, from 8:30 am until 5 pm. Written comments from interested parties not able to attend the meeting must be received on or before March 21, 1997. Persons who wish to speak at the public meeting are encouraged to register in advance by submitting a brief written request and abstract to EPA on or before March 14, 1997.

ADDRESSES: The meeting is open to the public and will be held in the EPA Auditorium at EPA Headquarters, 401 M St., SW., Washington, DC 20460. Interested parties who cannot attend the public meeting but who wish to comment may do so by submitting written comments. Comments should be identified by the docket control number OPP-00470, and be submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Comments and data may also be submitted electronically by sending

electronic mail (e-mail) to: 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 file format or ASCII file format. All comments and data in electronic form must be identified by the docket control number OPP-00470. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit IV of this document.

FOR FURTHER INFORMATION CONTACT: By mail: Willie H. Nelson, Biopesticides and Pollution Prevention Division (7501W), Office of Pesticide Programs, U. S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number and e-mail address: 5th Floor CS, 2800 Crystal Drive, Arlington, VA 22202, Telephone No: 703-308-8682, e-mail: nelson.willie@epamail.epa.gov. **SUPPLEMENTARY INFORMATION:**

I. Background

Resistance management has been a consideration for the registration of plant pesticides for some time. This is because plant pesticides tend to produce the pesticidal active ingredient throughout a growing season, increasing the selection pressure upon both the target pests and any other susceptible insects feeding on the transformed crop.

Resistance management has become an issue particularly in relation to plant-pesticides based on the insecticidal proteins from the bacterium *Bacillus thuringiensis* (Bt). EPA recognizes the value of Bt as a safer pesticide and has determined that it is necessary to conserve this resource as appropriate by requiring resistance management plans. The Agency has reviewed initial strategies from registrants for managing resistance to Bt delta endotoxins produced in potato, corn, and cotton. EPA has worked with stakeholders (industry, public sector research and extension, growers, user groups, and government agencies) to address resistance management for primarily Bt-based plant pesticides.

In March of 1995, EPA held a Scientific Advisory Panel (SAP) meeting as part of the review for the first registered plant pesticides. This meeting primarily addressed issues related to the *Bacillus thuringiensis* (Bt) *tenebrionis* CryIII delta endotoxin in potato, although some issues related to Bt corn and Bt cotton were also discussed. The

Panel stated in their review that the submitted resistance management plan (RMP) is a "scientifically credible Colorado potato beetle (CPB) resistance management protocol." For the Bt potato, the SAP recommended that the applicant should have specific monitoring plans for resistance which should be sent to the Agency for review. The SAP also requested that the applicant make specific recommendations on what course of action should be taken if resistance should be discovered. It was the opinion of the panel that EPA should work with the applicant in developing a long-term RMP, but that such plans should not be a formal condition of registration. EPA agreed with this assessment for Bt potato as the pesticide was only for the control of the Colorado Potato Beetle, the CryIII delta endotoxin was at a high dose, and existing Bt *tenebrionis* sprayable products only worked for early instars of this pest. In addition, the Colorado potato beetle has a limited host range of economic crops.

The SAP further agreed with the seven elements, described by OPP, that need to be addressed to develop an adequate resistance management plan for plant-pesticides. These elements are: (1) Knowledge of pest biology and ecology, (2) Appropriate gene deployment strategy, (3) Appropriate refugia (primarily for insecticides), (4) Monitoring and reporting of incidents of pesticide resistance development, (5) Employment of Integrated pest management (IPM), (6) Communication and educational strategies for use of the product and (7) Development of alternative modes of action.

Bt CryIA(b) delta endotoxin in corn was the second plant pesticide registered. This product was intended primarily for the control of the European corn borer. EPA noted in its review of the application that other lepidopterous pests that also feed on corn might be affected by the endotoxin, and therefore have the potential for the development of resistance to Bt. This review also noted that both the primary pests claimed on the label and those secondary pests may be controlled by the use of existing sprayable Bt products. Bt is considered to be a reduced risk pesticide and corn is planted in large acreages in the United States. Therefore the Agency required the development of a resistance management plan as a condition of the corn Bt registrations, so that such plans could be implemented if pest resistance was detected.

Bt cotton containing CryIA(c) was the last plant pesticide crop to be registered. For Bt cotton, there was compelling

evidence to require the implementation of a RMP as a condition of the registration. This was due to the fact that: (1) Bt was already used extensively on cotton, (2) corn earworm (a primary pest, known as the bollworm when feeding on cotton) moves from corn to cotton thus extending the period of exposure to the Bt toxin, and (3) that corn earworm feeds on many other crops that are treated with Bt in significant amounts. Cotton is also planted in large acreages in the United States. An RMP was therefore required as a condition of the registration for Bt Cotton.

The Pesticide Program Dialogue Committee (PPDC) is a group representing various interests and points of view including public interest, industry, users, public health, legal, Congress, and the general public. The PPDC meeting in July of 1996 addressed the issue of resistance management. OPP asked the committee for their views on the best approach for the Agency to take in addressing the problem of pest resistance; the need for a new active ingredient screening process; whether OPP should address the problem of pest resistance to already registered pesticides; and whether resistance management recommendations should be required on pesticide labeling.

Panelists agreed that EPA should have some role in resistance management, but disagreed as to what that role should be. Panelists indicated that EPA should not make resistance management mandatory in all cases.

It was the general opinion of the PPDC that the Agency should function as a liaison or clearing house for RMP information, but only require resistance management plans as part of the registration when the development of resistance would cause the potential loss of a pesticide that was in the "public good", like Bt. The committee found it difficult to define "public good" parameters. Other panelists commented that EPA needed to provide more alternative tools for minor crops, and one panelist suggested that EPA could promote better resistance management by classifying pesticides according to their mode of action similar to Canadian requirements.

During the 1996 season, there were numerous instances reported to EPA where Bt cotton failed to control a segment of the bollworm population. The registrant has submitted a report concerning these instances. The report is currently under review by the Agency to determine how pest populations, and crop performance is related to resistance management.

II. Information Sought by EPA

EPA is required by law to ensure that pesticides have a reasonable certainty of no harm to people (including infants and children) and do not cause unreasonable adverse effects to the environment. As part of the evaluation process, the Agency collects information on the risks and benefits of pesticides. The Agency is interested in soliciting public comment regarding resistance management plans for plant pesticides because resistance management plans are a new requirement related to a novel technology.

1. *The requirement for resistance management plans.* This will include information on the criteria for requiring a resistance management plan and whether such plans should be voluntary or mandatory (conditions of registration).

2. *Scientific needs for resistance management plans.* Certain data may be required in order to adequately evaluate resistance management plans. EPA needs information on what kinds of data should be required to assess the potential for resistance and/or adequately evaluate proposed plans.

3. *"Public good" criteria.* The Agency wants comment on whether this criteria should be used, and if so, information on the definition or determination of when a pesticide would be in the "public good."

4. *Performance failures for Bt cotton.* Information concerning the control failures for Bt cotton, suggested evaluation tools concerning these failures, and implications on future resistance management efforts.

III. Registration For Purposes of Commenting

Persons who wish to speak at the public meeting are encouraged to register in advance by submitting a brief written request to EPA on or before March 14, 1997. Those who do not register by March 14 may register in person, on March 21, to make a presentation if time permits. Register by mail with the person listed under FOR FURTHER INFORMATION CONTACT.

IV. Public Record

The Agency encourages parties to submit data to substantiate comments whenever possible. A record has been established for this rulemaking under docket control number OPP-00470 (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 am to 4 pm, Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

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.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the Virginia address in "ADDRESSES" at the beginning of this document.

Information submitted as part of any comment may be claimed as confidential by marking any or all of that information as Confidential Business Information (CBI). Information so marked will not be disclosed except in accordance with the 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 the Agency without prior notice. The Agency anticipates that most of the comments will not be classified as CBI, and prefers that all information submitted be publicly available. Any records or transcripts of the open meeting will be considered public information and cannot be declared CBI.

V. Structure of the Meeting

EPA will open the meeting with brief introductory comments. EPA will then invite those parties who have registered by March 14 to present their comments. Those who register the day of the meeting will be offered the opportunity to present their comments if time permits. EPA anticipates that each speaker will be permitted about 10 minutes to make comments. After each speaker, Agency representatives may ask the presenter questions of clarification. The Agency reserves the right to adjust the time for presenters

depending upon the number of speakers.

Members of the public are encouraged to submit written documentation to EPA at the meeting to ensure that their entire position goes on record in the event that time does not permit a complete oral presentation. Written comments should include the name and address of the author as well as any sources used. Written documentation should be submitted to Willie H. Nelson at the address stated earlier in this notice.

Dated: February 19, 1997.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 97-4621 Filed 2-20-97; 1:07 pm]

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[PF-710A; FRL-5591-4]

Appropriate Technology Limited; Pesticide Tolerance Petition Filing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing; Technical amendment.

SUMMARY: EPA is correcting the time for the submission of comments on the notice of filing of a pesticide petition proposing the establishment of a regulation exempting from the requirement of a tolerance residues of extracts from *Quercus falcata* (red oak) *Rhus aromatica* (sumac), *Rhizophora mangle* (mangrove), and *Opuntia lindheimeri* (prickly pear cactus). The petition was submitted by Appropriate Technology Limited.

FOR FURTHER INFORMATION CONTACT: By mail: Teung F. Chin, Biopesticides and Pollution Prevention Division, (7501W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: 5th Floor, CS #1, 2800 Crystal Drive, Arlington, VA 22202, 703-308-1259, e-mail: chin.teung@epamail.epa.gov.

In FR Doc. 97-3517, appearing at page 6777 in the issue for Thursday, February 13, 1997, the comment period under "DATES" is corrected to read as March 17, 1997.

List of Subjects

Environmental protection.

Dated: February 19, 1997.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 97-4622 Filed 2-21-97; 8:45 am]

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[FRL-5693-4]

Notice of Proposed Assessment of Clean Water Act Class II Administrative Penalty to A&D Plating, Inc. and Opportunity To Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed administrative penalty assessment and opportunity to comment.

SUMMARY: EPA is providing notice of proposed administrative penalty assessment and proposed Consent Agreement for alleged violations of the Clean Water Act. EPA is also providing notice of opportunity to comment on the proposed assessment.

Under 33 U.S.C. Section 1319(g), EPA is authorized to issue orders assessing civil penalties for various violations of the Act. EPA may issue these orders after the commencement of either a Class I or Class II penalty proceeding. EPA provides public notice of the proposed assessments pursuant to 33 U.S.C. Section 1319(g)(4)(a).

Class II proceedings are conducted under EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation and Suspension of Permits, 40 CFR part 22. The procedures through which the public may submit written comment on a proposed Class II order or participate in a Class II proceeding, and the Procedures by which a Respondent may request a hearing, are set forth in the Consolidated Rules. The deadline for submitting public comment on a proposed Class II order is thirty days after publication of this notice.

On the date identified below, EPA commenced the following Class II proceeding for the assessment of penalties:

In the Matter of A&D Plating, Inc., 2265 Micro Place, Suite A, Escondido, California; EPA Docket No. CWA-IX-FY97-02; filed on February 11, 1997, with Mr. Steven Armsey, Regional Hearing Clerk, U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, California 94105, (415) 744-1389; proposed penalty of \$35,000 for failure to comply with the categorical pretreatment standards and requirements for new source metal finishers (40 CFR 433). EPA and A&D Plating, Inc. have agreed to a proposed Consent