

drinking water under the Safe Drinking Water Act (SDWA).

2. *Non-dietary exposure.* Kresoxim-methyl is currently registered for use in greenhouses on ornamental plants. The potential for non-occupational exposure to the general population is not significant.

#### E. Cumulative Effects

BASF has considered the potential for cumulative effects of kresoxim-methyl and other substances that have a common mechanism of toxicity. No evidence or information exists to suggest that toxic effects produced by kresoxim-methyl would be cumulative with those of any other chemical compound.

#### F. Safety Determination

1. *U.S. population.* Using the conservative exposure assumptions described above and based on the completeness and the reliability of the toxicity data, BASF has estimated that aggregate exposure to kresoxim-methyl will utilize less than 0.15% of the RfD for the total U.S. population. BASF concludes that there is a reasonable certainty that no harm will result from the aggregate exposure to residues of kresoxim-methyl, including anticipated dietary exposure and non-occupational exposures.

2. *Infants and children—i. Developmental toxicity.* The teratogenicity study in rats resulted in a developmental toxicity NOAEL of 1,000 mg/kg/day, and a maternal toxicity NOAEL of 1,000 mg/kg/day. These NOAEL values are significantly higher than the NOAEL from the 2 year feeding study in rats used to establish the RfD.

The teratogenicity study in rabbits resulted in a developmental toxicity NOAEL of 1,000 mg/kg/day, and a maternal toxicity NOAEL of 1,000 mg/kg/day. These NOAEL values are significantly higher than the NOAEL from the 2 year feeding study in rats used to establish the RfD.

ii. *Reproductive toxicity.* The 2-generation reproduction study with rats resulted in a reproductive NOAEL of 1,625 mg/kg/day, and a maternal NOAEL of 100 mg/kg/day. These NOAEL values are significantly higher than the NOAEL from the 2 year feeding study in rats used to establish the RfD.

iii. *Reference Dose.* Since developmental and reproductive toxicity occurs at levels at or above the levels shown to exhibit parental toxicity and since these levels are significantly higher than those used to calculate the RfD, BASF believes the RfD of 0.36 mg/kg/day is an appropriate measure of safety for infants and children.

Using the conservative exposure assumptions described above, BASF has concluded that the portion of the RfD that will be utilized by aggregate exposure to residues of kresoxim-methyl resulting from the proposed tolerances will be less than 1% for all populations of infants and children. The most highly exposed group in the subpopulation groups would be non-nursing infant < 1-year old, which uses 0.88% of the RfD. Therefore, based on the completeness and reliability of the toxicity data and the conservative exposure assessment, BASF concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the residues of kresoxim-methyl, including all anticipated dietary exposure and all other non-occupational exposures.

#### G. International Tolerances

A maximum residue level has not been established for kresoxim-methyl by the Codex Alimentarius Commission. [FR Doc. 99-5823 Filed 3-9-99; 8:45 am]

BILLING CODE 6560-50-F

### ENVIRONMENTAL PROTECTION AGENCY

[OPP-181067; FRL 6066-3]

#### 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 Washington Department of Agriculture (hereafter referred to as the "Applicant") to use the pesticide bifenthrin (CAS 8657-04-3 *cis* and 83322-02-5 *trans*), formulated as Brigade WSB, to treat up to 8,500 acres of raspberries to control weevils. This is the seventh year this use has been requested, and it has been allowed under section 18 for the past 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 March 25, 1999.

**ADDRESSES:** Three copies of written comments, bearing the identification notation (OPP-181067), 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. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) 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 in any comment concerning this notice 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 provided by the submitter for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. The docket is available for public inspection at the Virginia address given above, 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 address: Rm. 271, Crystal Mall #2, 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 raspberries to control weevils. Information in accordance with 40 CFR part 166 was submitted as part of this request.

According to the Applicant, this emergency exists because of the loss of the chlorinated hydrocarbon insecticides. Initially, raspberry growers obtained some relief through use of carbofuran under an exemption; however, that use was later disallowed due to groundwater concerns.

Exemptions were then issued for several years for use of permethrin, but discontinued as the Applicant opted to request bifenthrin instead, due to claims that use of permethrin disrupted natural controls of other raspberry pests, leading to population flare-ups of these pests (primarily mites). This use of bifenthrin has been allowed under section 18 for the past 5 years, and the Applicant states that alternative controls are not adequate to prevent significant economic losses due to damage and contamination problems from weevils.

Under the proposed exemption, bifenthrin would be applied using ground equipment only, at a rate of 0.1 lb., active ingredient (a.i.) per acre, with no more than 2 applications during the growing season, not to exceed the total rate of 0.2 lb., a.i. per acre. If all 8,500 acres are treated at this maximum rate, this could potentially result in a total use of 1,700 lb., a.i.

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 under docket number (OPP-181067) (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 record is the paper record maintained 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 number (OPP-181067). 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 Washington Department of Agriculture.

#### List of Subjects

Environmental protection, Pesticides and pests, Emergency exemptions.

Dated: February 26, 1999

**Peter Caulkins,**

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

[FR Doc. 99-5819 Filed 3-9-99; 8:45 am]

BILLING CODE 6560-50-F

#### ENVIRONMENTAL PROTECTION AGENCY

[OPP-181068; FRL 6066-5]

#### Buprofezin; 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 Regulation (hereafter referred to as the "Applicant") to use the insect growth regulator buprofezin (CAS 69327-76-0) to treat up to 100,000 acres of citrus to control California Red Scale. Buprofezin is an unregistered material, and its proposed use is thus use of a "new" chemical. Therefore, 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 March 25, 1999.

**ADDRESSES:** Three copies of written comments, bearing the identification notation "OPP-181068," 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. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) 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 in any comment concerning this notice 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 provided by the submitter for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. The docket is available for public inspection at the Virginia address given above, 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 address: Rm. 271, Crystal Mall #2, 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 buprofezin on citrus to control California Red Scale. Information in accordance with 40 CFR part 166 was submitted as part of this request.

The Applicant states that California Red Scale is a key pest of citrus, and the single most costly pest to control. The Applicant states that in the past, treatments were not required every year for this pest, but in recent years resistance to the registered materials has built up and growers have had to treat up to three times in a single year. Alternative methods of control (parasite releases and packing house washers) are applied where feasible; however, the Applicant asserts that a different chemistry with a different mode of action is necessary to control the scale. The Applicant asserts that with continued frequent use of currently registered materials, increased resistance is likely, and these materials will quickly become wholly ineffective, leaving growers with no tools to control these damaging pests. The Applicant states that without adequate control of scale in citrus, significant economic losses are expected.