

such condenser operation is requested by the Company.

**Service interruption:** When delivery to the Company is interrupted or reduced due to conditions on the Government's system which have not been arranged for and agreed to in advance, the charge for dependable capacity will be reduced as to the kilowatts of such capacity which have been interrupted or reduced in the proportion that the number of declaration hours during such period of interruption or reduction bears to the total number of declaration hours during the period covered by such charge. For purposes of this rate schedule the declaration hours consist of 100 hours per week as specified in the contract.

November 20, 1966.

[FR Doc. 79-14957 Filed 5-11-79; 8:45 am]

BILLING CODE 6450-01-M

### Southwestern Power Administration

#### Salary Adjustment for Administrator

Pursuant to section 5374 of title 5 of the United States Code, the salary of the Administrator, Southwestern Power Administration, is adjusted to \$47,500 per annum effective May 20, 1979.

Issued in Washington, D.C. on May 8, 1979.

William S. Heffelfinger,  
Director of Administration.

[FR Doc. 79-14890 Filed 5-11-79; 8:45 am]

BILLING CODE 6450-01-M

### DELAWARE RIVER BASIN COMMISSION

#### Groundwater Protection, Pennsylvania-New Jersey; Public Hearings

Recent studies by the Commission and other agencies indicate that groundwater withdrawals in portions of Bucks, Chester and Montgomery Counties, Pennsylvania, and Mercer and Hunterdon Counties, New Jersey, exceed or may soon exceed the sustainable yields of local groundwater basins, resulting in lowering of groundwater tables, groundwater mining, and interference between existing and new groundwater wells. In response to this situation, the Commission is considering possible delineation of one or more "protected areas" in portions of these counties.

The Commission is authorized to delineate protected areas by Article 10 of the Delaware River Basin Compact where it determines that demands upon water supplies have developed, or threaten to develop, to such a degree as to create a water shortage. In such a protected area, the Commission would be authorized to regulate both existing

and new water withdrawals in order to prevent further depletion of groundwater and to protect and balance the rights and interests of all water users in the region.

The Commission seeks public comment as to whether it should declare and delineate one or more protected areas in portions of the aforementioned counties. Three public hearings for this purpose will be held at the times and places listed opposite. Factual information, comments and suggestions are invited from interested public agencies, industries, water companies, water users and others concerned with proper management of groundwater resources in the area. Comments are sought in particular on the issues listed under section 2 of Resolution No. 79-7 adopted by the Commission on March 28, 1979. Comments are also sought on the possible management actions listed under section 3 of the Resolution, and whether and to what extent such management actions should be implemented in the potential protected areas.

Public hearings will be held at the times and places listed on the reverse side of this notice.

June 11, 1979—Holiday Inn, Lionville, Route 100, Pennsylvania (Exit 23 of Penna. Turnpike).

June 12, 1979—Holiday Inn, Kulpville, Pennsylvania (Exit 31, NE Extension of Penna. Turnpike).

June 13, 1979—Hopewell Township Municipal Building, Washington Crossing-Pennington Roads, Titusville, New Jersey (Exit 3 of I-95, north on Scotch Road 1.2 miles).

Each hearing will run from 2:30 p.m. until 5:30 p.m., and will reconvene for an evening session beginning at 7:00 p.m.

Persons wishing to testify are requested to notify the Secretary to the Commission, by phone or in writing, prior to the hearing. Written testimony may be submitted in place of oral presentation and will be made part of the record.

Dawes Thompson,  
Acting Secretary.

May 8, 1979.

[FR Doc. 79-14946 Filed 5-11-79; 8:45 am]

BILLING CODE 6360-01-M

### ENVIRONMENTAL PROTECTION AGENCY

#### Change of Date of Bimonthly EPA/ Industry Meeting

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

**ACTION:** Notice of change of meeting date.

**SUMMARY:** The bimonthly EPA/Industry meeting in Ann Arbor, Michigan scheduled for May 16, 1979, has been rescheduled for Thursday, May 24, 1979.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert E. Larson, Chief, Technical Support Staff, Certification Division, Motor Vehicle Emission Laboratory, 2565 Plymouth Road, Ann Arbor, Michigan 48105, Telephone: (313)668-4277.

**SUPPLEMENTARY INFORMATION:** Because of irresolvable scheduling conflicts, the EPA Office of Mobile Source Air Pollution Control has found it necessary to change the date of the May 16 session of the bimonthly EPA/Industry meeting. The meeting is now scheduled to convene at 10 a.m. on Thursday, May 24, 1979, at the Motor Vehicle Emission Laboratory, 2565 Plymouth Road, Ann Arbor, Michigan.

Dated: May 7, 1979.

Edward F. Tuerk,  
Assistant Administrator for Air, Noise, and Radiation.

[FRL 1224-3]

[FR Doc. 79-15021 Filed 5-11-79; 8:45 am]

BILLING CODE 6560-01-M

### New York Department of Environmental Conservation; Issuance of Specific Exemption To Use Chlorpyrifos To Control Onion Maggot

**AGENCY:** Environmental Protection Agency (EPA), Office of Pesticide Programs.

**ACTION:** Issuance of a specific exemption.

**SUMMARY:** EPA has issued a specific exemption to the New York Department of Environmental Conservation (hereafter referred to as the "Applicant") to use chlorpyrifos to control the onion maggot on 6,750 acres on onions in eight counties in New York. This exemption ends on June 30, 1979.

**FOR FURTHER INFORMATION CONTACT:** Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room E-315, Washington, D.C. 20460, Telephone: 202/755-4851. It is suggested that interested persons telephone before visiting the EPA Headquarters so that the appropriate files may be made conveniently available for review purposes.

**SUPPLEMENTARY INFORMATION:** Onion maggot, *Hylemya antiqua* (Meigen), is a single host pest that annually threatens onion crops grown in New York. The larvae tunnel into growing bulbs and

either destroy them completely or render them unsalable. Because onion maggot is a single host pest, the entire population is exposed to the chemical being applied, resulting in eventual resistance to the chemical. According to the Applicant, fensulfothion and fonophos are the only registered pesticides still recommended for use as preventive applications at planting time before the larvae invade the plants; neither provided satisfactory control. There are no alternative cultural or biological practices.

The Applicant proposes to use two formulations containing the active ingredient (a.i.) chlorpyrifos applied simultaneously with a fungicide such as Nabam, Dithane M-45, or formaldehyde, for disease control. Approximately 6,750 pounds a.i. will be used in the counties of Madison, Ontario, Orange, Orleans, Owego, Steuben, Wayne, and Yates. The Applicant estimates that losses of up to \$6 million or more could result if the onion maggot is not controlled.

EPA has concluded that residues of chlorpyrifos in onions are not expected to exceed 0.5 part per million (ppm) from the proposed use rate of one pound per acre with a 90-day pre-harvest interval. This residue level has been deemed adequate to protect the public health.

Since chlorpyrifos is toxic to both aquatic and terrestrial species, EPA has imposed precautions on the EPA labels of both products to be used. It is not anticipated that any wildlife or endangered species will be adversely affected as a result of this use.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of onion maggot on onions has occurred or is about to occur; (b) there is not effective pesticide presently registered and available for use to control the onion maggot in New York; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the onion maggot is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until June 30, 1979 to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The products Lorsban 4E (EPA Reg. No. 464-484) and Lorsban 15G (EPA Reg. No. 464-523) are authorized at a dosage rate of 0.029 pound a.i. per 1,000 linear foot of row or one pound per acre a.i.

based on the standard fifteen-inch row width;

2. A maximum of one application is authorized. Application will be made at planting time only;

3. Applications may be made by growers State-certified as private applicators or by persons in their employ and under their supervision;

4. A maximum of 6,750 acres of dry bulb onions may be treated in the counties named above;

5. A maximum of 6,750 pounds a.i. may be applied;

6. Application may be made by (a) drench treatment, (b) a furrow spray, or (c) granules;

7. Onions with residue levels of chlorpyrifos not exceeding 0.5 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

8. There is to be a pre-harvest interval of not less than 90 days;

9. All applicable label directions, precautions, and restrictions must be adhered to;

10. The EPA shall be immediately informed of any adverse effects resulting from the use of chlorpyrifos in connection with this exemption; and

11. The Applicant shall be responsible for assuring that all of the provisions of this specific exemption are followed and must submit a report summarizing the results of this program by December 31, 1979.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136))

Dated: May 9, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[OPP-180285; FRL 1224-2]

[FR Doc. 79-15020 Filed 5-11-79; 8:45 am]

BILLING CODE 6560-01-M

#### Pesticide Programs; Approval of Application to Conditionally Register Pesticide Product Containing New Active Ingredient

On March 1, 1978, notice was given (43 FR 8293) that FMC Corp., 2000 Market St., Philadelphia, PA 19103, had filed an application (EPA File Symbol No. 279-GNRU) with the Environmental Protection Agency (EPA) to register the pesticide product POUNCE 3.2 EC containing 38.4% of the active ingredient permethrin (3-phenoxyphenyl)-methyl(±)-cis,trans 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane-carboxylate which was not previously registered at

the time of submission. Notice of registration is given in accordance with 40 CFR 162.7(d)(2).

This application was approved April 11, 1979, and the product has been assigned the EPA Registration No. 279-3014. POUNCE 3.2 EC is classified for restricted use in cotton. A copy of the approved label and list of data references used to support registration are available for public inspection in the office of the Federal Register Section, Program Support Division (TS-757), Office of Pesticide Programs, Rm. 401 East Tower, 401 M St., SW, Washington, DC 20460. The data and other scientific information used to support registration, except for the material specifically protected by Section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136) will be available for public inspection in accordance with Section 3(c)(2) of FIFRA, within 30 days after registration date of April 11, 1979. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), EPA, 401 M St., SW, Washington DC 20460. Such requests should: 1) identify the product by name and registration number and 2) specify the data or information desired.

Dated: May 9, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[OPP-C30142A; FRL 1224-1]

[FR Doc. 79-15019 Filed 5-11-79; 8:45 am]

BILLING CODE 6560-01-M

#### Regulation of "Biorational" Pesticides; Policy Statement and Notice of Availability of Background Document

**AGENCY:** Environmental Protection Agency (EPA or Agency), Office of Pesticide Programs.

**ACTION:** Proposed Agency policy on the regulation of Biorational pesticides.

**SUMMARY:** Biorational pesticides include biological pest control agents and certain naturally occurring biochemicals which are inherently different in their mode of action from most organic and inorganic pesticide compounds currently registered with EPA. This notice summarizes the Agency's approach to registration of biorational pesticides and the general means by which the Agency will implement an appropriate program for the regulation of these agents. EPA is in the process of evaluating the potential impact of such unconventional pest control agents on Human Safety and the

Environment for the purpose of implementing a comprehensive registration program. A detailed background document is available on request. The Administrator recognizes the broad impacts of this policy and invites the public to comment on the Agency's proposed program for the evaluation of biorational pesticides as described in this notice and the background document.

**DATES:** Comments should be submitted by June 13, 1979.

**ADDRESS:** Address all comments to Federal Register Section, Program Support Division (TS-757), Office of Pesticide Programs, EPA, 401 M Street, S.W., Washington, D.C. 20460. Comments received will be available for public inspection in Room E-401, at the address above from 8:30 a.m. to 4 p.m. Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Dr. Martin Rogoff, Hazard Evaluation Division (TS-769), Office of Pesticide Programs, EPA, 401 M Street, S.W., Washington, D.C. 20460, telephone (703) 557-7357. Single copies of the background document are available from Dr. Rogoff.

**SUPPLEMENTARY INFORMATION:** The vast majority of the more than one thousand pesticide active ingredients regulated by EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136) are man-made organic and inorganic chemicals and are innately toxic. Less than one percent of the pesticide active ingredients registered by the Agency are inherently different in their mode of action from most organic and inorganic compounds. This small group is exemplified by the living or replicable biological entities, such as viruses, bacteria, fungi and protozoans. Naturally occurring biochemicals, such as plant growth regulators and insect pheromones and hormones, also function by modes of action other than innate toxicity. This proposed policy statement addresses the regulation of these "biorational" pesticides.

Section 2(u) of the FIFRA defines a pesticide as "... any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and ... any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant. \* \* \* The language of FIFRA gives the Agency a very broad regulatory authority. As applied to biological pesticides, the definition includes, the many diverse macroscopic life forms which can be

and are utilized in programs of biological control, such as *Gambusia* fish, or birds, as insecticides, insects (*Chrysolina quadrigemina*) or aquatic mammals (manatee) as herbicides, or use of the mongoose to control rats. The Agency to date has not regulated the macroscopic biological pest agents as "pesticides" and does not intend to impose registration requirements on such macroscopic agents.

#### **Purpose of the Proposed Policy Statement**

Consistent with the Agency's responsibilities to protect human health and environmental well-being this policy statement will: set forth a working definition of biorational pesticides; set forth the general means by which the agency will implement its statutory mandate to support biologically integrated alternatives for pest control; and set forth an interim regulatory framework pending implementation of a comprehensive action plan for the EPA's biorational pesticide program during the next two years.

The plan contains several major elements including:

- a. This General Statement of Policy;
- b. Promulgation of Guidelines setting forth data requirements for the registration of biorational pesticides. Guidelines development will require broad input from those Federal agencies (USDA, DHEW, USDI) with related program responsibilities, as well as from other sectors with an interest in the regulation of biorationals. In addition a group of consultants with expertise in human virology, mycology and medical bacteriology is now being formed to assist in development of Human Effects Testing Guidelines;
- c. Promulgation of a regulation under Section 25(b) of FIFRA to exempt life forms of a higher order than microorganisms from regulation under the Act;
- d. Orientation of appropriate Agency research programs to meet the needs of the biorational pesticides program and to reflect academic and commercial trends in the development of biorational pesticides; and
- e. Development of guidance for EPA personnel involved in registration of biorational pesticides during the interim two year period.

#### **Major Issues**

The major issues considered by the Agency in formulating its policy concerning the regulation of biorational pesticides are presented below. A

detailed discussion of these issues is presented in the background document.

1. Over what classes of biorational pesticides should the Agency exercise its regulatory authority and which agents should be excluded from the requirement for registration?
2. What types of test data will the Agency require for adequate assessment of the hazards to man and the environment from use of biorational pesticides?
3. What research and development efforts are necessary to fill gaps in testing methodology and otherwise enable the Agency to develop an appropriate registration program for biorationals?
4. What is the Agency's role in encouraging the development and use of biorational pesticides?

#### **Statement of Proposed Policy**

In regulating biorational pesticides EPA will:

1. Recognize that biorational pesticides are inherently different from conventional pesticides, and will take steps to substantiate by scientific data the expectation that many classes of biorational control agents pose lower potential risk than conventional pesticides. Although biorational pesticide registrants will not be relieved of the burden of proof of their safety, the Agency will take into account the fundamentally different modes of action of biorationals and the consequent lower risks of adverse effects from their use.
2. Develop and implement programs to resolve outstanding safety issues and to monitor probable effects of biorational pesticides on the environment and man.
3. Develop Guidelines for human and environmental safety testing of biorational pesticides within the next 24 months. In developing the Guidelines, the Agency will encourage the participation of the public and other Federal Agencies and will actively seek recommendations on appropriate risk assessment methods and data requirements.
4. Promulgate a regulation under Section 25(b) of FIFRA to exempt from regulation under FIFRA those microscopic biological agents which are currently regulated by USDA and USDI. EPA will seek the active participation of the affected Agencies, including USDI, USDA and DHEW in drafting the regulation.
5. Facilitate the registration of environmentally acceptable biorational pesticides as alternatives to conventional pesticides by assuring that requirements for the registration of

biological agents are appropriate to their nature and are not unduly burdensome. The Registration Division will receive guidance on appropriate data requirements for implementation of this policy in the two year interim until the Guidelines are finalized.

6. Review data submitted in support of the registration of biorational pesticides and reach regulatory decisions in an expeditious manner, giving priority to innovative biorational controls in the registration process.

7. Vigorously encourage the demonstration of the practical value and safety of biorational pesticides in Agency and interagency programs as appropriate and as mandated by Section 20 of the statute.

8. Rely heavily on the expertise and program experience of other Federal Agencies whose authorities, responsibilities and programs involve biological pesticides, for the development and implementation of EPA's biorational pesticide regulations and programs.

Dated: May 8, 1979.

Steven D. Jellinek,

Assistant Administrator for Toxic Substances.

[OPP-30026; FRL 1223-0]

[FR Doc. 79-15018 Filed 5-11-79; 8:45 am]

BILLING CODE 6550-01-M

### Response to Interagency Testing Committee Recommendations

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice in response to Interagency Testing Committee recommendations.

**SUMMARY:** Section 4(e) of the Toxic Substances Control Act (TSCA) (90 Stat. 2003, 15 U.S.C. 2601 et seq.) established an Interagency Testing Committee (ITC) to recommend to the Administrator of the Environmental Protection Agency (EPA) a list of chemicals to be considered for testing. The ITC may have up to 50 of its recommendations designated at any one time for priority consideration by EPA. TSCA requires EPA to respond to such priority recommendations within one year of their receipt by the Agency, either by initiating rulemaking proceedings under section 4(a) or by publishing in the *Federal Register* EPA's reasons for not having taken such action.

On April 10, 1978, the ITC transmitted its second report to EPA, in which the ITC added eight recommendations to its list. The ITC designated those recommendations for priority consideration by EPA. The Agency has not completed its review and evaluation

of the April 1978 recommendations. Therefore, EPA is not initiating section 4(a) rulemaking proceedings for those recommendations at this time. EPA plans to propose test rules in December 1979, March 1980, and May 1980 that will require health effects testing of any chemicals included in the first two ITC reports that meet the requirements of section 4(a).

#### FOR FURTHER INFORMATION CONTACT:

John B. Ritch, Jr., Director, Industry Assistance Office, Office of Toxic Substances (TS-799), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, 800-424-9065; in Washington, D.C., call 554-1404.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 4(e) of TSCA established the ITC to recommend to the Administrator of EPA, in the form of a list, chemical substances and mixtures that should be considered for test rules under section 4(a) of TSCA. In addition, the ITC may designate entries on its list for priority consideration by EPA. TSCA states that the total number of entries designated for priority consideration may not, at any one time, exceed 50. EPA must, within 12 months of priority designation, either initiate a rulemaking proceeding under Section 4(a) or publish in the *Federal Register* the Agency's reasons for not having initiated one.

The Act required the ITC to transmit its initial list to the Administrator by October 3, 1977, and to consider updating that list at least every six months thereafter. The ITC's initial list of four individual chemicals and six categories of chemicals was transmitted to EPA on October 4, 1977, and was subsequently published in the *Federal Register* (42 FR 55026, October 12, 1977). Each of the 10 recommendations on the October 1977 list was designated by the ITC for priority consideration by EPA. On October 26, 1978, the Agency published its required response to the initial ITC priority list (43 FR 50134). EPA stated at that time its reasons for not initiating rulemaking with respect to those chemicals and categories of chemicals.

On April 10, 1978, the ITC transmitted its second report to the Agency, adding four individual chemicals and four categories of chemicals to the section 4(e) list, and designated each to receive priority consideration (43 FR 16684, April 19, 1978). Those recommendations, which are the subject of this notice, are summarized below. Discussion of the public comments received by the Agency in response to publication of the

second ITC report appears in the Appendix to this notice.

#### April 1978 Additions to the ITC Priority List

**Acrylamide.** The ITC recommended acrylamide for testing for carcinogenicity, mutagenicity, teratogenicity, and environmental effects and for an epidemiologic study. The recommendations are based on the possibility of this water-soluble compound's entry into surface and ground waters as a result of soil grouting, water-treatment operations, and other processes using either preformed or formed-in-place polyacrylamide; on its severe neurotoxicity, which raises the possibility of other serious effects that might result from long-term low-level exposure; and on the exposure of about 20,000 workers during its various uses in addition to potential human exposure via release to the environment.

**Aryl Phosphates.** The aryl phosphate category was defined by the ITC as phosphate esters of phenol or alkyl-substituted phenols, including mixed alkyl and aryl esters. Testing for carcinogenicity, mutagenicity, teratogenicity, other chronic effects (especially neurotoxicity), and environmental effects and epidemiologic studies are recommended. These recommendations are based in part on information that indicates a potential for extensive nonmanufacturing occupational exposure and environmental release. Some aryl phosphates are known neurotoxins. Limited data show that aryl phosphates may persist in the aquatic environment and bioaccumulate in aquatic species.

**Chlorinated Naphthalenes.** The ITC recommended that chlorinated derivatives of naphthalene be tested for carcinogenicity, mutagenicity, teratogenicity, other chronic effects, and environmental effects and that epidemiologic studies be done. There is some evidence that these compounds have biological activity, but no data were found for chronic effects. Although there is little information on quantities dispersed to the environment, their detection in stream sediments, fish, and fish-eating birds indicates their occurrence, persistence, and foodchain bioaccumulation.

**Dichloromethane.** The high estimates of occupational and general exposure to dichloromethane and of its release to the environment, together with the lack of data for most of the effects categories, led to recommendations for testing for carcinogenicity, mutagenicity, teratogenicity, other chronic effects, and

environmental effects and for an epidemiologic study.

**Halogenated Alkyl Epoxides.** The ITC recommended that halogenated noncyclic aliphatic hydrocarbons with one or more epoxy functional groups be tested for carcinogenicity, mutagenicity, teratogenicity, other chronic effects, and environmental effects and that epidemiologic studies be performed. Although epichlorohydrin (1-chloro-2,3-epoxypropane) is the only such compound in wide use with a high estimated occupational exposure, other category members have the potential for expanded use. Concern for the possible ill effects of these chemicals is based on the increased potential for biological activity, which is a result of a second reactive function in an already reactive epoxide, and on the known toxic effects of epichlorohydrin and the enzyme-inhibiting properties of 1,1,1-trichloro-2,3-epoxypropane. The results of carcinogenicity studies on epichlorohydrin are equivocal, and little is known about the toxicity of the other category members.

**Polychlorinated Terphenyls.** The polychlorinated *ortho*-, *meta*-, and *para*-terphenyls have been imported in increasing amounts since 1972, when their production in the United States stopped. Their dispersive uses, their detection in both the environment and in human biological samples, their potential for persistence and bioaccumulation, and the lack of information on their effects led the ITC to recommend testing for carcinogenicity, mutagenicity, teratogenicity, other chronic effects, and environmental effects.

**Pyridine.** The ITC recommended that pyridine be tested for its carcinogenicity, mutagenicity, teratogenicity, other chronic effects, and environmental effects and that an epidemiologic study be done. Concern for the effects of pyridine was raised by its potential for human exposure and environmental release, its short-term toxicity, and the scarcity of long-term studies on the chemical.

**1,1,1-Trichloroethane.** The ITC recommended this compound for testing for carcinogenicity, mutagenicity, teratogenicity, and other chronic effects and for an epidemiologic study because of its very high production, the dispersive nature of its uses, and occupational exposure involving an estimated three million workers.

#### Statement of Reasons

EPA is not proposing a section 4(a) rule at this time for the chemicals and categories listed and designated for

priority consideration by the ITC in its second report.

As discussed further below, the EPA has not yet completed full evaluation of the recommendations, which must be done before the Agency can determine whether to propose testing rules for them. In addition, the test standards that must be identified in proposing section 4 test rules have not yet been proposed for public review and comment. For these reasons the Agency is not at this time proposing section 4 test rules for the chemicals and categories included by the ITC in its second report.

In order to propose test rules for the chemicals that the ITC has recommended, the Agency must review and evaluate the available information on those chemicals according to the statutory prerequisites for requiring testing prescribed by TSCA section 4(a). The findings required by section 4(a) to propose a test rule demand substantially more detailed and more thoroughly evaluated information than is required of the ITC in making its recommendations under section 4(e). EPA needs to identify those chemicals for which sufficient data already exist to determine or predict their effects on human health or the environment so that the Agency does not require industry to perform unnecessary testing. Such determinations require the Agency to weigh a number of scientific and policy issues that concern the adequacy of existing data.

In its evaluation of the recommendations made by the ITC, EPA is reviewing and evaluating information from a variety of sources besides the ITC dossiers and their references, including (1) studies and reports identified in additional literature searches conducted by EPA, (2) the public comments received in response to publication of the ITC list in the *Federal Register*, and (3) information from the files of EPA and other Federal agencies. TSCA Section 4(b) requires EPA to provide standards for the development of test data for the chemicals that are to be tested under the test rules the Agency promulgates. EPA has been developing such standards for a variety of health and environmental effects. The test methodologies prescribed in these standards are being designed to ensure that the resulting test data will be reliable and meet the Agency's needs.

Although the standards will, as appropriate, be incorporated into test rules promulgated under section 4, they will be proposed separately in the *Federal Register* to allow for public comment specifically on the approaches to testing that the Agency considers will

best allow it to assess the risks of chemicals. None of the test standards needed to implement the ITC recommendations has yet been proposed. EPA proposed standards for oncogenicity and chronic effects testing in April 1979. Testing standards for acute toxicity, subchronic toxicity, mutagenicity, teratogenicity, and reproductive effects are expected to be proposed by fall 1979.

#### Status of EPA's Evaluation

On the basis of its review thus far, EPA concludes that each of the eight chemicals or categories of chemicals recommended by the ITC in its second report should continue to be considered for section 4(a) rulemaking. Although the Agency considers publication of this notice to remove the designation for priority consideration of the eight recommendations in the ITC's second report, those recommendations retain high priority within EPA for section 4(a) consideration.

EPA intends to propose the first health effects test rule by the end of December 1979, to be followed by the second and third health effects test rules in March 1980 and May 1980, respectively. Together, these three rules will require appropriate health effects testing of the substances included in the first two reports of the ITC and, where possible, substances from any subsequent ITC reports, that meet the requirements of section 4(a). Where EPA finds that existing information on any of the chemicals recommended by the ITC does not support the need for a test rule, the Agency will publish a notice in the *Federal Register* stating in detail its reasons for not requiring testing.

Dated: May 8, 1979.

Barbara Blum,  
Acting Administrator.

#### APPENDIX

##### Public Comments

##### Acrylamide

*Comment 1:* In a report cited by the ITC, environmental release from soil grouting applications was based on an assumption of 1% unreacted monomer. Commentor's experience indicates residual acrylamide is less than 0.03%, and release to the environment by this route may be much less than the estimate in the ITC dossier reference. Furthermore, a major supplier has withdrawn from the soil grouting market.

*Discussion:* EPA will need to review the potential release of acrylamide from soil grouting operations as part of its review of total release to the environment. Any data available from commentor on residual monomer concentrations will be considered during this review. The Agency will also

attempt to determine the current status of this use of the chemical.

*Comment 2:* The leaching of residual monomer from polyacrylamides does not pose major hazards to human and aquatic life. Commentor's standard grade of acrylamide has a specification of 0.5% residual monomer, while the grade approved by EPA for use in potable water contains a maximum of 0.05% monomer. The ITC estimate of exposure by this route is based on estimated safe levels of acrylamide after applying a safety factor of 1000 to available toxicity data and not on amounts actually available for release.

*Discussion:* EPA agrees that release estimates should be based as far as possible on measured or at least maximum monomer levels. The Agency is initiating field and laboratory studies on release of acrylamide from polyacrylamide samples and expects these studies to help provide realistic estimates of acrylamide release of this type.

*Comment 3:* ITC estimates of acrylamide discharge to the environment included release from a plant using the sulfate production process that contributed more than half the estimated discharge; this process has been discontinued. A replacement plant uses a different process with substantially reduced emissions.

*Discussion:* EPA is aware of recent changes in acrylamide manufacturing processes and will base its release estimate on the most recent information available.

*Comment 4:* Many acrylamide uses cited by the ITC, such as sewage and wastewater treatment, textile sizing, and ore processing, are uses of polyacrylamide rather than the monomer.

*Discussion:* EPA recognizes that the monomeric and polymeric forms must be carefully distinguished during the evaluation of acrylamide.

#### Aryl Phosphates

*Comment 1:* A recent publication discusses the relationship of structure to neurotoxic activity within this class of compounds; another shows that phosphate esters are readily biodegradable. Neither paper was cited by the ITC.

*Discussion:* EPA will include these studies in its evaluation of the category.

*Comment 2:* Several additional commercial aryl phosphates are important enough to have been specifically included in the category by the ITC. These are: *t*-butylphenyl phenyl phosphates, nonylphenyl cumylphenyl phenyl phosphate, xylenyl phosphate, 2-ethylhexyl diphenyl phosphate, isodecyl diphenyl phosphate, and dibutyl phenyl phosphate. Annual U.S. production estimates range from 3 million pounds for dibutyl phenyl phosphate to 15 million pounds for xylenyl phosphate.

*Discussion:* The six compounds listed in the comment fall within the ITC category definition. EPA will consider available data on all of commentor's examples as it evaluates this category.

*Comment 3:* Triethyl phosphate has not been used as a lead scavenger in gasoline since the 1960s.

*Discussion:* The ITC's evaluation of this category member included the assumption

that this use is probably declining (ITC dossier, p. II-10). Dropping this use from the list is unlikely to affect the evaluation of this category member.

*Comment 4:* There is considerable biological testing that has been completed or is in progress that has not been cited in the dossier and should be considered by the EPA.

*Discussion:* The unpublished reports sent in by the commentor were not available to the ITC in its initial review. The material will, however, be considered in the final evaluation made by the EPA.

*Comment 5:* An epidemiologic study has been completed at the FMC plant that produces aryl phosphates.

*Discussion:* The EPA will examine the protocol and results of this study when considering the preparation of a test rule.

#### Halogenated Alkyl Epoxides

*Comment 1:* The category definition is too broad; as defined by the ITC, it may group compound types that should be considered separately—for example, perfluorinated alkyl epoxides should be in a separate category.

*Discussion:* EPA recognizes that the definition of a category can have important implications. For this reason, Agency review of this and other categories will always include a careful consideration of what, if any, limits should be placed on them.

*Comment 2:* The NIOSH/NOHS estimate of 140,000 persons exposed to epichlorohydrin is probably too high.

*Discussion:* EPA's review of use and exposure information on epichlorohydrin generally supports the NIOSH/NOHS estimate. The commentor has supplied no information to support a lower figure.

*Comment 3:* Several tests are being carried out on epichlorohydrin. Additional testing, if required, can best be planned when current studies are completed.

*Discussion:* Although it is possible that sufficient studies have been done to assess the risk of human exposure to epichlorohydrin, the EPA will not be able to decide this point until it has evaluated further information on these studies. If the effects of epichlorohydrin are believed to have been adequately characterized, then no further tests will be required.

#### Pyridine

*Comment 1:* U.S. production of pyridine is closer to 26 million lb/yr. than 60 million lb/yr. (ITC), and 48% of this production is exported. The use of pyridine in the synthesis of agricultural chemicals and their intermediates accounts for about 54% or the U.S. sales but was not mentioned by the ITC; the percentages attributable to other uses are correspondingly lower. Occupational exposure to pyridine is less than 31,000 person, rather than around 249,000 (ITC), and typical worker exposure levels are low—1 ppm (8-hour TWA) or lower. General population exposure to pyridine is negligible because its cost encourages conservation and recovery measures and because any pyridine released is degraded in soil and air. The statement in the ITC dossier that pyridine occurs in crops and fish is based on a misreading of the sources cited; the statement that it is often found in municipal waste

water is unsupported by a citation; and the statement that it has been found in four water supplies is misleading, because only two of the sources were in the United States. The conclusion is that pyridine is unlikely to present an unreasonable risk to health or the environment.

*Discussion:* The detailed information provided by the commentor will help EPA to better assess the potential for human and environmental exposure to pyridine. The dossier information on pyridine in fish and crops was taken from abstracts; EPA will review the original articles. EPA recognizes that the statement in the dossier about pyridine in waste water is undocumented, and that information presented in the dossier on its occurrence in water supplies may be partly inaccurate. Finally, it is not entirely clear from information supplied by the commentor that degradation will occur readily in soil.

*Comment 2:* Because pyridine has low electrophilicity, it is unlikely to react with DNA, and so has a low degree of suspicion as a mutagen.

*Discussion:* It is true that pyridine itself does not normally behave as an electrophile. However, some possible metabolites, such as the *N*-methyl derivative cited in the ITC dossier (p. VII-10), would have greatly enhanced electrophilicity; metabolic *N*-oxidation, if it occurs, could also lead to electrophilic derivatives such as the *N*-acetoxy compound. Thus, mutagenic potential for pyridine cannot be excluded on structural grounds. However, the commentor has also cited several recent negative mutagenicity tests on pyridine, and EPA will decide whether these studies are adequate for determining mutagenic activity.

*Comment 3:* EPA should not act on the testing recommendations for pyridine until the ITC has had a chance to review updated information and perhaps withdraw the recommendations.

*Discussion:* In its October 1978 report to the EPA Administrator, the ITC made no revisions in its earlier recommendations, including pyridine. EPA is thus obliged to treat the pyridine testing recommendations with the same priority as other ITC recommendations.

*Comment 4:* The ITC literature search was comprehensive but not exhaustive.

*Discussion:* The ITC dossiers are not intended to be exhaustive, but merely to provide enough information for the ITC to make an initial assessment. When the chemical is placed on the priority list, the EPA is responsible for performing a more comprehensive information search.

*Comment 5:* The National Cancer Institute is conducting a bioassay of pyridine; another such test may be duplicative and unnecessary.

*Discussion:* The ITC was aware of this proposed study when making its recommendations. The EPA will review in detail the protocols and any results from this study when considering a test rule for pyridine. If the oncogenicity of pyridine is or will be adequately tested, no further testing will be required.

*Comment 6:* There is no previous indication of carcinogenic potential; therefore, no testing is needed.

*Discussion:* By current standards, the negative or anomalous results reported by earlier experimenters are considered inadequate to judge the oncogenicity of pyridine.

*Comment 7:* Carcinogenicity testing recommendations should not be based on the results of short-term tests.

*Discussion:* The EPA believes that some short-term tests are useful for predicting the oncogenic activity of chemicals. Each test for each chemical will be individually evaluated.

*Comment 8:* The commentator submitted several papers on the mutagenic potential of pyridine not discussed in the ITC dossier. In view of these test results, the commentator believes that no additional mutagenicity tests are needed.

*Discussion:* The information provided by the commentator will be assessed by the EPA in its consideration of this chemical.

*Comment 9:* An epidemiologic study is unnecessary because medical surveillance programs indicate no unusual medical problems among employees who produce pyridine.

*Discussion:* Current surveillance programs suffer from some of the same problems many so-called epidemiologic studies suffer, e.g., lack of follow-up in cases where there may be a long latency period. Therefore, a properly conducted epidemiologic study may pick up effects that surveillance might miss.

*Comment 10:* An epidemiologic study would not produce meaningful results because pyridine workers do not constitute a suitable cohort.

*Discussion:* The information provided by the commentator will be used by the EPA when considering the need for a test rule.

*Comment 11:* An epidemiologic study is unnecessary because industrial hygiene surveys show that pyridine exposures are consistently well below the TLV.

*Discussion:* The TLV is based on available information about a substance and may be changed on the basis of new test data. However, data available from industrial hygiene surveys will be useful in EPA's evaluation of worker exposure to the chemical.

#### 1,1,1-Trichloroethane

*Comment 1:* This chemical should not be tested because if it becomes strictly controlled, more hazardous substitutes would have to be used. Other chlorinated solvents are more hazardous to human health, and ordinary hydrocarbon solvents present an explosion hazard.

*Discussion:* EPA is not satisfied that 1,1,1-trichloroethane is the least hazardous of the chlorinated hydrocarbon solvents; any testing required on the chemical will help to decide the issue. The results of health effects tests will also help to determine what degree of control may be needed to protect those potentially exposed; regulation will not

necessarily ban its use or lead to the substitution of more hazardous chemicals.

[FRL 1223-2]

[FR Doc. 79-15015 Filed 5-11-79; 8:45 am]

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### Texas Department of Health; Crisis Exemption To Use Strychnine Sulphate To Eradicate Rabid Feral Cats

**AGENCY:** Environmental Protection Agency (EPA), Office of Pesticide Programs.

**ACTION:** Notice of temporary crisis exemption.

**SUMMARY:** EPA gives notice that the Texas Department of Health (hereafter referred to as "Texas") availed itself of a crisis exemption to use strychnine sulphate to eradicate rabid feral cats. The crisis exemption has expired.

**FOR FURTHER INFORMATION CONTACT:** Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room E-315, Washington, D.C. 20460, Telephone: 202/755-4850.

**SUPPLEMENTARY INFORMATION:** Texas reported that on March 1, 1979 in the rural community of Abner, Texas, a four-year old boy was bitten by a feral cat. On March 22, 1979, two members of another family in the community were bitten by a free-roaming pet cat. Both cats were killed and laboratory examination proved them to be rabid. Texas was invited to survey the situation and provide recommendations to control the problem. An unoccupied farm was found to be the focal point of a large number of feral cats. With the consent of the community, Texas proceeded to place strychnine sulphate baits in the unoccupied premises and two adjacent barns that were close enough to be a part of the feral colony activity. Texas considered the time element too critical to request a specific exemption because of the certainty that other cats in the area were already exposed and in all probability were in the incubation stage. There is no pesticide registered to eradicate feral cats.

Texas used 202 baits which contained 0.83 grams strychnine sulphate placed in pork tallow squares. The baits were numbered and placed in selected locations in the areas where animal activity could be detected. A fluorescent painted card was used to number the baits and placed over the baits to discourage other wildlife activity from being attracted to the baits. All entrances to the area were marked with

conspicuous poison signs. All of the personnel involved in the preparation and placement of the baits are employees of the Texas Department of Health, Zoonosis Control Division. Domestic pets were secured to their premises during the 3-day program. All baits were removed from the baited premises after 72 hours. The remaining pork tallow and retrieved baits have been destroyed by incineration.

The carcasses of two skunks and one opossum were found following baiting however, a total of 75 baits from 202 placed were consumed by wildlife and it is assumed by Texas that a total of at least 37 wild animals were killed. Live traps were left in the area in case other stray cats, that were not exposed to the baits, are still active in the community. All of the domestic pets (dogs and cats) in the community have been vaccinated with rabies vaccine. Surrounding areas also conducted special immunization clinics.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136j))

Dated: May 9, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[OPP-180291; FRL 1223-7]

[FR Doc. 79-15017 Filed 5-11-79; 8:45 am]

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### Wisconsin Department of Agriculture, Trade, and Consumer Protection; Issuance of a Specific Exemption To Use Trifluralin and Oryzalin as a Tank Mixture To Control Common Root Rot in English Peas

**AGENCY:** Environmental Protection Agency (EPA), Office of Pesticide Programs.

**ACTION:** Issuance of a specific exemption.

**SUMMARY:** EPA has issued a specific exemption to the Wisconsin Department of Agriculture, Trade, and Consumer Protection (hereafter referred to as the "Applicant") to use a tank mixture containing trifluralin and oryzalin to control common root rot on 15,000 acres of English peas in Wisconsin. The specific exemption expires on June 15, 1979.

**FOR FURTHER INFORMATION CONTACT:** Emergency Response Section, Registration Division (TS-767), EPA, 401 M Street, S.W., Room E-315, Washington, D.C. 20460, Telephone: 202/755-4851. It is suggested that interested persons telephone before visiting the EPA Headquarters, so that the appropriate files may be made