

Proposed Rules

Federal Register

Vol. 68, No. 55

Friday, March 21, 2003

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 02–115–1]

Imported Fire Ant; Approved Treatments

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the imported fire ant regulations by adding the insecticide methoprene (Extinguish®) to the list of chemicals that are authorized for the treatment of regulated articles. This product is registered by the U.S. Environmental Protection Agency for use against the imported fire ant and has been found efficacious based on testing by the Gulfport Plant Methods Center. This action would make methoprene available for the treatment of containerized plants and field-grown woody ornamentals in the quarantined areas.

DATES: We will consider all comments that we receive on or before May 20, 2003.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 02–115–1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road, Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 02–115–1. If you use e-mail, address your comment to regulations@aphis.usda.gov. Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and “Docket No. 02–115–1” on the subject line.

You may read any comments that we receive on this docket in our reading

room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

FOR FURTHER INFORMATION CONTACT: Mr. Charles L. Brown, Imported Fire Ant Program Manager, Invasive Species and Pest Management, PPQ, APHIS, 4700 River Road, Unit 134, Riverdale, MD 20737–1231; (301) 734–8247.

SUPPLEMENTARY INFORMATION:

Background

The imported fire ant, *Solenopsis invicta* Buren and *Solenopsis richteri* Forel, is an aggressive, stinging insect that, in large numbers, can seriously injure or even kill livestock, pets, and humans. The imported fire ant feeds on crops and builds large, hard mounds that damage farm and field machinery. Imported fire ants are notorious hitchhikers and are readily transported long distances when articles such as soil and nursery stock are shipped outside the infested area.

The Animal and Plant Health Inspection Service (APHIS) works to prevent further imported fire ant spread by enforcing a Federal quarantine and cooperating with imported fire ant-infested States to mitigate the risks associated with the movement of regulated articles such as nursery stock and used soil-moving equipment. Also, APHIS evaluates the efficacy of regulatory treatments for preventing the artificial spread of imported fire ant and revises its regulations and procedures as necessary. APHIS works with States, industry, and other Federal agencies to develop and test promising new insecticides and biological control agents.

The regulations in “Subpart—Imported Fire Ant” (7 CFR 301.81 through 301.81–10, referred to below as the regulations) quarantine infested States or infested areas within States

and impose restrictions on the interstate movement of certain regulated articles from those quarantined States or areas for the purpose of preventing the artificial spread of the imported fire ant.

Sections 301.81–4 and 301.81–5 of the regulations provide, among other things, that regulated articles requiring treatment prior to interstate movement must be treated in accordance with the methods and procedures prescribed in the appendix to the subpart, which sets forth the treatment provisions of the “Imported Fire Ant Program Manual.”

Tests conducted by APHIS’s Gulfport Plant Methods Center in Mississippi have demonstrated that the insecticide methoprene (Extinguish®) is efficacious at variable dosage rates in treating plants in containers and at 1.0–1.5 lb. (0.45–0.68 kg) bait/acre for treatment of field-grown woody ornamentals. On May 27, 1998, methoprene was registered by the U.S. Environmental Protection Agency (EPA) for use against imported fire ant in containerized plants and field-grown woody ornamentals.

Therefore, we are proposing to amend the appendix to the regulations to add the insecticide methoprene (Extinguish®) as a treatment option for certain regulated articles requiring treatment against the imported fire ant. Specifically, we would amend the appendix to the regulations by adding methoprene (Extinguish®) to:

1. The list of authorized chemicals;
2. The list of approved treatments for all nurseries within the quarantined area, to treat all exposed soil surfaces where plants are grown, potted, stored, handled, unloaded, or sold; and
3. The list of fire ant baits that may be used in combination with chlorpyrifos to treat field-grown woody ornamentals.

Miscellaneous

In addition to the proposed amendments described previously, we would also make one nonsubstantive change to the appendix to the regulations. Specifically, we would add a reference to the insecticide pyriproxyfen (Distance®) to the second sentence of the paragraph titled *Special Information* in section III.C.5 of the appendix. When pyriproxyfen was added to the appendix as an approved treatment (see 64 FR 57969–57971, published October 28, 1999), references to that product should have been added to all three sentences in the *Special*