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SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to persons who produce or use pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this notice, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPP–2003–0122. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. EPA also established two dockets containing documents in support of the fenthion IRED. They are dockets OPP–34145 and OPP–34145A. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the “**Federal Register**” listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EPA’s electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available

docket materials through the docket facility identified in Unit I.B.1. Once in the system, select “search,” then key in the appropriate docket ID number.

II. What Action is the Agency Taking?

This notice announces cancellation, as requested by the pesticide registrant, Bayer, of its fenthion products registered under section 3 of FIFRA. These registrations are listed in sequence by registration number in Table 1 of this unit. Additionally, there are four FIFRA section 24(c) registrations, which the Agency intends to address in a separate action.

Fenthion is an organophosphorous insecticide used to control adult mosquitos in two counties in Florida. In a letter dated March 31, 2003, Bayer Environmental Science requested a voluntary cancellation of all its registrations for products containing fenthion, to be effective June 30, 2004. Bayer stated that this decision was based on the fact that the market for this product is very limited, in addition to the expected costs for generating data to meet the requirements mandated by the FIFRA reregistration process.

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

| Registration number | Product name | Chemical name |
|---------------------|---------------------------------------|---------------|
| 432–1285 | Baytex Liquid Concentrate Insecticide | Fenthion |
| 432–1290 | Baytex Technical Insecticide | Fenthion |

Table 2 of this unit includes the name and address of record for the registrant of the products in Table 1 of this unit:

TABLE 2.—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

| EPA company number | Company name and address |
|--------------------|--|
| 432 | Bayer Environmental Science, 95 Chestnut Ridge Road, Montvale, NJ 07645 |

III. Cancellation Order

Pursuant to section 6(f) of FIFRA, EPA hereby approves the requested cancellations of fenthion product registrations identified in Table 1 of this notice. Accordingly, the Agency orders that the fenthion product registrations

identified in Table 1 are hereby canceled as of June 30, 2004. After June 30, 2004, it will be unlawful for any person to distribute or sell any fenthion product, except as provided in Unit VI. Use of any fenthion products before November 30, 2004, including canceled products, must be in accordance with label directions and restrictions. Use of any fenthion products after November 30, 2004, is unlawful.

IV. What is the Agency’s Authority for Taking this Action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, the Administrator may approve such a request.

V. What Comments did the Agency Receive?

EPA received three sets of comments on the voluntary cancellation request for fenthion products during the comment period. The commenters, American Bird Conservancy, Defenders of Wildlife, and Florida Wildlife Federation, as well as two private citizens, all supported the granting of the voluntary cancellation request.

EPA also received one comment from the Lee County Mosquito Control District (LCMCD) after the close of the comment period. Although EPA is not obligated to consider untimely comments, the Agency did review the comment. EPA does not believe the issues raised by LCMCD merit further review or a denial of the voluntary cancellation request. EPA’s detailed response to the LCMCD comment may be found in the docket listed in Unit I.B.1.

VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of the cancellation action. Sale and distribution of fenthion products will not be permitted after June 30, 2004, except for the return to Bayer of unused product or for proper disposal until December 31, 2004. Use of any fenthion products will not be lawful under FIFRA after November 30, 2004. Use of fenthion products, including canceled products prior to November 30, 2004, must be in