



BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2019-0090; FRL-9990-83]

### Potassium Chloride; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

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

**ACTION:** Notice.

**SUMMARY:** EPA has received a quarantine exemption request from the Maryland Department of Agriculture to use the pesticide potassium chloride to treat Hyde's Quarry in Carroll County, Maryland, to control zebra mussels. The Applicant proposes the use of a new chemical which has not been registered by EPA as a pesticide. EPA is soliciting public comment before making the decision whether to grant the exemption.

**DATES:** Comments must be received on or before [*insert date 15 days after date of publication in the Federal Register*].

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2019-0090, by one of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave., NW, Washington, DC 20460-0001.

- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed

information, please follow the instructions at <https://www.epa.gov/dockets/where-send-comments-epa-dockets>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:** Michael L. Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460-0001; main telephone number: (703) 305-7090; email address: [RDFRNotices@epa.gov](mailto:RDFRNotices@epa.gov).

## **SUPPLEMENTARY INFORMATION:**

### **I. General Information**

#### *A. Does this Action Apply to Me?*

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

#### *B. What Should I Consider as I Prepare My Comments for EPA?*

1. *Submitting CBI.* Do not submit this information to EPA through [www.regulations.gov](http://www.regulations.gov) or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI

information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <https://www.epa.gov/dockets/comments.html>.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide discussed in this document, compared to the general population.

## **II. What Action is the Agency Taking?**

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the EPA Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the EPA Administrator determines that emergency conditions exist which require the exemption. Maryland Department of Agriculture has requested the EPA Administrator to issue a quarantine exemption for the use of potassium chloride (CAS No. 7447-40-7) in Hyde's Quarry in Carroll County, Maryland, to control zebra mussels.

Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the Applicant asserts that zebra mussels need to be eradicated in this body of water to prevent the establishment and spread of this aquatic invasive species. The mussels have a variety of detrimental environmental, economic, and recreational impacts. Without treatment it is likely that the mussels will establish a reproducing, self-sustaining population, which would, in turn, serve as another source population and possibly contribute to the infestation of other aquatic areas. The Applicant states that the requested chemical provides the best efficacy for the desired result with the best economic and environmental feasibility and least impact to human health and the environment.

The Applicant proposes to treat Hyde's Quarry in Carroll County, Maryland, containing an estimated 110-115 million gallons of water. The Applicant proposes to use a 20% potassium chloride solution mixed from muriate of potash and water. Applications will be made from a boat using a specially designed diffuser assembly to obtain a quarry-wide concentration of 100 parts per million over a period of approximately 14 days. This equates to approximately 8,140 gallons of stock solution introduced daily for the anticipated introduction of approximately 114,000 gallons over the 14-day treatment period. It is anticipated that only one application will be made, but up to four may be made if needed.

This notice does not constitute a decision by EPA on the application itself. The regulations governing FIFRA section 18 require publication of a notice of receipt of an application for a quarantine exemption proposing use of a new chemical (i.e., an active ingredient) which has not been registered by EPA for use as a pesticide. The notice provides an opportunity for public comment on the application.

The Agency will review and consider all comments received during the comment period

in determining whether to issue the quarantine exemption requested by the Maryland Department of Agriculture.

**Authority:** 7 U.S.C. 136 *et seq.*

Dated: March 15, 2019.

**Daniel Rosenblatt,**

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

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