



BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2020-0514; FRL-10015-77]

Atrazine, Simazine, and Propazine Registration Review; Draft Endangered Species Act Biological Evaluations; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of the Environmental Protection Agency's (EPA or the Agency) draft biological evaluations (BEs) for the registration review of the pesticides atrazine, simazine, and propazine, and opens a public comment period on these documents.

DATES: Comments must be received on or before **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2020-0514, through the Federal eRulemaking Portal at <http://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.

Please note that due to the public health concerns related to COVID-19, the EPA Docket Center (EPA/DC) and Reading Room is closed to visitors with limited exceptions. The staff continues to provide remote customer service via email, phone, and webform. For the latest status information on EPA/DC services and docket access, visit <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Tracy Perry, Pesticide Re-Evaluation

Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-0128; email address: *perry.tracy@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides and/or the potential impacts of pesticide use on threatened or endangered (listed) species and designated critical habitat. Since others also may be interested, 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 applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI*. Do not submit this information to EPA through *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 <http://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 pesticides discussed in this document, compared to the general population.

II. What action is the agency taking?

A. Authority

The Endangered Species Act (ESA) requires federal agencies, such as EPA, to ensure that their actions are not likely to jeopardize the continued existence of species listed as threatened or endangered under the ESA or destroy or adversely modify the designated critical habitat of such species. The final registration review determination of reevaluating a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) constitutes an EPA "action" under the ESA. If EPA determines a pesticide may affect a listed species or its designated critical habitat, EPA must initiate informal or formal consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service (collectively referred to as the Services), as appropriate. EPA initiates formal consultation with the Services through the conduct and transmittal of a biological evaluations (BE) with its findings.

B. Background

The Agency has completed comprehensive, nationwide draft BEs for atrazine, simazine, and propazine uses relative to the potential effects on listed species and their designated critical habitats. The schedule for conducting the atrazine and simazine BEs was negotiated as part of a partial settlement agreement pursuant to a joint stipulation filed on October 18, 2019 and entered by the court on October 22, 2019, in *Center for Biological Diversity et. al. v. EPA et. al.* (N.D. Ca) (3:11-cv-00293).

The atrazine, simazine and propazine BEs follow the *Revised Method for National Level Listed Species Biological Evaluations of Conventional Pesticides* (see docket ID number EPA-HQ-OPP-2019-0185-0084 at www.regulations.gov). EPA utilized the Revised Method for the first time when conducting the methomyl and carbaryl draft BEs, for which the Agency solicited public comment for a total of 120 days. EPA is currently evaluating public comments received and will take them into consideration for the final BEs for these pesticides. Comments received on carbaryl and methomyl that are applicable to the broader BE methodology will also be incorporated into the final BEs for atrazine, simazine, and propazine.

After reviewing comments received during the public comment period on the atrazine, simazine, and propazine draft BEs, EPA will issue final BEs and a response to public comments document. If EPA determines that these pesticides may affect listed species and/or their designated critical habitats, EPA will initiate consultation with the Services. Based on the BEs, the Services will then develop Biological Opinions for atrazine, simazine, and propazine.

C. Public Comments Sought

Pursuant to 40 CFR 155.53(c) and consistent with the enhanced stakeholder engagement practices (see docket ID number EPA-HQ-OPP-2012-0442), EPA is providing an opportunity, through this notice of availability, for interested parties to provide comments and input

concerning the Agency’s draft BEs for atrazine, simazine, and propazine. Such comments could address, among other things, the application of the Agency’s revised risk assessment methodologies to and assumptions for these draft BEs.

The file sizes of the draft BEs for atrazine, simazine, and propazine exceed the docket system’s file size limitation, therefore these documents are not posted to this BE docket. Instead, the BEs are posted on EPA’s endangered species webpage (see web links provided in the Table below). Commenters are instructed to post comments on the BEs to this BE docket (EPA-HQ-OPP-2020-0514) in *www.regulations.gov*, as indicated in the Table below.

Table. Pesticide Docket ID Numbers for Posting Comments on the Atrazine, Simazine, and Propazine Draft BEs and Links to the Draft BEs

Document	Pesticide Docket ID Number for Public Comments	Links to the draft BEs
Atrazine BE	EPA-HQ-OPP-2020-0514	https://www.epa.gov/endangered-species/draft-national-level-listed-species-biological-evaluation-atrazine
Simazine BE	EPA-HQ-OPP-2020-0514	https://www.epa.gov/endangered-species/draft-national-level-listed-species-biological-evaluation-simazine
Propazine BE	EPA-HQ-OPP-2020-0514	https://www.epa.gov/endangered-species/draft-national-level-listed-species-biological-evaluation-propazine

1. *Other related information.* Additional information on endangered species risk assessment and the NAS report recommendations are available at <https://www.epa.gov/endangered-species/implementing-nas-report-recommendations-ecological-risk-assessment-endangered-and>. Information on the Agency's registration review program and its implementing regulation is available at <https://www.epa.gov/pesticide-reevaluation>.

2. *Information submission requirements.* Anyone may submit data or information in response to this document. To be considered during a pesticide's registration review, the

submitted data or information must meet the following requirements:

- To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted at a later date.

- The data or information submitted must be presented in a legible and useable form. For example, an English translation must accompany any material that is not in English and a written transcript must accompany any information submitted as an audio-graphic or video-graphic record. Written material may be submitted in paper or electronic form.

- Submitters must clearly identify the source of any submitted data or information.

- Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

As provided in 40 CFR 155.58, the registration review docket for each pesticide case will remain publicly accessible through the duration of the registration review process; that is, until all actions required in the final decision on the registration review case have been completed.

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

Dated: November 2, 2020.

Alexandra Dapolito Dunn,

Assistant Administrator,

Office of Chemical Safety and Pollution Prevention.

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