



ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2023-0071; FRL-11556-01-OCSP]

Pesticide Experimental Use Permit; Receipt of Application; Comment Request (October 2023)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's receipt of an application 524-EUP-RRI. from Bayer U.S. Crop Science LLC requesting an experimental use permit (EUP) for the MON 95275, Stack Combinations with MON 94804 and Registered Insect-Protected Corn Traits and Controls. The Agency has determined that the permit may be of regional and national significance. Therefore, because of the potential significance, EPA is seeking comments on this application.

DATES: Comments must be received on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2023-0071, through the *Federal eRulemaking Portal* at <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. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Anne Overstreet, Biopesticides and Pollution Prevention Division (BPPD) (7511M), main telephone number: (202) 566-2425, email address: BPPDFRNotices@epa.gov. The mailing address for each contact person is Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC

20460-0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each application summary.

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 those persons who conduct or sponsor research on pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action.

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 <https://www.epa.gov/dockets/commenting-epa-dockets>.

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(s) discussed in this document, compared to the general population.

II. What action is the Agency taking?

Under section 5 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 136c, EPA can allow manufacturers to field test pesticides under development. Manufacturers are required to obtain an EUP before testing new pesticides or new uses of pesticides if they conduct experimental field tests on 10 acres or more of land or one acre or more of water.

Pursuant to 40 CFR 172.11(a), the Agency has determined that the following EUP application may be of regional and national significance, and therefore is seeking public comment on the EUP application:

Experimental Use Permit

Experimental Use Permit Number: 524-EUP-RRI. *Docket ID Number:* EPA-HQ-OPP-2023-0523. *Submitter:* Bayer U.S. Crop Science LLC, Regulatory Affairs Seeds & Traits, 700 Chesterfield Parkway, West Chesterfield, Missouri 63017. *Pesticide Chemical:* MON 95275, Stack Combinations with MON 94804 and Registered Insect-Protected Corn Traits and Controls. *Summary of Request:* Bayer CropScience LP is proposing to use 5.011 lbs. of active ingredient in 257,100 lbs. of formulated seeds over 4,285 acres from 2024 to 2025 as a plant-incorporated protectant for field corn. Proposed testing will include the following states and U.S. territories: AL, AR, CA, CO, FL, GA, HI, IA, IL, IN, KS, LA, MI, MN, MO, MS, NC, NE, ND, OH, PA, PR, SC, SD, TN, TX, WA, and WI to generate data to fulfill the requirements for Section 3 product registration under FIFRA. *Contact:* BPPD.

Following the review of the application and any comments and data received in response to this solicitation, EPA will decide whether to issue or deny the EUP request, and if issued, the conditions under which it is to be conducted. Any issuance of an EUP will be announced in the *Federal Register*.

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

Dated: November 14, 2023.

Delores Barber,

Director, Information Technology and Resources Management Division,

Office of Program Support.

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