



ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP- 2016-0282; FRL-9947-95]

Pesticide Experimental Use Permit; Receipt of Application; Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's receipt of an application (524-EUP-RNI) from Monsanto Company requesting an experimental use permit (EUP) for *Bacillus thuringiensis* mCry51Aa2 protein and the genetic material necessary for its production (vector PV-GHIR508523) in MON 88702 cotton (OECD Unique Identifier: MON-88702-4). The Agency has determined that the permit may be of regional or 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-2016-0282, by one of the following methods:

- *Federal eRulemaking Portal:* <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.

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

FOR FURTHER INFORMATION CONTACT: Robert McNally, Biopesticides and Pollution Prevention Division (BPPD) (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; main telephone number: (703) 305-7090; email address: BPPDFRNotices@epa.gov.

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](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 <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?

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 more than 10 acres of land or more than one acre of water.

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

Submitter: Monsanto Company, 800 N. Lindbergh Blvd., St. Louis, MO 63137, (524-EUP-RNI).

Pesticide Chemical: *Bacillus thuringiensis* mCry51Aa2 protein and the genetic material necessary for its production (vector PV-GHIR508523) in MON 88702 cotton (OECD Unique Identifier: MON-887Ø2-4).

Summary of Request: Monsanto Company is proposing to test MON 88702, a new plant-incorporated protectant (PIP) technology in cotton, alone and in combination with other registered PIPs in cotton to generate data and information that is intended to support future PIP registration applications (e.g., PIPs with multiple modes of action against hemipteran, thysanopteran and/or lepidopteran cotton pests). Monsanto Company's proposed experimental program would begin on March 1, 2017, and continue until February 28, 2019; would take place on 2,510 acres in Alabama, Arizona, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and Puerto Rico; and

would use 8,495.3 grams of active ingredient. Trial protocols will concentrate on seed development and increase for future testing, nursery observations of traits in various genetic backgrounds, phenotypic and agronomic observations, efficacy and yield benefits, and product characterization, performance and regulatory studies.

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: July 1, 2016

Robert McNally,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

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