granular carbofuran can be used without presenting an extremely high risk to birds.

With regard to the benefits, the Agency finds:

1. Efficacious alternatives to granular carbofuran exist for use on corn and

sorghum.

- 2. The absence of granular carbofuran will result in no short- or long-term increases in field corn production costs, nor will it cause significant output or yield losses, based on the current price and availability of pesticidal alternatives.
- 3. The absence of granular carbofuran for use on sorghum will result in some increased production costs due to the higher cost of alternatives and specialized application equipment, but will not cause significant reduction in yield.
- 4. No chemical alternatives are currently registered and no applications are pending for use on rice. Only limited data are available to characterize the effectiveness of non-chemical controls.
- 5. In the absence of granular carbofuran, significant reductions in rice yields may occur.

III. Summary of Public Comment

The complete text of all comments received in response to EPA's proposed decision (59 FR 17530), as well as a memorandum detailing EPA's responses to these comments can be found in the Office of Pesticide Program's public docket (OPP–30000/48E). See Unit VII, below, for more information and the location and hours of the OPP public docket.

EPA received few comments and no data in support of continued use of granular carbofuran on corn.

Several rice growers and rice growers' associations supported the Agency's proposed decision to extend the rice use. Several research institutions advised EPA of ongoing studies related to control of rice pests.

The Agency reviewed approximately 40 letters of a testimonial nature from sorghum growers, and numerous letters from Senators and Congressmen representing sorghum producing areas, supporting the continued use of granular carbofuran on sorghum. The National Grain Sorghum Producers provided some additional efficacy and yield data for carbofuran and its alternatives.

The U.S. Fish and Wildlife Service (FWS) and several environmental organizations commented that, in their opinion, no extensions of granular use were justified and that the Agency should also take action to eliminate use

of flowable carbofuran. The Sierra Club Legal Defense Fund, representing a group of environmental organizations, notified the Agency of its intention to sue EPA for violations of the Endangered Species Act and other statutes.

In response to EPA's call for safer alternatives in the April notice, one company, Solvay Duphar B.V., has indicated an interest in pursuing a registration for diflubenzuron on rice. Other companies have made preliminary inquiries.

IV. EPA's Final Decision and Rationale

A. Corn and Sorghum

EPA finds no justification in the comments it has received to alter the Agency's proposed decision not to reinstate the use of granular carbofuran on corn and sorghum. EPA confirms its previous decision that the risks of continued use of granular carbofuran on these sites outweigh the benefits. Therefore, these uses will not be reinstated.

While EPA received many comments related to the sorghum use, none contained persuasive evidence or new data to justify changing the proposed decision. Furthermore, new information supports the Agency's proposed decision. EPA has registered a new alternative pesticide, imidacloprid (trade name GAUCHO), for use on sorghum. The new compound is available as a seed treatment and therefore, is applied at rates much lower than carbofuran. Imidacloprid poses less risk both to pesticide handlers and to birds and wildlife than carbofuran and other alternatives, and the available information indicates that it is as effective as granular carbofuran in controlling moderate chinch bug infestations.

EPA has received additional comparative efficacy and yield data that confirm the Agency's previous determination that the available alternatives, aldicarb and flowable carbofuran, perform as well as granular carbofuran under conditions of high chinch bug infestation.

The state of Nebraska reports that they do currently have a special local needs registration for in-furrow application of flowable carbofuran, thereby reducing the Agency's previous concern that some growers in Nebraska might suffer economic impacts from the cancellation of the granular formulation. FMC has made available to sorghum growers a closed system for applying flowable carbofuran that they believe reduces potential exposure to pesticide handlers. The company is also offering

partial rebates to defray the cost to farmers of switching to the new application equipment.

ÉPA recognizes that there may not be sufficient imidacloprid treated sorghum seed available for the 1995 use season. The Agency also acknowledges that acquiring new application equipment may not be feasible for growers in certain circumstances. In these instances EPA will consider special local needs registrations, FIFRA section 24(c), submitted by states.

B. Rice

EPA has determined that the short-term benefits of using granular carbofuran on rice outweigh the short-term risks to birds, provided the use restrictions and conditions listed below are observed. Neither FMC nor other commenters has provided data to justify the long-term continued use of granular carbofuran on rice. Therefore, EPA is granting a maximum 2–year extension of this use for the sole purpose of providing an orderly transition to alternative controls.

In spite of the Agency's effort to encourage new registrations for alternatives to granular carbofuran for control of rice water weevil, none appears likely before the 1995 use season. EPA's decision to allow a limited extension on rice was also influenced by the Agency's concern that non-chemical control options, specifically draining fields and eliminating vegetation on levees and field edges (clean farming), could impede initiatives that conservation groups have implemented with rice growers to enhance wildlife habitat. EPA notes, however, that no data have been provided to the Agency that quantify the relative risks of continued carbofuran use compared to possible habitat losses from clean farming. Such data would be necessary to support any use of carbofuran on rice beyond that permitted by this Notice. See Unit VI, below

FMC's granular carbofuran product registrations must be amended to include the following limitations and conditions:

- 1. The use of granular carbofuran on rice is subject to the overall sales limits as set forth below in Unit V.
- 2. No production and sales by FMC will be allowed for use on rice during the 1996 growing season if registration of an alternative to control rice water weevil appears imminent at the end of the 1995 growing season. On or before September 1, 1995, EPA will assess the prospect for registration of alternatives to control rice water weevil and advise FMC and other interested parties if