production and sales of granular carbofuran for use on rice will be allowed for the 1996 growing season. EPA assessment of the prospect for alternatives will include: the product's efficacy in controlling the rice water weevil; the completeness of the data base supporting the product's registration; and the Agency's finding that the product presents less risk to the environment and human health than carbofuran. If EPA determines that registration of an alternative appears imminent, FMC's registration for granular carbofuran use on rice will automatically expire on September 1, 1995, without order or hearing. Otherwise, FMC's registration for this use will expire automatically on September 1, 1996, without order or hearing.

3. The labels of granular carbofuran products sold by FMC in 1995 for use on rice must bear the following statements: "FMC will sell this product in conformity with volume limitations agreed to with EPA," "FMC will not sell or release for shipment this product for use on rice after 8/31/95," and "This product cannot be used on rice after 8/ 31/96."

4. If no alternatives are registered and the Agency allows sales during 1996, labels of granular carbofuran products sold by FMC for use on rice must bear the following statements: "FMC will sell this product in conformity with volume limitations agreed to with EPA," "FMC will not sell or release for shipment this product for use on rice after 8/31/96," and "This product cannot be used on rice after 8/31/97."

5. Granular carbofuran products sold by FMC in 1995 and 1996 for use on rice must bear the following restrictions to protect the bald eagle, a federally designated threatened species: "Aerial application is prohibited within 1 mile of active bald eagle nests and within 10 miles of eagles congregating in winter roosting or staging areas." "For ground application to unflooded fields, within 1 mile of active bald eagle nests and within 10 miles of eagles congregating in winter roosting or staging areas, granules must be incorporated immediately and flooding must begin within 4 hours unless application is followed by hazing to keep birds out of the fields. If hazing is used, the field must be flooded no longer than 24 hours after application.'

In most rice growing areas, eagles vacate wintering areas prior to the time when granular carbofuran is applied to rice. However, the 10 mile restriction may apply to some counties in California from April 1st through April 15th, and to two counties in Texas from March 1st through March 31st.

6. Granular carbofuran products used on rice in California only, must bear labeling prohibiting use in areas occupied by the giant garter snake, a federally designated threatened species, unless FMC or other interested parties can provide data to EPA demonstrating that the toxicity of carbofuran to snakes is sufficiently low to eliminate concern or that the circumstances of use preclude exposure to this species.

Because toxicity data for reptiles in general and snakes in particular are lacking, EPA has used toxicity data for birds in their risk assessment. The Agency recognizes that data on a more closely related species such as the western aquatic garter snake (*Thamnophis couchii*) would be a better indicator of toxicity to the giant garter snake.

In the absence of such data, products must bear the following restriction: "This product may not be used in areas

where adverse impact on the giant garter snake is likely. Prior to making applications, the user of this product must determine that no giant garter snakes are located in or immediately adjacent to the area to be treated. If the user is in doubt whether or not the giant garter snake may be affected, he or she should contact either the State Department of Fish and Game, the regional office of the FWS, or the county agricultural commissioner."

Based on the limited information currently available to the Agency, the area potentially affected by this restriction would be the Butte, Colusa, American, and Sutter basins, as well as the Willow Slough and Liberty Farm area of the Yolo basin.

7. In order to protect threatened and endangered aquatic species in California, labels must state: "Flood water must be held on carbofuran treated fields for 28 days following flooding or application before being released into streams, rivers or other surface water bodies." Listed species that potentially could be affected without this measure in California include the Delta smelt and the winter run of Chinook salmon.

In the South (Arkansas, Louisiana, Mississippi, Missouri, and Texas), labels must state: "Permanent flood waters may not be released until 42 days after application. Also, if the water level in flooded rice fields rises due to heavy rainfall, additional flashboards must be put in place to prevent carbofurantreated water from spilling over levees into public waters." Listed species that potentially could be affected without these measures in the South include numerous mussels.

8. In lieu of the measures specified on product labels to protect threatened and endangered species, growers have the option of developing "landowner agreements" with the appropriate state lead conservation agency. These agreements permit growers to tailor species protection measures to the specific conditions on their land.

9. Granular carbofuran products for use on rice must contain the following application recommendations: "Confine all granular carbofuran applications to field areas. Cut off application equipment to avoid treating adjacent roads, field drains, ditches, banks, and other non-target areas. Apply carbofuran only when weather conditions are calm to prevent misplacement of granules. Ground applications will provide more precise carbofuran placement."

10. Labels must contain the following recommendation for loading: "Ground application equipment should be loaded in areas which will be flooded; each refill should be in a different location in the field. To facilitate clean up, load material only on tarp-covered ground."

11. FMC must provide a toll-free phone number on their product labels to report bird and wildlife kill incidents. FMC must report all incidents reported to it which associate the use of carbofuran with wildlife injury or death to EPA and the appropriate wildlife management agencies within 24 hours, regardless of the circumstances of the incident.

Should substantial avian mortality or incidental take of threatened or endangered species occur, EPA will be forced to consider additional use restrictions.

EPA will make available through the public docket its assessment of the potential risk to the threatened and endangered species associated with the use of carbofuran in rice growing areas. The assessment contains, among other useful information, a listing of counties potentially subject to use restrictions due to nesting or wintering bald eagles.

The measures that EPA is requiring are based on previous Biological Opinions from the FWS. EPA believes that these measures will decrease, but not necessarily eliminate, the likelihood of incidental take of eagles.

V. Sales Limits

Domestic sales of the 2G, 3G, 5G, 10G, and 15G formulations by FMC will be limited to 250,000 pounds of active ingredient (ai) per year for the 1995 and 1996 use seasons for use only on rice and five minor use sites, spinach grown for seed, cucurbits, cranberries, pine