

Dated: June 18, 1987.

J.C. Argetsinger,  
Chairman.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 799

[OPTS-42089; FRL-3221-7]

#### Testing Consent Order on 3,4-Dichlorobenzotrifluoride and Response to the Interagency Testing Committee

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This document announces that EPA has signed an enforceable Testing Consent Order with Occidental Chemical Corp. in which Occidental has agreed to perform certain chemical fate and environmental effects tests on 3,4-dichlorobenzotrifluoride (DCBTF). DCBTF is added to the list of Testing Consent Orders in Subpart C of Part 799 for which the export notification requirements of 40 CFR Part 707 apply. This document constitutes EPA's response to the Interagency Testing Committee's (ITC) recommendation that EPA consider health effects, chemical fate, and environmental effects testing of DCBTF.

**EFFECTIVE DATE:** June 23, 1987.

#### FOR FURTHER INFORMATION CONTACT:

Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Rm. E-543, 401 M St. SW., Washington, DC 20460, (202) 554-1404.

**SUPPLEMENTARY INFORMATION:** Under procedures described in 40 CFR Part 790, Occidental Chemical Corp. has entered into a Testing Consent Order with EPA in which Occidental has agreed to perform certain chemical fate and environmental effects testing of DCBTF. This rule amends Subpart C of 40 CFR Part 799 to add DCBTF to the list of chemical substances and mixtures subject to Testing Consent Orders.

#### I. ITC Recommendation

In its 14th Report to EPA, published in the Federal Register of May 29, 1984 (49 FR 22389), the ITC recommended that DCBTF (CAS No. 328-84-7) be considered for health effects, chemical fate, and environmental effects testing. The ITC did not designate DCBTF for EPA response within 12 months. The health effects testing recommended by

the ITC included toxicokinetics, genotoxicity, subchronic toxicity, and chronic toxicity (including oncogenicity). Chemical fate testing included water solubility, octanol/water partition coefficient, soil mobility, and persistence. The recommended environmental effects testing included acute and chronic toxicity to fish, aquatic invertebrates and algae, and bioconcentration.

#### II. Testing Consent Order Negotiations

In the Federal Register of July 2, 1986 (51 FR 24222), and in accordance with the procedures established in 40 CFR 790.28, EPA requested persons interested in participating in or monitoring testing negotiations on DCBTF to contact the Agency. EPA held public meetings with interested parties on July 18 and September 3, 1986, to discuss the testing appropriate for DCBTF. On June 10, 1987 EPA and Occidental Chemical Corp. signed a Testing Consent Order. Under the Order, Occidental agreed to conduct or provide for the conduct of the following tests: Algal toxicity, acute toxicity to gammarid, acute toxicity to fathead minnow, acute toxicity to rainbow trout, early life-stage toxicity to rainbow trout, and a biodegradability test. The specific test standards to be followed and the testing schedule for each test were included in the Order. Procedures for submitting study plans, modifying the Order, monitoring the testing and other provisions were also included in the Order as specified in 40 CFR 790.80.

#### III. Use and Exposure

DCBTF is a clear liquid with a water solubility of 11.6 mg/l and a vapor pressure of 1.6 mm Hg at 20°C (Refs. 1 and 2). The estimated log octanol-water partition and log soil adsorption coefficients are both 4.4 (Ref. 3).

DCBTF is manufactured by Diaz Chemical Co. and Occidental Chemical Corp. (Ref. 4). The production volumes were submitted as confidential business information (CBI) under section 8(a) of TSCA. American Hoechst Corp., Rhone-Poulenc, Inc. and Mercantile Development Inc. import DCBTF (Ref. 4). These volumes also were submitted to the Agency as CBI.

DCBTF is used as a herbicide intermediate. Rohm and Haas uses it to make acifluorfen (Blazer®) and oxyfluorfen (Goal®); Rone-Poulenc uses it to make acifluorfen (Tackle®).

The State of New York limits Occidental's releases of DCBTF from all outfalls to a combined total of 3 lb/day. Occidental is also required to monitor its discharges for DCBTF. Recent monitoring reports have shown that

DCBTF is not present at concentrations up to the detection limit of 1 ug/l (Refs. 5 and 6). Based upon environmental release models, the Agency predicted that substantial amounts of DCBTF were discharged to a receiving stream as a result of Diaz's manufacture and disposal processes (Ref. 7). Since the onset of negotiations with industry, Diaz has substantially reduced its discharge of DCBTF.

No monitoring data on workplace exposure are available. Although DCBTF is manufactured and processed using closed systems, some dermal exposure of approximately 40 workers may occur during collecting and disposing of wastes and during loading/unloading (Ref. 4). Manufacturers and processors have stated that these potential exposures are incidental.

#### IV. Testing Program

##### A. Chemical Fate and Environmental Effects

The 96-hour LC50 for *Daphnia magna* was 0.33 mg/l, and the geometric mean of the MATC (maximum acceptable toxicant concentration) from a 21-day life cycle test was 0.060 mg/l (Refs. 8 and 9). These data are sufficient to demonstrate that DCBTF is very toxic to at least one species, but are inadequate to fully characterize the aquatic toxicity of DCBTF. Additional testing to determine the acute toxicity to algae, at least one other invertebrate, and two species of fish is needed. A test to estimate the chronic toxicity to fish is also needed in order to assess the potential long-term hazard of DCBTF to the aquatic environment. Occidental has agreed to perform these tests.

The Agency has reviewed the available information on the water solubility, octanol/water partitioning, and soil mobility of DCBTF and determined that it is adequate. There are no available test data on the persistence of DCBTF, however, and Occidental has agreed to perform biodegradability testing in order to allow EPA to estimate its persistence in receiving waters.

##### B. Health Effects

The Agency has reviewed the available health effects data on DCBTF and determined it has low acute and subchronic toxicity. Based upon the available mutagenicity data, the Agency has no reason to suspect that DCBTF is a mutagen or is likely to be oncogenic; additional testing for these effects is not warranted.

A modified, 90-day, oral reproductive toxicity study in rats was submitted to EPA (Ref. 10). EPA evaluated this study

and found it inadequate to support additional testing for reproductive effects under current use conditions (Refs. 3 and 11). While the study indicated that DCBTF may effect pup survivability to some extent, EPA considers this study to provide only weak cause of suspicion of reproductive effects. In light of the low worker exposure potential and only weakly suggestive evidence of reproductive effects, the Agency has determined that additional reproductive effects testing is not warranted under section 4(a) of TSCA at this time. This is in contrast to a situation in which the Agency has evidence that the hazard is potentially severe.

#### V. Export Notification

The issuance of this Order subjects any person who exports or intends to export DCBTF to the export notification requirements of section 12(b) of TSCA. The specific requirements are listed in 40 CFR Part 707. In the June 30, 1986 Interim Rule establishing the Testing Consent Order process, EPA added and reserved Subpart C of Part 799 for a listing of testing consent orders issued by EPA. This listing serves as notification to persons who export or who intend to export chemical substances or mixtures which are the subject of testing consent orders that 40 CFR Part 707 applies.

#### VI. Public Record

EPA has established a record for this document (docket number OPTS-42089). This record contains the basic information considered by the Agency in developing this document and the Testing Consent Order.

This record includes the following information:

##### A. Supporting Documentation

- (1) Testing Consent Order between Occidental and the Agency.
- (2) Federal Register notices pertaining to this notice consisting of:
  - (a) Notice containing the ITC recommendation of DCBTF to the Priority List (49 FR 22389; May 29, 1984).
  - (b) Rules requiring TSCA sections 8(a) and 8(d) reporting on DCBTF (50 FR 11695, 50 FR 11697; March 25, 1985).
  - (c) Notice soliciting interested parties for developing a consent order for DCBTF (51 FR 24222; July 2, 1986).
  - (d) Notice of interim final rule on procedures for developing enforceable consent agreements (51 FR 23706; June 30, 1986).
  - (3) Communications consisting of:
    - (a) Written letters.
    - (b) Contact reports of telephone conversations.
    - (c) Meeting summaries.

(4) Reports—published and unpublished factual materials.

##### B. References

- (1) Occidental Chemical Corp. Solubility of 3,4-dichlorobenzotrifluoride in water (1980).
- (2) Hooker Chemicals and Plastics Corp. 3,4-dichlorobenzotrifluoride, data sheet 343-A (June 1980).
- (3) Syracuse Research Corp. Technical support document. 3,4-dichlorobenzotrifluoride. Contract No. 68-02-4209 (Oct. 31, 1985).
- (4) U.S. Environmental Protection Agency (EPA). Engineering report of exposure and release analysis. 3,4-dichlorobenzotrifluoride. Memorandum by M. Chatmon. Document Control No. 20-8600530 (March 4, 1986).
- (5) Foersh, P. New York State Department of Environmental Conservation. Transcribed telephone conversation with S. Ellis, Test Rules Development Branch, U.S. EPA (Feb. 25, 1986).
- (6) Stack, J. New York State Department of Environmental Conservation. Transcribed telephone conversation with S. Ellis, Test Rules Development Branch, U.S. EPA (Sept. 8, 1986).
- (7) U.S. EPA. Estimated environmental concentrations of dichlorobenzotrifluoride. Memorandum by P. Harrigan. Document Control No. 20-8601005 (April 18, 1986).
- (8) Occidental Chemical Corp. The acute toxicity of 3,4-dichlorobenzotrifluoride to the water flea, *Daphnia magna* Straus (1979).
- (9) Occidental Chemical Corp. *Daphnia magna* chronic study testing 3,4-dichlorobenzotrifluoride (1979).
- (10) Occidental Chemical Corp. Modified 90-day gavage and reproduction study in rats: 3,4-DCBTF (1981).
- (11) Research and Evaluation Associates, Inc. Review of M-11, 3,4-dichlorobenzotrifluoride (March 26, 1986).

Confidential Business Information (CBI), while part of the record, is not available for public review. A public version of the record, from which CBI has been deleted, is available for inspection in the OTS Public Information Office, Rm. NE-G004, 401 M St., SW., Washington, DC from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

##### List of Subjects in 40 CFR Part 799

Testing procedures, Environmental protection, Hazardous substances, Chemicals, Chemical export, Recordkeeping and reporting requirements.

Dated: June 10, 1987.

J.A. Moore,  
Assistant Administrator for Pesticides and Toxic Substances.

##### PART 799—[AMENDED]

Therefore, 40 CFR Part 799 is amended as follows:

1. The authority citation for Part 799 continues to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

2. By adding a new Subpart C, consisting at this time of §799.5000 to read as follows:

##### Subpart C—Testing Consent Orders

###### §799.5000 Testing consent orders.

This section sets forth a list of substances and mixtures which are the subject of testing consent orders adopted under 40 CFR Part 790. Listed below in Chemical Abstract Service (CAS) Registry Number order are the substances and mixtures which are the subject of these orders and the Federal Register citations providing public notice of such orders.

CAS number	Substance or mixture name	TESTING	FEDERAL REGISTER citation
328-84-7	3,4-Dichlorobenzotrifluoride.	Environmental Effects Chemical Fate.	June 23, 1987.

[FR Doc. 87-14231 Filed 6-22-87; 8:45 am]

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#### DEPARTMENT OF THE INTERIOR

##### Bureau of Land Management

##### 43 CFR Public Land Order 6649

[CO-943-07-4220-10; C-0124534]

##### Withdrawal of Public Lands and Reserved Minerals for Protection of Fort Carson—Pinon Canyon Military Reservation, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

**SUMMARY:** This order withdraws 2,517 acres of public lands from surface entry and mining, and approximately 141,555 acres of reserved mineral interests in acquired lands to mining for a period of 5 years. This will protect the Fort Carson—Pinon Canyon Military Reservation pending the processing of an Engle Act withdrawal application. The lands have been and will remain open to mineral leasing.

**EFFECTIVE DATE:** June 23, 1987.

**FOR FURTHER INFORMATION CONTACT:** Doris E. Chelius, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, CO 80215 303-236-1768.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows: