



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

December 27, 2012

Lynn L. Bergeson
Bergeson & Campbell PC
2200 Pennsylvania Avenue NW, Suite 100W
Washington, DC 20037-1701

Dear Ms. Bergeson:

I am writing to provide notice that the cancellation of "group 2" uses, the sod farm, golf course, and highway rights of way uses identified in the September 30, 2009, Federal Register (74 FR 50187) (FRL-8437-7) (2009 Notice) cannot be finalized, and the existing stocks provisions for all remaining products containing the organic arsenical monosodium methanearsonate (MSMA) will be corrected in a Federal Register notice to be published in the near future.

In the cancellation order of the 2009 Notice registrants would have been prohibited from selling and distributing products containing MSMA for use on sod farms, golf courses, and highway rights of way, after December 31, 2012. Persons other than registrants would have been prohibited from selling and distributing products containing MSMA for use on sod farms, golf courses, and highway rights of way, after June 30, 2013 and after December 31, 2013 use of products containing MSMA labeled for all uses, except cotton would have been prohibited.

Pursuant to paragraph 6 of the Agreement in Principle to Implement the Organic Arsenicals Reregistration Eligibility Decision dated January 16, 2009, if EPA fails to provide a written determination by December 31, 2012, based on the Agency's consideration of recommendations of the peer review body, whether EPA believes that the science on the mode of action issue has changed sufficiently to warrant a continuation of golf course, sod farms or highway rights of way uses of MSMA, the effective date for the deletion of these uses will be extended until the required written determination has been provided. The deadlines for the sale, distribution and use of existing stocks labeled for these uses will be extended by an equivalent period. Because EPA will not provide a written determination by December 31, 2012, the group 2 uses will not be deleted as of December 31, 2012 and will be extended until the required written determination has been provided.

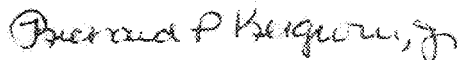
Paragraph 3 of the Agreement in Principle provided that EPA would convene a public meeting of either the Agency's Scientific Advisory Board, the Scientific Advisory Panel, or both to evaluate any new data on the mode of action of inorganic arsenicals, and the cancellation request and existing stocks provision of the 2009 Notice were conditioned upon the timely completion of the

peer review process. In light of a Congressional directive to have the National Academy of Sciences (NAS) look at the mode of action for carcinogenic effects by inorganic arsenic, EPA and the arsenic registrants recently agreed to modify Paragraph 3 of the Agreement to include the NAS as a third potential peer review body, one of which must hold a public meeting on the mode of action before the cancellations can be finalized. As noted in my letter to you dated September 14, 2012, it is EPA's current intention to undertake the peer review contemplated by the Agreement in Principle by relying upon the NRC/NAS review. EPA will notify registrants should this intention change in the future.

Based on the above information and how it affects the current registration status of the Group 2 uses, registrants may submit label amendments to remove the restrictions regarding use of the product on sod farms, golf courses, and highway rights of way after December 31, 2013, from the product labels.

If you have any questions, please do not hesitate to contact Tom Myers of my staff at myers.tom@epa.gov or (703) 308-8589.

Sincerely yours,



Richard P. Keigwin, Jr.
Director, Pesticide Re-evaluation Division
Office of Pesticide Programs