

“. . . 3. Either before or after the proposed change, the product is neither subject to child resistant packaging (CRP), nor has the registrant voluntarily used CRP; [. . .]

6. The package size is not reduced to the point that the net contents of the package is smaller than the dosage required by directions for use or that a reduced package size will require CRP;

7. The package size or other characteristics is not changed in a way which violates EPA mandated restrictions imposed on a product (e.g., size limitations may be imposed on a product to limit its use to homeowners only).”

D. Additional Recommendations for Flexible Packaging and Labeling

In addition to determining that CRP requirements are necessary for pesticidal flexible packaging products 20 ounces or less in size with labeling either directly recommending residential use or reasonably interpreted to permit residential use, the following additional mitigation measures are recommended for all pesticide products sold in flexible packaging, regardless of size or intended use site:

- No child-attractant packaging colors (e.g., neon colors, bright colors, more than three colors). Packaging should be primarily in black, white, or grey.
- Flexible packaging (e.g., pouches) should be packaged by the manufacturer within an outer box containing the full product label for sale to the consumer.
- All product packaging (e.g., outer box and flexible packaging) should contain a graphic or icon stating, ‘Not A Food Product.’

The following statements should be included in the Directions for Use section of the label:

- ‘Store pouches in closed product box and away from children and food.’

For pouches 20 fluid ounces or less: ‘Each pouch is for one-time use only. Do not store any opened pouches. Empty the entire contents of the pouch into the container. Once empty, discard the empty pouch immediately into a secure trash receptacle that cannot be accessed by children.’

- *For pouches greater than 20 fluid ounces:* ‘Once empty, discard the empty pouch immediately into a secure trash receptacle that cannot be accessed by children.’

E. Next Steps

These mitigation measures will be reflected in an updated version of the Label Review Manual to serve as guidance for registrants pursuing flexible packaging containers.

As pesticides in flexible packaging is a relatively new occurrence, EPA does not believe that there are any registered pesticide products in flexible packaging

without the CRP and mitigation language above. If a registrant has a registered pesticide product in flexible packaging that is not compliant with the determination as described in this document, the registrant must contact the appropriate EPA Product Manager by August 6, 2024.

IV. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

1. Boyette, C. 2022. Alaska Schoolchildren Were Served Floor Sealant Instead Of Milk At A Child Care Program, School District Says. *CNN*. June 16, 2022. <https://www.cnn.com/2022/06/16/us/alaska-students-floor-sealant-milk/index.html>. Accessed on September 25, 2023.
2. WRAL Staff. 2023. Boy, 9, Hospitalized After Mistaking Chemical For Candy. *WAGM TV*. January 11, 2023. <https://www.wagmtv.com/2023/01/11/boy-9-hospitalized-after-mistaking-chemical-candy/>. Accessed on September 25, 2023.
3. Caron, C. 2022. More Young Kids Are Getting Sick From Cannabis Edibles. *The New York Times*. January 14, 2022. https://www.ncbi.nlm.nih.gov/search/research-news/15335/?utm_source=gquery&utm_medium=referral&utm_campaign=gquery-home. Accessed on September 25, 2023.
4. U.S. Federal Trade Commission (FTC) and U.S. Food and Drug Administration (FDA), 2023. FTC Sends Cease and Desist Letters with FDA To Companies Selling Edible Products Containing Delta-8 THC in Packaging Nearly Identical to Food Children Eat. *Federal Trade Commission*. July 5, 2023. <https://www.ftc.gov/news-events/news/press-releases/2023/07/ftc-sends-cease-desist-letters-fda-companies-selling-edible-products-containing-delta-8-thc>. Accessed on 9/25/2023.
5. Kaur, H. and D. Shepherd. 2020. Two Children Hospitalized After Eating THC-infused Candy Accidentally Given Out By A Local Food Bank. *CNN*. April 7, 2020. <https://www.cnn.com/2020/04/06/us/children-thc-candy-food-bank-trnd/index.html>. Accessed on September 25, 2023.
6. Roberts, C. 2022. First The Girl Scouts, Now Pepsi: Why Big Brands Hate Marijuana. *Forbes*. April 30, 2022. <https://www.forbes.com/sites/chrisroberts/2022/04/30/first-the-girl-scouts-now-pepsi-why-big-brands-hate-marijuana/?sh=5e7a10735108>. Accessed on September 25, 2023.
7. Semley, J. 2023. Cartoon Packaging And An ‘Inconsolable’ High: When Magic Mushroom Chocolate Gets Into The Wrong Hands. *The Guardian*. June 12, 2023. <https://www.theguardian.com/society/2023/jun/12/mushrooms-chocolate-psilocybin-psychedelics-children>. Accessed on September 25, 2023.

Authority: 7 U.S.C. 136 *et seq.*

Dated: February 1, 2024.

Edward Messina,

Director, Office of Pesticide Programs.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2011–0742; FRL–11599–01–OAR]

Information Collection Request; Comment Request; Air Pollution Regulations for Outer Continental Shelf (OCS) Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), “Air Pollution Regulations for Outer Continental Shelf (OCS) Activities” (EPA ICR No. 1601.10, OMB Control No. 2060–0249), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed renewal of the ICR, which is currently approved through May 31, 2024. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before April 8, 2024.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2011–0724, online using www.regulations.gov (our preferred method), by email to a-and-r-docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA’s policy is that all comments received will be included in the public

docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Ben Garwood, Air Quality Policy Division, Office of Air Quality Planning and Standards, C504-03, U.S. Environmental Protection Agency, Post Office Box 12055, Research Triangle Park, NC 27711; telephone number: (919) 541-1358; fax number: (919) 541-4028; email address: garwood.ben@epa.gov.

SUPPLEMENTARY INFORMATION:

Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at <https://www.regulations.gov> or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is (202) 566-1744. For additional information about EPA's public docket, visit <https://www.epa.gov/dockets>.

Pursuant to section 3506(c)(2)(A) of the PRA, the EPA is soliciting comments and information to enable it to: (i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. The EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, the EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: Section 328 of the Clean Air Act (CAA) gives the EPA responsibility for regulating air pollution from OCS sources located offshore of the states along the Atlantic and Pacific Coasts

(except the North Slope Borough of Alaska), and along the eastern Gulf of Mexico coast (off the coast of Florida). In general, these OCS sources must obtain OCS permits complying with the EPA's preconstruction permit program (usually Prevention of Significant Deterioration (PSD) requirements) and title V operating permit program, and then maintain ongoing compliance with their permit conditions. Industry respondents include owners or operators of existing and new or modified OCS sources. These respondents must prepare permit applications and, after receiving their permits, conduct testing, monitoring, recordkeeping and reporting as required by their permits. The recordkeeping and reporting requirements are necessary so that the EPA can determine whether these sources are meeting all the requirements that apply to them. The EPA has delegated the authority to implement and enforce the OCS regulations to four local air pollution control agencies in California (Santa Barbara County Air Pollution Control District (SBCAPCD), South Coast Air Quality Management District (SCAQMD), Ventura County Air Pollution Control District (VCAPCD) and San Luis Obispo County Air Pollution Control District (SLOCAPCD)). The EPA has also delegated the authority to implement and enforce the OCS regulations for sources located off the coast to 3 state air pollution control agencies: Delaware (DDNREC), Maryland (MDE), and Virginia (VDEQ). These agency respondents must review sources' permit applications and reports, issue permits, observe performance tests and conduct inspections to ensure that the sources off their coasts are meeting all the requirements that apply to them. Section 176(c) of the CAA (42 U.S.C. 7401 *et seq.*) requires that all federal actions conform with the State Implementation Plans to attain and maintain the National Ambient Air Quality Standards.

Depending on the type of action, the federal entities must collect information themselves, hire consultants to collect the information or require applicants/sponsors of the federal action to provide the information.

The type and quantity of information required will depend on the circumstances surrounding the action. First, the entity must make an applicability determination. If the source is located within 25 miles of the state's seaward boundary (Inner OCS) as established in the regulations, the requirements are the same as those that would be applicable if the source were

located in the corresponding onshore area (COA). Sources locating beyond 25 nautical miles from the state seaward boundary (Outer OCS) are subject to federal air quality requirements which could include the EPA's PSD preconstruction permit program, Part 71 Title V operating permit program, New Source Performance Standards and some standards for Hazardous Air Pollutants promulgated under section 112 of the CAA. State and local air pollution control agencies are usually requested to provide information concerning regulation of offshore sources and are provided opportunities to comment on the proposed determinations. The public is also provided an opportunity to comment on the proposed determinations.

Form numbers: None.

Respondents/affected entities: Entities potentially affected by this action are those that must apply for and obtain an OCS permit pursuant the OCS permit program. In addition, state and local agencies that have been delegated authority to implement and enforce the OCS permit program, which must review permit applications and issue permits, are affected entities.

Respondent's obligation to respond: Mandatory [see 40 CFR part 55].

Estimated number of respondents: 74 industrial facilities and 7 state and local permitting agencies.

Frequency of response: On occasion, as necessary.

Total estimated burden: 36,001 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$3,755,783.00 (per year) in addition to \$55,268.00 annually in Operation and Maintenance costs and \$325,104.00 in capital costs.

Changes in estimates: There is a projected increase of 15,778 hours in the total estimated respondent burden compared with the ICR most recently approved by OMB. This increase is primarily due the projected number of OCS sources subject to the program mainly related to alternative energy sources including new wind power farms along the eastern seaboard of the United States, and changes to burden estimates as noted in the excel spreadsheet in the docket for this notice titled "1601t10 Draft OCS ICR Burden Calculations 2024."

Scott Mathias,

Director, Air Quality Policy Division.

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