[Federal Register Volume 85, Number 31 (Friday, February 14, 2020)]

[Rules and Regulations]

[Pages 8468-8472]

From the Federal Register Online via the Government Publishing Office [[www.gpo.gov](http://www.gpo.gov/)]

[FR Doc No: 2020-02037]

-----------------------------------------------------------------------

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2018-0783; FRL-10004-05]

Chlorfenapyr; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

-----------------------------------------------------------------------

SUMMARY: This regulation establishes tolerances for residues of

chlorfenapyr in or on basil, fresh leaves; chive, fresh leaves; and

cucumber and increases the established tolerance on vegetable,

fruiting, group 8-10. Interregional Research Project Number 4 (IR-4)

requested these tolerances under the Federal Food, Drug, and Cosmetic

Act (FFDCA).

DATES: This regulation is effective February 14, 2020. Objections and

requests for hearings must be received on or before April 14, 2020, and

must be filed in accordance with the instructions provided in 40 CFR

part 178 (see also Unit I.C. of the SUPPLEMENTARY INFORMATION).

ADDRESSES: The docket for this action, identified by docket

identification (ID) number EPA-HQ-OPP-2018-0783, is available at [http://www.regulations.gov](http://www.regulations.gov/) or at the Office of Pesticide Programs Regulatory

Public Docket (OPP Docket) in the Environmental Protection Agency

Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334,

1301 Constitution Ave. NW, Washington, DC 20460-0001. The Public

Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through

Friday, excluding legal holidays. The telephone number for the Public

Reading Room is (202) 566-1744, and the telephone number for the OPP

Docket is (703) 305-5805. Please review the visitor instructions and

additional information about the docket available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division

(7505P), Office of Pesticide Programs, Environmental Protection Agency,

1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; main telephone

number: (703) 305-7090; email address: [RDFRNotices@epa.gov](mailto:RDFRNotices@epa.gov).

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an

agricultural producer, food manufacturer, or pesticide manufacturer.

The following list of North American Industrial Classification System

(NAICS) codes is not intended to be exhaustive, but rather provides a

guide to help readers determine whether this document applies to them.

Potentially affected entities may include:

Crop production (NAICS code 111).

Animal production (NAICS code 112).

Food manufacturing (NAICS code 311).

Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's

tolerance regulations at 40 CFR part 180 through the Government

Publishing Office's e-CFR site at <http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl>.

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an

objection to any aspect of this regulation and may also request a

hearing on those objections. You must file your objection or request a

hearing on this regulation in accordance with the instructions provided

in 40 CFR part 178. To ensure proper receipt by EPA, you must identify

docket ID number EPA-HQ-OPP-2018-0783 in the subject line on the first

page of your submission. All objections and requests for a hearing must

be in writing, and must be received by the Hearing Clerk on or before

April 14, 2020. Addresses for mail and hand delivery of objections and

hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the

Hearing Clerk as described in 40 CFR part 178, please submit a copy of

the filing (excluding any Confidential Business Information (CBI)) for

inclusion in the public docket. Information not marked confidential

pursuant to 40 CFR part 2 may be disclosed publicly by EPA without

prior notice. Submit the non-CBI copy of your objection or hearing

request, identified by docket ID number EPA-HQ-OPP-2018-0783, by one of

the following methods:

Federal eRulemaking Portal: [http://www.regulations.gov](http://www.regulations.gov/).

Follow the online instructions for submitting comments. Do not submit

electronically any information you consider to be CBI or other

information whose disclosure is restricted by statute.

Mail: OPP Docket, Environmental Protection Agency Docket

Center (EPA/

[[Page 8469]]

DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001.

Hand Delivery: To make special arrangements for hand

delivery or delivery of boxed information, please follow the

instructions at <http://www.epa.gov/dockets/contacts.html>.

Additional instructions on commenting or visiting the docket, along

with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

II. Summary of Petitioned-For Tolerance

In the Federal Register of March 18, 2019 (84 FR 9737) (FRL-9989-

71), EPA issued a document pursuant to FFDCA section 408(d)(3), 21

U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP

8E8717) by IR-4 Headquarters, 500 College Road East, Suite 201 W,

Princeton, NJ 08540. The petition requested that 40 CFR 180.513 be

amended by establishing tolerances for residues of the insecticide

chlorfenapyr, 4-bromo-2-(4-chlorophenyl)-1-(ethoxymethyl)-5-

(trifluoromethyl)-1H-pyrrole-3-carbonitrile, in or on Basil, fresh

leaves at 80 parts per million (ppm); Chive, fresh leaves at 20 ppm;

Cucumber at 0.5 ppm; and Vegetable, fruiting, group 8-10 at 2.0 ppm.

Upon establishment of the above tolerance, the petitioner requested

removal of the existing tolerance on Vegetable, fruiting, group 8-10 at

1.0 ppm. That document referenced a summary of the petition prepared by

BASF Corporation, the registrant, which is available in the docket,

[http://www.regulations.gov](http://www.regulations.gov/). There were no comments received in response

to the notice of filing.

Based upon review of the data supporting the petition and pursuant

to its authority in section 408(d)(4)(A)(i), EPA is establishing the

requested tolerances and one tolerance at a different level than

requested. The reason for this change is explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a

tolerance (the legal limit for a pesticide chemical residue in or on a

food) only if EPA determines that the tolerance is ``safe.'' Section

408(b)(2)(A)(ii) of FFDCA defines ``safe'' to mean that ``there is a

reasonable certainty that no harm will result from aggregate exposure

to the pesticide chemical residue, including all anticipated dietary

exposures and all other exposures for which there is reliable

information.'' This includes exposure through drinking water and in

residential settings but does not include occupational exposure.

Section 408(b)(2)(C) of FFDCA requires EPA to give special

consideration to exposure of infants and children to the pesticide

chemical residue in establishing a tolerance and to ``ensure that there

is a reasonable certainty that no harm will result to infants and

children from aggregate exposure to the pesticide chemical residue. . .

.''

Consistent with FFDCA section 408(b)(2)(D), and the factors

specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available

scientific data and other relevant information in support of this

action. EPA has sufficient data to assess the hazards of and to make a

determination on aggregate exposure for chlorfenapyr including exposure

resulting from the tolerances established by this action. EPA's

assessment of exposures and risks associated with chlorfenapyr follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its

validity, completeness, and reliability as well as the relationship of

the results of the studies to human risk. EPA has also considered

available information concerning the variability of the sensitivities

of major identifiable subgroups of consumers, including infants and

children.

Chlorfenapyr has moderate acute toxicity via the oral route of

exposure and low acute toxicity via the dermal and inhalation routes of

exposure. It is a mild eye irritant, but it is not a dermal irritant or

sensitizer. Chlorfenapyr targets the central nervous system (CNS),

inducing neurohistological changes (spongiform myelinopathy of the

brain and spinal cord and vacuolization of the brain, spinal cord, and

optic nerve) from subchronic and chronic dietary administration in mice

and rats. In addition to neuropathology, rats also exhibited

neurobehavioral changes on the day of dosing in the acute neurotoxicity

study. Decreased motor activity was observed in the acute neurotoxicity

study as well as in offspring in the developmental neurotoxicity (DNT)

study. Several rat studies also noted effects in the liver (increased

organ weights and tumors) at similar doses or above those where CNS

effects were seen. The liver was identified in metabolism studies as

the single organ to have the highest recovery of administered dose.

There was evidence of increased quantitative susceptibility to

offspring in the database as a result of chlorfenapyr exposure. In the

2-generation reproduction study, decreased pup weights were seen at a

lower dose than parental toxicity (decreased body-weight). In the DNT

study, offspring toxicity (decreased motor activity and increased pup

deaths on postnatal days 1-4) was seen in the absence of maternal

toxicity. Additional effects on the CNS (vacuolation of white matter in

the brain and decreased hippocampus size) were also observed in

offspring at a higher dose in this study. There was no evidence of

increased susceptibility to offspring in the developmental toxicity

studies. In both the rat and rabbit developmental toxicity studies,

although no maternal or developmental effects were noted up to the

highest doses tested (HDT), maternal observations are limited in these

developmental studies. Consequently, the data from the DNT are

considered more robust for assessing the effects of chlorfenapyr on the

nervous system.

Chlorfenapyr has a relatively high octanol-water partition

coefficient and due to its lipophilic nature has been shown to

accumulate in milk in a dietary cow study. Additionally, in the rat

metabolism study, chlorfenapyr was found to accumulate in the fat

tissue, such that females exhibited greater accumulation than males.

This observation suggests chlorfenapyr is capable of accumulating in

breast milk and leading to the early pup deaths seen in the

reproduction toxicity and DNT studies through lactation.

Furthermore, the lack of toxicity in the rat and rabbit

developmental studies suggests that the early pup deaths in the

reproduction toxicity and DNT studies is the result of postnatal

exposure through lactation.

EPA has concluded that a nonlinear approach using the chronic RfD

for assessing cancer risk is appropriate for chlorfenapyr. For more

information about this conclusion, see section 4.5.3 in the document

entitled ``SUBJECT: Chlorfenapyr. Human Health Risk Assessment for the

Proposed New Uses on Greenhouse-Grown Basil, Chive, Cucumber, and Small

Tomatoes,'' in docket ID number EPA-HQ-OPP-2018-0783.

Specific information on the studies received and the nature of the

adverse effects caused by chlorfenapyr as well as the no-observed-

adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-

level (LOAEL) from the toxicity studies can be found at [http://www.regulations.gov](http://www.regulations.gov/) in the document entitled ``SUBJECT: Chlorfenapyr.

Human Health Risk Assessment for the Proposed New Uses on Greenhouse-

Grown Basil, Chive, Cucumber, and Small Tomatoes,'' at pages 24-28 in

[[Page 8470]]

docket ID number EPA-HQ-OPP-2018-0783.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA

identifies toxicological points of departure (POD) and levels of

concern to use in evaluating the risk posed by human exposure to the

pesticide. For hazards that have a threshold below which there is no

appreciable risk, the toxicological POD is used as the basis for

derivation of reference values for risk assessment. PODs are developed

based on a careful analysis of the doses in each toxicological study to

determine the dose at which no adverse effects are observed (the NOAEL)

and the lowest dose at which adverse effects of concern are identified

(the LOAEL). Uncertainty/safety factors are used in conjunction with

the POD to calculate a safe exposure level--generally referred to as a

population-adjusted dose (PAD) or a reference dose (RfD)--and a safe

margin of exposure (MOE). For non-threshold risks, the Agency assumes

that any amount of exposure will lead to some degree of risk. Thus, the

Agency estimates risk in terms of the probability of an occurrence of

the adverse effect expected in a lifetime. For more information on the

general principles EPA uses in risk characterization and a complete

description of the risk assessment process, see <http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides>.

A summary of the toxicological endpoints for chlorfenapyr used for

human risk assessment is discussed in Unit III of the final rule

published in the Federal Register of January 26, 2018 (83 FR 3605)

(FRL-9970-88).

C. Exposure Assessment

1. Dietary exposure from food and feed uses. In evaluating dietary

exposure to chlorfenapyr, EPA considered exposure under the petitioned-

for tolerances as well as all existing chlorfenapyr tolerances in 40

CFR 180.513. EPA assessed dietary exposures from chlorfenapyr in food

as follows:

i. Acute exposure. Quantitative acute dietary exposure and risk

assessments are performed for a food-use pesticide, if a toxicological

study has indicated the possibility of an effect of concern occurring

as a result of a 1-day or single exposure. Such effects were identified

for chlorfenapyr. In estimating acute dietary exposure, EPA used the

Dietary Exposure Evaluation Model--Food Consumption Intake Database

(DEEM-FCID), Version 3.16, which uses food consumption data from the

U.S. Department of Agriculture's National Health and Nutrition

Examination Survey, What We Eat in America (NHANES/WWEIA) from 2003-

2008. As to residue levels in food, EPA's acute unrefined analysis used

tolerance-level residues and 100% crop-treated (PCT). DEEM processing

factors were set to 1 for all commodities except tomato and peppers.

EPA 2018 default processing factors were used in the acute dietary

analyses for tomato and pepper processed raw agricultural commodities

(RACs) to account for potential imports of foreign agricultural use of

chlorfenapyr.

ii. Chronic exposure. In conducting the chronic dietary exposure

assessment, EPA used the DEEM-FCID, Version 3.16, which uses food

consumption data from the U.S. Department of Agriculture's National

Health and Nutrition Examination Survey, What We Eat in America

(NHANES/WWEIA) from 2003-2008. As to residue levels in food, EPA's

chronic analysis was unrefined and used tolerance-level residues and

100 PCT. DEEM processing factors were set to 1 for all commodities

except tomato and peppers. EPA 2018 default processing factors were

used in the chronic dietary analyses for tomato and pepper processed

RACs to account for potential imports of foreign agricultural use of

chlorfenapyr.

iii. Cancer. As indicated in Unit III.A., EPA has concluded that a

nonlinear approach using the chronic RfD for assessing cancer risk is

appropriate for chlorfenapyr; therefore, a separate quantitative cancer

risk assessment is not required.

iv. Anticipated residue and percent crop treated (PCT) information.

EPA did not use anticipated residue and/or PCT information in the

dietary assessment for chlorfenapyr. Tolerance level residues for

proposed and established uses and 100 PCT were assumed for all food

commodities.

2. Dietary exposure from drinking water. Contamination of drinking

water from chlorfenapyr is not expected to occur since none of the

registered uses (which are all indoor uses) would result in residues in

drinking water. Therefore, a dietary exposure assessment for

chlorfenapyr in drinking water is unnecessary.

3. From non-dietary exposure. The term ``residential exposure'' is

used in this document to refer to non-occupational, non-dietary

exposure (e.g., for lawn and garden pest control, indoor pest control,

termiticides, and flea and tick control on pets).

Chlorfenapyr is currently registered for the following uses that

could result in residential exposures: Crack/crevice/spot treatment on

indoor and outdoor residential sites (including as a bed bug

treatment). There are no residential uses associated with the

petitioned-for new uses; therefore, an updated residential exposure

assessment was not necessary for the proposed uses. The most

conservative residential exposure scenarios were selected for use in

the aggregate risk assessment. EPA combined post-application dermal and

inhalation exposure from indoor applications (surfaces and mattresses)

to control bed bugs to assess risks to adults and post-application

dermal, inhalation, and hand-to-mouth exposures from indoor

applications (surfaces and mattresses) to control bed bugs to assess

risks to children 1 to <2 years old. The residential exposures are

short- and intermediate-term for incidental oral, dermal and

inhalation. No long-term exposures is expected.

Further information regarding EPA standard assumptions and generic

inputs for residential exposures may be found at <http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide>.

4. Cumulative effects from substances with a common mechanism of

toxicity. Section 408(b)(2)(D)(v) of FFDCA requires that, when

considering whether to establish, modify, or revoke a tolerance, the

Agency consider ``available information'' concerning the cumulative

effects of a particular pesticide's residues and ``other substances

that have a common mechanism of toxicity.''

EPA has not found chlorfenapyr to share a common mechanism of

toxicity with any other substances, and chlorfenapyr does not appear to

produce a toxic metabolite produced by other substances. For the

purposes of this tolerance action, therefore, EPA has assumed that

chlorfenapyr does not have a common mechanism of toxicity with other

substances. For information regarding EPA's efforts to determine which

chemicals have a common mechanism of toxicity and to evaluate the

cumulative effects of such chemicals, see EPA's website at <http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides>.

D. Safety Factor for Infants and Children

1. In general. Section 408(b)(2)(C) of FFDCA provides that EPA

shall apply an additional tenfold (10X) margin of safety for infants

and children in the

[[Page 8471]]

case of threshold effects to account for prenatal and postnatal

toxicity and the completeness of the database on toxicity and exposure

unless EPA determines based on reliable data that a different margin of

safety will be safe for infants and children. This additional margin of

safety is commonly referred to as the FQPA Safety Factor (SF). In

applying this provision, EPA either retains the default value of 10X,

or uses a different additional safety factor when reliable data

available to EPA support the choice of a different factor.

2. Prenatal and postnatal sensitivity. Although DNT studies show

evidence of neurotoxicity/neuropathology and reproduction studies show

susceptibility/sensitivity to offspring, the effects are well-

characterized with clearly established NOAEL/LOAEL values and selected

endpoints are protective for the observed effects.

3. Conclusion. EPA determined that the FQPA SF should be reduced to

1X for all exposure scenarios. That decision is based on the following

findings:

i. The toxicity database for chlorfenapyr is complete.

ii. Although the central nervous system is the primary target for

chlorfenapyr and neurotoxic effects were observed across studies,

concern is low since the selected PODs are protective of observed

neurotoxic effects.

iii. Although there is evidence of increased quantitative

susceptibility in available DNT and reproduction studies, concern is

low since the offspring effects are well-characterized with clearly

established NOAEL/LOAEL values and the endpoints selected for risk

assessment are protective of observed offspring effects.

iv. There are no residual uncertainties identified in the exposure

databases. The dietary analysis assumed tolerance-level residues, EPA's

2018 default processing factors (except for tomatoes and peppers), and

100 PCT. The dietary analysis did not include exposure from drinking

water as contamination of drinking water with chlorfenapyr as the

result of all registered uses, including greenhouses or food/feed

handling uses, is not expected to occur. EPA used similarly

conservative assumptions to assess post-application exposure of

children as well as incidental oral exposure of toddlers. These

assessments will not underestimate the exposure and risks posed by

chlorfenapyr.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide

exposures are safe by comparing aggregate exposure estimates to the

acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA

calculates the lifetime probability of acquiring cancer given the

estimated aggregate exposure. Short-, intermediate-, and chronic-term

risks are evaluated by comparing the estimated aggregate food, water,

and residential exposure to the appropriate PODs to ensure that an

adequate MOE exists.

1. Acute risk. Using the exposure assumptions discussed in this

unit for acute exposure, the acute dietary exposure from food and water

to chlorfenapyr will occupy 75% of the aPAD (at the 95th percentile of

exposure) for children 3 to 5 years old, the population group receiving

the greatest exposure.

2. Chronic risk. Using the exposure assumptions described in this

unit for chronic exposure, EPA has concluded that chronic exposure to

chlorfenapyr from food and water will utilize 19% of the cPAD for

children 3 to 5 years old, the population group receiving the greatest

exposure. There are no chronic drinking water or residential exposure

scenarios, therefore, the chronic aggregate risk is equivalent to the

chronic dietary risk which is below the Agency's LOC.

3. Short- and intermediate-term risks. Short- and intermediate-term

aggregate risk assessments were conducted since there is potential for

short- and intermediate-term post-application exposures from previously

registered uses of chlorfenapyr in residential settings. Short-term

residential exposure estimates were aggregated with the average dietary

exposure to provide a worst-case estimate of short-term aggregate risk

for adults and children 1 to 2 years old (considered protective for

children of all ages). Short-term aggregate MOEs are protective of

intermediate-term exposure durations since the same endpoints and PODs

were selected for both durations. Resulting short-term aggregate MOEs

for adults at 660 and 120 for children (1 to 2 years old) are not of

concern.

4. Aggregate cancer risk for U.S. population. As discussed in Unit

III, the Agency has determined that quantification of risk using a non-

linear approach (i.e., using a cRfD) adequately accounts for all

chronic toxicity, including carcinogenicity that could result from

exposure to chlorfenapyr. Since there are no chronic risks of concern,

the Agency concludes that aggregate exposure to chlorfenapyr will not

pose a cancer risk.

5. Determination of safety. Based on these risk assessments, EPA

concludes that there is a reasonable certainty that no harm will result

to the general population, or to infants and children from aggregate

exposure to chlorfenapyr residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

The plant analytical enforcement method is designated as M2427, a

gas chromatography/electron-capture detection (GC/ECD) method with a

limit of quantitation (LOQ) of 0.05 ppm. The method has been subjected

to a successful independent laboratory validation (ILV) as well as an

acceptable radio validation using samples obtained from lettuce and

tomato metabolism studies. EPA has concluded that method M2427 is

adequate for data collection and tolerance enforcement purposes.

The method may be requested from: Chief, Analytical Chemistry

Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD

20755-5350; telephone number: (410) 305-2905; email address:

[residuemethods@epa.gov](mailto:residuemethods@epa.gov).

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S.

tolerances with international standards whenever possible, consistent

with U.S. food safety standards and agricultural practices. EPA

considers the international maximum residue limits (MRLs) established

by the Codex Alimentarius Commission (Codex), as required by FFDCA

section 408(b)(4). The Codex Alimentarius is a joint United Nations

Food and Agriculture Organization/World Health Organization food

standards program, and it is recognized as an international food safety

standards-setting organization in trade agreements to which the United

States is a party. EPA may establish a tolerance that is different from

a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain

the reasons for departing from the Codex level.

There are no Codex maximum residue limits (MRLs) for residues of

chlorfenapyr in/on the proposed commodities.

C. Revisions to Petitioned-For Tolerances

EPA revised the proposed tolerances for residues of chlorfenapyr on

vegetable, fruiting, group 8-10 based on current OECD rounding classes.

There is no need to remove the existing tolerance for vegetable,

fruiting, group 8-10 at 1.0 ppm; rather EPA is simply amending the

existing tolerance as requested.

[[Page 8472]]

V. Conclusion

Therefore, tolerances are established for residues of the

insecticide chlorfenapyr, 4-bromo-2-(4-chlorophenyl)-1-(ethoxymethyl)-

5-(trifluoromethyl)-1H-pyrrole-3-carbonitrile, in or on Basil, fresh

leaves at 80 ppm; Chive, fresh leaves at 20 ppm; and Cucumber at 0.5

ppm; and Vegetable, fruiting, group 8-10 at 2 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in

response to a petition submitted to the Agency. The Office of

Management and Budget (OMB) has exempted these types of actions from

review under Executive Order 12866, entitled ``Regulatory Planning and

Review'' (58 FR 51735, October 4, 1993). Because this action has been

exempted from review under Executive Order 12866, this action is not

subject to Executive Order 13211, entitled ``Actions Concerning

Regulations That Significantly Affect Energy Supply, Distribution, or

Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled

``Protection of Children from Environmental Health Risks and Safety

Risks'' (62 FR 19885, April 23, 1997), nor is it considered a

regulatory action under Executive Order 13771, entitled ``Reducing

Regulations and Controlling Regulatory Costs'' (82 FR 9339, February 3,

2017). This action does not contain any information collections subject

to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501

et seq.), nor does it require any special considerations under

Executive Order 12898, entitled ``Federal Actions to Address

Environmental Justice in Minority Populations and Low-Income

Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis

of a petition under FFDCA section 408(d), such as the tolerances in

this final rule, do not require the issuance of a proposed rule, the

requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et

seq.), do not apply.

This action directly regulates growers, food processors, food

handlers, and food retailers, not States or Tribes, nor does this

action alter the relationships or distribution of power and

responsibilities established by Congress in the preemption provisions

of FFDCA section 408(n)(4). As such, the Agency has determined that

this action will not have a substantial direct effect on States or

Tribal Governments, on the relationship between the National Government

and the States or Tribal Governments, or on the distribution of power

and responsibilities among the various levels of government or between

the Federal Government and Indian Tribes. Thus, the Agency has

determined that Executive Order 13132, entitled ``Federalism'' (64 FR

43255, August 10, 1999) and Executive Order 13175, entitled

``Consultation and Coordination with Indian Tribal Governments'' (65 FR

67249, November 9, 2000) do not apply to this action. In addition, this

action does not impose any enforceable duty or contain any unfunded

mandate as described under Title II of the Unfunded Mandates Reform Act

(UMRA) (2 U.S.C. 1501 et seq.).

This action does not involve any technical standards that would

require Agency consideration of voluntary consensus standards pursuant

to section 12(d) of the National Technology Transfer and Advancement

Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 et seq.),

EPA will submit a report containing this rule and other required

information to the U.S. Senate, the U.S. House of Representatives, and

the Comptroller General of the United States prior to publication of

the rule in the Federal Register. This action is not a ``major rule''

as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure,

Agricultural commodities, Pesticides and pests, Reporting and

recordkeeping requirements.

Dated: January 24, 2020.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180--[AMENDED]

0

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

0

2. In Sec. 180.513, amend the table in paragraph (a)(1) as follows:

0

a. Add alphabetically the entries for ``Basil, fresh leaves'';

``Chive, fresh leaves''; and ``Cucumber''; and

0

b. Revise the entry for ``Vegetable, fruiting, group 8-10''.

The additions and revision read as follows:

Sec. 180.513 Chlorfenapyr; tolerances for residues.

(a) \* \* \*

(1) \* \* \*

------------------------------------------------------------------------

Parts per

Commodity million

------------------------------------------------------------------------

Basil, fresh leaves......................................... 80

Chive, fresh leaves......................................... 20

Cucumber.................................................... 0.5

\* \* \* \* \*

Vegetable, fruiting, group 8-10............................. 2

------------------------------------------------------------------------

\* \* \* \* \*

[FR Doc. 2020-02037 Filed 2-13-20; 8:45 am]

BILLING CODE 6560-50-P