[Federal Register Volume 88, Number 143 (Thursday, July 27, 2023)]

[Rules and Regulations]

[Pages 48383-48388]

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[FR Doc No: 2023-15900]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2022-0361; FRL-11130-01-OCSPP]

Sodium Salt of Acifluorfen; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

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SUMMARY: This regulation establishes tolerances for residues of sodium

salt of acifluorfen in or on berry, low growing, subgroup 13-07G;

soybean, vegetable, edible podded; and soybean, vegetable, succulent

shelled. The Interregional Project Number 4 (IR-4) requested these

tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective July 27, 2023. Objections and

requests for hearings must be received on or before September 25, 2023,

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-2022-0361, is available online at

[https://www.regulations.gov](https://www.regulations.gov/) or in-person 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 and the OPP Docket is (202) 566-

1744. For the latest status information on EPA/DC services,

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docket access, visit <https://www.epa.gov/>.

FOR FURTHER INFORMATION CONTACT: Charles Smith, Director, Registration

Division (7505T), Office of Pesticide Programs, Environmental

Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-

0001; main telephone number: (202) 566-1030; 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 Office of the

Federal Register's e-CFR site at <https://www.ecfr.gov/current/title-40>.

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-2022-0361 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

September 25, 2023. 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-2022-0361, by one of

the following methods:

Federal eRulemaking Portal: [https://www.regulations.gov](https://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/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 <https://www.epa.gov/>. Additional instructions on

commenting or visiting the docket, along with more information about

dockets generally, is available at <https://www.epa.gov/>.

II. Summary of Petitioned-For Tolerance

In the Federal Register of May 20, 2022 (87 FR 30855) (FRL-9410-13-

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

U.S.C. 346a(d)(3), announcing the filing of pesticide petition (2E8987)

by the Interregional Research Project No. 4 (IR-4), Project

Headquarters, North Carolina State University, 1730 Varsity Drive,

Venture IV, Suite 210, Raleigh, NC 27606. The petition requested that

40 CFR 180.383 be amended to establish tolerances for residues of the

herbicide sodium salt of acifluorfen, sodium 5-[2-chloro-4-

(trifluoromethyl)phenoxy]-2-nitrobenzoate, and its metabolites (the

corresponding acid, methyl ester, and amino analogues) in or on the

following raw agricultural commodities: berry, low growing, subgroup

13-07G at 0.1 ppm; soybean, vegetable, edible podded at 0.09 ppm; and

soybean, vegetable, succulent shelled at 0.09 ppm. The petition also

requested that EPA remove the established tolerance for residues of

sodium salt of acifluorfen in or on strawberry at 0.05 ppm. That

document referenced a summary of the petition prepared by IR-4, the

petitioner, which is available in the docket, [https://www.regulations.gov](https://www.regulations.gov/). There were no comments received on the notice of

filing.

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 therein, 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 sodium salt of acifluorfen including exposure

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

assessment of exposures and risks associated with sodium salt of

acifluorfen 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.

The toxicology database for sodium salt of acifluorfen is complete

and considered adequate for risk assessment. EPA has waived the

subchronic inhalation study, subchronic neurotoxicity studies, and the

developmental neurotoxicity study. Hematological effects (such as

decreases in erythrocyte count, hematocrit, and/or mean cell volume)

were noted in dog, rat, and mice. The liver (dog, rat, and mouse) and

kidney (rat and mouse) are also target organs of oral exposure, and

effects in these organs were noted following both subchronic and

chronic exposures. Indications of liver toxicity

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included findings such as increased liver weight, hypertrophy, clinical

chemistry findings, urinary urobilinogen, focal necrosis; proliferation

of oval or bile duct cells, and fatty infiltration. Indications of

kidney toxicity include increases in the following parameters: kidney

weight; serum electrolytes, blood urea nitrogen (BUN), and creatinine;

and urinary nitrate. There was quantitative fetal susceptibility

demonstrated in the Sprague-Dawley rat developmental study, but no

susceptibility in the Wistar rat or rabbit developmental studies, nor

in the reproduction study. There are no genotoxicity, neurotoxicity or

immunotoxicity concerns observed in the available toxicity studies. In

the dermal toxicity test, skin irritation was observed at all doses,

and systemic toxicity was noted at the limit dose.

EPA has classified sodium salt of acifluorfen as ``likely to be

carcinogenic to humans at high enough doses to cause the biochemical

and histopathological changes in livers of rodents, but unlikely to be

carcinogenic at doses below those causing these changes''. EPA

determined that non-linear extrapolation is appropriate for risk

assessment purposes. The non-linear reference dose (RfD) approach will

be protective for chronic effects, including carcinogenicity.

Sodium salt of acifluorfen has low acute toxicity by the oral and

dermal exposure routes (Toxicity Category III). However, it is a severe

eye irritant (Toxicity Category I) and moderate dermal irritant

(Toxicity Category II). It is not considered a skin sensitizer.

Specific information on the studies received and the nature of the

adverse effects caused by sodium salt of acifluorfen 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 [https://www.regulations.gov](https://www.regulations.gov/) in document titled ``Sodium Acifluorfen. Human

Health Risk Assessment of Proposed Tolerances and Uses on Edamame

(Vegetable Soybean) and Crop Group Expansion and Use on Low-growing

Berry Subgroup 13-07G'' (hereinafter ``Sodium Acifluorfen Human Health

Risk Assessment'') on pages 24-32 in docket ID number EPA-HQ-OPP-2022-

0361.

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 <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides>.

A summary of the toxicological endpoints for sodium salt of

acifluorfen used for human risk assessment can be found in the Sodium

Acifluorfen Human Health Risk Assessment on pages 12-15.

C. Exposure Assessment

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

exposure to sodium salt of acifluorfen, EPA considered exposure under

the petitioned-for tolerances as well as all existing sodium salt of

acifluorfen tolerances in 40 CFR 180.383. EPA assessed dietary

exposures from sodium salt of acifluorfen 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 sodium salt of acifluorfen.

In estimating the acute dietary exposure, EPA used the Dietary

Exposure Evaluation Model software using the Food Commodity Intake

Database (DEEM-FCID) Version 4.02, which uses the 2005-2010 food

consumption data from the United States Department of Agriculture's

(USDA's) National Health and Nutrition Examination Survey, What We Eat

in America (NHANES/WWEIA). The acute dietary exposure assessment

assumes tolerance-level residues and 100% crop treated (PCT) for all

commodities and incorporates default processing factors.

ii. Chronic exposure. In conducting the chronic dietary exposure

assessment, EPA used the 2005-2010 food consumption data from the

USDA's NHANES/WWEIA and DEEM-FCID; version 4.02. The chronic dietary

exposure assessment assumes tolerance-level residues and 100 PCT for

all commodities and incorporates default processing factors.

iii. Cancer. EPA determines whether quantitative cancer exposure

and risk assessments are appropriate for a food-use pesticide based on

the weight of the evidence from cancer studies and other relevant data.

If quantitative cancer risk assessment is appropriate, cancer risk may

be quantified using a linear or nonlinear approach. If sufficient

information on the carcinogenic mode of action is available, a

threshold or nonlinear approach is used and a cancer RfD is calculated

based on an earlier noncancer key event. If carcinogenic mode of action

data are not available, or if the mode of action data determines a

mutagenic mode of action, a default linear cancer slope factor approach

is utilized. Based on the data summarized in Unit III.A., EPA has

concluded that sodium salt of acifluorfen should be classified as

``Likely to be Carcinogenic to Humans at high enough doses to cause the

biochemical and histopathological changes in livers of rodents, but

unlikely to be carcinogenic at doses below those causing these

changes.'' The non-linear RfD approach will be protective for chronic

effects, including carcinogenicity. Cancer risk was quantified using

the same estimates as discussed in Unit III.C.1.ii., chronic exposure.

iv. Anticipated residue and PCT information. EPA did not use

anticipated residue and/or PCT information in the dietary assessment

for sodium salt of acifluorfen. Tolerance level residues and/or 100 PCT

were assumed for all food commodities.

2. Dietary exposure from drinking water. The Agency used screening

level water exposure models in the dietary exposure analysis and risk

assessment for sodium salt of acifluorfen in drinking water. These

simulation models take into account data on the physical, chemical, and

fate/transport characteristics of sodium salt of acifluorfen. Further

information regarding EPA drinking water models used in pesticide

exposure assessment can be found at <https://www.epa.gov/science-and-assessing-pesticide-risks/pesticide-risk-assessment>.

Based on the groundwater modeling results from Pesticide Root Zone

Model

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for Ground Water (PRZM-GW), the estimated drinking water concentrations

(EDWCs) of sodium salt of acifluorfen for acute and chronic exposures

are estimated to be 146 parts per billion (ppb) for ground water. These

modeled estimates of drinking water concentrations were directly

entered into the dietary exposure model.

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). Sodium salt of

acifluorfen is not registered for any specific use patterns that would

result in residential exposure, and the new uses would not result in

residential exposures; therefore, direct exposures in residential

settings are not expected for adults and children.

Further information regarding EPA standard assumptions and generic

inputs for residential exposures may be found at <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/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.''

Unlike other pesticides for which EPA has followed a cumulative

risk approach based on a common mechanism of toxicity, EPA has not made

a common mechanism of toxicity finding as to sodium salt of acifluorfen

and any other substances, and sodium salt of acifluorfen does not

appear to produce a toxic metabolite produced by other substances. For

the purposes of this action, therefore, EPA has not assumed that sodium

salt of acifluorfen has 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 <https://www.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 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 Food Quality

Protection Act (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. There is evidence of

increased susceptibility following in utero exposure to sodium salt of

acifluorfen in the Sprague Dawley rat developmental toxicity study.

However, there is low concern for developmental toxicity because the

effects are well characterized with clear NOAEL/LOAEL values and the

chosen points of departure for risk assessment for each scenario are

protective of these effects.

3. Conclusion. EPA has determined that reliable data show that the

safety of infants and children would be adequately protected if the

FQPA SF were reduced from 10X to 1X. That decision is based on the

following findings:

i. The toxicity database for sodium salt of acifluorfen is

complete.

ii. The weight of evidence (WOE) suggests that sodium salt of

acifluorfen is not neurotoxic. This conclusion is based on the

following: (1) indications of treatment-related toxicity in the acute

neurotoxicity study (ACN) are well-characterized, and the decreased

motor activity observed could be an indication of systemic toxicity

from the bolus dose; (2) the slight effect observed in fetuses in a

developmental toxicity study with Sprague-Dawley rats (dilated brain

ventricles) were not reproduced in another developmental toxicity study

with Wistar rats nor in developmental toxicity studies with rabbits;

and (3) there was no indication of treatment-related neurotoxicity

observed in any studies for structurally-related chemicals (fomesafen,

lactofen, and oxyfluorfen), except for decreased motor activity in an

acute neurotoxicity study with fomesafen at the same dose where general

systemic toxicity (body weight loss) was observed. No immunotoxicity

was observed. In the dermal toxicity test, skin irritation was observed

at all doses, and systemic toxicity was noted at the limit dose.

iii. There is evidence that sodium salt of acifluorfen results in

increased susceptibility following exposure in utero rats in the

Sprague Dawley rat prenatal developmental study. However, there is low

concern because effects are well characterized with clear NOAEL/LOAEL

values and the chosen points of departure for risk assessment for each

scenario are protective of these effects.

iv. There are no residual uncertainties identified in the exposure

database. The dietary food exposure assessments were performed based on

100 PCT and tolerance-level residues. EPA made conservative

(protective) assumptions in the ground and surface water modeling used

to assess exposure to sodium salt of acifluorfen in drinking water.

These assessments will not underestimate the exposure and risks posed

by sodium salt of acifluorfen.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide

exposures are safe by comparing dietary exposure estimates to the acute

population adjusted dose (aPAD) and the chronic population adjusted

dose (cPAD). Short-, intermediate-, and chronic term aggregate risks

are evaluated by comparing the estimated total food, water, and

residential exposure to the appropriate PODs to ensure that an adequate

MOE exists.

1. Acute risk. An acute aggregate risk takes into account exposure

estimated from dietary consumption of food and drinking water. Using

the exposure assumptions described in this unit for acute exposure, EPA

has concluded that acute exposure to sodium salt of acifluorfen will

occupy less than 1% of the aPAD for all infants less than 1 year old,

the population group receiving the greatest exposure. There are no

registered residential uses of sodium salt of acifluorfen so acute

aggregate risk is equivalent to acute dietary risk, which is not of

concern. A separate, lower POD was selected for females 13 to 49 years

old for which the estimated risk was 3.9% of the aPAD.

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

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

sodium salt of acifluorfen from food and water will utilize 87% of the

cPAD for all infants less than 1 year old, the population group

receiving the greatest exposure. There are no registered residential

uses of sodium salt of acifluorfen, so chronic aggregate risk is

equivalent to chronic dietary risk, which is not of concern.

3. Short-term/Intermediate-term risk. Short- and intermediate-term

aggregate exposure take into account short- and intermediate-term

residential exposure plus chronic exposure to food and water

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(considered to be a background exposure level). A short-term and an

intermediate-term adverse effect were identified; however, sodium salt

of acifluorfen is not registered for any use patterns that would result

in short- or intermediate-term residential exposure. Short- and

intermediate-term risk is assessed based on short- and intermediate-

term residential exposure plus chronic dietary exposure. Because there

is no short- or intermediate-term residential exposure and chronic

dietary exposure has already been assessed under the appropriately

protective cPAD (which is at least as protective as the POD used to

assess short- or intermediate-term risk), no further assessment of

short- or intermediate-term risk is necessary, and EPA relies on the

chronic dietary risk assessment for evaluating short- and intermediate-

term risk for sodium salt of acifluorfen

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

III.A., sodium salt of acifluorfen is classified as ``likely to be

carcinogenic to humans at doses high enough to cause the biochemical

and histopathological changes in livers of rodents, but unlikely to be

carcinogenic at doses below those causing these changes.'' EPA

determined that the non-linear RfD approach will be protective for

chronic effects, including carcinogenicity. Because the chronic risks

are below EPA's level of concern, sodium salt of acifluorfen is not

expected to pose a cancer risk to humans.

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 sodium salt of acifluorfen residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate methods are available for enforcement of tolerances of

sodium salt of acifluorfen in the Pesticide Analytical Manual (PAM)

Volume II. PAM Volume II lists a gas chromatography/electron capture

detector (GC/ECD) method, (Method I), for the determination of sodium

salt of acifluorfen in/on plant commodities. Identifications are

confirmed by gas chromatograph equipped with a mass spectroscopy (GC/

MS), Method A in PAM II.

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).

Codex has not established any MRLs for sodium salt of acifluorfen;

thus, harmonization is not an issue.

V. Conclusion

Therefore, tolerances are established for residues of sodium salt

of acifluorfen, including its metabolites and degradates, in or on the

following commodities: berry, low growing, subgroup 13-07G at 0.1 ppm;

soybean, vegetable, edible podded at 0.09 ppm and soybean, vegetable,

succulent shelled at 0.09 ppm. Additionally, EPA is removing the

established tolerance for residues of sodium salt of acifluorfen in or

on strawberry at 0.05 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). 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: July 19, 2023.

Charles Smith,

Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending

40 CFR chapter I as follows:

PART 180--TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES

IN FOOD

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

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

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2. In Sec. 180.383, amend paragraph (a) by:

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a. Designating the table to paragraph (a); and

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b. In newly designated table 1 to paragraph (a):

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i. Adding in alphabetical order the entries ``Berry, low growing,

subgroup 13-07G''; ``Soybean, vegetable, edible podded''; and

``Soybean, vegetable, succulent shelled''; and

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ii. Removing the entry for ``Strawberry''.

The additions read as follows:

Sec. 180.383 Sodium salt of acifluorfen; tolerances for residues.

(a) \* \* \*

Table 1 to Paragraph (a)

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Parts per

Commodity million

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Berry, low growing, subgroup 13-07G......................... 0.1

\* \* \* \* \*

Soybean, vegetable, edible podded........................... 0.09

Soybean, vegetable, succulent shelled....................... 0.09

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[FR Doc. 2023-15900 Filed 7-26-23; 8:45 am]

BILLING CODE 6560-50-P