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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2017-0510; FRL-10008-94]

Pethoxamid; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

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SUMMARY: This regulation establishes tolerances for residues of

pethoxamid in or on multiple commodities which are identified and

discussed later in this document. FMC Corporation requested these

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

DATES: This regulation is effective August 12, 2020. Objections and

requests for hearings must be received on or before October 13, 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-2017-0510, 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 note that due to the public health emergency, the EPA Docket

Center (EPA/DC) and Reading Room was closed to public visitors on March

31, 2020. Our EPA/DC staff will continue to provide customer service

via email, phone, and webform. For further information on EPA/DC

services, docket contact information and the

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current status of the EPA/DC and Reading Room, please visit <https://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

Printing 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-2017-0510 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

October 13, 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-2017-0510, 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/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 April 11, 2018 (83 FR 15528) (FRL-9975-

57), 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

7F8572) by FMC Corporation, 2929 Walnut Street, Philadelphia, PA 19104.

The petition requested that 40 CFR part 180 be amended by establishing

tolerances for residues of the herbicide pethoxamid in or on corn,

field, forage at 0.015 parts per million (ppm); corn, field, stover at

0.02 ppm; corn, field, grain at 0.01 ppm; popcorn, stover at 0.01 ppm;

popcorn, grain at 0.01 ppm; corn, sweet, forage at 0.50 ppm; corn,

sweet, stover at 0.60 ppm; corn, sweet, kernel plus cob with husk

removed at 0.01 ppm; cotton, undelinted seed at 0.01 ppm; cotton, gin

byproducts at 0.09 ppm; soybean, forage at 3.0 ppm; soybean, hay at 4.5

ppm; and soybean, seed at 0.01 ppm.

In the Federal Register of October 28, 2019 (84 FR 57685) (FRL-

10001-11), 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

7F8572) by FMC Corporation, 2929 Walnut Street, Philadelphia, PA 19104.

The petition requested that 40 CFR part 180 be amended by establishing

tolerances for residues of the herbicide pethoxamid in or on cattle,

fat at 0.01 ppm; cattle, meat at 0.01 ppm; cattle, meat byproducts at

0.01 ppm; corn, field, grain at 0.01 ppm; corn, field, forage at 0.015

ppm; corn, field, stover at 0.02 ppm; corn, sweet, kernel plus cob with

husk removed at 0.01 ppm; corn, sweet, stover at 0.60 ppm; cotton, gin

byproducts at 0.09 ppm; cotton, undelinted seed at 0.01 ppm; egg at

0.01 ppm; goat, fat at 0.01 ppm; goat, meat at 0.01 ppm; goat, meat

byproducts at 0.01 ppm; hog, fat at 0.01 ppm; hog, meat at 0.01 ppm;

hog, meat byproducts at 0.01 ppm; horse, fat at 0.01 ppm; horse, meat

at 0.01 ppm; horse, meat byproducts at 0.01 ppm; milk at 0.01 ppm;

popcorn, grain at 0.01 ppm; popcorn, stover at 0.01 ppm; poultry, fat

at 0.01 ppm; poultry, meat at 0.01 ppm; poultry, meat byproducts at

0.01 ppm; sheep, fat at 0.01 ppm; sheep, meat at 0.01 ppm; sheep, meat

byproducts at 0.01 ppm; soybean, forage at 3.0 ppm; soybean, hay at 4.5

ppm; and soybean, seed at 0.01 ppm. The October 28, 2019 Notice of

Filing (NOF) supersedes the April 11, 2018 NOF. The documents

referenced a summary of the petition prepared by FMC Corporation, the

registrant, which is available in the docket, [http://www.regulations.gov](http://www.regulations.gov/).

Comments were received on the notice of filing. EPA's response to

these comments is discussed in Unit IV.C.

Based upon review of the data supporting the petition, EPA is

establishing tolerances that vary from what was requested. The reason

for these changes is explained in Unit IV.D.

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

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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 pethoxamid including exposure resulting from the

tolerances established by this action. EPA's assessment of exposures

and risks associated with pethoxamid 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 hazard database for pethoxamid indicates that the primary

effects occur in the liver and thyroid, including increased changes in

thyroid weight, thyroid hypertrophy, thyroid hyperplasia, thyroid

follicular cell adenomas, and benign hepatocellular adenomas in mice.

Potential signs of neurotoxicity occurring at very high doses were

considered agonal, rather than adverse. Reproductive toxicity was not

observed, and developmental/offspring toxicity was limited to decreased

fetal body weights and late abortions. Specific information on the

studies received and the nature of the adverse effects caused by

pethoxamid 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

titled, ``Pethoxamid: Human Health Risk Assessment for Proposed Section

3 Registration of the New Active Ingredient on Corn, Cotton, and

Soybeans and in/on Turf and Ornamental Sites'' (hereinafter

``Pethoxamid Human Health Risk Assessment'') on pages 43-52 in docket

ID number EPA-HQ-OPP-2017-0510.

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 the NOAEL and the LOAEL are identified.

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-pesticide>.

A summary of the toxicological endpoints for permethrin used for

human risk assessment can be found in the Pethoxamid Human Health Risk

Assessment.

C. Exposure Assessment

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

exposure to pethoxamid, EPA considered exposure under the petitioned-

for tolerances. EPA assessed dietary exposures from pethoxamid 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.

No such effects were identified in the toxicological studies for

pethoxamid; therefore, a quantitative acute dietary exposure assessment

is unnecessary.

ii. Chronic exposure. In conducting the chronic dietary exposure

assessment, EPA used 2003-2008 food consumption information from the

United States Department of Agriculture's (USDA) National Health and

Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA).

As to residue levels in food, the chronic analysis assumed tolerance-

level residues, default processing factors and 100 percent crop treated

(PCT) estimates.

iii. Cancer. Based on the Agency's analysis of the available data,

EPA has concluded that a nonlinear RfD approach is appropriate for

assessing cancer risk to pethoxamid. Quantification of cancer risk

using a non-linear RfD approach will adequately account for all chronic

toxicity, including carcinogenicity that could result from exposure to

pethoxamid; therefore, a separate cancer dietary assessment was not

conducted.

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

anticipated residue or PCT information in the dietary assessment for

pethoxamid. Tolerance-level residues and 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 pethoxamid in drinking water. These simulation models

take into account data on the physical, chemical, and fate/transport

characteristics of pethoxamid. Further information regarding EPA

drinking water models used in pesticide exposure assessment can be

found at <http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide>.

Using the Pesticides in Water Calculator (PWC) and Pesticide Root

Zone Model and the Varying Volume Water Model (PRZM/VVWM) models, EPA

calculated the estimated drinking water concentrations (EDWCs) of

pethoxamid for chronic exposures in surface and ground water. EPA used

the modeled EDWCs directly in the dietary exposure model to account for

the contribution of pethoxamid residues in drinking water as follows:

7.45 ppb was used in the chronic assessment.

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).

Pethoxamid is proposed to be registered for the following uses that

could result in residential exposures: Residential lawns and golf

courses. EPA assessed residential exposure using the following

assumptions: Because labels will include language stating that these

products are to be applied by professional applicators only,

residential handler exposures are not expected.

There is the potential for short-term post-application exposure for

individuals exposed as a result of being in an environment that has

been previously treated with pethoxamid. The quantitative exposure/risk

assessment for residential post-application exposures is based on the

following scenarios: Incidental oral (hand-to-mouth, object-to-mouth,

and soil ingestion) following a broadcast turf application. Neither an

adult nor child dermal assessment was conducted because a dermal

endpoint was not

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selected. While not the only life stage potentially exposed for these

post-application scenarios, the life stage that is included in the

quantitative assessment (child 1 to less than 2 years old) is health

protective for the exposures and risk estimates for any other

potentially exposed life stage.

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.''

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 pethoxamid and any other

substances, and pethoxamid does not appear to produce a toxic

metabolite produced by other substances. For the purposes of this

tolerance action, therefore, EPA has not assumed that pethoxamid 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 <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 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. Pethoxamid did not cause

reproductive toxicity in rats. Developmental/offspring toxicity in rats

was limited to decreased body weight and was observed at the same doses

that caused maternal/parental toxicity. Developmental toxicity in

rabbits was limited to decreased fetal body weights and late abortions

observed at the same doses that caused maternal toxicity (late

abortions, clinical signs, decreased body weight, and red substance on

fur/in the cage).

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

safety of infants and children would be adequately protected if the

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

findings:

i. The toxicity database for pethoxamid is complete.

ii. There is evidence of potential neurotoxicity in the pethoxamid

database in the acute neurotoxicity study and in the developmental

toxicity study in rats. However, concern is low because: (1) The

observed effects are well characterized, with clear NOAELs; (2) they

occur only at the highest doses tested and are likely agonal in nature;

and (3) PODs are based on the most sensitive effects and are protective

of any potential neurotoxicity.

iii. There is no evidence that pethoxamid results in increased

susceptibility in in utero rats or rabbits in the prenatal

developmental studies or in young rats in the 2-generation reproduction

study.

iv. There are no residual uncertainties identified in the exposure

databases. 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 pethoxamid in drinking water. 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

pethoxamid.

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. An acute aggregate risk assessment takes into

account acute exposure estimates from dietary consumption of food and

drinking water. No adverse effect resulting from a single oral exposure

was identified and no acute dietary endpoint was selected. Therefore,

pethoxamid is not expected to pose an acute risk.

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

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

pethoxamid from food and water will utilize less than 1% of the cPAD

for children 1 to 2 years old, the population group receiving the

greatest exposure. Based on the explanation in Unit III.C.3., regarding

residential use patterns, chronic residential exposure to residues of

pethoxamid is not expected.

3. Short-term risk. Short-term aggregate exposure takes into

account short-term residential exposure plus chronic exposure to food

and water (considered to be a background exposure level). Pethoxamid is

currently registered for uses that could result in short-term

residential exposure, and the Agency has determined that it is

appropriate to aggregate chronic exposure through food and water with

short-term residential exposures to pethoxamid.

Using the exposure assumptions described in this unit for short-

term exposures, EPA has concluded the combined short-term food, water,

and residential exposures result in an aggregate MOE of 720 for

children 1 to less than 2 years old. Because EPA's level of concern for

pethoxamid is a MOE of 100 or below, this MOE is not of concern.

4. Intermediate-term risk. Intermediate-term aggregate exposure

takes into account intermediate-term residential exposure plus chronic

exposure to food and water (considered to be a background exposure

level).

An intermediate-term adverse effect was identified; however,

pethoxamid is not registered for any use patterns that would result in

intermediate-term residential exposure. Intermediate-term risk is

assessed based on intermediate-term residential exposure plus chronic

dietary exposure. Because there is no 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 intermediate-term risk), no further assessment

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

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chronic dietary risk assessment for evaluating intermediate-term risk

for pethoxamid.

5. Aggregate cancer risk for U.S. population. Based on the Agency's

chronic risk assessment, EPA does not expect cancer risk to result from

aggregate exposure to pethoxamid.

6. 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 pethoxamid residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

The petitioner has proposed a multi-residue method (quick, easy,

cheap, effective, rugged and safe; QuEChERS; Method No. AGR/MOA/PTX-8)

for the determination of pethoxamid in plant commodities. Method EAS

Study Code S15-03519 is proposed as the enforcement method for

determination of residues of pethoxamid in livestock commodities. The

extraction and analysis procedures are based on the QuEChERS method and

are very similar to those of the proposed enforcement method for crop

commodities, EAS Method No. AGR/MOA/PTX-8.

The methods 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.

The Codex has not established any MRLs for pethoxamid.

C. Response to Comments

Two comments were received in response to the April 11, 2018 NOF,

and 21 comments were received in response to the October 28, 2019 NOF.

One comment was in support of the petition. One raised concern about

bats and wind turbines that is unrelated to pesticides and this

petition. The other comments were generally opposed to the Agency

approving the use of pesticides on food, many stating that ``there are

NO acceptable levels of pesticide residues in foods.'' Although the

Agency recognizes that some individuals believe that pesticides should

be banned on agricultural crops, the existing legal framework provided

by section 408 of the FFDCA authorizes EPA to establish tolerances when

it determines that the tolerance is safe. Upon consideration of the

validity, completeness, and reliability of the available data as well

as other factors the FFDCA requires EPA to consider, EPA has determined

that these pethoxamid tolerances are safe. The commenters have provided

no information to indicate that pethoxamid is not safe.

D. Revisions to Petitioned-For Tolerances

The following tolerances are being set at 0.01 ppm because crop

field trials indicated that residues of pethoxamid were below the limit

of quantitation (<0.01 ppm) in/on all soybean, cotton and corn

commodities: Corn, field forage; corn, field stover; corn, sweet,

forage; corn, sweet, stover; cotton gin byproducts; soybean, forage;

and soybean, hay.

V. Conclusion

Therefore, tolerances are established for residues of pethoxamid,

including its metabolites and degradates, in or on cattle, fat at 0.01

ppm; cattle, meat at 0.01 ppm; cattle, meat byproducts at 0.01 ppm;

corn, field, forage at 0.01 ppm; corn, field, grain at 0.01 ppm; corn,

field, stover at 0.01 ppm; corn, pop, grain at 0.01 ppm; corn, pop,

stover at 0.01 ppm; corn, sweet, forage at 0.01 ppm; corn, sweet,

kernel plus cob with husk removed at 0.01 ppm; corn, sweet, stover at

0.01 ppm; cotton, gin byproducts at 0.01 ppm; cotton, undelinted seed

at 0.01 ppm; egg at 0.01 ppm; goat, fat at 0.01 ppm; goat, meat at 0.01

ppm; goat, meat byproducts at 0.01 ppm; hog, fat at 0.01 ppm; hog, meat

at 0.01 ppm; hog, meat byproducts at 0.01 ppm; horse, fat at 0.01 ppm;

horse, meat at 0.01 ppm; horse, meat byproducts at 0.01 ppm; milk at

0.01 ppm; poultry, fat at 0.01 ppm; poultry, meat at 0.01 ppm; poultry,

meat byproducts at 0.01 ppm; sheep, fat at 0.01 ppm; sheep, meat at

0.01 ppm; sheep, meat byproducts at 0.01 ppm; soybean, forage at 0.01

ppm; soybean, hay at 0.01 ppm; and soybean, seed at 0.01 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

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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: June 26, 2020.

Michael Goodis,

Acting Director, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, the EPA amends

40 CFR chapter I as follows:

PART 180--TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES

IN FOOD

0

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. Add Sec. 180.710 to subpart C to read as follows:

Sec. 180.710 Pethoxamid; tolerances for residues.

(a) General. Tolerances are established for residues of the

herbicide pethoxamid, including its metabolites and degradates, in or

on the commodities in the table below. Compliance with the tolerance

levels specified below is to be determined by measuring only

pethoxamid, 2-chloro-N-(2-ethoxyethyl)-N-(2-methyl-1-phenyl-1-propen-1-

yl) acetamide in or on the commodity.

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Parts per

Commodity million

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Cattle, fat................................................. 0.01

Cattle, meat................................................ 0.01

Cattle, meat byproducts..................................... 0.01

Corn, field, forage......................................... 0.01

Corn, field, grain.......................................... 0.01

Corn, field, stover......................................... 0.01

Corn, pop, grain............................................ 0.01

Corn, pop, stover........................................... 0.01

Corn, sweet, forage......................................... 0.01

Corn, sweet, kernel plus cob with husk removed.............. 0.01

Corn, sweet, stover......................................... 0.01

Cotton, gin byproducts...................................... 0.01

Cotton, undelinted seed..................................... 0.01

Egg......................................................... 0.01

Goat, fat................................................... 0.01

Goat, meat.................................................. 0.01

Goat, meat byproducts....................................... 0.01

Hog, fat.................................................... 0.01

Hog, meat................................................... 0.01

Hog, meat byproducts........................................ 0.01

Horse, fat.................................................. 0.01

Horse, meat................................................. 0.01

Horse, meat byproducts...................................... 0.01

Milk........................................................ 0.01

Poultry, fat................................................ 0.01

Poultry, meat............................................... 0.01

Poultry, meat byproducts.................................... 0.01

Sheep, fat.................................................. 0.01

Sheep, meat................................................. 0.01

Sheep, meat byproducts...................................... 0.01

Soybean, forage............................................. 0.01

Soybean, hay................................................ 0.01

Soybean, seed............................................... 0.01

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(b) [Reserved]

[FR Doc. 2020-16452 Filed 8-11-20; 8:45 am]

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