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[Proposed Rules]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 174 and 180

[EPA-HQ-OPP-2021-0088; FRL-8792-06-OCSPP]

Receipt of Pesticide Petitions Filed for Residues of Pesticide

Chemicals in or on Various Commodities (December 2021)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notices of filing of petitions and request for comment.

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SUMMARY: This document announces the Agency's receipt of initial

filings of pesticide petitions requesting the establishment or

modification of regulations for residues of pesticide chemicals in or

on various commodities.

DATES: Comments must be received on or before January 20, 2022.

ADDRESSES: Submit your comments, identified by docket identification

(ID) number and the pesticide petition (PP)

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of interest as shown in the body of this document, online at [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 Confidential Business Information (CBI) or other information whose

disclosure is restricted by statute. Additional instructions on

commenting or visiting the docket, along with more information about

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

Due to the public health concerns related to COVID-19, the EPA/DC

and Reading Room is closed to visitors with limited exceptions. The

staff continues to provide remote customer service via email, phone,

and webform. For the latest status information on the EPA/DC and docket

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

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Registration

Division (7505P), main telephone number: (703) 305-7090, email address:

[RDFRNotices@epa.gov](mailto:RDFRNotices@epa.gov); or Charles Smith, Biopesticides and Pollution

Prevention Division (7511P), main telephone number: (703) 305-7090,

email address: [BPPDFRNotices@epa.gov](mailto:BPPDFRNotices@epa.gov). The mailing address for each

contact person is: Office of Pesticide Programs, Environmental

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

0001. As part of the mailing address, include the contact person's

name, division, and mail code. The division to contact is listed at the

end of each pesticide petition summary.

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. What should I consider as I prepare my comments for EPA?

1. Submitting CBI. Do not submit this information to EPA through

[regulations.gov](http://regulations.gov/) or email. Clearly mark the part or all of the

information that you claim to be CBI. For CBI information in a disk or

CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as

CBI and then identify electronically within the disk or CD-ROM the

specific information that is claimed as CBI. In addition to one

complete version of the comment that includes information claimed as

CBI, a copy of the comment that does not contain the information

claimed as CBI must be submitted for inclusion in the public docket.

Information so marked will not be disclosed except in accordance with

procedures set forth in 40 CFR part 2.

2. Tips for preparing your comments. When preparing and submitting

your comments, see the commenting tips at <http://www.epa.gov/dockets/comments.html>.

3. Environmental justice. EPA seeks to achieve environmental

justice, the fair treatment and meaningful involvement of any group,

including minority and/or low-income populations, in the development,

implementation, and enforcement of environmental laws, regulations, and

policies. To help address potential environmental justice issues, the

Agency seeks information on any groups or segments of the population

who, as a result of their location, cultural practices, or other

factors, may have atypical or disproportionately high and adverse human

health impacts or environmental effects from exposure to the pesticides

discussed in this document, compared to the general population.

II. What action is the Agency taking?

EPA is announcing receipt of pesticide petitions filed under

section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21

U.S.C. 346a, requesting the establishment or modification of

regulations in 40 CFR part 174 or part 180 for residues of pesticide

chemicals in or on various food commodities. The Agency is taking

public comment on the requests before responding to the petitioners.

EPA is not proposing any particular action at this time. EPA has

determined that the pesticide petitions described in this document

contain data or information prescribed in FFDCA section 408(d)(2), 21

U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency

of the submitted data at this time or whether the data supports

granting of the pesticide petitions. After considering the public

comments, EPA intends to evaluate whether and what action may be

warranted. Additional data may be needed before EPA can make a final

determination on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), summaries of the petitions that are

the subject of this document, prepared by the petitioners, are included

in dockets EPA has created for these rulemakings. The dockets for these

petitions are available at [http://www.regulations.gov](http://www.regulations.gov/).

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA

is publishing notice of the petitions so that the public has an

opportunity to comment on these requests for the establishment or

modification of regulations for residues of pesticides in or on food

commodities. Further information on the petitions may be obtained

through the petition summaries referenced in this unit.

A. Notice of Filing--Amended Tolerances for Non-Inerts

PP 1F8921. (EPA-HQ-OPP-2021-0650). Spring Regulatory Sciences on

behalf of Bedoukian Research, Inc., 21 Finance Drive, Danbury, CT

06810-4192, requests to amend an exemption from the requirement of a

tolerance in 40 CFR 180.1124 for residues arthropod pheromones, used as

insect attractants and/or repellents in or on all food commodities,

when not applied at greater than 150 grams of active ingredient per

acre per year. The petitioner believes no analytical method is needed

because EPA has previously determined that an exemption was appropriate

for these compounds based upon generally low toxicity, high volatility,

the low environmental and human exposure expected from pheromones when

used in retrievably sized polymeric matrix dispensers, and the low

application rates and limits on acreage. Contact: BPPD.

B. New Tolerance Exemptions for Inerts (Except PIPS)

PP IN-11646. (EPA-HQ-OPP-2021-0840). Spring Regulatory Sciences

(6620 Cypresswood Dr, Suite 250, Spring, TX 77379), on behalf of Stepan

Company (22 W Frontage Rd., Northfield, IL 60093), requests to

establish an exemption from the requirement of a tolerance for Oxirane,

2-(phenoxymethyl)-, polymer with oxirane, ether with 2,2',2''-

nitrilotris[ethanol] (3:1), diblock (CAS RN 2307555-89-9), with a

minimum number average molecular weight of 5,300 daltons, when used as

an inert ingredient (dispersing agent) in pesticide formulations under

40 CFR 180.960. The petitioner believes no analytical method is needed

because it is not required for an exemption from

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the requirement of a tolerance. Contact: RD.

C. New Tolerance Exemptions for Non-Inerts (Except PIPS)

1. PP 0F8867. (EPA-HQ-OPP-2020-0700). Agrauxine Corp., 375

Bonnewitz Avenue, Van Wert, OH 45891, requests to establish an

exemption from the requirement of a tolerance in 40 CFR part 180 for

residues of the fungicide and nematicide, Trichoderma atroviride strain

K5 NRRL B-50520 in or on food commodities. The petitioner believes no

analytical method is needed because, if Trichoderma atroviride strain

K5 NRRL B-50520 is used as proposed, no residues of toxicological

concern would result. Contact: BPPD.

2. PP 1F8920. (EPA-HQ-OPP-2021-0675). Biotalys NV, Buchtenstraat

11, 9051 Sint-Denijs-Westrem, Belgium, requests to establish a

temporary exemption from the requirement of a tolerance in 40 CFR part

180 for residues of the fungicide ASFBIOF01-02 in or on grape and

strawberry. The petitioner believes no analytical method is needed

because the mammalian toxicity studies are sufficient to support the

conclusion that there are no foreseeable human or domestic health

hazards likely to arise from the use of ASFBIOF01-02 in food crop

commodities; therefore, the requirement to provide practical methods

for removing residues from these agricultural commodities or processed

foods is not applicable. Contact: BPPD.

D. New Tolerances for Non-Inerts

PP 0E8891. (EPA-HQ-OPP-2021-0520). Bayer CropScience LP, 800 N

Lindbergh Blvd., St. Louis, MO 263167 requests to establish a tolerance

in 40 CFR part 180.589 for residues of the fungicide propamocarb

hydrochloride in or on onion, bulb, crop subgroup 3-07A at 2 parts per

million (ppm), leek at 30 ppm, and kale at 20 ppm. Analytical methods

gas/liquid chromatography and N-FID or MSD are used to measure and

evaluate the chemical propamocarb hydrochloride. This supersedes the

paragraph published in the Federal Register on September 22, 2021 (86

FR 52624 FRL-8792-03-OCSPP). Contact: RD.

Authority: 21 U.S.C. 346a.

Dated: December 13, 2021.

Delores Barber,

Director, Information Technology and Resources Management Division,

Office of Program Support.

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