[Federal Register Volume 87, Number 182 (Wednesday, September 21, 2022)]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2021-0153; FRL-10187-01-OCSPP]

Novaluron; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

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SUMMARY: This regulation establishes tolerances for residues of

novaluron in or on multiple crops that are discussed later in this

document. Interregional Research Project Number 4 (IR-4) requested

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

(FFDCA).

DATES: This regulation is effective September 21, 2022. Objections and

requests for hearings must be received on or before November 21, 2022,

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-2021-0153, is available at

[https://www.regulations.gov](https://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 and the OPP Docket is (202) 566-1744. For the latest

status information on EPA/DC services, docket access, visit <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Acting 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(g), 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-2021-0153 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

November 21, 2022. 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-2021-0153, 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/dockets/where-send-comments-epa-dockets>.

Additional instructions on commenting or visiting the docket, along

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

II. Summary of Petitioned-For Tolerance

In the Federal Register of June 28, 2021 (86 FR 33922) (FRL-10025-

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

U.S.C.

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346a(d)(3), announcing the filing of a pesticide petition (PP 0E8882)

by IR-4, North Carolina State University, 1730 Varsity Drive, Venture

IV, Suite 210, Raleigh, NC 27606. The petition requested that 40 CFR

180.598 be amended by establishing tolerances for residues of the

insecticide novaluron in or on individual crops of proposed Crop

Subgroup 6-XXA: Edible podded bean legume vegetable subgroup at 0.7

parts per million (ppm); individual crops of proposed Crop Subgroup 6-

XXB: Edible podded pea legume vegetable subgroup at 2 ppm; individual

crops of Proposed Crop Subgroup 6-XXC: Succulent shelled bean subgroup

at 0.7 ppm; individual crops of Proposed Crop Subgroup 6-XXD: Succulent

shelled pea subgroup at 0.05 ppm; individual crops of Proposed Crop

Subgroup 6-XXE: Dried shelled bean, except soybean at 0.3 ppm;

individual crops of Proposed Crop Subgroup 6-XXF: Dried shelled pea

subgroup at 0.1 ppm; and Pea, forage at 15 ppm. The petition also

requested to amend 40 CFR part 180 by removing established tolerances

for residues of novaluron, including its metabolites and degradates, in

or on Bean, dry, seed at 0.30 ppm, and Bean, succulent at 0.70 ppm.

That document referenced a summary of the petition, which is available

in the docket, [https://www.regulations.gov](https://www.regulations.gov/). One comment was received

from the United States Department of Agriculture in support of the

notice of filing.

In the Federal Register of April 28, 2022 (87 FR 25178) (FRL-9410-

12-OCSPP) 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

0E8882) by IR-4, North Carolina State University, 1730 Varsity Drive,

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

40 CFR 180.598 be amended by establishing tolerances for residues of

the insecticide novaluron in or on the following raw agricultural

commodities: Bean, phaseolus, forage at 15 ppm; Cowpea, forage at 15

ppm; Pea, field, forage at 15 ppm; Bean, phaseolus, hay at 80 ppm;

Cowpea, hay at 80 ppm; and Pea, field, hay at 80 ppm. That document

referenced a summary of the petition, which is available in the docket,

[https://www.regulations.gov](https://www.regulations.gov/). No substantive comments were received in

response to the notice.

Based upon review of the data supporting the petition and in

accordance with its authority under FFDCA section 408(d)(4)(A)(i), EPA

is modifying many of the commodity definitions to be consistent with

Agency terminology. The tolerance levels being established are the same

as the petition requested.

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 novaluron including exposure resulting from the

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

and risks associated with novaluron follows.

In an effort to streamline its publications in the Federal

Register, EPA is not reprinting sections that repeat what has been

previously published for tolerance rulemakings for the same pesticide

chemical. Where scientific information concerning a particular chemical

remains unchanged, the content of those sections would not vary between

tolerance rulemakings, and EPA considers referral back to those

sections as sufficient to provide an explanation of the information EPA

considered in making its safety determination for the new rulemaking.

EPA has previously published tolerance rulemakings for novaluron in

which EPA concluded, based on the available information, that there is

a reasonable certainty that no harm would result from aggregate

exposure to novaluron and established tolerances for residues of that

chemical. EPA is incorporating previously published sections from these

rulemakings as described further in this rulemaking, as they remain

unchanged.

In addition, EPA has conducted a human health risk assessment in

support of registration review for novaluron. That document,

``Novaluron: Draft Human Health Risk Assessment to Support Registration

Review'' dated March 24, 2020, along with the Novaluron Interim

Registration Review Decision, are available in docket ID number EPA-HQ-

OPP-2015-0171 and are referenced below.

Toxicological profile. For a discussion of the Toxicological

Profile of novaluron, see Unit III.A. of the novaluron tolerance

rulemaking published in the Federal Register of July 22, 2015 (80 FR

43329) (FRL-9929-57) as well as the Novaluron: Draft Human Health Risk

Assessment to Support Registration Review and Novaluron Interim

Registration Review Decision.

Toxicological points of departure/Levels of concern. For a summary

of the Toxicological Points of Departure/Levels of Concern for

novaluron used for human health risk assessment, please reference Unit

III.B. of the July 22, 2015, rulemaking as well as the Novaluron: Draft

Human Health Risk Assessment to Support Registration Review and

Novaluron Interim Registration Review Decision.

Exposure assessment. EPA's dietary exposure assessments have been

updated to include the additional exposure from the proposed new uses

of novaluron on the commodities identified in this action. An acute

dietary exposure assessment was not performed as there are no

toxicological effects attributable to a single exposure (dose). A

partially refined chronic dietary (food and drinking water) exposure

and risk assessment was conducted that incorporated tolerance-level

residues for the proposed new uses. The chronic dietary exposure and

risk assessment also incorporated average percent crop treated (PCT)

data for several registered commodities as well as projected PCT data

for the proposed Field Pea and Cowpea feed commodities. For the

remaining commodities, 100 PCT was assumed. Anticipated residues for

meat, milk, hog, and poultry commodities were incorporated as well. A

cancer dietary assessment was not conducted because novaluron is

classified as ``not likely to be carcinogenic to humans.''

Anticipated residue and PCT information. Section 408(b)(2)(E) of

FFDCA authorizes EPA to use available data and information on the

anticipated residue levels of pesticide residues in food and the actual

levels of pesticide residues that have been measured in food. If EPA

relies on such information,

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EPA must require pursuant to FFDCA section 408(f)(1) that data be

provided 5 years after the tolerance is established, modified, or left

in effect, demonstrating that the levels in food are not above the

levels anticipated. For the present action, EPA will issue such data

call-ins as are required by FFDCA section 408(b)(2)(E) and authorized

under FFDCA section 408(f)(1). Data will be required to be submitted no

later than 5 years from the date of issuance of these tolerances.

Section 408(b)(2)(F) of FFDCA states that the Agency may use data

on the actual percent of food treated for assessing chronic dietary

risk only if:

Condition a: The data used are reliable and provide a

valid basis to show what percentage of the food derived from such crop

is likely to contain the pesticide residue.

Condition b: The exposure estimate does not underestimate

exposure for any significant subpopulation group.

Condition c: Data are available on pesticide use and food

consumption in a particular area, and the exposure estimate does not

understate exposure for the population in such area.

In addition, the Agency must provide for periodic evaluation of any

estimates used. To provide for the periodic evaluation of the estimate

of PCT as required by FFDCA section 408(b)(2)(F), EPA may require

registrants to submit data on PCT.

Updated average percent crop treated values were used for the

following crops that are currently registered for novaluron: apples

(10%), broccoli (1%), cabbage (5%), cantaloupe (1%), cauliflower (1%),

cherries (1%), cotton (5%), dry beans/peas (1%), peaches (1%), peanuts

(5%), pears (25%), peppers (5%), plums/prunes (1%), potatoes (5%),

pumpkins (1%), sorghum (1%), squash (1%), strawberries (45%), sugarcane

(1%), sweet corn (1%), tomatoes (2.5%), and watermelons (1%).

In most cases, EPA uses available data from the United States

Department of Agriculture/National Agricultural Statistics Service

(USDA/NASS), proprietary market surveys, and California Department of

Pesticide Regulation (CalDPR) Pesticide Use Reporting (PUR) for the

chemical/crop combination for the most recent 10 years. EPA uses an

average PCT for chronic dietary risk analysis and a maximum PCT for

acute dietary risk analysis. The average PCT figure for each existing

use is derived by combining available public and private market survey

data for that use, averaging across all observations, and rounding to

the nearest 5%, except for those situations in which the average PCT is

less than 1% or less than 2.5% as the average PCT value, respectively.

In those cases, the Agency would use less than 1% or less than 2.5% as

the average PCT value, respectively. The maximum PCT figure is the

highest observed maximum value reported within the most recent 10 years

of available public and private market survey data for the existing use

and rounded up to the nearest multiple of 5%, except where the maximum

PCT is less than 2.5%, in which case, the Agency uses less than 2.5% as

the maximum PCT.

Projected PCT was used for Field Pea and Cowpea feed commodities

(10%). EPA estimates the projected PCT, also known as the percent crop

treated of a new use (PCTn), based on the PCT of the dominant pesticide

(i.e., the one with the greatest PCT) used on that crop over the three

most recent years of available data. Comparisons are only made among

pesticides of the same pesticide types (e.g., the dominant insecticide

on the crop is selected for comparison with a new insecticide). The

PCTs included in the analysis may be for the same pesticide or for

different pesticides since the same or different pesticides may

dominate for each year. Typically, EPA uses USDA NASS as the source for

raw PCT data because it is publicly available and does not have to be

calculated from available data sources. When a specific use site is not

surveyed by USDA NASS, EPA uses other appropriate public data or

private market research to calculate the PCTn.

The average PCT of the market leader(s) is appropriate for use in

the chronic dietary risk assessment. This method of estimating a PCT

for a new use of a registered pesticide or a new pesticide produces a

high-end estimate that is unlikely, in most cases, to be exceeded

during the initial five years of actual use. The predominant factors

that bear on whether the estimated PCTn could be exceeded are (1) the

extent of pest pressure on the crops in question; (2) the pest spectrum

of the new pesticide in comparison with the market; and (3) resistance

concerns with the market leaders. EPA has examined the relevant data

and concludes that it is unlikely that the actual PCT with novaluron on

the Field Pea and Cowpea feed commodities will exceed the PCTn within

the next 5 years.

The Agency believes that Conditions a, b, and c discussed above

have been met. With respect to Condition a, PCT estimates are derived

from Federal and private market survey data, which are reliable and

have a valid basis. The Agency is reasonably certain that the

percentage of the food treated is not likely to be an underestimation.

As to Conditions b and c, regional consumption information and

consumption information for significant subpopulations is taken into

account through EPA's computer-based model for evaluating the exposure

of significant subpopulations including several regional groups. Use of

this consumption information in EPA's risk assessment process ensures

that EPA's exposure estimate does not understate exposure for any

significant subpopulation group and allows the Agency to be reasonably

certain that no regional population is exposed to residue levels higher

than those estimated by the Agency. Other than the data available

through national food consumption surveys, EPA does not have available

reliable information on the regional consumption of food to which

novaluron may be applied in a particular area.

Drinking water and non-occupational exposures. The previously

recommended estimated drinking water concentrations (EDWCs) remain

current and are considered protective potential drinking water residue

levels anticipated from the proposed tolerances. As stated in Unit III

of the novaluron tolerance rulemaking published in the Federal Register

of August 13, 2020 (85 FR 49261) (FRL-10011-78), the chronic dietary

exposure and risk assessment incorporate the highest total estimated

drinking water concentration (EDWC) of 8.4 parts per billion directly

into this dietary assessment. The residential exposure assessment has

not changed since the July 22, 2015, rulemaking because there are no

proposed new residential uses. For a summary of the residential

exposure analysis for novaluron used for the human health risk

assessment, please reference Unit III.C.3. of the July 22, 2015,

rulemaking.

Cumulative exposure. 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 novaluron and any other substances and

novaluron does not appear to produce a toxic metabolite produced by

other substances. For the purposes of this action, therefore, EPA has

not assumed that novaluron has a common

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mechanism of toxicity with other substances.

Safety factor for infants and children. EPA continues to conclude

that there are reliable data to support the reduction of the Food

Quality Protection Act (FQPA) safety factor from 10X to 1X. See Unit

III.D. of the July 22, 2015, rulemaking for a discussion of the

Agency's rationale for that determination.

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 population-adjusted dose

(aPAD) and chronic population-adjusted dose (cPAD). Short-,

intermediate-, and chronic-term risks are evaluated by comparing the

estimated aggregate food, water, and residential exposure to the

appropriate points of departure to ensure that an adequate margin of

exposure (MOE) exists. For linear cancer risks, EPA calculates the

lifetime probability of acquiring cancer given the estimated aggregate

exposure.

An acute dietary exposure assessment was not performed as there

were no toxicological effects attributable to a single exposure (dose)

observed in available oral toxicity studies, including maternal

toxicity in the developmental toxicity studies. Chronic dietary risks

are below the Agency's level of concern of 100% of the cPAD; they are

29% of the cPAD for children 1 to 2 years old, the group with the

highest exposure. The combined short- and intermediate-term food,

water, and residential exposures result in aggregate margins of

exposures of 3,800 for adults and 280 for children 1 to 2 years old.

These MOEs are greater than the level of concern of 100 and are

therefore not of concern. Novaluron is classified as ``Not Likely to Be

Carcinogenic to Humans''; therefore, EPA does not expect novaluron

exposures to pose an aggregate cancer risk.

Therefore, based on the risk assessments and information described

above, EPA concludes there is a reasonable certainty that no harm will

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

aggregate exposure to novaluron residues. More detailed information on

this action can be found in the document titled ``Novaluron. Human

Health Risk Assessment for Petition for Individual Commodities of

Proposed Crop Subgroup 6-XXA: Vegetable, legume, bean, edible podded,

subgroup 6-xxA; Proposed Crop Subgroup 6-XXB: Vegetable, legume, pea,

edible podded, subgroup 6-xxB; Proposed Crop Subgroup 6-XXC: Vegetable,

legume, bean, succulent shelled, subgroup 6-xxC; Proposed Crop Subgroup

6-XXD: Vegetable, legume, pea, succulent shelled, subgroup 6-xxD;

Proposed Crop Subgroup 6-XXE: Vegetable, legume, bean, dried shelled,

subgroup 6-xxE; Proposed Crop Subgroup 6-XXF: Vegetable, legume, pea,

dried shelled, subgroup 6-xxF; Proposed Crop Subgroup 7-XXA: Vegetable,

legume, forage and hay, except soybean group 7-xxA, forage; and

Proposed Crop Subgroup 7-XXA: Vegetable, legume, forage and hay, except

soybean group 7-xxA, hay'' in docket ID EPA-HQ-OPP-2021-0153.

IV. Other Considerations

A. Analytical Enforcement Methodology

For a discussion of the available analytical enforcement method,

see Unit IV.A. of the July 22, 2015, rulemaking.

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 U.S. and Codex levels are harmonized for edible-podded and

succulent shelled beans at 0.7 ppm. Using the Organization for Economic

Cooperation and Development (OECD) calculator for the dried shelled

beans, except soybean, subgroup gives a recommended tolerance level of

0.3 ppm, which is higher than the established Codex MRL of 0.1 ppm for

``beans (dry).'' The Agency is not lowering the tolerance level to

harmonize with Codex because doing so could cause U.S. growers to have

violative residues despite legal use of novaluron according to the

label. There are no Codex MRLs for any of the other commodities

identified in this action.

V. Conclusion

Therefore, tolerances are established for residues of novaluron in

or on Bean, adzuki, dry seed at 0.3 ppm; Bean, African yam, dry seed at

0.3 ppm; Bean, American potato, dry seed at 0.3 ppm; Bean, asparagus,

dry seed at 0.3 ppm; Bean, asparagus edible podded at 0.7 ppm; Bean,

black, dry seed at 0.3 ppm; Bean, broad, dry seed at 0.3 ppm; Bean,

broad, succulent shelled at 0.7 ppm; Bean, catjang, dry seed at 0.3

ppm; Bean, catjang edible podded at 0.7 ppm; Bean, catjang, succulent

shelled at 0.7 ppm; Bean, cranberry, dry seed at 0.3 ppm; Bean, dry

bean, dry seed at 0.3 ppm; Bean, field, dry seed at 0.3 ppm; Bean,

French, dry seed at 0.3 ppm; Bean, French, edible podded at 0.7 ppm;

Bean, garden, dry seed at 0.3 ppm; Bean, garden, edible podded at 0.7

ppm; Bean, goa, dry seed at 0.3 ppm; Bean, goa, edible podded at 0.7

ppm; Bean, goa, succulent shelled at 0.7 ppm; Bean, great northern, dry

seed at 0.3 ppm; Bean, green, dry seed at 0.3 ppm; Bean, green, edible

podded at 0.7 ppm; Bean, guar, dry seed at 0.3 ppm; Bean, guar, edible

podded at 0.7 ppm; Bean, horse gram, dry seed at 0.3 ppm; Bean, kidney,

dry seed at 0.3 ppm; Bean, kidney, edible podded at 0.7 ppm; Bean,

lablab, dry seed at 0.3 ppm; Bean, lablab, edible podded at 0.7 ppm;

Bean, lablab, succulent shelled at 0.7 ppm; Bean, lima, dry seed at 0.3

ppm; Bean, lima, succulent shelled at 0.7 ppm; Bean, morama, dry seed

at 0.3 ppm; Bean, moth, dry seed at 0.3 ppm; Bean, moth, edible podded

at 0.7 ppm; Bean, moth, succulent shelled at 0.7 ppm; Bean, mung, dry

seed at 0.3 ppm; Bean, mung, edible podded at 0.7 ppm; Bean, navy, dry

seed at 0.3 ppm; Bean, navy, edible podded at 0.7 ppm; Bean, phaseolus,

forage at 15 ppm; Bean, phaseolus, hay at 80 ppm; Bean, pink, dry seed

at 0.3 ppm; Bean, pinto, dry seed at 0.3 ppm; Bean, red, dry seed at

0.3 ppm; Bean, rice, dry seed at 0.3 ppm; Bean, rice, edible podded at

0.7 ppm; Bean, scarlet runner, dry seed at 0.3 ppm; Bean, scarlet

runner, edible podded at 0.7 ppm; Bean, scarlet runner, succulent

shelled at 0.7 ppm; Bean, snap, edible podded at 0.7 ppm; Bean, sword,

dry seed at 0.3 ppm; Bean, sword, edible podded at 0.7 ppm; Bean,

tepary, dry seed at 0.3 ppm; Bean, urd, dry seed at 0.3 ppm; Bean, urd,

edible podded at 0.7 ppm; Bean, wax, edible podded at 0.7 ppm; Bean,

wax, succulent shelled at 0.7 ppm; Bean, yardlong, dry seed at 0.3 ppm;

Bean, yardlong, edible podded at 0.7 ppm; Bean, yellow, dry seed at 0.3

ppm; Chickpea, dry seed at 0.1 ppm; Chickpea, edible podded at 2 ppm;

Chickpea, succulent shelled at 0.05 ppm; Cowpea, dry seed at 0.3 ppm;

Cowpea, edible podded at 0.7 ppm; Cowpea, forage at 15 ppm; Cowpea, hay

at 80 ppm; Cowpea, succulent shelled at 0.7 ppm; Jackbean, dry seed at

0.3 ppm; Jackbean, edible podded at 0.7 ppm; Jackbean, succulent

shelled at 0.7 ppm; Lentil, dry seed at 0.1 ppm; Lentil, edible podded

at 2 ppm; Lentil, succulent shelled at 0.05 ppm; Longbean, Chinese, dry

seed at 0.3 ppm; Longbean, Chinese, edible podded at 0.7 ppm; Lupin,

Andean, dry seed at 0.3 ppm; Lupin, Andean, succulent shelled

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at 0.7 ppm; Lupin, blue, dry seed at 0.3 ppm; Lupin, blue, succulent

shelled at 0.7 ppm; Lupin, grain, dry seed at 0.3 ppm; Lupin, grain,

succulent shelled at 0.7 ppm; Lupin, sweet, dry seed at 0.3 ppm; Lupin,

sweet, succulent shelled at 0.7 ppm; Lupin, white sweet, dry seed at

0.3 ppm; Lupin, white sweet, succulent shelled at 0.7 ppm; Lupin,

white, dry seed at 0.3 ppm; Lupin, white, succulent shelled at 0.7 ppm;

Lupin, yellow, dry seed at 0.3 ppm; Lupin, yellow, succulent shelled at

0.7 ppm; Pea, blackeyed, dry seed at 0.3 ppm; Pea, blackeyed, succulent

shelled at 0.7 ppm; Pea, crowder, dry seed at 0.3 ppm; Pea, crowder,

succulent shelled at 0.7 ppm; Pea, dry, dry seed at 0.1 ppm; Pea,

dwarf, edible podded at 2 ppm; Pea, English, succulent shelled at 0.05

ppm; Pea, field, dry seed at 0.1 ppm; Pea, field, forage at 15 ppm;

Pea, field, hay at 80 ppm; Pea, garden, dry seed at 0.1 ppm; Pea,

garden, succulent shelled at 0.05 ppm; Pea, grass, dry seed at 0.1 ppm;

Pea, grass, edible podded at 2 ppm; Pea, green, dry seed at 0.1 ppm;

Pea, green, edible podded at 2 ppm; Pea, green, succulent shelled at

0.05 ppm; Pea, pigeon, dry seed at 0.1 ppm; Pea, pigeon, edible podded

at 2 ppm; Pea, pigeon, succulent shelled at 0.05 ppm; Pea, snap, edible

podded at 2 ppm; Pea, snow, edible podded at 2 ppm; Pea, southern, dry

seed at 0.3 ppm; Pea, southern, succulent shelled at 0.7 ppm; Pea,

sugar snap, edible podded at 2 ppm; Pea, winged, dry seed at 0.3 ppm;

Pea, winged, edible podded at 0.7 ppm; Soybean, vegetable, dry seed at

0.3 ppm; Soybean, vegetable, edible podded at 0.7 ppm; Soybean,

vegetable, succulent shelled at 0.7 ppm; Velvetbean, dry seed at 0.3

ppm; Velvetbean, edible podded at 0.7 ppm; Velvetbean, succulent

shelled at 0.7 ppm.

Additionally, the established tolerances on Bean, dry, seed and

Bean, succulent are removed as unnecessary.

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 to 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: September 15, 2022.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

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

40 CFR chapter 1 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.

0

2. In Sec. 180.598, amend the Table 1 to Paragraph (a) by:

0

a. Adding in alphabetical order the entries ``Bean, adzuki, dry seed'';

``Bean, African yam, dry seed''; ``Bean, American potato, dry seed'';

``Bean, asparagus, dry seed''; ``Bean, asparagus, edible podded'';

``Bean, black, dry seed''; ``Bean, broad, dry seed''; ``Bean, broad,

succulent shelled''; ``Bean, catjang, dry seed''; ``Bean, catjang

edible podded''; ``Bean, catjang, succulent shelled''; ``Bean,

cranberry, dry seed''; and ``Bean, dry bean, dry seed''.

0

b. Removing the entry for ``Bean, dry, seed''.

0

c. Adding in alphabetical order the entries ``Bean, field, dry seed'';

``Bean, French, dry seed''; ``Bean, French, edible podded''; ``Bean,

garden, dry seed''; ``Bean, garden, edible podded''; ``Bean, goa, dry

seed''; ``Bean, goa, edible podded''; ``Bean, goa, succulent shelled'';

``Bean, great northern, dry seed''; ``Bean, green, dry seed''; ``Bean,

green, edible podded''; ``Bean, guar, dry seed''; ``Bean, guar, edible

podded''; ``Bean, horse gram, dry seed''; ``Bean, kidney, dry seed'';

``Bean, kidney, edible podded''; ``Bean, lablab, dry seed''; ``Bean,

lablab, edible podded''; ``Bean, lablab, succulent shelled''; ``Bean,

lima, dry seed''; ``Bean, lima, succulent shelled''; ``Bean, morama,

dry seed''; ``Bean, moth, dry seed''; ``Bean, moth, edible podded'';

``Bean, moth, succulent shelled''; ``Bean, mung, dry seed''; ``Bean,

mung, edible podded''; ``Bean, navy, dry seed''; ``Bean, navy, edible

podded''; ``Bean, phaseolus, forage''; ``Bean, phaseolus, hay'';

``Bean, pink, dry seed''; ``Bean, pinto, dry seed''; ``Bean, red, dry

seed''; ``Bean, rice, dry

[[Page 57620]]

seed''; ``Bean, rice, edible podded''; ``Bean, scarlet runner, dry

seed''; ``Bean, scarlet runner, edible podded''; ``Bean, scarlet

runner, succulent shelled''; and ``Bean, snap, edible podded''.

0

d. Removing the entry for ``Bean, succulent''.

0

e. Adding in alphabetical order the entries ``Bean, sword, dry seed'';

``Bean, sword, edible podded''; ``Bean, tepary, dry seed''; ``Bean,

urd, dry seed''; ``Bean, urd, edible podded''; ``Bean, wax, edible

podded''; ``Bean, wax, succulent shelled''; ``Bean, yardlong, dry

seed''; ``Bean, yardlong, edible podded''; ``Bean, yellow, dry seed'';

``Chickpea, dry seed''; ``Chickpea, edible podded''; ``Chickpea,

succulent shelled''; ``Cowpea, dry seed''; ``Cowpea, edible podded'';

``Cowpea, forage''; ``Cowpea, hay''; ``Cowpea, succulent shelled'';

``Jackbean, dry seed''; ``Jackbean, edible podded''; ``Jackbean,

succulent shelled''; ``Lentil, dry seed''; ``Lentil, edible podded'';

``Lentil, succulent shelled''; ``Longbean, Chinese, dry seed'';

``Longbean, Chinese, edible podded''; ``Lupin, Andean, dry seed'';

``Lupin, Andean, succulent shelled''; ``Lupin, blue, dry seed'';

``Lupin, blue, succulent shelled''; ``Lupin, grain, dry seed'';

``Lupin, grain, succulent shelled''; ``Lupin, sweet, dry seed'';

``Lupin, sweet, succulent shelled''; ``Lupin, white sweet, dry seed'';

``Lupin, white sweet, succulent shelled''; ``Lupin, white, dry seed'';

``Lupin, white, succulent shelled''; ``Lupin, yellow, dry seed'';

``Lupin, yellow, succulent shelled''; ``Pea, blackeyed, dry seed'';

``Pea, blackeyed, succulent shelled''; ``Pea, crowder, dry seed'';

``Pea, crowder, succulent shelled''; ``Pea, dry, dry seed''; ``Pea,

dwarf, edible podded''; ``Pea, English, succulent shelled''; ``Pea,

field, dry seed''; ``Pea, field, forage''; ``Pea, field, hay''; ``Pea,

garden, dry seed''; ``Pea, garden, succulent shelled''; ``Pea, grass,

dry seed''; ``Pea, grass, edible podded''; ``Pea, green, dry seed'';

``Pea, green, edible podded''; ``Pea, green, succulent shelled'';

``Pea, pigeon, dry seed''; ``Pea, pigeon, edible podded''; ``Pea,

pigeon, succulent shelled''; ``Pea, snap, edible podded''; ``Pea, snow,

edible podded''; ``Pea, southern, dry seed''; ``Pea, southern,

succulent shelled''; ``Pea, sugar snap, edible podded''; ``Pea, winged,

dry seed''; ``Pea, winged, edible podded''; ``Soybean, vegetable, dry

seed''; ``Soybean, vegetable, edible podded''; ``Soybean, vegetable,

succulent shelled''; ``Velvetbean, dry seed''; ``Velvetbean, edible

podded''; and ``Velvetbean, succulent shelled''.

The additions read as follows:

Sec. 180.598 Novaluron; tolerances for residues.

(a) \* \* \*

Table 1 to Paragraph (a)

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Parts

Commodity per

million

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\* \* \* \* \*

Bean, adzuki, dry seed........................................ 0.3

Bean, African yam, dry seed................................... 0.3

Bean, American potato, dry seed............................... 0.3

Bean, asparagus, dry seed..................................... 0.3

Bean, asparagus, edible podded................................ 0.7

Bean, black, dry seed......................................... 0.3

Bean, broad, dry seed......................................... 0.3

Bean, broad, succulent shelled................................ 0.7

Bean, catjang, dry seed....................................... 0.3

Bean, catjang edible podded................................... 0.7

Bean, catjang, succulent shelled.............................. 0.7

Bean, cranberry, dry seed..................................... 0.3

Bean, dry bean, dry seed...................................... 0.3

Bean, field, dry seed......................................... 0.3

Bean, French, dry seed........................................ 0.3

Bean, French, edible podded................................... 0.7

Bean, garden, dry seed........................................ 0.3

Bean, garden, edible podded................................... 0.7

Bean, goa, dry seed........................................... 0.3

Bean, goa, edible podded...................................... 0.7

Bean, goa, succulent shelled.................................. 0.7

Bean, great northern, dry seed................................ 0.3

Bean, green, dry seed......................................... 0.3

Bean, green, edible podded.................................... 0.7

Bean, guar, dry seed.......................................... 0.3

Bean, guar, edible podded..................................... 0.7

Bean, horse gram, dry seed.................................... 0.3

Bean, kidney, dry seed........................................ 0.3

Bean, kidney, edible podded................................... 0.7

Bean, lablab, dry seed........................................ 0.3

Bean, lablab, edible podded................................... 0.7

Bean, lablab, succulent shelled............................... 0.7

Bean, lima, dry seed.......................................... 0.3

Bean, lima, succulent shelled................................. 0.7

Bean, morama, dry seed........................................ 0.3

Bean, moth, dry seed.......................................... 0.3

Bean, moth, edible podded..................................... 0.7

Bean, moth, succulent shelled................................. 0.7

Bean, mung, dry seed.......................................... 0.3

Bean, mung, edible podded..................................... 0.7

Bean, navy, dry seed.......................................... 0.3

Bean, navy, edible podded..................................... 0.7

Bean, phaseolus, forage....................................... 15

Bean, phaseolus, hay.......................................... 80

Bean, pink, dry seed.......................................... 0.3

Bean, pinto, dry seed......................................... 0.3

Bean, red, dry seed........................................... 0.3

Bean, rice, dry seed.......................................... 0.3

Bean, rice, edible podded..................................... 0.7

Bean, scarlet runner, dry seed................................ 0.3

Bean, scarlet runner, edible podded........................... 0.7

Bean, scarlet runner, succulent shelled....................... 0.7

Bean, snap, edible podded..................................... 0.7

Bean, sword, dry seed......................................... 0.3

Bean, sword, edible podded.................................... 0.7

Bean, tepary, dry seed........................................ 0.3

Bean, urd, dry seed........................................... 0.3

Bean, urd, edible podded...................................... 0.7

Bean, wax, edible podded...................................... 0.7

Bean, wax, succulent shelled.................................. 0.7

Bean, yardlong, dry seed...................................... 0.3

Bean, yardlong, edible podded................................. 0.7

Bean, yellow, dry seed........................................ 0.3

\* \* \* \* \*

Chickpea, dry seed............................................ 0.1

Chickpea, edible podded....................................... 2

Chickpea, succulent shelled................................... 0.05

\* \* \* \* \*

Cowpea, dry seed.............................................. 0.3

Cowpea, edible podded......................................... 0.7

Cowpea, forage................................................ 15

Cowpea, hay................................................... 80

Cowpea, succulent shelled..................................... 0.7

\* \* \* \* \*

Jackbean, dry seed............................................ 0.3

Jackbean, edible podded....................................... 0.7

Jackbean, succulent shelled................................... 0.7

\* \* \* \* \*

Lentil, dry seed.............................................. 0.1

Lentil, edible podded......................................... 2

Lentil, succulent shelled..................................... 0.05

Longbean, Chinese, dry seed................................... 0.3

Longbean, Chinese, edible podded.............................. 0.7

Lupin, Andean, dry seed....................................... 0.3

Lupin, Andean, succulent shelled.............................. 0.7

Lupin, blue, dry seed......................................... 0.3

Lupin, blue, succulent shelled................................ 0.7

Lupin, grain, dry seed........................................ 0.3

Lupin, grain, succulent shelled............................... 0.7

Lupin, sweet, dry seed........................................ 0.3

Lupin, sweet, succulent shelled............................... 0.7

Lupin, white sweet, dry seed.................................. 0.3

Lupin, white sweet, succulent shelled......................... 0.7

Lupin, white, dry seed........................................ 0.3

Lupin, white, succulent shelled............................... 0.7

Lupin, yellow, dry seed....................................... 0.3

Lupin, yellow, succulent shelled.............................. 0.7

\* \* \* \* \*

Pea, blackeyed, dry seed...................................... 0.3

Pea, blackeyed, succulent shelled............................. 0.7

Pea, crowder, dry seed........................................ 0.3

Pea, crowder, succulent shelled............................... 0.7

Pea, dry, dry seed............................................ 0.1

Pea, dwarf, edible podded..................................... 2

Pea, English, succulent shelled............................... 0.05

Pea, field, dry seed.......................................... 0.1

Pea, field, forage............................................ 15

Pea, field, hay............................................... 80

Pea, garden, dry seed......................................... 0.1

Pea, garden, succulent shelled................................ 0.05

Pea, grass, dry seed.......................................... 0.1

Pea, grass, edible podded..................................... 2

Pea, green, dry seed.......................................... 0.1

Pea, green, edible podded..................................... 2

Pea, green, succulent shelled................................. 0.05

Pea, pigeon, dry seed......................................... 0.1

Pea, pigeon, edible podded.................................... 2

Pea, pigeon, succulent shelled................................ 0.05

Pea, snap, edible podded...................................... 2

Pea, snow, edible podded...................................... 2

Pea, southern, dry seed....................................... 0.3

Pea, southern, succulent shelled.............................. 0.7

Pea, sugar snap, edible podded................................ 2

Pea, winged, dry seed......................................... 0.3

Pea, winged, edible podded.................................... 0.7

\* \* \* \* \*

Soybean, vegetable, dry seed.................................. 0.3

Soybean, vegetable, edible podded............................. 0.7

Soybean, vegetable, succulent shelled......................... 0.7

\* \* \* \* \*

Velvetbean, dry seed.......................................... 0.3

Velvetbean, edible podded..................................... 0.7

Velvetbean, succulent shelled................................. 0.7

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\* \* \* \* \*

[FR Doc. 2022-20332 Filed 9-20-22; 8:45 am]

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