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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2020-0336; FRL-9525-01-OCSPP]

Methoxyfenozide; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

[[Page 61260]]

ACTION: Final rule.

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SUMMARY: This regulation establishes tolerances for residues of

methoxyfenozide in or on multiple crops detailed later in this

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

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

(FFDCA).

DATES: This regulation is effective October 11, 2022. Objections and

requests for hearings must be received on or before December 12, 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-2020-0336, 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 and 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-2020-0336 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

December 12, 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-2020-0336, 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 September 30, 2020 (85 FR 61681) (FRL-

10014-74) 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

0E8833) by IR-4, North Carolina State University, 1730 Varsity Drive,

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

40 CFR 180.544 be amended by establishing tolerances for residues of

the insecticide, methoxyfenozide, including its metabolites and

degradates. Compliance with the tolerance levels is to be determined by

measuring only methoxyfenozide (3-methoxy-2-methylbenzoic acid 2-(3,5-

dimethylbenzoyl)-2-(1,1-dimethylethyl) hydrazide) in or on multiple

commodities that are listed out in the petition and in the regulatory

text. That document referenced a summary of the petition submitted by

IR-4, the petitioner, which is available in the docket, [https://www.regulations.gov](https://www.regulations.gov/). A comment was received in response to the notice

of filing; however, it was unrelated to methoxyfenozide specifically or

to pesticides in general.

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

establishing some tolerances at different levels than petitioned for

and many of the commodity definitions have been modified as well. A

discussion of these modifications can be found in section IV.C.

III. Aggregate Risk Assessment and Determination of Safety

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

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

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

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

reasonable certainty that no harm will result from aggregate exposure

to the pesticide chemical residue, including all anticipated dietary

exposures and all other exposures for which there is reliable

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

residential settings but does not include occupational exposure.

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

consideration to exposure of infants and children to the pesticide

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

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

children from aggregate exposure to the pesticide chemical residue . .

. .''

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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 methoxyfenozide, including exposure

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

assessment of exposures and risks associated with methoxyfenozide

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 rulemaking of the same pesticide

chemical. Where scientific information concerning a particular chemical

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

tolerance rulemaking, 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 a tolerance rulemaking for

methoxyfenozide in which EPA concluded, based on the available

information, that there is a reasonable certainty that no harm would

result from aggregate exposure to methoxyfenozide and established

tolerances for residues of that chemical. EPA is incorporating

previously published sections from that rulemaking as described further

in this rulemaking, as they remain unchanged.

Toxicological profile. For a discussion of the Toxicological

Profile of methoxyfenozide, see Unit III.A. of the methoxyfenozide

tolerance rulemaking published in the Federal Register of March 12,

2019 (84 FR 8820) (FRL-9985-06).

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

of the Toxicological Points of Departure/Levels of Concern for

methoxyfenozide used for human risk assessment, please reference Unit

III.B. of the March 12, 2019, rulemaking.

Exposure assessment. The exposure assessment has been updated to

include the new regional use on rice and the crop group expansions and

conversions but uses the same previous assumptions of tolerance level

residues and 100 percent crop treated (PCT). For a description of the

previous approach to and assumptions for the exposure assessment,

please reference Unit III.C. of the March 12, 2019, rulemaking.

Drinking water exposure. EPA has revised the methoxyfenozide

drinking water assessment since the March 12, 2019, rulemaking to

reflect the new regional use on rice. Based on the Tier 1 Rice Model,

the new estimated drinking water concentration for the chronic dietary

assessment is 232 ppb.

Non-occupational exposure. Lastly, the residential assessment has

also been updated to reflect current Agency policy. In the March 12,

2019, rulemaking, a residential assessment was conducted. However, the

Agency now assumes that when labels require specific clothing and/or

personal protective equipment (PPE) such products are not for

residential use. The methoxyfenozide label requires specific clothing

and/or PPE; therefore, the Agency has made the assumption that the

registered methoxyfenozide labels are not intended for use by

residential handlers and a quantitative residential handler assessment

has not been conducted. The approach to assessing post-application

exposure is the same as described in Unit III.C.3 of the March 12,

2019, rulemaking.

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.'' In 2016, EPA's Office of

Pesticide Programs released a guidance document entitled Pesticide

Cumulative Risk Assessment: Framework for Screening Analysis (<https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/pesticide-cumulative-risk-assessment-framework>). This document provides guidance

on how to screen groups of pesticides for cumulative evaluation using a

two-step approach beginning with the evaluation of available

toxicological information and if necessary, followed by a risk-based

screening approach. This framework supplements the existing guidance

documents for establishing common mechanism groups (CMGs) and

conducting cumulative risk assessments (CRA).

The Agency used this framework for methoxyfenozide and determined

that the diazylhydrazine class of insecticides (methoxyfenozide,

halofenozide and tebufenozide) form a candidate CMG. This group of

pesticides is considered a candidate CMG because there is sufficient

toxicological data to suggest a common mechanism of toxicity. Following

this determination, the Agency conducted a screening-level cumulative

risk assessment consistent with the 2016 guidance document. This

assessment included only methoxyfenozide and tebufenozide since there

are no registered uses for halofenozide. The Agency has updated the

cumulative dietary and residential aggregate exposure estimates for

methoxyfenozide and tebufenozide to take into account the new regional

use on rice and crop group expansions and conversions for

methoxyfenozide. The updated assessment indicates that cumulative

dietary and aggregate exposures for methoxyfenozide and tebufenozide

are not of concern. For more information see Appendix F of the document

titled ``Methoxyfenozide. Human Health Risk Assessment for the Petition

to Establish Permanent Tolerances, and Associated Section 3

Registration, for Residues Resulting from Use of the Insecticide on

Rice, and Crop Group Conversions and Expansions'' in docket ID number

EPA-HQ-OPP-2020-0336.

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 March 12, 2019, 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 risk assessment was not needed for methoxyfenozide

since no toxic effects attributable to a single dose were identified in

the toxicity database. Chronic dietary risks are below the Agency's

level of concern of 100% of the cPAD; they are 80% of the cPAD for

children 1 to 2 years old, the group with the highest exposure. There

are currently no residential handler uses for methoxyfenozide, and none

are pending before the Agency. Therefore short- and intermediate-term

exposure to methoxyfenozide is not expected and the short- and

intermediate-term risk is equivalent to the chronic dietary risk, which

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

Carcinogenic to Humans'';

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therefore, EPA does not expect methoxyfenozide exposures to pose an

aggregate cancer risk.

Determination of safety. 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 methoxyfenozide

residues. More detailed information on this action can be found in the

document titled ``Methoxyfenozide. Human Health Risk Assessment for the

Petition to Establish Permanent Tolerances, and Associated Section 3

Registration, for Residues Resulting from Use of the Insecticide on

Rice, and Crop Group Conversions and Expansions'' in docket ID EPA-HQ-

OPP-2020-0336.

IV. Other Considerations

A. Analytical Enforcement Methodology

For a discussion of the available analytical enforcement method,

see Unit IV.A. of the March 12, 2019, 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 tolerance for Cottonseed subgroup 20C is set at 7 ppm to

harmonize with the Codex MRL. In addition, although EPA has not yet

implemented the new subgroups to replace the established subgroups 6A,

6B, and 6C, the tolerances for each of the individual commodities that

will fall under the future subgroups 6-22A, 6-22B, 6-22C, 6-22D, 6-22E,

and 6-22F, are harmonized with Codex, except for ``pea, black-eyed,

seed'' and ``pea, southern, seed,'' which have existing, higher MRLs

that are not being modified. Tolerances for commodities that will be in

future subgroups 6-22A and 6-22B are set at 2 ppm, and those in future

subgroups 6-22C and 6-22D are set at 0.3 ppm to harmonize with Codex.

The Agency is not harmonizing with Codex by setting higher tolerances

for Field pea (Codex-5 ppm) and Cowpea (Codex-3 ppm) as the increase

would be too great and is not supported by previously submitted data.

There are additional commodities covered by this rule that are not

harmonized with Codex. The explanation for the deviations can be found

in Appendix E of the document titled ``Methoxyfenozide. Human Health

Risk Assessment for the Petition to Establish Permanent Tolerances, and

Associated Section 3 Registration, for Residues Resulting from Use of

the Insecticide on Rice, and Crop Group Conversions and Expansions'' in

docket ID number EPA-HQ-OPP-2020-0336.

C. Revisions to Petitioned-For Tolerances

FFDCA section 408(d)(4)(A)(i) permits the Agency to finalize a

tolerance that varies from that sought by the petition. The proposed

tolerance on Rice, straw is not being established because the Agency no

longer considers it a significant livestock feed item. EPA is

establishing some tolerances at different levels than petitioned-for to

be consistent with Organization for Economic Co-operation and

Development (OECD) rounding practice. EPA is not establishing a

tolerance for edible podded pea, edible podded because it is not a

distinct commodity requiring a tolerance.

Many of the proposed commodity definitions have been revised to be

consistent with Agency nomenclature.

V. Conclusion

Therefore, tolerances are established for residues of

methoxyfenozide in or on Bean, adzuki, dry seed at 0.5 ppm; Bean,

American potato, dry seed at 0.5 ppm; Bean, asparagus, edible podded at

2 ppm; Bean, asparagus, dry seed at 0.5 ppm; Bean, black, dry seed at

0.5 ppm; Bean, broad, dry seed at 0.5 ppm; Bean, broad, succulent

shelled at 0.3 ppm; Bean, catjang, edible podded at 2 ppm; Bean,

catjang, dry seed at 0.5 ppm; Bean, catjang, succulent shelled at 0.3

ppm; Bean, cranberry, dry seed at 0.5 ppm; Bean, dry, dry seed at 0.5

ppm; Bean, field, dry seed at 0.5 ppm; Bean, French, dry seed 0.5 ppm;

Bean, French, edible podded at 2 p.m.; Bean, garden, dry seed at 0.5

ppm; Bean, garden, edible podded at 2 ppm; Bean, goa, dry seed at 0.5

ppm; Bean, goa, edible podded at 2 ppm; Bean, goa, succulent shelled at

0.3 ppm; Bean, great northern, dry seed at 0.5 ppm; Bean, green, dry

seed at 0.5 ppm; Bean, green, edible podded at 2 ppm; Bean, guar, dry

seed at 0.5 ppm; Bean, guar, edible podded at 2 ppm; Bean, kidney, dry

seed at 0.5 ppm; Bean, kidney, edible podded at 2 ppm; Bean, lablab,

dry seed at 0.5 ppm; Bean, lablab, edible podded at 2 ppm; Bean,

lablab, succulent shelled at 0.3 ppm; Bean, lima, dry seed at 0.5 ppm;

Bean, lima, succulent shelled at 0.3 ppm; Bean, morama, dry seed at 0.5

ppm; Bean, moth, dry seed at 0.5 ppm; Bean, moth, edible podded at 2

ppm; Bean, moth, succulent shelled at 0.3 ppm; Bean, mung, dry seed at

0.5 ppm; Bean, mung, edible podded at 2 ppm; Bean, navy, dry seed 0.5

ppm; Bean, navy, edible podded at 2 ppm; Bean, pink, dry seed at 0.5

ppm; Bean, pinto, dry seed at 0.5 ppm; Bean, red, dry seed at 0.5 ppm;

Bean, rice, dry seed at 0.5 ppm; Bean, rice, edible podded at 2 ppm;

Bean, scarlet runner, dry seed at 0.5 ppm; Bean, scarlet runner, edible

podded at 2 ppm; Bean, scarlet runner, succulent shelled at 0.3 ppm;

Bean, snap, edible podded at 2 ppm; Bean, sword, dry seed at 0.5 ppm;

Bean, sword, edible podded at 2 ppm; Bean, tepary, dry seed at 0.5 ppm;

Bean, urd, dry seed at 0.5 ppm; Bean, urd, edible podded at 2 ppm;

Bean, wax, edible podded at 2 ppm; Bean, wax, succulent shelled at 0.3

ppm; Bean, yardlong, dry seed at 0.5 ppm; Bean, yardlong, edible podded

at 2 ppm; Bean, yellow, dry seed at 0.5 ppm; Celtuce at 25 ppm;

Chickpea, dry seed at 0.5 ppm; Chickpea, edible podded at 2 ppm;

Chickpea, succulent shelled at 0.3 ppm; Cottonseed subgroup 20C at 7

ppm; Cowpea, dry seed at 0.5 ppm; Cowpea, edible podded at 2 ppm;

Cowpea, succulent shelled at 0.3 ppm; Fennel, Florence, fresh leaves

and stalk at 25 ppm; Gram, horse, dry seed at 0.5 ppm; Grass pea, dry

seed at 0.5 ppm; Grass pea, edible podded at 2 ppm; Jackbean, dry seed

at 0.5 ppm; Jackbean, edible podded at 2 ppm; Jackbean, succulent

shelled at 0.3 ppm; Kohlrabi at 7 ppm; Leaf petiole vegetable subgroup

22B at 25 ppm; Lentil, dry seed at 0.5 ppm; Lentil, edible podded at 2

ppm; Lentil, succulent shelled at 0.3 ppm; Longbean, Chinese, dry seed

at 0.5 ppm; Longbean, Chinese, edible podded at 2 ppm; Lupin, Andean,

dry seed at 0.5 ppm; Lupin, Andean, succulent shelled at 0.3 ppm;

Lupin, blue, dry seed at 0.5 ppm; Lupin, blue, succulent shelled at 0.3

ppm; Lupin, grain, dry seed at 0.5 ppm; Lupin, grain, succulent shelled

at 0.3 ppm; Lupin, sweet white, dry seed at 0.5 ppm; Lupin, sweet

white, succulent shelled at 0.3 ppm; Lupin, sweet, dry seed at 0.5 ppm;

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

0.5 ppm; Lupin, white, succulent shelled at 0.3 ppm; Lupin, yellow, dry

seed at 0.5 ppm; Lupin, yellow, succulent shelled at 0.3 ppm; Pea,

blackeyed, succulent shelled at 0.3 ppm; Pea, crowder, dry seed at 0.5

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

0.5 ppm; Pea, dwarf, edible podded at 2 ppm; Pea, English, succulent

shelled at 0.3 ppm; Pea, field, dry seed at 0.5 ppm; Pea, garden, dry

seed at 0.5 ppm; Pea,

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garden, succulent shelled at 0.3 ppm; Pea, green, dry seed at 0.5 ppm;

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

0.3 ppm; Pea, pigeon, dry seed at 0.5 ppm; Pea, pigeon, edible podded

at 2 ppm; Pea, pigeon, succulent shelled at 0.3 ppm; Pea, snap, edible

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

succulent shelled at 0.3 ppm; Pea, sugar snap, edible podded at 2 ppm;

Pea, winged, dry seed at 0.5 ppm; Pea, winged, edible podded at 2 ppm;

Soybean, vegetable, dry seed at 0.5 ppm; Soybean, vegetable, edible

podded at 2 ppm; Soybean, vegetable, succulent shelled at 0.3 ppm;

Tropical and subtropical, palm fruit, edible peel, subgroup 23C at 8

ppm; Tropical and subtropical, small fruit, inedible peel, subgroup 24A

at 2 ppm; Vegetable, brassica, head and stem, group 5-16 at 7 ppm;

Vegetable, leafy, group 4-16 at 30 ppm; Velvetbean, dry seed at 0.5

ppm; Velvetbean, edible podded at 2 ppm; Velvetbean, succulent shelled

at 0.3 ppm; and Yam bean, African, dry seed at 0.5 ppm.

Also, tolerances for regional registration are established for

Rice, grain at 30 ppm; and Rice, hulls at 55 ppm.

The following tolerances are removed as unnecessary due to the

establishment of the above tolerances: Brassica, head and stem,

subgroup 5A; Brassica, leafy greens, subgroup 5B; Cotton, undelinted

seed; Date; Leaf petioles subgroup 4B; Leafy greens subgroup 4A;

Longan; Lychee; Pea and bean, dried shelled, except soybean, subgroup

6C, except pea, blackeyed, seed and pea, southern, seed; Pea and bean,

succulent shelled, subgroup 6B; Spanish lime; Turnip greens; and

Vegetable, legume, edible podded, subgroup 6A. In addition, the Section

18 emergency exemption time-limited tolerances for Rice, bran and Rice,

grain are removed as unnecessary due to the establishment of the

tolerances for regional registration.

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 29, 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

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

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

0

2. Amend Sec. 180.544:

0

a. In paragraph (a)(1) by:

0

i. Adding a table heading.

0

ii. Adding in alphabetical order entries for ``Bean, adzuki, dry

seed''; ``Bean, American potato, dry seed''; ``Bean, asparagus, edible

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

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

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

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

seed''; ``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, 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, edible

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

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

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

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

podded''; ``Bean, scarlet runner, succulent shelled''; ``Bean, snap,

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edible podded''; ``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''; and ``Bean, yellow, dry seed''.

0

iii. Removing the entries for ``Brassica, head and stem, subgroup 5A''

and ``Brassica, leafy greens, subgroup 5B''.

0

iv. Adding in alphabetical order entries for ``Celtuce''; ``Chickpea,

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

shelled''.

0

v. Removing the entry for ``Cotton, undelinted seed''.

0

vi. Adding in alphabetical order entries for ``Cottonseed subgroup

20C''; ``Cowpea, dry seed''; ``Cowpea, edible podded''; and ``Cowpea,

succulent shelled''.

0

vii. Removing the entry for ``Date''.

0

viii. Adding in alphabetical order entries for ``Fennel, Florence,

fresh leaves and stalk''; ``Gram, horse, dry seed''; ``Grass pea, dry

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

``Jackbean, edible podded''; ``Jackbean, succulent shelled''; and

``Kohlrabi''.

0

ix. Removing the entry for ``Leaf petioles subgroup 4B''.

0

x. Adding in alphabetical order an entry for ``Leaf petiole vegetable

subgroup 22B''.

0

xi. Removing the entry for ``Leafy greens subgroup 4A''.

0

xii. Adding in alphabetical order entries for ``Lentil, dry seed'';

``Lentil, edible podded''; and ``Lentil, succulent shelled''.

0

xiii. Removing the entry for ``Longan''.

0

xiv. Adding in alphabetical order entries for ``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 white, dry seed'';

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

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

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

``Lupin, yellow, succulent shelled''.

0

xv. Removing the entries for ``Lychee''; ``Pea and bean, dried shelled,

except soybean, subgroup 6C, except pea, blackeyed, seed and pea,

southern, seed''; and ``Pea and bean, succulent shelled, subgroup 6B''.

0

xvi. Adding in alphabetical order entries for ``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, garden, dry seed''; ``Pea, garden, succulent shelled'';

``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, succulent

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

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

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

vegetable, succulent shelled''.

0

xvii. Removing the entry for ``Spanish lime''.

0

xviii. Adding in alphabetical order entries for ``Tropical and

subtropical, palm fruit, edible peel, subgroup 23C''; and ``Tropical

and subtropical, small fruit, inedible peel, subgroup 24A''.

0

xix. Removing the entry for ``Turnip greens''.

0

xx. Adding in alphabetical order entries for ``Vegetable, brassica,

head and stem, group 5-16''; and ``Vegetable, leafy, group 4-16''.

0

xxi. Removing the entry for ``Vegetable, legume, edible podded,

subgroup 6A''.

0

xxii. Adding in alphabetical order entries for ``Velvetbean, dry

seed''; ``Velvetbean, edible podded''; ``Velvetbean, succulent

shelled''; and ``Yam bean, African, dry seed''.

0

b. By adding a heading to the table in paragraph (a)(2).

0

c. By removing and reserving paragraph (b).

0

d. By revising paragraph (c).

The additions and revision read as follows:

Sec. 180.544 Methoxyfenozide; tolerances for residues.

(a) \* \* \*

(1) \* \* \*

Table 1 to Paragraph (a)(1)

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

Parts per

Commodity million

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\* \* \* \* \* \* \*

Bean, adzuki, dry seed.................................. 0.5

Bean, American potato, dry seed......................... 0.5

Bean, asparagus, edible podded.......................... 2

Bean, asparagus, dry seed............................... 0.5

Bean, black, dry seed................................... 0.5

Bean, broad, dry seed................................... 0.5

Bean, broad, succulent shelled.......................... 0.3

Bean, catjang, edible podded............................ 2

Bean, catjang, dry seed................................. 0.5

Bean, catjang, succulent shelled........................ 0.3

Bean, cranberry, dry seed............................... 0.5

Bean, dry, dry seed..................................... 0.5

Bean, field, dry seed................................... 0.5

Bean, French, dry seed.................................. 0.5

Bean, French, edible podded............................. 2

Bean, garden, dry seed.................................. 0.5

Bean, garden, edible podded............................. 2

Bean, goa, dry seed..................................... 0.5

Bean, goa, edible podded................................ 2

Bean, goa, succulent shelled............................ 0.3

Bean, great northern, dry seed.......................... 0.5

Bean, green, dry seed................................... 0.5

Bean, green, edible podded.............................. 2

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Bean, guar, dry seed.................................... 0.5

Bean, guar, edible podded............................... 2

Bean, kidney, dry seed.................................. 0.5

Bean, kidney, edible podded............................. 2

Bean, lablab, dry seed.................................. 0.5

Bean, lablab, edible podded............................. 2

Bean, lablab, succulent shelled......................... 0.3

Bean, lima, dry seed.................................... 0.5

Bean, lima, succulent shelled........................... 0.3

Bean, morama, dry seed.................................. 0.5

Bean, moth, dry seed.................................... 0.5

Bean, moth, edible podded............................... 2

Bean, moth, succulent shelled........................... 0.3

Bean, mung, dry seed.................................... 0.5

Bean, mung, edible podded............................... 2

Bean, navy, dry seed.................................... 0.5

Bean, navy, edible podded............................... 2

Bean, pink, dry seed.................................... 0.5

Bean, pinto, dry seed................................... 0.5

Bean, red, dry seed..................................... 0.5

Bean, rice, dry seed.................................... 0.5

Bean, rice, edible podded............................... 2

Bean, scarlet runner, dry seed.......................... 0.5

Bean, scarlet runner, edible podded..................... 2

Bean, scarlet runner, succulent shelled................. 0.3

Bean, snap, edible podded............................... 2

Bean, sword, dry seed................................... 0.5

Bean, sword, edible podded.............................. 2

Bean, tepary, dry seed.................................. 0.5

Bean, urd, dry seed..................................... 0.5

Bean, urd, edible podded................................ 2

Bean, wax, edible podded................................ 2

Bean, wax, succulent shelled............................ 0.3

Bean, yardlong, dry seed................................ 0.5

Bean, yardlong, edible podded........................... 2

Bean, yellow, dry seed.................................. 0.5

\* \* \* \* \* \* \*

Celtuce................................................. 25

\* \* \* \* \* \* \*

Chickpea, dry seed...................................... 0.5

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

Chickpea, succulent shelled............................. 0.3

\* \* \* \* \* \* \*

Cottonseed subgroup 20C................................. 7

Cowpea, dry seed........................................ 0.5

Cowpea, edible podded................................... 2

Cowpea, succulent shelled............................... 0.3

\* \* \* \* \* \* \*

Fennel, Florence, fresh leaves and stalk................ 25

\* \* \* \* \* \* \*

Gram, horse, dry seed................................... 0.5

\* \* \* \* \* \* \*

Grass pea, dry seed..................................... 0.5

Grass pea, edible podded................................ 2

\* \* \* \* \* \* \*

Jackbean, dry seed...................................... 0.5

Jackbean, edible podded................................. 2

Jackbean, succulent shelled............................. 0.3

Kohlrabi................................................ 7

Leaf petiole vegetable subgroup 22B..................... 25

Lentil, dry seed........................................ 0.5

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

Lentil, succulent shelled............................... 0.3

Longbean, Chinese, dry seed............................. 0.5

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Longbean, Chinese, edible podded........................ 2

Lupin, Andean, dry seed................................. 0.5

Lupin, Andean, succulent shelled........................ 0.3

Lupin, blue, dry seed................................... 0.5

Lupin, blue, succulent shelled.......................... 0.3

Lupin, grain, dry seed.................................. 0.5

Lupin, grain, succulent shelled......................... 0.3

Lupin, sweet white, dry seed............................ 0.5

Lupin, sweet white, succulent shelled................... 0.3

Lupin, sweet, dry seed.................................. 0.5

Lupin, sweet, succulent shelled......................... 0.3

Lupin, white, dry seed.................................. 0.5

Lupin, white, succulent shelled......................... 0.3

Lupin, yellow, dry seed................................. 0.5

Lupin, yellow, succulent shelled........................ 0.3

\* \* \* \* \* \* \*

Pea, blackeyed, succulent shelled....................... 0.3

Pea, crowder, dry seed.................................. 0.5

Pea, crowder, succulent shelled......................... 0.3

Pea, dry, dry seed...................................... 0.5

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

Pea, English, succulent shelled......................... 0.3

Pea, field, dry seed.................................... 0.5

Pea, garden, dry seed................................... 0.5

Pea, garden, succulent shelled.......................... 0.3

Pea, green, dry seed.................................... 0.5

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

Pea, green, succulent shelled........................... 0.3

Pea, pigeon, dry seed................................... 0.5

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

Pea, pigeon, succulent shelled.......................... 0.3

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

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

Pea, southern, succulent shelled........................ 0.3

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

Pea, winged, dry seed................................... 0.5

Pea, winged, edible podded.............................. 2

\* \* \* \* \* \* \*

Soybean, vegetable, dry seed............................ 0.5

Soybean, vegetable, edible podded....................... 2

Soybean, vegetable, succulent shelled................... 0.3

\* \* \* \* \* \* \*

Tropical and subtropical, palm fruit, edible peel, 8

subgroup 23C...........................................

Tropical and subtropical, small fruit, inedible peel, 2

subgroup 24A...........................................

Vegetable, brassica, head and stem, group 5-16.......... 7

\* \* \* \* \* \* \*

Vegetable, leafy, group 4-16............................ 30

\* \* \* \* \* \* \*

Velvetbean, dry seed.................................... 0.5

Velvetbean, edible podded............................... 2

Velvetbean, succulent shelled........................... 0.3

\* \* \* \* \* \* \*

Yam bean, African, dry seed............................. 0.5

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\1\ There are no U.S. registrations as of March 12, 2019, for use on

tea.

(2) \* \* \*

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Table 2 to Paragraph (a)(2)

\* \* \* \* \*

(c) Tolerances with regional registrations. Tolerances for regional

registration are established for the insecticide methoxyfenozide,

including its metabolites and degradates, in or on the raw agricultural

commodities in the following table. Compliance with the tolerance

levels specified in the following table is to be determined by

measuring only methoxyfenozide [3-methoxy-2-methylbenzoic acid 2-(3,5-

dimethylbenzoyl)-2-(1,1-dimethylethyl) hydrazide].

Table 3 to Paragraph (c)

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Parts per

Commodity million

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Rice, grain................................................. 30

Rice, hulls................................................. 55

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\* \* \* \* \*

[FR Doc. 2022-21719 Filed 10-7-22; 8:45 am]

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