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[Proposed Rules]

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[FR Doc No: 2023-19689]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2023-0069; FRL-10579-07-OCSPP]

Receipt of a Pesticide Petition Filed for Residues of Pesticide

Chemicals in or on Various Commodities (July 2023)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petition and request for comment.

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

filing of a pesticide petition 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 October 12, 2023.

ADDRESSES: Submit your comments, identified by docket identification

(ID) number EPA-HQ-OPP-2023-0069, through the Federal eRulemaking

Portal at [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 Confidential Business Information (CBI) or other

information whose disclosure is restricted by statute. Additional

instructions on commenting and visiting the docket, along with more

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

FOR FURTHER INFORMATION CONTACT: Madison Le, Biopesticides and

Pollution Prevention Division (BPPD) (7511M), main telephone number:

(202) 566-1400, 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 application 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 <https://www.epa.gov/dockets/commenting-epa-dockets>.

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 a pesticide petition 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 180 for residues of pesticide chemicals in

or on various food commodities. The Agency is taking public comment on

the request before responding to the petitioner. EPA is not proposing

any particular action at this time. EPA has determined that the

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pesticide petition described in this document contains 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 petition. 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 this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition that is the

subject of this document, prepared by the petitioner, is included in a

docket EPA has created for this rulemaking. The docket for this

petition is available at [https://www.regulations.gov](https://www.regulations.gov/).

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

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

opportunity to comment on this request for the establishment or

modification of regulations for residues of pesticides in or on food

commodities. Further information on the petition may be obtained

through the petition summary referenced in this unit.

A. Notice of Filing--New Tolerance Exemptions for Inerts (Except PIPS)

PP IN-11632. EPA-HQ-OPP-2021-0866. Technology Sciences Group Inc.

(1150 18th Street NW, Suite 475, Washington, DC 20036) on behalf of

LANXESS Corporation (111 RIDC Park West Drive, Pittsburgh, PA 15275)

requests to amend an exemption from the requirements of a tolerance for

residues of tris (2-ethylhexyl) phosphate (CAS Reg. No. 78-42-2) for

use as an inert ingredient (adjuvant that functions as a solvent or

surfactant) in or on raw agricultural commodities in 40 CFR 180.1274 by

adding its use with herbicide active ingredients on the following

crops: Cereals (barley, wheat and corn); soybeans; pulses (dry beans,

peas and lentils); cottonseed (cotton) and rapeseed (canola). The

concentration of tris (2-ethylhexyl) phosphate will be limited to 22%

by weight in the final pesticide formulation, except when used with

active ingredients listed in 40 CFR 180.1274(b). The petitioner

believes no analytical method is needed because it is not required for

an exemption from the requirement of a tolerance. Contact: RD.

B. Notice of Filing--New Tolerances for Non-Inerts

1. PP 1F8976. EPA-HQ-OPP-2022-0455. UPL Delaware Inc. and UPL NA,

Inc. 630 Freedom Business Center, Suite 402 King of Prussia, PA 19406,

requests to establish a tolerance in 40 CFR part 180 for residues of

the fungicide carboxin in or on crop subgroup 6-22E; dried shelled

bean, except soybean, and 6-22F; pulses, dried shelled pea at .2 parts

per million (ppm) and pea, dry, forage at 0.4 ppm and pea, dry, hay at

2 ppm. The GLC/MSD method and the Colorimetric Method is used to

measure and evaluate the chemical carboxin. Contact: RD.

2. PP 3E9048. EPA-HQ-OPP-2023-0397. Syngenta Crop Protection, LLC.,

P.O. Box 18300, Greensboro, NC 27419-8300, requests to establish a

tolerance in 40 CFR part 180 for residues of the fungicide. Mefenoxam

in or on palm oil at .02 ppm. The Link K (2016) Metalaxyl--Analytical

Method GRM075.01A for the Determination of Residues of Metalaxyl and

Structurally Related Metabolites as Common Moiety 2,6-Dimethylaniline

(CGA72649) in Crops with EAG method modifications is used to measure

and evaluate the chemical mefenoxam. Contact: RD.

3. PP 3F9056. EPA-HQ-OPP-2023-0258. Cheminova, A/S, wholly owned by

FMC Corporation, 2929 Walnut Street, Philadelphia, PA 19104, requests

to establish tolerances in 40 CFR part 180.629 for residues of the

fungicide, flutriafol in or on crop subgroup 1B; root vegetables

(except sugar beet) at 0.3 ppm; crop subgroup 1C; tuberous and corm

vegetables at 0.07 ppm; sugarcane at 0.3 ppm; and to establish

tolerances for inadvertent or indirect residues of flutriafol in crop

subgroup 3-07A; onion, bulb at 0.1 ppm; crop subgroup 3-07B; onion,

green at 4 ppm; crop group 6-22; legume vegetables (except soybean) at

0.03 ppm; crop subgroup 20A; rapeseed at 0.7 ppm; crop subgroup 20B;

sunflower at 0.015 ppm; clover, forage at 2 ppm; clover, hay at 3 ppm.

The analytical method gas chromatography (GC) employing mass selective

(MSD) detection and or HPLC/UPLC employing tandem mass spectrometric

(MS/MS) detection is used to measure and evaluate the chemical

flutriafol. Contact: RD.

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

Dated: September 5, 2023.

Delores Barber,

Director, Information Technology and Resources Management Division,

Office of Program Support.

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