[Federal Register Volume 88, Number 181 (Wednesday, September 20, 2023)]

[Rules and Regulations]

[Pages 64819-64823]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2022-0832; FRL-11393-01-OCSPP]

Flonicamid; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

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SUMMARY: This regulation establishes tolerances for residues of

flonicamid in or on multiple crops listed 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 20, 2023. Objections and

requests for hearings must be received on or before November 20, 2023,

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-2022-0832, 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. Please review the

visitor instructions and additional information about the docket

available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Charles Smith, 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.

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 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-2022-0832 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 20, 2023. 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-2022-0832, 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 Tolerances

 In the Federal Register of January 3, 2023 (88 FR 38) (FRL-9410-08-

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

2E9000) by IR-4, North Carolina State University, 1730 Varsity Drive,

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

40 CFR part 180 be amended by establishing tolerances for residues of

flonicamid in or on the raw agricultural commodities: Bushberry crop

subgroup 13-07B at 1.5 ppm; Caneberry crop subgroup 13-07A at 3 ppm;

Cherry subgroup 12-12A at 0.6 ppm; Corn, sweet, kernel plus cob with

husks removed at 0.4 ppm; Corn, sweet, forage at 9 ppm; Corn, sweet,

stover at 20 ppm; Peach crop subgroup 12-12B at 1.5 ppm; Plum subgroup

12-12C at 0.6 ppm; Pomegranate at 0.5 ppm; Prickly pear, fruit at 2

ppm; Prickly pear, pads at 3 ppm; Edible podded bean subgroup 6-22A and

Edible podded pea subgroup 6-22B at 4 ppm; Succulent shelled bean

subgroup 6-22C and Succulent shelled

[[Page 64820]]

pea subgroup 6-22D at 7 ppm; and Pulses, dried shelled bean (except

soybean) subgroup 6-22E and Pulses, dried shelled pea subgroup 6-22F at

3 ppm.

 The petition also requested to remove the following established

flonicamid tolerances: Fruit, stone group 12-12, at 0.6 ppm; Pea and

bean, dried shelled, except soybean, subgroup 6C at 3.0 ppm; Pea and

bean, succulent shelled, subgroup 6B at 7.0 ppm; and Vegetable, legume,

edible podded, subgroup 6A at 4.0 ppm.

 That document referenced a summary of the petition, which is

available in the docket, [https://www.regulations.gov](https://www.regulations.gov/). No comments on

the tolerance action were received.

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 flonicamid including exposure resulting from the

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

and risks associated with flonicamid 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 as well as a

Flonicamid Interim Registration Decision for Registration Review for

flonicamid in which EPA concluded, based on the available information,

that there is a reasonable certainty that no harm would result from

aggregate exposure to flonicamid 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.

 Toxicological profile. The kidney and liver effects are seen via

the oral route in rats and dogs. Increased kidney weight and hyaline

droplet deposition as well as liver centrilobular hypertrophy were

observed in the subchronic, developmental, and reproductive studies in

rats. The subchronic dog study showed effects on kidney adrenals and

thymus. No dermal or systemic toxicity was seen in the 28-day dermal

study at the limit dose (1,000 mg/kg/day). There is no concern for

increased susceptibility of developing young or for neurotoxicity or

immunotoxicity for flonicamid. Flonicamid is classified by the Agency

as ``suggestive evidence of carcinogenicity, but not sufficient to

assess human carcinogenic potential.'' The chronic reference dose

(cRfD) approach was used as a quantitation method for cancer risk.

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

summary of the Toxicological points of departure/Levels of concern for

flonicamid used for human risk assessment, see ``Flonicamid. Human

Health Risk Assessment for the Proposed New Uses and Tolerance

Establishment in/on Bushberry Subgroup 13-07B, Caneberry Subgroup 13-

07A, Cherry Subgroup 12A, Peach Subgroup 12-12B, Plum Subgroup 12C,

Pomegranate, Prickly Pear Cactus, Sweet Corn, and Crop Group

Conversions/Expansions for Legume Vegetables New Crop Group 6-22A-F''

(hereafter the Flonicamid Human Health Review) in docket EPA-HQ-OPP-

2022-0832 and the ``Flonicamid: Human Health Draft Risk Assessment for

Registration Review'' by going to docket ID number EPA-HQ-OPP-2014-0777

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

 Exposure assessment. EPA's dietary exposure assessments have been

updated since the previous published rules as well as Registration

Review to include the additional exposure from the requested tolerances

for residues of flonicamid and were conducted with Dietary Exposure

Evaluation Model software using the Food Commodity Intake Database

(DEEM-FCID) Version 4.02, which uses the 2005-2010 food consumption

data from the United States Department of Agriculture's (USDA's)

National Health and Nutrition Examination Survey, What We Eat in

America (NHANES/WWEIA). A slightly refined chronic dietary exposure

assessment was conducted for all proposed and registered uses of

flonicamid. The analysis assumed tolerance level residues for all

commodities. Separate tolerances have been established for potato

granules/flakes, tomato paste, and tomato puree based on processing

studies. The processing factors were set to 1.0 for these commodities.

Percent crop treated (PCT) estimates were incorporated where available.

Default processing factors were used for the other processed

commodities for which default processing factors are available.

 Anticipated residues and PCT information. EPA has not relied on

anticipated residues in assessing exposures to flonicamid. 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.

 The following average PCT estimates were used in the chronic

dietary risk assessment for the following crops that are currently

registered for flonicamid: celery, 65%; potatoes, 15%; spinach, 20%;

and strawberries, 55%.

 In most cases, EPA uses available data from United States

Department of Agriculture/National Agricultural Statistics Service

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

Pesticide Regulation (CalDPR) Pesticide Use

[[Page 64821]]

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%.

In those cases, the Agency would use 1% or 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 2.5% as the maximum PCT.

 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

flonicamid may be applied in a particular area.

 Drinking water and non-occupational exposures. The estimated

drinking water concentrations have not changed since the 2018

rulemaking. For a detailed summary of the drinking water analysis for

flonicamid used for the human health risk assessment, see Unit III.C.2.

of the flonicamid tolerance rulemaking published in the Federal

Register of July 23, 2018 (83 FR 34775) (FRL-9977-82).

 There are no proposed residential uses at this time; however, there

are existing residential uses that have been previously assessed using

current data and assumptions. The residential uses for flonicamid

include residential handler application to roses, flowers, shrubs, and

small (non-fruit bearing) ornamental trees. Residential handler

exposure is expected to be short-term in duration. Intermediate-term

exposures are not likely because of the intermittent nature of

applications by homeowners. Since no hazard was identified for the

dermal route of exposure, dermal risks were not assessed, but the

Agency did assess risks to residential handlers from inhalation

exposure.

 Residential post-application dermal and inhalation exposures for

adults and children entering an environment previously treated with

flonicamid are also possible; incidental oral exposures are not

expected with the registered use patterns. Since no hazard was

identified for the dermal route of exposure, dermal risks were not

assessed. Outdoor post-application inhalation exposures are considered

negligible. Therefore, residential post-application scenarios were not

assessed at this time.

 The recommended residential exposure for use in the adult aggregate

assessment is inhalation exposure from applications to roses, flowers,

shrubs, and small (non-fruit bearing) ornamental trees via backpack

spray equipment.

 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 flonicamid and any other substances and

flonicamid does not appear to produce a toxic metabolite produced by

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

not assumed that flonicamid has a common mechanism of toxicity with

other substances.

 Safety factor for infants and children. EPA concludes that there

are reliable data to support the reduction of the Food Quality

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

 The toxicity database is adequate for FQPA safety factor evaluation

and the quantification of risk for dietary, non-occupational and

occupational exposure scenarios. The acceptable studies available for

evaluation of neurotoxicity and susceptibility include prenatal

developmental toxicity studies in rats and rabbits; a reproduction and

fertility effects study in rats; an acute neurotoxicity study in rats;

and a subchronic neurotoxicity study in rats.

 The current database includes acute and subchronic neurotoxicity

studies. The clinical effects seen in these studies, while suggestive

of an adverse effect on nervous tissue and/or function, occurred in the

presence of other effects. In the acute study, the increase in

mortality along with impaired respiration (seen only at the highest

dose level of 1,000 mg/kg) suggest the animals were in an extreme

condition. In the subchronic study, food consumption and body weight

measurements suggest the animals were otherwise compromised and in a

state of general malaise. Also, these types of clinical effects were

not observed in the other subchronic or chronic studies in mice, rats

or dogs. Thus, there is not clear evidence of neurotoxicity. Lastly,

clear NOAELs and LOAELs were defined for these effects, which are above

the levels currently used for risk assessment purposes. The current

risk assessment is protective of these clinical effects, and a

developmental neurotoxicity study is not required.

 There was no evidence of increased susceptibility following pre-/

post-natal exposure in prenatal developmental toxicity studies or the

reproduction and fertility effects study.

 The exposure databases are complete or are estimated based on data

that reasonably account for potential exposures. The chronic dietary

food exposure assessment was slightly refined based on PCT assumptions

and conservative ground water drinking water modeling estimates. All of

the exposure estimates are based on conservative assumptions and, the

Agency is confident the risk is not under-estimated in these

assessments.

 Aggregate risks and determination of safety. EPA determines whether

acute and chronic dietary pesticide exposures are safe by comparing

dietary (food and drinking water) exposure estimates to the acute

population-adjusted dose (aPAD) and chronic population-adjusted dose

(cPAD). Short- and intermediate-term risks are evaluated by comparing

the estimated total food, water, and residential exposure to the

appropriate points of departure to ensure that an adequate margin of

exposure (MOE) exists.

 No adverse effect resulting from a single oral exposure was

identified and no acute dietary endpoint was selected.

[[Page 64822]]

Therefore, flonicamid is not expected to pose an acute risk. Chronic

dietary risks are below the Agency's level of concern of 100% of the

cPAD; they are 97% of the cPAD for children 1 to 2 years old, the group

with the highest exposure.

 For short-term aggregate risk, adult residential handler exposure

estimates are aggregated with adult dietary exposure estimates, which

are considered background. The estimated aggregate MOE for adult

handlers is 1,100 and is not of concern because it is higher than the

level of concern of 100.

 A cancer dietary assessment was not conducted as flonicamid has

been determined to be ``suggestive evidence of carcinogenicity, but not

sufficient to assess human carcinogenicity potential.'' The Agency has

determined that quantification of risk using a non-linear approach

(i.e., using a chronic reference dose) adequately accounts for all

chronic toxicity, including carcinogenicity that could result from

exposure to flonicamid. As stated above, the chronic risks are not of

concern.

 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 flonicamid residues. More detailed information on

this action can be found in the Flonicamid Human Health Review in

docket ID EPA-HQ-OPP-2022-0832 and ``Flonicamid: Human Health Draft

Risk Assessment for Registration Review'' in docket ID EPA-HQ-OPP-2014-

0777.

IV. Other Considerations

A. Analytical Enforcement Methodology

 For a discussion of the available analytical enforcement method,

see Unit IV.A. of the July 23, 2018, 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 expression for plant and livestock commodities is not

harmonized with Codex. Codex residues of concern are expressed as

flonicamid only. There are no Codex established MRLs for bushberry

subgroup 13-07B, caneberry subgroup 13-07A, sweet corn, pomegranate, or

prickly pear. There are established Codex MRLs for nectarine and peach.

The U.S. tolerance of 1.5 ppm being established for the peach subgroup

is higher than the Codex MRLs of 0.7 ppm. Harmonization is not possible

because decreasing the tolerance to harmonize would put U.S. growers at

risk of violative residues despite legal use of the pesticide according

to the label.

 With respect to crop groups 6-22A-F, the U.S. tolerances and Codex

MRLs are not harmonized. Most commodities have no established Codex MRL

or the established Codex MRL is lower than the U.S. tolerances.

Therefore, harmonization is not possible because decreasing the

tolerance to harmonize would put U.S. growers at risk of violative

residues despite legal use of the pesticide according to the label.

V. Conclusion

 Therefore, tolerances are established for residues of flonicamid in

or on Bushberry subgroup 13-07B at 1.5 ppm; Caneberry subgroup 13-07A

at 3 ppm; Cherry subgroup 12-12A at 0.6 ppm; Corn, sweet, forage at 9

ppm; Corn, sweet, kernel plus cob with husks removed at 0.4 ppm; Corn,

sweet, stover at 20 ppm; Peach subgroup 12-12B at 1.5 ppm; Plum

subgroup 12-12C at 0.6 ppm; Pomegranate at 0.5 ppm; Prickly pear, fruit

at 2 ppm; Prickly pear, pads at 3 ppm; Vegetable, legume, bean, edible

podded, subgroup 6-22A at 4 ppm; Vegetable, legume, bean, succulent

shelled, subgroup 6-22C at 7 ppm; Vegetable, legume, pea, edible

podded, subgroup 6-22B at 4 ppm; Vegetable, legume, pea, succulent

shelled, subgroup 6-22D at 7 ppm; Vegetable, legume, pulse, bean, dried

shelled, except soybean, subgroup 6-22E at 3 ppm; and Vegetable,

legume, pulse, pea, dried shelled, subgroup 6-22F at 3 ppm.

 Additionally, the following existing tolerances are removed as

unnecessary: Fruit, stone, group 12-12; Pea and bean, dried shelled,

except soybean, subgroup 6C; Pea and bean, succulent shelled, subgroup

6B; and Vegetable, legume, edible podded, subgroup 6A.

VI. Statutory and Executive Order Reviews

 This 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).

[[Page 64823]]

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 7, 2023.

Charles Smith,

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.

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2. In Sec. 180.613, amend table 1 to paragraph (a)(1) by:

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i. Adding in alphabetical order entries for ``Bushberry subgroup 13-

07B''; ``Caneberry subgroup 13-07A''; ``Cherry subgroup 12-12A'';

``Corn, sweet, forage''; ``Corn, sweet, kernel plus cob with husks

removed''; and ``Corn, sweet, stover''.

0

ii. Removing the entries for ``Fruit, stone, group 12-12''; ``Pea and

bean, dried shelled, except soybean, subgroup 6C'' and ``Pea and bean,

succulent shelled, subgroup 6B''.

0

iii. Adding in alphabetical order entries for ``Peach subgroup 12-

12B''; ``Plum subgroup 12-12C''; ``Pomegranate''; ``Prickly pear,

fruit''; and ``Prickly pear, pads''; ``Vegetable, legume, bean, edible

podded, subgroup 6-22A''; and ``Vegetable, legume, bean, succulent

shelled, subgroup 6-22C''.

0

iv. Removing the entry for ``Vegetable, legume, edible podded, subgroup

6A''.

0

v. Adding in alphabetical order entries for ``Vegetable, legume, pea,

edible podded subgroup 6-22B''; ``Vegetable, legume, pea, succulent

shelled, subgroup 6-22D''; ``Vegetable, legume, pulse, bean, dried

shelled, except soybean, subgroup 6-22E''; and ``Vegetable, legume,

pulse, pea, dried shelled, subgroup 6-22F''.

 The additions read as follows:

Sec. 180.613 Flonicamid; tolerances for residues.

 (a) \* \* \*

 (1) \* \* \*

 Table 1 to Paragraph (a)(1)

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 Parts per

 Commodity million

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

Bushberry subgroup 13-07B.................................. 1.5

Caneberry subgroup 13-07A.................................. 3

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

Cherry subgroup 12-12A..................................... 0.6

Corn, sweet, forage........................................ 9

Corn, sweet, kernel plus cob with husks removed............ 0.4

Corn, sweet, stover........................................ 20

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

Peach subgroup 12-12B...................................... 1.5

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

Plum subgroup 12-12C....................................... 0.6

Pomegranate................................................ 0.5

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

Prickly pear, fruit........................................ 2

Prickly pear, pads......................................... 3

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

Vegetable, legume, bean, edible podded, subgroup 6-22A..... 4

Vegetable, legume, bean, succulent shelled, subgroup 6-22C. 7

Vegetable, legume, pea, edible podded, subgroup 6-22B...... 4

Vegetable, legume, pea, succulent shelled, subgroup 6-22D.. 7

Vegetable, legume, pulse, bean, dried shelled, except 3

 soybean, subgroup 6-22E...................................

Vegetable, legume, pulse, pea, dried shelled, subgroup 6- 3

 22F.......................................................

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