[Federal Register Volume 85, Number 122 (Wednesday, June 24, 2020)]

[Proposed Rules]

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Proposed Rules

Federal Register

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This section of the FEDERAL REGISTER contains notices to the public of

the proposed issuance of rules and regulations. The purpose of these

notices is to give interested persons an opportunity to participate in

the rule making prior to the adoption of the final rules.

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Proposed Rules

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 174 and 180

[EPA-HQ-OPP-2020-0053; FRL-10010-82]

Receipt of a Pesticide Petition Filed for Residues of Pesticide

Chemicals in or on Various Commodities (May 2020)

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 July 24, 2020.

ADDRESSES: Submit your comments, identified by docket identification

(ID) number by one of the following methods:

Federal eRulemaking Portal: [http://www.regulations.gov](http://www.regulations.gov/).

Follow the online instructions for submitting comments. Do not submit

electronically any information you consider to be Confidential Business

Information (CBI) or other information whose disclosure is restricted

by statute.

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 <http://www.epa.gov/dockets/contacts.html>.

Please note that due to the public health emergency the EPA Docket

Center (EPA/DC) and Reading Room was closed to public visitors on March

31, 2020. Our EPA/DC staff will continue to provide customer service

via email, phone, and webform. For further information on EPA/DC

services, docket contact information and the current status of the EPA/

DC and Reading Room, please visit <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division

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

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

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

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

contact person is: Office of Pesticide Programs, Environmental

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

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

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

end of each pesticide petition summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an

agricultural producer, food manufacturer, or pesticide manufacturer.

The following list of North American Industrial Classification System

(NAICS) codes is not intended to be exhaustive, but rather provides a

guide to help readers determine whether this document applies to them.

Potentially affected entities may include:

Crop production (NAICS code 111).

Animal production (NAICS code 112).

Food manufacturing (NAICS code 311).

Pesticide manufacturing (NAICS code 32532).

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

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

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

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

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

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

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

complete version of the comment that includes information claimed as

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

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

Information so marked will not be disclosed except in accordance with

procedures set forth in 40 CFR part 2.

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

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

3. Environmental justice. EPA seeks to achieve environmental

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

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

implementation, and enforcement of environmental laws, regulations, and

policies. To help address potential environmental justice issues, the

Agency seeks information on any groups or segments of the population

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

factors, may have atypical or disproportionately high and adverse human

health impacts or environmental effects from exposure to the pesticides

discussed in this document, compared to the general population.

II. What action is the agency taking?

EPA is announcing receipt of 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 174 and/or 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 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 [http://www.regulations.gov](http://www.regulations.gov/).

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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. Amended Tolerances for Non-Inerts

1. PP 0E8828. (EPA-HQ-OPP-2020-0235). The Interregional Research

Project Number 4 (IR-4), Rutgers, The State University of New Jersey,

500 College Road East, Suite 201 W, Princeton, NJ 08540, proposes upon

establishment of tolerances referenced in this document under ``New

Tolerances'' for PP 0E8828, to remove the existing tolerance in 40 CFR

180.511 for residues of buprofezin, 2-[(1,1-

dimethylethyl)imino]tetrahydro-3(1-methylethyl)-5-phenyl-4H-1,3,5-

thiadiazin-4-one in or on the raw agricultural commodities in or on

bean, snap, succulent at 0.02 parts per million (ppm). Contact: RD.

B. New Tolerance Exemptions For Inerts (Except PIPS)

1. IN-11402. (EPA-HQ-OPP-2020-0293). The Innovative Reform Group,

on behalf of The Clorox Company, P.O. Box 493, Pleasanton, CA, 94566-

0803, requests to establish an exemption from the requirement of a

tolerance under 40 CFR 180.940(a) for residues of various fragrance

components (CAS Reg. No. multiple) when used as inert ingredients in

antimicrobial pesticide formulations for use on food contact surfaces

in public eating places, dairy processing equipment, and food

processing equipment and utensils at end-use concentrations not to

exceed 5 parts per million (ppm). Contact: RD.

2. IN-11016. (EPA-HQ-OPP-2020-0294). Verto Solutions, 1101 17th

Street NW, Suite 700, Washington, DC 20036, requests to establish an

exemption from the requirement of a tolerance under 40 CFR 180.940(a)

for residues of various fragrance components (CAS Reg. No. multiple)

when used as inert ingredients in antimicrobial pesticide formulations

for use on food contact surfaces in public eating places, dairy

processing equipment, and food processing equipment and utensils at

end-use concentrations not to exceed 100 ppm. Contact: RD

3. IN-11373. (EPA-HQ-OPP-2020-0295). The Innovative Reform Group,

on behalf of The Clorox Company, P.O. Box 493, Pleasanton, CA, 94566-

0803, requests to establish an exemption from the requirement of a

tolerance under 40 CFR 180.940(a) for residues of various fragrance

components (CAS Reg. No. multiple) when used as inert ingredients in

antimicrobial pesticide formulations for use on food contact surfaces

in public eating places, dairy processing equipment, and food

processing equipment and utensils at end-use concentrations not to

exceed 100 ppm. Contact: RD.

4. IN-11018. (EPA-HQ-OPP-2020-0296). Verto Solutions, 1101 17th

Street NW, Suite 700, Washington, DC 20036, requests to establish an

exemption from the requirement of a tolerance under 40 CFR 180.940(a)

for residues of various fragrance components (CAS Reg. No. multiple)

when used as inert ingredients in antimicrobial pesticide formulations

for use on food contact surfaces in public eating places, dairy

processing equipment, and food processing equipment and utensils at

end-use concentrations not to exceed 100 ppm. Contact: RD.

5. IN-11372. (EPA-HQ-OPP-2020-0297). The Innovative Reform Group,

on behalf of The Clorox Company, P.O. Box 493, Pleasanton, CA, 94566-

0803, requests to establish an exemption from the requirement of a

tolerance under 40 CFR 180.940(a) for residues of various fragrance

components (CAS Reg. No. multiple) when used as inert ingredients in

antimicrobial pesticide formulations for use on food contact surfaces

in public eating places, dairy processing equipment, and food

processing equipment and utensils at end-use concentrations not to

exceed 100 ppm. Contact: RD.

6. IN-11401. (EPA-HQ-OPP-2020-0298). The Innovative Reform Group,

on behalf of The Clorox Company, P.O. Box 493, Pleasanton, CA, 94566-

0803, requests to establish an exemption from the requirement of a

tolerance under 40 CFR 180.940(a) for residues of various fragrance

components (CAS Reg. No. multiple) when used as inert ingredients in

antimicrobial pesticide formulations for use on food contact surfaces

in public eating places, dairy processing equipment, and food

processing equipment and utensils at end-use concentrations not to

exceed 33 ppm. Contact: RD.

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

1. PP 0F8835. (EPA-HQ-OPP-2020-0286). Plant Health Care Inc., 2626

Glenwood Avenue, Suite 350, Raleigh, NC 27608, requests to establish an

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

residues of the biochemical pesticide PHC 25279 in or on food crops.

The petitioner believes no analytical method is needed because it is

expected that, when used as proposed, PHC 25279 would not result in

residues of toxicological concern based on the lack of toxicity

observed in toxicology studies. Contact: BPPD.

D. New Tolerance Exemptions For PIPS

1. PP 0G8830. (EPA-HQ-OPP-2020-0234). J.R. Simplot Company, 5369

West Irving Street, Boise ID, 83706, requests to establish a temporary

exemption from the requirement of a tolerance in 40 CFR part 174 for

residues of the plant-incorporated protectants (PIP) BLB2 and AMR3 Late

Blight resistance proteins in potato. The petitioner believes no

analytical method is needed because the levels of BLB2 and AMR3 are

below levels of detection and it would be impractical to demonstrate

methods for detecting and measuring the levels of the pesticide

residues. Contact: BPPD.

2. PP IN-11411. (EPA-HQ-OPP-2020-0237). J.R. Simplot Company, 5369

West Irving Street, Boise ID, 83706, requests to establish an exemption

from the requirement of a tolerance in 40 CFR part 174 for residues of

the plant-incorporated protectant (PIP) inert ingredient modified

potato acetolactate synthase (StmALS), in potato. The petitioner

believes no analytical method is needed because: (1) StmALS is

expressed in the plant and it is not feasible to remove residues of

StmALS from transformed potato events, and (2) the safety assessment of

StmALS demonstrates that both hazard and exposure associated with the

protein is low and that the risk to both humans and the environment is

close to zero. Contact: BPPD.

E. New Tolerances For Non-Inerts

1. PP 7F8646. (EPA-HQ-OPP-2018-0053). This posting is amending the

previous NOF published in the Federal Register on July 24, 2018 by

announcing commodities that were left inadvertently left off. BASF

Corporation, 26 Davis Dr., P.O. Box 13528, Research Triangle Park, N.C.

27709, requests to establish a tolerance in 40 CFR part 180 for

residues of the insecticide, broflanilide, including its metabolites

and degradates, in or on amaranth, grain; quinoa, forage; quinoa,

straw; teff, forage; and teff, straw at 0.01 ppm. Tolerances are also

requested for food items (animal origin) for hog, meat; poultry, meat;

eggs; cattle, meat byproducts; goat, meat byproducts; hog, meat

byproducts; horse, meat byproducts; poultry, meat byproducts; sheep,

meat byproducts; hog, fat; and horse, fat at 0.02 ppm. The

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independently validated analytical method is used to measure and

evaluate the chemical broflanilide and its metabolites S(PFP-OH)-8007

and DM-8007. An independently validated analytical method has been

submitted for analyzing residues of parent Broflanilide plus

metabolites DM-8007 and DC-DM-8007 in animal matrices by LC-MS/MS. Food

handling matrices samples were analyzed for broflanilide residues using

a combination of the plant and animal methods with minor modifications.

Contact: RD.

2. PP 9F8759. (EPA-HQ-OPP-2019-0346). Syngenta Crop Protection,

LLC. P.O. Box 18300 Greensboro, NC 27419, requests to establish an

import tolerance in 40 CFR part 180 for residues of the fungicide

mefenoxam metal N-(2,6-dimethylphenyl)-N-(methoxyacetyl)-DL-alaninate

in or on the raw agricultural commodities Tree Nut Group 14-12, at 0.3

ppm. The analytical method used was Syngenta Crop Protection Analytical

Method ``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''.

Final sample analysis was performed using LC-MS/MS with EAG method

modifications dated August 14, 2017 to measure and evaluate the

chemical mefenoxam. Contact: RD.

3. PP 9E8773. (EPA-HQ-OPP-2019-0531). Mitsui Chemicals Agro, Inc.

c/o Landis International, Inc., 3185 Madison Highway, P.O. Box 5126,

Valdosta, GA 31603, requests to establish a tolerance in 40 CFR part

180 for residues of the fungicide Penthiopyrad, (RS)-N-[2-(1,3-

dimethylbutyl)-3-thienyl]-1-methyl-3-(trifluoromethyl)-pyrazole-4-

carboxamide in or on Persimmon at 3.0 ppm. High Performance Liquid

Chromatography-Mass Spectrometer (LC-MS) is used to measure and

evaluate the chemical Penthiopyrad. Contact: RD.

4. PP 0E8821. (EPA-HQ-OPP-2020-0113). Interregional Research

Project #4 (IR-4), Rutgers, The State University of New Jersey, 500

College Road East, Suite 201 W, Princeton, NJ 08540, requests to

establish tolerances with regional registrations in 40 CFR part

180.633(c) for residues of the herbicide, florasulam, N-(2, 6-

difluorophenyl)-8-fluoro-5-methoxy (1, 2, 4) triazole (1, 5-

c)pyrimidine-2-sulfonamide, including its metabolites and degradates,

in or on grass, forage at 0.01 ppm and grass, hay at 0.02 ppm.

Compliance with the tolerance levels is to be determined by measuring

only florasulam in or on the commodities. The High-Performance Liquid

Chromatography with Tandem Mass Spectrometry is used to measure and

evaluate the chemical. Contact: RD.

5. PP 0E8828. (EPA-HQ-OPP-2020-0235). The Interregional Research

Project Number 4 (IR-4), Rutgers, The State University of New Jersey,

500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to

establish a tolerance in 40 CFR part 180.511 for residues of

buprofezin, 2-[(1,1-dimethylethyl)imino]tetrahydro-3(1-methylethyl)-5-

phenyl-4H-1,3,5-thiadiazin-4-one in or on the raw agricultural

commodities: Asparagus bean, edible podded at 0.02 ppm; bushberry

subgroup 13-07B at 0.08 ppm, catjang bean, edible podded at 0.02 ppm;

Chinese longbean, edible podded at 0.02 ppm; cowpea, edible podded at

0.02 ppm; french bean, edible podded at 0.02 ppm; garden bean, edible

podded at 0.02 ppm; green bean, edible podded at 0.02 ppm; goa bean,

edible podded at 0.02 ppm; guar bean, edible podded at 0.02 ppm;

jackbean, edible podded at 0.02 ppm; kidney bean, edible podded at 0.02

ppm; lablab bean, edible podded at 0.02 ppm; navy bean, edible podded

at 0.02 ppm; moth bean, edible podded at 0.02 ppm; mung bean, edible

podded at 0.02 ppm; rice bean, edible podded at 0.02 ppm; scarlet

runner bean, edible podded at 0.02 ppm; snap bean, edible podded at

0.02 ppm; sword bean, edible podded at 0.02 ppm; urd bean, edible

podded at 0.02 ppm; vegetable soybean, edible podded at 0.02 ppm;

velvet bean, edible podded at 0.02 ppm; wax bean, edible podded; winged

pea, edible podded at 0.02 ppm; and yardlong bean, edible podded at

0.02 ppm.

In addition to the proposed tolerances, the IR-4 Project requests

that EPA permit the buprofezin label instructions currently stated as

``For greenhouse tomatoes and peppers'', be revised to ``For Fruiting

Vegetables (Crop Group 8-10)'', thus allowing buprofezin applications

to all greenhouse-grown fruiting vegetables.

The enforcement analytical methods are available in PAM I and PAM

II for the enforcement of buprofezin tolerances, which include gas

chromatography methods with nitrogen phosphorus detection (GC/NPD), and

a gas chromatography/mass spectrometry (GC/MS) method for confirmation

of buprofezin residues in plant commodities to measure and evaluate

buprofezin. Contact: RD.

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

Dated: June 15, 2020.

Delores Barber,

Director, Information Technology and Resources Management Division,

Office of Pesticide Programs.

[FR Doc. 2020-13273 Filed 6-23-20; 8:45 am]

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