[Federal Register Volume 89, Number 41 (Thursday, February 29, 2024)]

[Proposed Rules]

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[FR Doc No: 2024-04256]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2024-0059; FRL-11682-01-OCSPP]

Receipt of a Pesticide Petition Filed for Residues of Pesticide

Chemicals in or on Various Commodities (January 2024)

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 April 1, 2024.

ADDRESSES: Submit your comments, identified by docket identification

(ID) number EPA-HQ-OPP-2024-0059, 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 H. Le, Biopesticides and

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

(202) 566-1400, email address: [BPPDFRNotices@epa.gov](mailto:BPPDFRNotices@epa.gov); or Dan

Rosenblatt, Registration Division (RD) (7505T), main telephone number:

(202) 566-2875, email address: [RDFRNotices@epa.gov](mailto:RDFRNotices@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

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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

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. Amended Tolerances for Non-Inerts

PP 2E9044. (EPA-HQ-OPP-2023-0079). Interregional Research Project

#4 (IR-4), North Carolina State University, 1730 Varsity Drive, Venture

IV, Suite 210, Raleigh, NC 27606, requests, pursuant to section 408(d)

of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by

withdrawing the existing tolerances for residues of the indoxacarb in

or on the raw agricultural commodities: Bean, dry seed; bean,

succulent; corn, field, grain; corn, pop, grain; corn, sweet, kernel

plus cob with husk removed; cotton, undelinted seed; fruit, pome,

except pear, group 11; fruit, stone, group 12; okra; pea, southern,

seed; pear, oriental; turnip, greens; vegetable, brassica, leafy, group

5; vegetable, fruiting, group 8; and vegetable, leafy, except brassica,

group 4. Contact: RD.

B. New Tolerance Exemptions for Non-Inerts (Except PIPS)

PP 3F9074. (EPA-HQ-OPP-2023-0650). Indigo Ag, Inc., 500 Rutherford

Ave., Charlestown, MA 02129, requests to establish an exemption from

the requirement of a tolerance in 40 CFR part 180 for residues of the

fungicide Trichoderma hamatum strain SYM37537 in or on all food

commodities. The petitioner believes no analytical method is needed

because this petition requests an exemption from the requirement of a

tolerance without numerical limitations. Contact: BPPD.

C. Tolerance Exemptions for PIPS

PP 3F9098. (EPA-HQ-OPP-2024-0052). J.R. Simplot Company, 5369 W

Irving St., Boise, ID 83706, requests to extend 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 proteins in or

on potatoes. The petitioner believes no analytical method is needed

because the protein concentrations of BLB2 and AMR3 proteins are below

the limit of detection. Contact: BPPD.

D. New Tolerances for Non-Inerts

PP 2E9044. (EPA-HQ-OPP-2023-0079). Interregional Research Project

#4 (IR-4), North Carolina State University, 1730 Varsity Drive, Venture

IV, Suite 210, Raleigh, NC 27606, requests, pursuant to section 408(d)

of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by

establishing tolerances for residues of indoxacarb in or on the raw

agricultural commodities: Brassica, leafy greens, subgroup 4-16B at 12

parts per million (ppm); celtuce at 14 ppm; chickpea, dry seed at 0.2

ppm; coffee, green bean at 0.03 ppm; cottonseed subgroup 20C at 2 ppm;

fennel, florence, fresh leaves and stalk at 14 ppm; field corn subgroup

15-22C at 0.02 ppm; fruit, pome, group 11-10, except pear at 1 ppm;

fruit, stone, group 12-12 at 1 ppm; kohlrabi at 12 ppm; leaf petiole

vegetable subgroup 22B at 14 ppm; leafy greens subgroup 4-16A at 14

ppm; pear, asian at 0.2 ppm; strawberry at 4 ppm; sunflower subgroup

20B at 1.5 ppm; sweet corn subgroup 15-22D at 0.02 ppm; vegetable,

brassica, head and stem, group 5-16 at 12 ppm; vegetable, legume, bean,

edible podded, subgroup 6-22A at 0.9 ppm; vegetable, legume, bean,

succulent shelled, subgroup 6-22C at 0.9 ppm; vegetable, legume, bean,

dried shelled, except soybean, subgroup 6-22E at 0.2 ppm; and

vegetable, fruiting, group 8-10 at 0.5 ppm. Adequate analytical methods

for determining indoxacarb in/on appropriate raw agricultural

commodities and processed commodities have been developed and

validated. Contact: RD.

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

Dated: February 18, 2024.

Delores Barber,

Director, Information Technology and Resources Management Division,

Office of Program Support.

[FR Doc. 2024-04256 Filed 2-28-24; 8:45 am]

BILLING CODE 6560-50-P