

§ 180.1196

no more than 3.0% by weight of the formulation.

[63 FR 14363, Mar. 25, 1998]

§ 180.1196 Peroxyacetic acid; exemption from the requirement of a tolerance.

(a) An exemption from the requirement of a tolerance is established for residues of peroxyacetic acid in or on all food commodities, when such residues result from the use of peroxyacetic acid as an antimicrobial treatment in solutions containing a diluted end use concentration of peroxyacetic acid up to 100 ppm per application on fruits, vegetables, tree nuts, cereal grains, herbs, and spices.

(b) An exemption from the requirement of a tolerance is established for residues of peroxyacetic acid, in or on all food commodities when used in sanitizing solutions containing a diluted end-use concentration of peroxyacetic acid up to 500 ppm, and applied to tableware, utensils, dishes, pipelines, tanks, vats, fillers, evaporators, pasteurizers, aseptic equipment, milking equipment, and other food processing equipment in food handling establishments including, but not limited to dairies, dairy barns, restaurants, food service operations, breweries, wineries, and beverage and food processing plants.

[74 FR 26535, June 3, 2009]

§ 180.1197 Hydrogen peroxide; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of hydrogen peroxide in or on all food commodities at the rate of $\leq 1\%$ hydrogen peroxide per application on growing and postharvest crops.

[67 FR 41844, June 20, 2002]

§ 180.1198 *Gliocladium catenulatum* strain J1446; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of the microbial pesticide, *Gliocladium catenulatum* strain J1446 when used in or on all food commodities.

[63 FR 37288, July 10, 1998]

40 CFR Ch. I (7-1-10 Edition)

§ 180.1199

Lysophosphatidylethanolamine (LPE); exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of the biochemical pesticide lysophosphatidylethanolamine in or on all food commodities.

[67 FR 17636, Apr. 11, 2002]

§ 180.1200 *Pseudomonas fluorescens* strain PRA-25; temporary exemption from the requirement of a tolerance.

A temporary exemption from the requirement of a tolerance is established for residues of the microbial pesticide, *pseudomonas fluorescens* strain PRA-25 when used on peas, snap beans and sweet corn and will expire July 31, 2001.

[63 FR 38498, July 17, 1998]

§ 180.1201 *Trichoderma harzianum* strain T-39; exemption from the requirement of a tolerance.

Trichoderma harzianum strain T-39 is exempt from the requirement of a tolerance on all food commodities.

[65 FR 38757, June 22, 2000]

§ 180.1202 *Bacillus sphaericus*; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of the microbial pesticides, *Bacillus sphaericus* when used in or on all food crops.

[63 FR 48597, Sept. 11, 1998]

§ 180.1204 Harpin protein; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of individual harpin proteins that meet specified physiochemical and toxicological criteria when used as biochemical pesticides on all food commodities to enhance plant growth, quality and yield, to improve overall plant health, and to aid in pest management. The physiochemical and toxicological criteria identifying harpin proteins are as follows:

Environmental Protection Agency

§ 180.1210

(a) Consists of a protein less than 100 kD in size, that is acidic (pI<7.0), glycine rich (>10%), and contains no more than one cystine residue.

(b) The source(s) of genetic material encoding the protein are bacterial plant pathogens not known to be mammalian pathogens.

(c) Elicits the hypersensitive response (HR) which is characterized as rapid, localized cell death in plant tissue after infiltration of harpin into the intercellular spaces of plant leaves.

(d) Possesses a common secondary structure consisting of α and β units that form an HR domain.

(e) Is heat stable (retains HR activity when heated to 65 °C for 20 minutes).

(f) Is readily degraded by a proteinase representative of environmental conditions (no protein fragments >3.5 kD after 15 minutes degradation with Subtilisin A).

(g) Exhibits a rat acute oral toxicity (LD₅₀) of greater than 5,000 mg product/kg body weight.

[69 FR 24996, May 5, 2004]

§ 180.1205 *Beauveria bassiana* ATCC #74040; exemption from the requirements of a tolerance.

An exemption from the requirement of a tolerance is established for residues of the insecticide *Beauveria bassiana* (ATCC #74040) in or on all food commodities when applied or used as ground and aerial foliar sprays for use only on terrestrial crops.

[64 FR 22796, Apr. 28, 1999]

§ 180.1206 *Aspergillus flavus* AF36; exemption from the requirement of a tolerance.

(a) An exemption from the requirement of a tolerance is established for residues of the microbial pesticide *Aspergillus flavus* AF36 in or on cotton, gin byproducts; cotton, hulls; cotton, meal; cotton, refined oil; cotton, undelinted seed.

(b) *Aspergillus flavus* AF36 is temporarily exempt from the requirement of a tolerance on pistachio when used in accordance with the Experimental Use Permit, EPA File Symbol 71693-EUP-1. This temporary exemption from tolerance expires on December 31, 2011.

(c) *Aspergillus flavus* AF 36 is temporarily exempt from the requirement of

a tolerance on corn, field, forage; corn, field, grain; corn, field, stover; corn, pop, grain; corn, pop, stover; corn, sweet, forage; corn, sweet, kernel plus cob with husks removed; corn, sweet, stover when used in accordance with the Experimental Use Permit 71693-EUP-2. This temporary exemption from the tolerance will expire December 31, 2011.

[68 FR 41541, July 14, 2003, as amended at 72 FR 28871, May 23, 2007; 72 FR 72965, Dec. 26, 2007; 74 FR 26535, 26546, June 3, 2009]

§ 180.1207 N-acyl sarcosines and sodium N-acyl sarcosinates; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of the following substances when used as inert ingredients (surfactants) at levels not to exceed 10% in pesticide formulations containing glyphosate:

Name	CAS Reg. No.
N-acyl sarcosines.	
N-cocoyl sarcosine mixture	68411-97-2
N-lauroyl sarcosine	97-78-9
N-myristoyl sarcosine	52558-73-3
N-oleoyl sarcosine	110-25-8
N-stearoyl sarcosine	142-48-3
Sodium N-acyl sarcosinates.	
N-cocoyl sarcosine sodium salt mixture	61791-59-1
N-methyl-N-(1-oxo-9-octadecenyl) glycine	3624-77-9
N-methyl-N-(1-oxododecyl) glycine	137-16-6
N-methyl-N-(1-oxooctadecyl) glycine	5136-55-0
N-methyl-N-(1-oxotetradecyl) glycine	30364-51-3

[64 FR 68046, Dec. 6, 1999]

§ 180.1209 *Bacillus subtilis* strain QST 713; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of the microbial pesticide *Bacillus subtilis* strain QST 713 when used in or on all food commodities.

[65 FR 41369, July 5, 2000]

§ 180.1210 Phosphorous acid; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of phosphorous acid and its ammonium, sodium, and potassium salts in or on all food commodities when used as an agricultural fungicide and in or on potatoes when applied as a post-