

Dated: March 11, 1996.
 Stephen L. Johnson,
*Director, Registration Division, Office of
 Pesticide Programs.*
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[OPP-300419; FRL-5355-2]

Identification of Pesticide Tolerances Under Settlement Agreement

AGENCY: Environmental Protection Agency (EPA).
ACTION: Notice.

SUMMARY: With this notice EPA identifies various pesticide food additive regulations under a court-approved settlement agreement. Today's notice does not affect the regulatory status of any raw or processed food tolerance.

FOR FURTHER INFORMATION CONTACT: By mail: Jean M. Frane, Policy and Special Projects Staff (7501C), Environmental Protection Agency, 401 M St., SW., Washington, DC, 20460. Office location: Room 1113, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. Telephone: 703-305-5944; e-mail address: frane.jean@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On February 9, 1995, in a court-approved settlement agreement, EPA agreed to take certain actions related to the Delaney clause of the Federal Food, Drug and Cosmetic Act (FFDCA). The Delaney clause prohibits the establishment or maintenance of any food additive regulation (commonly referred to as a tolerance) for a pesticide that is found to induce cancer.

One of the actions agreed to by EPA is to review, within 5 years of the date of approval of the settlement, toxicological and food processing studies submitted as of the date of settlement, to determine the following:

1. Whether any such toxicological studies show that any pesticides not included in Appendix III of the settlement "induce cancer" within the meaning of the Delaney clause. Additionally, EPA agreed to identify any existing or needed processed food tolerances for such pesticides found to induce cancer, and

2. Whether any such food processing studies show that any pesticides included in Appendix III need processed food tolerances.

EPA agreed to issue a notice in the Federal Register, annually for 5 years,

listing any pesticide food additive tolerances and underlying raw food tolerances identified in its review of the toxicological and processing studies. Today's notice is the first such annual notice.

II. Listing of Pesticide Tolerances

A. Pesticides Newly Identified as "Inducing Cancer"

Prior to and since the settlement agreement, EPA has issued a series of proposed revocations of processed food tolerances, in which the Agency has made determinations that the pesticide induces cancer. Each of these pesticides is currently identified in Appendix III of the settlement, and thus are not considered to be newly identified for the purposes of this notice.

EPA has made no determinations that any pesticide not currently identified in Appendix III of the settlement "induces cancer" within the meaning of the Delaney clause.

B. Pesticides Newly Identified as Having or Needing Food Additive Tolerances

EPA has determined, based upon its review of processing studies, that the pesticides listed in the following table have raw food tolerances and need processed food tolerances. This listing is merely a reporting of determinations made at various times over the past year. Such determinations were made in accordance with policies in existence at the time of the review. In the last year, EPA has revised many of its policies that determine when a processed food tolerance is needed. Some of today's determinations on the need for a processed food or feed tolerance do not reflect consideration of EPA's revised policies. Before taking any regulatory action with respect to the raw or processed tolerances in today's notice, EPA will evaluate the need for a food/feed additive tolerance in accordance with its new policies.

Pesticide	Raw crop tolerance (CFR cite)	Processed Food/Feed Form
Iprodione	Fresh prune (180.399)	Dried prune
Metolachlor	Potatoes (180.368)	Processed potato waste
Permethrin	Apples (180.378)	Wet apple pomace
Phosmet	Grapes (180.261)	Raisin waste
.....		Pomace (wet and dry)
Thiophanate-methyl.	Apples (180.371)	Wet apple pomace

Dated: March 6, 1996.
 Penelope A. Fenner-Crisp,
Acting Director, Office of Pesticide Programs.
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[FRL-5442-2]

Notice of Proposed Administrative Settlement Under the Comprehensive Environmental Response, Compensation, and Liability Act and the Resource Conservation and Recovery Act

AGENCY: Environmental Protection Agency.
ACTION: Notice; Request for public comment; opportunity for public meeting.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), notice is hereby given of a proposed administrative *de minimis* settlement concerning the Novak Sanitary Landfill Superfund Site in Lehigh County, Pennsylvania, with the parties listed below. The settlement requires the settling parties to pay a total of \$300,920.38 to the Hazardous Substances Superfund. The settlement includes an EPA covenant not to sue the settling parties pursuant to Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, and Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973. Section 122(g) of CERCLA, 42 U.S.C. 9622(g), provides EPA with authority to enter into *de minimis* settlements.

For thirty days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will reconsider the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the Parkland Library located at 4422 Walbert Avenue, Allentown, PA and at the USEPA Region III, 841 Chestnut Street, Philadelphia, PA 19107. Commenters may request an opportunity for a public meeting in the affected area in accordance with Section 7003(d) of RCRA, 42 U.S.C. 6973(d).