

population subgroup of infants and children should not occur.

#### F. International Tolerances

The petitioner understands that there are no current established Maximum Residue Levels for peroxyacetic acid.

#### G. Information on Endocrine Effects

Peroxyacetic acid does not act like hormones or inhibit hormonal activity.

## II. Public Record and Electronic Submissions

The official record for this notice of filing, as well as the public version, has been established for this notice of filing under docket control number [PF-783] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located at the address in "ADDRESSES" at the beginning of this document.

Electronic comments can be sent directly to EPA at:  
opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comment and data will also be accepted on disks in Wordperfect 5.1/6.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [PF-783] and appropriate petition number. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

#### List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Food additives, Feed additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 16, 1997.

#### Frank Sanders,

Director, Antimicrobials Division, Office of Pesticide Programs.

[FR Doc. 98-928 Filed 1-13-98; 8:45 am]

BILLING CODE 6560-50-F

## ENVIRONMENTAL PROTECTION AGENCY

[PF-784; FRL-5759-7]

### Ecolab Inc.; Pesticide Tolerance Petition Filing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing.

**SUMMARY:** This notice announces the filing of a pesticide petition proposing the exemption from the requirement of a tolerance for residues of hydrogen peroxide (H<sub>2</sub>O<sub>2</sub>) in or on raw agricultural commodities, in processed commodities, and in or on meat and meat byproducts of cattle, sheep, hogs, goats, horses, and poultry, milk, and eggs when such residues result from the use of H<sub>2</sub>O<sub>2</sub> as an antimicrobial agent on fruits, vegetables, tree nuts, cereal grains, herbs, and spices.

**DATES:** Comments, identified by the docket control number [PF-784] must be received on or before, February 13, 1998.

**ADDRESSES:** By mail submit written comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticides Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by following the instructions under "SUPPLEMENTARY INFORMATION." No confidential business information should be submitted through e-mail.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). CBI should not be submitted through e-mail. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** Dennis H. Edwards, Jr., Chief, Regulatory Management Branch I, Antimicrobials Division (7510W), Office of Pesticide Programs, U.S.

Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, 703-308-6411. e-mail:

edwards.dennis@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** EPA has received a pesticide petition (PP 7F4834) from Ecolab Inc. proposing, pursuant to section 408(d) of the Federal Food, Drug and Cosmetic Act, (FFDCA) 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing an exemption from tolerance for residues of H<sub>2</sub>O<sub>2</sub> in or on raw agricultural commodities, in processed commodities, and in or on meat and meat byproducts of cattle, sheep, hogs, goats, horses, and poultry, milk, and eggs when such residues result from the use of H<sub>2</sub>O<sub>2</sub> as an antimicrobial agent on fruits, vegetables, tree nuts, cereal grains, herbs, and spices. The proposed analytical method is titration. Pursuant to section 408(d)(2)(A)(i) of the FFDCA, as amended, Ecolab Inc. has submitted the following summary of information, data and arguments in support of their pesticide petition. This summary was prepared by Ecolab Inc. and EPA has not fully evaluated the merits of the petition. EPA edited the summary to clarify that the conclusions and arguments were the petitioner's and not necessarily EPA's and to remove certain extraneous material.

#### I. Petition Summary

This section has been arranged to provide a justification for this tolerance exemption and a summary of available data.

The request is to exempt from the requirement of a tolerance, residues of H<sub>2</sub>O<sub>2</sub> in or on raw agricultural commodities, in processed commodities, and in or on meat and meat byproducts of cattle, sheep, hogs, goats, horses, and poultry, milk, and eggs when such residues result from the use of H<sub>2</sub>O<sub>2</sub> as an antimicrobial agent on fruits, vegetables, tree nuts, cereal grains, herbs, and spices. The residues which do remain are not of toxicological significance.

##### A. Residue Chemistry

Residues of H<sub>2</sub>O<sub>2</sub> are not expected because H<sub>2</sub>O<sub>2</sub> reacts on contact with materials such as food and is degraded to moieties which present no toxicological concern (Reregistration Eligibility Decision, Peroxy Compounds, U.S. EPA. EPA 738-R-93-030, the "1993 RED"). The degradation products of H<sub>2</sub>O<sub>2</sub> in aqueous solutions are water and oxygen (1993 RED). The degradation products of H<sub>2</sub>O<sub>2</sub> are not of toxicological concern.

Because this petition is for an exemption from the requirement of a

tolerance, an enforcement method for H<sub>2</sub>O<sub>2</sub> is not needed. However, a titration method to determine residues of H<sub>2</sub>O<sub>2</sub> has been submitted to the Agency.

#### B. Toxicological Profile

H<sub>2</sub>O<sub>2</sub> is a moderately acutely toxic material with an oral LD<sub>50</sub> of approximately 2,000 mg/kg in mice (1993 RED). The toxicity is highly dependent on the concentration of the solution administered. At concentrations in the range of 30% or higher, systemic toxicity may occur, but the hazard is more likely to be due to the corrosivity. At lower concentrations of H<sub>2</sub>O<sub>2</sub> the lethal dose of H<sub>2</sub>O<sub>2</sub> may be significantly higher due to the lack of the corrosive effects. At concentrations in the range 3%, and below, of H<sub>2</sub>O<sub>2</sub> produces primarily an irritant effect, especially following repeated doses.

Few chronic studies suitable for toxicological evaluation have been conducted. In one study, approximately 100 mice per group were given 0, 0.1% or 0.4% H<sub>2</sub>O<sub>2</sub> in their drinking water for 100 weeks. At the conclusion of the study, there was one adenoma of the duodenum in controls, six adenomas and one carcinoma of the duodenum in the low dose, and two adenomas and five carcinoma of the duodenum in the high dose. The incidence was significantly higher in the treated animals, however this may reflect a corrosive effect of the test material leading to a hyperplastic response rather than genotoxic effect.

In another study mice were given 0.4% H<sub>2</sub>O<sub>2</sub> (4,000 ppm) in drinking water for 108 weeks. Results from interim sacrifices demonstrated gastric irritation and "erosion" was evident throughout the course of the study. This is expected based on the long term exposure. Duodenal and gastric hyperplastic nodules were noted in treated animals at all interim sacrifices from day 90 to the end of the study. There was a 5% incidence in duodenal carcinoma compared to 0% in the controls. Again, this may reflect a corrosive effect of the test material leading to a hyperplastic response rather than genotoxic effect. Since only one treatment group was used, this provides only limited evidence of the oncogenicity of this material. In a follow-up experiment, mice were given 0.4% H<sub>2</sub>O<sub>2</sub> in drinking water for up to 180 days followed by a recovery period of up to 30 days. The stomach lesions regressed completely but a few of the duodenal lesions persisted. This further demonstrated the corrosivity of the test material.

In mutagenicity studies equivocal and conflicting results were found. H<sub>2</sub>O<sub>2</sub>

was mutagenic to strain TA92 and strain TA102. Positive and negative results have been demonstrated in other *Salmonella* assays. Overall, there is limited evidence that H<sub>2</sub>O<sub>2</sub> is mutagenic.

#### C. Aggregate Exposure

1. *Dietary exposure.* There are no established U.S. food tolerances for H<sub>2</sub>O<sub>2</sub>. According to the 1993 RED, H<sub>2</sub>O<sub>2</sub> is used in dairy/cheese processing plants, on food-processing equipment and in pasteurizers in breweries, wineries and beverage plants. While some contact may occur between treated equipment and food, no residues are expected since only trace amounts would come in contact with food having contacted treated equipment and the compound degrades rapidly (in air) [remove primarily] to oxygen and water. In addition, H<sub>2</sub>O<sub>2</sub> may be safely used on food-processing equipment, utensils, and other food-contact articles according to the Food and Drug Administration (21 CFR 178.1010, *Sanitizing Solutions*).

Dietary exposure from these uses is possible; however, H<sub>2</sub>O<sub>2</sub> reacts rapidly upon contact with materials such as food and degrades to moieties which present no toxicological concern. The addition to dietary aggregate exposure of H<sub>2</sub>O<sub>2</sub> as described in this petition is minimal.

2. *Drinking water exposure.* There is no concern about the potential for transfer of H<sub>2</sub>O<sub>2</sub> residues (both the parent pesticide and any degradates) to human drinking water because the use sites for H<sub>2</sub>O<sub>2</sub> listed in the 1993 RED include indoor food, indoor non-food, indoor medical, and indoor residential. H<sub>2</sub>O<sub>2</sub> is proposed for use as an antimicrobial agent on fruits, vegetables, tree nuts, cereal grain, herbs, and spices. It is unlikely that residues from these uses will transfer H<sub>2</sub>O<sub>2</sub> residues (both the parent and any degradates) to any sources of human drinking water. In addition, the degradation products of H<sub>2</sub>O<sub>2</sub> in aqueous solutions are water and oxygen. These degradation products are not of toxicological concern.

Because of the physical chemistry of this biocide, it is unlikely that any States are conducting water monitoring programs for H<sub>2</sub>O<sub>2</sub>.

3. *Non-occupational exposure.* The estimated non-occupational exposure to H<sub>2</sub>O<sub>2</sub> has been evaluated based on its proposed use pattern.

According to the 1993 RED, the compound, in the form of a soluble concentrate/liquid, is used in industrial and commercial settings.

H<sub>2</sub>O<sub>2</sub> use in homes is medicinal and exposures are expected to be infrequent

and at extremely short topical duration, however, it is important to put into perspective the typical medicinal dose of H<sub>2</sub>O<sub>2</sub> versus a biocidal dose. Commercially available 3% H<sub>2</sub>O<sub>2</sub> (30,000 ppm) can be purchased for use as a topical and oral disinfectant. When using this product as a oral cavity disinfectant, a typical use scenario would be rinsing the mouth three times a day. In a typical mouth rinse application, some of the rinsing agent is normally ingested; a conservative estimate of 3 ml is used in the following example. Assuming that a 70 kg person ingests only 3 ml. of the H<sub>2</sub>O<sub>2</sub> solution during each rinse, he will be exposed to approximately 3.9 mg/kg H<sub>2</sub>O<sub>2</sub> in a single day. This treatment has been done millions of times without any adverse effects with the possible exception of slight irritation to the oral cavity.

H<sub>2</sub>O<sub>2</sub> is highly reactive and short-lived because of the inherent instability of the peroxide bond (O-O bond) and, because the peroxide bond is weak, transformation to water and oxygen is very highly favored thermodynamically (1993 RED). The degradation products of H<sub>2</sub>O<sub>2</sub> in aqueous solutions are water and oxygen. The degradation products of H<sub>2</sub>O<sub>2</sub> are not of toxicological concern.

The potential for significant non-occupational exposure under the use proposed in this petition to the general population (including infants and children) is unlikely. H<sub>2</sub>O<sub>2</sub> is proposed in this petition to be used only at commercial establishments (including farms) and is not to be used in or around the home.

#### D. Cumulative Effects

When used as proposed, H<sub>2</sub>O<sub>2</sub> dissipates quickly; there is no reasonable expectation that residues of these compounds will remain in human food items in accordance with 40 CFR 180.3. The mode of action of this pesticide is oxidation. Other chemicals that may fall into this category are peroxyacetic acid and potassium peroxymonosulfate sulfate as listed in the 1993 RED. Combining exposures to these compounds is appropriate; however, each degrades rapidly (due to the peroxy bond, the O-O bond) into compounds that are not toxicologically significant (including water, oxygen, and carbon dioxide).

#### E. Safety Determination

1. *U.S. general population.* H<sub>2</sub>O<sub>2</sub> occurs naturally in the earth's atmosphere. It is also generated in surface water by the action of sunlight. It naturally degrades to water and oxygen which would not pose a health

risk to the U.S. general population. These degradation products are not of toxicological concern. The human body produces measurable quantities of H<sub>2</sub>O<sub>2</sub> during metabolism and specifically for the destruction of pathogens by phagocytes. The body possess several systems for the removal of H<sub>2</sub>O<sub>2</sub> including catalase and peroxidases including glutathione peroxidase.

Residues of H<sub>2</sub>O<sub>2</sub> are not expected on treated commodities (whether raw agricultural commodities or processed) and the residues do not bioaccumulate in livestock and/or poultry that consume treated feedstuffs because H<sub>2</sub>O<sub>2</sub> is highly reactive and short-lived due to the inherent instability of the peroxide bond (O-O bond). Because the peroxide bond is weak, transformation to water and oxygen is very highly favored thermodynamically (1993 RED). The degradation products of hydrogen peroxide are water and oxygen. Therefore, exposure of the pesticide chemical (from the use proposed in this petition) to the U.S. general population should not occur.

2. *Infants and children.* H<sub>2</sub>O<sub>2</sub> naturally degrades to water and oxygen which would not pose a health risk to the U.S. population subgroup of infants and children. These degradation products are not of toxicological concern.

Residues of H<sub>2</sub>O<sub>2</sub> are not expected on treated commodities (whether raw agricultural commodities or processed) and the residues are not expected to bioaccumulate in livestock and/or poultry that consume treated feedstuffs because H<sub>2</sub>O<sub>2</sub> is highly reactive and short-lived due to the inherent instability of the peroxide bond (O-O bond). Because the peroxide bond is weak, transformation to water and oxygen is very highly favored thermodynamically (1993 RED). The degradation products of H<sub>2</sub>O<sub>2</sub> are water and oxygen. Therefore, exposure of the pesticide chemical (from the use proposed in this petition) to the U.S. population subgroup of infants and children should not occur.

#### F. International Tolerances

The petitioner understands that there are no current established Maximum Residue Levels for H<sub>2</sub>O<sub>2</sub>.

#### G. Information on endocrine effects

H<sub>2</sub>O<sub>2</sub> does not act like hormones or inhibit hormonal activity.

## II. Public Record and Electronic Submissions

The official record for this notice of filing, as well as the public version, has been established for this notice of filing

under docket control number [PF-784] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located at the address in "ADDRESSES" at the beginning of this document.

Electronic comments can be sent directly to EPA at:

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Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comment and data will also be accepted on disks in Wordperfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number (PF-784) and appropriate petition number. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

#### List of Subjects

Environmental Protection, Administrative practice and procedure, Agricultural commodities, Food additives, Feed additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 16, 1997.

#### Frank Sanders,

Director, Antimicrobials Division, Office of Pesticide Programs.

[FR Doc. 98-929 Filed 1-13-98; 8:45 am]

BILLING CODE 6560-50-F

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5949-8]

### Gray PCB Site: Notice of Proposed Settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement.

SUMMARY: Under section 122(g) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended 42 U.S.C. 9601 *et seq.*, the Environmental Protection Agency (EPA) has agreed to settle claims for response costs at the Gray PCB Site, Hopkinsville, Christian County, Kentucky, with J. Trockman & Sons, Inc. EPA will consider public comments on the proposed settlements

for thirty (30) days. EPA may withdraw from or modify the proposed settlements should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate. Copies of the settlements are available from: Ms. Paula V. Batchelor, U.S. Environmental Protection Agency, Region 4, Atlanta Federal Center, Waste Programs Branch, Cost Recovery Section, 61 Forsyth Street, S.W., Atlanta, Georgia 30303-3104. 404-562-8887.

Written comments must be submitted to Mr. Ray Strickland at the above address on or before February 13, 1998.

Dated: December 5, 1997.

#### Richard D. Green,

Acting Director, Waste Management Division.

[FR Doc. 98-936 Filed 1-13-98; 8:45 am]

BILLING CODE 6560-50-M

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5949-9]

### The Incidence and Severity of Sediment Contamination in Surface Waters of the United States

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Notice of availability of report to Congress.

SUMMARY: The Environmental Protection Agency (USEPA) announces the public availability of a report to Congress, The Incidence and Severity of Sediment Contamination in Surface Waters of the United States. This report to Congress is required by the Water Resources Development Act of 1992. Section 501(b)(4) of the Act defines contaminated sediment as "sediment containing chemical substances in excess of appropriate geochemical, toxicological or sediment quality criteria or measures; or otherwise considered to pose a threat to human health or the environment". Section 503(a)(1) of the Act requires USEPA to compile existing information on the quantity, chemical and physical composition, and geographic location of pollutants in aquatic sediment, including the probable source of such pollutants and identification of those sediments which are contaminated. Section 503(a)(2) of the Act requires the Administrator of USEPA to report to Congress the findings, conclusions, and recommendations of the survey required under section 503(a)(1), including recommendations for actions necessary to prevent contamination of aquatic