Commodity	Parts per million	Expiration/revocation date
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[FR Doc. 99–18190 Filed 7–20–99; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300898; FRL–6092–7]

RIN 2070–AB78

Biphenyl, Calcium cyanide, and Captafol, et al.; Final Tolerance Actions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final rule revokes specific tolerances and/or exemptions for residues of the herbicides chloramben, 2-chloro-*N,N*-diallylacetamide, chloroxuron, diethatyl-ethyl, terbutryn, and 2,3,6-trichlorophenylacetic acid; the fungicides biphenyl, captafol, chlorosulfamic acid, and sulfur dioxide; and the insecticides calcium cyanide, 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate, chlorthiophos, and ethyl 4,4′-dichlorobenzilate [chlorobenzilate]; as listed in the regulatory text. The regulatory actions in this document are part of the Agency's reregistration program under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and the tolerance reassessment requirements of the Federal Food, Drug, and Cosmetic Act (FFDCA). By law, EPA is required to reassess 33% of the tolerances in existence on August 2, 1996, by August 1999, or about 3,200 tolerances. This document revokes 138 tolerances and/or exemptions which would be counted among reassessments made toward the August, 1999 review deadline of FFDCA section 408(q), as amended by the Food Quality Protection Act (FQPA) of 1996.

DATES: This final rule becomes effective October 19, 1999. Objections and requests for hearings, identified by docket control number [OPP–300898] must be received by EPA on or before September 20, 1999.

ADDRESSES: Objections and hearing requests can be submitted by mail or in person. Please follow the detailed instructions provided in Unit V of the ''SUPPLEMENTARY INFORMATION'' section of this document. To ensure proper identification of your objection or hearing request, you must identify the docket control number [OPP–300898] in the subject line on the first page of your request.

FOR FURTHER INFORMATION CONTACT: For technical information contact: Joseph Nevola, Special Review Branch, (7508C), Special Review and Reregistration Division, Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location: Special Review Branch, CM#2, 6th floor, 1921 Jefferson Davis Hwy., Arlington, VA. Telephone: (703) 308–8037; e-mail: *nevola.joseph@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. 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. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of Potentially Affected Entities
Industry ...	111	Crop production
	112	Animal production
	311	Food manufacturing
	32532	Pesticide manufacturing

This listing is not exhaustive, but is a guide to entities likely to be regulated by this action. The North American Industrial Classification System (NAICS) codes will assist you in determining whether this action applies to you. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the ''FOR FURTHER INFORMATION CONTACT'' section.

II. How Can I Get Additional Information or Copies of this or Other Support Documents?

A. Electronically

You may obtain electronic copies of this document and various support documents from the EPA Internet Home Page at http://www.epa.gov/. On the Home Page select ''Laws and Regulations'' and then look up the entry for this document under ''**Federal Register** - Environmental Documents.'' You can also go directly to the ''**Federal Register**'' listings at http://www.epa.gov/homepage/fedrgstr/.

B. In Person or by Phone

If you have any questions or need additional information about this action, please contact the technical person identified in the ''FOR FURTHER INFORMATION CONTACT'' section. In addition, the official record for this final rule, including the public version, has been established under docket control number [OPP–300898], (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of any electronic comments, which does not include any information claimed as Confidential Business Information (CBI), is available for inspection in Room 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Public Information and Records Integrity Branch telephone number is (703) 305–5805.

III. What Action is being Taken?

This final rule revokes specific FFDCA tolerances and/or exemptions for residues of the herbicides chloramben, 2-chloro-*N,N*-diallylacetamide, chloroxuron, diethatyl-ethyl, terbutryn, and 2,3,6-trichlorophenylacetic acid; the fungicides biphenyl, captafol, chlorosulfamic acid, and sulfur dioxide; and the insecticides calcium cyanide, 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate, chlorthiophos, and ethyl 4,4′-dichlorobenzilate [Chlorobenzilate] in or on certain specified commodities.

EPA is revoking these tolerances because they are not necessary to cover residues of the relevant pesticides in or on domestically treated commodities or commodities treated outside but imported into the United States. These pesticides are no longer used on commodities within the United States and no person has provided comment identifying a need for EPA to retain the tolerances to cover residues in or on imported foods. EPA has historically expressed a concern that retention of tolerances that are not necessary to cover residues in or on legally treated foods has the potential to encourage misuse of pesticides within the United States. Thus, it is EPA's policy to issue a final rule revoking those tolerances for residues of pesticide chemicals for which there are no active registrations under FIFRA, unless any person in comments on the proposal demonstrates a need for the tolerance to cover residues in or on imported commodities or domestic commodities legally treated.

EPA is not issuing today a final rule to revoke those tolerances for which EPA received comments demonstrating a need for the tolerance to be retained. Generally, EPA will proceed with the revocation of these tolerances on the grounds discussed above only if, (1)

prior to EPA's issuance of a section 408(f) order requesting additional data or issuance of a section 408(d) or (e) order revoking the tolerances on other grounds, commenters retract the comment identifying a need for the tolerance to be retained, (2) EPA independently verifies that the tolerance is no longer needed, (3) the tolerance is not supported by data, or (4) the tolerance does not meet the requirements under FQPA. EPA had proposed these revocations since the registrations for these pesticide chemicals were canceled because the registrant failed to pay the required maintenance fee and/or the registrant voluntarily canceled all registered uses associated with the tolerance revocations for these pesticides.

1. *Captafol and ethyl 4,4′-dichlorobenzilate [chlorobenzilate].* In the **Federal Register** on June 9, 1993 (58 FR 32320) (FRL–4183–6) (OPP–300273), EPA issued a document which proposed to revoke tolerances for captafol, ethyl 4,4′-dichlorobenzilate (chlorobenzilate) and monocrotophos. Monocrotophos was addressed in a final rule (64 FR 19489, April 21, 1999) (FRL–6074–4).

i. *Captafol.* EPA published a Registration Standard for captafol on September 30, 1984. In that document, the Agency's concerns about captafol's carcinogenic effects and hazard to fish are summarized. In the **Federal Register** of January 9, 1985 (50 FR 1103), EPA issued a notice initiating Special Review for captafol. This resulted in the voluntary cancellation of all captafol registrations, effective April 30, 1987, with the exception of one intrastate registration that was canceled in March, 1991. The sale of existing stocks of captafol by registrants was permitted until December 31, 1987. Other persons were allowed to continue to distribute, sell, and use existing stocks until exhausted. Generally, a tolerance is not necessary for a pesticide chemical which is not registered for the particular food use. Therefore, in the **Federal Register** of June 9, 1993 (58 FR 32320), EPA proposed to revoke the tolerances listed in 40 CFR 180.267 for residues of captafol. The Agency revoked the tolerance for captafol residues in or on peanuts, hulls in the **Federal Register** of December 17, 1997 (62 FR 66020) (FRL–5753–1).

Today's document revokes the tolerances in 40 CFR 180.267 for captafol residues in or on apples; apricots; blueberries; cherries, sour; cherries, sweet; citrus fruits; corn, fresh (inc sweet K+CWHR); cranberries; cucumbers; macadamia nuts; melons; nectarines; peanuts, meats (hulls removed); peaches; pineapples; plums (fresh prunes); and taro (corm).

ii. *Ethyl 4,4′-dichlorobenzilate (chlorobenzilate).* This document also revokes the tolerances in 40 CFR 180.109 for ethyl 4,4′-dichlorobenzilate (chlorobenzilate) residues in or on cattle, fat; cattle, mbyp; cattle, meat; citrus fruits; sheep, fat; sheep, mbyp; and sheep, meat; by removing § 180.109.

2. *Sulfur dioxide.* The proposal to revoke the exemptions in 40 CFR 180.1013 for sulfur dioxide was published in the **Federal Register** on June 22, 1994 (59 FR 32172) (FRL–4776–9) (OPP–300336). Today's document revokes the exemptions in 40 CFR 180.1013(a) for sulfur dioxide residues in or on barley; buckwheat; corn; oats; popcorn; rice; rye; sorghum, grain (milo); wheat; and in 40 CFR 180.1013(b) for sulfur dioxide residues in or on corn (for feed use), by removing § 180.1013.

3. *2-Chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate and terbutryn.* The proposal to revoke the tolerances for 2-Chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate and terbutryn was published in the **Federal Register** on July 20, 1994 (59 FR 37019) (FRL–4868–7) (OPP–300346).

i. *2-Chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate.* Today's document revokes the tolerances in 40 CFR 180.252 for residues 2-Chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate in or on apples; cherries; corn, field, fodder; corn, field, forage; corn, fresh (inc. sweet K+CWHR); corn, grain; corn, pop, fodder; corn, pop, forage; corn, sweet, fodder; corn, sweet, forage; cranberries; peaches; pears; and tomatoes. EPA will revise commodity terminology to conform to current practice.

ii. *Terbutryn.* This document also revokes the tolerances in 40 CFR 180.265 for terbutryn residues in or on barley, fodder; barley, grain; barley, green; barley, straw; sorghum, grain; wheat, fodder; wheat, grain; wheat, green; and wheat, straw, by removing § 180.265.

4. *Biphenyl; calcium cyanide; 2-chloro-N,N-diallylacetamide; chlorosulfamic acid; chlorthiophos; 2,3,6-trichlorophenylacetic acid; chloramben; chloroxuron; and diethatyl-ethyl.* The proposal to revoke the tolerances for the herbicides 2-chloro-*N,N*-diallylacetamide, chloramben, chloroxuron, 2,3,6-trichlorophenylacetic acid, and diethatyl-ethyl; the fungicides biphenyl and chlorosulfamic acid; and the insecticides calcium cyanide and chlorthiophos was published in the **Federal Register** on April 3, 1996 (61 FR 14694) (FRL–4971–1) (OPP–300396).

i. *Biphenyl.* In this document, EPA is revoking the tolerance in 40 CFR 180.141 for biphenyl residues in or on fruits, citrus (and hybrids thereof), by removing § 180.141.

ii. *Calcium cyanide.* In this document, EPA is revoking the tolerances in 40 CFR 180.125 for calcium cyanide residues in or on barley, grain (POST-H); buckwheat, grain (POST-H); corn, grain (POST-H); cucumbers; lettuce; oats, grain (POST-H); radishes; rice, grain (POST-H); rye, grain (POST-H); sorghum, grain (POST-H); tomatoes; and wheat, grain (POST-H), by removing § 180.125.

iii. *2-Chloro-N,N-diallylacetamide.* In this document, EPA is revoking the tolerances in 40 CFR 180.282 for 2-Chloro-*N,N*-diallylacetamide residues in or on beans, dried; beans, lima; beans, lima, forage; beans, snap; beans, snap, forage; cabbage; castor beans; celery; corn, field, fodder; corn, field, forage; corn, fresh (inc sweet K+ CWHR); corn, grain (inc popcorn); corn, pop, fodder; corn, pop, forage; corn, sweet, fodder; corn, sweet, forage; onions; peas; peas, forage; potatoes; sorghum, forage; sorghum, grain; soybeans; soybeans, forage; sugarcane; sweet potatoes; and tomatoes; by removing § 180.282.

iv. *Chlorosulfamic acid.* In this document, EPA is revoking the tolerances in 40 CFR 180.201 for chlorosulfamic acid residues in or on asparagus (POST-H); carrots (POST-H); cauliflower (POST-H); celery (POST-H); potatoes (POST-H); and radishes (POST-H); by removing § 180.201.

v. *Chlorthiophos.* In this document, EPA is revoking the tolerance in 40 CFR 180.398 for chlorthiophos residues in or on tomatoes, by removing § 180.398.

vi. *2,3,6-Trichlorophenylacetic acid.* In this document, EPA is revoking the tolerance in 40 CFR 180.283 for 2,3,6-Trichlorophenylacetic acid residues in or on sugarcane, by removing § 180.283.

vii. *Chloramben; Chloroxuron; and Diethatyl-ethyl.* Since chloramben, chloroxuron, and diethatyl-ethyl still had usages on certain crops as late as 1994 and 1995, EPA proposed to delay the revocation of chloramben, chloroxuron, and diethatyl-ethyl until March 1, 1999, to allow domestic growers, who may have had stocks, to use up their supplies and to permit any treated raw commodities and products processed from such commodities to move through marketing channels. The time-limited tolerances for chloramben, chloroxuron, and diethatyl-ethyl, which were proposed in the **Federal Register** of April 3, 1996 (61 FR 14694), are no longer needed because the proposed

expiration date of March 1, 1999 has passed.

In this document, EPA is revoking the tolerances in 40 CFR 180.266 for chloramben residues in or on beans, dried; beans, lima; beans, snap; beans, vines; cantaloupes; corn, field, fodder; corn, field, forage; corn, field, grain; cucumbers; peanuts; peanuts, forage; peas, pigeon; peas, pigeon, forage; peppers; pumpkins; soybeans; soybeans, forage; squash, summer; squash, winter; sunflower seed; sweet potatoes; and tomatoes; by removing § 180.266. The Agency revokes the tolerances in 40 CFR 180.216 for chloroxuron residues in or on carrots; celery; onions (dry bulb); soybeans; soybeans, forage; and strawberries; by removing § 180.216. Also, the Agency revokes the tolerances in 40 CFR 180.402 for diethatyl-ethyl residues in or on red beet, roots; red beet, tops; spinach; sugar beets, roots; and sugar beets, tops; by removing § 180.402.

Response to comments. EPA issued proposed rules for the specific pesticides mentioned herein announcing the proposed revocation of certain tolerances and/or exemptions and invited public comment for consideration and for support of tolerance retention under FFDCA standards. With the exception of captafol, no comments were received by the Agency concerning the pesticides mentioned in this final rule.

In response to the proposed rule published in the **Federal Register** of June 9, 1993 (58 FR 32320), the following comments were received regarding captafol:

1. *Comments from Citrus Grower Groups, Citrus Growers, and the Florida Cooperative Extension Service at the University of Florida*. In general, comments requested that the revocation of the tolerance for captafol residues on citrus fruits be postponed for 1 to 2 years (until June, 1994 or June, 1995) to allow growers enough time to exhaust existing stocks of captafol for use on citrus.

2. *Comment from Maberry Enfield Maberry Berry Associates (MEMBA)*. A comment was received by the Agency from MEMBA, which cited the occasional use of captafol to control Godronia canker in blueberries. MEMBA acknowledged that they have not needed captafol for several years and that little material remains in the hands of growers and pesticide brokers.

3. *Comment from Nestle Peru S.A.* A comment was received by the Agency from Nestle Peru S.A. which stated that captafol was used in combination with other active materials such as thiophanate-methyl (Cercobin-M) and triadimefon (Bayleton).

4. *Comment from Ministry of Agriculture, Republic of Indonesia*. A comment received by the Agency from the Embassy of the Republic of Indonesia mentioned that the captafol tolerances on commodities, including onions, potatoes, and tomatoes were too small in comparison with Codex Alimentarius Commission/Food and Agriculture Organization of the United Nations (CAC/FAO) MRLs. The Ministry of Agriculture of the Republic of Indonesia claimed that capatafol was being reevaluated due to its potential negative impact on man or the environment. Also, the Ministry stated there is a possibility of phasing out captafol in the future.

Agency response. EPA will not revoke the tolerances in 40 CFR 180.267 for captafol use on onions, potatoes, and tomatoes at this time. EPA will follow-up with the Republic of Indonesia to see if Indonesia has taken further actions on captafol and whether the proposed U.S. tolerance revocation for onions, potatoes, and tomatoes should be finalized. If Indonesia desires any import tolerances, then certain data requirements need to be met. EPA has developed guidance on import tolerances that is available to interested persons. The Agency will revise commodity terminology for onions; potatoes; and tomatoes; to conform to current practice; i.e., change to onion, potato, and tomato, respectively. In addition, EPA is removing the ''(N)'' designation to conform to current Agency administrative practice (''N'' designation means negligible residues).

Regarding the comments on citrus fruits and blueberries, 6 years have passed since the proposed revocation of all captafol tolerances in the **Federal Register** of June 9, 1993 (58 FR 32320). EPA now believes that more than enough time has transpired for existing stocks to be used and/or legally treated agricultural commodities to have gone through the channels of trade. Therefore, EPA is revoking the other tolerances for captafol listed in 40 CFR 180.267 for residues on apples; apricots; blueberries; cherries, sour; cherries, sweet; citrus fruits; corn, fresh (inc sweet K+CWHR); cranberries; cucumbers; macadamia nuts; melons; nectarines; peanuts, meats (hulls removed); peaches; pineapples; plums (fresh prunes); and taro (corm).

IV. When Do these Actions Become Effective?

These actions become effective 90 days after publication in the **Federal Register**. EPA has delayed the effectiveness of these revocations for 90 days following publication to ensure that all affected parties receive notice of EPA's action. Consequently, the effective date is October 19, 1999. For this particular final rule, the actions will affect uses which have been canceled for more than a year. Therefore, commodities should have cleared the channels of trade.

Any commodities listed in the regulatory text of this document that are treated with the pesticides subject to this final rule, and that are in the channels of trade following the tolerance revocations, shall be subject to FFDCA section 408(l)(5), as established by the FQPA. Under this section, any residue of these pesticides in or on such food shall not render the food adulterated so long as it is shown to the satisfaction of FDA that, (1) the residue is present as the result of an application or use of the pesticide at a time and in a manner that was lawful under FIFRA, and (2) the residue does not exceed the level that was authorized at the time of the application or use to be present on the food under a tolerance or exemption from tolerance. Evidence to show that food was lawfully treated may include records that verify the dates that the pesticide was applied to such food.

V. Can I Submit Objections or Hearing Requests?

Yes. Any person can file written objections to any aspect of this regulation and can also request a hearing on those objections. Objections and hearing requests are currently governed by the procedures in 40 CFR part 178, modified as needed to reflect the requirements of FFDCA section 408(g).

A. When and Where to Submit

Objections and hearing requests must be mailed or delivered to the Hearing Clerk no later than September 20, 1999. The address of the Hearing Clerk is Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St. SW, Washington, DC 20460.

B. Fees for Submission

1. Each objection must be accompanied by a fee of $3,275 or a request for waiver of fees. Fees accompanying objections and hearing requests must be labeled ''Tolerance Petition Fees'' and forwarded to EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

2. EPA may waive any fee when a waiver or refund is equitable and not contrary to the purposes of the Act. A request for a waiver of objection fees

should be submitted to James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460. The request for a waiver must be accompanied by a fee of $1,650, unless the objector has no financial interest in the matter. The fee, if required, must be submitted to the address in Unit V.B.1 of this document. For additional information on tolerance objection fee waivers, contact James Tompkins, Registration Division (7505C), at the same mailing address, or by phone at 703–305–5697 or e-mail at tompkins.jim@epa.gov.

C. Information to be Submitted

Objections must specify the provisions of the regulation considered objectionable and the grounds for the objections. If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector. You may claim information that you submit in response to this document as confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

D. Granting a Hearing Request

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following:

1. There is a genuine and substantial issue of fact.
2. There is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary.
3. Resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested.

VI. How Do the Regulatory Assessment Requirements Apply to this Final Action?

A. Is this a ''Significant Regulatory Action''?

No. Under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993), this final action is not a ''significant regulatory action.'' The Office of Management and Budget (OMB) has determined that tolerance actions, in general, are not ''significant'' unless the action involves the revocation of a tolerance that may result in a substantial adverse and material affect on the economy. In addition, this final action is not subject to Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because this final action is not an economically significant regulatory action as defined by Executive Order 12866. Nonetheless, environmental health and safety risks to children are considered by the Agency when determining appropriate tolerances. Under FQPA, EPA is required to apply an additional 10–fold safety factor to risk assessments, in order to ensure the protection of infants and children, unless reliable data support a different safety factor.

B. Does this Final Action Contain Any Reporting or Recordkeeping Requirements?

No. This final action does not impose any information collection requirements subject to OMB review or approval pursuant to the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

C. Does this Final Action Involve Any ''Unfunded Mandates''?

No. This final action does not impose any enforceable duty, or contain any ''unfunded mandates'' as described in Title II of the Unfunded Mandates Reform Act of 1995 (Public Law 104–4).

D. Do Executive Orders 12875 and 13084 Require EPA to Consult with States and Indian Tribal Governments Prior to Taking the Final Action in this Document?

No. Under Executive Order 12875, entitled ''Enhancing the Intergovernmental Partnership'' (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget (OMB) a description of the extent of EPA's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's final rule does not create an unfunded Federal mandate on State, local, or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

Under Executive Order 13084, entitled ''Consultation and Coordination with Indian Tribal Governments'' (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's final rule does not significantly or uniquely affect the communities of Indian tribal governments. This final rule does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

E. Does this Final Action Involve Any Environmental Justice Issues?

No. This action does not involve special considerations of environmental-justice related issues pursuant to Executive Order 12898, entitled *''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).*

F. Does this Final Action Have a Potentially Significant Impact on a Substantial Number of Small Entities?

No. The Agency has certified that tolerance actions, including the

tolerance final actions in this document, are not likely to result in a significant adverse economic impact on a substantial number of small entities. The factual basis for the Agency's determination, along with its generic certification under section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), appears at 63 FR 55565, October 16, 1998 (FRL–6035–7). This generic certification has been provided to the Chief Counsel for Advocacy of the Small Business Administration.

G. Does this Final Action Involve Technical Standards?

No. This tolerance final action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Section 12(d) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices, etc.) that are developed or adopted by voluntary consensus standards bodies. The NTTAA requires EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

H. Are there Any International Trade Issues Raised by this Final Action?

EPA is working to ensure that the U.S. tolerance reassessment program under FQPA does not disrupt international trade. EPA considers Codex Maximum Residue Limits (MRLs) in setting U.S. tolerances and in reassessing them. MRLs are established by the Codex Committee on Pesticide Residues, a committee within the Codex Alimentarius Commission, an international organization formed to promote the coordination of international food standards. When possible, EPA seeks to harmonize U.S. tolerances with Codex MRLs. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain in a **Federal Register** document the reasons for departing from the Codex level. EPA's effort to harmonize with Codex MRLs is summarized in the tolerance reassessment section of individual Reregistration Eligibility Decisions. The U.S. EPA has developed guidance concerning submissions for import tolerance support. This guidance will be made available to interested persons.

I. Is this Final Action Subject to Review under the Congressional Review Act?

Yes. The Congressional Review Act, 5 U.S.C. Sec. 801 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects 40 CFR Part 180

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

Dated: July 13, 1999.

Jack E. Housenger,

Acting Director, Special Review and Reregistration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended to read as follows:

PART 180—[AMENDED]

1. In part 180:

a. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

§§ 180.109, 180.125, 180.141, 180.201, and 180.216 [Removed]

b. By removing §§ 180.109, 180.125, 180.141, 180.201, and 180.216.

c. By revising § 180.252 to read as follows:

§ 180.252 2-Chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate; tolerances for residues.

(a) *General.* Tolerances are established for residues of the insecticide 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate in or on the following food commodities:

Commodity	Parts per million
Alfalfa	110
Cattle, fat	1.5
Egg	0.1
Goat, fat	0.5
Hog, fat	1.5
Horse, fat	0.5
Milk, fat (reflecting negligible residues in whole milk)	0.5
Poultry, fat	0.75
Sheep, fat	0.5

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

§§ 180.265 and 180.266 [Removed]

d. By removing §§ 180.265 and 180.266.

e. By revising § 180.267 to read as follows:

§ 180.267 Captafol; tolerances for residues.

(a) *General.* Tolerances are established for residues of the fungicide captafol (cis-*N*-[(1,1,2,2-tetrachloroethyl)thio]-4-cyclohexene-1,2-dicarboximide) in or on the following food commodities:

Commodity	Parts per million
Onion	0.1
Potato	0.5
Tomato	15

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

§§ 180.282, 180.283, 180.398, 180.402, and 180.1013 [Removed]

f. By removing §§ 180.282, 180.283, 180.398, 180.402, and 180.1013.

[FR Doc. 99–18611 Filed 7–20–99; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300882; FRL–6086–7]

RIN 2070–AB78

Spinosad; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).