ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180


Oxadixyl; Tolerance Revocations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document revokes all tolerances for the combined residues of the fungicide oxadixyl and its desmethyl metabolite. 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) section 408(q), as amended by the Food Quality Protection Act (FQPA) of 1996. By law, EPA is required by August 2002 to reassess 66% of the tolerances in existence on August 2, 1996, or about 6,400 tolerances. The regulatory actions in this document pertain to the revocation of 14 tolerances which are counted among tolerance/exemption reassessments made toward the August 2002 review deadline.

DATES: This regulation is effective July 10, 2002; however, the tolerance revocations will not occur until the date specified in the regulatory text.

Objections and requests for hearings, identified by docket ID number OPP–2002–0047, must be received by EPA on or before September 9, 2002.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit IV. of the SUPPLEMENTARY INFORMATION. To ensure proper receipt by EPA, your objections and hearing requests must identify docket ID number OPP–2002–0047 in the subject line on the first page of your response.

For further information contact: By mail: Joseph Nevola, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8037; e-mail address: nevola.joseph@epa.gov.

Supplementary information:

I. General Information

A. Does this action apply to me?

You may be 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:

<table>
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<th>NAICS Codes</th>
<th>Examples of potentially affected entities</th>
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</thead>
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<td>111</td>
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<td>Crop production</td>
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<td>Animal production</td>
</tr>
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<td>311</td>
<td>311</td>
<td>Food manufacturing</td>
</tr>
<tr>
<td>32532</td>
<td></td>
<td>Pesticide manufacturing</td>
</tr>
</tbody>
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This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under FOR FURTHER INFORMATION CONTACT.

B. How can I get additional information, including copies of this document and other related documents?


2. In person. The Agency has established an official record for this action under docket ID number OPP–2002–0047. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public

order, and has determined that the rule’s requirements do not constitute a taking. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). The Congressional Review Act, 5 U.S.C. 801 et seq., as added 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. A major rule cannot take effect until 60 days after it is published in the Federal Register. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 9, 2002. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.


Norman Niedergang,

Acting Regional Administrator, Region 5.

Accordingly, 40 CFR part 81 is amended as follows:

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401, et seq.

§81.324 [Amended]

2. In §81.324 Minnesota, delete the table (including the title line) entitled “Minnesota—TSP”.

[FR Doc. 02–17241 Filed 7–9–02; 8:45 am]

BILLING CODE 6560–50–P
version of the official record, which includes printed, paper versions of any
electronic comments submitted during an
applicable comment period is
available for inspection in the Public
Information and Records Integrity
Branch (PIRIB), Rm. 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 PIRIB telephone number is
(703) 305–5805.

II. Background
A. What Action is the Agency Taking?
This final rule revokes the FFDCA
tolerances for the combined residues of
oxadixyl and its desmethyl metabolite
in or on specified commodities listed in
the regulatory text because oxadixyl is
no longer registered under FIFRA for
uses on those commodities. The
tolerances revoked with an expiration/
revocation date by this final rule are not
needed after the expiration date to cover
the combined residues of oxadixyl and
its desmethyl metabolite in or on
domestically treated commodities or
domestically treated commodities treated outside but
imported into the United States. While
all sale and distribution of existing
stocks of oxadixyl (except for the
purposes of shipping such stocks for
export consistent with section 17 of
FIFRA or for proper disposal) is
permitted until September 27, 2002, no
oxadixyl use on those specified
commodities within the United States is
expected after the spring of 2003, and
no one commented that there was 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 commenting on the
proposal demonstrates a need for the
tolerance to cover residues in or on
imported commodities or domestic
commodities legally treated.

In the Federal Register of February 6,
2002 (67 FR 5548) (FRL–6817–4), EPA
issued a proposed rule to revoke the
tolerances listed in this final rule. Also,
the June 6, 2002 proposal invited
public comment for consideration and
for support of tolerance retention under
FFDCA standards. No comments were
received by the Agency.

On November 1, 2001 (66 FR 55158)
(FRL–6808–4), EPA published in the
Federal Register a cancellation order for
all oxadixyl product registrations
effective September 27, 2001. Although
the manufacture of oxadixyl products
ended years ago and the registrants
know of no products in channels of
trade, the cancellation order allowed a
period of 1 year from September 27,
2001, to permit all sale and distribution of
existing stocks (except for the
purposes of shipping such stocks for
export consistent with section 17 of
FIFRA or for proper disposal). The
Agency believes that existing stocks of
oxadixyl will be exhausted by the spring
of 2003. Because no active registrations
exist and because no comments
expressed a need to retain these
tolerances for import purposes, EPA is
revoking all tolerances in 40 CFR
180.456 for the combined residues of
oxadixyl and its desmethyl metabolite,
with an expiration/revocation date of
September 27, 2003. The Agency
believes that this date allows sufficient
time for any oxadixyl-treated food
commodities to pass through the
channels of trade.

For FQPA reassessment purposes, EPA
counts “Grass, forage, fodder and
hay, group” as 3 tolerances (grass,
forage; grass, fodder; and grass, hay) and
hay, and a total of 14 tolerances as reassessed. In
the interim, before the tolerance expires
and to conform to current Agency
practice, EPA is revising tolerance commodity
terminology names in 40 CFR
180.456 as follows: for “Brassica
colza) leafy vegetables group”
to “vegetable, brassica, leafy, group”;
“cereal grains (except wheat)” to
“grain, cereal, group, except wheat”;
“cotton seed” to “cotton, undelinted
seed”; “cucurbit vegetables group”
to “vegetable, cucurbit, group”; “fruiting
vegetables (except cucurbits) group”
to “vegetable, fruiting, group”; “leafy
vegetables (except Brassica vegetables)
group” to “vegetable, leafy, except
brassica, group”; “nongrass animal
feeds (forage, fodder, straw, and hay
group)” to “animal feed, nongrass,
group”; “peas” to “pea”; “root and
tuber vegetables group” to “vegetable,
root and tuber, group”; “soybeans” to
“soybean”; and “sunflower seed” to
“sunflower, seed.”

B. What is the Agency’s Authority for
Taking this Action?
It is EPA’s general practice to propose
revocation of tolerances for residues of
pesticide active ingredients on crop uses
for which FIFRAS registrations no longer
exist. EPA has historically been
concerned that retention of tolerances that
grouped, and necessary to cover residues
in or on legally treated foods may
encourage misuse of pesticides within
the United States. Nonetheless, EPA
will establish and maintain tolerances
even when corresponding domestic uses
are canceled if the tolerances, which
EPA refers to as “import tolerances,” are
necessary to allow importation into the
United States of food containing such
pesticide residues. However, where
there are no imported commodities that
require these import tolerances, the
Agency believes it is appropriate to
revoke tolerances for unregistered
pesticides in order to prevent potential
misuse.

C. When Do These Actions Become
Effective?
EPA is revoking the tolerances for
oxadixyl with an expiration/revocation
date of September 27, 2003. EPA
believes that by this date all existing
stocks of pesticide products labeled for
the uses associated with the tolerances
proposed for revocation will have been
exhausted and that there is ample time
for any treated food commodities to
clear trade channels. Therefore, EPA
believes the revocation/expiration
dates in this document are reasonable.

Any commodities listed in the
regulatory text of this document that are
treated with the pesticide subject to this
final rule, and that are in the channels
of trade following the tolerance
revocations, shall be subject to FFDCA
section 408(1)(5), as established by the
FQPA. Under this section, any residue
of this pesticide 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 a tolerance. Evidence to show that
food was lawfully treated may include
records that verify the dates that the
pesticide was applied to such food.

D. What is the Contribution to Tolerance
Reassessment?
By law, EPA is required by August
2002 to reassess 66% or about 6,400 of
the tolerances in existence on August 2,
1996. EPA is also required to assess the
remaining tolerances by August 2006.
As of June 25, 2002, EPA has reassessed
over 5,140 tolerances. The oxadixyl
tolerance depicted as “Grass, forage,
fodder and hay, group” is counted as
three tolerances because at the start of
FQPA, the Agency’s Tolerance Index
System listed grass, fodder; and grass, hay
tolerances for oxadixyl. In this rule, EPA is revoking
all oxadixyl tolerances, which count as 14 reassessments toward the August 2002 review deadline of FFDCA section 408(q), as amended by FQPA in 1996.

III. 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 REDs. EPA has developed guidance concerning submissions for import tolerance support (65 FR 35069, June 1, 2000) (FRL–6559–3). This guidance will be made available to interested persons. Electronic copies are available on the internet at http://www.epa.gov/. On the Home Page select “Laws and Regulations,” then select “Regulations and Proposed Rules” 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/fedrgstr/.

IV. Objections and Hearing Requests

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number OPP–2002–0047 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before September 9, 2002.

1. Filing the request. Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). 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 (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed 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. A copy of the information 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.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 566–4865.

2. Objection/hearing fee payment. If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(n). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it “Tolerance Petition Fees.” You must file your petition or request a waiver of the fee payment with your objection or hearing request.

EPA is authorized to waive any fee requirement “when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection.” For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. Copies for the Docket. In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit IV, you must also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket ID number OPP–2002–0047, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption.

Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request to many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; 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; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

V. Regulatory Assessment Requirements

This final rule will revoke tolerances established under FFDCA section 408. The Office of Management and Budget (OMB) has exempted this type of action (i.e., a tolerance revocation for which extraordinary circumstances do not exist) from review under Executive Order 12866, entitled Regulatory Planning and Review (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866 due to its lack of significance, this final rule is not subject to Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq., or impose any unfunded mandate as described under Title II of the Unfunded Mandates
Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations as required by Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994); or OMB review or any other Agency action under Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997). This 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). Pursuant to the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.), the Agency previously assessed whether revocations of tolerances might significantly impact a substantial number of small entities and concluded that, as a general matter, these actions do not impose a significant economic impact on a substantial number of small entities. This analysis was published on December 17, 1997 (62 FR 66020), and was provided to the Chief Counsel for Advocacy of the Small Business Administration. Taking into account this analysis, and available information concerning the pesticide listed in this rule, I certify that this action will not have a significant economic impact on a substantial number of small entities. Specifically, as per the 1997 notice, EPA has reviewed its available data on imports and foreign pesticide usage and concludes that there is a reasonable international supply of food not treated with oxadixyl.

Furthermore, for the pesticide named in this final rule, the Agency knows of no extraordinary circumstances that exist as to the present revocations that would change EPA’s previous analysis.

In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled Federalism (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure “meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.” “Policies that have federalism implications” is defined in the Executive Order to include regulations that have “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.” This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). For these same reasons, the Agency has determined that this rule does not have any “tribal implications” as described in Executive Order 13175, entitled Consultation and Coordination with Indian Tribal Governments (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure “meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.” “Policies that have tribal implications” is defined in the Executive Order to include regulations that have “substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.” This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175.

Thus, Executive Order 13175 does not apply to this rule.

VI. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 et seq., as added 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 this final rule in the Federal Register. This final rule is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

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

Dated: June 12, 2002.

Marcia E. Mulkey,
Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

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

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

2. Section 180.456 is revised to read as follows:

§ 180.456 Oxadixyl; tolerances for residues.

(a) General. Tolerances are established for the combined residues of the fungicide oxadixyl [2-methoxy-N-(2-oxo-1,3-oxazolidin-3-yl)-acet-2′,6′-xyldide] and its desmethyl (M-3) metabolite [2-hydroxy-N-(2-oxo-1,3-oxazolidin-3-yl)-acet-2′,6′-xyldide], calculated as oxadixyl in or on the following raw agricultural commodities:

<table>
<thead>
<tr>
<th>Commodity</th>
<th>Parts per million</th>
<th>Expiration/Revocation Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal feed, nongrass, group</td>
<td>0.1</td>
<td>9/27/03</td>
</tr>
<tr>
<td>Cotton, undelinted seed</td>
<td>0.1</td>
<td>9/27/03</td>
</tr>
<tr>
<td>Grain, cereal, group, except wheat</td>
<td>0.1</td>
<td>9/27/03</td>
</tr>
<tr>
<td>Grass, forage, fodder and hay, group</td>
<td>0.1</td>
<td>9/27/03</td>
</tr>
<tr>
<td>Pea</td>
<td>0.1</td>
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</tr>
<tr>
<td>Soybean</td>
<td>0.1</td>
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<tr>
<td>Sunflower, seed</td>
<td>0.1</td>
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</tr>
<tr>
<td>Vegetable, brassica, leafy, group</td>
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Halosulfuron in or on tomato. This Agency (EPA).


SUMMARY: This regulation establishes a time-limited tolerance for residues of halosulfuron in or on tomato. This action is in response to EPA’s granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on tomato. This regulation establishes a maximum permissible level for residues of halosulfuron in this food commodity. The tolerance will expire and is revoked on June 30, 2005.

DATES: This regulation is effective July 10, 2002. Objections and requests for hearings, identified by docket ID number OPP–2002–0113, must be received on or before September 9, 2002.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VII. of the SUPPLEMENTARY INFORMATION. To ensure proper receipt by EPA, your objections and hearing requests must identify docket ID number OPP–2002–0113 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Barbara Madden, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–6463; e-mail address: Madden.Barbara@epa.gov.

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

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B. How Can I Get Additional Information, Including Copies of This Document and Other Related Documents?

1. Electronically. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov. To access this document, on the Home Page select “Laws and Regulations.” “Regulations and Proposed Rules,” and then look up the entry for this document under the “Federal Register—Environmental Documents.” You can also go directly to the Federal Register listings at http://www.epa.gov/fedreg/. A frequently updated electronic version of 40 CFR part 180 is available at http://www.access.gpo.gov/nara/cfr/cfrtihtml_00/Title_40/40cf180_00.html, a beta site currently under development.

2. In person. The Agency has established an official record for this action under docket ID number OPP–2002–0113. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

EPA, on its own initiative, in accordance with section 408(e) and 408(l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, is establishing a tolerance for residues of the herbicide halosulfuron, methyl [[4,6-dimethoxy-2-pyrimidinyl]amino] carbonylaminosulfonyl-3-chloro-1-methyl-1H-pyrazole-4-carboxylate, in or on tomato at 0.05 part per million (ppm). This tolerance will expire and is revoked on June 30, 2005. EPA will publish a document in the Federal Register to remove the revoked tolerance from the Code of Federal Regulations.

Section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of FIFRA. Such tolerances can be established without providing notice or period for public comment. EPA does not intend for its actions on section 18 related tolerances to set binding precedents for the application of section 408 and the new safety standard to other tolerances and exemptions. Section 408(e) of the FFDCA allows EPA to establish a tolerance or an exemption from the requirement of a tolerance on its own initiative, i.e., without having received any petition from an outside party.