

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 180**

[OPP-2002-0043; FRL-7308-9]

**Pesticide Tolerance Nomenclature Changes; Technical Amendment**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** This document makes minor revisions to the terminology of certain commodity terms listed under 40 CFR part 180, subpart C. EPA is taking this action to establish a uniform listing of commodity terms.

**DATES:** This regulation is effective July 1, 2003. Objections and requests for hearings, identified by docket ID number OPP-2002-0043, must be received on or before September 2, 2003.

**FOR FURTHER INFORMATION CONTACT:** Hoyt Jamerson, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-9368; fax number: (703) 308-9368; e-mail address: [jamerson.hoyt@epa.gov](mailto:jamerson.hoyt@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 entities may include, but are not limited to:

- Crop production (NAICS 111)
- Animal production (NAICS 112)
- Food manufacturer (NAICS 311)
- Pesticide manufacturer (NAICS 32532)

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 this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any 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 Copies of this Document and Other Related Information?*

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPP-2002-0043. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>. A frequently updated electronic version of 40 CFR part 180 is available at [http://www.access.gpo.gov/nara/cfr/cfrhtml\\_00/Title\\_40/40cfr180\\_00.html](http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180_00.html), a beta site currently under development. To access an electronic copy of the commodity data base entitled *Food and Feed Commodity Vocabulary* go to: <http://www.epa.gov/pesticides/foodfeed/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket ID number.

**II. Background**

EPA's Office of Pesticide Programs (OPP) has developed a commodity vocabulary data base entitled "Food and Feed Commodity Vocabulary." The data base was developed to consolidate all the major OPP commodity vocabularies into one standardized vocabulary. As a result, all future pesticide tolerances issued under 40 CFR part 180 will use the "preferred commodity term" as listed in the aforementioned data base. This is the third in a series of

documents revising the terminology of commodity terms currently in tolerances in 40 CFR part 180. Final rules, revising pesticide tolerance nomenclature, were published in the **Federal Register** on June 19, 2002 (67 FR 41802) (FRL-6835-2) and June 21, 2002 (67 FR 42392) (FRL-7180-1).

In the **Federal Register** of April 17, 2003, (68 FR 18935) EPA issued a proposed rule proposing to make minor revisions to the terminology of certain commodity terms used in tolerances in 40 CFR part 180, subpart C, to establish a uniform listing of commodities. There were no comments received in response to the proposed rule.

This revision process will establish a uniform presentation of existing commodity terms under 40 CFR part 180.

*A. What Action is the Agency Taking?*

In this rule, EPA is making the following format changes to a the terminology of the commodity terms in 40 CFR part 180 to the extent the terminology is not already in this format:

1. The first letter of the commodity term is capitalized. All other letters, including the first letter of proper names, are changed to lower case.

2. Commodity terms are listed in the singular although there are the following exceptions: "leaves", "roots", "tops", "greens", "hulls", "vines", "fractions", "shoots", and "byproducts".

3. Commodity terms are amended so that generic terms, such as "corn" and "pea", precede modifying terms, such as "field", "dry" and "summer".

4. Abbreviated terms are replaced with the appropriate commodity terms. Examples: "K=CWHR" is replaced with "kernel plus cob with husks removed" and "POST-H" is replaced with "postharvest".

5. Parenthesis are replaced with commas. Example: "Cherry (sweet), postharvest" is replaced with "Cherry, sweet, postharvest".

6. Crop group terms are revised to standardize with the "Food and Feed Vocabulary". Examples:

i. "Legume vegetables (succulent or dried) group", "Legume vegetable group (dry and succulent), and "Legume vegetables" are replaced with "Vegetable, legume, group 6".

ii. "Fruit, stone (cherry, peach, plum, prune) group" is replaced with "Fruit, stone, group 12".

iii. "Grass forage, fodder and hay" and "Grass, forage, fodder, and hay" are replaced with "Grass, forage, fodder and hay group 17".

iv. "Herbs and spices" is replaced with "Herb and spice group 19".

#### B. Additional Changes

In addition to format changes to the commodity terms, this document also includes many revisions to the commodity terms. These revisions replace certain commodity terms that are no longer used by EPA with the appropriate matching term in the "Food and Feed Commodity Vocabulary". For example, "Clover, green" is replaced with "Clover, forage", "Peanut vines" is replaced with "Peanut, hay", "Swine, meat" is replaced with "Hog, meat", and "Bushnuts" is replaced with "Nut, macadamia".

This document also deletes certain terms that are not needed to identify the tolerance commodities. Examples:

i. The term "preharvest" ("pre-H" or "(PRE-H)") is not needed since tolerances and exemptions established under part 180 apply to residues from only preharvest application, unless otherwise specified, in accordance with 40 CFR 180.1(i).

ii. The term "preslaughter" ("PRE-S") or "(PRE-S appli)") is not needed since tolerances and exemptions established under part 180 apply to residues from preslaughter application to livestock, unless otherwise specified.

iii. The terms "nutmeat" and "nutmeats" when used in association with the tree nut crops or peanut are not needed. For tree nut crops, nutmeat and almond hulls are the only edible portions of the crop consumed. Therefore, OPP's Food and Feed Commodity Vocabulary uses the commodity terms "Almond", "Pecan", "Walnut", etc. for the tree nuts and the commodity term "Peanut" is used in place of "Peanut, nutmeat". Since "almond hulls" are fed to livestock, tolerances may be established for "Almond, hulls".

### III. Objections and Hearing Requests

Under section 408(g) of the FFDC, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDC by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an

exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDC sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

#### 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-2002-0043 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 2, 2003.

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 issues(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 (1900C), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001. You may also deliver your request to the Office of the Hearing Clerk in Rm. 104, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. 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 (703) 603-0061.

2. *Tolerance 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(m). 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."

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](mailto: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 20460-0001.

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 20460-0001.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit III.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.1. Mail your copies, identified by docket ID number OPP-2003-0043, 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.1. You may also send an electronic copy of your request via e-mail to: [opp-docket@epa.gov](mailto: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 at 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).

**IV. Statutory and Executive Order Reviews**

This final rule makes technical amendments to the Code of Federal Regulations which have no substantive impact on the underlying regulations, and it does not otherwise impose or amend any requirements. As such, the Office of Management and Budget (OMB) has determined that a technical amendment is not a "significant regulatory action" subject to review by OMB 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 enforceable duty or contain 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 under 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 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). The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental organizations. After considering the economic impacts of today's final rule on small entities, I certify that this

action will not have a significant economic impact on a substantial number of small entities. This action proposes technical amendments to the Code of Federal Regulations which have no substantive impact on the underlying regulations. This technical amendment will not have any negative economic impact on any entities, including small entities. 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 section 408(n)(4) of the FFDCA. For these same reasons, the Agency has determined that this final 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 final 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 final rule.

**V. Congressional Review Act**

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 pest, Reporting and recordkeeping requirements.

Dated: June 26, 2003.

**James Jones**

*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. In 180.491, the table to paragraph (a)(3) is revised to read as follows:

**§ 180.491 Propylene oxide; tolerances for residues.**

- (a) \* \* \*
- (3) \* \* \*

Commodity	Parts per million
Cocoa bean, bean .....	300
Gum, edible .....	300
Nutmeat, processed, except peanuts .....	300
Spices, processed .....	300

**§ 180.495 [Amended]**

■ 3. In § 180.495, the table to paragraph (a) is amended by changing the entry "Poultry, eggs" to read "Egg" and by realphabetizing the entry into the table.

**Subpart C—[Amended]**

■ 4. Subpart C is amended as follows:

■ i. By removing the following terms wherever they appear in subpart C:

- a. (Pre-H)
- b. pre-H
- c. (PRE-H)
- d. , nutmeat
- e. , nutmeats
- f. (nutmeats)
- g. (nuts)
- h. (PRE-S appli)
- i. (pre-s)

■ ii. In the following table, by changing the term exactly as it appears in the Existing Term column to read exactly like the term in the New Term column wherever it appears in subpart C, and by realphabetizing the new term where necessary.

Existing Term	New Term
Almond, meat	Almond
Amaranth, grain	Amaranth, grain, grain
Animal feed, nongrass, group	Animal feed, nongrass, group 18
Animal feed, nongrass, group, except alfalfa	Animal feed, nongrass, group 18, except alfalfa
Aspirated grain fractions	Grain, aspirated fractions
Banana, pulp with peel removed	Banana, pulp
Banana, whole	Banana
Bean, dry	Bean, dry, seed
Bean, green, postharvest	Bean, succulent, postharvest
Bean, guar	Guar, seed
Bean, lima (green)	Bean, lima, succulent
Bean, mung, dry	Bean, mung, seed
Bean, snap	Bean, snap, succulent
Bean, snap, postharvest	Bean, snap, succulent, postharvest
Bean vine forage	Bean, forage
Beeswax	Honeycomb
Beet	Beet, garden
Beet, greens	Beet, garden, tops
Beet greens (alone)	Beet, garden, tops

Existing Term	New Term
Beet, roots	Beet, garden, roots
Beet, sugar, pulp	Beet, sugar, dried pulp
Beet, sugar, pulp (dried and/or dehydrated)	Beet, sugar, dried pulp
Beet, sugar, without tops	Beet, sugar, roots
Beet, tops	Beet, garden, tops
Black walnut meats	Walnut, black
Berry group	Berry group 13
Brassica, head and stem, subgroup	Brassica, head and stem, subgroup 5A
Brassica, head stem subgroup (5-A)	Brassica, head and stem, subgroup 5A
Brassica, head and stem, subgroup, excluding cabbage	Brassica, head and stem, subgroup 5A, except cabbage
Brassica, leafy greens, subgroup	Brassica, leafy greens, subgroup 5B
Brassica, leafy greens, subgroup (Crop Subgroup 5-B)	Brassica, leafy greens, subgroup 5B
Brassica vegetables crop group	Vegetable, brassica, leafy, group 5
Buckwheat, postharvest	Buckwheat, grain, postharvest
Buckwheat	Buckwheat, grain
Bushberry subgroup	Bushberry subgroup 13B
Bushnuts	Nut, macadamia
Canberries	Caneberry subgroup
Caneberries subgroup	Caneberry subgroup 13A
Caneberry crop subgroup	Caneberry subgroup 13A
Caneberry subgroup	Caneberry subgroup 13A
Canola	Canola, seed
Carambola	Starfruit
Carrot	Carrot, roots
Carrots	Carrot, roots

Existing Term	New Term
Carrot, postharvest	Carrot, roots, postharvest
Cattle, milk	Milk
Cherry, sour	Cherry, tart
Cherry (sour)	Cherry, tart
Cherry (sweet), postharvest	Cherry, sweet, postharvest
Chickpea	Chickpea, seed
Chickpeas	Chickpea, seed
Chick pea, seed (dry)	Chickpea, seed
Cilantro	Coriander
Cilantro, leaves	Coriander, leaves
Cipollini, bulb, postharvest	Onion, cipollini, bulb, postharvest
Citrus, pulp	Citrus, dried pulp
Citrus whole fruit	Citrus
Clover, chaff, grown for seed	Clover, seed screenings
Clover, fresh	Clover, forage
Clover, green	Clover, forage
Cocoa	Cocoa bean, dried bean
Cocoa bean	Cocoa bean, dried bean
Coffee	Coffee, bean
Copra	Coconut, copra
Copra, postharvest	Coconut, copra, postharvest
Corn, field, fodder	Corn, field, stover
Corn, field, forage (silage)	Corn, field, forage
Corn, field, milling fractions	Corn, field, milled byproducts
Corn, field, stover (fodder)	Corn, field, stover
Corn, fodder	Corn, stover
Corn, fodder (dry)	Corn, stover
Corn, fodder (field)	Corn, field, stover
Corn, fodder, field (dry)	Corn, field, stover
Corn, fodder, field (green)	Corn, field, stover
Corn, fodder, pop	Corn, pop, stover

Existing Term	New Term	Existing Term	New Term	Existing Term	New Term
Corn, fodder, sweet	Corn, sweet, stover	Fruit, stone (cherry, peach, plum, prune), group	Fruit, stone, group 12	Grain, cereal, group (except barley, field corn, grain sorghum, oats, and wheat)	Grain, cereal, group 15, except barley, field corn, grain sorghum, oat, and wheat
Corn, fresh	Corn, sweet, kernal plus cob with husks removed	Fruit, stone, group	Fruit, stone, group 12	Grains, Cereal, Forage, Fodder, and Straw, group	Grain, cereal, forage, fodder and straw, group 16
Corn oil	Corn, field, refined oil	Fruit, stone, group 12, except cherries	Fruit, stone, group 12, except cherry	Grains, Cereal, Group	Grain, cereal, group 15
Corn, pop, fodder	Corn, pop, stover	Fruit, stone, group, except plum	Fruit, stone, group 12, except plum	Grass, canary, annual straw	Canarygrass, annual, hay
Corn, pop, stover (fodder)	Corn, pop, stover	Fruit, stone, group, except plum and prune	Fruit, stone, group 12, except plum and plum, prune, fresh	Grass fodder	Grass, hay
Corn, silage	Corn, field, forage	Fruit, stone, group, except fresh prune plum	Fruit, stone, group 12, except plum, prune, fresh	Grass forage, fodder and hay	Grass, forage, fodder and hay, group 17
Corn, sweet, fodder	Corn, sweet, stover	Forage, fodder, and straw of Grains, cereal crop group (forage)	Grain, cereal, forage, fodder and straw, group 16, forage	Grass, forage, fodder, and hay	Grass, forage, fodder and hay, group 17
Cottonseed	Cotton, undelinted seed	Forage, fodder, and straw of Grains, cereal crop group (hay)	Grain, cereal, forage, fodder and straw, group 16, hay	Grass, forage, fodder and hay, group	Grass, forage, fodder and hay, group 17
Crambe	Crambe, seed	Forage, fodder, and straw of Grains, cereal crop group (stover)	Grain, cereal, forage, fodder and straw, group 16, stover	Grass, hay (pasture and rangeland)	Grass, hay
Crop Group 16 (forage, stover and hay of Grain cereal)	Grain, cereal, forage, fodder and straw group 16	Forage, fodder, and straw of Grains, cereal crop group (straw)	Grain, cereal, forage, fodder and straw, group 16, straw	Grass, seed cleanings (including hulls)	Grass, seed screenings
Crop Group 15 (Grain, cereal)	Grain, cereal, group 15	Garbanzo bean	Chickpea, seed	Grass, seed straw (including chaff)	Grass, straw, grown for seed
Crop Group 17 (grass, forage, and grass, hay)	Grass, forage, fodder and hay, group 17	Ginseng	Ginseng, root	Head and stem Brassica crop subgroup	Brassica, head and stem, subgroup 5A
Dandelions	Dandelion, leaves	Ginseng, dried	Ginseng, dried root	Herb and spice group	Herb and spice group 19
Egg, whole	Egg	Ginseng root, fresh	Ginseng, root	Herbs and spices	Herb and spice group 19
Field corn, fodder	Corn, field, stover	Grain, aspirated grain fractions	Grain, aspirated fractions	Herb subgroup	Herb subgroup 19A
Filberts (hazelnuts)	Hazelnut	Grain, cereal crop group (grain)	Grain, cereal, group 15	Herbs subgroup	Herb subgroup 19A
Filbert (Hazelnuts), postharvest	Hazelnut, postharvest	Grain, cereal forage, fodder and straw, group	Grain, cereal, forage, fodder and straw, group 16	Hop, fresh	Hop, vine
Flaxseed	Flax, seed	Grain, cereal, group	Grain, cereal, group 15	Hop, green	Hop, vine
Flaxseed meal	Flax, meal	Grain, cereal, group, except wheat	Grain, cereal, group 15, except wheat	(inc. sweet K=CWHR)	, kernel plus cob with husks removed
Foliage of legume vegetables	Vegetable, foliage of legume, group 7			(inc sweet K=CWHR)	, kernel plus cob with husks removed
Foliage of legume vegetables crop group (foliage)	Vegetable, foliage of legume, group 7			(including sweet K=CWHR)	, kernel plus cob with husks removed
Foliage of legume vegetables (except soybean)	Vegetable, foliage of legume, except soybean, subgroup 7A				
Fruit, citrus, group	Fruit, citrus, group 10				
Fruit, pome, crop group	Fruit, pome, group 11				
Fruit, pome, group	Fruit, pome, group 11				

Existing Term	New Term	Existing Term	New Term	Existing Term	New Term
Leafy greens crop subgroup	Leafy greens subgroup 4A	Nongrass animal feed (forage, fodder, straw, and hay)	Animal feed, nongrass, group 18 group	Potato, waste, dried	Potato, processed potato waste
Leafy greens subgroup	Leafy greens subgroup 4A	Nut, tree crop group	Nut tree, group 14	(PRE- and POST-H)	, postharvest
Leafy petioles subgroup	Leaf petioles subgroup 4B	Nut, tree, group	Nut, tree, group 14	Raisin	Grape, raisin
Leafy vegetable (except Brassica) crop group	Vegetable, leafy, except brassica, group 4	Nut, tree, group (except Almond, hulls)	Nut, tree, group 14	Raisins	Grape, raisin
Leafy vegetable (except Brassica) vegetables group	Vegetable, leafy, except brassica, group 4	Oat, fodder	Oat, straw	Raisin waste	Grape, raisin, waste
Leafy vegetables (except brassica) group (except spinach)	Vegetable, leafy, except brassica, group 4, except spinach	Oat, forage, green	Oat, forage	Rape forage	Rapeseed, forage
Leaves of root and tuber vegetables (human food or animal feed) group	Vegetable, leaves of root and tuber, group 2	Oat, green forage	Oat, forage	Rapeseed	Rapeseed, seed
Legume vegetable group foliage (except soybean, forage and soybean, hay)	Vegetable, foliage of legume, except soybean, subgroup 7A	Orange	Orange, sweet	Rape seed	Rapeseed, seed
Legume vegetable group (dry or succulent)	Vegetable, legume, group 6	Oranges	Orange, sweet	Rice	Rice, grain
Legume vegetable group (dry and succulent)	Vegetable, legume, group 6	Parsley	Parsley, leaves	Rice, fodder	Rice, straw
Legume vegetable (succulent or dried) group	Vegetable, legume, group 6	Parsley, root	Parsley, turnip rooted, roots	(roots PRE-H)	, roots
Legume vegetables	Vegetable, legume, group 6	Pea and bean, dried shelled, except soybean, subgroup	Pea and bean, dried shelled, except soybean, subgroup 6C	Rye, fodder	Rye, straw
Legume vegetables crop group, seed	Vegetable, legume, group 6	Pea and bean, succulent shelled, subgroup	Pea and bean, succulent shelled, subgroup 6B	Rye, forage, green	Rye, forage
Legume vegetables (succulent or dried) group	Vegetable, legume, group 6	Peach (including nectarines)	Peach	Rye, green forage	Rye, forage
Legume vegetables (succulent or dried) group, excluding soybeans)	Vegetable, legume, group 6, except soybean	Pea, dried	Pea, dry, seed	Rye, hay	Rye, forage
Lentils	Lentil, seed	Pea, dry	Pea, dry, seed	Safflower	Safflower, seed
Mandarins	Tangerine	Pea, forage	Pea, field vines	Sorghum, aspirated grain fractions	Grain, aspirated fractions
Melon subgroup	Melon subgroup 9A	Pea, hay	Pea, field, hay	Sorghum forage	Sorghum, forage
Mustard, Chinese	Mustard greens	Peanut forage	Peanut, hay	Sorghum grain	Sorghum, grain
		Peanut, oil	Peanut, refined oil	Sorghum, green forage	Sorghum, forage, hay
		Peanut, shells	Peanut, hulls	Sorghum milling fraction	Sorghum, grain, flour
		Pea, southern, blackeyed	Pea, blackeyed	Sorghum milling fractions (except flour)	Sorghum, grain, bran
		Peanut, vines	Peanut, hay	Sorghum (milo)	Sorghum, grain
		Peanut forage and hay	Peanut, hay	Sorghum, stover	Sorghum, grain, stover
		Pigeon peas	Pea, pigeon, seed	Sorghum, hay	Sorghum, forage, hay
		Pineapple bran (wet and dry)	Pineapple, bran	Sorghum, fodder	Sorghum, grain, stover
		Pistachio nut	Pistachio	Soybean grain	Soybean, seed
		Pistachio nuts	Pistachio	Soybean, oil	Soybean, refined oil
		Plum, dried	Plum, prune, dried	Spearmint	Spearmint, tops
				Spearmint hay	Spearmint, hay

Existing Term	New Term	Existing Term	New Term	Existing Term	New Term
Spice subgroup	Spice subgroup 19B	Vegetable, brassica, leafy, group	Vegetable, brassica, leafy, group 5	Vegetable, fruiting, group (except cucurbits)	Vegetable, fruiting, group 8
Spices subgroup	Spice subgroup 19B	Vegetable, brassica, leafy group	Vegetable, brassica, leafy, group 5	Vegetable, fruiting, except cucurbit	Vegetable, fruiting, group 8
Squash/Cucumber subgroup	Squash/Cucumber subgroup 9B	Vegetable, brassica, leafy, group (except broccoli, cabbage, cauliflower, brussels sprouts, and mustard greens)	Vegetable, brassica, leafy, group 5, except broccoli, cabbage, cauliflower, brussels sprouts, and mustard greens	Vegetable, fruiting, crop group	Vegetable, fruiting, group 8
Sugarbeet, pulp	Beet, sugar, dried pulp			Vegetable, leaf petiole, subgroup	Leaf petioles subgroup 4B
Sugarcane	Sugarcane, cane			Vegetable, leafy, except brassica, group	Vegetable, leafy, except brassica, group 4
Sunflower	Sunflower, seed			Vegetable, leafy, except brassica, group (Crop Group 4)	Vegetable, leafy, except brassica, group 4
Sunflowers	Sunflower, seed			Vegetable, leafy, except brassica, group	Vegetable, leafy, except brassica, group 4
Sweet potato	Sweet potato, roots	Vegetable, bulb, group	Vegetable, bulb, group 3	Vegetable, leafy, except Brassica, group	Vegetable, leafy, except brassica, group 4
Swine, fat	Hog, fat	Vegetable, cucurbit, crop group	Vegetable, cucurbit, group 9	Vegetable, leafy, except Brassica, group	Vegetable, leafy, except brassica, group 4
Swine, kidney	Hog, kidney	Vegetable, cucurbit, group	Vegetable, cucurbit, group 9	Vegetable, leafy group, except brassica	Vegetable, leafy, except brassica, group 4
Swine, liver	Hog, liver	Vegetable, cucurbit, group	Vegetable, cucurbit, group 9	Vegetable, leaves of root and tuber, group	Vegetable, leaves of root and tuber, group 2
Swine, meat	Hog, meat	Vegetable, cucurbit, group (Crop Group 9)	Vegetable, cucurbit, group 9	Vegetable, leaves of root and tuber, group (except sugar beet tops)	Vegetable, leaves of root and tuber, group 2, except sugar beet
Swine, meat by-products	Hog, meat byproducts	Vegetable, cucurbit, melon, crop subgroup 9-A	Melon subgroup 9A	Vegetable, legume, edible podded, subgroup	Vegetable, legume, edible podded, subgroup 6A
Tomato, fresh	Tomato	Vegetable, foliage of legume, except soybean, subgroup	Vegetable, foliage of legume, except soybean, subgroup 7A	Vegetables, legume, edible podded, subgroup	Vegetable, legume, edible podded, subgroup 6A
Tomato, fruit	Tomato	Vegetable, foliage of legume, group (except soybean, forage and hay)	Vegetable, foliage of legume, except soybean, subgroup 7A	Vegetable, legume, group	Vegetable, legume, group 6
(tops PRE-H)	, tops	Vegetable, foliage of legume, group	Vegetable, foliage of legume, group 7	Vegetable, legume, group (except soybean)	Vegetable, legume, group 6, except soybean
Tree nut (crop group 14), nutmeat	Nut, tree, group 14	Vegetable, fruiting Crop Group	Vegetable, fruiting, group 8	Vegetable, root and tuber, group	Vegetable, root and tuber, group 1
Tree nuts (crop group 14)	Nut, tree, group 14	Vegetable, fruiting group (Crop Group 8)	Vegetable, fruiting, group 8	Vegetable, root, except sugar beet, subgroup	Vegetable, root, except sugar beet, subgroup 1B
Tuberous and Corm, Vegetable Crop Subgroup	Vegetable, tuberous and corm, subgroup 1C	Vegetable, fruiting (except cucurbits) group	Vegetable, fruiting, group 8	Vegetable, root (except sugar beet) subgroup	Vegetable, root, except sugar beet, subgroup 1B
Turnip, greens, tops	Turnip, greens	Vegetables, fruiting (except cucurbits), group	Vegetable, fruiting, group 8	Vegetable, root and tuber, group (except sugar beet)	Vegetable, root and tuber, group 1, except sugar beet
Turnip, tops	Turnip, greens	Vegetable, fruiting, group	Vegetable, fruiting, group 8		
Wheat, fodder	Wheat, straw	Vegetable, fruiting, group	Vegetable, fruiting, group 8		
Wheat, fodder, green	Wheat, hay	Vegetable, fruiting group	Vegetable, fruiting, group 8		
Wheat, forage (green)	Wheat, forage	Vegetable, fruiting group	Vegetable, fruiting, group 8		
Wheat, forage, green	Wheat, forage	Vegetable, fruiting group	Vegetable, fruiting, group 8		
Wheat, green fodder	Wheat, hay	Vegetable, fruiting group	Vegetable, fruiting, group 8		
Wheat, green forage	Wheat, forage	Vegetable, fruiting group	Vegetable, fruiting, group 8		
Wheat, stover	Wheat, straw				

Existing Term	New Term
Vegetable, root, subgroup	Vegetable, root, subgroup 1A
Vegetable, tuberous and corm, except potato, subgroup	Vegetable, tuberous and corm, except potato, subgroup 1D
Vegetable, tuberous and corm, subgroup	Vegetable, tuberous and corm, subgroup 1C
Vegetable, tuberous and corm, subgroup (Crop Subgroup 1-C)	Vegetable, tuberous and corm, subgroup 1C
Yams	Yam, true, tuber

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[OPP-2002-0043; FRL-7316-9]

#### Pesticide Tolerance Nomenclature Changes; Technical Amendment

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This document makes minor revisions to the terminology of certain commodity terms listed under 40 CFR part 180, subpart C. EPA is taking this action to establish a uniform listing of commodity terms.

**EFFECTIVE DATE:** This rule becomes effective on July 1, 2003. Objections and requests for hearings, identified by docket ID number OPP-2002-0043, must be received on or before September 2, 2003.

**ADDRESSES:** Written objections and hearing requests may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit III. of the **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Hoyt Jamerson, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-9368; and e-mail address: jamerson.hoyt@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 entities may include, but are not limited to:

- Crop production (NAICS 111)
- Animal production (NAICS 112)
- Food manufacturing (NAICS 311)
- Pesticide manufacturing (NAICS 32532)

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 this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any 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 Copies of this Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPP-2002-0043. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>. A frequently updated electronic version of 40 CFR part 180 is available at [http://www.access.gpo.gov/nara/cfr/cfrhtml\\_00/Title\\_40/40cfr180\\_00.html](http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180_00.html), a beta site currently under development. To access an electronic copy of the commodity data base entitled *Food and Feed Commodity Vocabulary* go to: <http://www.epa.gov/pesticides/foodfeed/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment

system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket ID number.

## II. Background

### What Action is the Agency Taking?

EPA's Office of Pesticide Programs (OPP) has developed a commodity vocabulary data base entitled *Food and Feed Commodity Vocabulary*. The data base was developed to consolidate all the major OPP commodity vocabularies into one standardized vocabulary. As a result, all future pesticide tolerances issued under 40 CFR part 180 will use the preferred commodity term as listed in the aforementioned data base. This revision process will establish a uniform presentation of existing commodity terms under 40 CFR part 180. This is the fourth in a series of documents revising the terminology of commodity terms currently used in tolerances in 40 CFR part 180. Two final rules, revising pesticide tolerance nomenclature, were published in the **Federal Register** on June 19, 2002 (67 FR 41802) (FRL-6835-2), and June 21, 2002 (67 FR 42392) (FRL-7180-1).

In the **Federal Register** of April 18, 2003, (68 FR 19170) (FRL-7176-9) EPA issued a proposed rule to make minor revisions to the terminology of certain commodity terms used in tolerances in 40 CFR part 180, subpart C, to establish a uniform listing of commodities. There were no comments received in response to the proposed rule.

This revision process will establish a uniform presentation of existing commodity terms under 40 CFR part 180.

## III. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) of the FFDCA provides essentially the same process