§ 52.220 Identification of plan-in part.

(c) * * * * * (423) * * * * (i) * * * * (A) * * * *

(8) Previously approved on January 31, 2013, in paragraph (c)(423)(i)(A)(f) of this section and now deleted with replacement in paragraph (c)(527)(i)(C)(1) of this section, Rule 301 “Nonagricultural Burning Smoke Management”, amended on February 9, 2012.

(9) Previously approved on January 31, 2013, in paragraph (c)(423)(i)(A)(2) of this section and now deleted with replacement in paragraph (c)(527)(i)(C)(2) of this section, Rule 302 “Agricultural Waste Burning Smoke Management”, amended on February 9, 2012.

(10) Previously approved on January 31, 2013, in paragraph (c)(423)(i)(A)(5) of this section and now deleted with replacement in paragraph (c)(545)(i)(C)(1) of this section, Rule 305 “Residential Allowable Burning”, amended on February 9, 2012.

(527) * * * * (i) * * * *

(C) Placer County Air Pollution Control District.


(545) * * * * (i) * * * *

(C) Placer County Air Pollution Control District.
2020–0334, by one of the following methods:

- Federal eRulemaking Portal: http://www.regulations.gov. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- Hand Delivery: To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at http://www.epa.gov/dockets/contacts.html.

Additional instructions on commenting or visiting the docket, along with more information about docket generally, is available at http://www.epa.gov/dockets.

II. Summary of Petitioned-For Tolerance

In the Federal Register of April 22, 2021 (86 FR 21317) [FRL–10022–59], EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 9E8798) by Syngenta Crop Protection, LLC, 410 Swing Road, NC 27419–8300. The petition requested that 40 CFR 180.516 be amended by establishing a tolerance for residues of the fungicide fludioxonil, 4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrrole-3-carbonitrile, in or on bananas at 2.0 parts per million (ppm). That document referenced a summary of the petition prepared by Syngenta Crop Protection, the registrant, which is available in the docket, http://www.regulations.gov. There were no comments received in response to the notice of filing.

FFDCA section 408(d)(4)(A)(ii) permits the Agency to finalize a tolerance that varies from that sought by the petition. Based upon review of the data supporting the petition, EPA is modifying the requested tolerance based on crop field trial data and for consistency with the Organization for Economic Co-Operation and Development (OECD) tolerance-rounding class practice. The reason for these changes are explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA defines “safe” to mean that “there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.” This includes exposure through drinking water and in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to “ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue.”

Consistent with FFDCA section 408(b)(2)(D), and the factors specified therein, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for fludioxonil, including exposure resulting from the tolerance established by this action. EPA’s assessment of exposures and risks associated with fludioxonil follows.

In an effort to streamline Federal Register publications, EPA is not reprinting here summaries of its analyses that have previously appeared in the Federal Register in previous tolerance rulemakings for the same pesticide. To that end, this rulemaking refers the reader to several sections from the November 6, 2018 tolerance rulemaking for residues of fludioxonil that remain unchanged for an understanding of the Agency’s rationale in support of this rulemaking. See 83 FR 55491 [FRL–9982–75]. Those sections are: Units III.A. (Toxicological Profile); III.B. (Toxicological Points of Departure/Levels of Concern); III.C. (Exposure Assessment), except as explained in the next paragraphs; and III.D. (Safety Factor for Infants and Children). Further information about the Agency’s risk assessment and determination of safety for residues of fludioxonil on bananas can be found in the referenced document is available in the docket established by this action, EPA–HQ–OPP–2020–0334.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adapting enforcement methodology (high-performance liquid chromatography/ultraviolet (HPLC/UV) method) is available for enforcing tolerances for fludioxonil on plant commodities. An adequate liquid chromatography, tandem mass spectrometry (LC–MS/MS) method (Analytical Method GRM025.03A) is available for enforcing tolerances for fludioxonil on livestock commodities. The methods may be requested from: Chief, Analytical Chemistry Branch, Environmental Sciences Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905;
B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for fludioxonil; however, Canada’s Pest Management Regulatory Agency (PMRA) has a default MRL of 0.1 ppm on banana. EPA is establishing a tolerance level for bananas at 3 ppm.

C. Revisions to Petitioned-For Tolerances

The petitioned-for tolerance level of 2.0 ppm in bananas has been modified to 3 ppm based on crop field trial data and the OECD tolerance calculation procedure.

V. Conclusion

Therefore, a tolerance is established for residues of fludioxonil, 4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile, in or on banana at 3 ppm.

VI. Statutory and Executive Order Reviews

This action establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled “Regulatory Planning and Review” (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled “Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 et seq.), 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).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or Tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n). As such, the Agency has determined that this action will not have a substantial direct effect on States or Tribal Governments, on the relationship between the National Government and the States or Tribal Governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled “Federalism” (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 et seq.).

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 (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 et seq.), 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 in 40 CFR Part 180

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

Dated: July 15, 2021.
Marietta Echeverria,
Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

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


■ 2. In § 180.516, amend table 1 to paragraph (a)(1) by adding in alphabetical order the entry “Banana” and footnote 1 to read as follows:

§ 180.516 Fludioxonil; tolerances for residues.

(a) * * *
(1) * * *

Table 1 to Paragraph (a)(1)

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Banana 1

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1 There are no U.S. registrations as of July 28, 2021.

[FED.Reg. 2021–16091 Filed 7–27–21; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[WC Docket No. 12–375, FCC 21–60; FRS 35682]

Rates for Interstate Inmate Calling Services

AGENCY: Federal Communications Commission.

ACTION: Final rule; denial of reconsideration.