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(k) No fee under this section will be imposed on the Interregional Research Project Number 4 (IR-4 Program).

(l) The Administrator may waive or refund part or all of any fee imposed by this section if the Administrator determines in his or her sole discretion that such a waiver or refund will promote the public interest or that payment of the fee would work an unreasonable hardship on the person on whom the fee is imposed. A request for waiver or refund of a fee shall be submitted to the Office of Pesticide Programs' Document Processing Desk at the appropriate address as set forth in 40 CFR 150.17(a) or (b). A fee of $2,025 shall accompany every request for a waiver or refund, as specified in paragraph (m) of this section, except that the fee under this paragraph shall not be imposed on any person who has no financial interest in any action requested by such person under paragraphs (a) through (j) of this section. The fee for requesting a waiver or refund shall be refunded if the request is granted.

(m) All deposits and fees required by the regulations in this part shall be paid by money order, bank draft, or certified check drawn to the order of the Environmental Protection Agency. All deposits and fees shall be forwarded to the Environmental Protection Agency, Headquarters Accounting Operations Branch, Office of Pesticide Programs (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. The payments should be specifically labeled ''Tolerance Petition Fees'' and should be accompanied only by a copy of the letter or petition requesting the tolerance. The actual letter or petition, along with supporting data, shall be forwarded within 30 days of payment to the Office of Pesticide Programs' Document Processing Desk at the appropriate address as set forth in 40 CFR 150.17(a) or (b). A petition will not be accepted for processing until the required fees have been submitted. A petition for which a waiver of fees has been requested will not be accepted for processing until the fee has been waived or, if the waiver has been denied, the proper fee is submitted after notice of denial. A request for waiver or refund will not be accepted after scientific review has begun on a petition.

(n) This fee schedule will be changed annually by the same percentage as the percent change in the Federal General Schedule (GS) pay scale. In addition, processing costs and fees will periodically be reviewed and changes will be made to the schedule as necessary. When automatic adjustments are made based on the GS pay scale, the new fee schedule will be published in the FEDERAL REGISTER as a final rule to become effective 30 days or more after publication, as specified in the rule. When changes are made based on periodic reviews, the changes will be subject to public comment.

(o) No fee required by this section shall be levied during the period beginning on October 1, 2003, and ending September 30, 2008.

[68 FR 24371, May 7, 2003, as amended at 69 FR 12544, Mar. 17, 2004; 70 FR 33363, June 8, 2005; 71 FR 35547, June 21, 2006]

§ 180.34 Tests on the amount of residue remaining.

(a) Data in a petition on the amount of residue remaining in or on a raw agricultural commodity should establish the residue that may remain when the pesticide chemical is applied according to directions registered under the Federal Insecticide, Fungicide, and Rodenticide Act, or according to directions contained in an application for registration. These data should establish the residues that may remain under conditions most likely to result in high residues on the commodity.

(b) The petition should establish the reliability of the residue data reported in it. Sufficient information should be submitted about the analytical method to permit competent analysts to apply it successfully.

(c) If the pesticide chemical is absorbed into a living plant or animal when applied (is systemic), residue data may be needed on each plant or animal on which a tolerance or exemption is requested.

(d) If the pesticide chemical is not absorbed into the living plant or animal when applied (is not systemic), it may be possible to make a reliable estimate of the residues to be expected on each commodity in a group of related commodities on the basis of less data than would be required for each

commodity in the group, considered separately.

(e) Each of the following groups of crops lists raw agricultural commodities that are considered to be related for the purpose of paragraph (d) of this section. Commodities not listed in this paragraph are not considered to be related for the purpose of paragraph (d) of this section.

(1) Apples, crabapples, pears, quinces.

(2) Avocados, papayas.

(3) Blackberries, boysenberries, dewberries, loganberries, raspberries.

(4) Blueberries, currants, gooseberries, huckleberries.

(5) Cherries, plums, prunes.

(6) Oranges, citrus citron, grapefruit, kumquats, lemons, limes, tangelos, tangerines.

(7) Mangoes, persimmons.

(8) Peaches, apricots, nectarines.

(9) Beans, peas, soybeans (each in dry form).

(10) Beans, peas, soybeans (each in succulent form).

(11) Broccoli, brussels sprouts, cauliflower, kohlrabi.

(12) Cantaloups, honeydew melons, muskmelons, pumpkins, watermelons, winter squash.

(13) Carrots, garden beets, sugar beets, horseradish, parsnips, radishes, rutabagas, salsify roots, turnips.

(14) Celery, fennel.

(15) Cucumbers, summer squash.

(16) Lettuce, endive (escarole), Chinese cabbage, salsify tops.

(17) Onions, garlic, leeks, shallots (green, or in dry bulb form).

(18) Potatoes, Jerusalem-artichokes, sweetpotatoes, yams.

(19) Spinach, beet tops, collards, dandelion, kale, mustard greens, parsley, Swiss chard, turnip tops, watercress.

(20) Tomatoes, eggplants, peppers, pimentos.

(21) Pecans, almonds, brazil nuts, bush nuts, butternuts, chestnuts, filberts, hazelnuts, hickory nuts, walnuts.

(22) Field corn, popcorn, sweet corn (each in grain form).

(23) Milo, sorghum (each in grain form).

(24) Wheat, barley, oats, rice, rye (each in grain form).

(25) Alfalfa, Bermuda grass, bluegrass, brome grass, clovers, cowpea hay, fescue, lespedeza, lupines, orchard grass, peanut hay, peavine hay, rye grass, soybean hay, sudan grass, timothy, and vetch.

(26) Corn forage, sorghum forage.

(27) Sugarcane, cane sorghum.

[36 FR 22540, Nov. 25, 1971, as amended at 39 FR 28286, Aug. 6, 1974; 39 FR 28977, Aug. 13, 1974; 40 FR 6972, Feb. 18, 1975; 45 FR 82928, Dec. 17, 1980; 48 FR 29860, June 29, 1983; 60 FR 26635, May 17, 1995; 73 FR 75600, Dec. 12, 2008]

§ 180.35 Tests for potentiation.

Experiments have shown that certain cholinesterase-inhibiting pesticides when fed together to test animals are more toxic than the sum of their individual toxicities when fed separately. One substance potentiates the toxicity of the other. Important toxicological interactions also have been observed between pesticides and other substances. Wherever there is reason to believe that a pesticide chemical for which a tolerance is proposed may interact with other pesticide chemicals or other substances to which man is exposed, it may be necessary to require special experimental data regarding potentiation capacities to evaluate the safety of the proposed tolerance. This necessarily will be determined on a case-by-case basis.

§ 180.40 Tolerances for crop groups.

(a) Group or subgroup tolerances may be established as a result of:

(1) A petition from a person who has submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act.

(2) On the initiative of the Administrator.

(3) A petition by an interested person.

(b) The tables in §180.41 are to be used in conjunction with this section for the establishment of crop group tolerances. Each table in §180.41 lists a group of raw agricultural commodities that are considered to be related for the purposes of this section. Refer also to §180.1(g) for a listing of commodities for which established tolerances may be applied to certain other related and similar commodities.