

Dated: November 4, 2011.

**Janet Napolitano,**  
Secretary of Homeland Security.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[EPA-HQ-OPP-2011-0082; FRL-9325-1]

#### Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities

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

**ACTION:** Notice of filing of petitions and request for comment.

**SUMMARY:** This document announces the Agency's receipt of several initial filings of pesticide petitions requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

**DATES:** Comments must be received on or before December 9, 2011.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number and the pesticide petition number (PP) of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001.
- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

**Instructions:** Direct your comments to the docket ID number and the pesticide petition number of interest as shown in the body of this document. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at <http://www.regulations.gov>, including any personal information provided, unless the comment includes

information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or email. The regulations.gov Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through regulations.gov, your email address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

**FOR FURTHER INFORMATION CONTACT:** A contact person, with telephone number and email address, is listed at the end of each pesticide petition summary. You may also reach each contact person by mail at Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001.

#### 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 code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 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 at the end of the pesticide petition summary of interest.

### B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

- iv. Describe any assumptions and provide any technical information and/or data that you used.
- v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- vi. Provide specific examples to illustrate your concerns and suggest alternatives.
- vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- viii. Make sure to submit your comments by the comment period deadline identified.

*3. Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

## II. What action is the agency taking?

EPA is announcing its receipt of several pesticide petitions filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 174 or part 180 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the requests before responding to the petitioners. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petitions described in this document contain the data or information prescribed in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petitions. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), a summary of each of the petitions that are the subject of this document, prepared by the petitioner, is included in a docket EPA has created for each petition.

rulemaking. The docket for each of the petitions is available on-line at <http://www.regulations.gov>.

As specified in FFDCA section 408(d)(3), (21 U.S.C. 346a(d)(3)), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

## New Tolerances

1. **PP 1E7908.** (EPA-HQ-OPP-2011-0759). Interregional Research Project Number 4 (IR-4), 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish tolerances in 40 CFR part 180 for residues of the insecticide buprofezin, in or on bean, succulent at 0.02 parts per million (ppm); *Brassica*, leafy greens, subgroup 5B at 55 ppm; turnip, greens at 55 ppm; vegetable, fruiting, group 8-10 at 3.0 ppm; fruit, citrus, group 10-10 at 2.5 ppm; fruit, pome, group 11-10 at 4.0 ppm; persimmon at 1.9 ppm; and tea at 20 ppm. This summary has been prepared by Nichino America, Inc., 4550 New Linden Hill Road, Suite 501, Wilmington, DE 91808, the registrant. The proposed analytical method involves extraction, partition, clean-up and detection of residues by gas chromatography using nitrogen phosphorous detection (GC/NPD). Contact: Andrew Ertman, (703) 308-9367, email address: [ertman.andrew@epa.gov](mailto:ertman.andrew@epa.gov).

2. PP 1E7919. (EPA-HQ-OPP-2011-0792). Interregional Research Project Number 4 (IR-4), 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish tolerances in 40 CFR part 180 for residues of the insecticide acetamiprid, *N* 1-[(6-chloro-3-pyridyl)methyl]- *N* 2-cyano- *N* 1-methylacetamidine, in or on asparagus at 0.8 ppm; *Brassica*, leafy greens, subgroup 5B at 15 ppm; turnip greens at 15 ppm; corn, sweet, kernel plus cob with husks removed at 0.01 ppm; corn, sweet, forage at 10 ppm; corn, sweet, stover at 30 ppm; vegetable, fruiting, group 8-10 at 0.20 ppm; fruit, citrus, group 10-10 at 0.50 ppm; fruit, pome, group 11-10 at 1.0 ppm; and *Brassica*, head and stem, subgroup 5A at 1.20 ppm. Based upon the metabolism of acetamiprid in plants and the toxicology of the parent and metabolites, quantification of the parent acetamiprid is sufficient to determine toxic residues. As a result a method was developed that involves extraction of acetamiprid from crop matrices with a solvent followed

by a decantation and filtration and finally analysis by a liquid chromatography with tandem mass spectrometry (LC/MS/MS) method. Contact: Laura Nollen, (703) 305-7390, email address: *nollen.laura@epa.gov*.

3. *PP 1E7911. (EPA-HQ-OPP-2011-0780).* Summit Agro North America Holding Corporation, 600 Third Avenue, New York, NY 10016-2001, c/o Landis International, Inc., P.O. Box 5126, Valdosta, GA 31603-5126, requests to establish tolerances in 40 CFR part 180 for residues of the fungicide triforine, piperazine-1,4-diylbis(2,2,2-trichloroethane-1,1-diyl)diiformamide in or on blueberry at 0.02 ppm; and tomato at 0.5 ppm. Adequate analytical enforcement methods are available to enforce the proposed tolerances. Triforine was extracted from blueberries, tomato and tomato paste with acetone. The final samples were analyzed by LC/MS/MS for quantitation of triforine. Contact: Heather Garvie, (703) 308-0034, email address: *garvie.heather@epa.gov*.

4. *PP* 1F7891. (EPA-HQ-OPP-2011-0717). Syngenta Crop Protection, LLC., P.O. Box 18300, Greensboro, NC 27419-8300, requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide azoxystrobin, (methyl (E)-2-[2-[6-(2-yano phenoxy) pyrimidin-4-yloxy]phenyl]-3-methoxyacrylate) and the *Z*-isomer of azoxystrobin, (methyl (Z)-2-[2-[6-(2- cyanophenoxy)pyrimidin-4-yloxy]phenyl]-3-methoxyacrylate), in or on sugarcane at 0.2 ppm. An adequate analytical method, GC/NPD or in mobile phase by high performance liquid chromatography with ultra-violet detection (HPLC/UV), is available for enforcement purposes with a limit of detection that allows monitoring of food with residues at or above the levels set in these tolerances. Contact: Shaunta Hill, (703) 347-8961, email address: [hill.shaunta@epa.gov](mailto:hill.shaunta@epa.gov).

5. PP 1F7892. (EPA-HQ-OPP-2011-0772). Syngenta Crop Protection, LLC., P.O. Box 18300, Greensboro, NC 27419-8300, requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide propiconazole, 1H-1,2,4-Triazole, 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-, and its metabolites determined as 2,4-dichlorobenzoic acid and expressed as parent compound, in or on sugarcane at 1.0 ppm. Analytical methods adequate to determine parent propiconazole, total propiconazole as 2,4-dichlorobenzoic acid, and the triazole metabolites (1,2,4-Triazole, Triazole Alanine, and Triazole Acetic Acid) are available for enforcement purposes with limits of detection that allow monitoring of food with residues at or above the levels set

in this tolerance. Contact: Erin Malone, (703) 347-0253, email address: [malone.erin@epa.gov](mailto:malone.erin@epa.gov).

6. **PP 1E7905.** (EPA-HQ-OPP-2011-0759). Nichino America, Inc., 4550 New Linden Hill Road, Suite 501, Wilmington, DE 91808, requests to establish a tolerance in 40 CFR part 180 for residues of the insecticide buprofezin, in or on nut, tree group 14 (including pistachios) at 0.05 ppm. The proposed analytical method involves extraction, partition, clean-up and detection of residues by LC/MS/MS. Contact: Samantha Hulkower, (703) 603-0683, email address: [hulkower.samantha@epa.gov](mailto:hulkower.samantha@epa.gov).

#### Amended Tolerances

1. **PP 1E7908.** (EPA-HQ-OPP-2011-0759). Interregional Research Project Number 4 (IR-4), 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to remove the existing tolerances in 40 CFR 180.511 for residues of the insecticide buprofezin, in or on non-bell pepper; fruiting vegetable group 8, except non-bell pepper; fruit, citrus, group 10; and fruit, pome, group 11 which will now be covered by the newly requested tolerances under "New Tolerances". This summary has been prepared by Nichino America, Inc., Wilmington, DE 19808, the registrant. Contact: Andrew Ertman, (703) 308-9367, email address: [ertman.andrew@epa.gov](mailto:ertman.andrew@epa.gov).

2. **PP 1E7919.** (EPA-HQ-OPP-2011-0792). Interregional Research Project Number 4 (IR-4), 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests upon approval of the aforementioned tolerances under "New Tolerances", to remove the established tolerances in 40 CFR 180.578 for residues of the insecticide acetamiprid, *N* 1-[(6-chloro-3-pyridyl)methyl]- *N*-cyano- *N*-1-methylacetamidine, in or on fruit, citrus, group 10 at 0.50 ppm; fruit, pome, group 11 at 1.0 ppm; vegetable, fruiting, group 8 at 0.20 ppm; and vegetable, *Brassica*, leafy, group 5 at 1.20 ppm. The fruit, citrus, group 10; fruit, pome, group 11; and vegetable, fruiting, group 8 tolerances will be superseded by the updated crop group tolerances. The vegetable, *Brassica*, leafy group 5 tolerance will be superseded by the *Brassica*, leafy greens, subgroup 5B and *Brassica*, head and stem, subgroup 5A tolerances. Contact: Laura Nollen, (703) 305-7390, email address: [nollen.laura@epa.gov](mailto:nollen.laura@epa.gov).

#### New Tolerance Exemption

**PP 1E7918.** (EPA-HQ-OPP-2011-0829). United Phosphorus, Inc., 630 Freedom Business Center, Suite 402, King of Prussia, PA 19406, requests to

establish an exemption from the requirement of a tolerance in 40 CFR 180.1195 for residues of titanium dioxide (CAS No. 13463-67-7) in or on growing crops when used as a pesticide inert ingredient ultraviolet (UV) protectant in herbicide formulations at no more than 5 percent by weight of the formulation. The petition proposes to establish exemptions from the requirement of a tolerance and no analytical method is generally required for the establishment of a tolerance exemption. Contact: David Lieu, (703) 305-0079, email address: [lieu.david@epa.gov](mailto:lieu.david@epa.gov).

#### List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: October 18, 2011.

**Lois Rossi,**

*Director, Registration Division, Office of Pesticide Programs.*

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**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

**[EPA-HQ-OPP-2010-0703; FRL-9325-3]**

#### Withdrawal of a Pesticide Petition for Residues of Pesticide Chemicals in or on Various Commodities

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

**ACTION:** Notice of withdrawal of a pesticide petition.

**SUMMARY:** This document announces the withdrawal of a pesticide petition requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities. The petition was either withdrawn voluntarily by the petitioner or administratively by the Agency.

#### FOR FURTHER INFORMATION CONTACT:

Deirdre Sunderland, Registration Division (7505P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (703) 603-0851; fax number: (703) 305-0599; email address: [sunderland.deirdre@epa.gov](mailto:sunderland.deirdre@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this action apply to me?

Although this action only applies to the registrant in question, it is directed

to the public in general. Since various individuals or entities may be interested, the Agency has not attempted to describe all the specific entities that may be interested in this action. If you have any questions regarding this action, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

###### B. How can I get copies of this document and other related information?

EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2010-0703. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

#### II. What action is the agency taking?

EPA is announcing the withdrawal of a pesticide petition received under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 174 or part 180 for residues of pesticide chemicals in or on various food commodities.

Pursuant to 40 CFR 180.7(f), a summary of the petition covered by this document, prepared by the petitioner, was included in a docket EPA created for each rulemaking. The docket for the petition is available on-line at <http://www.regulations.gov>.

EPA issued a notice in the **Federal Register** of September 23, 2010 (75 FR 57942) (FRL-8845-4), which announced the submission of a pesticide petition (PP 0E7727) by Interregional Research Project Number 4 (IR-4), on behalf of Koppert Biological Systems, Inc., 28465 Beverly Rd., Romulus, MI 48174. The petition proposed to amend 40 CFR 180.920 by establishing an exemption from the requirement of a tolerance for residues of lactoperoxidase (CAS No. 9003-99-0) in or on all raw agricultural commodities when used pre-harvest as a pesticide inert ingredient in pesticide formulations of the active ingredients potassium iodide and potassium thiocyanate. On September 9, 2011, IR-4, on behalf of Koppert Biological Systems, Inc., notified EPA that it was withdrawing this petition.