

Commodity	Parts per million	Expiration/Revocation Date
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¹ There are no U.S. registrations on grapes as of June 24, 1998.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 180, 185, and 186

[OPP-300627; FRL-5777-7]

RIN 2070-AB78

Recodification of Certain Tolerance Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency is issuing this technical amendment to consolidate parts 185 and 186 pesticide tolerance regulations into part 180. This recodification is consistent with the Food Quality Protection Act which places all pesticide tolerances under section 408 of the Federal Food, Drug, and Cosmetic Act, thus eliminating the distinction between pesticide tolerances for raw and processed foods.

DATES: This regulation becomes effective June 24, 1998.

FOR FURTHER INFORMATION CONTACT: By mail, Joseph Nevola, Special Review Branch (7508W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number and e-mail address: 3rd Floor, Crystal Station, 2800 Crystal Drive, Arlington, VA 22202, (703) 308-8037; e-mail: nevola.joseph@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Pesticide tolerance regulations promulgated under sections 408 and 409 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a and 348, appear in parts 180, 185 and 186 of title 40 of the Code of Federal Regulations. Part 180 contains pesticide tolerance regulations for pesticide chemical residues in raw agricultural commodities. Such regulations were promulgated under FFDCA section 408. Parts 185 and 186 contain food additive regulations for pesticide chemical residues in processed food. These regulations were promulgated under FFDCA section 409.

The Food Quality Protection Act (FQPA) was signed into law in August of 1996. Under section 408(j) of the FFDCA, as amended by the FQPA, all pesticide tolerances established under FFDCA section 409 were deemed to be tolerances under FFDCA section 408. Since there is no longer a statutory reason for the separation of these tolerances into different parts of the CFR, as a part of the routine process of issuing new and revised tolerances, EPA is consolidating certain sections of the regulations in parts 185 and 186 into 40 CFR part 180. Although the tolerances are being restructured to fit into part 180, no substantive changes are being made. The tolerance regulations in parts 185 and 186 are being redesignated as follows:

Old CFR section	New CFR section
185.425	180.519
185.2900	180.520
185.3475	180.521
185.3480	180.522
185.4025	180.523
185.4200	180.524
185.5300	180.525
186.5400	185.526

This action is being taken pursuant to EPA's authority under FFDCA section 408(e)(1)(C) to issue regulations implementing the requirements of section 408. Because this regulation involves a technical change to existing regulations and has no substantive impact, EPA for good cause finds that it would be in the public interest to promulgate this regulations without issuing a notice of proposed rulemaking under section 408(e)(2).

I. Regulatory Assessment Requirements

This final rule does not impose any requirements. It only implements technical amendments to the Code of Federal Regulations (CFR), by recodifying certain tolerances that have already been established under FFDCA section 408. Basically, this notice simply consolidates the tolerances, which currently appear in two separate parts of the CFR (i.e., 40 CFR parts 185 and 186), into a single part (i.e., 40 CFR part 180). As such, this action does not require review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled

Regulatory Planning and Review (58 FR 51735, October 4, 1993), the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997). For the same reason, it does not require any action under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4), Executive Order 12875, entitled Enhancing the Intergovernmental Partnership (58 FR 58093, October 28, 1993), or Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994). In addition, since this type of action does not require any proposal, no action is needed under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

II. Submission to Congress and the General Accounting Office

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 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**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 180

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

40 CFR Part 185

Environmental protection, Food additives, Pesticides and pests.

40 CFR Part 186

Environmental protection, Animal feeds, Pesticides and pests.

Dated: June 3, 1998.

Lois Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

Therefore, 40 CFR parts 180, 185 and 186 are amended as follows:

1. In part 180:

PART 180—[AMENDED]

a. The authority citation for part 180 would continue to read as follows:

Authority: 21 U.S.C. 346a and 371.

§ 185.425 [Redesignated as § 180.519]

b. Section 185.425 is redesignated as § 180.519. Newly designated § 180.519 is amended by revising the section heading, designating the introductory text as paragraph (a) introductory text, redesignating paragraphs (a), (b) and (c) as paragraphs (a)(1), (a)(2) and (a)(3) respectively, adding a heading to newly designated paragraph (a), and by adding and reserving paragraphs (b), (c) and (d) with headings. The revisions and additions read as follows:

§ 180.519 Bromide ion and residual bromine; tolerances for residues.

(a) *General.* * * *

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

§ 185.2900 [Redesignated as § 180.520]

c. Section 185.2900 is redesignated as § 180.520. Newly designated § 180.520 is amended by revising the section heading, redesignating paragraphs (a), (b), and (c) as paragraphs (a)(1), (a)(2) and (a)(3), respectively, by designating the introductory text as paragraph (a) introductory text, adding a heading to newly designated paragraph (a), and by adding and reserving new paragraphs (b), (c) and (d) with headings. The revisions and additions read as follows:

§ 180.520 Ethyl formate; tolerances for residues.

(a) *General.* * * *

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

§ 185.3475 [Redesignated as § 180.521]

d. Section 185.3475 is redesignated as § 180.521. Newly designated § 180.521 is amended by revising the section heading, redesignating paragraphs (a),

(b), and (c) as paragraphs (a)(1), (a)(2) and (a)(3), respectively, by designating the introductory text as paragraph (a) introductory text, adding a heading to newly designated paragraph (a), and by adding and reserving new paragraphs (b), (c) and (d) with headings. The revisions and additions read as follows:

§ 180.521 Fumigants for grain-mill machinery; tolerances for residues.

(a) *General.* * * *

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

§ 185.3480 [Redesignated as § 180.522]

e. Section 185.3480 is redesignated as § 180.522. Newly designated § 180.522 is amended by revising the section heading, redesignating paragraphs (a), (b), (c) and (d) as paragraphs (a)(1), (a)(2), (a)(3) and (a)(4), respectively, by designating the introductory text as paragraph (a) introductory text, adding a heading to newly designated paragraph (a), and by adding and reserving new paragraphs (b), (c) and (d) with headings. The revisions and additions read as follows:

§ 180.522 Fumigants for processed grains used in production of fermented malt beverages; tolerances for residues.

(a) *General.* * * *

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

§ 185.4025 [Redesignated as § 180.523]

f. Section 185.4025 is redesignated as § 180.523. Newly designated § 180.523 is amended by revising the section heading, redesignating paragraphs (a), (b), (c) introductory text, (c)(1), (c)(2), and (c)(3) as paragraphs (a)(1), (a)(2), (a)(3), (a)(3)(i), (a)(3)(ii), and (a)(3)(iii), respectively, by designating the introductory text as paragraph (a) introductory text, adding a heading to newly designated paragraph (a), and by adding and reserving new paragraphs (b), (c) and (d) with headings. The revisions and additions read as follows:

§ 180.523 Metaldehyde; tolerances for residues.

(a) *General.* * * *

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

§ 185.4200 [Redesignated as § 180.524]

g. Section 185.4200 is redesignated as § 180.524. Newly designated § 180.524 is amended by revising the section heading, designating the existing text as paragraph (a), adding a paragraph heading to newly designated paragraph (a), and by adding and reserving paragraphs (b), (c) and (d) with headings. The revisions and additions read as follows:

§ 180.524 1-Methoxycarbonyl-1-propen-2-yl dimethylphosphate and its beta isomer; tolerances for residues.

(a) *General.* * * *

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

§ 185.5300 [Redesignated as § 180.525]

h. Section 185.5300 is redesignated as § 180.525. Newly designated § 180.525 is amended by revising the section heading, designating the text as paragraph (a), adding a heading to newly designated paragraph (a), and by adding and reserving new paragraphs (b), (c) and (d) with headings. The revisions and additions read as follows:

§ 180.525 Resmethrin; tolerances for residues.

(a) *General.* * * *

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

§ 186.5400 [Redesignated as § 180.526]

i. Section 186.5400 is redesignated as § 180.526. Newly designated § 180.526 is amended by revising the section heading, designating the text as paragraph (a), adding a heading to newly designated paragraph (a), and by adding and reserving new paragraphs (b), (c) and (d) with headings. The revisions and additions read as follows:

§ 180.526 Synthetic isoparaffinic petroleum hydrocarbons; tolerances for residues.

(a) *General.* * * *

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

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