

assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

## II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth 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 petition. Additional data may be needed before EPA rules on the petition.

### List of Subjects

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

Dated: March 10, 2003.

**Debra Edwards,**

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

### Summary of Petition

The petitioner's summary of the pesticide petition is printed below as required by FFDCA section 408(d)(3). The summary of the petition was prepared by the petitioner and represents the view of the petitioner. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

### Bayer CropScience

*PP 6F4631 and OF6095*

EPA has received pesticide petitions (6F4631 and OF6095) from BayerCropScience, P.O. Box 12014, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709 proposing, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR 180.527(a) by establishing permanent tolerance[s] for residues of the herbicide flufenacet; *N*-(4-fluorophenyl)-*N*-(1-methylethyl)-2-[[5-(trifluoromethyl)-1,3,4-thiadiazol-2-yl]oxy]acetamide and metabolites containing the 4-fluoro-*N*-methylethyl benzenamine moiety in or on the raw agricultural commodities:

corn, field, forage at 0.4 parts per million (ppm); corn, field, grain at 0.05 ppm; corn, field, stover at 0.4 ppm; soybean, seed at 0.1 ppm (PP 6F4631); cattle, fat at 0.05 ppm; cattle, kidney at 0.5 ppm; cattle, meat at 0.05 ppm; cattle, meat byproducts at 0.1 ppm; goat, fat at 0.05 ppm; goat, kidney at 0.5 ppm; goat, meat at 0.05 ppm; goat, meat byproducts at 0.1 ppm; hog, fat at 0.05 ppm; hog, kidney at 0.5 ppm; hog, meat at 0.05 ppm; hog, meat byproducts at 0.1 ppm; horse, fat at 0.05 ppm; horse, kidney at 0.5 ppm; horse, meat at 0.05 ppm; horse, meat byproducts at 0.1 ppm; sheep, fat at 0.05 ppm; sheep, kidney at 0.5 ppm; sheep, meat at 0.05 ppm; sheep, meat byproducts at 0.1 ppm; wheat, forage at 10.0 ppm; wheat, grain at 1.0 ppm; wheat, hay at 2.0 ppm; wheat, straw at 0.50 ppm (PP OF6095); and 40 CFR 180.527(d) by establishing permanent tolerances for indirect or inadvertent residues of the herbicide flufenacet; *N*-(4-fluorophenyl)-*N*-(1-methylethyl)-2-[[5-(trifluoromethyl)-1,3,4-thiadiazol-2-yl]oxy]acetamide and metabolites containing the 4-fluoro-*N*-methylethyl benzenamine moiety in or on the following raw agricultural commodities from the application of this herbicide to the raw agricultural commodities listed in 40 CFR 180.527(a): alfalfa, forage at 0.1 ppm; alfalfa, hay at 0.1 ppm; alfalfa, seed at 0.1 ppm; clover, forage at 0.1 ppm; clover, hay at 0.1 ppm; grain, cereal, group 15, except rice at 0.4 ppm; grain, cereal, forage, fodder and straw, group 16, except rice, forage at 10.0 ppm; grain, cereal, forage, fodder and straw, group 16, except rice, stover at 3.0 ppm; grain, cereal, forage, fodder, and straw, group 16, except rice, straw at 1.0 ppm; grass, forage, fodder, and hay, group 17 at 0.1 ppm (PP 6F4631).

### A. Residue Chemistry

1. *Plant metabolism.* The nature of the residue in field corn, soybean, rotational crops and livestock is adequately understood. The residues of concern for the tolerance expression are flufenacet parent and its metabolites containing the 4-fluoro-*N*-methylethyl benzenamine moiety. Based on the results of animal metabolism studies, it is unlikely that secondary residues would occur in animal commodities from the use of flufenacet on field corn and soybean.

2. *Analytical method.* An adequate analytical method, gaschromatography/mass spectrometry with selected ion monitoring, is available for enforcement purposes. Because of the long lead time from establishing these tolerances to publication of the enforcement methodology in the Pesticide Analytical Manual, Vol. II, the analytical

methodology is being made available in the interim to anyone interested in pesticide enforcement when requested from: Calvin Furlow, Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Room 119E, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 305-5937).

3. *Magnitude of residues.* Field residue trials were conducted across the major regions of corn and soybean production in the United States. In both cases, the treatment regime was selected to represent the use patterns that are most likely to result in the highest residue and used a 60% dry flowable formulation of the active ingredient. In all cases, the test plots received a single application of the product at a rate of 0.9 lbs. of active ingredient per acre.

For corn, flufenacet was applied at preplant soil incorporated, preemergence broadcast, and early postemergence application timings. The highest average field trial residues in corn raw agricultural commodities were 0.36 ppm in forage, 0.16 ppm in fodder, and less than 0.05 ppm in grain. No significant concentration of these residues occurred when the corn grain was processed by either wet or dry milling procedures.

For soybean, flufenacet was applied as a preplant broadcast treatment that was incorporated to a depth of approximately 2 inches or as a preemergent broadcast treatment made within 1 day of planting the soybean crop. The maximum residues detected were 0.10 ppm in seed, 1.20 ppm in green forage, and 9.75 ppm in dry hay.

### B. Toxicological Profile

1. *Acute toxicity.* i. Technical grade flufenacet has a low to moderate order of toxicity in rats by the oral route of exposure. The acute oral LD<sub>50</sub> was 1,617 milligrams/kilogram (mg/kg) for males and 589 mg/kg for females.

ii. A dermal toxicity study on technical grade flufenacet revealed low acute toxicity to rats. The dermal LD<sub>50</sub> for both sexes was >2,000 mg/kg, the highest dose tested.

iii. An acute inhalation study on technical grade flufenacet showed low toxicity in rats with a 4-hour liquid aerosol LC<sub>50</sub> for males and females of >3,740 mg/m<sup>3</sup> air, the highest concentration tested.

iv. An eye irritation study on technical grade flufenacet in rabbits showed minimal irritation to the