

TABLE 3.—AGGREGATE RISK ASSESSMENT FOR CHRONIC (NON-CANCER) EXPOSURE TO MEFENPYR-DIETHYL

Population Subgroup	cPAD (mg/kg/day)	% cPAD (food)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Chronic DWLOC (ppb)
U.S. population	0.57	0.000113	3	4	20,000
All infants (< 1 year old)	0.57	0.00007	3	4	5,700
Children (1–2 years old)	0.57	0.000295	3	4	5,700
Females (13–49 years old)	0.57	0.00008	3	4	17,000

3. *Short-term risk and intermediate-term risk.* Mefenpyr-diethyl is not registered for use on any sites that would result in residential exposure.

4. *Aggregate cancer risk for U.S. population.* Mefenpyr-diethyl is not classified as a human carcinogen and thus is not expected to pose a cancer risk.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to mefenpyr-diethyl residues.

#### IV. Other Considerations

##### A. Analytical Enforcement Methodology

The petitioner has submitted an analytical method for mefenpyr-diethyl and its metabolites in wheat and barley using Gas Chromatography with a Mass Selective Detection (GC/MSD). This enforcement method has been reviewed by the Agency and fulfills the guidelines.

The petitioner also submitted an analytical method for mefenpyr-diethyl and its metabolites in Beef Liver also using GC/MSD. The petitioner also submitted an Independent Laboratory Validation of the method.

Adequate enforcement methodology GC/MSD is available to enforce the tolerance expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; e-mail address: residuemethods@epa.gov.

##### B. International Residue Limits

There are no CODEX, Canadian or Mexican limits for residues of mefenpyr-diethyl in wheat and barley. However, Italy has established a MRL (maximum residue limit) of 0.05 ppm in wheat grain for residues of mefenpyr-diethyl and its metabolites which is consistent with the wheat grain tolerance established today.

##### C. Conditions

Based on the residue uptake results of the confined rotational studies at 90 gram/hectare (0.80 lb/acre) residue uptakes, the Agency would usually establish a 30–day plantback interval for leafy, fruiting, and root vegetables, and 12–month plantback interval for all other crops other than wheat and barley, which can be replanted at any time. However, at this time, the petitioner has indicated that the application rate will not exceed 30 gram/hectare or 0.0267 lb/acre. Given this reduction to one-third of the application rate used in the study, the Agency believes that a 30–day plantback interval is appropriate for all crops except cereal grains and grasses. The plant back interval for cereal grains and grasses, except wheat and barley, (which can be replanted at any time) is 12–months.

##### V. Conclusion

Therefore, tolerances are established for the combined residues of mefenpyr-diethyl, 1-(2,4-dichlorophenyl)-4,5-dihydro-5-methyl-1H-pyrazole-3,5-dicarboxylic acid, diethyl ester, in or on wheat and barley commodities.

##### VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) of the FFDCA provides essentially the same process for persons to “object” to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d) of FFDCA, as was provided in the old sections 408 and

409 of the FFDCA. However, the period for filing objections is now 60 days, rather than 30 days.

##### A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number OPP–2003–0077 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before June 30, 2003.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900C), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. You may also deliver your request to the Office of the Hearing Clerk in Rm.104, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (703) 603–0061.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you