

CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any 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 and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Make sure to submit your comments by the deadline in this notice.
7. To ensure proper receipt by EPA, be sure to identify the docket ID number 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: May 22, 2003.

Sheryl K. Reilly,

Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

Summary of Petition

The petitioner 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 pesticide chemical residues or an explanation of why no such method is needed.

Eastman Chemical Company

PP 3F6516

EPA has received a pesticide petition (3F6516) from Eastman Chemical Company, P.O. Box 511, Kingsport, TN 37662 proposing, pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180 to establish an exemption from the requirement of a tolerance for the biochemical pesticide acetic acid. Pursuant to section 408(d)(2)(A)(i) of the FFDCA as amended, Eastman Chemical Company has submitted the following summary of information, data, and arguments in support of their pesticide petition. The summary of the petition was prepared by the petitioner and represent 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.

It is the purpose of this petition to re-establish an exemption from the requirement of a tolerance for acetic acid when used as a grain and hay preservative on agricultural commodities such as alfalfa, barley grain, Bermuda grass, bluegrass, brome grass, clover, corn grain, cowpea hay, fescue, lespedeza, lupines, oat grain, orchard grass, peanut grass, Timothy, vetch, and wheat grain, or commodities described as grain or hay.

Acetic acid is currently exempt from the requirement of a tolerance when used as a catalyst under 40 CFR 180.1001(c). Previously, acetic acid was

exempt from the requirement of a tolerance (40 CFR 180.1029), when used as a preservative on the above-mentioned commodities. This exemption was canceled, but only because the registrants at that time, did not wish to maintain the registration. Subsequent to the cancellation of the registrations, the tolerance exemption was revoked.

A. Residue Chemistry

There have been no analytical procedures conducted to ascertain residual acetic acid on treated commodities. The application rate for the preservation of grain and hay as per instructions, will result in concentrations of about 1% on hay and about 1.5% on grain. Additionally, acetic acid is generally recognized as safe (GRAS) under the Food and Drug Administration (FDA), 40 CFR 184.1005, for use in food when used in accordance with good manufacturing or feeding practice.

Since this request is for an exemption from the requirement of a tolerance, residual acetic acid on hay and grain will not pose a problem of exposure to humans or the environment especially since acetic acid is in the food chain and is naturally occurring in nature. Residuals at this low level are less than is found in vinegar used on foods.

B. Toxicological Profile

1. *Acute toxicity.* Acute oral at 4,960 milligrams/kilogram body weight (mg/kg) (bwt) (Category III). Acute dermal at 1,060 mg/kg bwt (Category II). Acute inhalation at 11.4 milligrams/Liter (mg/L) (Category III). Eye irritation, corrosive (Category I). Dermal irritation, corrosive (Category I). Mild irritant to guinea pigs at 20 mg/24 hours. (Category IV). Contact with concentrated acetic acid solutions may cause local damage to skin, eye, or mucosa.

2. *Genotoxicity.* Acetic acid and the sodium salt of acetic acid, provided negative results for mutagenicity assays in strains of *Salmonella typhimurium*.

3. *Reproductive and developmental toxicity.* In a teratogenicity study by the Food and Drug Research Laboratories, 5% acetic acid (apple cider vinegar), the administration of up to 1,600 mg/kg bwt, to pregnant mice for 10 consecutive days had no clear discernible effect on nidation or on maternal or fetal survival.

Additionally, similar acids to acetic acid, such as fumaric acid and citric acid, illicit no teratogenic or reproductive toxicity in rats or chick embryos. This is also true for propionic acid (or salts thereof) which is used in the same manner as proposed for acetic acid.