

# ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 180

[OPP-2002-0043; FRL-7308-9]

### Pesticide Tolerance Nomenclature Changes; Technical Amendment

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

**ACTION:** Final rule.

**SUMMARY:** This document makes minor revisions to the terminology of certain commodity terms listed under 40 CFR part 180, subpart C. EPA is taking this action to establish a uniform listing of commodity terms.

**DATES:** This regulation is effective July 1, 2003. Objections and requests for hearings, identified by docket ID number OPP-2002-0043, must be received on or before September 2, 2003.

**FOR FURTHER INFORMATION CONTACT:** Hoyt Jamerson, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-9368; fax number: (703) 308-9368; e-mail address: [jamerson.hoyt@epa.gov](mailto:jamerson.hoyt@epa.gov).

#### 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 111)
- Animal production (NAICS 112)
- Food manufacturer (NAICS 311)
- Pesticide manufacturer (NAICS 28522)

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 under **FOR FURTHER INFORMATION CONTACT**.

###### B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPP-2002-0043. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the “**Federal Register**” listings at <http://www.epa.gov/fedrgstr/>. A frequently updated electronic version of 40 CFR part 180 is available at [http://www.access.gpo.gov/nara/cfr/cfrhtml\\_00/Title\\_40/40cfr180\\_00.html](http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180_00.html), a beta site currently under development. To access an electronic copy of the commodity data base entitled *Food and Feed Commodity Vocabulary* go to: <http://www.epa.gov/pesticides/foodfeed/>.

An electronic version of the public docket is available through EPA’s electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select “search,” then key in the appropriate docket ID number.

##### II. Background

EPA’s Office of Pesticide Programs (OPP) has developed a commodity vocabulary data base entitled “Food and Feed Commodity Vocabulary.” The data base was developed to consolidate all the major OPP commodity vocabularies into one standardized vocabulary. As a result, all future pesticide tolerances issued under 40 CFR part 180 will use the “preferred commodity term” as listed in the aforementioned data base. This is the third in a series of

documents revising the terminology of commodity terms currently in tolerances in 40 CFR part 180. Final rules, revising pesticide tolerance nomenclature, were published in the **Federal Register** on June 19, 2002 (67 FR 41802) (FRL-6835-2) and June 21, 2002 (67 FR 42392) (FRL-7180-1).

In the **Federal Register** of April 17, 2003, (68 FR 18935) EPA issued a proposed rule proposing to make minor revisions to the terminology of certain commodity terms used in tolerances in 40 CFR part 180, subpart C, to establish a uniform listing of commodities. There were no comments received in response to the proposed rule.

This revision process will establish a uniform presentation of existing commodity terms under 40 CFR part 180.

###### A. What Action is the Agency Taking?

In this rule, EPA is making the following format changes to the terminology of the commodity terms in 40 CFR part 180 to the extent the terminology is not already in this format:

1. The first letter of the commodity term is capitalized. All other letters, including the first letter of proper names, are changed to lower case.

2. Commodity terms are listed in the singular although there are the following exceptions: “leaves”, “roots”, “tops”, “greens”, “hulls”, “vines”, “fractions”, “shoots”, and “byproducts”.

3. Commodity terms are amended so that generic terms, such as “corn” and “pea”, precede modifying terms, such as “field”, “dry” and “summer”.

4. Abbreviated terms are replaced with the appropriate commodity terms. Examples: “K=CWHR” is replaced with “kernel plus cob with husks removed” and “POST-H” is replaced with “postharvest”.

5. Parenthesis are replaced with commas. Example: “Cherry (sweet), postharvest” is replaced with “Cherry, sweet, postharvest”.

6. Crop group terms are revised to standardize with the “Food and Feed Vocabulary”. Examples:

i. “Legume vegetables (succulent or dried) group”, “Legume vegetable group (dry and succulent), and “Legume vegetables” are replaced with “Vegetable, legume, group 6”.

ii. “Fruit, stone (cherry, peach, plum, prune) group” is replaced with “Fruit, stone, group 12”.

iii. “Grass forage, fodder and hay” and “Grass, forage, fodder, and hay” are replaced with “Grass, forage, fodder and hay group 17”.