

3. *By hand delivery or courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, Attention: Docket ID Number OPP-2003-0226. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

D. How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or 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: June 23, 2003.

Debra Edwards,

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 summary may have been edited by EPA if the terminology used was unclear, the summary contained extraneous material, or the summary unintentionally made the reader conclude that the findings reflected EPA's position and not the position of the petitioner.

Syngenta Crop Protection

PP 2E6471

EPA has received a pesticide petition (PP 2E6471) from Syngenta Crop Protection, P.O. Box 18300, Greensboro, North Carolina, 27419-8300 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 copper (II) hydroxide in or on raw agricultural commodities. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; 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.

A. Residue Chemistry

1. *Plant metabolism.* Copper hydroxide is exempt from the requirement of a tolerance (40 CFR 180.1021(b)) for use as a broad-spectrum foliar fungicide on growing crops. It is used at application rates greater than an order of magnitude higher than the proposed use as a formulation inert. As such, the metabolism and magnitude of the residue is well understood at application rates much higher than in the current petition.

2. *Analytical method.* Copper ions are released from copper hydroxide by solubilization in the presence of moisture. A method for copper is listed in the January 2002 Pesticide Analytical Volume II.

3. *Magnitude of residues.* Copper hydroxide is exempt from the requirement of a tolerance (CFR 180.1021(b)) for use as a broad-spectrum foliar fungicide on growing crops. It is used as a fungicide at application rates greater than an order of magnitude higher than the proposed use as a formulation inert. As such, the metabolism and magnitude of the residue is well understood at application rates much higher than in the current petition. Copper is naturally found at significant levels in many different types of foods.

B. Toxicological Profile

Copper hydroxide is a versatile and safe material which is used almost everywhere where copper is needed in chemistry. Copper hydroxide is used directly in the planting and ceramics industry, and in agriculture as a fungicide and bactericide. It is widely used as a manufacturing intermediate in numerous applications, for example to make copper compounds, for the production of pigments containing copper, in the manufacture of copper fibers, in galvanizing, metallurgy, pyrotechnics, and electronics, to name just a few applications. Copper ions are released from copper hydroxide by solubilization in the presence of moisture. Copper is ubiquitous in nature and is a necessary nutritional element for both animals (including humans), and plants. Copper is found naturally in the food we eat, in soils, in the water we drink, in the air we breathe and in our bodies. It is one of 26 elements found essential to life. The copper ion is present in the adult human body at levels of 70-150 milligrams (mg).