

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-2003-0256. 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: July 21, 2003.

Janet L. Andersen,

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

AgriVir, LLC

PP 3F6736

EPA received a pesticide petition (PP 3F6736) from AgriVir, LLC, 1901 L St., NW., Suite 250, Washington, DC 20036, 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 180.1218 to expand the tolerance exemption from the existing exemption for use on dried fruits and nuts to use on all agricultural commodities and relevant processed fractions. EPA has determined that the petition contains data or information regarding the elements set forth in

section 408(d)(2); however, EPA has not completed a review of the sufficiency of the submitted data at this time. The summary represents the views of AgriVir, LLC. EPA is still in the process of evaluating the petition. EPA has made minor edits to the summary for the purpose of clarity.

A. Residue Chemistry

Residue chemistry, *per se*, is not required in support of the proposed tolerance exemption. This is because EPA has waived this requirement for microbial pest control agents which do not trigger Tier II toxicology concerns. Indian Meal Moth Granulosis Virus (IMMGV) does not trigger Tier II toxicology concerns. A brief summary of the identity of the microbial pest control agent IMMGV follows for information purposes.

EPA has previously registered AgriVir's microbial pest control product FruitGuard-V/NutGuard-V (these are alternate names for the same product), EPA Reg. No. 73176-1. This is a biological insecticide intended to control Indian meal moth, a serious pest of various stored commodities.

The Indian meal moth, is a serious cosmopolitan pest of many stored agricultural commodities and processed fractions. Infestation can occur at any time from harvest to eventual consumption of the commodity. Indian meal moth, is estimated to be responsible, for example, for approximately 90% of the damage done to dried fruits and nuts in storage. In facilities where susceptible commodities are handled, fragments and other debris from the commodities gets into cracks, crevices, and other places and Indian meal moth, propagates on this material. This establishes a general infestation and reservoir for the Indian meal moth in such facilities.

Control of Indian meal moth by FruitGuard-V/NutGuard-V is by means of a naturally occurring microbial pest control agent (MPCA) which is contained in the product.

The MPCA used in NutGuard-V/FruitGuard-V is a granulosis virus which infects the larvae of the Indian meal moth. This virus is designated IMMGV in the balance of this summary. The MPCA contained in NutGuard-V/FruitGuard-V is a naturally occurring isolate of the IMMGV. It has not been genetically modified.

IMMGV has no hosts other than larvae of the Indian meal moth and acts by making the Indian meal moth larvae sick, rather than by a toxic mechanism (i.e., IMMGV does not produce any specific toxin which kills the larvae).