

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-2003-0270. 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 the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at <http://www.epa.gov/opptsfrs/home/guidelin.htm>.

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. Although not all docket materials may be available electronically, you may still

access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select "search," then key in the appropriate docket ID number.

## II. Background and Statutory Findings

In the **Federal Register** of March 7, 2003 (68 FR 11096) (FRL-7290-1), EPA issued a notice pursuant to section 408 of FFDCA, 21 U.S.C. 346a, as amended by FQPA (Public Law 104-170), announcing the filing of pesticide petitions (PP 0E6149, 1E6311, 2E6405, 2E6498, and 2E6500) by the Interregional Research Project Number 4 (IR-4), and 681 U.S. Highway #1 South, North Brunswick, NJ 08902, and PP 0F6116 and 2F6391 by FMC Corporation, Agricultural Products Group, 1735 Market Street, Philadelphia, PA 19103. That notice included a summary of the petitions prepared by FMC Corporation, the registrant. There were no comments received in response to the notice of filing.

The petitions requested that 40 CFR 180.498 be amended by establishing tolerances for combined residues of the herbicide sulfentrazone, [*N*-(2,4-dichloro-5-(4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1*H*-1,2,4-triazol-1-yl)phenyl)methanesulfonamide and its metabolites HMS (*N*-(2,4-dichloro-5-(4-(difluoromethyl)-4,5-dihydro-3-hydroxymethyl-5-oxo-1*H*-1,2,4-triazol-1-yl)phenyl)methanesulfonamide) and DMS (*N*-(2,4-dichloro-5-(4-(difluoromethyl)-4,5-dihydro-5-oxo-1*H*-1,2,4-triazol-1-yl)phenyl)methanesulfonamide), in or on food commodities as follows: Sunflower, seed at 0.2 parts per million (ppm) (PP 0E6149); horseradish, roots at 0.2 ppm (PP 1E6311); cabbage at 0.2 ppm (PP 1E6311); peppermint, tops and spearmint, tops at 0.3 ppm (1E6311); potato at 0.1 ppm (PP 2E6405); bean, lima, succulent at 0.15 ppm (PP 2E6498); asparagus at 0.15 ppm (2E6500); peanut nutmeat and its processed parts at 0.2 ppm and sugarcane and its processed parts at 0.1 ppm (PP 0F6116); corn, field forage at 0.25 ppm (PP 2F6391); corn, field stover at 0.35 ppm (PP 2F6391); pea and bean, dried shelled, except soybean, subgroup 6C at 0.15 ppm (PP 2F6391). Pesticide petitions 0F6116, 2F6391 and 2E6405 were subsequently amended to propose tolerances for peanut at 0.20 ppm; peanut, meal at 0.40 ppm; sugarcane, cane at 0.15 ppm; sugarcane, molasses at 0.20 ppm; corn, field, forage at 0.20 ppm; corn, field, grain at 0.15 ppm; corn, field, stover at 0.30 ppm and potato at 0.15 ppm. EPA is also deleting

several time-limited tolerances established in connection with section 18 emergency exemption under 40 CFR 180.498(b) that are no longer needed, as a result of this action. The deletions to 40 CFR 180.498(b) are as follows:

1. Delete horseradish, roots at 0.1 ppm; replace with horseradish, roots at 0.20 ppm.
2. Delete pea, dry, seed at 0.10 ppm; replace with pea and bean, dried shelled, except soybean, subgroup 6C at 0.15 ppm.
3. Delete potato at 0.10 ppm; potato, granules/flakes at 0.20 ppm; and potato, wet peel at 0.15 ppm; replace with potato at 0.15 ppm.
4. Delete sugarcane at 0.05 ppm; replace with sugarcane, cane 0.15 ppm and sugarcane, molasses at 0.20 ppm.
5. Delete sunflower at 0.1 ppm; replace with sunflower, seed at 0.20 ppm.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) of the FFDCA defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of the FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . ."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 of the FFDCA and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL-5754-7).

## III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D) of the FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2) of the