

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: November 7, 2003.

Phil Hutton,

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

Valent BioSciences Corporation

PP 3F6772

EPA has received a pesticide petition (3F6772) from Valent BioSciences Corporation, 870 Technology Way, Libertyville, IL 60048, proposing pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of the biochemical pesticide aminoethoxyvinylglycine hydrochloride (aviglycine HCl), formerly designated as aminoethoxyvinylglycine (AVG), in or on the stone fruits crop group, excepting cherries, at 0.170 part per million (ppm).

Pursuant to section 408(d)(2)(A)(i) of the FFDCA, as amended, Valent BioSciences Corporation has submitted the following summary of new information, data, and arguments in support of their pesticide petition (3F6772). This summary was prepared by Valent BioSciences Corporation and EPA has not fully evaluated the merits of the pesticide petition. 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.

In addition to the new data summarized below, however, Valent BioSciences Corporation also is relying on a summary of information, data, and arguments previously submitted by Abbott Laboratories, pursuant to section 408(d)(2)(A)(i) of the FFDCA as amended, in support of a prior Abbott Laboratories pesticide petition 9G5048 that sought temporary tolerances for residues of AVG in or on the stone fruit crop group. This Abbott Laboratories request, including the referenced summarized information, was published in the **Federal Register** of March 10, 1999 (64 FR 11872) (FRL-6067-5). EPA issued a final rule, published in the **Federal Register** of June 10, 1999 (64 FR 31124) (FRL-6080-4), in which it announced the establishment of the temporary tolerances requested by Abbott Laboratories for residues of aminoethoxyvinylglycine in or on the stone fruit crop group at 0.170 ppm, with an expiration date of April 1, 2001. Subsequently, Valent BioSciences Corporation submitted a pesticide petition (9G5048, transferred from Abbott Laboratories) that sought to extend the temporary tolerances for AVG in or on the stone fruit crop group originally obtained by Abbott Laboratories. Notice of this previous pesticide petition by Valent BioSciences Corporation, which also relied, in part, on the referenced summary of information previously prepared and submitted by Abbott Laboratories, was published in the **Federal Register** of March 28, 2001 (66 FR 16931) (FRL-6775-1). EPA issued a final rule, published in the **Federal Register** of July 12, 2001 (66 FR 36477) (FRL-6788-7), announcing the establishment of the temporary tolerances requested by Valent BioSciences Corporation for residues of the plant regulator AVG in or on the stone fruit crop group at 0.170 ppm, with an expiration date of December 21, 2003. It is the original summary of information previously submitted by Abbott Laboratories, and previously relied upon by Valent BioSciences Corporation, that Valent BioSciences Corporation once again is relying upon in connection with this new pesticide petition. EPA has not republished the summary of information initially submitted by Abbott Laboratories and published in the March 10, 1999 **Federal Register**, except where EPA believes such information would be helpful in understanding the new data.

A. Product Name and Proposed Use Practices

Aminoethoxyvinylglycine hydrochloride (aviglycine HCl), which

was previously designated as aminoethoxyvinylglycine (AVG), is a plant growth regulator used in the harvest management of apples, pears, and stone fruit (excluding cherries). It is used at the rate of 50 grams active ingredient per acre. Applications to apples are made once a season at 4 weeks before harvest; proposed use on stone fruit (except cherries) is for application 7 to 10 days before harvest.

B. Product Identity/Chemistry

1. *Identity of the pesticide and corresponding residues.* A study designed to determine whether uptake, translocation and metabolism of aminoethoxyvinylglycine hydrochloride occurs in apples identified seven minor metabolites in addition to the primary metabolite, *N*-acetyl-aminoethoxyvinylglycine. The study was not meant as a measure of the amount of aminoethoxyvinylglycine hydrochloride residues and metabolites found in apples under normal field conditions. The only significant incorporation of aminoethoxyvinylglycine hydrochloride in apple tissues, following brush-on application at high rates, resulted from absorption from the peel rather than translocation from the leaves. Aminoethoxyvinylglycine hydrochloride is also metabolized in the tissues to form *N*-acetyl-aminoethoxyvinylglycine and several other minor metabolites, and is partially degraded on the apple surface to water-soluble products that may be formed due to microbial and/or photodegradative action.

2. *Magnitude of residue at the time of harvest and method used to determine the residue.* Crops in residue trials were treated at maximum label rates, or above, and harvested at the specified minimum treatment to harvest intervals. Residue data for apples previously submitted by Abbott Laboratories and reviewed by EPA indicated that at the proposed use rates, no quantifiable residues were present in or on the food commodities at 21 days after treatment. Additional pome fruit residue data generated internationally has been provided to EPA by Valent BioSciences Corporation. Residues on representative stone fruit were typically below levels of quantitation, maximum residues on plums at 7 days were 0.142 ppm, and maximum residues on cherries were 0.490 ppm at 7 days. The proposed tolerance excludes use on cherries.

Analytical Enforcement Methodology. There is a practical method for detecting and measuring levels of aviglycine HCl in or on food with a limit of detection (LOD) that allows monitoring of food