

supplemental distributor products into § 152.132.

*4. Actions affecting registration.*

Subpart H of part 152 describes the various types of actions that are associated with registration, and refers readers to other parts of the regulations for elaboration of those requirements. Since this material is largely informational and guidance, it is not necessary in regulations and is being deleted.

*5. Obsolete restricted use chemicals.*

Section 152.175 contains a list of pesticides that have been restricted by regulation. These were promulgated originally between 1978 and 1981 and a number of the chemicals are no longer registered. EPA is deleting obsolete listings for 16 pesticides from § 152.175.

*6. Intrastate pesticide products.*

Subpart L describes requirements applicable to the conversion of intrastate pesticide products to Federally-registered products. FIFRA as enacted in 1972 no longer permitted pesticides to be registered solely by States; Federal registration was required.

The process of converting these products began in 1972 and by 1988 was winding down. Subpart L permitted continued sale and distribution of intrastate products until EPA could determine the acceptability of their Federal registration. EPA believes that all intrastate products have been converted or are no longer being marketed. Accordingly, EPA is deleting subpart L.

*B. Subpart 153 - Registration Policies and Interpretations*

This part contains various non-procedural policies and interpretations that are associated with registration. EPA is modifying this part as follows:

*1. Reporting of adverse effects information.* Subpart D of part 153 (promulgated in 1985) contains a set of regulations implementing FIFRA section 6(a)(2), describing when and how registrants must report adverse effects information to the Agency. Although promulgated in 1985, this subpart has never been made effective, and EPA is currently preparing to promulgate an updated adverse effects reporting rule, which will be clearer, simpler, and contain reduced reporting requirements. Because subpart D is not effective, and in anticipation of a replacement regulation being issued, EPA is deleting subpart D.

*2. Inert ingredients in antimicrobial products.* Section 153.139 contains a list of chemicals that EPA has determined generally to be inert (as opposed to pesticidally active) in antimicrobial

products. The listing is still valid, and EPA intends to continue to use it as the basis for inert ingredient determinations, but EPA believes that the list can be more efficiently updated informally by the Agency outside of the regulations. EPA intends to maintain the list within the Agency, and make it available as needed to registrants.

Accordingly, EPA is deleting § 153.139.

*3. Coloration of pesticides.* Subpart H addresses the circumstances when pesticide products must be colored or discolored. The individual pesticides listed in this subpart (arsenicals and fluosilicate compounds) are no longer registered and not sold for pesticide use. Accordingly, EPA is deleting four sections in this subpart requiring coloration or discoloration of individual pesticide products. EPA is also revising § 153.140 to delete references to the coloration system. EPA will retain § 153.155 which requires that seed treatment products be colored with an EPA-approved dye to avoid the possibility that treated seeds may be inadvertently used as animal feed.

*4. Devices.* Subpart M contains a listing of FIFRA requirements pertaining to pesticide devices. Although not required to be registered, devices are subject to a variety of requirements, such as labeling, and compliance activities such as recordkeeping and registration of establishments. This section simply refers the reader to those requirements in FIFRA and the regulations that apply to devices. Even though individually these requirements are stated elsewhere, EPA believes that the compilation of requirements in a single location is useful to the regulated industry. EPA is transferring the material, however, into part 152 as subpart Z.

*C. Part 157 - Packaging Requirements for Pesticides and Devices*

This part, promulgated in 1986, consists solely of requirements for child-resistant packaging at this time. EPA is removing § 157.39, which stated the compliance date for the rule, now past.

*D. Part 165 - Regulations for the Acceptance of Certain Pesticides and Recommended Procedures for the Disposal and Storage of Pesticides and Pesticide Containers*

This part, promulgated in 1974, addresses two discrete topics. Subpart B contains regulations under which EPA was required to accept for disposal pesticides that were both suspended and canceled. Subsequent to promulgation, FIFRA-88 transferred to pesticide registrants the responsibility

for such disposal. EPA has completed the disposal of all pesticides for which it was responsible under these regulations and subpart B is no longer needed. Subparts C and D contain recommended procedures for storage and disposal of pesticides and containers. These subparts were superseded by the passage of the Resource Conservation and Recovery Act in 1976. Moreover, FIFRA section 19 contains new authority for EPA in the area of pesticide storage and disposal, and regulations under current section 19 have been proposed that would replace part 165. Accordingly, EPA is deleting part 165.

*E. Part 172 - Experimental Use Permits*

This part describes the procedures for applying for and obtaining an experimental use permit under FIFRA section 5. The holder of an experimental use permit is required by § 172.8 to submit quarterly progress reports on his or her experimental work, and a final report. EPA finds that the quarterly progress reports are not needed, and rarely used by the Agency, and is deleting the requirement for such reports contained in § 172.8(b)(1). The final report, however, required by § 172.8(b)(2) is being retained: the information required in the final report is used to evaluate the experimental program and the data generated during the program are used in future determinations on the registrability of the pesticide.

*F. Parts 180, 185, and 186 - Pesticide Tolerances*

These three parts contain listings of individual tolerances for raw foods, processed foods, and processed animal feeds, respectively. Some of these tolerances are time-limited and have expired. EPA is deleting expired time-limited tolerances from various regulations in these parts.

**IV. Effect of Deletion of Regulations**

The removal or modification of these regulatory provisions from the Code of Federal Regulations is not intended to affect the status of any civil or criminal actions initiated prior to June 19, 1995, or which may be initiated in the future to redress violations of the rules that occurred when the rules were still legally in effect.

**V. Good Cause Exemption From Notice and Comment Rulemaking Procedures**

The Administrative Procedure Act generally requires agencies to provide prior notice and opportunity for public comments before issuing a final rule. Rules are exempt from the requirement