

§ 180.352 Terbufos; tolerances for residues.*
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(b) A time-limited tolerance to expire (date 2 years after date of publication of final rule based on this proposal) is established for combined residues of the insecticide/nematicide terbufos (S-[[1,1-dimethylthio] methyl] O,O-diethyl phosphorodithioate) and its cholinesterase-inhibiting metabolites in or on the following raw agricultural commodity:

Commodity	Parts per million
* * * *	*
Coffee beans, green ¹	0.05
* * * *	*

¹There are no U.S. registrations as of August 2, 1995 for the use of terbufos on the growing crop, coffee.

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40 CFR Parts 180 and 185

[OPP-300393; FRL-4967-1]

RIN 2070-AC18

Mevinphos; Proposed Amendment and Revocation of Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes the revocation of all tolerances listed at 40 CFR 180.157 and 185.4200 for residues of the insecticide mevinphos (Phosdrin®) in or on all raw agricultural commodities and processed foods. EPA is initiating this action because all U.S. mevinphos registrations were canceled on July 1, 1994. Because existing stocks of mevinphos may be used through November 30, 1995, the proposed revocations will become effective May 31, 1996, in order to ensure that no mevinphos residue will occur on legally treated crops, whether they are raw agricultural commodities or processed foods.

DATES: Written comments, identified by the docket control number OPP-300393, must be received on or before October 2, 1995.

ADDRESSES: By mail, submit comments to: Public Response Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401

M St. SW., Washington, DC 20460. In person, deliver comments to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number "OPP-300393." No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit V. of this preamble.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the Virginia address given above from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Richard Dumas, Special Review and Reregistration Division (7508W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. In person: Special Review Branch, Third floor, Crystal Station 1, 2800 Crystal Drive, Arlington, VA 22202, Telephone number: (703) 308-8015, e-mail: dumas.richard@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:**I. Introduction**

Mevinphos (Phosdrin®) is a broad-spectrum organophosphate insecticide primarily used on specialty/minor use crops. It is used chiefly as an acaricide and was registered for use on 25 crops (principally leafy greens and cole crops) before cancellation. It has been produced in the U.S. by the sole technical registrant, Amvac Corporation of Los Angeles, California. Prior to its cancellation, approximately 200,000 to

500,000 pounds of active ingredient were used annually in the U.S.

II. Legal Background

The Federal Food, Drug, and Cosmetic Act (FFDCA) authorizes the establishment by regulation of maximum permissible levels of pesticides in or on foods. Such regulations are commonly referred to as "tolerances." Without such tolerances or exemptions from tolerances, a food containing pesticide residues is considered to be "adulterated" under section 402 of the FFDCA, and hence may not legally be moved in interstate commerce (21 U.S.C. 342). Commodities subject to this proposal must no longer contain mevinphos residues following the revocation of the tolerances. To establish a tolerance for pesticide residues in or on raw agricultural commodities under section 408 of FFDCA, EPA must find that the promulgation of the rule would "protect the public health" (21 U.S.C. 346a(b)). To establish food additive regulations (FARs) to cover pesticide residues in processed foods under section 409 of FFDCA, EPA must determine that the proposed use of the food additive will be safe (21 U.S.C. 348). For a pesticide to be sold and used in the production of a food crop or food animal, the pesticide must not only have appropriate tolerances or FARs under FFDCA, but must be registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136 et seq.). FIFRA requires the registration of pesticides that are sold and distributed in the U.S.

This document proposes the revocation of all tolerances and FARs (hereafter tolerances will refer to both tolerances and FARs) established under sections 408 and 409 of the FFDCA, 21 U.S.C. 301 et seq., for residues of the pesticide mevinphos in or on all previously registered crops, as listed in 40 CFR 180.157 and 185.4200. In the absence of the appropriate clearances under FFDCA for residues of a pesticide on food or feed, any agricultural commodity or processed food domestically produced and/or imported into the United States found to contain mevinphos residues is adulterated under section 402 of FFDCA.

III. Regulatory Background

On June 30, 1994, when EPA was prepared to issue a Notice of Intent to Suspend all mevinphos registrations because of acute poisoning incidents involving agricultural workers, Amvac submitted a request for voluntary cancellation. EPA accepted this request and on July 1, 1994, issued a