

subject to this proposed rule, EPA is proposing to revoke various tolerances for maleic hydrazide, oryzalin, and hexazinone. This document also proposes to delete as surplusage the term "negligible" from a regulation on streptomycin.

DATES: EPA must receive written comments, identified by the OPP document control number [OPP-300405], on or before February 5, 1996.

ADDRESSES: By mail, submit comments to Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460. In person, deliver comments to Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

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-300405]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Jeff Morris, Special Review and Reregistration Division (7508W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location: Special Review Branch, Crystal Station #1, 3rd Floor, 2800 Crystal Drive, Arlington, VA 22202. Telephone: (703)-308-8029; e-mail: morris.jeffrey@epamail.epa.gov.

I. Legal Authorization

The Federal Food, Drug, and Cosmetic Act (FFDCA, 21 U.S.C. 301 et seq.) authorizes the establishment of tolerances (maximum legal residue levels) and exemptions from the requirement of a tolerance for residues of pesticide chemicals in or on raw agricultural commodities pursuant to section 408 (21 U.S.C. 346(a)). Without such tolerances or exemptions, 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). To establish a tolerance or an exemption under section 408 of the FFDCA, EPA must

make a finding that the promulgation of the rule would "protect the public health" (21 U.S.C. 346a(b)). For a pesticide to be sold and distributed, the pesticide must not only have appropriate tolerances under the FFDCA, but also must be registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136 et seq.).

In 1988, Congress amended the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. 136 et seq.) and required EPA to review and reassess the potential hazards arising from currently registered uses of pesticides registered prior to November 1, 1984. As part of this process, the Agency must determine whether a pesticide is eligible for reregistration or whether any subsequent actions are required to fully attain reregistration status. EPA has chosen to include in the reregistration process a reassessment of existing tolerances or exemptions from the need for a tolerance. Through this reassessment process, based on more recent data, EPA can determine whether a tolerance must be amended, revoked, or established, or whether an exemption from the requirement of one or more tolerances must be amended or is necessary.

The procedure for establishing, amending, or revoking tolerances or exemptions from the requirement of tolerances is set forth in 40 CFR parts 177 through 180. The Administrator of EPA, or any person by petition, may initiate an action proposing to establish, amend, revoke, or exempt a tolerance for a pesticide registered for food uses. Each petition or request for a new tolerance, an amendment to an existing tolerance, or a new exemption from the requirement of a tolerance must be accompanied by a fee. Current Agency policy on tolerance actions identified during the reregistration process is to waive the payment of fees if the tolerance action concerns revision or revocation of an established tolerance, or if the proposed exemption from the requirement of a tolerance requires the concurrent revocation of an approved tolerance. Comments submitted in response to the Agency's published proposals are reviewed, and the Agency then publishes its final determination regarding the specific tolerance actions.

II. Chemical-Specific Information and Proposed Actions

A. Maleic Hydrazide

1. *Regulatory history.* In 1952, USDA registered maleic hydrazide for use as a growth regulator. EPA issued a Registration Standard for maleic

hydrazide in 1988. In 1992, EPA issued a Data Call-In (DCI) notice for maleic hydrazide and the potassium salt of maleic hydrazide that required data to address ecological effects, environmental fate, and residue chemistry data gaps. EPA published a RED for maleic hydrazide in June 1994 that reflects a reassessment of all data submitted to date in response to the Registration Standard and the 1992 DCI. The RED also conditions the maleic hydrazide reregistration on the cranberry tolerance revocation proposed in this document. Persons interested in the details of this reassessment are referred to the maleic hydrazide RED (NTIS #PB88-236849).

2. *Current proposal.* EPA proposes to revoke the 15-ppm tolerance for maleic hydrazide residues in or on cranberries, as listed in 40 CFR 180.175(b). EPA is proposing this action for two reasons: (1) The registrant is not supporting the use of maleic hydrazide on this commodity, and end-use maleic hydrazide labels do not list cranberries as a registered use (Two States, Massachusetts and New Jersey, had FIFRA section 24(c) (Special Local Need) registrations for the use of maleic hydrazide on cranberries in 1984 and 1985; EPA cancelled those registrations in 1991, and EPA believes that since 1992 there has been little or no usage of maleic hydrazide on cranberries in those States.) Therefore, no residues of maleic hydrazide are expected in or on cranberries, making a cranberry tolerance unnecessary. (2) Also, EPA does not have adequate nature-of-the-residue data to determine that the cranberry tolerance for maleic hydrazide is protective of the public health. A tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act requires a finding that the tolerance will protect the public health, and to make such a finding for the established cranberry tolerance in 40 CFR 180.175(b), EPA needs adequate data on the nature of the residue (see 40 CFR part 158 for guidance on data requirements). To date, the Agency has not received these data.

If during the comment period of this proposed rule no party indicates that it will support the use of maleic hydrazide on cranberries by providing the necessary data, EPA will issue a final rule revoking the tolerance.

B. Oryzalin

1. *Regulatory history.* Oryzalin was first registered in the United States in 1974 for use as a preemergence herbicide in fruit and nut crops, vineyards, orchards, forest areas, noncrop areas, and agricultural crops. In