

A public hearing will be held at the Ramada Inn, 10 Thomas Circle NW, Washington DC.

Materials relevant to this proposal have been placed in Air and Radiation Docket A-95-02 by EPA. The docket is located at the above address in room M-1500 Waterside Mall (ground floor) and may be inspected from 8 a.m. to 4 p.m., Monday through Friday, including all non-government holidays.

FOR FURTHER INFORMATION CONTACT: Kathryn Sargeant, Emission Control Strategies Branch, Emission Planning and Strategies Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105. (313) 668-4441.

SUPPLEMENTARY INFORMATION: The terms and substance of the rule changes proposed in this document, and a description of the subjects and issues involved, are included in the document announcing the interim final rule published in the Final Rules Section of this **Federal Register**. This proposal is identical in substance to the interim final rule, except that the proposal would not limit the application of the proposed rule changes to a six-month period.

Dated: January 31, 1995.

Carol M. Browner,
Administrator.

[FR Doc. 95-3002 Filed 2-7-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 180

[PP 5F4427/P606; FRL-4936-6]

RIN 2070-AC18

Pesticide Tolerance for Chlorpyrifos

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish a time-limited tolerance for residues of the insecticide chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate] in or on the raw agricultural commodities oats and barley when blended together in a mixture containing 97% oats and 3% barley. The proposal to establish maximum permissible levels for residues of the insecticide was requested in a petition submitted by General Mills.

DATES: Comments, identified by the document control number, [PP 5F4427/P606], must be received on or before March 10, 1995.

ADDRESSES: By mail, submit written comments to: Public Response and

Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (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 address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Dennis H. Edwards, Jr., Product Manager (PM) 19, Registration Division (7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 207, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6386.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of November 21, 1994 (59 FR 60013), which announced that General Mills had submitted pesticide petition (PP) 5F4427 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, amend 40 CFR 180.342 by establishing a tolerance for residues of the insecticide chlorpyrifos in or on the raw agricultural commodity oats at 15 ppm, provided that such tolerance applies only to oats that were treated post-harvest with chlorpyrifos on or before June 15, 1994; that such tolerance applies only to oats to be used as animal feed or as a constituent of animal feed; that, notwithstanding any other provision of law or regulation, this tolerance does not authorize the presence of residues of chlorpyrifos in any human food item made from such treated oats, other than residues resulting from the use of the oats for animal feed purposes; and that such tolerance expires on December 31, 1996.

Chlorpyrifos is registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for application to many growing crops; associated

tolerance regulations have been established under the FFDCA. It is not, however, registered for use on oats or for treatment of stored grain. A pest control operator under contract to General Mills improperly treated stored oats and fraudulently claimed to have used a different pesticide, chlorpyrifos-methyl, that is registered for use on stored grains such as oats. The illegal residues were discovered by a routine FDA inspection. Processed food products manufactured from improperly treated oats were determined by the Agency not to be a human health hazard and those that had entered commerce were not recalled. Processed products that had not yet entered commerce were retained by General Mills and subsequently destroyed. Approximately 18 million bushels of stored unmilled oats treated with chlorpyrifos are at present controlled by General Mills or its customers. Although the Agency has determined that the use of the stored oats for the production of food does not constitute a human health hazard, no approval has been sought by General Mills to use the treated oats for human food purposes.

Chlorpyrifos is registered for use on other crops that are used for livestock or poultry feed purposes. General Mills has submitted data to demonstrate that the use of treated oats for livestock or poultry feed will not yield residues in meat, milk, or eggs that exceed existing tolerances for chlorpyrifos in these commodities. To ensure that the oats will be unacceptable for human food production, General Mills has stated that they will be blended to include not less than 3% barley and 97% oats. Accordingly, the definition of the raw agricultural commodity in the petition has been amended to "oats and barley when blended together in a mixture containing 97% oats and 3% barley."

There were no comments or requests for a referral to an advisory committee received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. Toxicological data considered in support of the proposed tolerance include:

1. A 2-year dog feeding study with a no-observed-effect-level (NOEL) for systemic effects of 1.0 milligram (mg)/kilogram (kg)/day and lowest-effect-level (LEL) (increased liver weight) of 3.0 mg/kg/day. The NOELs for cholinesterase (ChE) inhibition were as follows: 0.01 mg/kg/day for plasma, 0.1 mg/kg/day for red blood cells, and 1.0 mg/kg/day for brain cells. Levels tested were 0, 0.01, 0.03, 0.1, 1.0, and 3 mg/kg/day.