

Fourth, with respect to the Center's assertion that there is no NSPS for CAFOs, that does not mean that Colorado cannot regulate CAFO emissions under the CAA. As explained above, Colorado could include measures in its nonattainment and visibility SIP submissions designed to reduce emissions from CAFOs. The agriculture provision does not bar the State from doing so if necessary, under the CAA.

Finally, the Center raises issues that are outside the scope of this rulemaking. EPA sought, and the Tenth Circuit granted, remand of only two portions of EPA's approval of Colorado's infrastructure SIP submission for the 2015 ozone standards—EPA's conclusions under CAA section 110(a)(2)(D)(i)(I) and (E)(i) with respect to the agriculture provision. EPA proposed action on these two portions only and stated that the Agency was not reopening for comment any other portions of the 2020 final rule.⁸³ Accordingly, the Center's assertion that EPA has not acted on a petition to promulgate an NSPS for CAFOs is outside the scope of this action. Similarly, the Center's assertions that EPA must disapprove Colorado's infrastructure SIP under CAA section 110(a)(2)(A), 110(a)(2)(D)(i)(II) (prong 4), and 110(a)(2)(J) are also outside the scope of this action.⁸⁴

EPA notes that "Congress has left to the Administrator's sound discretion determination of what assurances are 'necessary'" under CAA section 110(a)(2)(E)(i).⁸⁵ For the foregoing reasons, and for the reasons stated in our proposal, we conclude that Colorado's infrastructure SIP submission, supported by Colorado's letter regarding the agriculture provision, provides the necessary assurances of the State's authority to carry out Colorado's SIP for the 2015 ozone NAAQS as required by CAA section 110(a)(2)(E)(i).

III. Final Action

EPA is confirming our approval that the good neighbor portion of Colorado's infrastructure SIP satisfies the interstate transport provision of the CAA, section 110(a)(2)(D)(i)(I), for the 2015 ozone NAAQS, and that the State has provided the necessary assurances of the State's

authority to regulate all agricultural sources as may be required by the CAA under section 110(a)(2)(E)(i).

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of

Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 12, 2022. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Greenhouse gases, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: October 2, 2022.

KC Becker,

Regional Administrator, Region 8.

[FR Doc. 2022-21815 Filed 10-7-22; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2020-0336; FRL-9525-01-OCSPP]

Methoxyfenozide; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

⁸³ 87 FR 27054.

⁸⁴ See 85 FR 20165, 20171 (April 10, 2020) (explaining EPA's basis for approving Colorado's infrastructure SIP submission under CAA section 110(a)(2)(D)(i)(II) (prong 4) and 110(a)(2)(J)); 85 FR 36518 (explaining EPA's basis for proposing to approve Colorado's infrastructure SIP submission under CAA section 110(a)(2)(A)).

⁸⁵ *NRDC v. EPA*, 478 F.2d 875, 884 (1st Cir. 1973); see also *BCCA*, 355 F.3d at 844-847.

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of methoxyfenozide in or on multiple crops detailed later in this document. The Interregional Research Project Number 4 (IR-4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective October 11, 2022. Objections and requests for hearings must be received on or before December 12, 2022, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2020-0336, is available at <https://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg, Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room and the OPP Docket is (202) 566-1744. For the latest status information on EPA/DC services and access, visit <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Marietta Echeverria, Acting Director, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; main telephone number: (202) 566-1030; email address: RDPRNotices@epa.gov.

SUPPLEMENTARY INFORMATION:**I. General Information***A. Does this action apply to me?*

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Office of the Federal Register's e-CFR site at <https://www.ecfr.gov/current/title-40>.

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2020-0336 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before December 12, 2022. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA-HQ-OPP-2020-0336, by one of the following methods:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

- **Mail:** OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001.

- **Hand Delivery:** To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <https://www.epa.gov/dockets/where-send-comments-epa-dockets>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of September 30, 2020 (85 FR 61681) (FRL-10014-74) EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 0E8833) by IR-4, North Carolina State University, 1730 Varsity Drive, Venture IV, Suite 210, Raleigh, NC 27606. The petition requested that 40 CFR 180.544 be amended by establishing tolerances for residues of the insecticide, methoxyfenozide, including its metabolites and degradates. Compliance with the tolerance levels is to be determined by measuring only methoxyfenozide (3-methoxy-2-methylbenzoic acid 2-(3,5-dimethylbenzoyl)-2-(1,1-dimethylethyl) hydrazide) in or on multiple commodities that are listed out in the petition and in the regulatory text. That document referenced a summary of the petition submitted by IR-4, the petitioner, which is available in the docket, <https://www.regulations.gov>. A comment was received in response to the notice of filing; however, it was unrelated to methoxyfenozide specifically or to pesticides in general.

Based upon review of the data supporting the petition, EPA is establishing some tolerances at different levels than petitioned for and many of the commodity definitions have been modified as well. A discussion of these modifications can be found in section IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) of FFDCA defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue"

Consistent with FFDCA section 408(b)(2)(D), and the factors specified therein, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of, and to make a determination on, aggregate exposure for methoxyfenozide, including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with methoxyfenozide follows.

In an effort to streamline its publications in the **Federal Register**, EPA is not reprinting sections that repeat what has been previously published for tolerance rulemaking of the same pesticide chemical. Where scientific information concerning a particular chemical remains unchanged, the content of those sections would not vary between tolerance rulemaking, and EPA considers referral back to those sections as sufficient to provide an explanation of the information EPA considered in making its safety determination for the new rulemaking.

EPA has previously published a tolerance rulemaking for methoxyfenozide in which EPA concluded, based on the available information, that there is a reasonable certainty that no harm would result from aggregate exposure to methoxyfenozide and established tolerances for residues of that chemical. EPA is incorporating previously published sections from that rulemaking as described further in this rulemaking, as they remain unchanged.

Toxicological profile. For a discussion of the Toxicological Profile of methoxyfenozide, see Unit III.A. of the methoxyfenozide tolerance rulemaking published in the **Federal Register** of March 12, 2019 (84 FR 8820) (FRL-9985-06).

Toxicological points of departure/Levels of concern. For a summary of the Toxicological Points of Departure/Levels of Concern for methoxyfenozide used for human risk assessment, please reference Unit III.B. of the March 12, 2019, rulemaking.

Exposure assessment. The exposure assessment has been updated to include the new regional use on rice and the crop group expansions and conversions but uses the same previous assumptions of tolerance level residues and 100 percent crop treated (PCT). For a description of the previous approach to and assumptions for the exposure assessment, please reference Unit III.C. of the March 12, 2019, rulemaking.

Drinking water exposure. EPA has revised the methoxyfenozide drinking water assessment since the March 12,

2019, rulemaking to reflect the new regional use on rice. Based on the Tier 1 Rice Model, the new estimated drinking water concentration for the chronic dietary assessment is 232 ppb.

Non-occupational exposure. Lastly, the residential assessment has also been updated to reflect current Agency policy. In the March 12, 2019, rulemaking, a residential assessment was conducted. However, the Agency now assumes that when labels require specific clothing and/or personal protective equipment (PPE) such products are not for residential use. The methoxyfenozide label requires specific clothing and/or PPE; therefore, the Agency has made the assumption that the registered methoxyfenozide labels are not intended for use by residential handlers and a quantitative residential handler assessment has not been conducted. The approach to assessing post-application exposure is the same as described in Unit III.C.3 of the March 12, 2019, rulemaking.

Cumulative Effects from Substances with a Common Mechanism of Toxicity. Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity." In 2016, EPA's Office of Pesticide Programs released a guidance document entitled *Pesticide Cumulative Risk Assessment: Framework for Screening Analysis* (<https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/pesticide-cumulative-risk-assessment-framework>). This document provides guidance on how to screen groups of pesticides for cumulative evaluation using a two-step approach beginning with the evaluation of available toxicological information and if necessary, followed by a risk-based screening approach. This framework supplements the existing guidance documents for establishing common mechanism groups (CMGs) and conducting cumulative risk assessments (CRA).

The Agency used this framework for methoxyfenozide and determined that the diazylhydrazine class of insecticides (methoxyfenozide, halofenozide and tebufenozide) form a candidate CMG. This group of pesticides is considered a candidate CMG because there is sufficient toxicological data to suggest a common mechanism of toxicity. Following this determination, the Agency conducted a screening-level cumulative risk assessment consistent with the 2016 guidance document. This

assessment included only methoxyfenozide and tebufenozide since there are no registered uses for halofenozide. The Agency has updated the cumulative dietary and residential aggregate exposure estimates for methoxyfenozide and tebufenozide to take into account the new regional use on rice and crop group expansions and conversions for methoxyfenozide. The updated assessment indicates that cumulative dietary and aggregate exposures for methoxyfenozide and tebufenozide are not of concern. For more information see Appendix F of the document titled "Methoxyfenozide. Human Health Risk Assessment for the Petition to Establish Permanent Tolerances, and Associated Section 3 Registration, for Residues Resulting from Use of the Insecticide on Rice, and Crop Group Conversions and Expansions" in docket ID number EPA-HQ-OPP-2020-0336.

Safety factor for infants and children. EPA continues to conclude that there are reliable data to support the reduction of the Food Quality Protection Act (FQPA) safety factor from 10X to 1X. See Unit III.D. of the March 12, 2019, rulemaking for a discussion of the Agency's rationale for that determination.

Aggregate risks and determination of safety. EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute population adjusted dose (aPAD) and chronic population adjusted dose (cPAD). Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate points of departure to ensure that an adequate margin of exposure (MOE) exists. For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure.

An acute dietary risk assessment was not needed for methoxyfenozide since no toxic effects attributable to a single dose were identified in the toxicity database. Chronic dietary risks are below the Agency's level of concern of 100% of the cPAD; they are 80% of the cPAD for children 1 to 2 years old, the group with the highest exposure. There are currently no residential handler uses for methoxyfenozide, and none are pending before the Agency. Therefore short- and intermediate-term exposure to methoxyfenozide is not expected and the short- and intermediate-term risk is equivalent to the chronic dietary risk, which is not of concern. Methoxyfenozide is classified as "Not Likely to Be Carcinogenic to Humans";

therefore, EPA does not expect methoxyfenozide exposures to pose an aggregate cancer risk.

Determination of safety. Therefore, based on the risk assessments and information described above, EPA concludes there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to methoxyfenozide residues. More detailed information on this action can be found in the document titled “Methoxyfenozide. Human Health Risk Assessment for the Petition to Establish Permanent Tolerances, and Associated Section 3 Registration, for Residues Resulting from Use of the Insecticide on Rice, and Crop Group Conversions and Expansions” in docket ID EPA-HQ-OPP-2020-0336.

IV. Other Considerations

A. Analytical Enforcement Methodology

For a discussion of the available analytical enforcement method, see Unit IV.A. of the March 12, 2019, rulemaking.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4).

The tolerance for Cottonseed subgroup 20C is set at 7 ppm to harmonize with the Codex MRL. In addition, although EPA has not yet implemented the new subgroups to replace the established subgroups 6A, 6B, and 6C, the tolerances for each of the individual commodities that will fall under the future subgroups 6–22A, 6–22B, 6–22C, 6–22D, 6–22E, and 6–22F, are harmonized with Codex, except for “pea, black-eyed, seed” and “pea, southern, seed,” which have existing, higher MRLs that are not being modified. Tolerances for commodities that will be in future subgroups 6–22A and 6–22B are set at 2 ppm, and those in future subgroups 6–22C and 6–22D are set at 0.3 ppm to harmonize with Codex. The Agency is not harmonizing with Codex by setting higher tolerances for Field pea (Codex-5 ppm) and Cowpea (Codex-3 ppm) as the increase would be too great and is not supported by previously submitted data.

There are additional commodities covered by this rule that are not harmonized with Codex. The

explanation for the deviations can be found in Appendix E of the document titled “Methoxyfenozide. Human Health Risk Assessment for the Petition to Establish Permanent Tolerances, and Associated Section 3 Registration, for Residues Resulting from Use of the Insecticide on Rice, and Crop Group Conversions and Expansions” in docket ID number EPA-HQ-OPP-2020-0336.

C. Revisions to Petitioned-For Tolerances

FFDCA section 408(d)(4)(A)(i) permits the Agency to finalize a tolerance that varies from that sought by the petition. The proposed tolerance on Rice, straw is not being established because the Agency no longer considers it a significant livestock feed item. EPA is establishing some tolerances at different levels than petitioned-for to be consistent with Organization for Economic Co-operation and Development (OECD) rounding practice. EPA is not establishing a tolerance for edible podded pea, edible podded because it is not a distinct commodity requiring a tolerance.

Many of the proposed commodity definitions have been revised to be consistent with Agency nomenclature.

V. Conclusion

Therefore, tolerances are established for residues of methoxyfenozide in or on Bean, adzuki, dry seed at 0.5 ppm; Bean, American potato, dry seed at 0.5 ppm; Bean, asparagus, edible podded at 2 ppm; Bean, asparagus, dry seed at 0.5 ppm; Bean, black, dry seed at 0.5 ppm; Bean, broad, dry seed at 0.5 ppm; Bean, broad, succulent shelled at 0.3 ppm; Bean, catjang, edible podded at 2 ppm; Bean, catjang, dry seed at 0.5 ppm; Bean, catjang, succulent shelled at 0.3 ppm; Bean, cranberry, dry seed at 0.5 ppm; Bean, cranberry, dry seed at 0.5 ppm; Bean, field, dry seed at 0.5 ppm; Bean, French, dry seed 0.5 ppm; Bean, French, edible podded at 2 p.m.; Bean, garden, dry seed at 0.5 ppm; Bean, garden, edible podded at 2 ppm; Bean, goa, dry seed at 0.5 ppm; Bean, goa, edible podded at 2 ppm; Bean, goa, succulent shelled at 0.3 ppm; Bean, great northern, dry seed at 0.5 ppm; Bean, green, dry seed at 0.5 ppm; Bean, green, edible podded at 2 ppm; Bean, guar, dry seed at 0.5 ppm; Bean, guar, edible podded at 2 ppm; Bean, kidney, dry seed at 0.5 ppm; Bean, kidney, edible podded at 2 ppm; Bean, lablab, dry seed at 0.5 ppm; Bean, lablab, edible podded at 2 ppm; Bean, lablab, succulent shelled at 0.3 ppm; Bean, lima, dry seed at 0.5 ppm; Bean, lima, succulent shelled at 0.3 ppm; Bean, morama, dry seed at 0.5 ppm; Bean, moth, dry seed at 0.5 ppm;

Bean, moth, edible podded at 2 ppm; Bean, moth, succulent shelled at 0.3 ppm; Bean, mung, dry seed at 0.5 ppm; Bean, mung, edible podded at 2 ppm; Bean, navy, dry seed 0.5 ppm; Bean, navy, edible podded at 2 ppm; Bean, pink, dry seed at 0.5 ppm; Bean, pinto, dry seed at 0.5 ppm; Bean, red, dry seed at 0.5 ppm; Bean, rice, dry seed at 0.5 ppm; Bean, rice, edible podded at 2 ppm; Bean, scarlet runner, dry seed at 0.5 ppm; Bean, scarlet runner, edible podded at 2 ppm; Bean, scarlet runner, succulent shelled at 0.3 ppm; Bean, snap, edible podded at 2 ppm; Bean, sword, dry seed at 0.5 ppm; Bean, sword, edible podded at 2 ppm; Bean, tepary, dry seed at 0.5 ppm; Bean, urd, dry seed at 0.5 ppm; Bean, urd, edible podded at 2 ppm; Bean, wax, edible podded at 2 ppm; Bean, wax, succulent shelled at 0.3 ppm; Bean, yardlong, dry seed at 0.5 ppm; Bean, yardlong, edible podded at 2 ppm; Bean, yellow, dry seed at 0.5 ppm; Celtuce at 25 ppm; Chickpea, dry seed at 0.5 ppm; Chickpea, edible podded at 2 ppm; Chickpea, succulent shelled at 0.3 ppm; Cottonseed subgroup 20C at 7 ppm; Cowpea, dry seed at 0.5 ppm; Cowpea, edible podded at 2 ppm; Cowpea, succulent shelled at 0.3 ppm; Fennel, Florence, fresh leaves and stalk at 25 ppm; Gram, horse, dry seed at 0.5 ppm; Grass pea, dry seed at 0.5 ppm; Grass pea, edible podded at 2 ppm; Jackbean, dry seed at 0.5 ppm; Jackbean, edible podded at 2 ppm; Jackbean, succulent shelled at 0.3 ppm; Kohlrabi at 7 ppm; Leaf petiole vegetable subgroup 22B at 25 ppm; Lentil, dry seed at 0.5 ppm; Lentil, edible podded at 2 ppm; Lentil, succulent shelled at 0.3 ppm; Longbean, Chinese, dry seed at 0.5 ppm; Longbean, Chinese, edible podded at 2 ppm; Lupin, Andean, dry seed at 0.5 ppm; Lupin, Andean, succulent shelled at 0.3 ppm; Lupin, blue, dry seed at 0.5 ppm; Lupin, blue, succulent shelled at 0.3 ppm; Lupin, grain, dry seed at 0.5 ppm; Lupin, grain, succulent shelled at 0.3 ppm; Lupin, sweet white, dry seed at 0.5 ppm; Lupin, sweet white, succulent shelled at 0.3 ppm; Lupin, sweet, dry seed at 0.5 ppm; Lupin, sweet, succulent shelled at 0.3 ppm; Lupin, white, dry seed at 0.5 ppm; Lupin, white, succulent shelled at 0.3 ppm; Lupin, yellow, dry seed at 0.5 ppm; Lupin, yellow, succulent shelled at 0.3 ppm; Pea, blackeyed, succulent shelled at 0.3 ppm; Pea, crowder, dry seed at 0.5 ppm; Pea, crowder, succulent shelled at 0.3 ppm; Pea, dry, dry seed at 0.5 ppm; Pea, dwarf, edible podded at 2 ppm; Pea, English, succulent shelled at 0.3 ppm; Pea, field, dry seed at 0.5 ppm; Pea, garden, dry seed at 0.5 ppm; Pea,

garden, succulent shelled at 0.3 ppm; Pea, green, dry seed at 0.5 ppm; Pea, green, edible podded at 2 ppm; Pea, green, succulent shelled at 0.3 ppm; Pea, pigeon, dry seed at 0.5 ppm; Pea, pigeon, edible podded at 2 ppm; Pea, pigeon, succulent shelled at 0.3 ppm; Pea, snap, edible podded at 2 ppm; Pea, snow, edible podded at 2 ppm; Pea, southern, succulent shelled at 0.3 ppm; Pea, sugar snap, edible podded at 2 ppm; Pea, winged, dry seed at 0.5 ppm; Pea, winged, edible podded at 2 ppm; Soybean, vegetable, dry seed at 0.5 ppm; Soybean, vegetable, edible podded at 2 ppm; Soybean, vegetable, succulent shelled at 0.3 ppm; Tropical and subtropical, palm fruit, edible peel, subgroup 23C at 8 ppm; Tropical and subtropical, small fruit, inedible peel, subgroup 24A at 2 ppm; Vegetable, brassica, head and stem, group 5–16 at 7 ppm; Vegetable, leafy, group 4–16 at 30 ppm; Velvetbean, dry seed at 0.5 ppm; Velvetbean, edible podded at 2 ppm; Velvetbean, succulent shelled at 0.3 ppm; and Yam bean, African, dry seed at 0.5 ppm.

Also, tolerances for regional registration are established for Rice, grain at 30 ppm; and Rice, hulls at 55 ppm.

The following tolerances are removed as unnecessary due to the establishment of the above tolerances: Brassica, head and stem, subgroup 5A; Brassica, leafy greens, subgroup 5B; Cotton, undelinted seed; Date; Leaf petioles subgroup 4B; Leafy greens subgroup 4A; Longan; Lychee; Pea and bean, dried shelled, except soybean, subgroup 6C, except pea, blackeyed, seed and pea, southern, seed; Pea and bean, succulent shelled, subgroup 6B; Spanish lime; Turnip greens; and Vegetable, legume, edible podded, subgroup 6A. In addition, the Section 18 emergency exemption time-limited tolerances for Rice, bran and Rice, grain are removed as unnecessary due to the establishment of the tolerances for regional registration.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled “Regulatory Planning and Review” (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66

FR 28355, May 22, 2001), or to Executive Order 13045, entitled “Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or Tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or Tribal Governments, on the relationship between the National Government and the States or Tribal Governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled “Federalism” (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of

Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides, and pests, Reporting and recordkeeping requirements.

Dated: September 29, 2022.

Marietta Echeverria,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, for the reasons stated in the preamble, EPA is amending 40 CFR chapter 1 as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Amend § 180.544:

■ a. In paragraph (a)(1) by:

■ i. Adding a table heading.

■ ii. Adding in alphabetical order entries for “Bean, adzuki, dry seed”; “Bean, American potato, dry seed”; “Bean, asparagus, edible podded”; “Bean, asparagus, dry seed”; “Bean, black, dry seed”; “Bean, broad, dry seed”; “Bean, broad, succulent shelled”; “Bean, catjang, edible podded”; “Bean, catjang, dry seed”; “Bean, catjang, succulent shelled”; “Bean, cranberry, dry seed”; “Bean, dry, dry seed”; “Bean, field, dry seed”; “Bean, French, dry seed”; “Bean, French, edible podded”; “Bean, garden, dry seed”; “Bean, garden, edible podded”; “Bean, goa, dry seed”; “Bean, goa, edible podded”; “Bean, goa, succulent shelled”; “Bean, great northern, dry seed”; “Bean, green, dry seed”; “Bean, green, edible podded”; “Bean, guar, dry seed”; “Bean, guar, edible podded”; “Bean, kidney, dry seed”; “Bean, kidney, edible podded”; “Bean, lablab, dry seed”; “Bean, lablab, edible podded”; “Bean, lablab, succulent shelled”; “Bean, lima, dry seed”; “Bean, lima, succulent shelled”; “Bean, morama, dry seed”; “Bean, moth, dry seed”; “Bean, moth, edible podded”; “Bean, moth, succulent shelled”; “Bean, mung, edible podded”; “Bean, navy, dry seed”; “Bean, navy, edible podded”; “Bean, pink, dry seed”; “Bean, pinto, dry seed”; “Bean, red, dry seed”; “Bean, rice, dry seed”; “Bean, rice, edible podded”; “Bean, scarlet runner, dry seed”; “Bean, scarlet runner, edible podded”; “Bean, scarlet runner, succulent shelled”; “Bean, snap,

edible podded”; “Bean, sword, dry seed”; “Bean, sword, edible podded”; “Bean, tepary, dry seed”; “Bean, urd, dry seed”; “Bean, urd, edible podded”; “Bean, wax, edible podded”; “Bean, wax, succulent shelled”; “Bean, yardlong, dry seed”; “Bean, yardlong, edible podded”; and “Bean, yellow, dry seed”.

■ iii. Removing the entries for “*Brassica*, head and stem, subgroup 5A” and “*Brassica*, leafy greens, subgroup 5B”.

■ iv. Adding in alphabetical order entries for “Celtuce”; “Chickpea, dry seed”; “Chickpea, edible podded”; and “Chickpea, succulent shelled”.

■ v. Removing the entry for “Cotton, undelinted seed”.

■ vi. Adding in alphabetical order entries for “Cottonseed subgroup 20C”; “Cowpea, dry seed”; “Cowpea, edible podded”; and “Cowpea, succulent shelled”.

■ vii. Removing the entry for “Date”.

■ viii. Adding in alphabetical order entries for “Fennel, Florence, fresh leaves and stalk”; “Gram, horse, dry seed”; “Grass pea, dry seed”; “Grass pea, edible podded”; “Jackbean, dry seed”; “Jackbean, edible podded”; “Jackbean, succulent shelled”; and “Kohlrabi”.

■ ix. Removing the entry for “Leaf petioles subgroup 4B”.

■ x. Adding in alphabetical order an entry for “Leaf petiole vegetable subgroup 22B”.

■ xi. Removing the entry for “Leafy greens subgroup 4A”.

■ xii. Adding in alphabetical order entries for “Lentil, dry seed”; “Lentil, edible podded”; and “Lentil, succulent shelled”.

■ xiii. Removing the entry for “Longan”.

■ xiv. Adding in alphabetical order entries for “Longbean, Chinese, dry seed”; “Longbean, Chinese, edible podded”; “Lupin, Andean, dry seed”; “Lupin, Andean, succulent shelled”; “Lupin, blue, dry seed”; “Lupin, blue, succulent shelled”; “Lupin, grain, dry seed”; “Lupin, grain, succulent shelled”; “Lupin, sweet white, dry seed”; “Lupin, sweet white, succulent shelled”; “Lupin, sweet, dry seed”; “Lupin, sweet, succulent shelled”; “Lupin, white, dry seed”; “Lupin, white, succulent shelled”; “Lupin, yellow, dry seed”; and “Lupin, yellow, succulent shelled”.

■ xv. Removing the entries for “Lychee”; “Pea and bean, dried shelled, except soybean, subgroup 6C, except pea, blackeyed, seed and pea, southern, seed”; and “Pea and bean, succulent shelled, subgroup 6B”.

■ xvi. Adding in alphabetical order entries for “Pea, blackeyed, succulent shelled”; “Pea, crowder, dry seed”; “Pea, crowder, succulent shelled”; “Pea, dry, dry seed”; “Pea, dwarf, edible podded”; “Pea, English, succulent shelled”; “Pea, field, dry seed”; “Pea, garden, dry seed”; “Pea, garden, succulent shelled”; “Pea, green, dry seed”; “Pea, green, edible podded”; “Pea, green, succulent shelled”; “Pea, pigeon, dry seed”; “Pea, pigeon, edible podded”; “Pea, pigeon, succulent shelled”; “Pea, snap, edible podded”; “Pea, snow, edible podded”; “Pea, southern, succulent shelled”; “Pea, sugar snap, edible podded”; “Pea, winged, dry seed”; “Pea, winged, edible podded”; “Soybean, vegetable, dry seed”; “Soybean, vegetable, edible podded”; and “Soybean, vegetable, succulent shelled”.

■ xvii. Removing the entry for “Spanish lime”.

■ xviii. Adding in alphabetical order entries for “Tropical and subtropical, palm fruit, edible peel, subgroup 23C”; and “Tropical and subtropical, small fruit, inedible peel, subgroup 24A”.

■ xix. Removing the entry for “Turnip greens”.

■ xx. Adding in alphabetical order entries for “Vegetable, *brassica*, head and stem, group 5–16”; and “Vegetable, leafy, group 4–16”.

■ xxi. Removing the entry for “Vegetable, legume, edible podded, subgroup 6A”.

■ xxii. Adding in alphabetical order entries for “Velvetbean, dry seed”; “Velvetbean, edible podded”; “Velvetbean, succulent shelled”; and “Yam bean, African, dry seed”.

■ b. By adding a heading to the table in paragraph (a)(2).

■ c. By removing and reserving paragraph (b).

■ d. By revising paragraph (c).

The additions and revision read as follows:

§ 180.544 Methoxyfenozide; tolerances for residues.

(a) * * *

(1) * * *

TABLE 1 TO PARAGRAPH (a)(1)

Commodity	Parts per million
Bean, adzuki, dry seed	0.5
Bean, American potato, dry seed	0.5
Bean, asparagus, edible podded	2
Bean, asparagus, dry seed	0.5
Bean, black, dry seed	0.5
Bean, broad, dry seed	0.5
Bean, broad, succulent shelled	0.3
Bean, catjang, edible podded	2
Bean, catjang, dry seed	0.5
Bean, catjang, succulent shelled	0.3
Bean, cranberry, dry seed	0.5
Bean, dry, dry seed	0.5
Bean, field, dry seed	0.5
Bean, French, dry seed	0.5
Bean, French, edible podded	2
Bean, garden, dry seed	0.5
Bean, garden, edible podded	2
Bean, goa, dry seed	0.5
Bean, goa, edible podded	2
Bean, goa, succulent shelled	0.3
Bean, great northern, dry seed	0.5
Bean, green, dry seed	0.5
Bean, green, edible podded	2

TABLE 1 TO PARAGRAPH (a)(1)—Continued

Commodity	Parts per million
Bean, guar, dry seed	0.5
Bean, guar, edible podded	2
Bean, kidney, dry seed	0.5
Bean, kidney, edible podded	2
Bean, lablab, dry seed	0.5
Bean, lablab, edible podded	2
Bean, lablab, succulent shelled	0.3
Bean, lima, dry seed	0.5
Bean, lima, succulent shelled	0.3
Bean, morama, dry seed	0.5
Bean, moth, dry seed	0.5
Bean, moth, edible podded	2
Bean, moth, succulent shelled	0.3
Bean, mung, dry seed	0.5
Bean, mung, edible podded	2
Bean, navy, dry seed	0.5
Bean, navy, edible podded	2
Bean, pink, dry seed	0.5
Bean, pinto, dry seed	0.5
Bean, red, dry seed	0.5
Bean, rice, dry seed	0.5
Bean, rice, edible podded	2
Bean, scarlet runner, dry seed	0.5
Bean, scarlet runner, edible podded	2
Bean, scarlet runner, succulent shelled	0.3
Bean, snap, edible podded	2
Bean, sword, dry seed	0.5
Bean, sword, edible podded	2
Bean, tepary, dry seed	0.5
Bean, urd, dry seed	0.5
Bean, urd, edible podded	2
Bean, wax, edible podded	2
Bean, wax, succulent shelled	0.3
Bean, yardlong, dry seed	0.5
Bean, yardlong, edible podded	2
Bean, yellow, dry seed	0.5
* * * * *	*
Celtuce	25
* * * * *	*
Chickpea, dry seed	0.5
Chickpea, edible podded	2
Chickpea, succulent shelled	0.3
* * * * *	*
Cottonseed subgroup 20C	7
Cowpea, dry seed	0.5
Cowpea, edible podded	2
Cowpea, succulent shelled	0.3
* * * * *	*
Fennel, Florence, fresh leaves and stalk	25
* * * * *	*
Gram, horse, dry seed	0.5
* * * * *	*
Grass pea, dry seed	0.5
Grass pea, edible podded	2
* * * * *	*
Jackbean, dry seed	0.5
Jackbean, edible podded	2
Jackbean, succulent shelled	0.3
Kohlrabi	7
Leaf petiole vegetable subgroup 22B	25
Lentil, dry seed	0.5
Lentil, edible podded	2
Lentil, succulent shelled	0.3
Longbean, Chinese, dry seed	0.5

TABLE 1 TO PARAGRAPH (a)(1)—Continued

Commodity	Parts per million
Longbean, Chinese, edible podded	2
Lupin, Andean, dry seed	0.5
Lupin, Andean, succulent shelled	0.3
Lupin, blue, dry seed	0.5
Lupin, blue, succulent shelled	0.3
Lupin, grain, dry seed	0.5
Lupin, grain, succulent shelled	0.3
Lupin, sweet white, dry seed	0.5
Lupin, sweet white, succulent shelled	0.3
Lupin, sweet, dry seed	0.5
Lupin, sweet, succulent shelled	0.3
Lupin, white, dry seed	0.5
Lupin, white, succulent shelled	0.3
Lupin, yellow, dry seed	0.5
Lupin, yellow, succulent shelled	0.3
* * * * *	
Pea, blackeyed, succulent shelled	0.3
Pea, crowder, dry seed	0.5
Pea, crowder, succulent shelled	0.3
Pea, dry, dry seed	0.5
Pea, dwarf, edible podded	2
Pea, English, succulent shelled	0.3
Pea, field, dry seed	0.5
Pea, garden, dry seed	0.5
Pea, garden, succulent shelled	0.3
Pea, green, dry seed	0.5
Pea, green, edible podded	2
Pea, green, succulent shelled	0.3
Pea, pigeon, dry seed	0.5
Pea, pigeon, edible podded	2
Pea, pigeon, succulent shelled	0.3
Pea, snap, edible podded	2
Pea, snow, edible podded	2
Pea, southern, succulent shelled	0.3
Pea, sugar snap, edible podded	2
Pea, winged, dry seed	0.5
Pea, winged, edible podded	2
* * * * *	
Soybean, vegetable, dry seed	0.5
Soybean, vegetable, edible podded	2
Soybean, vegetable, succulent shelled	0.3
* * * * *	
Tropical and subtropical, palm fruit, edible peel, subgroup 23C	8
Tropical and subtropical, small fruit, inedible peel, subgroup 24A	2
Vegetable, <i>brassica</i> , head and stem, group 5–16	7
* * * * *	
Vegetable, leafy, group 4–16	30
* * * * *	
Velvetbean, dry seed	0.5
Velvetbean, edible podded	2
Velvetbean, succulent shelled	0.3
* * * * *	
Yam bean, African, dry seed	0.5

¹ There are no U.S. registrations as of March 12, 2019, for use on tea.

(2) * * *

Table 2 to Paragraph (a)(2)

* * * * *

(c) *Tolerances with regional registrations.* Tolerances for regional registration are established for the insecticide methoxyfenozide, including its metabolites and degradates, in or on the raw agricultural commodities in the following table. Compliance with the tolerance levels specified in the

following table is to be determined by measuring only methoxyfenozide [3-methoxy-2-methylbenzoic acid 2-(3,5-dimethylbenzoyl)-2-(1,1-dimethylethyl) hydrazide].

TABLE 3 TO PARAGRAPH (c)

Commodity	Parts per million
Rice, grain	30
Rice, hulls	55

* * * * *

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