The monitoring data being used in the OP cumulative assessment, USDA's PDP data, are the Agency's preferred data for risk assessment. The number of samples analyzed in the PDP for these food commodity/OP combinations ranged from 176 to nearly 3,400 samples. USDA's PDP program has been collecting data on pesticide residues found on foods since 1991, primarily for purposes of estimating dietary exposure to pesticides. For several years, EPA has routinely used the PDP data base in developing assessments of dietary risk. The PDP's sampling procedures were designed to capture actual residues of the pesticide and selected metabolites in the food supply as close as possible to the time of consumption. Data collected close to actual consumption, such as PDP data, depicts a more realistic estimate of exposure, i.e., residues that could be encountered by consumers. The real-world nature of PDP data makes it preferable for the purposes of this assessment than pesticide field trials, which are another data source available to the Agency. Field trial data are designed to test for residues under exaggerated application scenarios, and areprimarily used in establishing tolerances.

The PDP is designed to focus on foods highly consumed by children and to reflect foods typically available throughout the year. PDP's commodity testing profile includes not only fresh fruits and vegetables, but also canned and frozen fruits/vegetables, fruit juices, whole milk, wheat, soybeans, oats, corn syrup, peanut butter, rice, poultry, beef, and drinking water. The PDP generally collects foods at wholesale distribution centers and stores them frozen until analysis. Foods are washed and inedible portions are removed before analysis, but these foods are not further cooked or processed. A complete description of the PDP and all data through 1999 are available on theinternet at http://www.ams.usda.gov/science/pdp.

PDP data are not available for all food commodities with current OP registrations, including a limited number of food commodity tolerances that are listed in this notice. When PDP data are not available for a commodity, EPA uses data when it is appropriate to do so from commodities that are measured by PDP to serve as surrogate data sources. This well established practice of using surrogate, or ''translated,'' data is based upon the concept that families of commodities with similar cultural practices and insect pests are likely to have similar pesticide use patterns. For example, data on peaches can be used as surrogate data for apricots. The practice of translating data from tested sources to similar situations that have not been directly tested has been used for some time by EPA in the development of pesticide-specific dietary exposure assessments when monitoring data are unavailable. The methods of translation, specifically, what commodities may be used to represent other commodities, have been made public. EPA is using translated data where appropriate for the purposes of the OP CRA and tolerance reassessment as discussed in this notice.

EPA has examined the PDP data that is being used for the OP CRA and found that residues of the parent pesticide or any tested metabolite were reported in a small number of samples analyzed for the 16 OP tolerances listed below. As a result, EPA has concluded that these tolerances make, at most, a minimal or negligible contribution to the cumulative risk from OP pesticides, and, therefore, these tolerances are considered reassessed.

The following 16 tolerances are considered reassessed at this time:

1. *Chlorpyrifos (40 CFR part 180.342)*
Cherry
Cucumber
Vegetable, brassica, leafy, group
2. *Diazinon (40 CFR part 180.153)*
Apricot
Endive (escarole)
Lettuce
Parsley
Parsnip
Pepper
Plum, prune, fresh
Radicchio
Radish
Rutabagas
Spinach
Swiss chard
Turnip, roots

List of Subjects

Environmental protection, Chemicals, Pesticides and pests.

Dated: August 20, 2002.

Lois A. Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 02–22236 Filed 9–3–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2002–0168; FRL–7194–8]

Organophosphate Pesticides; Reassessment of Diazinon Non-Contributor Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: As part of its ongoing review of existing organophosphate (OP) tolerances under the Food Quality Protection Act (FQPA), EPA has determined that 26 tolerances for diazinon can be reassessed at this time. These ''non-contributor'' tolerances meet the FQPA safety standard in section 408(b)(2) of the Federal Food, Drug, and Cosmetic Act (FFDCA) and can be reassessed for the purposes of FFDCA section 408(q). EPA has concluded that these tolerances make, at most, a minimal or negligible contribution to the cumulative risk from OP pesticides. This notice closely relates to previous **Federal Register** notices in which EPA announced the reassessment of non-contributing OP tolerances for certain meats, animal feeds, refined sugars, and commodities that have few or no residue detections in the U.S. Department of Agriculture's (USDA) Pesticide Data Program (PDP).

DATES: The reassessment of these tolerances is effective as of July 31, 2002.

FOR FURTHER INFORMATION CONTACT: Karen Angulo, Special Review and Reregistration Division (7805C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8004; e-mail address: angulo.karen@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general who are interested in the use of pesticides on food. As such, the Agency has not attempted to specifically describe all the entities potentially affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of This Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. On the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://

www.epa.gov/fedrgstr/. In addition, copies of this notice may also be accessed at http://www.epa.gov/oppsrrd1/op.

2. *In person*. The Agency has established an official record for this action under docket ID number OPP–2002–0168. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background

FQPA significantly amended the FFDCA, creating a new safety standard for judging the acceptability of tolerances for pesticide residues in food. The new statutory standard allows EPA to approve a new tolerance or leave an existing tolerance in place only if the tolerance is ''safe.'' The statute 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 data,'' FFDCA section 408(b)(2)(A)(ii). In making the safety determination, EPA ''shall consider, among other relevant factors—available information concerning the cumulative effects of such residues and other substances that have a common mechanism of toxicity,'' FFDCA section 408(b)(2)(D)(v). The FQPA amendments not only made the new safety standard applicable to new tolerances, but also to tolerances in existence when FQPA became law. FQPA set a 10–year schedule for EPA to reassess all existing tolerances, with interim deadlines for completion of 33% and 66% of tolerance reassessments 3 to 6 years, respectively, after the date of enactment. Pesticide tolerances subject to reassessment under the FQPA section 408(q) may only remain in effect without modification if they meet the section 408(b)(2) safety standard. Finally, FQPA instructed EPA to give priority to the review of tolerances which appear to pose the greatest risk to public health.

Consistent with the FQPA mandate, EPA identified OP pesticides as high priority for tolerance reassessment. EPA has determined that the OPs share a ''common mechanism of toxicity,'' and therefore the Agency will consider the cumulative risks of OPs in making the safety determination for any tolerance for a pesticide in this group. The Agency has reviewed individual OP pesticides to determine whether they meet the current health and safety standards of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the FFDCA safety standard, and has presented its determinations in documents called Interim Reregistration Eligibility Decisions (IREDs). When the pesticide covered by an IRED shares a common mechanism of toxicity with other pesticides, the IRED addresses the aggregate risk of the chemical but does not take a position on the FFDCA standard until the Agency has also considered the potential cumulative risks of the group of pesticides.

In addition to its consideration of individual OP pesticides, EPA has also conducted a preliminary cumulative risks assessment (CRA) for all of the OPs and sought public comment on the assessment. The Agency recently released the revised OP CRA for public comment. The preliminary and revised OP CRA documents are available at www.epa.gov/pesticides/cumulative. In addition, EPA presented the assessments to its FIFRA Scientific Advisory Panel (SAP) for expert, independent, scientific peer review. The SAP provided a generally favorable review of the preliminary assessment. See http://www.epa.gov/scipoly/sap/index.htm.

III. What Action is the Agency Taking?

A. Reassessment of Diazinon Non-Contributor and Minimal Contributor Tolerances

In this notice, EPA identifies non-contributor and minimal-contributor tolerances for the OP pesticide diazinon and considers these tolerances reassessed for the purposes of FQPA section 408 (q) as of July 31, 2002. A pesticide tolerance subject to reassessment under the FQPA section 408(q) may only remain in effect without modification if it meets the section 408(b) safety standard. This standard is met if EPA finds that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue.'' In evaluating tolerances under the standard, the FQPA also instructs the Agency to consider the cumulative effects of the pesticide and other substances that have a common mechanism of toxicity. The Agency has now completed the IRED for diazinon, which found that, apart from consideration of the potential cumulative risks from all of the OPs, each of the tolerances would meet the FFDCA safety standard. EPA has now considered the impact of these cumulative risks in the reassessment of these tolerance and has determined that these tolerances make, at most, only a minimal or negligible contribution to the overall risks from OPs. Therefore, these tolerances can be maintained regardless of the outcome of the OP cumulative assessment and any potential regulatory action taken as a result of that assessment. Accordingly, EPA believes it is appropriate to consider these tolerances reassessed for the purposes of FQPA section 408(q) as of July 31, 2002.

In making the determination that these tolerances contribute minimal or negligible residues and/or risk, EPA considered, among other things, the nature of the use of the pesticide, the data used in conducting aggregate risk assessments for each individual OP, the potential for drinking water contamination, and other data and analyses available to the Agency (such as food residue monitoring and other information that the Agency is using for the CRA). The Agency concludes that these pesticide uses result in minimal or no detectable residues in food, and have no or negligible effects through drinking water. Because a tolerance may apply to more than one raw agricultural commodity (RAC), no tolerance is herein reassessed as a non-contributor unless all of the RACs (food forms) that are part of that tolerance are also considered to be non-contributors. EPA also considered the potential impacts of future OP risk management decisions and determined that such decisions would be very unlikely to increase the use of the pesticide on these use sites in a manner or to a degree that the potential exposure under the tolerance would no longer be negligible. As part of its preliminary CRA, the Agency developed an estimate of the potential contribution that OP pesticides used in different parts of the country could make to overall risk as a result of the presence of residues of such pesticides in drinking water. Because of the nature of the available data, EPA's estimate employs assumptions that are designed

not to understate potential drinking water exposure. The OP preliminary and revised CRA concluded that drinking water was not a significant source of potential exposure. In reaching the determination to reassess these tolerances, EPA has considered this analysis, the public comment and the SAP's advice, as well as the information developed to assess the aggregate exposure from drinking water for each of the individual pesticides being reassessed.

The Agency's assessment of these tolerances is effectively complete and the tolerances are considered reassessed. Nothing in this notice is intended to modify in any way any determination or requirement set forth in individual pesticide IREDs, or affect existing or future regulatory agreements or use cancellation actions required for some other purpose (e.g., due to worker or ecological risk concerns). For any of the uses that may be canceled pursuant to any such decision, EPA expects that the associated tolerance would be revoked at the appropriate time unless it is properly supported for an import tolerance. In addition, all of these pesticide/use pattern combinations are included in the preliminary CRA and will remain in the CRA even though they involve exposures that pose negligible/minimal risk.

No conclusions about reassessment should be drawn about tolerances that are not identified as non-contributors in this notice. EPA expects that additional tolerances will be appropriate for reassessment based on the kind of approach described here, in the previous **Federal Register** notices of May 22, 2002 (66 FR 35991) (FRL–7178–9), in which EPA announced the reassessment of non-contributing tolerances for certain meats, animal feeds, and refined sugars, **Federal Register** notice of July 17, 2002 (67 FR 46972) (FRL–7186–8), reassessment of non-contributing tolerances for certain commodities with no pesticide residue detections in PDP, and **Federal Register** notice of August 14, 2002 (67 FR 52987) (FRL–7192–6), reassessing tolerances for certain commodities with a small number (less than 1%) of residue detections in PDP. Additional tolerances may be reassessed without the need for regulation upon completion of the CRA. In other words, the failure of a tolerance to be identified as a non-contributor in this or any other announcement does not imply that the pesticide/use combination will ultimately be subject to regulatory action. For tolerances reassessed as announced in this notice or using the approach described herein, EPA has concluded that the decision to reassess these tolerances will have no impact on any subsequent determination or decisions that may be necessary if the CRA were to conclude that cumulative exposure to the OPs poses risks of concern.

B. Animal Commodities and Animal Feed Tolerances for Diazinon.

EPA has determined that four animal commodities and four animal feed tolerances for diazinon, listed in List 1 and 2 below, are reassessed at this time. EPA announced the reassessment of many OP non-contributing animal commodity and feed tolerances in an earlier **Federal Register** notice of May 22, 2002. The assessment approach applied to those OP meat and feed tolerances is now being applied to the diazinon non-contributor meat and feed tolerances listed in this notice, and is briefly described below.

Human exposure to pesticide residues can occur as a consequence of the use of a pesticide on animals or their feed if the residues transfer to the animal commodities (e.g., cattle, goats, and sheep) that humans consume. EPA examined the potential for the transfer to such human foods of OP residues from animal feeds and concludes that residue transfer generally does not occur, or if it does, the transfer is minimal. EPA concludes that OPs applied to animal feed crops (such as forage, fodder, and hays) will not be present to any significant extent in human food, and such residues will make, at most, a negligible contribution to the OP cumulative risk assessment. As discussed in the previous **Federal Register** notice (May 22, 2002), that reassessed other OP non-contributing animal feed tolerances, animal feeding and metabolism studies indicate that residue transfer to foods that humans eat will be minimal, and residues of OPs were detected only very rarely in meats, poultry, milk, and eggs, and only at very low levels. Therefore, the four diazinon tolerances for animal meat commodities listed in List 1, and the four diazinon tolerances for animal feeds listed in List 2 are considered reassessed. It is important to note that these animal feed tolerances are solely for animal feeds, i.e, the tolerances do not include commodities that are also consumed by humans.

List 1.—Diazinon Animal Commodity Tolerances (40 CFR part 180.153)

Cattle, fat, (pre-S appli)
Sheep, fat, (pre-S appli)
Sheep, meat byproducts (fat basis), (pre-S appli)
Sheep, meat (fat basis), (pre-S appli)

List 2.—Diazinon Animal Feed Tolerances (40 CFR part 180.153)

Almond, hulls
Animal feed
Peavines
Peasvine hay

C. Tolerances With No and Less Than 1% Residue Detections in PDP

EPA has determined that 18 diazinon tolerances, in Lists 3 and 4, are reassessed at this time because they make, at most, a minimal or negligible contribution to OP risk. The Agency examined the monitoring data being used in the OP CRA and found that pesticide residue was not detected in the samples analyzed for certain OP/crop combination, including the parent chemical and the degradates that were tested. In addition, for certain other OP/crop combinations, residues were detected only in an insignificant number of the samples (less than 1%) that were analyzed. The revised OP CRA indicates that relatively few pesticide/crop combinations account for the vast majority of exposure. These tolerances are not among those pesticide/crop combinations that are major contributors to risk.

The monitoring data being used in the OP cumulative assessment, USDA's PDP data, are the Agency's preferred data for risk assessment. The number of samples analyzed in the PDP for these food commodity/diazinon combinations ranged from 275 to 2,400 samples. USDA's PDP program has been collecting data on pesticide residues found on foods since 1991, primarily for purposes of estimating dietary exposure to pesticides. For several years, EPA has routinely used the PDP data base in developing assessments of dietary risk. The PDP's sampling procedures were designed to capture actual residues of the pesticide and selected metabolites in the food supply as close as possible to the time of consumption. Data collected close to actual consumption, such as PDP data, depicts a more realistic estimate of exposure, i.e., residues that could be encountered by consumers. The real-world nature of PDP data makes it preferable for the purposes of this assessment than pesticide field trials, which are another data source available to the Agency. Field trial data are designed to test for residues under exaggerated application scenarios, and are primarily used in establishing tolerances.

The PDP is designed to focus on foods highly consumed by children and to reflect foods typically available throughout the year. PDP's commodity testing profile includes not only fresh fruits and vegetables, but also canned and frozen fruits/vegetables, fruit juices, whole milk, wheat, soybeans, oats, corn

syrup, peanut butter, rice, poultry, beef, and drinking water. The PDP generally collects foods at wholesale distribution centers and stores them frozen until analysis. Foods are washed and inedible portions are removed before analysis, but these foods are not further cooked or processed. A complete description of the PDP and all data through 1999 are available on the internet at www.ams.usda.gov/science/pdp.

PDP data are not available for all food commodities with current OP registrations, including a limited number of food commodity tolerances that are listed in this notice. When PDP data are not available for a commodity, EPA uses data when it is appropriate to do so from commodities that are measured by PDP to serve as surrogate data sources. This well established practice of using surrogate, or ''translated,'' data is based upon the concept that families of commodities with similar cultural practices and insect pests are likely to have similar pesticide use patterns. For example, data on peaches can be used as surrogate data for apricots. The practice of translating data from tested sources to similar situations that have not been directly tested has been used for some time by EPA in the development of pesticide-specific dietary exposure assessments when monitoring data are unavailable. The methods of translation, specifically, what commodities may be used to represent other commodities, have been made public. EPA is using translated data where appropriate for the purposes of the OP CRA and tolerance reassessment as discussed in this notice.

EPA has examined the PDP data that is being used for the OP CRA and found that residues of diazinon or any tested metabolite were reported in no samples analyzed for 6 diazinon tolerances listed in List 3, below, and in less than 1% of the samples analyzed for 12 diazinon tolerances listed in List 4, below. As a result, EPA has concluded that these tolerances make, at most, a negligible or minimal contribution to the cumulative risk from OP pesticides, and, therefore, these tolerances are considered reassessed.

List 3.—Diazinon Tolerances With No Detections in PDP Samples (40 CFR part 180.153)

Banana
Banana, pulp (no peel)
Citrus
Nectarine
Pineapple
Vegetable, brassica, leafy, group

List 4.—Diazinon Tolerances With Detection in Less Than 1% of PDP Samples (40 CFR part 180.153)

Apple
Cherry
Cucumber
Grape
Melon
Pea with pods (determined on pea after removing any shell present when marketed)
Potato
Potato, sweet
Squash, summer
Squash, winter
Strawberry
Tomato

List of Subjects

Environmental protection, Chemicals, Pesticides and pests.

Dated: August 20, 2002.

Lois A. Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 02–22237 Filed 9–3–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPPT–2002–0167; FRL–7190–6]

Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket control number OPPT–2002–0167, must be received on or before October 4, 2002.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket ID number OPPT–2002–0167 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Adam Heyward, Regulatory Management Branch II, Antimicrobials Division (7510C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–6422; e-mail address: heyward.adam@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket ID number OPPT–2002–0167. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well