

§ 180.1159

in or on all food commodities when used as plant regulators on plants, seeds, or cuttings and on all food commodities after harvest in accordance with good agricultural practices.

[64 FR 31505, June 11, 1999]

§ 180.1159 Pelargonic acid; exemption from the requirement of tolerances.

(a) An exemption from the requirement of a tolerance is established for residues of pelargonic acid in or on all food commodities when used as a plant regulator on plants, seeds, or cuttings and on all food commodities after harvest in accordance with good agricultural practices.

(b) Pelargonic acid when used as an herbicide is exempt from the requirement of a tolerance on all plant food commodities provided that:

(1) Applications are not made directly to the food commodity except when used as a harvest aid or desiccant to: any root and tuber vegetable, bulb vegetable or cotton.

(2) When pelargonic acid is used as a harvest aid or desiccant, applications must be made no later than 24 hours prior to harvest.

(c) An exemption from the requirement of a tolerance is established for residues of pelargonic acid in or on all raw agricultural commodities and in processed commodities, when such residues result from the use of pelargonic acid as an antimicrobial treatment in solutions containing a diluted end-use concentration of pelargonic acid up to 170 ppm per application on food contact surfaces such as equipment, pipelines, tanks, vats, fillers, evaporators, pasteurizers and aseptic equipment in restaurants, food service operations, dairies, breweries, wineries, beverage and food processing plants.

[62 FR 28364, May 23, 1997, as amended at 64 FR 31505, June 11, 1999; 68 FR 7935, Feb. 19, 2003]

§ 180.1160 Jojoba oil; exemption from the requirement of a tolerance.

The insecticide and spray tank adjuvant jojoba oil is exempted from the requirement of a tolerance in or on all raw agricultural commodities when applied at the rate of 1.0% or less of the final spray in accordance with good agricultural practices, provided the

40 CFR Ch. I (7-1-04 Edition)

jojoba oil does not contain simmondsin, simmondsin-2-ferulate, and related conjugated organonitriles including demethyl simmondsin and didemethylsimmondsin.

[61 FR 2121, Jan. 25, 1996]

§ 180.1161 Clarified hydrophobic extract of neem oil; exemption from the requirement of a tolerance.

Clarified hydrophobic extract of neem oil is exempt from the requirement of a tolerance on all food commodities when used as a botanical fungicide/insecticide/miticide.

[67 FR 43552, June 28, 2002]

§ 180.1162 Acrylate polymers and copolymers; exemption from the requirement of a tolerance.

(a) Acrylate polymers and copolymers are exempt from the requirement of a tolerance when used as inert ingredients in pesticidal formulations applied to growing, raw agricultural commodities. This tolerance exemption covers the acrylate polymers/copolymers that are intrinsically safe and already listed in TSCA inventory or will meet the polymer tolerance exemption from requirements of premanufacturing notification under 40 CFR 723.250. Polymers exempted can be used as dispensers, resins, fibers, and beads, as long as the fibers, beads and resins particle sizes are greater than 10 microns and insoluble in water. This exemption pertains to the acrylate polymers/copolymers used as inert ingredients for sprayable and dispenser pesticide formulations that are applied on food crops. Any acrylate polymers/copolymers used for encapsulating material must be cleared as an inert ingredient when used in pesticide formulation applied on food crops.

(b) For the purposes of this exemption, acrylate polymers/copolymers used as inert ingredients in an end-use formulation must meet the definition for a polymer as given in 40 CFR 723.250(b), are not automatically excluded by 40 CFR 723.250(d), and meet the tolerance exemption criteria in 40 CFR 723.250(e)(1), 40 CFR 723.250(e)(2) or 40 CFR 723.250(e)(3). Therefore, acrylate polymers and copolymers that are already listed in the TSCA inventory or

Environmental Protection Agency

§ 180.1176

will meet the polymer tolerance exemption under 40 CFR 723.250 as amended on March 29, 1995 are covered by this exemption.

[61 FR 6551, Feb. 21, 1996]

§ 180.1163 Killed *Myrothecium verrucaria*; exemption from the requirement of a tolerance.

Killed *Myrothecium verrucaria* is exempted from the requirement of a tolerance in or on all raw agricultural commodities when applied as a pre-seed or pre- or post-planting soil treatment alone or mixed with water and the mixed suspension be applied through drip or border irrigation systems and the indicator mycotoxin levels do not exceed 15 ppm.

[61 FR 11315, Mar. 20, 1996, as amended at 61 FR 58332, Nov. 14, 1996]

§ 180.1165 Capsaicin; exemption from the requirement of a tolerance.

Capsaicin is exempt from the requirement of a tolerance in or on all food commodities when used in accordance with approved label rates and good agricultural practice.

[63 FR 39521, July 23, 1998]

§ 180.1167 Allyl isothiocyanate as a component of food grade oil of mustard; exemption from the requirement of a tolerance.

The insecticide and repellent Allyl isothiocyanate is exempt from the requirement of a tolerance for residues when used as a component of food grade oil of mustard, in or on all raw agricultural commodities, when applied according to approved labeling.

[61 FR 24894, May 17, 1996]

§ 180.1169 Dihydroazadirachtin; exemption from the requirement of a tolerance.

The biochemical pesticide dihydroazadirachtin is exempted from the requirement of a tolerance in or on all raw agricultural commodities when applied as an insect growth regulator and/or antifeedant at 20 gm or less per acre with the maximum number of seven applications per growing season on all raw agricultural commodities.

[61 FR 37397, July 18, 1996]

EFFECTIVE DATE NOTE: At 69 FR 21962, Apr. 23, 2004, § 180.1169 was removed, effective July 22, 2004.

§ 180.1173 *Bacillus thuringiensis* CryIA(b) delta-endotoxin and the genetic material necessary for its production in all plants.

Bacillus thuringiensis CryIA(b) delta-endotoxin and the genetic material necessary for its production in all plants are exempt from the requirement of a tolerance when used as plant pesticides in all plant raw agricultural commodities. "Genetic material necessary for its production" means the genetic material which comprise genetic material encoding the CryIA(b) delta-endotoxin and its regulatory regions. "Regulatory regions" are the genetic material that control the expression of the genetic material encoding the CryIA(b) delta-endotoxin, such as promoters, terminators, and enhancers.

[61 FR 40343, Aug. 2, 1996]

§ 180.1174 CP4 Enolpyruvylshikimate-3-phosphate (CP4 EPSPS) and the genetic material necessary for its production in all plants.

CP4 Enolpyruvylshikimate-3-phosphate (CP4 EPSPS) and the genetic material necessary for its production in all plants are exempt from the requirement of a tolerance when used as plant pesticide inert ingredients in all raw agricultural commodities. "Genetic material necessary for its production" means the genetic material which comprise genetic material encoding the CP4 EPSPS and its regulatory regions. "Regulatory regions" are the genetic material that control the expression of the genetic material encoding the CP4 EPSPS, such as promoters, terminators, and enhancers.

[61 FR 40340, Aug. 2, 1996]

§ 180.1176 Sodium bicarbonate; exemption from the requirement of a tolerance.

The biochemical pesticide sodium bicarbonate is exempted from the requirement of a tolerance in or on all raw agricultural commodities when applied as a fungicide or post-harvest fungicide in accordance with good agricultural practices.

[61 FR 67473, Dec. 23, 1996]