

**§ 180.32 Procedure for amending and repealing tolerances or exemptions from tolerances.**

(a) The Administrator on his own initiative or on request from an interested person furnishing reasonable ground therefor, may propose the issuance of a regulation amending or repealing a tolerance for a pesticide chemical on one or more raw agricultural commodities or granting or repealing an exemption from tolerance for such chemical. Requests for such amendment or repeal shall be made in writing and be accompanied by an advance deposit to cover fees as provided in § 180.33, except that no fee under this section shall be levied during the period beginning on October 1, 2003, and ending on September 30, 2008.

(b) Reasonable grounds shall include an explanation showing wherein the person has a substantial interest in such tolerance or exemption from tolerance and an assertion of facts (supported by data if available) showing that new uses for the pesticide chemical have been developed or old uses abandoned, that new data are available as to toxicity of the chemical, or that experience with the application of the tolerance or exemption from tolerance may justify its amendment or repeal. Evidence that a person has registered or has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act will be regarded as evidence that he has a substantial interest in a tolerance or exemption from the requirement of a tolerance for a pesticide chemical that consists in whole or in part of the economic poison. New data should be furnished in the form specified in § 180.7(b) for submitting petitions.

(c) The notice announcing the proposal to amend or repeal a regulation shall show whether the proposal was made on the initiative of the Administrator or at the request of an interested person, naming such person. From this point the proceedings shall be the same as prescribed by section 408(e), beginning with the second sentence of that paragraph, and the regulations applicable to section 408(d), (e), (f), and (g).

(d) In ruling on a request under paragraph (a) of this section, the Administrator may publish a FEDERAL REGISTER notice requesting information and views on the request or providing other procedures as a matter of discretion.

(e) When a request is denied under this section, the administrative record consist of:

(1) The request, including all data and information submitted in support of the request.

(2) Any FEDERAL REGISTER notice requesting information and views.

(3) Any comments submitted by members of the public in response to the FEDERAL REGISTER notice requesting information and views.

(4) If the request resulted in any other procedures, the order of the Administrator providing the procedures and the administrative record of the procedure provided.

(5) All other documents or information submitted to the record.

(6) The Administrator's order and decision on the request, including all information identified by the Administrator as part of the record.

[41 FR 4537, Jan. 30, 1976, as amended at 55 FR 21200, May 23, 1990; 55 FR 50300, Dec. 5, 1990; 69 FR 12544, Mar. 17, 2004]

**§ 180.33 Fees.**

(a) Each petition or request for the establishment of a new tolerance or a tolerance higher than already established, shall be accompanied by a fee of \$80,950, plus \$2,025 for each raw agricultural commodity more than nine on which the establishment of a tolerance is requested, except as provided in paragraphs (b), (d), and (h) of this section.

(b) Each petition or request for the establishment of a tolerance at a lower numerical level or levels than a tolerance already established for the same pesticide chemical, or for the establishment of a tolerance on additional raw agricultural commodities at the same numerical level as a tolerance already established for the same pesticide chemical, shall be accompanied by a fee of \$18,500 plus \$1,225 for each raw agricultural commodity on which a tolerance is requested.