

§ 180.1019

good agricultural practice in pesticide formulations applied to growing crops, to food commodities after harvest, and to animals.

(b) Diatomaceous earth may be safely used in accordance with the following conditions. Application shall be limited solely to spot and/or crack and crevice treatments in food or feed processing and food or feed storage areas in accordance with the prescribed conditions:

(1) It is used or intended for use for control of insects in food or feed processing and food or feed storage areas: *Provided*, That the food or feed is removed or covered prior to such use.

(2) To assure safe use of the insecticide, its label and labeling shall conform to that registered by the U.S. Environmental Protection Agency, and it shall be used in accordance with such label and labeling.

[65 FR 33716, May 24, 2000]

§ 180.1019 Sulfuric acid; exemption from the requirement of a tolerance.

(a) Residues of sulfuric acid are exempted from the requirement of a tolerance when used in accordance with good agricultural practice when used as a herbicide in the production of garlic and onions, and as a potato vine desiccant in the production of potatoes.

(b) Residues of sulfuric acid are exempted from the requirement of a tolerance in meat, milk, poultry, eggs, fish, shellfish, and irrigated crops when it results from the use of sulfuric acid as an inert ingredient in a pesticide product used in irrigation conveyance systems and lakes, ponds, reservoirs, or bodies of water in which fish or shellfish are cultivated. The sulfuric acid is not to exceed 10% of the pesticide formulation (non-aerosol formulations only).

[69 FR 40787, July 7, 2004]

§ 180.1020 Sodium chlorate; exemption from the requirement of a tolerance.

(a) Sodium chlorate is exempted from the requirement of a tolerance for residues in or on the following raw agricultural commodities when used as a defoliant, desiccant, or fungicide in accordance with good agricultural practice.

40 CFR Ch. I (7-1-07 Edition)

COMMODITY

Beans, dry, edible	Peppers, chili
Corn, fodder	Potatoes
Corn, forage	Rice
Corn, grain	Rice, straw
Cottonseed	Safflower, grain
Flaxseed	Sorghum, grain
Flax, straw	Sorghum, fodder
Guar beans	Sorghum, forage
Peas, southern	Soybeans
	Sunflower seed

(b) A time-limited exemption from the requirement of a tolerance is established for residues of the defoliant/desiccant in connection with use of the pesticide under section 18 emergency exemptions granted by EPA. The exemption will expire and is revoked on the date specified in the following table:

Commodity	Parts per million	Expiration/revocation date
Wheat	NA	12/31/06

[54 FR 9800, Mar. 8, 1989, as amended at 60 FR 4862, Jan. 25, 1995; 62 FR 63863, Dec. 3, 1997; 63 FR 35846, July 1, 1998; 64 FR 42849, Aug. 6, 1999; 65 FR 48639, Aug. 9, 2000; 68 FR 2247, Jan. 16, 2003; 69 FR 71717, Dec. 10, 2004]

§ 180.1021 Copper; exemption from the requirement of a tolerance.

(a) Copper is exempted from the requirement of a tolerance in meat, milk, poultry, eggs, fish, shellfish, and irrigated crops when it results from the use of:

(1) Copper sulfate as an algicide or herbicide in irrigation conveyance systems and lakes, ponds, reservoirs, or bodies of water in which fish or shellfish are cultivated.

(2) Basic copper carbonate (malachite) as an algicide or herbicide in impounded and stagnant bodies of water

(3) Copper triethanolamine and copper monoethanolamine as an algicide or herbicide in fish hatcheries, lakes, ponds, and reservoirs

(4) Cuprous oxide bearing antifouling coatings for control of algae or other organisms on submerged concrete or other (irrigation) structures.

(b) The following copper compounds are exempt from the requirement of a tolerance when applied (primarily) as a fungicide to growing crops using good

agricultural practices: Bordeaux mixture, basic copper carbonate (malachite) (CAS Reg. No. 1184-64-1), copper ethylenediamine complex, copper hydroxide (CAS Reg. No. 20427-59-2), copper lime mixtures, copper linoleate (CAS Reg. No. 7721-15-5), copper octanoate (CAS Reg. No. 20543-04-8), copper oleate (CAS Reg. No. 10402-16-1), copper oxychloride (CAS Reg. No. 1332-40-7), copper sulfate basic (CAS Reg. No. 1344-73-6), cupric oxide (CAS Reg. No. 1317-38-0), and cuprous oxide (CAS Reg. No. 1317-19-1).

(c) Copper sulfate pentahydrate (CAS Reg. No. 7758-99-8) is exempt from the requirement of a tolerance when applied as a fungicide to growing crops or to raw agricultural commodities after harvest, and as a bactericide/fungicide in or on meat, fat and meat by-products of cattle, sheep, hogs, goats, horses and poultry, milk and eggs when applied as a bactericide/fungicide to animal premises and bedding.

(d) Copper (II) hydroxide (CAS Reg. No. 20427-59-2) is exempt from the requirement of a tolerance when applied to growing crops or to raw agricultural commodities as an inert ingredient (for pH control) in pesticide products.

[65 FR 68912, Nov. 15, 2000, as amended at 69 FR 4069, Jan. 28, 2004; 71 FR 46110, Aug. 11, 2006]

§ 180.1022 Iodine-detergent complex; exemption from the requirement of a tolerance.

The aqueous solution of hydriodic acid and elemental iodine, including one or both of the surfactants (a) polyoxypropylene-polyoxyethylene glycol nonionic block polymers (minimum average molecular weight 1,900) and (b) α -(*p*-nonylphenyl)- ω -hydroxypoly (oxyethylene) having a maximum average molecular weight of 748 and in which the nonyl group is a propylene trimer isomer, is exempted from the requirement of a tolerance for residues in eggs and poultry when used as a sanitizer in poultry drinking water.

[37 FR 6581, Mar. 31, 1972]

§ 180.1023 Propanoic acid; exemptions from the requirement of a tolerance.

(a) Postharvest application of propanoic acid or a mixture of methylene bispropionate and oxy(bismethylene) bispropionate when used as a fungicide is exempted from the requirement of a tolerance for residues in or on the following raw agricultural commodities: Alfalfa, barley grain, Bermuda grass, bluegrass, brome grass, clover, corn grain, cowpea hay, fescue, lespedeza, lupines, oat grain, orchard grass, peanut hay, peavine hay, rye grass, sorghum grain, soybean hay, sudan grass, timothy, vetch, and wheat grain.

(b) Propanoic acid is exempt from the requirement of a tolerance for residues in or on meat and meat byproducts of cattle, sheep, hogs, goats, horses, and poultry, milk, and eggs when applied as a bactericide/fungicide to livestock drinking water, poultry litter, and storage areas for silage and grain.

(c) Preharvest and postharvest application of propanoic acid (CAS Reg. No. 79-09-4), propanoic acid, calcium salt (CAS Reg. No. 4075-81-4), and propanoic sodium salt (CAS Reg. No. 137-40-6) are exempted from the requirement of a tolerance on all crops when used as either an active or inert ingredient in accordance with good agricultural practice in pesticide formulations applied to growing crops, to raw agricultural commodities before and after harvest and to animals.

[69 FR 47025, Aug. 4, 2004]

§ 180.1025 Xylene; exemption from the requirement of a tolerance.

Xylene is exempted from the requirement of a tolerance when used as an aquatic herbicide applied to irrigation conveyance systems in accordance with the following conditions:

(a) It is to be used only in programs of the Bureau of Reclamation, U.S. Department of Interior, and cooperating water user organizations.

(b) It is to be applied as an emulsion at an initial concentration not to exceed 750 parts per million.

(c) It is not to be applied when there is any likelihood that the irrigation water will be used as a source of raw water for a potable water system or