

Environmental Protection Agency

§ 174.479

§ 174.457 *Bacillus thuringiensis* Cry34Ab1 and Cry35Ab1 proteins and the genetic material necessary for their production in corn; exemption from the requirement of a tolerance.

Bacillus thuringiensis Cry34Ab1 and Cry35Ab1 proteins and the genetic material necessary for their production in corn are exempted from the requirement of a tolerance when used as plant-incorporated protectants in the food and feed commodities of corn; corn, field; corn, sweet; and corn, pop.

[70 FR 55260, Sept. 21, 2005]

EFFECTIVE DATE NOTE: At 72 FR 20434, Apr. 25, 2007, §174.457 was redesignated as §174.506 and revised, effective July 24, 2007. For the convenience of the user, the revised text is set forth as follows:

§ 174.506 *Bacillus thuringiensis* Cry34Ab1 and Cry35Ab1 proteins in corn; exemption from the requirement of a tolerance.

Residues of *Bacillus thuringiensis* Cry34Ab1 and Cry35Ab1 proteins in corn are exempted from the requirement of a tolerance when used as plant-incorporated protectants in the food and feed commodities of corn; corn, field; corn, sweet; and corn, pop.

§ 174.458 *Bacillus thuringiensis* Vip3Aa20 protein and the genetic material necessary for its production in corn; temporary exemption from the requirement of a tolerance.

Residues of *Bacillus thuringiensis* Vip3Aa20 protein in corn are temporarily exempt from the requirement of a tolerance when used as a plant-incorporated protectant in the food and feed commodities of corn; corn, field; corn, sweet; corn, pop. This temporary exemption from the requirement of tolerance will permit the use of the food commodities in this paragraph when treated in accordance with the provisions of the experimental use permit 67979-EUP-6, which is being issued in accordance with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 136). This temporary exemption from the requirement of a tolerance expires and is revoked March 31, 2008; however, if the experimental use permit is revoked, or if any experience with or scientific data on this pesticide indicate that the temporary tolerance exemption is not safe, this temporary

exemption from the requirement of a tolerance may be revoked at any time.

[72 FR 16281, Apr. 4, 2007]

EFFECTIVE DATE NOTE: At 72 FR 20435, Apr. 25, 2007, §174.458 was redesignated as §174.528 and revised, effective July 24, 2007. For the convenience of the user, the revised text is set forth as follows:

§ 174.528 *Bacillus thuringiensis* Vip3Aa20 protein; temporary exemption from the requirement of a tolerance.

Residues of *Bacillus thuringiensis* Vip3Aa20 protein in corn are temporarily exempt from the requirement of a tolerance when used as a plant-incorporated protectant in the food and feed commodities of corn; corn, field; corn, sweet; corn, pop. This temporary exemption from the requirement of tolerance will permit the use of the food commodities in this paragraph when treated in accordance with the provisions of the experimental use permit 67979-EUP-6, which is being issued in accordance with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 136). This temporary exemption from the requirement of a tolerance expires and is revoked March 31, 2008; however, if the experimental use permit is revoked, or if any experience with or scientific data on this pesticide indicate that the temporary tolerance exemption is not safe, this temporary exemption from the requirement of a tolerance may be revoked at any time.

§ 174.475 Nucleic acids that are part of a plant-incorporated protectant; exemption from the requirement of a tolerance.

Residues of nucleic acids that are part of a plant-incorporated protectant are exempt from the requirement of a tolerance.

[66 FR 37830, July 19, 2001]

EFFECTIVE DATE NOTE: At 72 FR 20434, Apr. 25, 2007, §174.475 was redesignated as §174.507, effective July 24, 2007

§ 174.479 Pesticidal substance from sexually compatible plant; exemption from the requirement of a tolerance.

Residues of a pesticidal substance that is part of a plant-incorporated protectant from a sexually compatible plant are exempt from the requirement of a tolerance if all the following conditions are met:

(a) The genetic material that encodes for the pesticidal substance or leads to

§ 174.480

the production of the pesticidal substance is from a plant that is sexually compatible with the recipient food plant.

(b) The genetic material has never been derived from a source that is not sexually compatible with the recipient food plant.

(c) The residues of the pesticidal substance are not present in food from the plant at levels that are injurious or deleterious to human health.

[66 FR 37854, July 19, 2001]

EFFECTIVE DATE NOTE: At 72 FR 20434, Apr. 25, 2007, §174.479 was redesignated as §174.508, effective July 24, 2007

Subpart X—List of Approved Inert Ingredients

§ 174.480 Scope and purpose.

This subpart lists the inert ingredients that have been exempted from FIFRA and FFDCA section 408 requirements and may be used in a plant-incorporated protectant listed in subpart B of this part.

EFFECTIVE DATE NOTE: At 72 FR 20434, Apr. 25, 2007, §174.480 was redesignated as §174.700 and remains in subpart X, effective July 24, 2007.

§ 174.485 Inert ingredients from sexually compatible plant.

An inert ingredient, and residues of the inert ingredient, are exempt if all of the following conditions are met:

(a) The genetic material that encodes the inert ingredient or leads to the production of the inert ingredient is derived from a plant sexually compatible with the recipient food plant.

(b) The genetic material has never been derived from a source that is not sexually compatible with the recipient food plant.

(c) The residues of the inert ingredient are not present in food from the plant at levels that are injurious or deleterious to human health.

EFFECTIVE DATE NOTE: At 72 FR 20434, Apr. 25, 2007, §174.485 was redesignated as §174.705 and remains in subpart X, effective July 24, 2007.

Subparts Y–Z [Reserved]

40 CFR Ch. I (7–1–07 Edition)

PART 176—TIME-LIMITED TOLERANCES FOR EMERGENCY EXEMPTIONS

Sec.

176.1 Scope and applicability.

176.3 Definitions.

176.5 Establishment of a time-limited tolerance or exemption.

176.7 Information needed to establish a tolerance.

176.9 Publication of a tolerance.

176.11 Duration of a tolerance.

176.13 Modification of a time-limited tolerance.

176.15 Effect of a tolerance.

AUTHORITY: 21 U.S.C. 346a and 371.

SOURCE: 65 FR 64131, Oct. 25, 2000, unless otherwise noted.

§ 176.1 Scope and applicability.

This part describes the procedures and criteria under which EPA will establish time-limited tolerances and exemptions from the requirement of a tolerance for pesticide chemical residues associated with use of pesticides under emergency or crisis exemptions under FIFRA section 18. This part applies only to tolerances issued on the initiative of EPA as the result of the issuance of an emergency exemption or the declaration of a crisis exemption. This part does not cover time-limited tolerances in any other circumstances.

§ 176.3 Definitions.

The terms have the same meaning as in the Federal Insecticide, Fungicide, and Rodenticide Act section 2, and in the Federal Food, Drug, and Cosmetic Act section 201 and §166.3 of this chapter. In addition, the following terms are defined for the purposes of this part.

Agency means the U.S. Environmental Protection Agency.

Applicant means any entity authorized under section 18 of FIFRA to request an emergency exemption that requests such an exemption under §166.20 of this chapter, or issues a crisis exemption under §166.40 of this chapter.

Crisis exemption means an exemption authorized under FIFRA section 18, in accordance with §§166.40 through 166.53 of this chapter.

Emergency exemption means a specific, quarantine, or public health exemption