

Environmental Protection Agency

§ 180.1011

EDITORIAL NOTES: 1. For FEDERAL REGISTER citations affecting §180.1001, see the List of CFR Sections Affected appearing in the Finding Aids section of this volume.

2. At 63 FR 69208, Dec. 16, 1998, §180.1001(b)(1) was amended by adding "copper ammonium complex" immediately after "copper acetate". However, "copper acetate" doesn't exist in this section in the 1999 edition of this volume.

§ 180.1002 Allethrin (allyl homolog of cinerin I); exemption from the requirement of a tolerance.

The insecticide allethrin is exempted from the requirement of a tolerance for residues when used before harvest in the production of the following commodities:

| COMMODITY | |
|------------------|----------------|
| Apples | Kohlrabi |
| Artichokes | Leeks |
| (Jerusalem) | Lettuce |
| Beans | Mushrooms |
| Beets | Mustard greens |
| Beets, sugar | Onions |
| Broccoli | Parsley |
| Brussels sprouts | Parsnips |
| Cabbage | Peaches |
| Carrots | Pears |
| Cauliflower | Peppers |
| Celery | Potatoes |
| Chickory | Radishes |
| Chinese cabbage | Rutabagas |
| Citrus | Salsify |
| Collards | Shallots |
| Corn | Sorghum (milo) |
| Endive | Sorghum, grain |
| Escarole | Spinach |
| Garlic | Sweet potatoes |
| Horseradish | Tomatoes |
| Kale | Turnips |

[47 FR 20307, May 12, 1982]

§ 180.1003 Ammonia; exemption from the requirement of a tolerance.

The fungicide ammonia is exempted from the requirement of a tolerance when used after harvest on the raw agricultural commodities grapefruit, lemons, oranges, and corn grain for feed use only.

[44 FR 44845, July 31, 1979]

§ 180.1008 Chloropicrin; exemption from the requirement of a tolerance.

The insecticide chloropicrin is exempted from the requirement of a tolerance for residues when used as a fu-

migrant after harvest for the following grains: Barley, buckwheat, corn (including popcorn), oats, rice, rye, grain sorghum, wheat.

§ 180.1011 Viable spores of the microorganism *Bacillus thuringiensis* Berliner; exemption from the requirement of a tolerance.

(a) For the purposes of this section the microbial insecticide for which exemption from the requirement of a tolerance is being established shall have the following specifications:

(1) The microorganism shall be an authentic strain of *Bacillus thuringiensis* Berliner conforming to the morphological and biochemical characteristics of *Bacillus thuringiensis* as described in Bergey's Manual of Determinative Bacteriology, Eighth Edition.

(2) Spore preparations of *Bacillus thuringiensis* Berliner shall be produced by pure culture fermentation procedures with adequate control measures during production to detect any changes from the characteristics of the parent strain or contamination by other microorganisms.

(3) Each lot of spore preparation, prior to the addition of other materials, shall be tested by subcutaneous injection of at least 1 million spores into each of five laboratory test mice weighing 17 grams to 23 grams. Such test shall show no evidence of infection or injury in the test animals when observed for 7 days following injection.

(4) Spore preparations shall be free of the *Bacillus thuringiensis* β -exotoxin when tested with the fly larvae toxicity test ("Microbial Control of Insects and Mites," R.P.M. Bond et al., p. 280 ff., 1971). This specification can be satisfied either by determining that each master seed lot brought into production is a *Bacillus thuringiensis* strain which does not produce β -exotoxin under standard manufacturing conditions or by periodically determining that β -exotoxin synthesized during spore production is eliminated by the subsequent spore-harvesting procedure.

(b) Exemption from the requirement of a tolerance is established for residues of the microbial insecticide *Bacillus thuringiensis* Berliner, as specified in paragraph (a) of this section, in or on beeswax and honey and all other

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raw agricultural commodities when it is applied either to growing crops, or when it is applied after harvest in accordance with good agricultural practices.

[36 FR 22540, Nov. 25, 1971, as amended at 38 FR 19045, July 17, 1973; 42 FR 28540, June 3, 1977; 45 FR 43721, June 30, 1980; 45 FR 56347, Aug. 25, 1980]

§ 180.1012 1,1,1-Trichloroethane; exemption from the requirement of a tolerance.

The fungicide, 1,1,1-trichloroethane is exempted from the requirement of a tolerance for residues when used in the postharvest fumigation of citrus fruits.

§ 180.1014 Pentane; exemption from the requirement of a tolerance.

Pentane is exempted from the requirement of a tolerance for residues when used in accordance with good commercial practice as an adjuvant in liquid grain fumigants for the fumigation of the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

§ 180.1016 Ethylene; exemption from the requirement of a tolerance.

Ethylene is exempted from the requirement of a tolerance for residues when:

(a) For all food commodities, it is used as a plant regulator on plants, seeds, or cuttings and on all food commodities after harvest and when applied in accordance with good agricultural practices.

(b) Injected into the soil to cause premature germination of witchweed in bean (lima and string), cabbage, cantaloupe, collard, corn, cotton, cucumber, eggplant, okra, onion, pasture grass, pea (field and sweet), peanut, pepper, potato, sweet potato, sorghum, soybean, squash, tomato, turnip, and watermelon fields as part of the U.S. Department of Agriculture witchweed control program.

[39 FR 33315, Sept. 17, 1974, as amended at 40 FR 19477, May 5, 1975; 64 FR 31505, June 11, 1999]

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§ 180.1017 Diatomaceous earth; exemption from the requirement of a tolerance.

(a) Diatomaceous earth is exempted from the requirement of a tolerance for residues when used in accordance with 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.

Sulfuric acid is exempted from the requirement of a tolerance for residues when used in accordance with good agricultural practice as a herbicide in the production of garlic and onions and as a potato vine desiccant in the production of potatoes.

[47 FR 13528, Mar. 31, 1982]

§ 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.