

## Environmental Protection Agency

## § 180.1164

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 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 (Reg. No. 11688-8) is exempt from the requirement of a tolerance on all raw agricultural commodities when used as a botanical fungicide/insecticide/miticide.

[60 FR 63953, Dec. 13, 1995]

### § 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 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]

### § 180.1164 Food and food by-products; exemption from the requirement of a tolerance.

(a) Meat meal, a sterilized food by-product, is exempt from the requirement of a tolerance on all raw agricultural commodities when used as an olfactory animal repellent.

(b) Red pepper (*Capsicum spp.*) is exempt from the requirement of a tolerance on all raw agricultural commodities when used as a gustatory animal repellent.

(c) Corn gluten (CAS Reg. No. 66071-96-3) is exempt from the requirement of a tolerance on all food commodities when used as an herbicide in accordance with good agricultural practice.

(d) Any edible food commodity (except for peanuts, tree nuts, milk, soybeans, eggs, fish, crustacea, and wheat) used as a pesticide is exempted from the requirement of a tolerance when used in accordance with good agricultural practice in or on all food commodities. This exemption shall not apply to any edible food commodity that is adulterated under section 342 of Title 21 of the United States Code. The term edible food commodity means a food that is widely consumed for its nutrient properties. The term only applies to food in the form it is sold or