

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 180**

[EPA-HQ-OPP-2015-0465; FRL-9936-91]

Polyester Polyol Polymers; Tolerance Exemption**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of D-glucitol, polymer with decanedioic acid, octadecanoate; D-glucitol, polymer with decanedioic acid, docosanoate; D-glucitol, polymer with decanedioic acid and 1,3-propanediol, docosanoate; D-glucitol, polymer with decanedioic acid and 1,3-propanediol, octadecanoate; fatty acids, C₁₈-unsatd., dimers, polymers with docosanoic acid and sorbitol; fatty acids, C₁₈-unsatd., dimers, polymers with docosanoic acid, 1,3-propanediol and stearic acid; fatty acids, C₁₈-unsatd., dimers, polymers with sorbitol and stearic acid; fatty acids, C₁₈-unsatd., dimers, polymers with 1,3-propanediol, sorbitol and stearic acid; fatty acids, C₁₈-unsatd., dimers, polymers with docosanoic acid and sorbitol; and fatty acids, C₁₈-unsatd., dimers, polymers with docosanoic acid, 1,3-propanediol and sorbitol when used as inert ingredients in a pesticide chemical formulation. Spring Trading Co., on behalf of Croda Inc., submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of D-glucitol, polymer with decanedioic acid, octadecanoate; D-glucitol, polymer with decanedioic acid, docosanoate; D-glucitol, polymer with decanedioic acid, docosanoate; D-glucitol, polymer with decanedioic acid and 1,3-propanediol, docosanoate; D-glucitol, polymer with decanedioic acid and 1,3-propanediol, octadecanoate; fatty acids, C₁₈-unsatd., dimers, polymers with docosanoic acid and sorbitol; fatty acids, C₁₈-unsatd., dimers, polymers with docosanoic acid, 1,3-propanediol and stearic acid; fatty acids, C₁₈-unsatd., dimers, polymers with 1,3-propanediol, sorbitol and stearic acid; fatty acids, C₁₈-unsatd., dimers, polymers with docosanoic acid and sorbitol; and fatty acids, C₁₈-unsatd., dimers, polymers with docosanoic acid,

1,3-propanediol and sorbitol on food or feed commodities.

DATES: This regulation is effective December 10, 2015. Objections and requests for hearings must be received on or before February 8, 2016, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2015-0465, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Susan Lewis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; main telephone number: (703) 305-7090; email address: RDfRNotices@epa.gov.

SUPPLEMENTARY INFORMATION:**I. General Information***A. Does this action apply to me?*

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at [http://www.ecfr.gov/cgi-bin/text-](http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl)

[idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl).

C. Can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2015-0465 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before February 8, 2016. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA-HQ-OPP-2015-0465, by one of the following methods.

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001.

- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

II. Background and Statutory Findings

In the **Federal Register** of August 26, 2015 (80 FR 51763) (FRL-9931-74), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the receipt of a pesticide petition (PP IN-10830) filed by Spring Trading Company, 203 Dogwood Trl., Magnolia, TX 77354 (on behalf of Croda,

Inc., 315 Cherry Ln., New Castle, DE 19720). The petition requested that 40 CFR 180.960 be amended by establishing an exemption from the requirement of a tolerance for residues of D-glucitol, polymer with decanedioic acid, octadecanoate (CAS Reg. No. 68562-93-6); D-glucitol, polymer with decanedioic acid, docosanoate (CAS Reg. No. 943440-33-3); D-glucitol, polymer with decanedioic acid, docosanoate (CAS Reg. No. 1681043-28-6); D-glucitol, polymer with decanedioic acid and 1,3-propanediol, docosanoate (CAS Reg. No. 1681043-31-1); D-glucitol, polymer with decanedioic acid and 1,3-propanediol, octadecanoate (CAS Reg. No. 1681043-33-3); fatty acids, C₁₈-unsatd., dimers, polymers with docosanoic acid and sorbitol (CAS Reg. No. 1685270-83-0); fatty acids, C₁₈-unsatd., dimers, polymers with docosanoic acid, 1,3-propanediol and stearic acid (CAS Reg. No. 1685270-84-1); fatty acids, C₁₈-unsatd., dimers, polymers with sorbitol and stearic acid (CAS Reg. No. 1685270-99-8); fatty acids, C₁₈-unsatd., dimers, polymers with 1,3-propanediol, sorbitol and stearic acid (CAS Reg. No. 1685271-01-5); fatty acids, C₁₈-unsatd., dimers, polymers with docosanoic acid and sorbitol (CAS Reg. No. 1685271-02-6); and fatty acids, C₁₈-unsatd., dimers, polymers with docosanoic acid, 1,3-propanediol and sorbitol. That document included a summary of the petition prepared by the petitioner and solicited comments on the petitioner's request. No comments were received by the Agency in response to the notice of filing. Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is "safe." Section 408(c)(2)(A)(ii) of FFDCA defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and use in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing an exemption from the requirement of a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . ." and specifies

factors EPA is to consider in establishing an exemption.

III. Risk Assessment and Statutory Findings

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be shown that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. In the case of certain chemical substances that are defined as polymers, the Agency has established a set of criteria to identify categories of polymers expected to present minimal or no risk. The definition of a polymer is given in 40 CFR 723.250(b) and the exclusion criteria for identifying these low-risk polymers are described in 40 CFR 723.250(d).

D-Glucitol, polymer with decanedioic acid, octadecanoate; D-glucitol, polymer with decanedioic acid, docosanoate; D-glucitol, polymer with decanedioic acid, docosanoate; D-glucitol, polymer with decanedioic acid and 1,3-propanediol, docosanoate; D-glucitol, polymer with decanedioic acid and 1,3-propanediol, octadecanoate; fatty acids, C₁₈-unsatd., dimers, polymers with docosanoic acid and sorbitol; fatty acids, C₁₈-unsatd., dimers, polymers with docosanoic acid, 1,3-propanediol and stearic acid; fatty acids, C₁₈-unsatd., dimers, polymers with sorbitol and stearic acid; fatty acids, C₁₈-unsatd., dimers, polymers with 1,3-propanediol, sorbitol and stearic acid; fatty acids, C₁₈-unsatd., dimers, polymers with docosanoic acid

and sorbitol; and fatty acids, C₁₈-unsatd., dimers, polymers with docosanoic acid, 1,3-propanediol and sorbitol conform to the definition of a polymer given in 40 CFR 723.250(b) and meet the following criteria that are used to identify low-risk polymers.

1. The polymer is not a cationic polymer nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

2. The polymer does contain as an integral part of its composition the atomic elements carbon, hydrogen, and oxygen.

3. The polymer does not contain as an integral part of its composition, except as impurities, any element other than those listed in 40 CFR 723.250(d)(2)(ii).

4. The polymer is neither designed nor can it be reasonably anticipated to substantially degrade, decompose, or depolymerize.

5. The polymer is manufactured or imported from monomers and/or reactants that are already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. The polymer is not a water absorbing polymer with a number average molecular weight (MW) greater than or equal to 10,000 Daltons.

Additionally, the polymer also meets as required the following exemption criteria specified in 40 CFR 723.250(e).

7. The polymer's minimum number average molecular weight is greater 1,000 Daltons. The oligomer content is less than 10% (w/w) below a number average molecular weight of 500 and less than 25% (w/w) below a number average molecular weight of 1,000.

Thus, D-glucitol, polymer with decanedioic acid, octadecanoate; D-glucitol, polymer with decanedioic acid, docosanoate; D-glucitol, polymer with decanedioic acid, docosanoate; D-glucitol, polymer with decanedioic acid and 1,3-propanediol, docosanoate; D-glucitol, polymer with decanedioic acid and 1,3-propanediol, octadecanoate; fatty acids, C₁₈-unsatd., dimers, polymers with docosanoic acid and sorbitol; fatty acids, C₁₈-unsatd., dimers, polymers with docosanoic acid, 1,3-propanediol and stearic acid; fatty acids, C₁₈-unsatd., dimers, polymers with sorbitol and stearic acid; fatty acids, C₁₈-unsatd., dimers, polymers with 1,3-propanediol, sorbitol and stearic acid; fatty acids, C₁₈-unsatd., dimers, polymers with docosanoic acid and sorbitol; and fatty acids, C₁₈-unsatd., dimers, polymers with docosanoic acid, 1,3-propanediol and sorbitol meet the criteria for a polymer to be considered low risk under 40 CFR 723.250. Based on their conformance to the criteria in

Executive Order 12866, this action is not subject to Executive Order 13211, entitled “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled “Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress

in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled “Federalism” (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

XI. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will

submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: November 23, 2015.

Susan Lewis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.960, add alphabetically the polymers to the table to read as follows:

§ 180.960 Polymers; exemptions from the requirement of a tolerance.

* * * * *

Polymer	CAS No.
* * * * *	*
D-Glucitol, polymer with decanedioic acid, docosanoate, minimum number average molecular weight (in amu) 1,100	943440–33–3
D-Glucitol, polymer with decanedioic acid, docosanoate, minimum number average molecular weight (in amu) 1,100	1681043–28–6
D-Glucitol, polymer with decanedioic acid, octadecanoate, minimum number average molecular weight (in amu) 1,100	68562–93–6
D-Glucitol, polymer with decanedioic acid and 1,3-propanediol, minimum number average molecular weight (in amu) 1,100	1681043–31–1
D-Glucitol, polymer with decanedioic acid and 1,3-propanediol, octadecanoate, minimum number average molecular weight (in amu) 1,100	1681043–33–3
* * * * *	*
Fatty acids, C ₁₈ -unsatd., dimers, polymers with docosanoic acid and sorbitol, minimum number average molecular weight (in amu) 1,100	1685270–83–0
Fatty acids, C ₁₈ -unsatd., dimers, polymers with docosenoic acid and sorbitol, minimum number average molecular weight (in amu) 1,100	1685271–02–6
Fatty acids, C ₁₈ -unsatd., dimers, polymers with docosenoic acid, 1,3-propanediol and sorbitol, minimum number average molecular weight (in amu) 1,100	1685271–04–8
Fatty acids, C ₁₈ -unsatd., dimers, polymers with docosanoic acid, 1,3-propanediol and stearic acid, minimum number average molecular weight (in amu) 1,100	1685270–84–1
Fatty acids, C ₁₈ -unsatd., dimers, polymers with 1,3-propanediol, sorbitol and stearic acid	1685271–01–5
Fatty acids, C ₁₈ -unsatd., dimers, polymers with sorbitol and stearic acid, minimum number average molecular weight (in amu) 1,100	1685270–99–8
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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA-2015-0001]

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated in the table below.

ADDRESSES: The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance

and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) Luis.Rodriguez3@fema.dhs.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility

Act, 5 U.S.C. 601-612, a regulatory flexibility analysis is not required.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This final rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This final rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Dated: November 18, 2015.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

■ 1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
Montgomery County, Pennsylvania (All Jurisdictions)			
Docket No.: FEMA-B-1175			
Blair Mill Run	At the Pennypack Creek confluence	+211	Borough of Hatboro, Township of Horsham, Township of Upper Moreland.
Blair Mill Run Tributary	At the downstream side of County Line Road	+261	Borough of Hatboro.
	At the upstream side of West Monument Avenue	+228	
Huntingdon Valley Creek	At the downstream side of East County Line Road	+252	
	Approximately 800 feet downstream of Red Lion Road	+120	Borough of Bryn Athyn, Township of Lower Moreland.
	Approximately 0.9 mile upstream of Byberry Road	+267	
Meadow Brook	At the Pennypack Creek confluence	+118	Township of Abington, Township of Lower Moreland.