

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-20-0534; FRL-12765-02-OCSPP]

RIN 2070-ZA16

Pesticide Tolerances; Implementing Registration Review Decisions for Certain Pesticides (Hydrogen Cyanide, et al.)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA or Agency) is finalizing several tolerance actions under the Federal Food, Drug, and Cosmetic Act (FFDCA) that the Agency previously determined were necessary or appropriate during the registration review conducted under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). During registration review, EPA reviews all aspects of a pesticide case, including existing tolerances, to ensure that the pesticide continues to meet the standard for registration under FIFRA.

DATES: This rule is effective on April 22, 2026. Objections and requests for hearings must be received on or before June 22, 2026 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.D. of this document).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2024-0534, is available through <https://www.regulations.gov>. Additional information about dockets generally, along with instructions for visiting the docket in person, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Caleb Carr, Pesticide Re-Evaluation Division (7508M), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 566-0636; email address: carr.caleb@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

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 might apply to them:

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

If you have any questions regarding the applicability of this proposed action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What action is the Agency taking?

EPA is finalizing several tolerance actions that the Agency proposed in the **Federal Register** of June 9, 2025 (90 FR 24259 (FRL-12765-01-OCSPP)), which EPA previously determined were necessary or appropriate during registration review of the following pesticide active ingredients: hydrogen cyanide (40 CFR 180.130; Case 8002; EPA-HQ-OPP-2010-0752), 1-naphthaleneacetic acid (40 CFR 180.155; Case 0379; EPA-HQ-OPP-2014-0773), carboxin (40 CFR 180.301; Case 0012; EPA-HQ-OPP-2015-0144), ethofumesate (40 CFR 180.345; Case 2265; EPA-HQ-OPP-2015-0406), thiobencarb (40 CFR 180.401; Case 2665; EPA-HQ-OPP-2011-0932), and propylene oxide (40 CFR 180.491; Case 2560; EPA-HQ-OPP-2013-0156). The tolerance actions for each pesticide active ingredient are described in detail in Unit III. of the proposed rule. This rulemaking finalizes the proposed actions and, where applicable, describes any changes and clarifications from the proposal.

The Agency received two comments on the proposed rule from two anonymous commenters. For a summary of the comments received and the Agency's response, see Unit II.

C. What is EPA's authority for taking this action?

FFDCA section 408(e), 21 U.S.C. 346a(e), authorizes EPA to establish, modify, or revoke tolerances or exemptions from the requirement of a tolerance on its own initiative. After providing a 60-day public comment period on a proposed rulemaking, EPA may finalize the rule.

FFDCA section 408(b)(2)(A)(i) allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." FFDCA section 408(b)(2)(A)(ii) 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 in residential settings but does not include occupational exposure. FFDCA section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing 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. . . ."

D. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. If you fail to file an objection to the final rule within the time period specified in the final rule, you will have waived the right to raise any issues resolved in the final rule. 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 of this final rule (EPA-HQ-OPP-2024-0534), and the chemical-specific docket ID number as provided in Unit III of the proposed rule (90 FR 24259) (FRL-12765-01-OCSPP) 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 June 22, 2026.

The EPA's Office of Administrative Law Judges (OALJ), in which the Hearing Clerk is housed, urges parties to file and serve documents by electronic means only, notwithstanding any other particular requirements set forth in other procedural rules governing those proceedings. See "Order Urging Electronic Filing and Service," dated December 3, 2025, which can be found at <https://www.epa.gov/system/files/documents/2025-12/2025-12-03-order-urging-electronic-filing-and-service.pdf>. Although the EPA's regulations require submission via U.S. Mail or hand delivery, the EPA intends to treat submissions filed via electronic means as properly filed submissions; therefore, the EPA believes the preference for submission via electronic means will not be prejudicial. When submitting documents to the OALJ electronically, a person should utilize the OALJ e-filing system at https://yosemite.epa.gov/oa/eab/eab-alj_upload.nsf.

II. Public Comments

EPA provided a 60-day public comment period for the proposed rule, which closed on August 8, 2025. EPA received two comments from two anonymous commenters. One comment expressed concern about how the production, transportation, and use of pesticides contribute to greenhouse gas emissions and stated that fumigants, including hydrogen cyanide, may decompose or interact in the environment in ways that indirectly release or transform into greenhouse gases. The comment suggested that such impacts should be considered in future pesticide tolerance rulemakings and registration decisions. The other comment expressed general safety concerns.

The existing legal framework provided by section 408 of the FFDCA authorizes EPA to establish a tolerance when it determines that the tolerance is safe. Upon consideration of the validity, completeness, and reliability of the available data as well as other factors that the FFDCA requires EPA to consider, EPA has determined that the tolerance actions finalized in this rule are safe. The commenters have made no contention that EPA has acted in violation of the statutory framework or that a safety determination cannot be supported. Thus, the Agency is not making any revisions to the proposed tolerance actions based on these comments.

III. Final Tolerance Actions

EPA is finalizing the tolerance actions described in Unit III. of the proposed rule, with the following changes and clarifications:

EPA is revising the date that certain tolerances expire for ethofumesate (40 CFR 180.345; Case 2265; Docket ID No. EPA-HQ-OPP-2015-0406) from December 8, 2025, to October 19, 2026. This date is consistent with EPA's proposal to add an expiration date of 180 days (approximately 6 months) after the date of publication of the final rule in the **Federal Register** for existing tolerances that are lowered or revoked by the final rule.

The 2025 proposed rule ((90 FR 24259 (FRL-12765-01-OCSPP)) included proposed amendments to the current tolerances for 2,4-DB and flucarbazone-sodium. EPA plans to finalize the proposed actions for 2,4-DB (40 CFR 180.331; Case 0196; Docket ID No. EPA-HQ-OPP-2013-0661) and flucarbazone-sodium (40 CFR 180.562; Case 7251; Docket ID No. EPA-HQ-OPP-2013-0283) at a later date with a separate final rulemaking.

A. EPA's Safety Determination

As noted in Unit II.D. of the proposed rule and the supporting registration review documents, EPA has assessed the individual risks from exposure to the pesticide active ingredients identified in this rule. EPA is finalizing the safety findings contained in Unit III. of the proposed rule for each of the pesticide active ingredients identified in this rule.

For further information about pesticide-specific registration review safety findings, see the public docket that has been opened for each pesticide, which is available online at <https://www.regulations.gov> using the docket ID number listed in Unit I.B of this document.

B. Analytical Enforcement Methodology

Adequate enforcement methodology as described in the supporting registration review documents is available to enforce the tolerance expressions for each of the pesticide active ingredients identified in this rule.

C. Conclusion

Except as otherwise noted in this Unit, EPA is finalizing the tolerance actions described in Unit III. of the proposed rule, with the changes and clarifications described in this rule.

IV. Effective and Expiration Date(s)

These tolerance actions are effective on the date of publication of the final rule in the **Federal Register**. For actions in the final rule that lower or revoke existing tolerances, EPA has set an expiration date for the existing tolerance of 180 days after the date of publication of the final rule in the **Federal Register** to allow a reasonable interval for producers in exporting members of the World Trade Organization's (WTO's) Sanitary and Phytosanitary (SPS) Measures Agreement to adapt to the requirements.

V. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <https://www.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Order 12866: Regulatory Planning and Review

This action is exempt from review under Executive Order 12866 (58 FR 51735, October 4, 1993), because it establishes or modifies a pesticide tolerance or a tolerance exemption under FFDCA section 408. This exemption also applies to tolerance revocations for which extraordinary circumstances do not exist. As such,

this exemption applies to the tolerance revocations in this final rule because the Agency knows of no extraordinary circumstances that warrant reconsideration of this exemption for those tolerance revocations.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

Executive Order 14192 (90 FR 9065, February 6, 2025) does not apply because actions that establish a tolerance under FFDCA section 408 are exempted from review under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA 44 U.S.C. 3501 *et seq.*, because it does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA, 5 U.S.C. 601 *et seq.* In making this determination, EPA concludes that the impact of concern for this action is any significant adverse economic impact on small entities and that the Agency is certifying that this action will not have a significant economic impact on a substantial number of small entities because the action has no net burden on small entities subject to this rulemaking. As discussed in the proposed rule, this determination takes into account several EPA analyses of potential small entity impacts for tolerance actions. EPA did not receive any comments about the Agency's determination for this rulemaking.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of \$100 million or more (in 1995 dollars and adjusted annually for inflation) as described in UMRA, 2 U.S.C. 1531-1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any State, local or Tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000), because it will not have substantial direct effects on Tribal governments, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866 (See Unit V.A.), and because EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. However, EPA's 2026 *Policy on Children's Health* applies to this action.

This rule finalizes tolerance actions under the FFDCA, which requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing 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 . . ." (FFDCA 408(b)(2)(C)). The Agency's consideration is documented in the pesticide-specific registration review documents, located in each chemical docket at <https://www.regulations.gov>.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211 (66 FR 28355) (May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer Advancement Act (NTTAA)

This action does not involve technical standards that would require Agency consideration under NTTAA section 12(d), 15 U.S.C. 272.

K. Congressional Review Act (CRA)

This action is subject to the CRA, 5 U.S.C. 801 *et seq.*, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action does

not meet the criteria set forth in 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: April 16, 2026.

Edward Messina,
Director, Office of Pesticide Programs.

For the reasons set forth in the preamble, EPA is amending 40 CFR chapter I as follows:

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES IN FOOD

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

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

■ 2. Amend § 180.130 by revising paragraph (a) to read as follows:

§ 180.130 Hydrogen Cyanide; tolerances for residues.

(a) *General.* Tolerances are established for residues of sodium cyanide, including its metabolites and degradates, in or on the commodities in Table 1 to this paragraph (a). Compliance with the tolerance level specified in Table 1 to this paragraph (a) is to be determined by measuring only hydrogen cyanide in or on the commodity.

TABLE 1 TO PARAGRAPH (a)

Commodity	Parts per million
Fruit, citrus, group 10–10	50

* * * * *

■ 3. Amend § 180.155 by:
 ■ a. Adding table heading "Table 1 to Paragraph (a)" to the table in paragraph (a);
 ■ b. Revising the entry "Rambutan"; and
 ■ c. Revising footnote 1 for "Table 1 to Paragraph (a)".

The revisions and additions read as follows:

§ 180.155 1-Naphthaleneacetic acid; tolerances for residues.

(a) * * *

TABLE 1 TO PARAGRAPH (a)

Commodity	Parts per million
Rambutan	2

* * * * *

TABLE 1 TO PARAGRAPH (a)—Continued

Commodity	Parts per million
* * * * *	*

¹ There are no U.S. registrations for this commodity.

* * * * *

- 4. Amend § 180.301 by:
 - a. Revising the introductory text of paragraph (a); and
 - b. In the table in paragraph (a):
 - i. Adding table heading "Table 1 to Paragraph (a)";
 - ii. Adding the entry "Barley, hay" in alphabetical order;
 - iii. Removing the entry "Canola, seed"; and
 - iv. Adding entries "Cotton, gin byproducts", "Oat, hay", "Rapeseed, seed", and "Wheat, hay" in alphabetical order.

The revisions and additions read as follows:

§ 180.301 Carboxin; tolerances for residues.

(a) *General.* Tolerances are established for residues of carboxin, 5,6-dihydro-2-methyl-N-phenyl-1,4-oxathiin-3-carboxamide, including its metabolites and degradates, in or on the commodities in Table 1 to Paragraph (a). Compliance with the tolerance levels specified in Table 1 to Paragraph (a) is to be determined by measuring only those carboxin residues convertible to aniline, expressed as the stoichiometric equivalent of carboxin, in or on the commodities.

TABLE 1 TO PARAGRAPH (a)

Commodity	Parts per million
* * * * *	*
Barley, hay	0.2
* * * * *	*
Cotton, gin byproducts	3
* * * * *	*
Oat, hay	0.2
* * * * *	*
Rapeseed, seed	0.03
* * * * *	*
Wheat, hay	0.2
* * * * *	*

* * * * *

- 5. Amend § 180.345 by:
 - a. In the table in paragraph (a):

- i. Adding table heading “Table 1 to Paragraph (a)”;
 - ii. Adding the entry “Beet, garden, leaves” in alphabetical order;
 - iii. Removing the entry “Beet, garden, tops”;
 - iv. Revising the entries “Beet, sugar, molasses” and “Beet, sugar, tops”;
 - v. Removing the entry “Garlic”;
 - vi. Adding the entries “Garlic, bulb” and “Grass, forage, fodder and hay, group 17, straw” in alphabetical order; and
 - vii. Removing the entry “Grass, straw”;
- b. Revising the table in paragraph (c); and
- c. Revising paragraph (d).
- The revisions and additions read as follows:

§ 180.345 Ethofumesate; tolerances for residues.

(a) * * *

TABLE 1 TO PARAGRAPH (a)

Commodity	Parts per million
Beet, garden, leaves	5
* * * * *	
Beet, sugar, molasses	2
* * * * *	
Beet, sugar, tops ¹	4
* * * * *	
Garlic, bulb	0.25
* * * * *	
Grass, forage, fodder and hay, group 17, straw	1
* * * * *	

¹This tolerance expires on October 19, 2026.

* * * * *

(c) * * *

TABLE 2 TO PARAGRAPH (c)

Commodity	Parts per million
Carrot, roots	7

(d) *Indirect or inadvertent residues.* Tolerances are established for the combined indirect or inadvertent residues of the herbicide ethofumesate, including its metabolites and degradates, in or on the commodities in Table 3 to this paragraph (d). Compliance with the tolerance levels specified in Table 3 to this paragraph (d) is to be determined by measuring only the sum of ethofumesate, 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate, and its metabolites 2-

hydroxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate, and 2,3-dihydro-3,3-dimethyl-2-oxo-5-benzofuranylmethanesulfonate, calculated as the stoichiometric equivalent of ethofumesate, in or on the commodity.

TABLE 3 TO PARAGRAPH (d)

Commodity	Parts per million
Animal feed, nongrass, group 18	1.5
Grain, cereal, forage, hay, stover, and straw, group 16–22	1.5
Vegetable, legume, forage and hay, group 7–22	0.5

- 6. Amend § 180.401 by:
 - a. Revising the introductory text of paragraph (a);
 - b. In the table in paragraph (a):
 - i. Adding table heading “Table 1 to Paragraph (a)”;
 - ii. Adding entries for “Celery”, “Endive”, “Lettuce, head”, and “Lettuce, leaf” in alphabetical order; and
 - c. Removing and reserving paragraph (c).

The revisions and additions read as follows:

§ 180.401 Thiobencarb; tolerances for residues.

(a) *General.* Tolerances are established for residues of the herbicide thiobencarb, including its metabolites and degradates, in or on the commodities in Table 1 to this paragraph (a). Compliance with the tolerance levels specified in Table 1 to this paragraph (a) is to be determined by measuring only the sum of thiobencarb and its metabolites containing the chlorobenzyl or chlorophenyl moieties, calculated as the stoichiometric equivalent of thiobencarb, in or on the commodity.

TABLE 1 TO PARAGRAPH (a)

Commodity	Parts per million
* * * * *	
Celery ¹	0.2
* * * * *	
Endive ¹	0.2
* * * * *	
Lettuce, head ¹	0.2
Lettuce, leaf ¹	0.2
* * * * *	

¹There are no U.S. registrations for this commodity.

* * * * *

(c) [Reserved]

* * * * *

- 7. Amend § 180.491 by revising paragraph (a) to read as follows:

§ 180.491 Propylene oxide; tolerances for residues.

(a) *General.* Tolerances are established for residues of the fumigant propylene oxide, including its metabolites and its degradates, including the reaction products propylene chlorohydrin and propylene bromohydrin, in or on the commodities in Table 1 to this paragraph (a). Compliance with the tolerance levels specified in Table 1 to this paragraph (a) is to be determined by measuring only propylene oxide in or on the commodity.

TABLE 1 TO PARAGRAPH (a)

Commodity	Parts per million
Cacao bean, cocoa powder	200
Cacao bean, dried bean	200
Fig, dried	3
Garlic, dried	300
Grape, raisin	1
Herbs and spices, group 19, dried	300
Nut, tree, group 14–12	300
Onion, dried	300
Plum, prune, dried	2

* * * * *

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 230914–0219; RTID 0648–XF686]

Fisheries of the South Atlantic; 2026 Recreational Accountability Measure and Closure for Gag in the South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure (AM) and closure for the recreational harvest of gag in South Atlantic Federal waters. As a result of gag recreational landings exceeding the recreational annual catch limit (ACL) in 2025, NMFS reduces the