

V. Provisions for Disposition of Existing Stocks

Existing stocks for the product identified in this document are those stocks of registered pesticide product that are currently in the United States and that were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. EPA has determined that the following existing stocks provisions are not inconsistent with the purposes of FIFRA given the limited amount of existing stocks and the limited time allowed for use of the existing stocks outlined below:

- Sale and distribution of existing stocks of Pilot 15G Chlorpyrifos Agricultural Insecticide (EPA Reg. No. 93182–8) is permitted until April 30, 2025.
- Use of existing stocks of Pilot 15G Chlorpyrifos Agricultural Insecticide (EPA Reg. No. 93182–8) must be consistent with the product labeling. Such use is permitted until June 30, 2025.
- Use of existing stocks of Pilot 15G Chlorpyrifos Agricultural Insecticide (EPA Reg. No. 93182–8) for non-food purposes is permitted until existing stocks are exhausted, as long as such use is in accordance with the labeling.

After these dates, all respective sale, distribution, and use of existing stocks is prohibited, except for sale and distribution for export consistent with FIFRA section 17 (7 U.S.C. 136o) and for proper disposal in accordance with state regulations.

Authority: 7 U.S.C. 136 *et seq.*

Dated: September 9, 2024.

Jean Anne Overstreet,

*Director, Pesticide Re-Evaluation Division,
Office of Pesticide Programs.*

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ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2024–0159; FRL–11684–07–OCSPP]

Certain New Chemicals or Significant New Uses; Statements of Findings for July 2024

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Toxic Substances Control Act (TSCA) requires EPA to publish in the **Federal Register** a statement of its findings after its review of certain TSCA submissions when EPA makes a finding that a new chemical substance or

significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA. This document presents statements of findings made by EPA on such submissions during the period from July 1, 2024, to July 31, 2024.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2024–0159, is available online at <https://www.regulations.gov> or in-person at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. 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 OPPT Docket is (202) 566–0280. For the latest status information on EPA/DC services and docket access, visit <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Rebecca Edelstein, New Chemical Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460–0001; telephone number: (202) 564–1667 email address: edelstein.rebecca@epa.gov.

For general information contact: The TSCA–Hotline, ABVI–Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This action provides information that is directed to the public in general.

B. What action is the Agency taking?

This document lists the statements of findings made by EPA after review of submissions under TSCA section 5(a) that certain new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. This document presents statements of findings made by EPA during the reporting period.

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

TSCA section 5(a)(3) requires EPA to review a submission under TSCA section 5(a) and make one of several specific findings pertaining to whether the substance may present unreasonable risk of injury to health or the environment. Among those potential findings is that the chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment per TSCA Section 5(a)(3)(C).

TSCA section 5(g) requires EPA to publish in the **Federal Register** a statement of its findings after its review of a submission under TSCA section 5(a) when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to PMNs, MCANs, and SNUNs submitted to EPA under TSCA section 5.

Anyone who plans to manufacture (which includes import) a new chemical substance for a non-exempt commercial purpose and any manufacturer or processor wishing to engage in a use of a chemical substance designated by EPA as a significant new use must submit a notice to EPA at least 90 days before commencing manufacture of the new chemical substance or before engaging in the significant new use.

The submitter of a notice to EPA for which EPA has made a finding of “not likely to present an unreasonable risk of injury to health or the environment” may commence manufacture of the chemical substance or manufacture or processing for the significant new use notwithstanding any remaining portion of the applicable review period.

D. Does this action have any incremental economic impacts or paperwork burdens?

No.

II. Statements of Findings Under TSCA Section 5(a)(3)(C)

In this unit, EPA provides the following information (to the extent that such information is not claimed as Confidential Business Information (CBI)) on the PMNs, MCANs and SNUNs for which, during this period, EPA has made findings under TSCA section 5(a)(3)(C) that the new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment:

The following list provides the EPA case number assigned to the TSCA

section 5(a) submission and the chemical identity (generic name if the specific name is claimed as CBI).

- J-24-0005-0008, Biofuel-producing modified microorganism(s), with chromosomally borne modifications (Generic Name).

- J-24-0014-0015, Biopolymer producing modified microorganism, with chromosomally located modifications (Generic Name).

- J-24-0016-0019, Chromosomally modified *Saccharomyces cerevisiae* (Generic Name).

To access EPA's decision document describing the basis of the "not likely to present an unreasonable risk" finding made by EPA under TSCA section 5(a)(3)(C), look up the specific case number at <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/chemicals-determined-not-likely>.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: September 10, 2024.

Lisa Christ,

Acting Director, New Chemicals Division,
Office of Pollution Prevention and Toxics.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2022-0223; FRL-12245-01-OCSP]

Chlorpyrifos; Amendment to Existing Stocks Provisions in Kaizen Product Cancellation Orders

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On August 31, 2022, EPA issued a final order cancelling several products, including one product for which Kaizen Technologies, LLC voluntarily requested cancellation, pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The Agency is issuing this notice to amend the existing stocks provisions in the August 31, 2022 order, for the product listed in this document.

ADDRESSES: The docket for this action, identified under docket identification (ID) number EPA-HQ-OPP-2022-0223, is available online at <https://www.regulations.gov>. Additional instructions on visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Patricia Biggio, Pesticide Re-Evaluation Division (7508M), Office of Pesticide

Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 566-0700; email address: OPPChlorpyrifosInquiries@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

Does this action apply to me?

This action is directed to the public in general and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

II. What action is the Agency taking?

In its August 31, 2022 Cancellation Order for Certain Chlorpyrifos Registrations (87 FR 53471) (FRL-10138-01-OCSP), EPA granted Kaizen's request to cancel its one chlorpyrifos product: Bifenchlor (EPA Registration Number 86363-11). This order noted that all chlorpyrifos tolerances had been revoked, and thus all use on food and all sale and distribution of existing stocks for the products identified in that order were inconsistent with the purposes of FIFRA, with some exceptions. The August 31, 2022 order permitted existing stocks to be sold and distributed for export and for proper disposal.

Subsequent to the issuance of the August 31, 2022 cancellation order, the U.S. Court of Appeals for the Eighth Circuit vacated EPA's rule revoking all tolerances. *See Red River Valley Sugarbeet Growers Associations, et al. v. Regan*, 85 F.4th 881 (8th Cir. 2023). On February 5, 2024, EPA issued a **Federal Register** notice to amend the Code of Federal Regulations (CFR) to reflect the court's reinstatement of those tolerances (89 FR 7625) (FRL-5993-06-OCSP). At this time, all chlorpyrifos tolerances in effect prior to the 2021 tolerance rule have been reinstated and are currently in effect. *See* 40 CFR 180.342. With the tolerances in place, Kaizen requested an amendment to the terms of the August 31, 2022 cancellation order governing disposition of existing stocks to allow for sale, distribution, and use.

Because the reinstatement of the chlorpyrifos tolerances means that chlorpyrifos products can be used in accordance with their labeling without concern for adulterated food, EPA is amending the August 31, 2022

cancellation order to update the existing stocks provisions as they apply to the following Kaizen product:

- Bifenchlor (EPA Reg. No. 86363-11).

The registrant for the listed product is Kaizen Technologies, LLC., 2225 Q Street, Aurora, NE 68818.

III. Provisions for Disposition of Existing Stocks

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be cancelled or amended to terminate one or more registered uses. Since the tolerances for chlorpyrifos residues on food commodities have been reinstated by the Eighth Circuit, food bearing chlorpyrifos residues could be sold in interstate commerce. EPA has noted however, that it intends to issue a new rulemaking revoking several chlorpyrifos tolerances in the near future. In the meantime, the following amendment to the existing stocks provisions for the Kaizen product is consistent with the path forward for disposition of existing stocks for several other existing stocks amendment requests and post-tolerance-reinstatement voluntary cancellations for chlorpyrifos requested by registrants.

Existing stocks for the product identified in this order are those stocks of registered pesticide products that are currently in the United States and that were packaged, labeled, and released for shipment prior to August 31, 2022.

At this time, EPA is amending the existing stocks provisions in the August 31, 2022 cancellation order as they apply to the Kaizen chlorpyrifos product mentioned in this notice. EPA has determined that the following existing stocks provisions are not inconsistent with the purposes of FIFRA, given the limited amount of existing stocks and the limited time allowed for use of the existing stocks outlined below:

- Sale and distribution of existing stocks of Bifenchlor (EPA Reg. No. 86363-11) is permitted until April 30, 2025.
- Use of existing stocks of Bifenchlor (EPA Reg. No. 86363-11) must be consistent with the product labeling. Such use is permitted until June 30, 2025. Use of existing stocks of Bifenchlor (EPA Reg. No. 86363-11) for non-food purposes is permitted until existing stocks are exhausted, as long as such use is in accordance with the labeling.

After these dates, all sale, distribution, and use of existing stocks is prohibited, except for sale and