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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 11 1993

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

MEMORANDUM

SUBJECT: PP#2F4132 Boric Acid Exemption Request. Evaluation of Residue Chemistry Requirements. CBRS Nos. 10,907 and 11,160, DP Barcode Nos. D184976 and D186771

FROM: R. B. Perfetti, Ph.D., Chemist *R. B. Perfetti*
Reregistration Section I
Chemistry Branch II: Reregistration Support
Health Effects Division (H7509C)

THRU: Edward Zager, Chief *Edward Zager*
Chemistry Branch II: Reregistration Support
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TO: R. Forrest, PM# 14
Insecticide/Rodenticide Branch
Registration Division (H7505C)

BACKGROUND

Boric acid and its salts are insecticides, herbicides, and fungicides registered for various non-food, agricultural and food handling establishment applications. Tolerances for residues of boron resulting from the use of boric acid and its salts have been established (40 CFR 180.271) on cottonseed (30 ppm) and citrus fruits (8 ppm, postharvest). The subject petition addresses a new application of boric acid as a bait for the control of fire ants at agricultural sites. The Registrant has requested that an exemption from the requirements of a tolerance be granted to cover residues of boron in racs as a result of this use.

PRODUCT CHEMISTRY

Registration Division is performing the product Chemistry review of boric acid. The upcoming RED will call in any additional that is required for reregistration. This data will also suffice for the boric acid technical used in this fire ant bait.

*Received by PM Team 14
2/16/93*



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RESIDUE CHEMISTRY

As indicated above, this petition is requesting that an exemption from the requirements of a tolerance be established as a result of the use of boric acid as a fire ant control bait in agricultural areas. The product is to be applied as a broadcast via ground or air at a rate of 0.5 lb ai/acre. A second application may be made 5 days after the initial treatment. The HED Metabolism Committee has concluded that it is appropriate to exempt boric acid and its salts from the requirements of a tolerance under Section 408 (racs) and to establish a food additive regulation for boric acid and its salts at food/feed handling sites under Section 409 of the FFD&CA. There are no remaining Residue Chemistry data requirements involved with this fire ant use.

RECOMMENDATIONS

CBRS recommends that the requested exemption be established. In addition, for the sake of expediency, CBRS also recommends that Registration Division revoke the tolerances for residues of boron under 40 CFR 180.271 and establish the following exemption and food and feed additive regulations under 40 CFR 180, 185 and 186 respectively.

CFR 40 180:

An exemption from the requirements of a tolerance for residues of boric acid, borax (sodium borate decahydrate), disodium octaborate tetrahydrate, boric oxide and sodium borate is established in raw agricultural commodities when used as insecticides, herbicides or fungicides pre- or postharvest in accordance with good agricultural practices.

CFR 40 185:

- A food additive regulation is established permitting the use of boric acid, borax (sodium borate decahydrate), disodium octaborate tetrahydrate, boric oxide and sodium borate in food handling establishments in accordance with the following prescribed condition:

Application shall be limited solely to careful treatment in food handling establishments where food and food products are held, processed, prepared or served such that contamination of food or food contact surfaces shall be avoided.

CFR 40 186:

A feed additive regulation is established permitting the use of boric acid, borax (sodium borate decahydrate), disodium octaborate

tetrahydrate, boric oxide and sodium borate in animal feed handling establishments in accordance with the following prescribed condition:

Application shall be limited solely to careful treatment in animal feed handling establishments where feed and feed products are held, processed, prepared or sold such that contamination of feed or feed contact surfaces shall be avoided.

cc: RBP; SF; RF; L. Rossi RB/SRRD; Boric Acid Reg. Std. File; Petition File; and Circulation.