



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

SEP 10 1986

EXPEDITE

OFFICE OF
PESTICIDES AND TOXIC SUBSTANCES

MEMORANDUM

SUBJECT Non-Concurrence on Federal Register Document to Establish a Tolerance for Residues of Vinclozolin (Ronilan) in or on Table Grapes.

FROM: Charles L. Trichilo, Chief
Residue Chemistry Branch
Hazard Evaluation Division (TS-769)

TO: John W. Melone, Director
Hazard Evaluation Division (TS-769)

As per your directive to inform you about Branch non-concurrences on final documents, RCB cannot concur with the contents of this Federal Register document which would establish a tolerance for residues of vinclozolin in or on table grapes (PP#1E2457). RCB received this FR document on 9/8/86 and was requested to comment by 9/10/86.

Our reasons follow:

- 1.) This Federal Register document indicates that "The nature of the residues is adequately understood... There is no reasonable expectation of residues in eggs, milk, meat, or poultry from this use in stonefruit (sic)."

RCB believes the nature of the residue is understood only in plant commodities and not in animal commodities. Over 5 years ago (see RCB's 4/27/81 review of PP#1E2457), RCB asked the petitioner to provide adequate animal/poultry metabolism studies using vinclozolin; this has still not been accomplished.

- 2.) The petitioner needs to provide acceptable animal (lactating ruminant) and poultry feeding studies, because it is possible that grapes destined for the table could end up as feed items. Thus, we can not rule out possible residues of vinclozolin in milk, eggs, and other animal/poultry commodities as result of the proposed use. The petitioner has submitted some letters saying that grapes grown in Chile will be destined table use only. While the letters of support indicating grapes imported from Chile are only sold for human consumption have merit, no consideration has been given as to the disposition of spoiled grapes or surplus grapes that have been imported. How can the Chilean exporters or the petitioner control the destiny of these grapes when they will be distributed throughout the United States? We have been informed by one source that grapes are highly perishable and there is no assurance that spoiled table grapes in bulk will not be used as a feed item (Telephone conversation between Mr. Robert Kenney, United Fresh Fruits and Vegetables Association and Dr. J. Onley, EPA - October 6, 1981). We have been informed by another source that there is no assurance that imported table grapes will be used solely for that purpose (Telephone conversation between Bernadine Baker - U.S. Dept. of Agriculture and J. Onley, EPA - March 30, 1981). In view, of the preceding, we can not concur that grapes imported from Chile will be used exclusively for the fresh market.
- 3.) Because of the issues associated with Item 2 above, OPP has always to my knowledge set tolerances on "grapes" and not "grapes, table" or "grape, wine" (see 40 CFR 180). Incidentally, much of the residue data submitted in PP#1E2457 were generated on wine grapes.
- 4.) Finally, as requested in RCB's 4/27/81 review of PP#1E2457, the petitioner needs to carry out a grape fractionation study. Residue data on juice, wet and dry pomaces should be provided to determine whether or not food additive tolerances are needed. The petitioner argues as follows in his 8/11/86 letter (from Dr. Schreiner - BASF to H. Jacoby-PM#21) to the Agency:
- "Table grapes are not used for processing. It is highly unlikely that someone would import expensive table grapes from Chile for wine production, while in the USA is a surplus of cheaper wine grapes."

RCB believes it is highly unlikely that someone would import expensive grapes from Chile or any other nation and then discard them, if there is some spoilage or surplus; this is not sound economics. Our economic experts in BUD can comment on this with more authority.

Other Considerations

1.) This Federal Register Document was embedded in an 8/11/86 expedited amendment to PP#1E2457; both the Document and amendment were received in RCB on 9/8/86. The due date for reviewing the Federal Register Document is 8/10/86. Because Registration Division will assume that I am concurring or have no comments on this document unless I reply to them within 2 days, I am copying them in parallel with your request for notification.

2.) Today RCB also received from RD a request for the expedited amendment with a due date of 9/15/86. This amendment deals mainly with the practicality of Chile's willingness to sticker each carton with the statement:

"Only for use as table grapes, not for processing or feed."

Therefore, at the time of writing this memo on the concurrence for the Federal Register Document, RCB would have only 2 working days to handle the accompanying "expedited amendment."

In order for RCB to comment intelligently on the practicality of the proposed carton labeling, we will need additional time to interface with the OGC, OCM, BUD, and USDA. To compile the input from these organizations will probably require at least a week.

I feel that it is not possible to meet the expedited 9/15/86 due date placed on the 8/11/86 amendment. We could resolve the remaining issues by 9/22/86.

Attachment

cc: Anne Barton/HED, Henry Jacoby/RD, Frank Saunders/RD,
Arne Aspelin/BUD, Phyllis Flaherty/OCM

bcc: Circu. J.Onley, PP#1E2457, S.F., R.F.

CONCURRENCE AND COMMENT ROUTING SHEET

AUG 29 1986

DATE: _____

TO: Addressee indicated below
 Henry M. Jacoby
 Product Manager, Team 21
 Herbicides-Fungicides Branch

FROM: Henry M. Jacoby
 Product Manager, Team 21
 Herbicides-Fungicides Branch

TITLE OF DOCUMENT: RONILAN (TABLE GRADES) TOLERANCE

Please concur or comment, as indicated, on the attached document. If you do not concur, attach a written explanation of your position. If you have been asked to comment, attach your comments. Please return this sheet with your comments to HENRY JACOBY by Sept. 16, 1986. If your reply is not received by that time, we will presume that you concur or have no comment.

Each reviewer who is asked to concur is limited to concurring or non-concurring on matters within his area of expertise as defined by Division directors or their designees, may concur or non-concur with respect to matters outside their functional area.

Division, Office or Individual	You have been asked to		Division, Office or Individual Response			Signature
	Con- cur	Com- ment	Con- cur	Non- con- cur	Com- ment attached	
BFSD						
HED						
<i>TB</i> <i>J.H.O. 9/9/86</i> <i>RCB</i>	☒					
					<i>X See attached memo of 9/10</i>	<i>[Signature]</i>
RD						