

September 13, 2005

Supplementary Objection and Request for Hearing

Docket No. OPP-2005-0174

Sulfuryl fluoride; Pesticide Tolerance. Final Rule.

Submitted by:

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To:

Office of the Hearing Clerk (1900L),
Environmental Protection Agency,
1200 Pennsylvania Ave., NW, Washington, DC 20460-0001.

Public Information and Records Integrity Branch,
Information Resources and Services Division (7502C),
Office of Pesticide Programs, Environmental Protection Agency,
1200 Pennsylvania Ave., NW, Washington, DC 20460-0001.

SUMMARY:

We wish to appeal the US EPA's granting of a Final Rule to Dow for residue tolerances of inorganic fluoride and sulfuryl fluoride on processed food commodities. The basis for our appeal is contained below

RELIEF:

In terms of the relief sought, the submitters ask US EPA to rescind the Final Rule granted for Sulfuryl fluoride residue tolerances.

FEE WAIVER:

A request for a fee waiver has been sent to the

Environmental Protection Agency,
Office of Pesticide Programs, Registration Division (7505C),
1200 Pennsylvania Avenue, NW., Washington, DC 20460.

Fluoride Action Network (FAN) requests a fee waiver under 40 C.F.R. Part 180.33 (m) as it is dedicated to working in the public interest. FAN is a project of the American Environmental Health Studies Project, a registered non-profit corporation 501(c)(3).

[40 C.F.R. Part 180.33 \(m\)](#). The Administrator may waive or refund part or all of any fee imposed by this section if the Administrator determines in his or her sole discretion that such a waiver or refund will promote the public interest or that payment of the fee would work an unreasonable hardship on the person on whom the fee is imposed. A request for waiver or refund of a fee shall be submitted in writing to the Environmental Protection Agency, Office of Pesticide Programs, Registration Division (7505C), 1200 Pennsylvania Avenue, NW., Washington, DC 20460. A fee of \$2,025 shall accompany every request for a waiver or refund, except that the fee under this sentence shall not be imposed on any person who has no financial interest in any action requested by such person under paragraphs (a) through (k) of this section. The fee for requesting a waiver or refund shall be refunded if the request is granted.

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As of September 13, 2005, the deadline for submission of these objections, and two months after the EPA made their ruling on ProFume tolerances, the Human Health Risk Assessment (HRA) has still not been finalized nor made public. Personal communication today from Rebecca Daiss of EPA, one of the authors of the HRA, confirmed that the document was not publicly available at this time. She consulted the EPA person in charge of this pesticide registration before making this information known to me.

It is incomprehensible that the EPA can issue a ruling without even having released a public version of the Human Health Risk Assessment. An HRA is the core of the evidence upon which a ruling is made. The absence of this document has severely hampered our ability to evaluate or comment on the ruling. Critical details and supporting references are absent from the summary HRA included in the ruling. But of more concern is that the EPA should make a ruling before they have even finalized a health risk assessment. The ruling was made on July 15, 2005.

On these grounds we request an extension of time of 60 days following our receipt of the final Human Health Risk Assessment to file further objections and requests for a hearing. We also ask that the ruling be immediately suspended until at least the end of this extended public comment period.