

WORLD TRADE ORGANIZATION

G/SPS/N/USA/770
30 July 2003

(03-4045)

Committee on Sanitary and Phytosanitary Measures

Original: English

NOTIFICATION

1.	Member to Agreement notifying: <u>UNITED STATES</u> If applicable, name of local government involved:
2.	Agency responsible: Environmental Protection Agency (EPA)
3.	Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable): Any product that carries the pesticide Lactic Acid, n-Butyl Ester and Lactic Acid, Ethyl Ester when used in accordance with good agricultural or manufacturing practices
4.	Regions or countries likely to be affected, to the extent relevant or practicable: Any US trading partners.
5.	Title, language and number of pages of the notified document: Lactic Acid, n-Butyl Ester and Lactic Acid, Ethyl Ester; Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food (Available in English, 2 pages)
6.	<p>Description of content: EPA has received an amendment to pesticide petitions PP 5E4510 and 5E4515 from PURAC America, Inc. proposing, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR part 180 the existing exemption from the requirement of a tolerance for lactic acid, n-butyl ester (CAS No. 138-22-7) and lactic acid, ethyl ester (CAS No. 97-64-3), to also include lactic acid, n-butyl ester, (S) (CAS No. 34451-19-9) and lactic acid, ethyl ester, (S) (CAS No. 687-47-8) as also exempt from the requirement for a tolerance under 40 CFR 180.950, when used in accordance with good agricultural or manufacturing practice.</p> <p>The existing exemptions for lactic acid, ethyl ester and lactic acid, butyl ester were established using the general CAS Registry Numbers. These CAS numbers are correct and do adequately identify the chemical substance. However, the actual test substance for many of the studies submitted by PURAC were performed using an isomeric form of the lactate ester. The form of the lactate ester produced by fermentation from sugar can be referred to as the L (+) or the (S) isomer. The basic chemical and physical properties for these stereochemical isomers are identical to that of the general substances. Use of both the general CAS number and the (S) isomer CAS number better identify the product produced and sold by PURAC.</p>
7.	Objective and rationale: <input checked="" type="checkbox"/> food safety, <input type="checkbox"/> animal health, <input type="checkbox"/> plant protection, <input checked="" type="checkbox"/> protect humans from animal/plant pest or disease, <input type="checkbox"/> protect territory from other damage from pests

<p>8. International standard, guideline or recommendation: <input type="checkbox"/> Codex Alimentarius Commission, <input type="checkbox"/> Office International des Epizooties, <input type="checkbox"/> International Plant Protection Convention, <input checked="" type="checkbox"/> None</p> <p>If an international standard, guideline or recommendation exists, give the appropriate reference and briefly identify deviations: not applicable</p>
<p>9. Relevant documents and language(s) in which these are available: DOCID: fr11jy03-57, <u>Federal Register</u>: 11 July 2003 (Volume 68, Number 133) Pages 41351-41353; http://www.epa.gov/fedrgstr/EPA-PEST/2003/July/Day-11/p17619.htm (Available in English)</p>
<p>10. Proposed date of adoption: not applicable</p>
<p>11. Proposed date of entry into force: not applicable</p>
<p>12. Final date for comments: 11 August 2003</p> <p>Agency or authority designated to handle comments: <input checked="" type="checkbox"/> National notification authority, <input type="checkbox"/> National enquiry point, or address, fax number and E-mail address (if available) of other body:</p> <p>Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. opp-docket@epa.gov Note: Identify docket name "OPP-2003-0227" in subject line of your response.</p>
<p>13. Texts available from: <input type="checkbox"/> National notification authority, <input checked="" type="checkbox"/> National enquiry point, or address, fax number and E-mail address (if available) of other body:</p> <p>Ms. Roseanne Freese, US Department of Agriculture, Stop 1027, Washington, DC 20250. Tel (202) 690-1642, Roseanne.Freese@usda.gov</p>