tolerances for residues of PCB's are as follows:

(1) 2.5 parts per million in milk (fat basis).

(2) 2.5 parts per million in manufactured dairy products (fat basis).

(3) 5 parts per million in poultry (fat basis).

(4) 0.5 parts per million in eggs.

(5) 0.2 parts per million in finished animal feed for food-producing animals (except the following finished animal feeds: feed concentrates, feed supplements, and feed premixes).

(6) 2 parts per million in animal feed components of animal origin, including fishmeal and other by-products of marine origin and in finished animal feed concentrates, supplements, and premixes intended for food producing animals.

(7) 5 parts per million in fish and shellfish (edible portion). The edible portion of fish excludes head, scales, viscera, and inedible bones.

(8) 0.2 parts per million in infant and junior foods.

(9) 10 parts per million in paper food-packaging material intended for or used with human food, finished animal feed and any components intended for animal feeds. The tolerance shall not apply to paper food-packaging material separated from the food therein by a functional barrier which is impermeable to migration of PCB's.

(b) A compilation entitled "Analytical Methodology for Polychlorinated Biphenyls, February 1973" for determining compliance with the tolerances established in this section is available from the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852.

[38 FR 18108, July 6, 1973]

NOTE: At 38 FR 22704, Aug. 24, 1973, the following appeared concerning § 122.10(a)(9):

* * * § 122.10(a)(9) is hereby stayed pending full review of the objections and requests for hearing. * * *

In the interim, as stated in the final order (38 FR 18098) the Food and Drug Administration will enforce the temporary tolerance level established by § 122.10(a)(9) by seizing any paper food-packaging material shipped in interstate commerce after September 4, 1973 containing higher than the specified level of PCB's as adulterated in violation of sec. 402 of the Act.

PART 123—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Subpart A—Food Additives Permitted in Food for Human Consumption

Sec.

123.20 Aluminum phosphide.
123.25 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4H)one.
123.30 Benomyl.
123.35 Benzene hexachloride (BHC).
123.40 Captan.
123.50 Carbophenothion.
123.60 Chloropicrin.
123.70 (2-Chloroethyl)trimethylammonium chloride.
123.80 1,1-bis(p-chlorophenyl)-2,2,2-trichloroethanol.
123.85 Chlorpyrifos.
123.90 Copper.
123.100 2,4-D.
123.110 DDT.
123.120 DDT and its relative degradation products in manufactured dairy products.
123.130 Diallor.
123.140 2,2-Dichlorovinyl dimethyl phosphate.
123.150 O,O Dimethyl S-[4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl] phosphorodithioate.
123.151 Dimethyl phosphate of 3-hydroxy-N-methyl-cis-crotonamide.
123.152 2,3-dimethyl-1,3-benzodioxol-4-ol methylcarbamate.
123.160 Diquat.
123.170 Endosulfan.
123.180 Endothall.
123.190 Ethion.
123.200 Ethylene oxide.
123.210 Ethyl formate.
123.215 Pentilon.
123.220 Formetanate hydrochloride.
123.225 Fumigants for grain-mill machinery.
123.230 Fumigants for processed grains used in production of fermented malt beverages.
123.240 Hydrogen cyanide.
123.250 Inorganic bromide.
123.260 Malathion.
123.270 Maleic hydrazide.
123.280 Metaldehyde.
123.284 Methanearsonic acid.
123.285 Methoprene.
123.290 1-Methoxycarbonyl-1-propen-2-yl dimethylphosphate and its beta isomer.
123.300 Methyl chloride.
123.301 2-(1-Methylethoxy) phenyl methylcarbamate.
123.310 Methyl formate.
123.320 N-Octylbicycloheptene dicarboximide.
123.330 Paraformaldehyde.
123.331 Paraquat.
123.340 Phosalone.

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(c) The ingredient is used as an anti-caking agent and free-flow agent as defined in § 121.1(o)(1), formulation aid as defined in § 121.1(o)(14), firming agent as defined in § 121.1(o)(10), flavoring agent and adjuvant as defined in § 121.1(o)(12), lubricant and release agent as defined in § 121.1(o)(18), nutritive sweetener as defined in § 121.1(o)(21), processing aid as defined in § 121.1(o)(24), stabilizer and thickener as defined in § 121.1(o)(28), surface-finishing agent as defined in § 121.1(o)(30), and texturizer as defined in § 121.1(o)(32).

(d) The ingredient is used in food at levels not to exceed 98 percent in pressed mints and 5 percent in all other hard candy and cough drops as defined in § 121.1(n)(25), 31 percent in chewing gum as defined in § 121.1(n)(6), 40 percent in soft candy as defined in § 121.1(n)(38), 8 percent in confections and frostings as defined in § 121.1(n)(9), 15 percent in nonstandardized jams and jellies, commercial, as defined in § 121.1(n)(28), and at levels less than 2.5 percent in all other foods.

(e) The label and labeling of food whose reasonably foreseeable consumption may result in a daily ingestion of 20 grams of mannitol shall bear the statement "Excess consumption may have a laxative effect".

(f) In accordance with § 121.4000, adequate and appropriate feeding studies have been undertaken for this substance. Continued uses of this ingredient are contingent upon timely and adequate progress reports of such tests, and no indication of increased risk to public health during the test period.

(g) Prior sanctions for this ingredient different from the uses established in this regulation do not exist or have been waived.

[39 FR 34179, Sept. 23, 1974; 39 FR 44660, Dec. 26, 1974]

PART 122—UNAVOIDABLE CONTAMINANTS IN FOOD AND FOOD-PACKAGING MATERIAL

Subpart A—Definitions and Procedural and Interpretive Regulations

Sec.
122.1 Definitions and Interpretations.

Subpart B—Industrial Contaminants in Food and Food-Packaging Material

122.10 Temporary tolerances for polychlorinated biphenyls (PCB's).

AUTHORITY: Secs. 402(a), 406, 409, 701, [illegible] Stat. 1046 as amended, 1049, 1055–1058 [illegible] amended by 70 Stat. 919 and 72 Stat. 948, [illegible] Stat. 1785–1788 as amended; 21 U.S.C. 342(a) 346, 348, 371.

Subpart A—Definitions and Procedural and Interpretive Regulations

§ 122.1 Definitions and interpretation

(a) The definitions and interpretation of terms contained in section 201 of the Federal Food, Drug, and Cosmetic A[illegible] shall be applicable to such terms wh[illegible] used in this part.

(b) Unavoidable natural, environmental, or industrial contaminants include any poisonous or deleterious substance added to any food where su[illegible] substance cannot be avoided by [illegible] manufacturing practice.

[38 FR 18101, July 6, 1973]

Subpart B—Industrial Contaminants in Food and Food-Packaging Material

§ 122.10 Temporary tolerances for polychlorinated biphenyls (PCB's).

(a) Polychlorinated biphenyls (PCB[illegible] are toxic, industrial chemicals. Becau[illegible] of their widespread, uncontrolled indu[illegible]trial applications, PCB's have become persistent and ubiquitous contaminant [illegible] the environment. As a result, certa[illegible] foods and animal feeds, principally tha[illegible] of animal and marine origin, cont[illegible] PCB's as unavoidable, environment[illegible] contaminants. PCB's are transmitted [illegible] the food portion (meat, milk, and e[illegible] of food producing animals ingesting P[illegible] contaminated animal feed. In addition [illegible] significant percentage of paper fo[illegible] packaging materials contain PC[illegible] which may migrate to the packaged f[illegible] The source of PCB's in paper food-pac[illegible]aging materials is primarily of cert[illegible] types of carbonless copy paper (conta[illegible]ing 3 to 5 percent PCB's) in waste pa[illegible] stocks used for manufacturing recy[illegible] paper. Therefore, temporary tolera[illegible] for residues of PCB's as unavoidable [illegible]vironmental or industrial contamina[illegible] are established for a sufficient perio[illegible] time following the effective date of [illegible] paragraph to permit the elimination [illegible] such contaminants at the earliest p[illegible]ticable time. For the purposes of [illegible] paragraph, the term "polychlorina[illegible] biphenyls (PCB's)" is applicable to m[illegible]tures of chlorinated biphenyl compou[illegible] irrespective of which mixture of PC[illegible] is present as the residue. The tempo[illegible]

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