(ii) It is intended to be applied in such a manner that significant exposure to birds or mammals may occur.

(d) *Other evidence.* The Agency may also consider evidence such as field studies, use history, accident data, monitoring data, or other pertinent evidence in deciding whether the product or use may pose a serious hazard to man or the environment that can reasonably be mitigated by restricted use classification.

(e) *Alternative labeling language.* (1) If the Agency determines that a product meets one or more of the criteria of paragraphs (b) or (c) of this section, or if other evidence identified in paragraph (d) of this section leads the Agency to conclude that the product should be considered for restricted use classification, the Agency will then determine if additional labeling language would be adequate to mitigate the identified hazard(s) without restricted use classification. If the labeling language meets all the criteria specified in paragraph (e)(2) of this section, the product will not be classified for restricted use.

(2) The labeling will be judged adequate if it meets all the following criteria:

(i) The user, in order to follow label directions, would not be required to perform complex operations or procedures requiring specialized training and/or experience.

(ii) The label directions do not call for specialized apparatus, protective equipment, or materials that reasonably would not be available to the general public.

(iii) Failure to follow label directions in a minor way would result in few or no significant adverse effects.

(iv) Following directions for use would result in few or no significant adverse effects of a delayed or indirect nature through bioaccumulation, persistence, or pesticide movement from the original application site.

(v) Widespread and commonly recognized practices of use would not nullify or detract from label directions such that unreasonable adverse effects on the environment might occur.

§ 152.171 Restrictions other than those relating to use by certified applicators.

The Agency may by regulation impose restrictions on a product or class of products if it determines that:

(a) Without such restrictions, the product when used in accordance with warnings, cautions and directions for use or in accordance with widespread and commonly recognized practices of use may cause unreasonable adverse effects on the environment; and

(b) The decrease in risks as a result of restricted use would exceed the decrease in benefits as a result of restricted use.

§ 152.175 Pesticides classified for restricted use.

The following uses of pesticide products containing the active ingredients specified below have been classified for restricted use and are limited to use by or under the direct supervision of a certified applicator.

Active ingredient	Formulation	Use pattern	Classification [1]	Criteria influencing restriction
Acrolein	As sole active ingredient. No mixtures registered.	All uses	Restricted	Inhalation hazard to humans. Residue effects on avian species and aquatic organisms.
Aldicarb	As sole active ingredient	Ornamental uses (indoor and outdoor).	....do	Other hazards—accident history.
	No mixtures registered	Agricultural crop uses.	Under further evaluation.	
Aluminum phosphide.	As sole active ingredient. No mixtures registered.	....do	....do	Inhalation hazard to humans.
Azinphos methyl	All liquids with a concentration greater than 13.5 pct.	....do	....do	Do.
	All other formulations	....do	Under futher evaluation..	

Active ingredient	Formulation	Use pattern	Classification [1]	Criteria influencing restriction
Carbofuran	All concentrate suspensions and wettable powders 40% and greater.	do	do	Acute inhalation toxicity.
	All granular formulations	Rice	Under evaluation.	
	All granular and fertilizer formulations.	All uses except rice	do.	
Chloropicrin	All formulations greater than 2%	All uses	do	Acute inhalation toxicity.
	All formulations	Rodent control	do	Hazard to non-target organisms.
	All formulations 2% and less	Outdoor uses (other than rodent control).	Unclassified.	
Clonitralid	All wettable powders 70% and greater.	All uses	Restricted	Acute inhalation toxicity.
	All granulars and wettable powders	Molluscide uses	Restricted	Effects on aquatic organisms.
	Pressurized sprays 0.55% and less	Hospital antiseptics	Unclassified.	
Dicrotophos	All liquid formulations 8% and greater.	All uses	Restricted	Acute dermal toxicity; residue effects on avian species (except for tree injections).
Disulfoton	All emulsifiable concentrates 65% and greater, all emulsifiable concentrates and concentrate solutions 21% and greater with fensulfothion 43% and greater, all emulsifiable concentrates 32% and greater in combination with 32% fensulfothion and greater.	do	Restricted	Do. Acute inhalation toxicity.
	Non-aqueous solution 95% and greater.	Commercial seed treatment.	Restricted	Acute dermal toxicity.
	Granular formulations 10% and greater.	Indoor uses (greenhouse).	do	Acute inhalation toxicity.
Ethoprop	Emulsifiable concentrates 40% and greater.	Aquatic uses	do	Acute dermal toxicity.
	All granular and fertilizer formulations.	All uses	Under evaluation.	
Ethyl parathion	All granular and dust formulations greater than 2 pct, fertilizer formulations, wettable powders, emulsifiable concentrates, concentrated suspensions, concentrated solutions.	do	Restricted	Inhalation hazard to humans. Acute dermal toxicity. Residue effects on mammalian, aquatic, avian species.
	Smoke fumigants	do	do	Inhalation hazard to humans.
	Dust and granular formulations 2 pct and below.	do	do	Other hazards—accident history.
Fenamiphos	Emulsifiable concentrates 35% and greater.	do	do	Acute dermal toxicity.
Fonofos	Emulsifiable concentrates 44% and greater.	do	do	Acute dermal toxicity.
	Emulsifiable concentrates 12.6% and less with pebulate 50.3% and less.	Tobacco	Unclassified.	
Methamidophos	Liquid formulations 40% and greater	do	Restricted	Acute dermal toxicity; residue effects on avian species.
	Dust formulations 2.5% and greater	do	do	Residue effects on avian species.
Methidathion	All formulations	All uses except nursery stock, safflower and sunflower.	do	Do.
	All formulations	Nursery stock, safflower and sunflower.	Unclassified.	
Methomyl	As sole active ingredient in 1 pct to 2.5 baits (except 1 pct fly bait).	Nondomestic outdoors-agricultural crops, ornamental and turf. All other registered uses.	Restricted	Residue effects on mammalian species.

Active ingredient	Formulation	Use pattern	Classification [1]	Criteria influencing restriction
	All concentrated solution formulations.	.....do	.....do	Other hazards-accident history.
	90 pct wettable powder formulations (not in water soluble bags).	.....do	.....do	Do.
	90 pct wettable powder formulation in water soluble bags.	.....do	Unclassified.	
	All granular formulations	.....do	.....do.	
	25 pct wettable powder formulations	.....do	.....do.	
	In 1.24 pct to 2.5 pct dusts as sole active ingredient and in mixtures with fungicides and chlorinated hydrocarbon, inorganic phosphate and biological insecticides.	.....do	.....do.	
Methyl bromide	All formulations in containers greater than 1.5 lb.	All uses	Restricted	Do.
	Containers with not more than 1.5 lb of methyl bromide with 0.25 pct to 2.0 pct chloropicrin as an indicator.	Single applications (nondomestic use) for soil treatment in closed systems.	Unclassified.	
	Container with not more than 1.5 lb having no indicator.	All uses	Restricted	Do.
Methyl parathion	All dust and granular formulations less than 5 pct.	.....do	.....do	Other hazards-accident history. All foliar applications restricted based on residue effects on mammalian and avian species.
	Microencapsulated	.....do	.....do	Residue effects on avian species. Hazard to bees.
	All dust and granular formulations 5 pct and greater and all wettable powders and liquids.	.....do	.....do	Acute dermal toxicity. Residue effects on mammalian and avian species.
Nicotine (alkaloid).	Liquid and dry formulations 14% and above.	Indoor (greenhouse)	.....do	Acute inhalation toxicity.
	All formulations	Applications to cranberries.	.....do	Effects on aquatic organisms.
	Liquid and dry formulations 1.5% and less.	All uses (domestic and nondomestic).	Unclassified.	
Paraquat (dichloride) and paraquat bis(methyl sulfate).	All formulations and concentrations except those listed below.	All uses	Restricted	Other hazards. Use and accident history, human toxicological data.
	Pressurized spray formulations containing 0.44 pct Paraquat bis(methyl sulfate) and 15 pct petroleum distillates as active ingredients.	Spot weed and grass control.	.....do.	
	Liquid fertilizers containing concentrations of 0.025 pct paraquat dichloride and 0.03 percent atrazine; 0.03 pct paraquat dichloride and 0.37 pct atrazine, 0.04 pct paraquat dichloride and 0.49 pct atrazine.	All uses	Unclassified.	
Phorate	Liquid formulations 65% and greater	.....do	Restricted	Acute dermal toxicity. Residue effects on avian species (applies to foliar applications only). Residue effects on mammalian species (applies to foliar application only).
	All granular formulations	Rice	.....do	Effects on aquatic organisms.
Phosphamidon ..	Liquid formulations 75% and greater	.....do	.....do	Acute dermal toxicity. Residue effects on mammalian species. Residue effects on avian species.
	Dust formulations 1.5% and greater	.....do	.....do	Do. Residue effects on mammalian species.

Active ingredient	Formulation	Use pattern	Classification [1]	Criteria influencing restriction
Picloram	All formulations and concentrations except tordon 101 R.	....do	....do	Hazard to nontarget organisms (specifically nontarget plants both crop and noncrop).
	Tordon 101 R forestry herbicide containing 5.4 pct picloram and 20.9 pct 2.4–D.	Control of unwanted trees by cut surface treatment.	Unclassified.	
Sodium cyanide [3].	All capsules and ball formulations	All uses	Restricted	Inhalation hazard to humans.
Sodium fluoroacetate.	All solutions and dry baits	....do	....do	Acute oral toxicity. Hazard to nontarget organisms. Use and accident history.
Strychnine	All dry baits, pellets and powder formulations greater than 0.5 pct.	....do	....do	Acute oral toxicity. Hazard to nontarget avain species. Use and accident history.
	All dry baits, pellets and powder formulations.	All uses calling for burrow builders.	....do	Hazard to nontarget organisms.
	All dry baits, pellets and powder formulations 0.5 pct and below.	All uses except subsoil.	....do	Do.
	....do	All subsoil uses	Unclassified.	
Sulfotepp	Sprays and smoke generators	All uses	Restricted	Inhalation hazard to humans.
Zinc Phosphide	All formulations 2% and less	All domestic uses and non-domestic uses in and around buildings.	Unclassified.	
	All dry formulations 60% and greater..			
	All bait formulations	Non-domestic outdoor uses (other than around buildings).	....do	Hazard to non-target organisms.
	All dry formulations 10% and greater	Domestic uses	....do	Acute oral toxicity.

[1] "Under evaluation" means no classification decision has been made and the use/formulation in question is still under active review within EPA.
[2] Percentages given are the total of dioxathion plus related compounds.
[3] (NOTE—M–44 sodium cyanide capsules may only be used by certified applicators who have also taken the required additional training.)

[43 FR 5790, Feb. 9, 1978, as amended at 44 FR 45132, Aug. 1, 1979; 46 FR 5698, Jan. 19, 1981. Redesignated and amended at 53 FR 15988, May 4, 1988; 60 FR 32096, June 19, 1995]

Subparts J–T [Reserved]

Subpart U—Registration Fees

SOURCE: 53 FR 19114, May 26, 1988, unless otherwise noted.

§ 152.400 Purpose.

Subpart U prescribes fees to be charged for the pesticide regulatory activities set forth in §152.403 as performed by the Environmental Protection Agency (as authorized by 31 U.S.C. 9701 and Pub. L. 100–202) and provisions regarding their payment.

§ 152.401 Inapplicability of fee provisions to applications filed prior to October 1, 1997.

No fee required by this subpart U shall be levied with respect to any application filed during the period beginning on October 25, 1988, and ending on September 30, 1997. See FIFRA section 4(i)(7) (added to FIFRA by Pub. L. 100–532, October 25, 1988, 102 Stat. 2654).

[53 FR 11923, Mar. 22, 1989]

§ 152.403 Definitions of fee categories.

(a) *New chemical registration review* means review of an application for registration of a pesticide product containing a chemical active ingredient which is not contained as an active ingredient in any other pesticide product