

§ 152.400

40 CFR Ch. I (7–1–10 Edition)

Active ingredient	Formulation	Use pattern	Classification <sup>1</sup>	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 <sup>3</sup> .	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 avian 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.
Sulfotepp .....	.....do .....	All subsoil uses .....	Unclassified.	Inhalation hazard to humans.
	Sprays and smoke generators .....	All uses .....	Restricted .....	
Zinc Phosphide	All formulations 2% and less .....	All domestic uses and non-domestic uses in and around buildings.	Unclassified.	Hazard to non-target organisms.
	All dry formulations 60% and greater..	.....do .....	.....do .....	
	All bait formulations .....	Non-domestic outdoor uses (other than around buildings).	.....do .....	
	All dry formulations 10% and greater	Domestic uses .....	.....do .....	Acute oral toxicity.

<sup>1</sup>“Under evaluation” means no classification decision has been made and the use/formulation in question is still under active review within EPA.

<sup>2</sup>Percentages given are the total of dioxathion plus related compounds.

<sup>3</sup>(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. Re-designated 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

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that is registered under FIFRA at the time the application is made.

(b) *New biochemical and microbial registration review* means review of an application for registration of a biochemical or microbial pesticide product containing a biochemical or microbial active ingredient not contained in any other pesticide product that is registered under FIFRA at the time the application is made. For purposes of this subpart, the definitions of biochemical and microbial pesticides contained in §158.2000 and §158.2100, respectively, shall apply.

(c) *New use pattern registration review* means review of an application for registration, or for amendment of a registration entailing a major change to the use pattern of an active ingredient contained in a product registered under FIFRA or pending Agency decision on a prior application at the time of application. For purposes of this paragraph, examples of major changes include but are not limited to, changes from non-food to food use, outdoor to indoor use, ground to aerial application, terrestrial to aquatic use, and non-residential to residential use.

(d) *Old chemical registration review* means review of an application for registration of a new product containing active ingredients and uses which are substantially similar or identical to those currently registered or for which an application is pending Agency decision.

(e) *Amendment review* means review of any application requiring Agency approval to amend the registration of a currently registered product, or for which an application is pending Agency decision, not entailing a major change to the use pattern of an active ingredient.

(f) *Experimental use permit review* means review of an application for a permit pursuant to section 5 of FIFRA to apply a limited quantity of a pesticide in order to accumulate information necessary to register the pesticide. The application may be for a new chemical or for a new use of an old chemical. The fee applies to such experimental uses of a single unregistered active ingredient (no limit on the number of other active ingredients, in a tank mix, already registered for the

crops involved) and no more than three crops. This fee does not apply to experimental use permits required for small-scale field testing of microbial pest control agents (40 CFR 172.3).

[53 FR 19114, May 26, 1988, as amended at 72 FR 61028, Oct. 26, 2007]

**§ 152.404 Fee amounts.**

The fee prescribed by the following table must be submitted with each application for registration, amended registration or experimental use permit. Fees will be adjusted annually in accordance with §152.410. The Agency may waive or refund fees in accordance with §152.412.

TABLE—REGISTRATION FEES

Type of review	Fee
New chemical .....	\$184,500
New biochemical or microbial .....	64,000
New use pattern .....	33,800
Experimental use permit .....	4,500
Old chemical .....	4,000
Amendment .....	700

[53 FR 19114, May 26, 1988, as amended at 58 FR 34203, June 23, 1993]

**§ 152.406 Submission of supplementary data.**

Applicants may submit data to supplement pending applications without incurring additional charges if the proper fee was paid with submission of the original application and subsequent submissions of supplementary data do not constitute a change in the type of registration action requested.

[53 FR 19114, May 26, 1988, as amended at 58 FR 34203, June 23, 1993]

**§ 152.408 Special considerations.**

(a) If two or more applicants apply for a new chemical registration for products having the same active ingredient and each applicant provides a set of data in support of the registration developed independently of the other applicants' data, then each applicant submitting an independent set of data shall be charged the full new chemical registration review fee.

(b) If two or more applicants apply for a new chemical registration for products having the same active ingredient and the applicants have jointly