(b) A device is not required to be registered under FIFRA sec. 3. The Agency has issued a policy statement concerning its authority and activities with respect to devices, which was published in the Federal Register of November 19, 1976 (41 FR 51065). A device is subject to the requirements set forth in:

(1) FIFRA sec. 2(q)(1) and part 156 of this chapter, with respect to labeling;
(2) FIFRA sec. 7 and part 167 of this chapter, with respect to establishment registration and reporting;
(3) FIFRA sec. 8 and part 169 of this chapter, with respect to books and records;
(4) FIFRA sec. 9, with respect to inspection of establishments;
(5) FIFRA sec. 12, 13, and 14, with respect to violations, enforcement activities, and penalties;
(6) FIFRA sec. 17, with respect to import and export of devices;
(7) FIFRA sec. 25(c)(3), with respect to child-resistant packaging; and
(8) FIFRA sec. 25(c)(4), with respect to the Agency’s authority to declare devices subject to certain provisions of the Act.


PART 153—REGISTRATION POLICIES AND INTERPRETATIONS

Subparts A–F [Reserved]

Subpart G—Determination of Active and Inert Ingredients

Sec. 153.125 Criteria for determination of pesticidal activity.

(a) An ingredient will be considered an active ingredient if it is contained in a pesticide product and:

(1) The ingredient has the capability by itself, and when used as directed at the proposed use dilution, to function as a pesticide; or
(2) The ingredient has the ability to elicit or enhance a pesticidal effect in another compound whose pesticidal activity is substantially increased due to the interaction of the compounds. Compounds which function simply to enhance or prolong the activity of an active ingredient by physical action, such as stickers and other adjuvants, are not generally considered to be active ingredients.

(b) Normally the applicant will determine and state in his application whether an ingredient is active or inert with respect to pesticidal activity. The Agency, as part of its review of an application for registration, or in conjunction with the Registration Standard or Special Review process, may require any ingredient, to be designated as an active ingredient if the Agency finds that it meets the criteria in paragraph (a) of this section. Conversely, the Agency may determine that any ingredient designated as active by an applicant is an inert ingredient if it fails to meet those criteria.

(c) If an ingredient is designated as an active ingredient, it must be identified in the label ingredients statement. If an ingredient is designated as an inert ingredient, it must be included as part of the total inert ingredients in the label ingredients statement.

(d) Designation of a substance as a pesticidally inert ingredient does not relieve the applicant or registrant of other requirements of FIFRA with respect to labeling of inert ingredients or submission of data, or from the requirements of the Federal Food, Drug,
Environmental Protection Agency

and Cosmetic Act with respect to toler-
ances or other clearance of ingredients.

Source: 53 FR 15990, May 4, 1988, unless otherwise noted.

§ 154.1 Purpose and scope.
(a) Purpose. The purpose of the Special Review process is to help the Agency determine whether to initiate proce-
dures to cancel, deny, or reclassify reg-
istration of a pesticide product because
uses of that product may cause unrea-
sonable adverse effects on the environ-
ment, in accordance with sections 3(c)(6) and 6 of the Federal Insecticide,

Source: 53 FR 15990, May 4, 1988, unless otherwise noted.

Subpart H—Coloration and Discoloration of Pesticides

Source: 53 FR 15990, May 4, 1988, unless otherwise noted.

§ 153.150 General.
Section 25(c)(5) of the Act authorizes the Administrator to prescribe regula-
tions requiring coloration or discolora-
tion of any pesticide if the Adminis-
trator determines that such require-
ments are feasible and necessary for the protection of health and the envi-
ronment. This subpart describes those pesticide products which must be col-
ored or discolored.

Source: 53 FR 15990, May 4, 1988, unless otherwise noted.

§ 153.155 Seed treatment products.
(a) Pesticide products intended for use in treating seeds must contain an EPA-approved dye to impart an un-
natural color to the seed, unless appro-
priate tolerances or other clearances have been established under the Fed-
eral Food, Drug and Cosmetic Act for residues of the pesticide.

(b) The following products are ex-
empt from the requirement of para-
graph (a) of this section:
(1) Products intended and labeled for use solely by commercial seed treaters, provided that the label bears a state-
ment requiring the user to add an EPA-
approved dye with the pesticide during the seed treatment process.
(2) Products intended and labeled for use solely as at-planting or hopper box treatments.
(3) Products which are gaseous in form or are used as fumigants.

(c) EPA-approved dyes for seed treat-
ment are listed in:
(1) Sections 180.910, 180.920, and 180.950 if an exemption from the re-
quirement of a tolerance has been es-

dablished.
(2) Section 180.2010 if EPA has deter-
mined that no tolerance or exemp-
tion from the requirement of a toler-
ance is needed as a result of a deter-
mination by EPA that the use is un-
likely to result in residues in food/food.


Subparts I–M [Reserved]