

Environmental Protection Agency

§ 162.151

Specific use patterns—listed according to use site group	Corresponding general use pattern
Vehicular holding tanks Bathroom air treatment Diaper pails Refuse and solid waste Refuse and solid waste containers Refuse and solid waste transportation and handling equipment Garbage dumps Household trash compactors Garbage disposal units, food disposals Incinerators 14. <i>Miscellaneous Indoor Uses</i> Surface Treatments Hard nonporous surfaces (painted, tile, plastic, metal, glass, etc.) Hard porous surfaces (cement, plaster) Camping equipment and gear Grooming instruments (brushes, clippers, razors, etc.) Laundry, cleaning, and dry cleaning	Indoor

thereof, formulated for distribution and use within the State to meet special local needs under sec. 24(c) of the Act. It also sets forth regulations governing the exercise by the Administrator of the power to disapprove specific State registrations and to suspend a State's registration authority under sec. 24(c). Unless otherwise indicated, any reference herein to registrations issued by a State includes amendments of registrations issued by States.

(b) *Applicability.* This subpart applies only to State registration authority granted by sec. 24(c) of FIFRA. It does not apply to any authority granted, or procedures established, by State law with respect to registration, licensing, or approval required for use within the State of federally registered pesticide products.

[40 FR 42881, Oct. 24, 1984. Redesignated and amended at 72 FR 60253–60255, Oct. 24, 2007]

[46 FR 2014, Jan. 7, 1981, as amended at 53 FR 15999, May 4, 1988; 60 FR 32097, June 19, 1995]

PART 162—STATE REGISTRATION OF PESTICIDE PRODUCTS

Subparts A–C [Reserved]

Subpart D—Regulations Pertaining to State Registration of Pesticides To Meet Special Local Needs

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Subpart E [Reserved]

Subparts A–C [Reserved]

Subpart D—Regulations Pertaining to State Registration of Pesticides To Meet Special Local Needs

AUTHORITY: 7 U.S.C. 136v, 136w.

SOURCE: 46 FR 2014, Jan. 7, 1981, unless otherwise noted.

§ 162.150 General.

(a) *Scope.* This subpart sets forth regulations governing the registration by any State of pesticide products, or uses

§ 162.151 Definitions.

Terms used in this part have the same meaning as in the Act and part 152 of this chapter. In addition, as used in this subpart, the following terms shall apply:

Federally registered means currently registered under section 3 of the Act, after having been initially registered under the Federal Insecticide, Fungicide, and Rodenticide Act of 1947 by the Secretary of Agriculture or under FIFRA by the Administrator.

Manufacturing-use product means any pesticide product other than a product to be labeled with directions for end use. This term includes any product intended for use as a pesticide after reformulation or repackaging.

New product means a pesticide product which is not a federally registered product.

Pest problem means:

(1) A pest infestation and its consequences, or

(2) Any condition for which the use of plant regulators, defoliant, or desiccants would be appropriate.

Product or pesticide product means a pesticide offered for distribution and use, and includes any labeled container and any supplemental labeling.

Similar composition means a pesticide product which contains only the same active ingredient(s), or combinations of

active ingredients, and which is in the same toxicity category, as defined in § 156.62 of this chapter, as a federally registered pesticide product.

Similar product means a pesticide product which, when compared to a federally registered product, has a similar composition and a similar use pattern.

Similar use pattern means a use of a pesticide product which, when compared to a federally registered use of a product with a similar composition, does not require a change in precautionary labeling under part 156 of this chapter, and which is substantially the same as the federally registered use. Registrations involving changed use patterns are not included in this term.

Special local need means an existing or imminent pest problem within a State for which the State lead agency, based upon satisfactory supporting information, has determined that an appropriate federally registered pesticide product is not sufficiently available.

State or State lead agency means the State agency designated by the State to be responsible for registering pesticides to meet special local needs under section 24(c) of the Act.

[73 FR 75597, Dec. 12, 2008]

§ 162.152 State registration authority.

(a) *Statutory limitations.* In accordance with sec. 24(c) of the Act, each State is authorized to register a new end use product for any use, or an additional use of a federally registered pesticide product, if the following conditions exist:

(1) There is a special local need for the use within the State;

(2) The use is covered by necessary tolerances, exemptions or other clearances under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 346 *et seq.*), if the use is a food or feed use;

(3) Registration for the same use has not previously been denied, disapproved, suspended or cancelled by the Administrator, or voluntarily cancelled by the registrant subsequent to issuance by the Administrator of a notice of intent to cancel that registration, because of health or environmental concerns about an ingredient contained in the pesticide product, un-

less such denial, disapproval, suspension or cancellation has been superseded by subsequent action of the Administrator; and

(4) The registration is in accord with the purposes of FIFRA.

(b) *Types of registrations*—(1) *Amendments to federal registrations.* (i) Subject to the provisions of paragraphs (a) and (b)(1)(ii) through (iv) of this section, States may register any new use of a federally registered pesticide product.

(ii) A State may register any use of a federally registered product for which registration of other uses of the product was denied, disapproved, suspended, or cancelled by the Administrator, provided that the State may register a use not considered by the Administrator in reaching such a determination only after the State consults with appropriate EPA personnel.

(iii) Except as provided in paragraph (a)(3) of this section, a State may register any use of a federally registered product for which registration of some or all uses has been voluntarily cancelled by the registrant, provided that a State may register such a use only after the State has consulted with appropriate EPA personnel.

(iv) A State may not register an amendment to a federally registered manufacturing-use product.

(2) *New products.* (i) Subject to the provisions of paragraph (a) and subparagraphs (b)(2) (ii) and (iii) of this section, a State may issue registrations to meet special local needs for the following types of new end-use products:

(A) A product which is identical in composition to a federally registered product, but which has differences in packaging, or in the identity of the formulator.

(B) A product which contains the same active and inert ingredients as a federally registered product, but in different percentages.

(C) Subject to the requirements of paragraph (b)(2)(ii) of this section, a product containing a new combination of active, or active and inert, ingredients.