all right, title, and interest in the EPA registration(s) listed in the document;

(5) A statement that the transferred registration(s) shall not serve as collateral or otherwise secure any loan or other payment arrangement or executory promise, and that the registration(s) shall not revert to the transferor unless a new transfer agreement is submitted to and approved by the Agency;

(6) A description of the general nature of the underlying transaction, e.g., merger, spinoff, bankruptcy transfer (no financial information need be disclosed);

(7) A statement that the transferor and transferee understand that any false statement may be punishable under 18 U.S.C. 1001; and

(8) An acknowledgment by the transferee that his rights and duties concerning the registration under FIFRA and this chapter will be deemed by EPA to be the same as those of the transferor at the time the transfer is approved.

(c) In addition, the transferor must submit to the Agency a notarized statement affirming that:

(1) The person signing the transfer agreement is authorized by the registrant to bind the transferor;

(2) No court order prohibits the transfer, and that any required court approvals have been obtained; and

(3) The transfer is authorized under all relevant Federal, State and local laws and all relevant corporate charters, bylaws, partnerships, or other agreements.

(d) If the required documents are submitted, and no information available to the Agency indicates that the information is incorrect, the Agency will approve the transfer without requiring that the transferee obtain a new registration. The Agency will notify the transferor and transferee of its approval.

(e) The transfer will be effective on the date of Agency approval. Thereafter the transferee will be regarded as the registrant for all purposes under FIFRA.

(f) Rights to exclusive use of data or compensation under FIFRA section 3(c)(1)(F) are separate from the registration itself and may be retained by the transferor, or may be transferred independently in accordance with the provisions of §152.98. If the registrant as the original data submitter wishes to transfer data rights at the same time as he transfers the registration, he may submit a single transfer document containing the information required by this section for both the registration and the data.

[53 FR 15983, May 4, 1988, as amended at 58 FR 34203, June 23, 1993; 73 FR 75595, Dec. 12, 2008]

Subpart H [Reserved]

Subpart I—Classification of Pesticides

SOURCE: 53 FR 15986, May 4, 1988, unless otherwise noted.

§152.160 Scope.

(a) *Types of classification.* A pesticide product may be unclassified, or it may be classified for restricted use or for general use. The Agency does not normally classify products for general use; products that are not restricted remain unclassified.

(b) *Kinds of restrictions.* The Agency may restrict a product or its uses to use by a certified applicator, or by or under the direct supervision of a certified applicator, as described in FIFRA sec. 3(d)(1)(C). The Agency may also, by regulation, prescribe restrictions relating to the product's composition, labeling, packaging, uses, or distribution and sale, or to the status or qualifications of the user.

§152.161 Definitions.

In addition to the definitions in §152.3, the following terms are defined for the purposes of this subpart:

(a) *Dietary* LC_{50} means a statistically derived estimate of the concentration of a test substance in the diet that would cause 50 percent mortality to the test population under specified conditions.

(b) *Outdoor use* means any pesticide application that occurs outside enclosed manmade structures or the consequences of which extend beyond enclosed manmade structures, including, but not limited to, pulp and paper mill

water treatments and industrial cooling water treatments.

§ 152.164 Classification procedures.

(a) *Grouping of products for classification purposes.* In its discretion, the Agency may identify a group of products having common characteristics or uses and may classify for restricted use same or all of the products or uses included in that group. Such a group may be comprised of, but is not limited to, products that:

(1) Contain the same active ingredients.

(2) Contain the same active ingredients in a particular concentration range, formulation type, or combination of concentration range and formulation type.

(3) Have uses in common.

(4) Have other characteristics, such as toxicity, flammability, or physical properties, in common.

(b) *Classification reviews.* The Agency may conduct classification reviews and classify products at any time, if it determines that a restriction on the use of a pesticide product is necessary to avoid unreasonable adverse effects on the environment. However, classification reviews normally will be conducted and products classified only in the following circumstances:

(1) As part of the review of an application for new registration of a product containing an active ingredient not contained in any currently registered product.

(2) As part of the review of an application for a new use of a product, if existing uses of that product previously have been classified for restricted use. Review of a restricted use product at this time is for the purpose of determining whether the new use should also be classified for restricted use. Normally the Agency will not conduct initial classification reviews for existing uses of individual products in conjunction with an application for amended registration.

(3) As part of the process of developing or amending a registration standard for a pesticide. The Agency normally will conduct classification reviews of all uses of a currently registered pesticide at this time.

(4) As part of any special review of a pesticide, in accordance with the procedures of 40 CFR part 154.

(c) *Classification procedures.* (1) If the Agency determines that a product or one or more of its uses should be classified for restricted use, the Agency initially may classify the product by regulation. In this case, within 60 days after the effective date of a final rule, each registrant of a product subject to the rule must submit to the Agency one of the following, as directed in the final rule:

(i) A copy of the amended label and any supplemental labeling to be used as an interim compliance measure.

(ii) A statement, which the Agency considers a report under the Act, that the registrant will comply with the labeling requirements prescribed by the Agency within the timeframes prescribed by the regulation.

(iii) An application for amended registration to delete the uses which have been restricted, or to ''split'' the registration into two registrations, one including only restricted or all uses, and the other including only uses that have not been classified.

(2) Alternatively, EPA may notify the applicant or registrant of the classification decision and require that he submit the information required by paragraph (c)(1) of this section. The Agency may deny registration or initiate cancellation proceedings if the registrant fails to comply within the timeframes established by the Agency in its notification.

§ 152.166 Labeling of restricted use products.

(a) *Products intended for end use.* A product whose labeling bears directions for end use and that has been classified for restricted use must be labeled in accordance with the requirements of § 156.10 of this chapter or other Agency instructions. The Agency will permit the use of stickers or supplemental labeling as an interim alternative to the use of an approved amended label, in accordance with § 152.167.

(b) *Products intended only for formulation.* A product whose labeling does not bear directions for end use (a product that is intended and labeled solely for

further formulation into other pesticide products) is not subject to the labeling requirements of this subpart.

§ 152.167 Distribution and sale of restricted use products.

Unless modified by the Agency, the compliance dates in this section shall apply to restricted use products.

(a) *Sale by registrant or producer.* (1) No product with a use classified for restricted use may be distributed or sold by the registrant or producer after the 120th day after the effective date of such classification unless the product:

(i) Bears an approved amended label which contains the terms of restricted use imposed by the Agency and otherwise complies with part 156 of this chapter;

(ii) Bears a sticker containing the product name, EPA registration number, and any terms of restricted use imposed by the Agency; or

(iii) Is accompanied by supplemental labeling bearing the information listed in paragraph (a)(1)(ii) of this section.

(2) If the registrant chooses to delete the restricted uses from his product label, that product may not be distributed or sold after the 180th day after the effective date of classification unless the product bears amended labeling with the restricted uses deleted.

(3) Notwithstanding paragraphs (a)(1) and (2) of this section, after the 270th day after the effective date of classification, no registrant or producer may distribute or sell a product that does not bear the approved amended label. After that date, stickers and supplemental labeling described in paragraph (a)(1) (ii) and (iii) are no longer acceptable.

(b) *Sale by retailer.* No product with a use classified for restricted use by a regulation may be distributed or sold by a retailer or other person after the 270th day after the effective date of the final rule unless the product bears a label or labeling which complies with paragraph (a)(1) of this section.

§ 152.168 Advertising of restricted use products.

(a) Any product classified for restricted use shall not be advertised unless the advertisement contains a statement of its restricted use classification.

(b) The requirement in paragraph (a) of this section applies to all advertisements of the product, including, but not limited, to:

(1) Brochures, pamphlets, circulars and similar material offered to purchasers at the point of sale or by direct mail.

(2) Newspapers, magazines, newsletters and other material in circulation or available to the public.

(3) Broadcast media such as radio and television.

(4) Telephone advertising.

(5) Billboards and posters.

(c) The requirement may be satisfied for printed material by inclusion of the statement ''Restricted Use Pesticide,'' or the terms of restriction, prominently in the advertisement. The requirement may be satisfied with respect to broadcast or telephone advertising by inclusion in the broadcast of the spoken words ''Restricted use pesticide,'' or a statement of the terms of restriction.

(d) The requirements of this section shall be effective:

(1) After 270 days after the effective date of restriction of a product that is currently registered, unless the Agency specifies a shorter time period;

(2) Upon the effective date of registration of a product not currently registered.

§ 152.170 Criteria for restriction to use by certified applicators.

(a) *General criteria.* An end-use product will be restricted to use by certified applicators (or persons under their direct supervision) if the Agency determines that:

(1) Its toxicity exceeds one or more of the specific hazard criteria in paragraph (b) or (c) of this section, or evidence described in paragraph (d) of this section substantiates that the product or use poses a serious hazard that may be mitigated by restricting its use;

(2) Its labeling, when considered according to the factors in paragraph (e)(2) of this section, is not adequate to mitigate these hazard(s);

(3) Restriction of the product would decrease the risk of adverse effects; and

(4) The decrease in risks of the pesticide as a result of restriction would exceed the decrease in benefits.

(b) *Criteria for human hazard*—(1) *Residential and institutional uses.* A pesticide product intended for residential or institutional use will be considered for restricted use classification if:

(i) The pesticide, as diluted for use, has an acute oral LD_{50} of 1.5 g/kg or less;

(ii) The pesticide, as formulated, has an acute dermal LD_{50} of 2000 mg/kg or less;

(iii) The pesticide, as formulated, has an acute inhalation LC_{50} of 0.5 mg/liter or less, based upon a 4-hour exposure period;

(iv) The pesticide, as formulated, is corrosive to the eye (causes irreversible destruction of ocular tissue) or results in corneal involvement or irritation persisting for more than 7 days;

(v) The pesticide, as formulated, is corrosive to the skin (causes tissue destruction into the dermis and/or scarring) or causes severe irritation (severe erythema or edema) at 72 hours; or

(vi) When used in accordance with label directions, or widespread and commonly recognized practice, the pesticide may cause significant subchronic, chronic or delayed toxic effects on man as a result of single or multiple exposures to the product ingredients or residues.

(2) *All other uses.* A pesticide product intended for uses other than residential or institutional use will be considered for restricted use classification if:

(i) The pesticide, as formulated, has an acute oral LD_{50} of 50 mg/kg or less;

(ii) The pesticide, as formulated, has an acute dermal LD_{50} of 200 mg/kg or less;

(iii) The pesticide, as diluted for use, has an acute dermal LD_{50} of 16 g/kg or less;

(iv) The pesticide, as formulated, has an acute inhalation LC_{50} of 0.05 mg/liter or less, based upon a 4-hour exposure period;

(v) The pesticide, as formulated, is corrosive to the eye or causes corneal involvement or irritation persisting for more than 21 days;

(vi) The pesticide, as formulated, is corrosive to the skin (causes tissue destruction into the dermis and/or scarring); or

(vii) When used in accordance with label directions, or widespread and commonly recognized practice, the pesticide may cause significant subchronic toxicity, chronic toxicity, or delayed toxic effects on man, as a result of single or multiple exposures to the product ingredients or residues.

(c) *Criteria for hazard to non-target species*—(1) *All products.* A pesticide product intended for outdoor use will be considered for restricted use classification if:

(i) When used according to label directions, application results in residues of the pesticide, its metabolites, or its degradation products, in the diet of exposed mammalian wildlife, immediately after application, such that:

(A) The level of such residues equals or exceeds one-fifth of the acute dietary LC_{50}; or

(B) The amount of pesticide consumed in one feeding day (mg/kg/day) equals or exceeds one-fifth of the mammalian acute oral LD_{50};

(ii) When used according to label directions, application results, immediately after application, in residues of the pesticide, its metabolites or its degradation products, in the diet of exposed birds at levels that equal or exceed one-fifth of the avian subacute dietary LC_{50};

(iii) When used according to label directions, application results in residues of the pesticide, its metabolites or its degradation products, in water that equal or exceed one-tenth of the acute LC_{50} for non-target aquatic organisms likely to be exposed; or

(iv) Under conditions of label use or widespread and commonly recognized practice, the pesticide may cause discernible adverse effects on non-target organisms, such as significant mortality or effects on the physiology, growth, population levels or reproduction rates of such organisms, resulting from direct or indirect exposure to the pesticide, its metabolites or its degradation products.

(2) *Granular products.* In addition to the criteria of paragraph (c)(1) of this section, a pesticide intended for outdoor use and formulated as a granular

product will be considered for restricted use classification if:

(i) The formulated product has an acute avian or mammalian oral LD_{50} of 50 mg/kg or less as determined by extrapolation from tests conducted with technical material or directly with the formulated product; and

(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.	

Active ingredient	Formulation	Use pattern	Classification [1]	Criteria influencing restriction
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..	
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.	

Active ingredient	Formulation	Use pattern	Classification [1]	Criteria influencing restriction
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.
	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.

Active ingredient	Formulation	Use pattern	Classification [1]	Criteria influencing restriction
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.
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]