

§ 172.11

§ 172.11 Publication.

(a) *Notice of receipt of an experimental use permit application.* The Administrator shall publish notice in the FEDERAL REGISTER of receipt of an application for an experimental use permit upon finding that issuance of the experimental use permit may be of regional or national significance. This notice shall include:

- (1) The active ingredients,
- (2) Use pattern(s),
- (3) Quantity of pesticide,
- (4) Total acreage,
- (5) Location of area of application,
- (6) A statement soliciting comments from any interested persons regarding the application.

(b) *Public hearing.* The Administrator may hold a public hearing, and publish notice in the FEDERAL REGISTER of the date and location of the hearing, when he determines that there is sufficient interest in the application to warrant a hearing, based upon the comments received in response to the Notice of Receipt of an Application, or that a hearing would otherwise be in the public interest.

(c) *Issuance of experimental use permit.* The Administrator shall give prompt notice in the FEDERAL REGISTER of the issuance of an experimental use permit. The notice shall include:

- (1) The active ingredients,
- (2) Use pattern(s),
- (3) Quantity of pesticide,
- (4) Total acreage,
- (5) Location of area of application,
- (6) A statement indicating where the experimental use permit is available for public inspection.

Subpart B—State Issuance of Experimental Use Permits

SOURCE: 44 FR 41787, July 18, 1979, unless otherwise noted.

§ 172.20 Scope.

This subpart sets forth regulations governing State issuance of experimental use permits pursuant to section 5(f) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA). It also sets forth regulations governing authorization by the

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Administrator of State experimental use permit programs.

§ 172.21 Definitions.

Terms used in this subpart shall have the meaning set forth in FIFRA and in § 172.1.

Designated State agency means the State agency designated by State law or other authority to be responsible for registering pesticides to meet special local needs.

Public or private agricultural research agency or educational institution means any organization engaged in research pertaining to the agricultural use of pesticides, or any educational institution engaged in pesticide research. Any research agency or educational institution whose principal function is to promote, or whose principal source of income is directly derived from, the sale or distribution of pesticides (or their active ingredients) does not come within the meaning of this term.

[73 FR 75599, Dec. 12, 2008]

§ 172.22 General.

(a) Experimental use permits are not required under this rule in those situations described in § 172.3 of subpart A pertaining to Federal experimental use permits.

(b) Subpart B is not applicable to experimental use permits issued by a State, as required by State law, to a permittee who already holds a valid Federal experimental use permit issued under subpart A for the same purpose, or who is not required to obtain a permit under this rule.

(c) Pesticide products used under experimental use permits may not be sold or distributed other than through participants, and, if sold or distributed through participants, may be used only at an application site of a cooperator and in accordance with the terms and conditions of the experimental use permit.

(d) Establishments in which pesticide products under State experimental use permits are produced shall be registered as required by 40 CFR 167.2(a) and producers of such products shall maintain books and records as required by 40 CFR 169.2.

(e) Pesticide products and their containers used under this rule must also