(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.	
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.

Active ingredient	Formulation	Use pattern	Classification[1]	Criteria influencing restriction
Methidathion	All formulations	All uses except nursery stock, safflower and sunflower.	do	Do.
	All formulations	Nursery stock, safflower and sunflower.	Unclassified.	
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.
Phosphamidon	Liquid formulations 75% and greater	.....do	.....do	Acute dermal toxicity. Residue effects on mammalian species.
	Dust formulations 1.5% and greater	.....do	.....do	Residue effects on avian species. 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]

§ 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 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 § 158.65 (a) and (b) of this chapter 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).

§ 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