

(3) The substance was not registered under FIFRA before January 1, 1992.

(4) Since January 1, 1992, the distributor or seller has made no claim that the product prevents or hinders the process of nitrification, denitrification, ammonia volatilization or urease production. EPA considers any of the following claims (or their equivalents) to be a claim that the product prevents or hinders nitrification, denitrification, ammonia volatilization or urease production:

- (i) Improves crop utilization of applied nitrogen.
- (ii) Reduces leaching of applied nitrogen or reduces groundwater nitrogen contamination.
- (iii) Prevents nitrogen loss.
- (iv) Prolongs availability of nitrogen.
- (v) Increases nitrogen uptake, availability, usage, or efficiency.

(5) A product will be considered to have met the criterion of paragraph (b)(4) of this section that no nitrogen stabilization claim has been made if:

- (i) The nitrogen stabilization claim, in whatever terms expressed, is made solely in compliance with a State requirement to include the claim in materials required to be submitted to a State legislative or regulatory authority, or in the labeling or other literature accompanying the product; and
- (ii) The State requirement to include the claim was in effect both before the product bearing the claim was introduced into commercial agronomic use, and before the effective date of this rule.

(6) A product that meets all of the criteria of this paragraph with respect to one State is not thereby excluded from FIFRA regulation if distributed and sold in another State whose nitrogen stabilization statement requirement does not meet the requirements of paragraph (b)(5)(ii) of this section.

(c) *Human drugs.* Fungi, bacteria, viruses or other microorganisms in or on living man are not "pests" as defined in section 2(t) of FIFRA. Products intended and labeled for use against such organisms are human drugs subject to regulation by the FDA under the FFDCFA.

(d) *Animal drugs*—(1) Fungi, viruses, bacteria or other microorganisms on or in living animals are not "pests" under section 2(t) of FIFRA. Products intended for use against such organisms are "animal drugs" regulated by the FDA under the FFDCFA.

(2) A "new animal drug" as defined in section 201(w) of the FFDCFA, or an animal drug that FDA has determined is not a "new animal drug" is not a pesticide under section 2(u) of FIFRA.

Animal drugs are regulated by the FDA under the FFDCFA.

(e) *Animal feeds.* An animal feed containing a new animal drug is not a pesticide under section 2(u) of FIFRA. An animal feed containing a new animal drug is subject to regulation by the FDA under the FFDCFA.

(f) *Vitamin hormone products.* A product consisting of a mixture of plant hormones, plant nutrients, inoculants, or soil amendments is not a "plant regulator" under section 2(v) of FIFRA, provided it meets the following criteria:

- (1) The product, in the undiluted package concentration at which it is distributed or sold, meets the criteria of § 156.62 of this chapter for Toxicity Category III or IV; and
- (2) The product is not intended for use on food crop sites, and is labeled accordingly.

(g) *Products intended to aid the growth of desirable plants.* A product of any of the following types, intended only to aid the growth of desirable plants, is not a "plant regulator" under section 2(v) of FIFRA, and therefore is not a pesticide:

- (1) A plant nutrient product, consisting of one or more macronutrients or micronutrient trace elements necessary to normal growth of plants and in a form readily usable by plants.
- (2) A plant inoculant product consisting of microorganisms to be applied to the plant or soil for the purpose of enhancing the availability or uptake of plant nutrients through the root system.
- (3) A soil amendment product containing a substance or substances intended for the purpose of improving soil characteristics favorable for plant growth.

§ 152.8 [Amended]

c. In § 152.8, by removing paragraphs (a), (b), (c) introductory text, (c)(2), (c)(3) and (c)(4), and redesignating paragraph (c)(1) as paragraph (a) and paragraph (d) as paragraph (b).

d. In § 152.20, by revising paragraph (b) to read as follows:

§ 152.20 Exemptions for pesticides regulated by another Federal agency.

* * * * *

(b) *Non-liquid chemical sterilants.* A non-liquid chemical sterilant, except ethylene oxide, that meets the criteria of § 152.6(a)(2) with respect to its claims and § 152.6(a)(3) with respect to its use sites is exempted from regulation under FIFRA.

§ 152.25 [Amended]

e. Section 152.25 is amended by removing paragraph (d) and redesignating paragraphs (e) through (g) as (d) through (f).

f. Section 152.44 is amended by removing paragraph (b)(3), redesignating paragraph (b)(4) as paragraph (b)(3), and adding new paragraph (c), to read as follows:

§ 152.44 Application for amended registration.

* * * * *

(c) A registrant may at any time submit identical minor labeling amendments affecting a number of products as a single application if no data are required for EPA to approve the amendment (for example, a change in the wording of a storage statement for designated residential use products). A consolidated application must clearly identify the labeling modification(s) to be made (which must be identical for all products included in the application), list the registration number of each product for which the modification is requested, and provide required supporting materials (for example, labeling) for each affected product.

PART 156—[AMENDED]

2. In part 156:

a. The authority citation for part 156 continues to read as follows:

Authority: 7 U.S.C. 136–136y.

b. In § 156.10, by revising paragraph (a)(1)(vii) and removing paragraph (h), to read as follows:

§ 156.10 Labeling requirements.

- (a) * * *
- (1) * * *

(vii) Hazard and precautionary statements as prescribed in subpart D of this part for human and domestic animal hazards and subpart E of this part for environmental hazards.

* * * * *

c. By adding new subpart D, to read as follows:

Subpart D—Human Hazard and Precautionary Statements

- Sec.
- 156.60 General.
- 156.62 Toxicity category.
- 156.64 Signal word.
- 156.66 Child hazard warning.
- 156.68 First aid statement.
- 156.70 Precautionary statements for human hazards.
- 156.78 Precautionary statements for physical or chemical hazards.