

**§ 35.212**

**40 CFR Ch. I (7–1–11 Edition)**

CFR part 124, subparts B, E, and F; 40 CFR parts 260 through 266; 40 CFR parts 268 through 273; and 40 CFR part 279.

**§ 35.212 Basis for allotment.**

The Administrator allots funds for Hazardous Waste Management Grants in accordance with section 3011(b) of the Solid Waste Disposal Act based on factors including:

- (a) The extent to which hazardous waste is generated, transported, treated, stored, and disposed of in the State;
- (b) The extent to which human beings and the environment in the State are exposed to such waste, and;
- (c) Other factors the Administrator deems appropriate.

**§ 35.215 Maximum federal share.**

The Regional Administrator may provide up to 75 percent of the approved work plant costs.

**§ 35.218 Award limitation.**

The Regional Administrator will not award Hazardous Waste Management Grants to a State with interim or final hazardous waste authorization unless the applicant is the lead agency designated in the authorization agreement.

PESTICIDE COOPERATIVE ENFORCEMENT  
(SECTION 23(a)(1))

**§ 35.230 Purpose.**

(a) *Purpose of section.* Sections 35.230 through 35.235 govern Pesticide Enforcement Cooperative Agreements to States (as defined in section 2 of Federal Insecticide, Fungicide, and Rodenticide Act) under section 23(a)(1) of the Act.

(b) *Purpose of program.* Pesticides Enforcement Cooperative Agreements are awarded to assist States to implement pesticide enforcement programs.

(c) *Program regulations.* Associated program regulations are at 40 CFR parts 150 through 189 and 19 CFR part 12.

**§ 35.232 Basis for allotment.**

(a) *Factors for FIFRA enforcement program funding.* The factors considered in allotment of funds for enforcement of FIFRA are:

- (1) The State's population,
- (2) The number of pesticide-producing establishments,
- (3) The numbers of certified private and commercial pesticide applicators,
- (4) The number of farms and their acreage, and
- (5) As appropriate, the State's potential farm worker protection concerns.

(b) *Final allotments.* Final allotments are negotiated between each State and the appropriate Regional Administrator.

**§ 35.235 Maximum federal share.**

The Regional Administrator may provide up to 100 percent of the approved work plan costs.

PESTICIDE APPLICATOR CERTIFICATION  
AND TRAINING (SECTION 23(a)(2))

**§ 35.240 Purpose.**

(a) *Purpose of section.* Sections 35.240 through 35.245 govern Pesticide Applicator Certification and Training Grants to States (as defined in section 2 of Federal Insecticide, Fungicide, and Rodenticide Act) under section 23(a)(2) of the Act.

(b) *Purpose of program.* Pesticide Applicator Certification and Training Grants are awarded to train and certify restricted use pesticide applicators.

(c) *Associated program regulations.* Associated program regulations are found in 40 CFR parts 162, 170, and 171.

**§ 35.242 Basis for allotment.**

The Regional Administrator considers two factors in allotting pesticides applicator certification and training funds:

- (a) The number of farms in each State; and
- (b) The numbers of private and commercial applicators requiring certification and recertification in each State.

**§ 35.245 Maximum federal share.**

The Regional Administrator may provide up to 50 percent of the approved work plan costs.