§ 161.55 Agricultural vs. non-agricultural pesticides.

Section 25(a)(1) of FIFRA instructs the Administrator to “take into account the difference in concept and usage between various classes of pesticides and differences in environmental risk and the appropriate data for evaluating such risk between agricultural and non-agricultural pesticides.” This part distinguishes the various classes of pesticide use (e.g., crop vs. non-crop) and the corresponding data necessary to support registration under FIFRA. This information is present in each data requirement table. In addition, the Use Pattern Index (appendix A) is a comprehensive list of pesticide use patterns, cross-referenced to the general use patterns appearing in the tables; the index will further assist the reader in distinguishing agricultural versus non-agricultural uses of pesticides.

§ 161.60 Minor uses.

(a) Minor use policy. A minor use of a pesticide is a use on a “minor crop” (a crop which is planted on a small total amount of acreage) or a use which is otherwise limited such that the potential market volume of the product for that use is inherently small. EPA’s policy concerning data requirements for minor uses of pesticides includes the following elements:

1. Since the market volume for a minor use of a pesticide is intrinsically low, and the risk associated with the use often is also correspondingly low, EPA will adjust the data requirements concerning the minor use appropriately.

2. A new data requirement pertinent to both an unregistered minor use and a registered major use will not be applied to a minor use applicant until it is applied to the major use registrations.

3. EPA will accept extrapolations and regional data to support establishment of individual minor use tolerances.

4. Group tolerances will be established to assist applicants for registration of products for minor uses as described in 40 CFR 180.34.

(b) Advice on data requirements to support minor uses. Applicants for registration are advised to contact the appropriate EPA Product Manager or the Minor Use Officer for advice on developing data to support new applications for minor uses of pesticides.

§ 161.70 Acceptable protocols.

The Agency has published Pesticide Assessment Guidelines, as indicated in §161.20(d), which contain suggested protocols for conducting tests to develop the data required by this part.

(a) General policy. Any appropriate protocol may be used provided that it meets the purpose of the test standards specified in the guidelines and provides data of suitable quality and completeness as typified by the protocols cited in the guidelines. Applicants should use the test procedure which is most suitable for evaluation of the particular ingredient, mixture, or product. Accordingly, failure to follow a suggested protocol will not invalidate a test if another appropriate methodology is used.

(b) Organization for Economic Cooperation and Development (OECD) Protocols. Tests conducted in accordance with the requirements and recommendations of the applicable OECD protocols can be used to develop data necessary to meet the requirements specified in this part.