

TABLE—EUP BIOCHEMICAL PESTICIDES NONTARGET ORGANISMS AND ENVIRONMENTAL FATE DATA REQUIREMENTS—Continued

Guideline Number	Data Requirement	Use Patterns					Test Substance	Test Notes
		Terrestrial	Aquatic	Greenhouse	Forestry, Residential Outdoor	Indoor		
		Food/Feed/Nonfood	Food/Nonfood	Food/Nonfood		Food/Nonfood		
850.1010	Aquatic invertebrate acute toxicity, freshwater	R	R	NR	R	NR	TGAI, EP	2, 4

(e) *Test notes.* The following test notes are applicable to the data requirements for experimental use permit biochemical pesticides nontarget organisms and environmental fate as referenced in the last column of the table contained in paragraph (d) of this section.

1. Required for the EP when any end-use formulation may contain other ingredients that may be toxic to nontarget organisms or to support arthropod pheromones that would be available to avian wildlife, (e.g., a granular product).
2. Not required for any use groups if the pesticide is highly volatile (estimated volatility $>5 \times 10^{-5}$ atm m³/mol).
3. Preferred test species are: upland game, waterfowl, or passerine for avian acute oral toxicity studies; upland game or waterfowl for avian dietary studies; and coldwater fish for acute freshwater fish studies.
4. Required for the EP when the end-use formulation may contain other ingredients that may be toxic to nontarget organisms.

Subpart V—Microbial Pesticides

SOURCE: 72 FR 61002, Oct. 26, 2007, unless otherwise noted.

§ 158.2100 Microbial pesticides definition and applicability.

(a) This subpart applies to all living or dead microbial pesticides as described in paragraphs (b) and (c) of this section.

(b) *Definition.* *Microbial pesticide* is a microbial agent intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant, that:

- (1) Is a eucaryotic microorganism including, but not limited to, protozoa, algae, and fungi;

- (2) Is a procaryotic microorganism, including, but not limited to, Eubacteria and Archaeobacteria; or

- (3) Is a parasitically replicating microscopic element, including, but not limited to, viruses.

(c) *Applicability.* (1) This subpart applies to microbial pesticides as specified in paragraphs (c)(2), (c)(3), and (c)(4) of this section.

(2) Each new isolate of a microbial pesticide is a new active ingredient and must be registered independently of any similarly designated and already registered microbial pesticide active ingredient. Each new isolate for which registration is sought must have a unique identifier following the taxonomic name of the microorganism, and the registration application must be supported by data required in this subpart. This does not preclude the possibility of using data from another isolate, provided sufficient similarity is established, to support registration.

(3) Genetically modified microbial pesticides may be subject to additional data or information requirements on a case-by-case basis depending on the particular microbial agent and/or its parental strains, the proposed pesticide use pattern, and the manner and extent to which the organism has been genetically modified.

(4) Pest control organisms such as insect predators, nematodes, and macroscopic parasites are exempt from the requirements of FIFRA as authorized by section 25(b) of FIFRA and specified in § 152.20 (a) of this chapter.

[72 FR 61002, Oct. 26, 2007, as amended at 77 FR 52612, Aug. 30, 2012]