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50 mg/kg or less as determined by extrapolation from tests conducted with technical material or directly with the formulated product; and

(ii) It is intended to be applied in such a manner that significant exposure to birds or mammals may occur.

(d) *Other evidence.* The Agency may also consider evidence such as field studies, use history, accident data, monitoring data, or other pertinent evidence in deciding whether the product or use may pose a serious hazard to man or the environment that can reasonably be mitigated by restricted use classification.

(e) *Alternative labeling language.* (1) If the Agency determines that a product meets one or more of the criteria of paragraphs (b) or (c) of this section, or if other evidence identified in paragraph (d) of this section leads the Agency to conclude that the product should be considered for restricted use classification, the Agency will then determine if additional labeling language would be adequate to mitigate the identified hazard(s) without restricted use classification. If the labeling language meets all the criteria specified in paragraph (e)(2) of this section, the product will not be classified for restricted use.

(2) The labeling will be judged adequate if it meets all the following criteria:

(i) The user, in order to follow label directions, would not be required to perform complex operations or proce-

dures 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 <sup>1</sup>	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.

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Active ingredient	Formulation	Use pattern	Classification <sup>1</sup>	Criteria influencing restriction
Carbofuran .....	All other formulations .....	.....do .....	Under further evaluation..	Acute inhalation toxicity.
	All concentrate suspensions and wettable powders 40% and greater.	.....do .....	.....do .....	
Chloropicrin .....	All granular formulations .....	Rice .....	Under evaluation.	Acute inhalation toxicity. Hazard to non-target organisms.
	All granular and fertilizer formulations.	All uses except rice	.....do .....	
	All formulations greater than 2% .....	All uses .....	.....do .....	
Clonitralid .....	All formulations 2% and less .....	Rodent control .....	.....do .....	Acute inhalation toxicity.
	All formulations 2% and less .....	Outdoor uses (other than rodent control).	Unclassified.	
Dicrotophos .....	All wettable powders 70% and greater.	All uses .....	Restricted .....	Effects on aquatic organisms.
	All granulars and wettable powders	Molluscicide uses .....	Restricted .....	
Disulfoton .....	Pressurized sprays 0.55% and less	Hospital antiseptics	Unclassified.	Acute dermal toxicity; residue effects on avian species (except for tree injections). Do.
	All liquid formulations 8% and greater.	All uses .....	Restricted .....	
Ethoprop .....	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 .....	Acute dermal toxicity. Acute inhalation toxicity.
	Non-aqueous solution 95% and greater.	Commercial seed treatment.	Restricted .....	
	Granular formulations 10% and greater.	Indoor uses (greenhouse).	.....do .....	
Ethyl parathion	Emulsifiable concentrates 40% and greater.	Aquatic uses .....	.....do .....	Acute dermal toxicity.
	All granular and fertilizer formulations.	All uses .....	Under evaluation.	
Fenamiphos .....	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 .....	
	Dust and granular formulations 2 pct and below.	.....do .....	.....do .....	
Fonofos .....	Emulsifiable concentrates 35% and greater.	.....do .....	.....do .....	Acute dermal toxicity.
Methamidophos	Emulsifiable concentrates 44% and greater.	.....do .....	.....do .....	Acute dermal toxicity.
	Emulsifiable concentrates 12.6% and less with pebulate 50.3% and less.	Tobacco .....	Unclassified.	
Methidathion .....	Liquid formulations 40% and greater	.....do .....	Restricted .....	Acute dermal toxicity; residue effects on avian species. Residue effects on avian species. Do.
	Dust formulations 2.5% and greater	.....do .....	.....do .....	
Methidathion .....	All formulations .....	All uses except nursery stock, safflower and sunflower.	.....do .....	Residue effects on avian species. Do.
	All formulations .....	Nursery stock, safflower and sunflower.	Unclassified.	

Active ingredient	Formulation	Use pattern	Classification <sup>1</sup>	Criteria influencing restriction
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.	
Methyl bromide	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.	
	All formulations in containers greater than 1.5 lb.	All uses .....	Restricted .....	Do.
Methyl parathion	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.
	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.
Nicotine (alkaloid).	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.
	Liquid and dry formulations 14% and above.	Indoor (greenhouse)	.....do .....	Acute inhalation toxicity.
Paraquat (dichloride) and paraquat bis(methyl sulfate).	All formulations .....	Applications to cranberries.	.....do .....	Effects on aquatic organisms.
	Liquid and dry formulations 1.5% and less.	All uses (domestic and nondomestic).	Unclassified.	
	All formulations and concentrations except those listed below.	All uses .....	Restricted .....	Other hazards. Use and accident history, human toxicological data.
Phorate .....	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.	
	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.

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Active ingredient	Formulation	Use pattern	Classification <sup>1</sup>	Criteria influencing restriction
Phosphamidon ..	Liquid formulations 75% and greater	.....do .....	.....do .....	Acute dermal toxicity. Residue effects on mammalian species. Residue effects on avian species. Do. Residue effects on mammalian species.
	Dust formulations 1.5% and greater	.....do .....	.....do .....	
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 <sup>3</sup> .	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 avian species. Use and accident history.
	All dry baits, pellets and powder formulations.	All uses calling for burrow builders.	.....do .....	Hazard to nontarget organisms. Do.
	All dry baits, pellets and powder formulations 0.5 pct and below.	All uses except subsoil.	.....do .....	
Sulfotepp .....	.....do .....	All subsoil uses .....	Unclassified.	Inhalation hazard to humans.
	Sprays and smoke generators .....	All uses .....	Restricted .....	
Zinc Phosphide	All formulations 2% and less .....	All domestic uses and non-domestic uses in and around buildings.	Unclassified.	Hazard to non-target organisms. Acute oral toxicity.
	All dry formulations 60% and greater..			
	All bait formulations .....	Non-domestic outdoor uses (other than around buildings).	.....do .....	
	All dry formulations 10% and greater	Domestic uses .....	.....do .....	

<sup>1</sup> "Under evaluation" means no classification decision has been made and the use/formulation in question is still under active review within EPA.

<sup>2</sup> Percentages given are the total of dioxathion plus related compounds.

<sup>3</sup> (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]**

9701 and Pub. L. 100-202) and provisions regarding their payment.

**Subpart U—Registration Fees**

**§ 152.401 Inapplicability of fee provisions to applications filed prior to October 1, 1997.**

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.

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]