

Environmental Protection Agency

§ 163.7

et seq.), as amended by Pub. L. 518, 83d Congress, 2d Session, "An Act to amend the Federal Food, Drug, and Cosmetic Act with respect to residues of pesticide chemicals in or on raw agricultural commodities" (68 Stat. 511).

(b) *Director* means the Director of the Pesticides Regulation Division, Environmental Protection Agency, Washington, DC.

(c) *Agency* means the Environmental Protection Agency.

(d) *Pesticide chemical* and *raw agricultural commodity* shall have the same meanings as they have in paragraphs (q) and (r), respectively, of section 201 of the Act.

(e) *Economic poison* shall have the same meaning as it has under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135-135k) and the regulations issued thereunder.

(f) *Person* means individuals, partnerships, corporations, and associations.

(g) *Certification* means a certification by the Director that a pesticide chemical is useful for the purpose for which a tolerance or exemption is sought under the act.

(h) *Petition* means a petition filed with the Administrator, Environmental Protection Agency pursuant to section 408(d)(1) of the Act.

[36 FR 22533, Nov. 25, 1971, as amended at 53 FR 15999, May 4, 1988]

§ 163.3 Administration.

The Director is authorized to take such action as, in his discretion, may be necessary to carry out the provisions of sections 408(i) and 408(l) of the Act and the regulations in this part.

§ 163.4 Filing of requests for certification.

All requests for a certification shall be made in writing to the Director. Action upon such a request will not be undertaken unless (a) the person making the request has, pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, registered or submitted an application for the registration of an economic poison consisting of or containing the pesticide chemical for which the certification is sought and (b) the request is accompanied by a copy of the petition. The person requesting certification

may at any time withdraw such request for certification.

§ 163.5 Material in support of the request for certification.

In addition to the data required by section 408(d)(1) of the Act to be included in the petition, the request for certification should be supported by the following material, to the extent it is relied upon by the petitioner:

(a) A complete report of the results of any experimental work by the petitioner on the effectiveness of the pesticide chemical for the purposes intended;

(b) Data relating to the usefulness of the pesticide chemical obtained by other qualified investigators;

(c) Any other material which the petitioner believes will justify a finding of usefulness.

If such material is fully shown in the petition, it need not be set forth separately in the request for certification.

§ 163.6 Certification limited to economic poison uses.

If the product for which a certification is sought is intended for both economic poison and noneconomic poison uses, any certification relative to the usefulness of such product will refer only to economic poison uses. No action will be taken with respect to the noneconomic poison uses of such product.

§ 163.7 Factors considered in determining usefulness.

In determining whether a pesticide chemical is useful for the purposes for which a tolerance or exemption is sought, consideration will be given, among other things, to:

(a) The results of any experimental work by the petitioner on the effectiveness of the pesticide chemical for the purposes intended.

(b) Data relating to the usefulness of the pesticide chemical obtained by other qualified investigators.

(c) Reports of other experimental work before the Director in publications, the official files of the Agency, or otherwise.

(d) Opinions of experts qualified in the fields involved.