

§ 172.50

40 CFR Ch. I (7-1-07 Edition)

(1) A statement of composition for the formulation to be tested, giving:

(1) The name and percentage by weight (or other suitable units) of each ingredient, active and inert.

(2) Production methods.

(3) Extraneous microorganisms present as contaminants.

(4) Amount and potency of any toxin present.

(5) Where applicable, the number of viable microorganisms per unit weight or volume of the product or other appropriate system for designating the quantity of active ingredient.

(m) Any additional factual information regarding the potential for unreasonable adverse effects on the environment.

§ 172.50 Response to a notification.

(a) EPA will review and evaluate each Notification as expeditiously as possible and will make a determination no later than 90 days after receipt of the complete Notification; however, under no circumstances shall the proposed test proceed until the submitter has received notice from EPA of its approval of such test.

(b) For each Notification, EPA may make the following determinations:

(1) Require additional information from the submitter to assess the proposed test adequately.

(2) Approve the proposed test.

(3) Approve the proposed test provided that the submitter makes certain modifications to the test proposal.

(4) Require an EUP for the test.

(5) Disapprove the proposed test because of the potential for unreasonable adverse effects. Such disapproval by EPA shall be considered the equivalent of denial of an EUP and the remedies for such denial provided by § 172.10 are available to the submitter.

(c) If the proposed test is approved by EPA, then the submitter shall perform the test in the same manner described in the Notification, subject to any requirements imposed under paragraph (b)(3) of this section.

§ 172.52 Notification exemption process.

(a) *Initiation of the exemption process.* Pesticides may be added to the list of exemptions in § 172.45(d) by rule at

EPA's initiative or in response to a petition submitted in accordance with paragraph (b) of this section.

(b) *Petitions for exemption from the requirement for a Notification*—(1) *Who may submit a petition.* Any person may submit a petition requesting an exemption from the notification requirements of this subpart for a specific microbial pesticide or class of microbial pesticides.

(2) *Where to submit a petition.* All petitions shall be submitted to the Office of Pesticide Programs' Document Processing Desk at the appropriate address as set forth in 40 CFR 150.17(a) or (b).

(3) *Content of petition.* Each petition shall contain the following:

(i) Name and address of petitioner and name, address, and telephone number of a person who may be contacted for further information.

(ii) Description of the exemption requested, including the specific microbial pesticide or class of microbial pesticides to be tested under the petition for exemption.

(iii) Basis for the petitioner's contention that the specific microbial pesticide or class of microbial pesticides meet the criteria of § 172.3 for small-scale tests of pesticides that do not require an EUP.

(iv) Discussion of the extent to which the microbial pesticide or class of microbial pesticides covered by the petition differ from microbial pesticides that are already registered or subject to an EUP under the Act.

(4) *Administrative action on a petition.* EPA will review and evaluate petitions as expeditiously as possible and may request further information from the petitioner to assess the proposed exemption adequately. No later than 180 days after the submission of a petition, or 90 days after the last submission of additional information by the petitioner, whichever is later, EPA will take one of the following actions with respect to the petition:

(i) Grant the petition and publish a notice of proposed rulemaking in the FEDERAL REGISTER for a 45-day comment period proposing the exemption requested by the petitioner.

(ii) Grant the petition and publish a notice of proposed rulemaking in the