

**§ 26.203**

(a) *Research involving intentional exposure of a human subject* means a study of a substance in which the exposure to the substance experienced by a human subject participating in the study would not have occurred but for the human subject's participation in the study.

(b) A *child* is a person who has not attained the age of 18 years.

**§ 26.203 Prohibition of research conducted or supported by EPA involving intentional exposure of any human subject who is a pregnant woman (and therefore her fetus), a nursing woman, or child.**

Notwithstanding any other provision of this part, under no circumstances shall EPA conduct or support research involving intentional exposure of any human subject who is a pregnant woman (and therefore her fetus), a nursing woman, or a child.

[71 FR 36175, June 23, 2006]

**Subpart C—Observational Research: Additional Protections for Pregnant Women and Fetuses Involved as Subjects in Observational Research Conducted or Supported by EPA**

SOURCE: 71 FR 6168, Feb. 6, 2006, unless otherwise noted.

**§ 26.301 To what does this subpart apply?**

(a) Except as provided in paragraph (b) of this section, this subpart applies to all observational research involving human subjects who are pregnant women (and therefore their fetuses) conducted or supported by the Environmental Protection Agency (EPA). This includes research conducted in EPA facilities by any person and research conducted in any facility by EPA employees.

(b) The exemptions at § 26.101(b)(1) through (b)(6) are applicable to this subpart.

(c) The provisions of § 26.101(c) through (i) are applicable to this subpart. References to State or local laws in this subpart and in § 26.101(f) are intended to include the laws of federally

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recognized American Indian and Alaska Native Tribal Governments.

(d) The requirements of this subpart are in addition to those imposed under the other subparts of this part.

**§ 26.302 Definitions.**

The definitions in §§ 26.102 and 26.202 shall be applicable to this subpart as well. In addition, *observational research* means any human research that does not meet the definition of *research involving intentional exposure of a human subject* in § 26.202(a).

**§ 26.303 Duties of IRBs in connection with observational research involving pregnant women and fetuses.**

The provisions of 45 CFR 46.203 are applicable to this section.

**§ 26.304 Additional protections for pregnant women and fetuses involved in observational research.**

The provisions of 45 CFR 46.204 are applicable to this section.

**§ 26.305 Protections applicable, after delivery, to the placenta, the dead fetus, or fetal material.**

The provisions of 45 CFR 46.206 are applicable to this section.

**Subpart D—Observational Research: Additional Protections for Children Involved as Subjects in Observational Research Conducted or Supported by EPA**

SOURCE: 71 FR 6168, Feb. 6, 2006, unless otherwise noted.

**§ 26.401 To what does this subpart apply?**

(a) This subpart applies to all observational research involving children as subjects, conducted or supported by EPA. References to State or local laws in this subpart and in § 26.101(f) are intended to include the laws of federally recognized American Indian and Alaska Native Tribal Governments. This includes research conducted in EPA facilities by any person and research conducted in any facility by EPA employees.

(b) Exemptions at § 26.101(b)(1) and (b)(3) through (b)(6) are applicable to