

§ 162.151

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

any State of pesticide products, or uses thereof, formulated for distribution and use within the State to meet special local needs under sec. 24(c) of the Act. It also sets forth regulations governing the exercise by the Administrator of the power to disapprove specific State registrations and to suspend a State's registration authority under sec. 24(c). Unless otherwise indicated, any reference herein to registrations issued by a State includes amendments of registrations issued by States.

(b) *Applicability.* This subpart applies only to State registration authority granted by sec. 24(c) of FIFRA. It does not apply to any authority granted, or procedures established, by State law with respect to registration, licensing, or approval required for use within the State of federally registered pesticide products.

[46 FR 2014, Jan. 7, 1981, as amended at 53 FR 15999, May 4, 1988; 60 FR 32097, June 19, 1995]

§ 162.151 Definitions.

Unless otherwise indicated, terms used in this subpart have the meanings set forth in FIFRA and in subpart A of this part. In addition, as used in this subpart, the following terms have the meanings set forth below:

(a) *Federally registered* means currently registered under sec. 3 of the Act, after having been initially registered under the Federal Insecticide, Fungicide, and Rodenticide Act of 1947 (Pub. L. 86-139; 73 Stat. 286; June 25, 1947) by the Secretary of Agriculture or under FIFRA by the Administrator.

(b) *Manufacturing-use product* means any pesticide product other than a product to be labeled with directions for end use. This term includes any product intended for use as a pesticide after re-formulation or repackaging.

(c) *New product* means a pesticide product which is not a federally registered product.

(d) *Pest problem* means (1) a pest infestation and its consequences, or (2) any condition for which the use of plant regulators, defoliant, or desiccants would be appropriate.

(e) *Product* or *pesticide product* means a pesticide offered for distribution and use, and includes any labeled container and any supplemental labeling.

(f) *Similar composition* refers to a pesticide product which contains only the same active ingredient(s), or combination of active ingredients, and which is in the same category of toxicity, as a federally registered pesticide product.

(g) *Similar product* means a pesticide product which, when compared to a federally registered product, has a similar composition and a similar use pattern.

(h) *Similar use pattern* refers to a use of a pesticide product which, when compared to a federally registered use of a product with a similar composition, does not require a change in precautionary labeling under §156.10(h) of this chapter, and which is substantially the same as the federally registered use. Registrations involving changed use patterns are not included in this term.

(i) *Special local need* means an existing or imminent pest problem within a State for which the State lead agency, based upon satisfactory supporting information, has determined that an appropriate federally registered pesticide product is not sufficiently available.

(j) *State or State lead agency* as used in this subpart means the State agency designated by the State to be responsible for registering pesticides to meet special local needs under sec. 24(c) of the Act.

[46 FR 2014, Jan. 7, 1981, as amended at 53 FR 15999, May 4, 1988]

§ 162.152 State registration authority.

(a) *Statutory limitations.* In accordance with sec. 24(c) of the Act, each State is authorized to register a new end use product for any use, or an additional use of a federally registered pesticide product, if the following conditions exist:

(1) There is a special local need for the use within the State;

(2) The use is covered by necessary tolerances, exemptions or other clearances under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 346 *et seq.*), if the use is a food or feed use;

(3) Registration for the same use has not previously been denied, disapproved, suspended or cancelled by the Administrator, or voluntarily cancelled by the registrant subsequent to