

## Experimental-use Permits<sup>1</sup>

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Experimental use of pesticides refers to formal research efforts conducted to scientifically assess the pest control potential of a registered pesticide or an experimental pesticide. Experimental pesticides include:

- unregistered pesticides,
- unregistered uses of registered pesticides, and
- pesticides or pesticide uses being evaluated under an Experimental Use Permit issued by the U.S. Environmental Protection Agency (EPA) or by the Florida Department of Agriculture and Consumer Services (FDACS).

Compounds exempted from registration by Section 25(b) of the Federal Insecticide Fungicide and Rodenticide Act (FIFRA) are never considered experimental pesticides.

The EPA may grant an Experimental Use Permit (EUP) to researchers wishing to gather data necessary to grant registration under Section 3 of FIFRA for:

- a pesticide not registered with the Agency, or

- a new use of a registered pesticide (i.e., one not previously approved).

The EPA has determined an EUP is not required when:

- experimental work is limited to laboratory or greenhouse tests, and
- the researcher neither intends nor confers pest control benefit to those conducting it.

For limited replicated field (or other) tests, conducted only to determine a chemical's pesticidal potential, its toxicity or other properties, in which the persons conducting the test do not expect to receive any benefit in pest control from its use, the EPA has determined that an EUP is not required for:

1. Land use – The cumulative area treated per site, per crop, per experimental compound is less than 10 terrestrial acres (up to 250 acres for pheromones), provided:

- When testing for more than one target pest occurring at the same time and in the same locality, the 10-acre limitation must encompass all of the target pests.

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1. This document is PI-56, one of a series of the Agronomy Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida. Original publication date August 2005. Reviewed August 2008. Visit the EDIS Web Site at <http://edis.ifas.ufl.edu>.

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- Food or feed crops involved in or affected by the tests (including crops subsequently grown on this land, if such crops may reasonably be expected to contain residues of the compound) must be destroyed or consumed only by experimental animals, unless an appropriate tolerance or exemption from a tolerance has been established.

2. Aquatic use – Tests involving use of a particular experimental compound are conducted on a total of not more than one surface-acre of water, provided:

- When testing for multiple target pest species occurs at the same time and in the same locality, the one surface-acre limitation encompasses all target pest species.
- The waters involved in or affected by the tests will not be used for irrigation, drinking water supplies or body-contact recreational activities.
- The tests may not be conducted in waters which contain or affect any fish, shellfish, other animals, or plants taken for recreation or feed unless an appropriate tolerance or exemption from a tolerance has been established.

3. Animal treatments – Tests are conducted only on experimental animals. No animals receiving test treatments may be used in food or feed unless an appropriate tolerance or exemption from a tolerance has been established.

**Important note** – Termiticides and experimental pesticide applications in structures do not fall under the land-use exemption stipulations of federal and state regulations. If unsure whether proposed work is covered by the exemptions described, contact FDACS. FDACS adopted and upholds the federal regulations that stipulate the conditions for land use, aquatic use, and animal treatments for which no experimental

use permit is required. These conditions are described above.

Florida's adoption of the federal EUP regulations notwithstanding, FDACS imposes state-specific requirements for EUP work that involves either unregistered pesticides or unregistered uses of a registered pesticide. There are three circumstances where FDACS imposes additional, state-specific requirements on EUP work:

1. Research conducted in Florida under a federal EUP must also be covered by a state-issued EUP or EUP exemption. The FDACS letter issuing the EUP (or exemption) will reflect any additional requirements (a copy may be obtained from the EUP permit holder or FDACS).

2. Where there is no federal or state-specific EUP, and experimental uses of pesticides are evaluated in small replicated studies under the federal land-use exemptions described above, FDACS must be notified of experimental trials conducted on cumulative areas equal to or greater than 1 acre but less than 10 acres, per site, per crop, per experimental compound. This notification must be provided within 60 days of the initiation of the trial and must include:

- Name of the experimental compound and its EPA registration number if federally registered.
- Name and mailing address of the experimental compounds manufacturer.
- Activity of the compound (e.g., insecticide, herbicide, fungicide, etc.)
- Amount of experimental compound used.
- Total area treated including the number of replicate applications.
- Name of crop treated.
- Location of the treated area.

- Agency and contact person responsible for the experimental use study.

3. State-specific EUPs (where there is no federal EUP). FDACS may issue a state-specific experimental use permit to:

- Any person for the purpose of gathering data necessary to support FIFRA section 24(c) registrations.
- Any agricultural research agency or educational institution conducting experimental-use work within Florida for any purpose not directly intended to result in the registration of a specific pesticide product.

Florida-specific EUPs are assigned a Florida EUP number. These permits are issued with an authorization letter that outlines the requirements and restrictions for the Florida EUP. In such cases, FDACS-approved EUP labeling must be followed.

Somewhat relatedly, two additional points merit mention:

- Experimental use of aldicarb in Florida must be authorized by the EPA or FDACS.
- FDACS should be consulted prior to initiating experimentation involving registered pesticides subject to regulation under Florida's Organo-Auxin Herbicide Rule SE-2.033.

### **UF/IFAS Policy on Experimental Uses of Pesticides (this section applies only to those employed by UF/IFAS)**

1. Use of a pesticide under an EUP must be consistent with the terms of the EUP, including any additional restrictions imposed by FDACS, and the experimental protocol.
2. All food or feed derived from a pesticide's experimental use must be destroyed or fed only to experimental animals for testing purposes, unless an appropriate tolerance or an exemption from a tolerance has been specifically granted for residues of pesticide on the food or feed crop(s).

3. An experimental pesticide may be used only in accordance with its experimental use permit or any federally registered use permitted by its labeling. If an experimental pesticide does not have federally registered uses, at the study's conclusion, return any excess compound to its original provider.

### **Pesticide Research and Demonstrations on Non-UF/IFAS Property**

Often, research or demonstration efforts involving pesticide use require a site where a particular target pest is present. To meet this criterion, such work is sometimes conducted on non-UF/IFAS property. Whenever non-UF/IFAS property becomes a site for pesticide-related research or demonstration, UF/IFAS employees must fully inform the property owner, cooperator, or other party responsible for the land, about the research or demonstration projects pesticide chemical subject(s), its work activity schedule, and its land use requirements. The following policies address these:

1. The project leader shall provide copies of the research or demonstration plot plans to the property owner, cooperator, or other party responsible for the non-UF/IFAS land.
2. The project leader shall inform the property owner, cooperator, or other party responsible for the non-UF/IFAS land, if there will be crop destruction requirements, grazing restrictions, or crop rotation restrictions associated with the research or demonstration plots. He or she shall obtain a signed agreement of understanding that the property owner, cooperator, or other party responsible for the non-UF/IFAS land has received this information. Copies of the signed agreement shall be kept by the project leader and the UF/IFAS unit and provided to the property owner, cooperator, or other party responsible for the non-UF/IFAS land.
3. If the research or demonstration project entails applying registered pesticides to crop plants produced on a farm, nursery, or greenhouse, the project leader shall provide

Worker Protection Standard (WPS) information about these pesticides to the property owner, cooperator, or other party responsible for the non-UF/IFAS land. The project leader shall ensure pesticide-specific WPS information is provided before each application of any registered pesticide on the non-UF/IFAS land. The intent is to both fulfill the federal rule and make certain the property owner, collaborator, or other party responsible for the non-UF/IFAS establishment can take appropriate measures to properly notify his or her employees about the upcoming pesticide application. Accordingly, the project leader shall provide:

- The specific location and description of the crop plants that are to be treated with a pesticide.
- The time and date the pesticide is scheduled to be applied.
- The trade name of the pesticide product, its EPA registration number, and the common name(s) of its active ingredient(s).
- The restricted-entry interval for the pesticide.
- Whether the pesticide labeling requires both treated-area posting and oral notification.
- Any other product-specific requirements on the pesticide labeling concerning protection of workers and other persons during or after applications.

4. The project leader shall also provide a copy of an MSDS to the property owner, cooperator or other responsible party for each pesticide used on the non-UF/IFAS land.

### **Additional Information**

Pesticide Registrations:

Florida Department of Agriculture and Consumer Services

Bureau of Pesticides

3125 Conner Blvd., (L-29)

Tallahassee, FL 32399-1650

<http://www.flaes.org/Pesticide/>