EXPERIMENTAL USE PERMITS

A GUIDE TO UNDERSTANDING PESTICIDE REGISTRATION

THIS FACT SHEET WILL ANSWER THESE QUESTIONS:

- **What is an experimental use permit?**
- **Is an experimental use permit valid for use in California?**
- **How do I register an experimental use permit?**
- **How do experimental use permits and research authorizations differ?**

What is an experimental use permit?

An experimental use permit (EUP) is a permit issued by the U.S. Environmental Protection Agency (EPA) that allows field testing of a pesticide product to gather additional data. The product may be unregistered (may or may not contain a new active ingredient) or may be a registered pesticide product being tested for an unregistered use. Under federal law, an EUP is not defined as a "registration" but it is considered a "license" to sell and use the product.

An EUP is not required when:

- The experimental use of the pesticide is limited to laboratory or greenhouse tests or limited replicated field trials as described in Title 40, Code of Federal Regulations (40 CFR) part 172.3(c); and,
- The producer, applicator, or any other person conducting the test does not expect to receive any benefit in pest control from the use of the pesticide.

In addition, U.S. EPA does not require EUPs for research done on ten acres or less of land, or one surface acre or less of water. When testing more than one target pest at the same time and location, the acre limit must encompass all of the target pests.

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Although U.S. EPA authorizes states to issue EUPs under their own programs, the Department of Pesticide Regulation (DPR) does not do so. Instead, DPR requires a research authorization (RA) for any experimental, unregistered use of a pesticide in California, regardless of the size of the test area. The only exception to this requirement is when a federal EUP is required by U.S. EPA. Then, researchers may opt to register the federal EUP in California on a conditional basis instead of applying for an RA. See DPR's handout, ***Research Authorizations.***

TIME FRAMES

EUPs are effective for a period specified by U.S. EPA, normally one year, depending upon the crop or site to be tested and the requirements of the testing program. Permits may be renewed, extended, or amended upon request and approval.

USE RESTRICTIONS

EUPs are issued for test areas greater than ten acres for terrestrial use and one surface acre of water for aquatic use.

For aquatic use, waters which are involved in or affected by the EUP testing are not to be used for irrigation, drinking water, or body-contact recreational activities. Testing cannot be conducted in waters that contain or affect fish, shellfish, plants, or animals taken for recreational or commercial purposes and used for food or feed unless an appropriate tolerance or exemption from a tolerance has been established. This is also true for animal treatment tests.

Pesticides used under an EUP may not be sold or distributed other than to research participants and, if sold or distributed through participants, may be used only at an application site of a cooperator and in accordance with the terms and conditions of the EUP. In addition, uses performed under an EUP cannot be advertised.

TOLERANCE REQUIREMENTS

If use of the product is on a food or feed crop (including animal treatments) and no tolerance has been established, U.S. EPA may establish a temporary residue tolerance or exemption from tolerance before issuing the EUP. If there is no tolerance or temporary tolerance (or exemption from tolerance), the food or feed derived from the experimental program must be destroyed or fed only to experimental animals.

Is an EUP valid for use in California?

DPR does not issue state EUPs. To use a federal EUP in California, the registrant must either obtain from DPR a conditional registration of the federal EUP or use the EUP under a California RA. California's registration of the EUP is conditional in terms of the parameters and restrictions of the EUP, such as the amount of active ingredient to be used, acres to be treated, and expiration date. For information on using an EUP under an RA, please see DPR's handout, ***Research Authorizations***.

How do I register an EUP?

Only the pesticide registrant may apply for an EUP. If a registrant does not apply for use of the product in California under an RA, it must conditionally register the EUP with DPR.

Required items:

- **DPR-REG-030**, *Application for Pesticide Registration*.
- $1,150 application fee.
- Method of analysis and analytical sample if the product contains a new active ingredient.
- A copy of the U.S. EPA-approved EUP label and accompanying letter if product was not submitted to U.S. EPA concurrently.
- A copy of the temporary tolerance approval letter, if applicable.
- All data required by U.S. EPA for an EUP pursuant to **40 CFR part 158**.
- All other information required for federal approval, including the proposed experimental program.

Important To Note

- EUPs may be submitted concurrently to DPR and to U.S. EPA for review.
- U.S. EPA requires applicants to submit the EUP package in a specific format, which differs from the typical format required for standard pesticide product registrations. The required information is divided into seven different sections (A-G). See **EPA Form 8570-17**, Application for Experimental Use Permit to Ship and Use a Pesticide for Experimental Purposes Only for further details. This form can also be found on U.S. EPA's Web site at **http://www2.epa.gov/pesticide-registration/pesticide-registration-manual-blank-forms**.

How do EUPs and RAs differ?

EUP	RA
Issued by U.S. EPA; DPR does not issue EUPs, but may conditionally register the EUP in California.	Required for any experimental, unregistered use of a pesticide in California, regardless of the size of the test area. An RA is not under the jurisdiction of U.S. EPA.
Not required by U.S. EPA for research done on 10 acres or less of land, or one surface acre or less of water.	If product or proposed use is NOT federally registered, RA required on 10 acres or less on land or one surface acre or less of water. If used on more than 10 acres of land or one surface acre of water, must obtain a federal EUP. The EUP can be used under an RA or can be conditionally registered in California instead of an RA. Use on over 100 acres per crop requires specific justification.
Effective normally one year, as specified by U.S. EPA. May be renewed, extended, or amended upon request and approval from U.S. EPA.	Effective for one year.
$1,150 DPR application fee for conditional registration.	No DPR application fee.
Once conditionally registered by DPR, may be sold to specific researchers for use in research trials; not available to the public.	Product cannot be sold for the experimental use and must be provided free to any cooperator whose property is being used for the trials.
If there is no tolerance, U.S. EPA may establish a time-limited residue tolerance or exemption from tolerance before issuing. If no tolerance or exemption, treated commodities must be destroyed or fed only to experimental animals.	Treated commodities may not be used for food or feed unless U.S. EPA tolerance has been met or the pesticide is exempt from a tolerance. If no tolerance or exemption, treated commodities must be destroyed.
Not required by U.S. EPA for laboratory or greenhouse tests; limited replicated field trials; or when the producer, applicator, or others conducting the test do not expect to receive any benefit in pest control.	Exempt persons include: a registrant that is the operator of the property where research is conducted and continues to be operator until treated commodity destroyed/harvested; college and university personnel engaged in pesticide research.
May be subject to DPR pesticide use reporting requirements, in addition to U.S. EPA reporting requirements.	The county agricultural commissioner (CAC) must be notified before initiation of the trial. Upon completion, an "Experimental Trial Report" must be submitted to the CAC and an Experimental Pesticide Use Report must be returned to DPR.

For more information, please contact your assigned regulatory specialist or:

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