
40 C.F.R. § 174.90

Determining eligibility.

(a) *Options for determining eligibility.* As required in §§ 174.21(d) and 174.541(c), the developer must notify EPA to be eligible for exemption. Available notification options differ by plant-incorporated protectant. The developer must do at least one of the following:

(1) *EPA confirmation.* Unless permitted in paragraph (a)(2) of this section, a developer must submit a request for EPA confirmation of eligibility in accordance with § 174.93. Any developer may submit a request for EPA confirmation of eligibility in accordance with § 174.93.

(2) *Self-determination.* A developer may submit a letter of self-determination in accordance with § 174.91 if the plant-incorporated protectant qualifies for exemption as one of the following:

(i) A loss-of-function plant-incorporated protectant eligible for exemption under § 174.27.

(ii) [Reserved]

(b) *Where to submit a request for EPA confirmation or letter of self-determination.* A request for EPA confirmation of eligibility or a letter of self-determination must be submitted electronically.

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