

US EPA ARCHIVE DOCUMENT



Rulemaking for Pesticide Emergency Exemption Process Revisions

October 21, 2005

EPA has undertaken rulemaking to streamline and improve the pesticide emergency exemption process under Section 18 of FIFRA. These revisions (40 CFR Part 166) will reduce the burden to both applicants and EPA, allow for quicker decisions by the Agency, and provide for consistent and equitable determinations of “significant economic loss” as the basis for an emergency, without compromising current protections for human health and the environment.

- A proposed rule was published in the Federal Register Sept. 3, 2004. The Agency received 28 comment submissions from education / research groups (2), agriculture / food industry groups (3), environmental / public interest groups (1 joint submission by 13 groups), grower groups (12), pesticide industry / registrants (2), private citizen (1), and States (nine State lead agencies and AAPCO).
- A pilot testing the two main proposed improvements has been ongoing since 2003. Although the scope of the pilot and the transition to a new process have limited participation, the process has worked well when used.
- The two primary revisions proposed:
 - Provide applicants for certain repeat exemptions a simple way to re-certify that the emergency conditions that originally qualified continue to exist.
 - Revise the criteria for determining and documenting when a potential emergency condition is expected to cause a significant economic loss.
- The final rule is currently in inter-agency review and EPA expects to publish it by late 2005 or early 2006.
- EPA will provide guidance and outreach to educate applicants and facilitate transition to the new procedures.