

CHECKLISTS FOR EMERGENCY EXEMPTION APPLICATIONS UNDER SECTION 18 OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)

- TYPE OF EXEMPTION BEING REQUESTED (Specific, Quarantine, or Public Health; *see separate checklist following this for Crisis Exemptions*)
- CONTACT PERSON(S) AND QUALIFIED EXPERT(S) (40 CFR 166.20(a)(1))
- DESCRIPTION OF PESTICIDE REQUESTED (40 CFR 166.20(a)(2))
 - Federally Registered Pesticide Product
 - Copy of label(s) if specific product requested; or formulation(s) requested if a specific product is not requested
 - Copy of any additional labeling proposed
 - Any other pesticide products (not federally registered)
 - Confidential statement of formula (CSF) or reference to one already submitted to EPA
 - Complete labeling proposed to be used
- DESCRIPTION OF PROPOSED USE (40 CFR 166.20(a)(3))
 - Sites to be treated, including location within state
 - Method of application
 - Rate of application in terms of active ingredient and product
 - Maximum number of applications
 - Total acreage (or other appropriate unit) proposed to be treated
 - Total amount of pesticide proposed to be used in terms of active ingredient and product
 - Duration of the proposed use (dates of use season)
 - Earliest possible harvest dates
 - All applicable restrictions and requirements which may not appear on labeling
- ALTERNATIVE METHODS OF CONTROL (40 CFR 166.20(a)(4))
 - Explanation of why any pesticide(s) registered for the particular use proposed are not available, adequate, or effective to control the emergency. If ineffective, provide supporting field efficacy data if available (*data may be from another state or area if unavailable for proposed use area*); or if data unavailable, statements by qualified experts
 - Explanation of why alternative practices, if available, are not adequate or feasible
- EFFECTIVENESS OF PROPOSED USE (40 CFR 166.20(a)(5))
 - Efficacy data, discussion of field trials, or other evidence that proposed treatment will be effective in dealing with the emergency (*data may be from another state or area if unavailable for proposed use area*)
- DISCUSSION OF RESIDUES FOR FOOD USES (166.20(a)(6))
 - If proposed use is expected to result in pesticide residues in food, list food items and estimate of potential maximum residues, along with information upon which estimate(s) are based

- DISCUSSION OF RISK INFORMATION (40 CFR 166.20(a)(7))
 - Potential risks to human health, endangered or threatened species, beneficial organisms, and the environment, along with references to data and other supporting information, including listing of endangered and threatened species for proposed treatment area
 - Include proposals for mitigations if risks are identified
- COORDINATION WITH OTHER AFFECTED FEDERAL OR STATE AGENCIES (40 CFR 166.20(a)(8))
 - If use is likely to be of concern to other federal or state agencies, indicate contact of such agencies and any comments received.
- ACKNOWLEDGMENT BY REGISTRANT (40 CFR 166.20(a)(9))
 - Statement from registrant of support for requested use including expected availability of adequate quantities of product and status of progress toward registration of proposed use or intentions regarding registration
- DESCRIPTION OF ENFORCEMENT PROGRAM (40 CFR 166.20(a)(10))
 - Explanation of legal authority and program resources and procedures for assuring that proposed use will comply with requirements imposed
- REPEATED USES (40 CFR 166.20(a)(11))
 - If a repeat use is requested, include final report or interim report as a separate attachment, containing information required at 40 CFR 166.32
- PROGRESS TOWARD REGISTRATION (40 CFR 166.25(b)(2)(ii)) (current status from registrant) (*not required for request for a Quarantine Exemption*)

ADDITIONAL INFORMATION REQUIRED FOR SPECIFIC EXEMPTION REQUEST BASED ON SIGNIFICANT ECONOMIC LOSS

- NAME OF PEST (40 CFR 166.20(b)(1))
 - Scientific and common names of the pest or pest complex
 - DISCUSSION OF EVENTS WHICH BROUGHT ABOUT THE EMERGENCY CONDITION (40 CFR 166.20(b)(2))
 - DISCUSSION OF ANTICIPATED ECONOMIC LOSS (40 CFR 166.20(b)(4)) (Must meet one of the following thresholds for “significant economic loss”)
- Tier 1: Yield Loss of More Than 20% (40 CFR 166.20(b)(4)(i)):
- Yield anticipated in the absence of the emergency
 - Expected yield loss due to the emergency
- Tier 2: Gross Revenue Loss of More Than 20% (40 CFR 166.20(b)(4)(ii)):
- Yield anticipated in the absence of the emergency
 - Expected yield loss due to the emergency
 - Changes in prices and/or production costs due to the emergency

Tier 3: Net Operating Revenue Loss of More Than 50% (40 CFR 166.20(b)(4)(iii)):

- Yield anticipated in the absence of the emergency
- Expected yield loss due to the emergency
- Changes in prices and/or production costs due to the emergency
- Operating costs anticipated in the absence of the emergency

Any other information explaining the economic consequences of the emergency (40 CFR 166.20(b)(4)(iv))

ADDITIONAL INFORMATION REQUIRED FOR A SPECIFIC EXEMPTION REQUEST BASED ON SIGNIFICANT RISKS TO ENDANGERED OR THREATENED SPECIES, BENEFICIAL ORGANISMS, OR THE ENVIRONMENT

- NAME OF PEST (40 CFR 166.20(b)(1))
 - Scientific and common names of the pest or pest complex
- DISCUSSION OF EVENTS OR CIRCUMSTANCES WHICH BROUGHT ABOUT THE EMERGENCY CONDITION (40 CFR 166.20(b)(2))
- DISCUSSION OF ANTICIPATED RISKS TO ENDANGERED OR THREATENED SPECIES, BENEFICIAL ORGANISMS, OR THE ENVIRONMENT THAT WOULD BE REMEDIATED BY THE PROPOSED USE (40 CFR 166.20(b)(3))

**RECERTIFICATION OF AN EMERGENCY CONDITION FOR A SPECIFIC EXEMPTION APPLICATION
(40 CFR 166.20(b)(5))**

Applicants for repeat requests for specific emergency exemptions may submit streamlined re-certification applications relying upon previously submitted information to satisfy the listed information requirements when all of the following are met:

- An exemption was granted for the same pesticide, site, and applicant in the previous year
- Emergency could reasonably be expected to continue for longer than 1 year
- EPA has not stated that the use is ineligible for re-certification
- Use is not subject to a public notice of receipt (see 40 CFR 166.24(a)(1) through (a)(6))
- Applicant certifies all of the following are true:
 - Emergency continues to exist as described in previous year
 - All information in preceding year's application is still accurate, unless expressly noted
 - Proposed conditions of use are identical to previously approved, unless expressly noted
 - Any conditions or limitations identified in the previous year's approval have been satisfied
 - Applicant is not aware of any alternative chemical or non-chemical means that may offer sufficient level of pest control or provides information why such means is inadequate or infeasible.

ADDITIONAL INFORMATION REQUIRED FOR A QUARANTINE EXEMPTION REQUEST

- NAME OF PEST (40 CFR 166.20(c)(1))
 - Scientific and common names of the pest or pest complex
- ORIGIN OF INTRODUCED PEST AND MEANS OF INTRODUCTION OR SPREAD, IF KNOWN (40 CFR 166.20(c)(2))
- ANTICIPATED IMPACT OF NOT CONTROLLING THE PEST (40 CFR 166.20(c)(3))

ADDITIONAL INFORMATION REQUIRED FOR A PUBLIC HEALTH EXEMPTION REQUEST

- NAME OF PEST (40 CFR 166.20(d)(1))
 - Scientific and common names of the pest or pest complex, and disease transmitted (if applicable)
- DISCUSSION OF MAGNITUDE OF HEALTH PROBLEM WITHOUT PROPOSED USE, AND RESULTANT SPREAD OF THE PEST (40 CFR 166.20(d)(2))
- AVAILABILITY OF MEDICAL TREATMENT FOR HEALTH PROBLEM ASSOCIATED WITH THE PEST (40 CFR 166.20(d)(3))

CRISIS EXEMPTIONS (40 CFR 166.40)

The head of a Federal or State agency, the Governor of a State, or their official designee, may issue a crisis exemption in situations involving an unpredictable emergency situation when:

- An unpredictable emergency condition exists
- There is insufficient time to request a specific, quarantine, or public health exemption, or for EPA to complete review of such a request
- EPA has provided verbal confirmation that, for food uses, tolerances may be established if appropriate, and that, for any type of use, the Agency has no other objections.

A crisis exemption may not be issued if any of the following apply:

- EPA has informed the federal or state agency not to issue such an exemption
- The pesticide use has been suspended under section 6(c) of FIFRA
- The pesticide use has been cancelled under section 6(b) of FIFRA
- The pesticide contains a new chemical (i.e., one not registered as a pesticide)
- The proposed use would be the first food use of a pesticide

INFORMATION REQUIRED FOR A CRISIS EXEMPTION NOTIFICATION (40 CFR 166.43(b))

- NAME OF PESTICIDE**
 - Active Ingredient
 - Common Name
 - Chemical Abstract Service (CAS) Number
 - Product Name(s) and EPA Reg. No.(s) and copy of the EPA registered label and use directions specific to the crisis use
- SITE OR CROP ON WHICH THE PESTICIDE IS TO BE USED**
- USE PATTERN** (method of application, rate of application, maximum number of applications, any other pertinent information such as PHI, REI, etc.)
- DATE ON WHICH USE IS TO BEGIN AND DATE WHEN USE WILL END**
- PESTICIDE RESIDUES** (Estimate of the level of residues of the pesticide expected to result from use under the crisis exemption (for food or feed crops))
- EARLIEST ANTICIPATED HARVEST DATE OF THE TREATED COMMODITY**
- DESCRIPTION OF THE EMERGENCY SITUATION** (pertinent information currently available including an explanation of why there was insufficient time to request a specific, quarantine, or public health exemption, and whether a specific, quarantine, or public health exemption will be requested.)
- ANY OTHER PERTINENT INFORMATION AVAILABLE**

EMERGENCY EXEMPTION FINAL REPORTS

A final report summarizing the results of pesticide use under any specific, quarantine, or public health exemption must be submitted to the Agency within 6 months from the expiration of the exemption unless otherwise specified by the Agency. For quarantine exemptions granted for longer than one year, interim reports must be submitted annually. For a stand-alone crisis exemption, a final report must be submitted within 3 months from the last date of use. When an application for renewal of the exemption is submitted before the expiration of the exemption or before submission of the final report, an interim report must be submitted with the application.

INFORMATION REQUIRED IN AN EMERGENCY EXEMPTION FINAL REPORT (40 CFR 166.32 and 166.50)

- WAS A CRISIS EXEMPTION ALSO DECLARED?
- DOES THIS REPORT COVER BOTH A CRISIS AND A SPECIFIC, QUARANTINE, OR PUBLIC HEALTH EXEMPTION?
- TOTAL ACREAGE, AMOUNT OF COMMODITY, OR OTHER UNITS, TREATED UNDER EXEMPTION
- TOTAL QUANTITY OF PESTICIDE USED (in terms of product and active ingredient)
- DISCUSSION OF THE EFFECTIVENESS OF THE PESTICIDE USED IN DEALING WITH THE EMERGENCY SITUATION
- DESCRIPTION OF ANY UNEXPECTED ADVERSE EFFECTS WHICH RESULTED FROM THE USE
- RESULTS OF ANY MONITORING REQUIRED AND/OR CARRIED OUT UNDER THE EXEMPTION
- DISCUSSION OF ANY ENFORCEMENT ACTIONS TAKEN IN CONNECTION WITH THE EXEMPTION
- METHOD OF DISPOSITION OF FOOD CROP, IF REQUIRED TO BE DESTROYED UNDER THE EXEMPTION
- ANY OTHER INFORMATION REQUESTED BY THE EPA IN CONNECTION WITH EXEMPTION