

## § 164.133

feasible, as determined by the presiding officer, the procedures at the hearing shall follow the Rules of Practice, set forth in subparts A and B of this part 164.

### § 164.133 Emergency waiver of hearing.

(a) In the case of an application subject to this subpart D which is filed under section 18 of FIFRA, and regulations thereunder, and for which a hearing is required pursuant to § 164.131, the Administrator may dispense with the requirement of convening such a hearing in any case in which he determines:

(1) That the application presents a situation involving need to use the pesticide to prevent an unacceptable risk: (i) To human health, or (ii) to fish or wildlife populations when such use would not pose a human health hazard; and

(2) That there is no other feasible solution to such risk; and

(3) That the time available to avert the risk to human health or fish and wildlife is insufficient to permit convening a hearing as required by § 164.131; and

(4) That the public interest requires the granting of the requested use as soon as possible.

(b) Notice of any determination made by the Administrator pursuant to paragraph (a) of this section shall be published in the FEDERAL REGISTER as soon as practicable after granting the requested use and shall set forth the basis for the Administrator's determination.

## PART 166—EXEMPTION OF FEDERAL AND STATE AGENCIES FOR USE OF PESTICIDES UNDER EMERGENCY CONDITIONS

### Subpart A—General Provisions

- Sec.  
166.1 Purpose and organization.  
166.2 Types of exemptions.  
166.3 Definitions.  
166.7 User notification; advertising.

### Subpart B—Specific, Quarantine, and Public Health Exemptions

- 166.20 Application for a specific, quarantine, or public health exemption.

## 40 CFR Ch. I (7–1–06 Edition)

- 166.22 Consultation with the Secretary of Agriculture and Governors of the States.  
166.24 Public notice of receipt of application and opportunity for public comment.  
166.25 Agency review.  
166.28 Duration of exemption.  
166.30 Notice of Agency decision.  
166.32 Reporting and recordkeeping requirements for specific, quarantine, and public health exemptions.  
166.34 EPA review of information obtained in connection with emergency exemptions.  
166.35 Revocation or modification of exemptions.

### Subpart C—Crisis Exemptions

- 166.40 Authorization.  
166.41 Limitations.  
166.43 Notice to EPA and registrants or basic manufacturers.  
166.45 Duration of crisis exemption.  
166.49 Public notice of crisis exemptions.  
166.50 Reporting and recordkeeping requirements for crisis exemption.  
166.53 EPA review of crisis exemption and revocation of authority.

AUTHORITY: 7 U.S.C. 136–136y.

SOURCE: 51 FR 1902, Jan. 15, 1986, unless otherwise noted.

### Subpart A—General Provisions

#### § 166.1 Purpose and organization.

(a) *Purpose and scope.* Section 18 of the Act authorizes the Administrator to exempt State and Federal agencies from any provision of the Act, if he determines that emergency conditions exist which require an exemption. The regulations in this part establish procedures whereby the Administrator may exempt a Federal or State agency from the provisions of the Act which regulate the manner in which a pesticide is made available for use or is used.

(b) *Organization.* (1) The provisions in subpart A of this part describe the four types of emergency exemptions authorized by the Agency and define terms used in this part.

(2) Subpart B of this part establishes procedures and criteria for specific, quarantine, and public health exemptions.

(3) Subpart C of this part establishes procedures and criteria for crisis exemptions.