

Environmental Protection Agency

§ 166.3

§ 166.2 Types of exemptions.

There are four types of emergency exemptions which may be authorized: specific, quarantine, public health, and crisis exemptions.

(a) *Specific exemption.* A specific exemption may be authorized in an emergency condition to avert:

- (1) A significant economic loss; or
- (2) A significant risk to:
 - (i) Endangered species,
 - (ii) Threatened species,
 - (iii) Beneficial organisms, or
 - (iv) The environment.

(b) *Quarantine exemption.* A quarantine exemption may be authorized in an emergency condition to control the introduction or spread of any pest that is an invasive species, or is otherwise new to or not theretofore known to be widely prevalent or distributed within and throughout the United States and its territories.

(c) *Public health exemption.* A public health exemption may be authorized in an emergency condition to control a pest that will cause a significant risk to human health.

(d) *Crisis exemption.* A crisis exemption may be utilized in an emergency condition when the time from discovery of the emergency to the time when the pesticide use is needed is insufficient to allow for the authorization of a specific, quarantine, or public health exemption.

[51 FR 1902, Jan. 15, 1986, as amended at 71 FR 4510, Jan. 27, 2006]

§ 166.3 Definitions.

Terms used in this part shall have the meanings established by the Federal Insecticide, Fungicide, and Rodenticide Act. In addition, as used in this part, the following terms shall also apply:

(a) The term *the Act* means the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136 *et seq.*

(b) The terms *the Agency* and *EPA* mean the U.S. Environmental Protection Agency.

(c) The term *beneficial organism* means any pollinating insect, or any pest predator, parasite, pathogen or other biological control agent which functions naturally or as part of an in-

tegrated pest management program to control another pest.

(d) The term *emergency condition* means an urgent, non-routine situation that requires the use of a pesticide(s) and shall be deemed to exist when:

(1) No effective pesticides are available under the Act that have labeled uses registered for control of the pest under the conditions of the emergency; and

(2) No economically or environmentally feasible alternative practices which provide adequate control are available; and

(3) The situation:

(i) Involves the introduction or dissemination of an invasive species or a pest new to or not theretofore known to be widely prevalent or distributed within or throughout the United States and its territories; or

(ii) Will present significant risks to human health; or

(iii) Will present significant risks to threatened or endangered species, beneficial organisms, or the environment; or

(iv) Will cause significant economic loss due to:

(A) An outbreak or an expected outbreak of a pest; or

(B) A change in plant growth or development caused by unusual environmental conditions where such change can be rectified by the use of a pesticide(s).

(e) The term *first food use* refers to the use of a pesticide on a food or in a manner which otherwise would be expected to result in residues in a food, if no tolerance or exemption from the requirement of a tolerance for residues of the pesticide on any food has been established for the pesticide under section 408(b)(2) and (c)(2) of the Federal Food, Drug, and Cosmetic Act.

(f) The term *food* means any article used for food or drink for man or animals.

(g) The term *new chemical* means an active ingredient not contained in any currently registered pesticide.

(h) The term *significant economic loss* means that, compared to the situation without the pest emergency and despite the best efforts of the affected persons, the emergency conditions at the specific use site identified in the