

§ 166.34

§ 166.34 EPA review of information obtained in connection with emergency exemptions.

EPA shall review information submitted in connection with emergency exemptions and, when applicable, use it in connection with other regulatory decisions under the Act.

§ 166.35 Revocation or modification of exemptions.

(a) *Grounds.* The Administrator may revoke or modify the terms or conditions of a specific, quarantine, or public health exemption if he determines one of the following:

- (1) An emergency no longer exists;
- (2) Use of the pesticide under the exemption may cause unreasonable adverse effects on the environment;
- (3) The pesticide authorized under the exemption is not effective at controlling the pest or conditions causing the emergency; or
- (4) The terms and conditions established by the exemption and these regulations are not being complied with.

(b) *Implementation.* The revocation or modification becomes effective as soon as the Administrator notifies the State or Federal agency which submitted the application. Upon notification, the applicant is required immediately to take all necessary steps to assure that further use complies with the terms and conditions of any modification or, if the exemption has been revoked, to stop further use.

Subpart C—Crisis Exemptions

§ 166.40 Authorization.

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:

- (a) An unpredictable emergency condition exists;
- (b) The time element with respect to the application of the pesticide is critical, and there is not sufficient time either to request a specific, quarantine, or public health exemption or, if such a request has been submitted, for EPA to complete review of the request; and
- (c) EPA has provided verbal confirmation that, for food uses, a tolerance or exemption from the require-

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ment of a tolerance can be established in a timely manner, responsive to the projected timeframe of use of the chemical and harvest of the commodity, and that, for any use, the Agency has no other objection.

[51 FR 1902, Jan. 15, 1986, as amended at 71 FR 4512, Jan. 27, 2006]

§ 166.41 Limitations.

The crisis provisions may not be utilized to authorize a pesticide use if any of the following has occurred:

- (a) EPA has informed the head of the Federal or State agency, the Governor, or their official designee, not to issue such an exemption;
- (b) The pesticide use has been suspended under section 6(c) of the Act;
- (c) The pesticide use has been cancelled following a notice issued under section 6(b) of the Act;
- (d) The pesticide contains a new chemical; or
- (e) The application proposes the first food use of a pesticide.

§ 166.43 Notice to EPA and registrants or basic manufacturers.

(a) *Timing of notice.* (1) The State or Federal Agency issuing the crisis exemption must notify the Administrator in advance of utilization of the crisis provisions.

(2) The State or Federal agency issuing the crisis exemption shall notify the registrant(s) or, if appropriate, the basic manufacturer(s) of the pesticide(s) being used under the crisis exemption at the same time notice is given to EPA or as soon thereafter as possible.

(b) *Contents of notice.* Information required to be provided in notices shall include all of the following:

- (1) The name of the product and active ingredient authorized for use, along with the common name and CAS number if available, including a copy of the EPA registered label and use directions appropriate to the authorized use;
- (2) The site on which the pesticide is to be used or is being used;
- (3) The use pattern;
- (4) The date on which the pesticide use is to begin and the date when the use will end;