

Environmental Protection Agency

§ 166.53

(5) An estimate of the level of residues of the pesticide expected to result from use under the crisis exemption;

(6) Earliest anticipated harvest date of the treated commodity;

(7) Description of the emergency situation; and

(8) Any other pertinent information available at the time.

[51 FR 1902, Jan. 15, 1986, as amended at 58 FR 34203, June 23, 1993; 71 FR 4512, Jan. 27, 2006]

§ 166.45 Duration of crisis exemption.

A crisis exemption may be authorized for:

(a) Only as long as is necessary to control the pest or conditions causing the emergency; and

(b) No longer than 15 days, unless an application requesting a specific, quarantine, or public health exemption for this use has been submitted to the Agency.

§ 166.49 Public notice of crisis exemptions.

(a) *Periodic notices.* At least quarterly, the Administrator shall issue a notice in the FEDERAL REGISTER announcing issuance of crisis exemptions. The notice shall contain all of the following:

- (1) The name of the applicant;
- (2) The pesticide authorized for use;
- (3) The crop or site to be treated; and
- (4) The name, address, and telephone number of a person in the Agency who can provide further information.

(b) *Annual reports.* Annually, the Agency shall issue a notice in the FEDERAL REGISTER that shall summarize:

- (1) The number of crisis exemptions declared; and
- (2) The number of crisis exemptions revoked.

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

§ 166.50 Reporting and recordkeeping requirements for crisis exemption.

(a) *Adverse effects information.* Any adverse effects resulting from the use of a pesticide under a crisis exemption must be immediately reported to the Agency.

(b) *Final reports.* (1) A report summarizing the results of treatment under a crisis exemption will be required to be

submitted to the Agency within 3 months following the last date of treatment. If a specific, quarantine, or public health exemption has been approved while the crisis exemption is in effect, however, the crisis exemption report may be incorporated into the specific, quarantine, or public health exemption final report required under §166.32(b) and submitted at the time it is due.

(2) Information to be included in the crisis exemption report includes the same information as required in §166.32(b) and an explanation as to why there was a need to utilize the crisis provisions.

(c) *Records.* Records will be maintained for a minimum of 2 years following the date of expiration of the exemption. On request by the Agency, these records shall be made available to the Administrator. Records will include all of the following:

- (1) Location where the pesticide was applied;
- (2) Dates of application (range); and
- (3) Total quantity of the pesticide used.

[51 FR 1902, Jan. 15, 1986, as amended at 58 FR 34203, June 23, 1993]

§ 166.53 EPA review of crisis exemption and revocation of authority.

(a) *Review.* When a crisis exemption is about to be or has already been declared by a State or Federal agency, EPA will undertake an expedited review of the pesticide to determine if use of the pesticide may result in such unreasonable health or environmental risks that the crisis authority should not be exercised or the crisis exemption should be revoked.

(b) *Revocation*—(1) *Individual crisis exemptions.* A crisis exemption for the use of a specific pesticide may be revoked if the Administrator determines that:

- (i) There are insufficient data to determine the risks posed from the use;
- (ii) Such action is necessary to protect man or the environment; or
- (iii) The State or Federal agency is not complying with the requirements of this subpart C.

(2) *State or Federal agency authority.* The Administrator may revoke the authority of a State or Federal agency to issue crisis exemptions for any pesticide if he determines that:

(i) Such action is necessary to protect man or the environment; or

(ii) The State or Federal agency is not complying with the requirements of this subpart C.

(c) *Reason for revocation.* The Agency shall provide the specific reasons for revoking an agency's authority to issue a crisis exemption and for revoking an issued crisis exemption.

PART 167—REGISTRATION OF PESTICIDE AND ACTIVE INGREDIENT PRODUCING ESTABLISHMENTS, SUBMISSION OF PESTICIDE REPORTS

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AUTHORITY: 7 U.S.C. 136 (e) and (w).

SOURCE: 53 FR 35058, Sept. 8, 1988; 54 FR 32638, Aug. 9, 1989, unless otherwise noted.

Subpart A—General Provisions

§ 167.3 Definitions.

Terms used in this part shall have the meanings set forth for such terms in the Federal Insecticide, Fungicide, and Rodenticide Act. In addition, when used in this part, the following terms shall have the meanings stated below:

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

Amount of pesticidal product means quantity, expressed in weight or volume of the product, and is to be reported in pounds for solid or semi-solid pesticides and active ingredients or gallons for liquid pesticides and active ingredients, or number of individual retail units for devices.

Current production [sales or distribution] means amount of planned produc-

tion in the calendar year in which the pesticides report is submitted, including new pesticidal products not previously sold or distributed.

Custom blender means any establishment which provides the service of mixing pesticides to a customer's specifications, usually a pesticide(s)-fertilizer(s), pesticide-pesticide, or a pesticide-animal feed mixture, when: (1) The blend is prepared to the order of the customer and is not held in inventory by the blender; (2) the blend is to be used on the customer's property (including leased or rented property); (3) the pesticide(s) used in the blend bears end-use labeling directions which do not prohibit use of the product in such a blend; (4) the blend is prepared from registered pesticides; (b) the blend is delivered to the end-user along with a copy of the end-use labeling of each pesticide used in the blend and a statement specifying the composition of mixture; and (6) no other pesticide production activity is performed at the establishment.

Device means any device or class of devices as defined by the Act and determined by the Administrator pursuant to section 25(c) to be subject to the provisions of section 7 of the Act.

Establishment means any site where a pesticidal product, active ingredient, or device is produced, regardless of whether such site is independently owned or operated, and regardless of whether such site is domestic and producing a pesticidal product for export only, or whether the site is foreign and producing any pesticidal product for import into the United States.

Past year means the calendar year immediately prior to that in which the report is submitted.

Pesticidal product means a pesticide, active ingredient, or device.

Pesticidal product report means information showing the types and amounts of pesticidal products which were: (1) Produced in the past calendar year; (2) produced in the current calendar year; and, (3) sold or distributed in the past calendar year. For active ingredients, the pesticidal product report must include information on the types and amounts of an active ingredient for which there is actual or constructive knowledge of its use or intended use as