

Environmental Protection Agency

§ 165.3

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 165—PESTICIDE MANAGEMENT AND DISPOSAL

Subpart A—General

Sec.

- 165.1 Scope.
- 165.3 Definitions.
- 165.4–165.19 [Reserved]

Subpart B—Nonrefillable Container Standards: Container Design and Residue Removal

- 165.20 General provisions.
- 165.23 Scope of pesticide products included.
- 165.25 Nonrefillable container standards.
- 165.27 Reporting and recordkeeping.
- 165.28–165.39 [Reserved]

Subpart C—Refillable Container Standards: Container Design

- 165.40 General provisions.
- 165.43 Scope of pesticide products included.
- 165.45 Refillable container standards.
- 165.47 What information must I report about my refillable containers?
- 165.48–165.59 [Reserved]

Subpart D—Standards for Repackaging Pesticide Products into Refillable Containers

- 165.60 General provisions.
- 165.63 Scope of pesticide products included.
- 165.65 Registrants who distribute or sell pesticide products in refillable containers.
- 165.67 Registrants who distribute or sell pesticide products to refillers for repackaging.
- 165.70 Refillers who are not registrants.
- 165.71–165.79 [Reserved]

Subpart E—Standards for Pesticide Containment Structures

- 165.80 General provisions.
- 165.81 Scope of stationary pesticide containers included.
- 165.82 Scope of pesticide dispensing areas included.
- 165.83 Definition of new and existing structures.
- 165.85 Design and capacity requirements for new structures.
- 165.87 Design and capacity requirements for existing structures.
- 165.90 Operational, inspection and maintenance requirements for all new and existing containment structures.
- 165.92 What if I need both a containment pad and a secondary containment unit?
- 165.95 What recordkeeping do I have to do as a facility owner or operator?
- 165.97 States with existing containment programs.

AUTHORITY: 7 U.S.C. 136 through 136y.

SOURCE: 71 FR 47422, Aug. 16, 2006, unless otherwise noted.

Subpart A—General

§ 165.1 Scope.

The Part 165 regulations establish standards and requirements for pesticide containers, repackaging pesticides, and pesticide containment structures.

§ 165.3 Definitions.

Act means the Federal Insecticide, Fungicide, and Rodenticide Act.