

## Environmental Protection Agency

## § 166.20

provisions of EPA's Rebuttable Presumption Against Registration rules, 40 CFR 162.11(a), or any subsequent version of those rules.

(j) The term *unreasonable adverse effects on the environment* means any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide.

(k) The term *invasive species* means, with respect to a particular ecosystem, any species that is not native to that ecosystem, and whose introduction does or is likely to cause economic or environmental harm or harm to human health.

(l) The term *IR-4 program* means the Interregional Research Project No. 4, a cooperative effort of the state land grant universities, the U.S. Department of Agriculture and EPA, to address the chronic shortage of pest control options for minor crops, which are generally of too small an acreage to provide economic incentive for registration by the crop protection industry.

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

### § 166.7 User notification; advertising.

(a) A State or Federal agency that obtains an exemption may notify eligible users of the availability of the exempted pesticide(s) through user groups, retail dealers, and other means. Notification may include distributing copies of the section 18 approval letter, labeling, or other information to eligible persons.

(b) As set forth more fully in § 168.22 of this chapter, EPA interprets FIFRA sections 12(a)(1) (A) and (B) as making it unlawful for any person who distributes, sells, offers for sale, holds for sale, ships, delivers for shipment, or receives and (having so received) delivers or offers to deliver any pesticide, to advertise the pesticide for any use authorized by an emergency exemption, except for advertisements that are placed in media that address only persons in the geographical area to which the exemption applies, state the name and address of one or more retail dealers where users may buy the pesticide, and contain a prominent notice of the limitations on use under the emer-

gency exemption. EPA may withdraw an exemption if the use of the pesticide covered by the exemption is advertised unlawfully.

[54 FR 1125, Jan. 11, 1989]

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

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

(a) *General information required in an application for a specific, quarantine or public health exemption.* An application must be submitted in writing by the head of the Federal or State agency, the Governor of the State involved, or their official designee. If a designee has been delegated authority to request exemptions, written authorization of such delegation must accompany the request or be on file with the Agency. In addition, the application must contain all applicable information specified in paragraphs (a) (1) through (11) of this section.

(1) *Identity of contact persons.* (i) Unless otherwise specified, the person who submits the application will be considered the contact person for all matters relating to administration of the emergency exemption.

(ii) Requests should identify by name and telephone number one or more qualified experts who may be contacted in case any questions arise concerning the application.

(2) *Description of the pesticide.* The application shall contain a description of the pesticide(s) proposed for use under the exemption. Such information shall include:

(i) For a federally registered pesticide product:

(A) A copy of the label(s) if a specific product(s) is/are requested; or the formulation(s) requested if a specific product is not requested; and

(B) A copy of any additional labeling proposed for the emergency exemption; or

(ii) For any other pesticide products:  
(A) A confidential statement of formula or reference to one already submitted to the Agency; and

(B) Complete labeling to be used in connection with the proposed exemption use.