

## Patricia D. Hastings

---

**From:** "Patricia D. Hastings" <hastings@AESOP.RUTGERS.EDU>  
**To:** "NJinPAS Network" <NJinPASNetwork@AESOP.RUTGERS.EDU>  
**Sent:** Tuesday, April 29, 2003 2:48 PM  
**Subject:** EPA Seeks Comment on Pilot Modifying Section 18 Pesticide Emergency Exemption Process

Adapted from EPA Pesticide Program Updates from EPA's Office of Pesticide Programs 4/25/03. Courtesy of EPA Region 2 Audrey Moore.

---

### **EPA Seeks Comment on Pilot Modifying Section 18 Pesticide Emergency Exemption Process**

EPA is beginning a pilot process to determine a more efficient and targeted review of a limited number of pesticide emergency exemption applications that meet certain criteria, starting with the 2003 growing season. They have issued a Notice in the Federal Register of the details of this pilot. See: <http://www.epa.gov/fedrgstr/EPA-PEST/2003/April/Day-24/p10169>. Comments must be received on or before June 23, 2003.

**Background:** Pesticide emergency exemptions are allowed under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Under this provision, EPA may authorize a state or federal agency to allow an otherwise unregistered pesticide use to occur on an emergency basis to control unforeseen pest situations for a limited time (usually no longer than one year at a time). The Agency will assess a request for emergency exemption of a particular use of a pesticide to ensure that an emergency exists and that the product can be used safely and will not result in unreasonable risks to human health or the environment.

The pilot, developed by EPA with significant input from government agencies and other stakeholders since 1996, involves **two modifications to the emergency exemption application and review process** for limited requests that meet certain conditions.

1. The pilot will allow states and federal agencies to **re-certify** that the emergency pest problem, which initially qualified for a **previously-granted exemption**, continues to exist in the second and third years **without annually submitting detailed information** typically required to document the emergency.
2. Additionally, the pilot will allow applicants for emergency exemptions to present **economic data needed to support requests through a revised, tiered approach** (which will often require less data) to document a "significant economic loss," as a result of the pest problem.

**Only pesticides that EPA has previously determined to be "reduced-risk" are eligible for consideration in the pilot program.** While not being implemented in the current pilot program, EPA is also seeking public comment on the potential role of the emergency exemption process in supporting pest resistance management efforts. The pilot is a step to possibly modifying the regulations governing the emergency exemption program, which EPA plans to pursue through a formal government rulemaking process.

---

For more information, see <http://www.pestmanagement.rutgers.edu/NJinPAS/PesticideRegistration/NJregistrations.htm> for details on the Section 18 process in New Jersey. This page includes a hyperlink to an archive of Section 18's issued for New Jersey since 1999. We update this archive as the Section 18's are released to us from the New Jersey Department of Environmental Protection.

Patricia D. Hastings  
Program Associate - Pest Management  
Rutgers Cooperative Extension  
Mail: Blake Hall Room 243  
93 Lipman Drive  
New Brunswick, NJ 08901  
Phone: 732-932-9801 (messages); 732-932-4271 (direct line)  
Email: [hastings@aesop.rutgers.edu](mailto:hastings@aesop.rutgers.edu)

RCE Pest Management Office Home Page: <http://www.pestmanagement.rutgers.edu/index.htm>  
NJinPAS Home Page: <http://www.pestmanagement.rutgers.edu/NJinPAS/index.htm>