

Emergency Exemption (Section 18 of FIFRA) **GUIDELINES & Application**

Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) gives the US Environmental Protection Agency (EPA) the authority to issue a specific exemption for a Pesticide from certain registration requirements to control a pest problem under **emergency conditions**. An emergency means an **urgent, non-routine** situation that may be remedied through the use of a pesticide(s) and shall be deemed to exist when:

1. No effective, registered pesticides are available that have labeled uses for control of the pest.
2. No economically feasible alternative practices which provide adequate control are available.
3. The situation involves the introduction or dissemination of a pest new to or not previously known to be widely prevalent or distributed in the state or specific area.
4. It must be substantiated that this (new) pest or problem will cause a significant economic loss.

The term **significant economic loss** means a substantial reduction either in normally expected profitability for productive activities or in the value of public or private assets for the area affected by the emergency. The contribution of mismanagement to the loss will not be considered in determining loss.

In evaluating the significance of an economic loss for productive activities, the EPA will consider whether the reduction in profitability exceeds that which would be expected as a result of normal fluctuations over a number of years, and whether the loss would affect the long-term financial viability expected from the productive activity.

When the pesticide proposed for use will be used on a food or feed crop, a tolerance level must be established by the EPA before use. Sufficient information must be available about the proposed pesticide to demonstrate that it will be effective and provide sufficient toxicological and residue data to support a temporary tolerance.

A specific or emergency exemption must be applied for by a state or federal agency. In Wyoming, the Wyoming Department of Agriculture (WDA) is the responsible agency for making an application request to the EPA. After review of the application, the EPA approves or denies the request.

The WDA makes application for a specific exemption after receiving requests from individual producers and/or producer organizations that an emergency pest condition exists or can be expected to occur. The WDA proceeds with the application request when it has: 1) confirmed

the emergency pest condition exists or can be expected, 2) determined there will be significant economic loss without control of the pest, 3) determined that no other registered pesticide is available or effective and 4) obtained cooperation of the pesticide registrant to support the application request.

A Section 18 request which does not include all the data required for a Section 18 application will not be accepted by EPA for review on the basis of being technically incomplete.

Incomplete information results in a delay in the WDA submitting the Section 18 application or if submitted with insufficient information delays a determination from the EPA. Any additional information pertinent to the pest problem may help in obtaining a Section 18 exemption. Your cooperation in providing all necessary information is requested.

Also, please be aware that if and when a Section 18 Specific Exemption is granted, it is for a **specific use**, in a **specific area**, and for a **specific amount of time**. Further, EPA requires that a Use Report be submitted which requires that growers, crop consultants, extension agents, and chemical company representatives inform the state agency of the use, results, economic benefits, acres treated and similar benefits or comments concerning any problems surrounding the use of the exemption.

Procedures

The persons or organizations desiring the exemption should complete the information outlined below and submit it to the Wyoming Department of Agriculture. The Department prepares this information in final form and submits it to the EPA. EPA has specified certain requirements for data. Lacking these data, a request for an emergency exemption will not be considered.

Please complete all sections of the following application:

APPLICATION FOR SECTION 18 EMERGENCY EXEMPTION

The following information is required for an emergency exemption request based on the revised United States Environmental Protection Agency (USEPA) Code of Federal Regulations, Title 40, Part 166 concerning Section 18 requests. Requests which are incomplete will be denied by the USEPA without review. In order to comply with these requirements, the information listed below must be provided. Use **additional pages if necessary**. Please note that the more complete the questionnaire, the better your chances are of obtaining the exemption.

Check Box if this is a reissuance request. Number of Years: _____

Type of Exemption Being Requested (Check One)

Specific

Quarantine

Public Health

Description of Pesticide Requested

Common Chemical Name: _____ Active Ingredient: _____

Trade Name/Brand Name: _____

U.S. EPA Reg. No.: _____

Formulation: _____ % Active Ingredient: _____

Manufacturer: _____

Contact Person(s) and Qualified Expert(s)

Applicant

Name: _____

Title: _____

Organization: _____

Address: _____

Phone: _____

FAX: _____

E-Mail: _____

Signature: _____

Date: _____

Qualified Expert(s)

Name: _____

Title: _____

Organization: _____

Address: _____

Phone: _____

FAX: _____

E-Mail: _____

Signature: _____

Date: _____



Name: _____

Title: _____

Organization: _____

Address: _____

Phone: _____

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E-Mail: _____

Signature: _____

Date: _____



Name: _____

Title: _____

Organization: _____

Address: _____

Phone: _____

FAX: _____

E-Mail: _____

Signature: _____

Date: _____



Name: _____

Title: _____

Organization: _____

Address: _____

Phone: _____

FAX: _____

E-Mail: _____

Signature: _____

Date: _____

Description of Proposed Use

Sites to be Treated (i.e. crops, structures, etc.): _____

Statewide or County Specific (list counties): _____

Method of Application: _____

Rate of Application (in terms of a.i. and product)(Include dilution rate): _____

Frequency/Timing of Application: _____

Maximum Number of Applications: _____

Total Acreage (or other units) Planted and to be Treated: _____

Total Amount of Pesticides to be used (in terms of a.i. and product): _____

Use Season (period of time for which use of chemical is requested): _____

Date First Application Needed: _____

Date Last Application Needed: _____

Restricted Entry Interval (REI): _____

Preharvest Interval (PHI): _____

Additional Restrictions, User Precautions and Requirements, Qualifications of Applicators, etc.: _____

Expected Residue Levels in Food

(Residue data included as a separate attachment)

Alternative Methods of Control

(Efficacy data and/or other information included as a separate attachment)

Registered Alternative Pesticides: _____

Alternative Control Practices: _____

Efficacy of Use Proposed Under Section 18

(Efficacy data and/or other information included as a separate attachment)

(Efficacy data should include statistical data on comparative State registered products. This data should also compare the State registered products to the proposed product. Effects on crop yield and quality should also be documented.)

Notification of Registrant

A Letter of Authorization from the Registrant (included as separate attachment).

Progress Towards Registration (Check All That Apply)

(Information from registrant concerning the current status)

(Not required for Request for a Quarantine Exemption)

No Application for Registration of the Use Is Under Review By USEPA.

USEPA is Reviewing an Application for Registration of This Use (Type Of Registration).

An IR-4 Petition for Tolerance is Being Developed or is Under Review by USEPA.

Petition #

A Petition for Tolerance Has Been Submitted to USEPA by the Manufacturer.

A Petition for Tolerance or an Application for Registration Has Been Denied (Indicate the Circumstances).

If This Use Pattern Will Be Needed For More Than One Season, A Permanent Tolerance Should Be Pursued Immediately. Contact The Manufacturer or IR-4 to Initiate the Establishment of a Permanent Tolerance.

Name of Pest

Scientific Name: _____

Common Name: _____

Include a detailed description on such things as pest biology.

Discussion of Events or Circumstances Which Brought About the Emergency Condition

(Use separate attachment if necessary)

If this use is for a crop, include a detailed description on such things as the crop biology, crop threshold level to the pest, etc..

Discussion on Economic Loss

(Provide information for the following table, should cover at least the last 5 years)

Year / Yield (lbs.)	Price/Unit	Gross/Acre (\$)	Cost/Acre (\$)	Net/Acre (\$)
Average				

Other Comments:

Estimated Revenues for the Site to be Treated

Estimate net and gross revenues “WITHOUT” the use of proposed pesticide (but with next best alternative):

Yield/Acre (Tons,Ctns.)	Price/Unit (Tons,Ctns.)	Gross/Acre (\$)	Cost/Acre (\$)	Net/Acre (\$)

Estimate net and gross revenues “WITH” the use of the proposed pesticide:

Yield/Acre (Tons,Ctns.)	Price/Unit (Tons,Ctns.)	Gross/Acre (\$)	Cost/Acre (\$)	Net/Acre (\$)

Market price of the crop and whether price is Fixed or Variable: _____

Cost of the proposed material and any additional costs such as required monitoring programs:

Food Quality Protection Act of 1996

(Use separate attachment if necessary)

To avoid unnecessary delays in processing your Section 18 request, the U.S. EPA recommends that you fully address the following questions:

1. Is there a possibility that the chemical may transfer to or be found in drinking water? Based on available information, the discussion should include, but not be limited to, information indicating if the pesticide is persistent and/or mobile, relevant product chemistry, and available modeling. Further, information concerning State drinking water monitoring programs should be provided (i.e. Does the State routinely monitor for the pesticide? Has it been detected? What are the detection limits? etc.).

2. Are there any residential uses of the chemical? If so, please provide information on these uses, including, but not limited to application sites, rates, and formulations used.

3. Is there any information for this pesticide regarding a common mode of action with other pesticides?

4. When will the crop be harvested?

If any of the aforementioned information is not readily available, you should contact the manufacturer of the chemical. In most cases, the information is available and can be accessed by the company and submitted to the State.

Discussion of Anticipated Risks to Endangered or Threatened Species, Beneficial Organisms, or the Environment

Please add any additional information that may affect this program. Indicate any special concerns which you feel justify this exemption request. Use additional pages if necessary.

Signature of County Agricultural Commissioner:

Date:

Please return this completed form to: Wyoming Department of Agriculture
Pesticide Registrations
2219 Carey Ave
Cheyenne, WY 82002-0100