

FIFRA Section 18 Emergency Exemptions

Definition of "Emergency Condition"

Federal regulations define an emergency condition as an urgent, non-routine situation that requires the use of a pesticide. An emergency condition exists only when the situation is urgent and non-routine and all three of the following conditions are met:

1. No effective registered pesticides are available.
2. No feasible alternative control practices are available.
3. The situation involves the introduction of a new pest or will present significant risks to human health or the environment or will cause significant economic loss.

Emergency Exemptions

Most requests for Section 18 emergency exemptions are made by state lead agricultural agencies like the Maine Board of Pesticides Control (BPC), although United States Department of Agriculture (USDA) and United States Department of Interior (USDI) also request exemptions. The process generally takes place as follows: Growers in particular regions identify a problem situation which registered pesticides will not alleviate. The growers contact the University of Maine Cooperative Extension specialist who works with their specific crop or crop grouping. The extension specialist will determine what pesticide product is suitable for remedying the emergency situation and prepare a data package. The extension specialist will request that the BPC apply to EPA for a Section 18 emergency exemption for the specific use. Requests are most often made for pesticides that have other food uses registered. The BPC evaluates the request and submits the data package to EPA for emergency exemptions that meet the statutory requirements. The exemption is requested for a limited period of time (no longer than 1 year), to address the emergency situation only. To be as responsive as possible to the states and growers, EPA attempts to make decisions on the requests within 50 days of receipt of the request.

During this 50-day time period, EPA must perform a multi-disciplinary risk assessment of the requested use, relying largely on data that have already been reviewed for the pesticide. A dietary risk assessment, an occupational risk assessment, an ecological and environmental risk assessment, and an assessment of the validity of the emergency are conducted prior to making a decision. For the past several years, EPA has also evaluated the risk to the most sensitive sub-population (often infants and children) in its dietary risk assessments. The Agency's evaluation also includes an assessment of the progress toward registration for the specific pesticide use in question.

If the emergency appears valid and the risks are acceptable, EPA approves the emergency exemption request. EPA will deny an exemption request if the pesticide use may cause unreasonable adverse effects to health or the environment, or if emergency criteria are not met. As a matter of course, a state may withdraw an exemption request at any point in the process.

Under the Food Quality Protection Act (FQPA), enacted on August 3, 1996, EPA must establish formal tolerances (maximum allowable residue levels) to cover all pesticide residues in food, even residues resulting from emergency uses. Tolerances established for emergency exemption uses are time-limited to correspond to the use season. In establishing a tolerance, EPA must make the finding that there is "reasonable certainty that no harm" will result to human health from aggregate and cumulative exposure to the pesticide, as required by the FQPA health-based standard. Establishment of these tolerances, with their expiration dates, are published in the Federal Register.

Maine Section 18 Emergency Exemptions Valid for 2012:

Product	Active Ingredient	Company	Use	Effective Dates
HopGuard (Label)	Potassium salt of hop beta acids	BetaTec Hop Products, Inc.	Varroa mites	August , 2012 to Dec. 31, 2012

For additional information on FIFRA Section 18 Emergency Exemptions for Maine, contact:

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