allowances or the essential-use exemption and sold for a use other than an essential-use is a separate violation of this subpart. It is a violation of this subpart to obtain unused class I controlled substances under the exemption for laboratory and analytical uses in excess of actual need and to recycle that material for sale into other markets.

(o) [Reserved]

(p) Critical Use Exemption: With respect to class I, Group VI substances (methyl bromide):

(1) No person shall sell critical use methyl bromide without first receiving a certification from the purchaser that the quantity purchased will be sold or used solely for an approved critical use. Every kilogram of critical use methyl bromide sold without first obtaining such certification constitutes a separate violation of this subpart.

(2) For approved critical users, each action associated with each 200 kilograms of critical use methyl bromide for the following subparagraphs constitutes a separate violation of this subpart.

(i) No person shall take possession of quantities of critical use methyl bromide or acquire fumigation services using quantities of critical use methyl bromide without first completing the appropriate certification in accordance with the requirements in §82.13.

(ii) No person who purchases critical use methyl bromide may use such quantities for a use other than the specified critical use listed in column A and the specified location of use in column B of appendix L to this subpart.

(iii) No person who purchases critical use methyl bromide produced or imported with expended critical use allowances for pre-plant uses, may use such quantities for other than the pre-plant uses as specified in column A and column B of appendix L to this subpart.

(iv) No person who purchases critical use methyl bromide produced or imported with expended critical use allowances for post-harvest uses, may use such quantities for other than the post-harvest uses as specified in column A and column B of appendix L to this subpart.

(v) No person who uses critical use methyl bromide on a specific field or structure may concurrently or subsequently use non-critical use methyl bromide on the same field or structure for the same use (as defined in column A and column B of appendix L) in the same control period, excepting methyl bromide used under the quarantine and pre-shipment exemption.

(vi) No person who purchases critical use methyl bromide during the control period shall use that methyl bromide on a field or structure for which that person has used non-critical use methyl bromide for the same use (as defined in columns A and B of appendix L) in the same control period, excepting methyl bromide used under the quarantine and pre-shipment exemption, unless, subsequent to that person’s use of the non-critical use methyl bromide, that person becomes subject to a prohibition on the use of methyl bromide alternatives due to the reaching of a local township limit described in appendix L of this part, or becomes an approved critical user as a result of rulemaking.

(q) Emergency use exemption. [Reserved]

[60 FR 24986, May 10, 1995]

EDITORIAL NOTE: For Federal Register citations affecting §82.4, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§82.5 Apportionment of baseline production allowances for class I controlled substances.

Persons who produced controlled substances in Group I or Group II in 1986 are apportioned baseline production allowances as set forth in paragraphs (a) and (b) of this section. Persons who produced controlled substances in Group III, IV, or V in 1989 are apportioned baseline production allowances as set forth in paragraphs (c), (d), and (e) of this section. Persons who produced controlled substances in Group VI and VII in 1991 are apportioned baseline allowances as set forth in paragraphs (f) and (g) of this section.
### Environmental Protection Agency § 82.5

**Controlled substance** | **Person** | **Allowances (kg)**
--- | --- | ---

**(a) For Group I controlled substances:**

- **CFC-11**
  - Allied-Signal, Inc ..................................................... 23,082,358
  - E.I. DuPont de Nemours & Co .................................. 35,830,000
  - Elf Atochem, N.A ..................................................... 21,821,500
- **CFC-12**
  - Laroche Chemicals ................................................... 12,856,364
  - Allied-Signal, Inc ..................................................... 35,699,776
  - E.I. DuPont de Nemours & Co .................................. 64,849,000
  - Elf Atochem, N.A ..................................................... 31,089,807
- **CFC-113**
  - Laroche Chemicals ................................................... 15,330,909
  - Allied-Signal, Inc ..................................................... 21,788,896
- **CFC-114**
  - E.I. DuPont de Nemours & Co .................................. 58,553,000
  - Allied-Signal, Inc ..................................................... 1,488,569
- **CFC-115**
  - E.I. DuPont de Nemours & Co .................................. 4,176,000

**(b) For Group II controlled substances:**

- **Halon-1211**
  - Great Lakes Chemical Corp ..................................... 826,487
  - ICI Americas, Inc ..................................................... 2,135,484
- **Halon-1301**
  - E.I. DuPont de Nemours & Co .................................. 3,220,000
  - Great Lakes Chemical Corp ..................................... 1,766,450

**(c) For Group III controlled substances:**

- **CFC-13**
  - Allied-Signal, Inc ..................................................... 127,125
  - E.I. DuPont de Nemours & Co .................................. 187,831
  - Elf Atochem, N.A ..................................................... 3,992
  - Great Lakes Chemical Corp ..................................... 56,381
  - Laroche Chemicals ................................................... 29,025
- **CFC-111**
- **CFC-112**
- **CFC-211**
  - E.I. DuPont de Nemours & Co .................................. 11
- **CFC-212**
  - E.I. DuPont de Nemours & Co .................................. 11
- **CFC-213**
  - E.I. DuPont de Nemours & Co .................................. 11
- **CFC-214**
  - E.I. DuPont de Nemours & Co .................................. 11
- **CFC-215**
  - E.I. DuPont de Nemours & Co .................................. 511
  - Halocarbon Products Corp ....................................... 1,270
- **CFC-216**
  - E.I. DuPont de Nemours & Co .................................. 170,574
  - Halocarbon Products Corp ....................................... 1,270
  - Halocarbon Products Corp ....................................... 1,270
- **CFC-217**
  - E.I. DuPont de Nemours & Co .................................. 511

**(d) For Group IV controlled substances:**

- **CCl₄**
  - Akzo Chemicals, Inc .................................................. 7,873,615
  - Degussa Corporation .................................................. 26,546
  - Dow Chemical Company, USA ..................................... 18,907,747
  - E.I. DuPont de Nemours & Co .................................. 9,099
  - Hanlin Chemicals-WV, Inc ........................................ 219,616
  - ICI Americas, Inc ..................................................... 853,714
  - Occidental Chemical Corp ........................................ 1,069,358
  - Vulcan Chemicals ..................................................... 21,931,987

**(e) For Group V controlled substances:**

- **Methyl Chloroform**
  - Dow Chemical Company, USA ..................................... 168,030,117
  - E.I. DuPont de Nemours & Co .................................. 2
  - PPG Industries, Inc .................................................. 57,450,719
  - Vulcan Chemicals ..................................................... 89,689,064

**(f) For Group VI controlled substances:**

- **Methyl Bromide**
  - Great Lakes Chemical Corporation ................................ 19,945,788
  - Ethyl Corporation ..................................................... 8,233,094

**(g) For Group VII controlled substances:**

- **HBFC 22B1–1**
  - Great Lakes Chemical Corporation ................................ 46,211

*(60 FR 24986, May 10, 1995, as amended at 68 FR 2848, Jan. 21, 2003)*