§ 166.25 Agency review.

(a) General. The Agency will review all requests as expeditiously as possible, making every attempt to respond to requests prior to the time when the proposed use is needed. The Agency will review the application and other available data necessary to make a determination with respect to all of the following:

1. Whether an emergency condition exists or will exist;
2. The Agency’s ability and intention to establish a time-limited tolerance(s) or exemption(s) from the requirement of a tolerance for any pesticide residues resulting from the authorized use, identifying the level of permissible residues in or on food or feed resulting from the proposed use;
3. The anticipated benefits to be derived from the proposed use; and
4. The potential risks to human health, endangered or threatened species, beneficial organisms, and the environment from the proposed use.

(b) Criteria for approval. The Administrator may authorize a specific, public health, or quarantine exemption, based on the information available to the Agency, after:

1. He determines that:
   (i) An emergency condition exists;
   (ii) The use of the pesticide under the exemption will not cause unreasonable adverse effects on the environment; and
   (iii) Registration of the pesticide use for which the exemption is requested has not been suspended under section 6(c) of the Act or cancelled following a notice under section 6(b) of the Act,

(c) Length of comment period. Normally, a notice of receipt shall give the public 15 days in which to file comments on the application. The Administrator may shorten or eliminate the comment period if he determines that the time available for a decision on the application requires it and shall state reasons for such action in a notice in the Federal Register. The Administrator may extend the comment period if additional time for comment is requested and such an extension would not interfere with a timely decision on the application.

[51 FR 1902, Jan. 15, 1986, as amended at 71 FR 4511, Jan. 27, 2006]
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§ 166.32 Reporting and recordkeeping requirements for specific, quarantine, and public health exemptions.

(a) Unexpected adverse effects information. Any unexpected adverse effects resulting from the use of a pesticide under any specific, quarantine, or public health exemption must be immediately reported to the Agency.

(b) Interim and final reports. A final report summarizing the results of pesticide use under any specific, quarantine, or public health exemption must be submitted to the Agency within 6 months from the expiration of the exemption unless otherwise specified by the Agency. Quarantine exemptions granted for longer than 1 year must be renewed. Interim reports containing the information specified in §166.32(b) to the extent available shall be filed annually.

§ 166.30 Notice of Agency decision.

(a) Notification of applicants. The Agency shall notify an applicant of its decision to approve or deny an application request for an emergency exemption in a timely manner.

(1) Incomplete applications. The Agency may discontinue the processing of any application that does not address all of the requirements of §166.29 until such time the additional information is submitted by the applicant.

(2) Complete applications—(i) Denials. The Agency shall provide the specific reasons and rationale for denying the exemption request. If the denial is based on a specific information gap, the decision shall be reconsidered in a timely manner when the information gap is filled.

(ii) Approvals. The Agency shall provide the specific terms and conditions under which the exempted pesticide may be used.

(b) Federal Register publication. (1) At least quarterly, the Administrator shall issue a notice in the Federal Register announcing all approvals of specific, quarantine, and public health exemptions. The notice shall contain all of the following:

(i) The name of the applicant;

(ii) The pesticide authorized for use;

(iii) The crop or site to be treated; and

(iv) The name, address, and telephone number of a person in the Agency who can provide further information.

(2) In addition, if EPA has issued a Notice of Receipt of an application for an exemption, it will issue a notice of its final decision and the reasons for that decision.

[51 FR 1902, Jan. 15, 1986, as amended at 71 FR 4512, Jan. 27, 2006]