

(3) Discussion of the availability of medical treatment for the health problem.

[51 FR 1902, Jan. 15, 1986, as amended at 58 FR 34203, June 23, 1993; 71 FR 4511, Jan. 27, 2006]

§ 166.22 Consultation with the Secretary of Agriculture and Governors of the States.

The Agency, in determining whether or not such emergency conditions exist, shall consult with the Secretary of Agriculture and the Governor of any State concerned if they request such determination.

§ 166.24 Public notice of receipt of application and opportunity for public comment.

(a) *Publication requirement.* The Administrator shall issue a notice of receipt in the FEDERAL REGISTER for a specific, quarantine, or public health exemption and request public comment when any one of the following criteria is met:

- (1) The application proposes use of a new chemical;
- (2) The application proposes the first food use of an active ingredient;
- (3) The application proposes any use of a pesticide if the pesticide has been subject to a suspension notice under section 6(c) of the Act;
- (4) The application proposes use of a pesticide which:
 - (i) Was the subject of a notice under section 6(b) of the Act and was subsequently cancelled, and
 - (ii) Is intended for a use that poses a risk similar to the risk posed by any use of the pesticide which was the subject of the notice under section 6(b);
- (5) The application proposes use of a pesticide which:
 - (i) Contains an active ingredient which is or has been the subject of a Special Review, and
 - (ii) Is intended for a use that could pose a risk similar to the risk posed by any use of the pesticide which is or has been the subject of the Special Review;
- (6) The application proposes use of a pesticide which:
 - (i) Was voluntarily canceled under section 6(f) of the Act, and
 - (ii) Is intended for a use that poses a risk similar to the risk posed by any

use of the pesticide which was voluntarily canceled under section 6(f);

(7) The application proposes use of a pesticide for a specific or public health exemption, if:

- (i) An emergency exemption has been requested or approved for that use in any 3 previous years, or any 5 previous years if the use is supported by the IR-4 program, and
- (ii) A complete application for registration of that use and/or a petition for tolerance for residues in or on the commodity has not been submitted to the Agency; or
- (8) The Administrator determines that publication of notice is appropriate.

(b) *Contents.* The notice of receipt of an application for an emergency exemption shall contain the following information:

- (1) The name of the applicant;
 - (2) The name of the active ingredient requested for use, including, if available, the common name and the Chemical Abstracts Service (CAS) number;
 - (3) The total amount of product or active ingredient proposed for use;
 - (4) The geographical location where treatment is proposed;
 - (5) The proposed number of acres or other appropriate units proposed to be treated;
 - (6) A summary of the applicant's description of the emergency conditions including the pest and the site or crop to be treated;
 - (7) A description of the major conditions of use of the pesticide as proposed by the applicant;
 - (8) If the pesticide proposed for use meets the criteria of paragraph (a) (3), (4), or (5) of this section, an identification of the types of risks that were the basis for EPA's regulatory action; and
 - (9) The name, telephone number, and address of a person in the Agency who can provide further information.
- (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