



# COLORADO ENVIRONMENTAL PESTICIDE EDUCATION PROGRAM

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## SECTION 18 Emergency Exemption

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This fact sheet describes what a Section 18 emergency exemption is and how a request is made.

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## Section 18 Emergency Exemption

Under Section 18 of the [Federal Insecticide, Fungicide, and Rodenticide Act](#) (FIFRA), the [Environmental Protection Agency](#) (EPA) can allow State and Federal agencies to permit an additional use (not specified by the pesticide's label) during a short-term pest management crisis in a specific locality. Section 18's are referred to as "emergency exemptions".

Section 18 emergency exemptions are used when there are no other federally registered pesticides available to control a serious pest problem and there would be significant economic loss without the use of the Section 18 pesticide. Pesticide applicators must have and follow the Section 18 use directions as well as the EPA-registered label at the time of application. They must also have a Colorado Department of Agriculture (CDA) permit in their possession.

### Emergency Exemptions

Several types of emergency exemptions exist:

1. **Specific Exemption** - When a pest outbreak has occurred or is about to occur and there is not a registered pesticide for that use or purpose, a request for an EPA exemption to use a certain pesticide to control it may be made by the [Colorado Department of Agriculture](#) (CDA). Information including the nature, scope, and the frequency of the problem, the pest involved, which pesticide or pesticides will be used and in what amounts, the economic benefits anticipated, and an analysis of possible adverse effects must be supplied. The EPA grants the exemptions. Reports must be filed when the treatment is over. A specific exemption is only good for a specified amount of time and for a designated area.
2. **Quarantine or Public Health Exemption** - This exemption may be granted to prevent the introduction or spread of a foreign pest into or throughout the U.S. or to prevent a public health problem. No pesticide that has been suspended by EPA may be used. The procedure for requesting this exemption is the same as that outlined above under "specific exemption".
3. **Crisis Exemption** - A crisis exemption may be used if it is found that there is no readily available pesticide registered to control or eradicate the pest and that there is not time to request and get approval for a specific

exemption. No pesticide that has been suspended or cancelled may be used. The EPA Administrator must be notified by telephone within 36 hours of use. Within 10 days of the use, the state must file information similar to that required for the specific exemption.

### **Emergency Exemption Requests**

Most requests for emergency exemptions are made by CDA, USDA, and the U.S. Department of Interior.

The following three criteria must be met to get a Section 18 approved:

1. No effective registered pesticides are available to control the pest problem
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

### **The Section 18 process**

1. Growers, in cooperation with Colorado State University extension and research personnel, identify a problem situation with no registered pesticides.
2. Growers contact CDA and request that the agency apply to EPA for a Section 18 emergency exemption for a particular use.
3. CDA evaluates the requests and submits requests to EPA for emergency exemptions they believe are warranted.
4. EPA attempts to make decisions on the requests within 50 days of receipt.
5. EPA must perform:
  - Multidisciplinary risk assessment of the requested use, relying largely on data that have already been reviewed for the pesticide
  - Dietary risk assessment
  - Occupational risk assessment
  - Ecological & environmental risk assessment
  - Assessment of the emergency
  - Assessment of the progress toward registration for the use
6. 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.
7. Colorado may withdraw an exemption request at any point in the process.

Under the [Food Quality Protection Act](#) (FQPA), 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](#).

### **Using Section 18 products**

A permit is required from the CDA in order to use the Section 18 product and the label must be in the possession of the user at the time of pesticide application (see Pesticide Fact Sheet [The Pesticide Label](#)).

### **References and Resources**

*Colorado Emergency Exemptions*. 2002. Colorado Environmental and Pesticide Education Program, Colorado State University, Fort Collins, CO.

<http://www.colostate.edu/Depts/SoilCrop/extension/CEPEP/Fact%20Sheets/137Section18.pdf>.

*FIFRA Section 18 Emergency Exemptions*. 2002. Environmental Protection Agency, Office of Pesticide Programs, Washington, D.C.

<http://www.epa.gov/opprd001/section18/>.

*Pesticide Registration Program Fact Sheet*. 2002. Environmental Protection Agency, Office of Pesticide Programs, Washington, D.C.

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*Pesticide Registration Query Page*. 2002. Colorado Department of Agriculture, Division of Plant Industry, Lakewood, CO.

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