

FIFRA Section 18 Revisions

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Section 18

Revision Proposals

Streamlined Re-approval

Simplified Loss Determination

Pilot Project

April 2003

-Reapproval-

- 1. Same exemption previous year & year 2 or 3**
- 2. Emergency expected to last longer than 1 year**
- 3. Not new chemical, 1st food use, or special review**
- 4. Registered for another use and reduced-risk**

Renewal Application Needs:

- 1. Recertification of emergency condition**
- 2. Incorporation by reference of initial application**
- 3. Specify application practices growers will observe**

Pilot Project

-Loss Determination-

Current:

- 1. Historical net and gross revenues**
- 2. Estimated net and gross revenues without S-18**
- 3. Estimated net and gross revenues with S-18**

5 years of economic data

Pilot Project

-Loss Determination-

Proposed: Tiered method

Tier 1. Crop Yield Loss % – 20%

Tier 2, Economic Loss at % of gross revenue – 20%

Tier 3, Economic Loss at % of net revenue – 50%

**Proposed Rule
for
Section 18 Revisions**

**Federal Register Notice
September 3, 2004**

Proposed Rule Language

- (i) Crop yield loss greater than or equal to 20%;**
- (ii) Economic loss, including revenue losses and cost increases, greater than or equal to 20% of gross revenues;**
- (iii) Economic loss, including revenue losses and cost increases, greater than or equal to 50% of net revenues;**

40 CFR 166.3 (h) (1)

Proposed Rule Language

- (i) The emergency condition described in the preceding year's application continues to exist;**
- (ii) Except as expressly identified, all information submitted in the preceding year's application is still accurate;**
- (iii) Except as expressly identified, the proposed conditions of use are identical to the conditions of use EPA approved for the preceding year;**
- (iv) Any conditions or limitations on the eligibility for recertification identified in the preceding year's notice of approval of the emergency exemption have been satisfied.**

40 CFR 166.20 (b) (5)

Proposed Rule Language

(ii) The progress which has been made toward the registration of the proposed use, if a repeated specific or public health exemption is sought. It shall be presumed that if a complete application for registration of a use, which has been under a specific or public health exemption for any 3 previous years, or any 5 previous years if the use is supported for registration by the IR-4 program , has not been submitted, reasonable progress towards registration has not been made.

40 CFR 166.25 (b) (2)

In Summary

- 1. Easier reapplication for MDA**
- 2. Easier ? calcuation of economic loss**
- 3. Longer S-18 usage if IR-4 chemical**





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