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- II. What is the legal authority for the Critical Use Exemption?
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- III. How will the U.S. implement the Critical Use Exemption?
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  - B. What is the projected timeline for the Critical Use Exemption application process?

### **I. What Do I Need To Know To Respond To This Request for Applications?**

#### **A. Who Can Respond to this Request for Information?**

The Application Form may be submitted either by a consortium representing multiple users or by individual users who anticipate needing methyl bromide in 2005 and believe there are no technically and economically feasible alternatives. EPA encourages users with similar circumstances of use to submit a single application (for example, any number of pre-plant users with similar soil, pest, and climactic conditions can join together to submit a single application). In some instances, State agencies will assist users with the application process (see discussion of voluntary State involvement in part I.B. below).

In addition to requesting information from applicants for the Critical Use Exemption, this solicitation for information provides an opportunity for any interested party to provide EPA with information on methyl bromide alternatives (e.g. technical and/or economic feasibility research). The Application Form for the methyl bromide Critical Use Exemption and other information on research relevant to alternatives must be sent to the addresses specified above.

#### **B. Who Can I Contact To Find Out if a Consortium Is Submitting an Application Form for My Methyl Bromide Use?**

Please contact your local, State, regional or national commodity association to find out if they plan on

submitting an application on behalf of your commodity group.

Additionally, you should contact your State regulatory agency (generally this will be the State Department of Agriculture or State Environmental Protection Agency) to receive information about their involvement in the process. If your State agency has chosen to participate, EPA encourages all applicants to first submit their applications to the State regulatory agency, which will then forward them to EPA. The National Pesticide Information Center Web site is one resource available for identifying the lead pesticide agency in your State (<http://ace.orst.edu/info/npic/state1.htm>).

#### **C. How Do I Obtain an Application Form for the Methyl Bromide Critical Use Exemption?**

An Application Form for the methyl bromide Critical Use Exemption can be obtained either in electronic or hard-copy form. EPA encourages use of the electronic form. Applications can be obtained in the following ways:

1. PDF format at EPA Web site: [www.epa.gov/ozone/mbr/](http://www.epa.gov/ozone/mbr/);
2. Microsoft Excel and other electronic spreadsheet formats at EPA Web site: [www.epa.gov/ozone/mbr/](http://www.epa.gov/ozone/mbr/);
3. Mailed hard-copy ordered through the Stratospheric Ozone Protection Hotline at 1-800-296-1996;
4. Hard-copy format at Air Docket No. OAR-A2000-24. The docket is located in room B-102, EPA West Building, U.S. Environmental Protection Agency, 1301 Constitution Ave., NW., Washington DC, 20460. The Docket Office is open from 8:30 a.m. until 4:30 p.m. Monday through Friday. A reasonable fee may be charged by EPA for copying docket materials.

#### **D. What Alternatives Must Applicants Address When Applying for a Critical Use Exemption?**

To support the assertion that a specific use of methyl bromide is "critical," applicants are expected to demonstrate that there are no technically and economically feasible alternatives available to the user of methyl bromide. The Parties to the Montreal Protocol have developed an "International Index" of Methyl Bromide Alternatives which lists chemical and non-chemical alternatives, by crop ([http://www.epa.gov/ozone/mbr/alt\\_in.html](http://www.epa.gov/ozone/mbr/alt_in.html)). The chemicals and non-chemical practices included on this index were identified by the international technical advisory groups under the Montreal Protocol: the Methyl Bromide Technical Options Committee

(MBTOC) and the Technical and Economic Assessment Panel (TEAP). The MBTOC and the TEAP determined that alternatives in the International Index have the "technical potential" to replace methyl bromide in at least one circumstance of use on the identified crop (Report of the Technical and Economic Assessment Panel, 1997) ([http://www.teap.org/html/teap\\_reports.html](http://www.teap.org/html/teap_reports.html)). A corresponding U.S. Index of Alternatives (also listed by crop) has been developed by the U.S. government regarding chemical alternatives (<http://www.epa.gov/ozone/mbr>). This U.S. Index reflects whether chemical alternatives included in the International Index have been registered for use in the United States.

Applicants must address technical, regulatory, and economic issues that limit the adoption of "chemical alternatives" and combinations of "chemical" and "non-chemical alternatives" listed for their crop within the "U.S. Index" of Methyl Bromide Alternatives. Applicants must also address technical, regulatory, and economic issues that limit the adoption of "non-chemical alternatives" and combinations of "chemical" and "non-chemical alternatives" listed for their crop in the "International Index."

#### **E. What Portions of the Applications Will Be Considered Confidential Business Information?**

The person submitting information to EPA in response to this notice may assert a business confidentiality claim covering part or all of the information by placing on (or attaching to) the application, at the time it is submitted to EPA, a cover sheet, or a stamped or typed legend placed at the front of the application, employing language such as trade secret, proprietary, or company confidential. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the applicant, and may be submitted separately to facilitate identification and handling by EPA. If the applicant desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent, and by means of the procedures, set forth under 40 CFR part 2, subpart B; 41 FR 36902, 43 FR 40000, 50 FR 51661. If no claim of confidentiality accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to the applicant.

If you are asserting a business confidentiality claim covering part or all