

Federal Agencies. The emergency exemptions may take the following form: Crisis, public health, quarantine, or specific. EPA has also listed denied emergency exemption requests in this notice.

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are a Federal or State government agency involved in administration of environmental quality programs (i.e., Departments of Agriculture, Environment, etc.). Potentially affected entities may include, but are not limited to:

- Federal or State Government Entity, (NAICS 9241), i.e., Department of Agriculture, Environment, etc.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. **Docket.** EPA has established an official public docket for this action under docket identification (ID) number OPP-2003-0358. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

2. **Electronic access.** You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EPA's

electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select "search," then key in the appropriate docket ID number.

II. Background

Under FIFRA section 18, EPA can authorize the use of a pesticide when emergency conditions exist. Authorizations (commonly called emergency exemptions) are granted to State and Federal agencies and are of four types:

1. A "specific exemption" authorizes use of a pesticide against specific pests on a limited acreage in a particular State. Most emergency exemptions are specific exemptions.
2. "Quarantine" and "public health" exemptions are a particular form of specific exemption issued for quarantine or public health purposes. These are rarely requested.
3. A "crisis exemption" is initiated by a State or Federal agency (and is confirmed by EPA) when there is insufficient time to request and obtain EPA permission for use of a pesticide in an emergency.

EPA may deny an emergency exemption: If the State or Federal agency cannot demonstrate that an emergency exists, if the use poses unacceptable risks to the environment, or if EPA cannot reach a conclusion that the proposed pesticide use is likely to result in "a reasonable certainty of no harm" to human health, including exposure of residues of the pesticide to infants and children.

If the emergency use of the pesticide on a food or feed commodity would result in pesticide chemical residues, EPA establishes a time-limited tolerance meeting the "reasonable certainty of no harm standard" of the Federal Food, Drug, and Cosmetic Act (FFDCA).

In this document: EPA identifies the State or Federal agency granted the exemption or denial, the type of exemption, the pesticide authorized and the pests, the crop or use for which authorized, and the duration of the exemption. EPA also gives the **Federal Register** citation for the time-limited tolerance, if any.

III. Emergency Exemptions and Denials

A. U.S. States and Territories

Alabama

Department of Agriculture and Industries

Specific. EPA authorized the use of diuron on catfish to control algae; June 1, 2003 to November 1, 2003. Contact: (Libby Pemberton).

Arkansas

State Plant Board

Crisis. On May 2, 2003, for the use of fomesafen on snap beans to control broad leaf weeds. This program ended on May 9, 2003. Contact: (Andrea Conrath).

On May 29, 2003, for the use of sodium chlorate on wheat to control weeds. This program ended on June 12, 2003. Contact: (Libby Pemberton.)

Denial. On August 26, 2003 EPA denied the use of flumioxazin on cotton to control broad leaf weeds. This request was denied because the criteria for an emergency situation were not met. Contact: (Libby Pemberton).

Specific. EPA authorized the use of diuron on catfish to control algae; April 4, 2003 to November 30, 2003. Contact: (Libby Pemberton.)

EPA authorized the use of fomesafen on snap beans to control broad leaf weeds; May 9, 2003 to September 15, 2003. Contact: (Andrea Conrath).

EPA authorized the use of methoxyfenozide on soybeans to control armyworms; August 13, 2003 to October 30, 2003. Contact: (Dan Rosenblatt)

California

Environmental Protection Agency, Department of Pesticide Regulation.

Crisis. On April 3, 2003, for the use of oxytetracycline on apples to control fire blight. This program ended on August 1, 2003. Contact: (Andrea Conrath).

Specific. EPA authorized the use of tebuconazole on garlic to control garlic rust; April 16, 2003 to July 3, 2003. Contact: (Andrea Conrath).

EPA authorized the use of imidacloprid on garden beets to control aphids; April 18, 2003 to March 1, 2004. Contact: (Andrew Ertman).

EPA authorized the use of myclobutanil on peppers (bell and non-bell) to control powdery mildew; June 25, 2003 to May 31, 2004. Contact: (Barbara Madden).

EPA authorized the use of avermectin on basil to control leafminers; July 1, 2003 to October 31, 2003. Contact: (Barbara Madden).

EPA authorized the use of fludioxonil on pomegranates to control gray mold;