

APPENDIX H
PROCEDURES FOR OBTAINING EXEMPTIONS
FOR USE OF PESTICIDES

H-1. If an unexpected outbreak of a pest requires control measures which are not according to the registered use, such control effort is viewed as an emergency measure (PL 92-516 Sec 18). An emergency will be deemed to exist when:

- a. A pest outbreak has occurred and no pesticide registered for the particular use, or alternative method of control, is available to eradicate or control the pest.
- b. Significant economic or health problems will occur without the use of the pesticide.

H-2. Emergency conditions should be documented by a request for a specific exemption (FIFRA Sec 18, Exemption of Federal Agencies), prepared by the district and forwarded through channels to CDR USACE (CECW-ON) WASH DC 20314-1000 for transmittal to EPA. The following information should be included:

- a. The nature, scope and frequency of the emergency.
- b. A description of the pest known to occur, the places or times it may be likely to occur and the estimated time when treatment must be commenced to be effective.
- c. Whether a pesticide registered for the particular use, or other method of eradicating or controlling the pest, is available to meet the emergency, and the basis for such determination.
- d. A listing of the pesticide or pesticides the agency proposes to use in the event of an outbreak.
- e. Description of the nature of the program for eradication or control. Such description should include:
 - (1) Quantity of the pesticide expected to be applied.
 - (2) Specific area or place of application.
 - (3) Method of application.
 - (4) Duration of application.
 - (5) Qualifications of personnel involved in such application.
- f. Statement of economic benefits and losses with and without the exemption, and under other reasonable alternatives.
- g. Analysis of possible adverse effects on the quality of the human environment. In all cases the District Commander shall consider the probable environmental consequences in

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determining the appropriate measures under which the pesticide may be applied. Documentation as required by the National Environmental Policy Act of 1969 (NEPA) shall be accomplished prior to initiation of emergency work, if time permits. Such documentation should also be accomplished after the completion of emergency work if additional applications are necessary.

h. Such exemptions, if granted, are valid only for the specific situation involved and are subject to such restrictions as the administrator may prescribe in granting the exemption. Such restrictions may include, among others, limitations on the quantity of the pesticide to be used, the conditions under which the pesticide may be applied, restrictions as to the persons who may apply the pesticide and the type of monitoring activities which should be conducted.