



**US Environmental Protection Agency
Office of Pesticide Programs**

**Pesticide Regulatory Education Program's (PREP)
FIFRA Section 18 Emergency Exemption Program
Training Resource**

Module 6

June 2013

PREP's Online Training of the FIFRA Section 18 Emergency Exemption Program: Transcript for Module 6: Reporting and Recordkeeping Requirements

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Welcome to Module 6, Reporting and Recordkeeping Requirements.

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In the last module we examined what happens to a Section 18 emergency exemption application once you complete and submit it to the EPA. We also learned about the types of reviews conducted by different EPA divisions, and what happens once EPA makes a decision on the application.

After you complete this module, you will understand what information you must report to the EPA after they authorize your Section 18 emergency exemption, and what records you are required to keep. For simplicity, we will continue to use the SLA as the entity applying for the Section 18 exemption.

For reference purposes, the regulations detailing the reporting and recordkeeping requirements for Specific, Quarantine, or Public Health exemptions can be found at 40 CFR Part 166.32 and Part 166.50 for Crisis exemptions.

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First, we'll look at the reporting requirements.

The regulations require the SLA to immediately report to EPA's Section 18 Team any unexpected adverse effects resulting from the use of a pesticide under an emergency exemption.

The regulations also require the SLA to submit to EPA interim and final reports that summarize the results of the pesticide use. We'll talk about the specific information required for these reports in a moment.

Final reports are due within 6 months of the expiration of a Specific, Public Health or Quarantine exemption unless otherwise specified by EPA, and within 3 months of the end of a stand-alone Crisis exemption. EPA also requires annual interim reports for Quarantine exemptions lasting more than one year. Remember, EPA requires the reports in all cases, including those where the use pattern has since been approved on a general (Section 3) label.

If an SLA submits a repeat request for a Specific, Public Health or Quarantine exemption to EPA, the SLA must submit a final or interim report for the previous year either before, or as part of, the repeat request. Even if part of the repeat request, the SLA needs to submit the report as a separate document and the cover letter of the application needs to indicate that the report is included. Delays in submitting the final report may delay issuance of repeat emergency exemptions.

EPA welcomes submission of interim and final reports electronically. This may help speed up processing of subsequent requests, as well as aid in tracking these reports.

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The interim and final reports must contain the following information:

Total acreage or other unit treated; total quantity of pesticide used; a discussion of the effectiveness of the pesticide for the emergency condition; a description of any unexpected adverse effects; results of any monitoring required by EPA under the exemption program (such as resistance, pest levels, or adverse effects); a discussion of any enforcement action taken if misuse occurred; the method of disposition of a food crop, if it required destruction; and any other information requested by EPA, usually noted in the authorizing letter.

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The person, organization or commodity group that requested the SLA to submit the Section 18 application, as well as the registrant, have roles in assisting the SLA to gather information required for the final and interim reports.

SLAs should request that the user or commodity group submit information for the report 30 days before EPA's due date (as stated in the authorizing letter from EPA), or at least 80 days before the first use date of a repeat request. It is very important for the user group to compile the required information and deliver the information to the SLA on time.

The SLA will be responsible for adding information related to state regulatory or enforcement activities and for transmitting the report to EPA.

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How does EPA use the information from these reports? EPA tracks and analyzes information from the interim and final reports. The "after-season reports" help EPA in a variety of ways: estimate the losses avoided from an emergency situation; evaluate the performance and value of the emergency exemption program; track the extent or spread of new emergency pest problems; and document any adverse effects from Section 18 uses.

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We've just learned about the reporting requirements SLAs must meet once EPA has authorized a Section 18 emergency exemption. But what about the recordkeeping requirements?

EPA requires the SLA to maintain records for all Crisis exemptions, and for all other types of exemptions authorizing the first food use of a pesticide, for a minimum of two years following the expiration of the exemption. Additionally, the SLA must make these records available to EPA upon request. These records must include: the locations where the pesticide was applied; the dates of application (can be a range); and the total quantity of the pesticide used.

Although infrequent, SLA or EPA enforcement staff may need this information to ensure that properly treated commodities aren't mistakenly declared adulterated, should residues be found in products remaining in the channels of trade following expiration of the exemption.

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In this module, we examined what information you must report to the EPA once they authorize your Section 18 emergency exemption, the report due dates, and what records you are required to keep.

In the next module, we will discuss emergencies that repeat, eligibility criteria for the streamlined recertification process, and what information you need to submit for recertification.