**Section 250.60 Emergency Exemption Registration**

a) Any person may petition the Director to declare a pest emergency and request approval for nonregistered use of a pesticide or pesticide combination. The Director may on his own initiative also determine a pest emergency exists. The Director shall approve an emergency exemption registration of pesticide application(s) as provided in Section 18 of the FIFRA.

b) An emergency is deemed to exist when:

1) A pest outbreak occurs or is expected to occur and no pesticide is registered for that particular use or no alternative method of control is available;

2) Significant economic losses or health problems will occur without the use of the pesticide or pesticide combination; and

3) The time available from discovery of pest problem is insufficient for a pesticide to be registered for that particular use.

c) The Director may grant a specific emergency exemption for pesticide registration to meet emergency conditions.

d) The Director may grant a quarantine emergency exemption to prevent the introduction or spread of a foreign pest into or throughout the State. A foreign pest is a pest not known to occur within the United States or a pest not previously known to be established within the State or the United States.

e) The Director may grant a public health pest emergency exemption to control pests which pose or can be expected to pose a threat to the health of Illinois citizens. The petition to declare such an emergency must be approved by the Director of the Department of Public Health.

f) The emergency exemption registration petition to the Director must be made in accordance with the Rules and Regulations promulgated by the Department of Agriculture under the authority of the Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) and contain the following information:

1) The nature, scope and frequency of the emergency.

2) 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.

3) 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.

4) A listing of the pesticide or pesticides proposed for use in the event of an outbreak.

5) Description of the nature of the program for eradication or control. Such description should include:

A) Quantity of the pesticide expected to be applied.

B) Area or place of application.

C) Method of application.

D) Duration of application.

E) Qualifications of personnel involved in such application.

6) Statement of economic benefits and losses anticipated with and without the exemption and other reasonable alternatives.

7) Analysis of possible adverse effects on man and the environment and non-target organisms.

g) The Director may grant a crises exemption registration to meet a pest emergency. A crises exemption may be required when the pest outbreak is unexpected and unpredictable and the time element with respect to application of pest control measures is so critical that a specific exemption petition could not be considered. For crisis exemption, the petition does not need to include support data or information. Within 10 days of granting the crisis exemption the Director must be provided with all the support data and information as specified in Section 250.60(f).

h) The Director may require posting of public notice and/or conducting a public information meeting if the pesticide use poses a hazard to man or the environment.

i) The fee to register a pesticide product shall be as set forth in Section 6 of the Act.

(Source: Amended at 10 Ill. Reg. 7663, effective April 28, 1986)