



November 2, 2004

Public Information and Records Integrity Branch (7502C)
Office of Pesticide Programs
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460-0001

Attention: Docket OPP-2004-0038

The following comments are submitted on behalf of the Western Integrated Pest Management Center from the states of Alaska, Idaho, Montana, Oregon, Utah, and Washington.

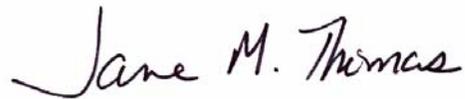
We are pleased that EPA is making an effort to streamline the Section 18 process. We produce many minor crops in our region and often turn to Section 18 exemptions to provide pest control solutions when emergency conditions arise. We applaud EPA's efforts with respect to simplifying the recertification of emergency conditions and determining economic loss. Both of these measures are significant improvements to the process. Our further comments can be summarized by saying that while the proposed changes are very welcome they do not go far enough towards improving the Section 18 process.

Recertification of Emergency Condition: In our region many Section 18 requests submitted are for use on minor crops where IR-4 will be submitting the tolerance petition. In this notice, EPA acknowledges that a five-year period is typical for IR-4 to obtain a pesticide registration. Because of this we believe that, for repeat exemption requests, applicants should be able to recertify that an emergency condition exists for up to five years. The three-year period that is currently being proposed is not realistic. One commodity/commission representative commented that, in her experience, rarely did a chemical go from residue data availability to registration in three years. A three-year period for registration is definitely seen as the exception rather than the norm for this process. We are asking that EPA allow Section 18 petitioners to recertify that an emergency condition exists for the five years that it commonly takes to obtain a registration.

Resistance Management: Earlier, EPA indicated that it would consider addressing resistance management in this proposed rule; however, the agency has now revised its plan to do so. Instead, EPA is proposing to rely on the Pesticide Registration Improvement Act (PRIA) and its subsequent future reduction in registration backlog to address resistance management needs.

While we do hope that PRIA will reduce the registration backlog and improve the registration process, it seems irresponsible to rely on a future, as yet unrealized impact to provide assistance with resistance management that is needed immediately. EPA itself acknowledges that the development of resistance is one of the reasons that an emergency condition warranting a Section 18 exemption might exist in the first place. Why wait until resistance has developed before a Section 18 request will be considered? We are asking that EPA reconsider this important issue and allow Section 18 exemptions based on the need for alternative chemistries to fight the development of resistance.

Sincerely,

A handwritten signature in black ink that reads "Jane M. Thomas". The signature is written in a cursive, flowing style.

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