

“LONG AND WINDING ROAD” THE CRITICAL USE EXEMPTION

I. BACKGROUND

II. INITIAL POSITION

- Any exemption process should be meaningful. In other words, it must allow for exemptions to be issued in a timely manner.
- The application process to request an exemption should be as simple as possible.

- The application for an exemption should cover at least two years.
- Associations of users of methyl bromide should be permitted to request the exemption on behalf of its members, rather than each individual member of the association being required to prepare and submit an application.

- EPA should be required to consult with USDA in the review of the application request.
- EPA should have a specified time to review the exemption application, and if it fails to act on the application within such time, the request should be deemed to have been approved.

- EPA should establish the specific alternatives/crop/commodity or use that may be technically or economically feasible alternatives to methyl bromide (alternatives matrix).
- A request should be denied only when EPA has reliable information establishing that economic and technologically feasible alternatives to methyl bromide are readily available to address the specific uses for which the exemption request is directed.

- Any potential alternative to be viable should not present an unreasonable risk to the environment, including man.
- The exemption application process should be available during the interim phase-out of methyl bromide. It should not be conditioned on only being available after the complete phase-out of the chemical.

- An exemption application approved by EPA should not require additional review by UNEP.
- After a CUE is granted, absent EPA sharing a material change in the potential feasibility of an alternative, future renewal CUE applications should be able to rely on previously submitted information.

III. ADDITIONAL CONCERNS WITH CURRENT SITUATION

- Recommendations from MBTOC and TEAP
- Allocation
- Penalties

IV. OVERALL ASSESSMENT OF CUE PROCESS

- Potential to Work
- Simplification of Application System
- Continued Efforts to Identify Potential Alternatives