

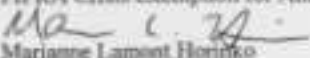


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 25 2002

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

MEMORANDUM

SUBJECT: FIFRA Crisis Exemption for Anthrax Incidents
FROM: 
Marianne Lamont Hornko
Assistant Administrator
Office of Solid Waste and Emergency Response
TO: Stephen L. Johnson
Assistant Administrator
Office of Prevention, Pesticides and Toxic Substances

During the course of October and November 2001, the United States Government identified incidents of contamination of several government and commercial buildings throughout the United States with spores of *Bacillus anthracis* ("Anthrax Incidents"). These incidents pose an immediate and serious public health emergency. Pursuant to the authority granted to the Administrator of the Environmental Protection Agency (EPA) under Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. Section 136p) and 40 C.F.R. Section 166.40, and delegated to me by the Administrator, I have determined that emergency conditions exist that require the issuance of a crisis exemption for the limited sale, distribution, and use of the pesticide product Virex STF (produced by Johnson Wax Professional--S.C. Johnson Commercial Markets, Inc.), which contains 7.5% hydrogen peroxide. This product is registered by Canada but not EPA, and is not registered by EPA for the uses required by this emergency. I have determined that the public health threat posed by the Anthrax Incidents constitutes a public health emergency of such immediacy that normal processing and review of a conventional public health exemption under FIFRA is neither prudent nor practical.

The following conditions and limitations shall apply to this exemption:

1. This exemption shall remain in effect for a period up to 15 days from the date of this memorandum, as needed to address the crisis. This period is automatically extended if an application for a public health exemption has been submitted to the EPA Office of Pesticide Programs.