

PETITION TO AMEND NCP PRODUCT SCHEDULE

- (1) Any person seeking to amend the NCP Product Schedule to delist (remove) currently listed products may petition for an amendment to the NCP Product Schedule.
- (2) To be successful, the petitioner must demonstrate, to the satisfaction of the Administrator, one or more of the following:
 - (a) The product contains chemicals that are known human health hazards (as defined in 29 C.F.R. 19.1200(c)), or known to cause an adverse human health effect. The term “adverse human health effect” shall include, but not be limited to, any effect that causes a physical manifestation of harm to the human body.
 - (b) Any of the ingredients of the product in question are proprietary or otherwise have not been released to the public for inspection and review. The ingredients of any product on the NCP Product Schedule shall not be approved for omission pursuant to 40 C.F.R. 300.90 (c).
 - (c) The product, as a whole, is more harmful to natural wildlife, as demonstrated in toxicity tests with young life forms of ecologically and economically important species relevant to the area where the product will be used, than it is useful as a product. The absence of such testing, independently verified by the Administrator, is sufficient grounds to delist the product. Of specific relevance is the existence of comparable products that exhibit a less harmful effect on the natural wildlife.
- (3) Each petition must be submitted to the Administrator by certified mail and must include:
 - (a) The petitioner’s name and address;
 - (b) A statement of the Petitioner’s interest in the proposed amendment;
 - (c) A statement of the need and justification for the amendment, including any supporting tests, studies, or other information.
- (4) The Administrator will make a tentative decision to grant or deny a petition and will publish notice of such tentative decision in the Federal Register for written public comment within 10 days of receiving the petition. The public comment period will be open for 30 days.
- (5) Upon written request by any interested person, the Administrator may, at his discretion, hold an informal public hearing to consider oral comments on the tentative decision within 30 days of receiving the petition. A person requesting a hearing must state the issues to be raised and explain why written comments would not suffice to communicate the person’s views.

- (6) After evaluating all public comments the Administrator will make a final decision publishing in the Federal Register a regulatory amendment or a denial of the petition within 60 days of receiving the initial petition.
- (7) Notwithstanding the above, the Administrator has the power to issue an emergency decision to delist any product that contains a human health hazard and/or any priority ingredients; and/or does not have the toxicity tests described in 2(c).