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COLLEGE OF AGRICULTURE & BIOLOGICAL SCIENCES / SOUTH DAKOTA STATE UNIVERSITY / USDA

Special Pesticide Registration in South Dakota

(FIFRA Section 18 and 24(c) Pesticide Registrations)

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Pesticides have become integral tools in current pest management strategies for crop production. The use of pesticides has allowed producers to raise agricultural commodities that are consistently high in quality while maintaining high crop yields.

The number of pesticides, (herbicides, insecticides, fungicides, and others) registered for use in agricultural production is very large. The most recent listing of pesticide products registered for agricultural uses in South Dakota numbered approximately 1,400.

Pesticide manufacturers spend millions of dollars annually developing new pesticide products to be registered by the Environmental Protection Agency (EPA) for agricultural use. Manufacturers focus their efforts on developing products that will address known pest problems in relatively widely grown commodities where the particular pest will cause a significant economic loss. Occasionally, however, pest problems arise for which there are no registered, effective pesticide products. Examples may include:

- Emergency situation where a new or existing pest quickly emerges as a primary, serious pest concern.
- Pest concerns in "minor crops," where the value of production in a certain area and the total economic loss due to pest concerns do not justify the cost of developing the needed data to register a pesticide.
- Crop-pest situation where not enough product would be sold to justify development costs.

In cases such as these, when no pesticide is registered, producers have four alternatives:

- Suffer the loss caused by the pest.
- Find a cultural control for the pest, such as cultivation, crop rotation, or a bio-control agent.
- Ultimately stop raising the commodity.
- Seek special pesticide registrations for products that may be used to combat the pest, an alternative fulfilled by Section 18 and 24(c) pesticide registrations.

Laws and Agencies

The primary legislation regarding pesticide use in the U.S. is the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), which was passed into law in 1947 and modified several times since. In 1972, the law was substantially rewritten and the current system set up which designates the Environmental Protection Agency (EPA) as the agency in charge of pesticide regulation and registration.

Whereas FIFRA primarily focuses on registration and labeling, laws such as the Federal Food Drug and Cosmetic Act (FFDCA) and the recently passed Food Quality Protection Act (FQPA) establish other standards for pesticide regulation, such as tolerances for pesticide residues (legal limits of pesticide that can remain on a commodity after harvest). In South Dakota, enforcement of pesticide laws and registration of pesticide products is a responsibility of the South Dakota Department of Agriculture.

Sections 18 and 24(c)

Section 18 and Section 24(c) refer to subsections of FIFRA. These sections of the act define two different types of special pesticide registrations that may be issued by states with approval by EPA.

Section 18 authorizes EPA to exempt a state or federal agency from the provisions of FIFRA for product registration if EPA determines that an emergency pest situation exists. If an emergency exists, a pesticide may be registered for use in a local area for a limited time without a company having to fully develop extensive data and to spend the time in the registration process.

Some data is required for a Section 18 request, however, since there is no established residue tolerance for the crop. The EPA has approximately 60 days to review and consider the request and establish a temporary residue tolerance. Therefore, if an emergency pest control situation is anticipated, it is critical to develop a request early in the year so that the product is available when it is needed.

Section 18 pesticide registrations generally are granted for one year only, so re-application for these registrations is required each year.

Section 18 at a glance:

- An emergency pest condition exists.
- Exemption from FIFRA regulations allows a quick registration.
- One-year duration, usually.

Section 24(c) authorizes EPA to allow a state to register additional uses of a federally registered pesticide formulated for use and distribution within the state to meet conditions classified as Special Local Needs. If a pest is becoming a concern in a particular crop, an effective control agent is not available, and a product is available that has a full registration in a similar crop, the state may register an additional use of the existing product for control of the pest.

Some data also is required of these 24(c) requests, but much less is required than for a Section 18 request, since 24(c) products already have an established residue tolerance for a similar crop. These registrations generally are longer term than Section 18s, usually for five years.

Section 24(c) at a glance:

- Special local needs exist.
- EPA allows state to register additional uses.
- Five-year duration, generally.

Obtaining Special Registrations

Special pesticide registrations in South Dakota are requested by and administered by the South Dakota Department of Agriculture, Division of Agronomy Services. The process for obtaining a special pesticide registration in South Dakota is as follows:

- Growers in a particular region identify a pest situation that currently registered pesticides will not control.
- Growers contact Department of Ag and request that the state apply to EPA for either a Section 18 emergency exemption if no pesticide residue tolerance exists or Section 24(c) special local needs pesticide registration if there is an approved registration.
- Department of Ag evaluates the situation to determine if it meets the requirements of the state and of EPA to proceed with either type of request.
- Department of Ag seeks input from the SDSU Pesticide Impact Assessment Program committee concerning acres affected, economic impact of the pest, control alternatives, and environmental impact.

- If special pesticide registration is warranted, the state prepares to petition EPA and gathers information for that request.
- EPA evaluates each request, develops assessments of various risks of the pesticide registration, and analyzes industry progress towards a pesticide registration for the use in question.
- If the special pesticide use is warranted, EPA approves the application.

Section 18 and 24(c) Pesticides in South Dakota

The table (page 2) lists the pesticides currently registered for use in South Dakota under Section 24(c) Special Local Needs registrations. The table includes the pesticide registration number, pesticide product name, site of use (crop), target pest for the registration, and expiration date of the registration. Although there currently are no active Section 18 Emergency Use Exemptions in South Dakota, recent years have seen uses approved on wheat for cutworms, potatoes for late blight, and canola for thistles. In the late blight emergency, the need for a pesticide product approved on potatoes was immediate and critical.

Pesticide Record Keeping

An applicator who applies a pesticide under a use as listed in the table should record, not only the EPA registration number listed on the product container, but also the South Dakota registration number listed in the table. This number will signal that the pesticide was applied under a special registration.

For More Information

If you have questions about pesticides registered under Section 18 or 24(c) in South Dakota, contact the South Dakota Department of Agriculture, Division of Agronomy Services, Foss Building, 523 East Capital, Pierre, SD 57501-3182, telephone (605) 773-4432. Or, contact one of these SDSU Extension specialists: Brad Ruden, Extension pesticide impact assessment, (605) 688-4596, e-mail rudenb@mg.sdstate.edu or Jim Wilson, Extension pesticide education coordinator, (605) 688-4752, e-mail wilsonj@www.ces.sdstate.edu.

Use of trade names for pesticide products does not imply endorsement by the South Dakota Cooperative Extension Service or by South Dakota State University. Listing of products is current as of December 1996, and may change as registration requests are developed and processed. Read and follow all label directions when using pesticide products.



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