

"Regulatory Tools: Section 18 and Section 24(c) Registrations"

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Pest Control Advisers (PCAs) have various tools at their disposal such as soil probes, computers, all terrain vehicles, and University Extension Specialists to utilize in providing crop protection.

One tool often overlooked is the utilization of FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act). Section 18 and Section 24(c) of FIFRA are regulations allowing States to be exempt from FIFRA or allow States to register additional uses of federally registered pesticides. PCAs should become familiar with these regulations which may provide additional help if needed.

Section 18 of FIFRA allows States to be exempt from the provision of the FIFRA if the State determines an emergency condition exists, which requires an exemption.

For an emergency condition to exist, the pest situation must be urgent and non-routine and the following conditions must be met; 1) documentation demonstrating there is no effective registered pesticides available/effective in controlling the pest; 2) documentation demonstrating there are no feasible alternative control practices which will mitigate the pest and; 3) the situation involves introduction of a new pest or will present significant risks to human health, environment or will cause significant economic loss. An urgent and non-routine situation is one that requires immediate attention and must be other than an ordinary one.

There are four types of emergency exemptions that may be requested from U.S. EPA. One type is a "Specific". This exemption is most commonly requested and issued. Specific exemptions are used to mitigate a significant economic loss to a crop from an unexpected pest. The second type is a "Crisis" exemption. Although very rarely used and approved by U.S. EPA, a "crisis" exemption allows States to issued the immediate use of a pesticide. U.S. EPA allows "crisis" exemptions in situations in which there is insufficient time for U.S. EPA to review and approve a "Specific" exemption. A third is a "Quarantine" exemption. A "Quarantine" exemption is used to mitigate the introduction or spread of any pest new to or not theretofore know to be widely prevalent or distributed within and throughout the United States and its territories. Lastly, the fourth is a "Public Health" exemption. A "Public Health" exemption is used to mitigate a pest that will cause a significant risk to human health.

Emergency exemptions are not intended or will be approved by U.S. EPA if the exemption is to mitigate a chronic or continually occurring pest problem, maximize the grower's profitability, or expand acreage.

Section 24(c) of FIFRA allows States to register a new end use product for any use and/or additional use of a federally registered pesticide product, if the following conditions exist: 1) there is a special local need within State; 2) if use is on food/feed, use is covered by necessary tolerances or exemptions; and 3) use has not been previously denied, disapproved, suspended or cancelled by U.S. EPA.

Below is a quick comparison of the two sections.

Section 18

- ◆ Applicant. Must be third party such as county, university, grower, grower association, etc. **Cannot be manufacturer.**
- ◆ Four Types – Specific, Crisis, Quarantine, Public Health
- ◆ No Tolerance Established.
- ◆ Emergency situation must be documented – historical pest problem (economics and lack of alternatives must be verified), urgent non-routine situation.
- ◆ Data – Residue, Efficacy, Phytotoxicity, and Economic.
- ◆ Scientific Evaluation.
- ◆ Letter of Authorization
- ◆ Post for public comment. Not required.
Submit Section 18 to U.S. EPA for final approval.
- ◆ Issue. Always includes an expiration date. Use period cannot exceed a 12 month period.
- ◆ No U.S. EPA or DPR fees.

Section 24(c)

- ◆ Applicant. Any person, group, or manufacturer.
- ◆ Two Types – First Party (manufacturer) or Third Party (other than manufacturer).
- ◆ Tolerance or Exemption Established.
- ◆ Justification and lack of alternatives must be documented.
- ◆ Data – Residue, Efficacy, Phytotoxicity.
- ◆ Scientific Evaluation.
- ◆ Letter of Authorization
- ◆ Post for public comment. Required.
- ◆ Issue. Usually without an expiration date.
- ◆ Must pay U.S. EPA maintenance fee. No DPR fee.

If a PCA decides to pursue the use of Section 18 or 24(c) of FIFRA to help mitigate a pest problem, he should be aware of the processing time required by the Department and U.S.EPA. The information below should be helpful in determining when the Section 18 and/or Section 24(c) would be available for field use.

Section 18

- ◆ State – 30 days
- ◆ Federal – 50 days
- ◆ RF – 10 days
- ◆ Total – 90 days

Section 24(c)

- ◆ State – 60 days.
- ◆ Posting – 30 days
- ◆ Total – 90 days
- ◆ Federal has 90 days to disapprove.

If a PCA plans on pursuing the use a Section 18 or Section 24(c), the required application forms can be obtain on the Department's website at www.cdpr.ca.gov/docs/registration/regmenu.htm.

The application forms are self-explanatory and need to be filled out in detail. One of the most important items is the inclusion of good documentation/data supporting any claims.