

Special Local Need Pesticide Registrations--24(c)¹

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This document describes a unique type of pesticide registration – Special Local Need, also known as a 24(c) registration, and examples of situations where it is warranted.

What is a 24(c) registration?

Consider the two following scenarios:

- A new pesticide application technology has been developed specifically for nursery producers; however, current pesticide labeling does not support its practice. The new technology could result in fewer pounds of pesticides introduced into the environment and less applicator exposure.
- An insect pest introduced into Florida during the 1960s has shown continuous activity on vegetable crops. Producers recently discover that a pesticide already in use for other pests will also control this pest, but it isn't listed on the pesticide's label.

These scenarios have a common theme -- pesticides that have been in use over the years could be adapted to fit unique production situations within

the state. How can producers call attention to these situations and convince state and federal agencies to allow special use of pesticides? By applying for Special Local Need Registration, also known as a 24(c). Both groups of producers bring their situations to the attention of scientists at the University of Florida and their respective commodity associations. In turn, these groups provide supporting evidence to the Florida Department of Agriculture and Consumer Services (FDACS). FDACS forwards the supporting documents to the U.S. EPA for review and consideration of use approval. With these groups working cooperatively, special local needs labels are written specifically for Florida to address these unique situations.

A special local need means an existing or imminent pest problem has been identified by producers of a given agricultural commodity within Florida. Major pieces of supporting information required for such a use is that the 24(c) use:

- Is covered by necessary tolerances or other clearances under the Federal Food, Drug, and Cosmetic Act. A tolerance is a term that is used legally to describe the amount of a pesticide's residue that may remain on or in a treated crop according to federal regulation.

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- Registration for the same use has not previously been denied, disapproved, suspended, or canceled by the Environmental Protection Agency (EPA), or voluntarily canceled by the pesticide's registrant. This can occur because of health or environmental concerns about an ingredient contained in the pesticide product. If new data become available that resolve the EPA's concerns, a 24(c) may be considered.
- The 24(c) registration is in accordance with the intent of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).
- If the proposed use or product falls into one of the following categories, FDACS must determine that it will not cause unreasonable adverse effects on humans or the environment:
 - Use of a product which has a composition not similar to any current federally registered product.
 - Use of a product involving a use pattern not similar to any federally registered use of the same product or a product of similar composition.
 - Use of a product for which other uses of the same product, or uses of a product of similar composition, has had registration denied, disapproved, suspended, or canceled by the EPA.

FDACS can consider uses such as the following for 24(c) registrations:

- New method of application or timing of application.
- New pest.
- Altered rate.
- Application in particular soil type.
- New product/different formulation.
- Products useful in managing pesticide resistance in a particular crop.

A price differential between products is generally not viewed as a legitimate justification for a 24(c) registration.

Making a 24(c) case for avoiding pest resistance

FDACS can issue 24(c) registrations for the purpose of avoiding the buildup of pest resistance. Documenting this need is met if:

- The pesticide with the 24(c) registration has a different mode of action from that already available; or if registering two pesticides under a 24(c), they must have different modes of action.
- There are currently registered pesticides; however, there is only one effective mode of action remaining.
- The pest has a history of developing resistance to existing or canceled pesticides and this resistance is documented through field studies or references to field studies.
- The currently registered pesticide has a history of resistance which is documented through field studies or references to field studies.
- Evidence must exist that the pest(s), use patterns, and climatic conditions for the proposed use under the 24(c) is the same or substantially similar to situations where resistance has been documented.
- A brief description of the resistance management plan and how the pesticide's use under a 24(c) registration will fit into the plan.

Time limits for 24(c) registrations

Each state is encouraged to set time limits for 24(c) registrations. Because 24(c) registrations are considered by FIFRA to be section 3 registrations (fully registered) after 90 days, EPA generally is not in a position to impose time limits on 24(c) registrations. So long as the registrant of the 24(c) is in FIFRA's compliance requirements for maintaining the registration by paying its fees, EPA will not cancel the registration, even if a state has done so. An

exception is a situation in which a registrant voluntarily cancels the product or EPA has a cause to issue a notice of intent to cancel.

Examples of 24(c) registrations in Florida

An example of a 24(c) registration that was granted in Florida during 2005 involved a new application of an older pesticide. The herbicide Surflan[®] received its patent in 1968, but current labels prohibit its application by air. The 2005 approved 24(c) registration by FDACS approved aerial application to caladiums in Florida. Another example of a recent granting of a 24(c) registration involved altering planting restrictions. The fungicide Switch[®] is applied to certain vegetable crops and strawberries. In Florida, a 24(c) registration was granted to allow for planting of subsequent crops on the Switch[®] label anytime following its last application and a 30-day waiting period for crops not listed on its label. Another recent 24(c) registration that was recently approved involved a new timing of application. Paraquat is an older herbicidal active ingredient with Syngenta Crop Protection as the current registrant for the product Gramoxone[®]. The full section 3 label allows only for post-directed applications of the product. However, the new supplemental label now allows the product to be applied as a post-harvest desiccant to strawberry following harvest.

Requirements of applicators handling products with 24(c) registrations

Applicators who wish to use a product in a manner approved by the 24(c) registration are required to have in their possession a copy of the supplemental 24(c) label at the time of application as well as the Section 3 label. They are also required to fully follow all applicable directions, restrictions, Worker Protection Standard requirements, and precautions on the EPA-registered label.

Additional Information

Fishel, F.M. 2005. Interpreting pesticide label wording. UF/IFAS EDIS Document PI-34. (<http://edis.ifas.ufl.edu/PI071>)

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