

## Section 24(c) Registration

Under the authority of Section 24(c) of FIFRA, states may register an additional use of a federally registered pesticide product, or a new end use product to meet special local needs, if the following conditions exist:

1. Special Local Need. Special local need means an existing or imminent pest problem within a state for which the state lead agency, based upon satisfactory supporting information, has determined that an appropriate federally registered pesticide product is not sufficiently available.
  - a. "**...existing or imminent pest problem...**" means a problem which already exists or is likely to exist.
  - b. "**...based upon satisfactory information... an appropriate federally registered pesticide is not sufficiently available...**" means a state can document that a federally registered product
    - 1) is not available in the state for the desired site(s) to adequately control the target pest(s), or
    - 2) cannot be applied without causing unacceptable risks to human health or the environment, or
    - 3) is necessary to maintain an IPM, resistance management, or minor use pest control program, or
    - 4) could be replaced by a formulation that poses less risk to man or the environment.
2. The additional use is covered by necessary tolerances or other clearances under the Federal Food, Drug, and Cosmetic Act (FFDCA).
3. Registration for the same use has not previously been denied, disapproved, suspended, or canceled by the Administrator, or voluntarily canceled by the registrant subsequent to issuance of a notice of intent to cancel because of health or environmental concerns about an ingredient contained in the pesticide product. If new data becomes available that resolves the Agency's health or environmental concerns, a 24(c) may be submitted.
4. Registration is not contrary to the purposes of FIFRA.
5. If the proposed use or product falls into one of the following categories, the state has determined that it will not cause unreasonable adverse effects on man or the environment:

- a. Use of a product which has a composition not similar to any federally registered product.
- b. 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.
- c. Use of a product for which other uses of the same product, or uses of a product of similar composition, have had registration denied, disapproved, suspended, or canceled by the Administrator.

In addition to these general conditions, states must follow the specific procedures set forth in the regulations. To assure that their 24(c) registrations are properly issued and reported to EPA, states should also follow the guidance on EPA's website.

EPA broadly oversees the states' Section 24(c) registration programs and reviews the application package containing the following items:

- A properly completed Notification of State Registration (EPA Form 8570-25).
- A cover letter with a description of what special local need is being met by the issuance of the Section 24(c) and a clear explanation of how the definition of special local need is met.
- A copy of the labeling approved by the state.
- A properly completed copy of the Confidential Statement of Formula if the product is not federally registered.
- An Unreasonable Adverse Effects Determination Statement (which summarizes the state's assessment of risks and benefits and supports the conclusion that no unreasonable adverse effects will occur) is only required if:
  - The product is not substantially similar in composition and use pattern to a federally registered product, or
  - Other uses of the same product, or of a product with similar composition, have had registration denied, disapproved, suspended or canceled by the Administrator.

The application also indicates the date the state registration was issued. The state must notify the Agency within 10 days of the date of issuance of the registration. The Agency has 90 days from the date the state registration was issued to make a final decision on the 24(c) application. If the state does not notify the Agency of the issuance of the registration within 10 days of its effective date, then the 90 day "clock" begins on the date that the agency receives the application package (see 40 CFR 162.154(c)).

EPA reviews these registrations, and may disapprove the state registration if, among other things, the use is not covered by necessary tolerances, or the use has been previously denied, disapproved, suspended or canceled by the Administrator, or voluntarily canceled subsequent to a notice concerning health or environmental concerns.

For more detailed information on the Section 24(c) program, refer to 40 CFR 162.153 and EPA's Guidance for Requesting a Section 24(c), found on EPA's main pesticides web page at [www.epa.gov/pesticides](http://www.epa.gov/pesticides) and searching for "Section 24".

How does a Section 24(c) registration differ from a Section 18 emergency exemption?

	<b>Section 24(c)</b>	<b>Section 18</b>
<b>Who can apply?</b>	Registrants or 3 <sup>rd</sup> party apply to the SLA. Section 24(c) is registered by the SLA.	Commodity Association, University Researcher (Registrant may not) requests SLA to submit Section 18 application to EPA; EPA authorizes the Section 18
<b>State specific?</b>	Yes	Not always (i.e. a federal request could involve several states)
<b>How long?</b>	May be issued w/ expiration date and can be renewed.	Wait for approval by EPA and generally granted w/ expiration of use < 1 year.
<b>Cost?</b>	None	None

Registrations under FIFRA Section 24(c), also known as "Special Local Needs" registrations, are issued by the state and are only applicable to that state. The "Special Local Needs" that 24(c)s are intended to address are defined as situations where there is an existing or imminent pest problem for which no appropriate federally registered

pesticide is available. When a state issues a 24(c) it becomes effective immediately, although EPA has 90 days to review the registration. After those 90 days, unless EPA objects, a 24(c) is considered equivalent to a registration under Section 3 of FIFRA.

Section 24(c) registrations are issued state specific registration numbers. The number is written as "EPA SLN No." followed by the two letter state designation, then the last two digits of the year of issuance, and finally a four digit number which is the consecutive number of registrations that the registering state has issued in that particular year. For example: If the company ABC applied for a Section 24(c) registration in the State of North Carolina and it was the 34th SLN registration accepted by North Carolina in the year 1995, then the 24(c) registration number would be EPA SLN No. NC950034.

Multiple states can jointly submit a regional Section 18 request to EPA. If EPA authorizes an emergency exemption, then the authorization letter will include a six digit EPA ID number (year, state, sequential set of numbers).

Any third party, including registrants, may apply to the SLA for a 24(c) registration for an additional use of a registered pesticide on a non-food site, or a food crop when a tolerance has been established or is not required. Most 24(c)s are valid until withdrawn or cancelled, but some may expire after a period of time.

An emergency exemption under FIFRA Section 18 can be requested by an SLA or by a federal agency. Unlike 24(c)s, registrants cannot solicit an emergency exemption. Section 18s may apply to multiple states and are granted for a limited amount of time. As the name implies, Section 18s are an exemption from FIFRA requirements and not considered the equivalent of a FIFRA Section 3 registration as 24(c)s are. Section 18s must be approved by EPA before they take effect, and will only be granted if the Agency is convinced that an emergency condition exists. We will spend a significant amount of time in the next module explaining exactly what qualifies as an emergency.

Finally, both 24(c)s and Section 18s require supporting data; and 24(c)s may be subject to annual maintenance fees for the registrant while Section 18s are not.