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SLNs, EUPs AND OTHER CRYPTIC ACRONYMS

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Controlling pests on the specialty crops that small farmers often grow can be a real challenge--sometimes necessitating the use of pesticides.

Because the potential number of specialty crop farmers who will need a pesticide is so small, it is not generally profitable for an agrichemical company to go through the expensive, intensive testing procedures required to obtain permission from the federal government to "register" a pesticide--that is, obtain permission to list a particular crop on the pesticide package label as one on which the pesticide can be used.

But, there are ways to bypass the regulations in special situations. The California Department of Food and Agriculture (CDFA) and/or the Enviromental Protection Agency (EPA) may be able to issue an SLN, a 24(c), a Section 18, or an EUP. What do these acronyms and numbers mean? How can they help a grower?

SLN or 24(c)

An SLN (special local need) registration is issued by CDFA under section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act. Therefore, an SLN is often referred to as a "24(c)." There are two kinds of SLNs: first-party and third-party.

A first-party SLN registration is issued to a pesticide producer so that supplementary labeling can be sent out by the producer to cover uses not listed on the original label.

A third-party SLN registration is issued to anyone besides the pesticide producer. However, the producer must be consulted and must be willing to go along with the SLN. Before CDFA will approve a third-party SLN:

- There must be a residue tolerance or an exemption from tolerance established by EPA. A tolerance is the maximum amount of pesticide residue that may remain on a crop at harvest time.
- The requested use must not have been previously cancelled, suspended, or denied by EPA.
- There must not be other registered products available that can do the job.

If only one grower of a widely grown crop requests an SLN, CDFA may deny the request unless the grower can show why he has a special need. If several growers make the request, CDFA is more likely to consider it. When a grower of a crop not widely grown applies for an SLN, the fact that he is the only person making the request will not affect CDFA's decision, since the grower's situation is unique. County agricultural commissioners have SLN application forms. The application can be submitted to them or CDFA.

Section 18 Exemption

A Section 18 exemption allows an emergency use of a pesticide on a crop for which a tolerance has not been established. Only EPA can issue a Section 18 exemption.

Before an emergency exemption can be approved:

- An unusual situation must exist that requires the pesticide's use.
- There must be no available registered pesticide that would alleviate the situation.

- No other economically feasible non-pesticidal method could alleviate the situation.

There are two types of Section 18 exemptions that are used by growers: specific and crisis. A specific exemption is usually to avert significant economic loss. If a grower is threatened with crop loss because of a pest problem and there is no registered pesticide that will control the pest, a request can be made to EPA through CDFA. Because a grower may anticipate an emergency, an application can be submitted in advance. In this case, the application must identify the conditions that could cause the emergency. Before granting a specific exemption, EPA must be told: name of the pest, how the emergency could occur, and supporting data --such as prior year income figures, estimated income if the pesticide is not used, estimated income if the pesticide is used.



A crisis exemption can be authorized only for an unpredictable emergency for which immediate treatment is critical. There is not time to go through the normal steps, so CDFA can issue the exemption without EPA approval. However, EPA must be informed within 24 hours of issuance. Normally, a crisis exemption remains in effect as long as necessary to a maximum of 15 days.

EUP

Experimental use permits (EUPs) are issued to researchers collecting data for new or SLN registrations. They cannot be used simply for pest control. There are two kinds of EUPs:--federal and state.

A federal EUP is used by companies and universities to run pesticide experiments on large (over 10 acres) acreages. Unless a temporary tolerance for residues is established by EPA the crop must be destroyed after harvest and residue analyses are completed.

A state EUP, now called a research authorization, is used to collect data to support a new California registration or to justify a different use pattern or formulation of a currently registered pesticide. A state EUP is required no matter how small the acreage to be tested to a maximum of 100 acres. With an EUP, a grower can develop the data needed to have a use registered. The compliance of the pesticide company, CDFA, and the agricultural commissioner is necessary. The company must provide the experimental pesticide at no cost.

The pesticide producer, the county agricultural commissioner, and/or Cooperative Extension farm advisors can provide guidance on how to conduct an experiment that will support the eventual registration of the pesticide. Applications for state EUPs are made to CDFA through the local agricultural commissioner.