

Wildlife Services Directive

2.405
February 2025

PESTICIDE REGISTRATIONS AND PERMITS

1. PURPOSE

To establish the procedures, guidelines, and responsibilities for applying for and maintaining Section 3 and 24(c) registrations, Section 5 (experimental use) permits, and Section 18 (emergency) exemptions for APHIS products under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

2. REPLACEMENT HIGHLIGHTS

This directive revises WS Directive 2.405 dated 2/11/04.

3. POLICY

Requests from WS Operations or National Wildlife Research Center (NWRC) personnel for new FIFRA Section 3 and 24(c) registrations, Section 5 permits, or Section 18 exemptions must be sent to the respective Assistant Regional Director (ARD) or NWRC Director to be reviewed for feasibility, appropriateness, and need. The ARD or NWRC Director will determine if the request should be denied, modified, or forwarded on to the WS Pesticide Coordination Committee (PCC) for further consideration. The PCC, in coordination with the committee champion, is responsible for recommending the approval of new or amendment pesticide registration applications to the WS Deputy Administrator for submittal to the U.S. Environmental Protection Agency (EPA), including label changes, emergency exemptions, and experimental use permits, and addressing and resolving other pesticide policy issues. The WS Deputy Administrator has final decision authority regarding all pesticide application matters.

4. DEFINITIONS

a. Section 3 Registration. Known as a Federal pesticide registration. FIFRA provides the U.S. Environmental Protection Agency (EPA) the authority to require a formal process for registering all pesticides before they can be sold or distributed in intrastate or interstate commerce.

b. Section 5 Permit. More commonly known as an Experimental Use Permit (EUP). FIFRA authorizes EPA to issue a permit for testing a specific pesticide to accumulate information necessary for registration.

c. Section 18 Exemption. Better known as an Emergency Exemption. FIFRA allows the EPA Administrator to allow State and Federal agencies to use an unregistered pesticide in a specific geographic area for a limited time for a FIFRA-defined emergency.

d. Section 24(c) Registration. More commonly known as a Special Local Needs (SLN) registration. FIFRA allows State pesticide regulatory agencies to issue time-limited, state-specific registrations for any use or additional uses of a Federally registered pesticide (Section 3) within that State to meet a “special local need.” EPA has the authority to disapprove an SLN registration. If EPA does not disapprove, the SLN registration becomes a state-limited federal registration after 90 days and must be cancelled at both the state and federal level when it is no longer needed.

5. PESTICIDE COORDINATION COMMITTEE

The PCC is comprised of staff representing WS Operations, Operational Support Staff (OSS), NWRC, including Pocatello Supply Depot (PSD), and APHIS PPD Environmental and Risk Analysis Services (ERAS). The roles and responsibilities of these staff include:

- a. Operations represent the Eastern and Western Regions’ interests, including working with national programs, and assists OSS in program liaison activities. National program interests are typically voiced through direct work with NWRC or Operations.
- b. OSS serves as a liaison between WS Operations and the PCC and serves as the Chair of the PCC.
- c. NWRC leads the development of data necessary to maintain existing product registration or develop a new product registration. The NWRC assists ERAS with developing Section 3 registration, EUP, and Section 18 applications, and APHIS comments and other submissions to EPA. The NWRC may also assist with submittals to state and territory pesticide regulatory agencies.
- d. PSD represents manufacturing and supply interests for APHIS products.
- e. ERAS is the primary liaison to EPA for APHIS pesticides in accordance with APHIS Directive 6901.1. ERAS is the registrant and makes regulatory submissions and comments to EPA for APHIS pesticides in accordance with APHIS Directive 6901.1. ERAS may also serve as the liaison to state and territory pesticide regulatory agencies for pesticides registered and used by WS in that state or territory.

6. INQUIRIES, APPLICATION PROCESS, AND APPROVAL

a. Inquiries. Field personnel having general questions or inquiries regarding pesticide registrations should contact their immediate supervisor. Technical questions should be forwarded to the PCC’s Chair or members representing Operations. NWRC employees,

including PSD, should contact the NWRC Registration Manager or OSS.

b. Application Process. Requests for new FIFRA Section 3 and 24(c) registrations, Section 5 EUPs, or Section 18 exemptions must be initiated by a State Director/Project Leader and receive approval from their respective Assistant Regional/NWRC Director. Each initial request will be reviewed for feasibility, appropriateness, and need. The Assistant Regional Director or NWRC Director will determine if the request should be denied, modified, or forwarded on to the PCC for further consideration. If the request is forwarded, it will be reviewed by the PCC for data requirements, costs and availability, and potential impacts on other WS registrations.

c. Approval. The PCC will make decisions on requests that do not require policy changes or substantial costs. Those decisions requiring policy changes and/or involving substantial costs, will be forwarded to the Deputy Administrator along with the PCC's recommendation. A written notice of the decision will also be issued to the requestor.

For Section 24(c) and state registrations of Section 3 products, ERAS and NWRC will aid with approved requests in developing formal applications, and other administrative forms, data matrix, and label, and will review the application package for compliance with EPA requirements. OSS may assist with this process as well. State Directors or their designee are responsible for submitting Section 24(c) applications to the State. State Directors may also allocate this responsibility to ERAS.

7. REGISTRATION MAINTENANCE AND TRACKING

All documentation regarding application and any subsequent correspondence with EPA or state pesticide regulatory agencies relating to proposed, granted, or amended Section 3 or 24(c) registrations, Section 5 permits, or Section 18 Exemptions must be forwarded to ERAS for maintenance and tracking. ERAS will provide administrative documents required by State governments or EPA in support of these registrations, permits or exemptions. All correspondence and documents are permanently archived by NWRC.

8. DATA DEVELOPMENT, REPORTING AND ARCHIVING

NWRC is responsible for developing, reporting, and archiving all required data needed to maintain or expand WS Section 3 and 24(c) pesticide registrations and to support Section 5 permits and Section 18 exemptions. NWRC may obtain support of funding from any available or authorized source (see WS Directive 3.101, Cooperative Programs) and may also form, participate, and administer data gathering consortia necessary to meet WS needs.

9. REGISTRATION AND ANNUAL MAINTENANCE FEES

Prior to the sale, distribution, and use of a pesticide or pest control device, State Directors and the PSD must assure that the pesticide product name and pesticide labels are registered and up to date in that State (see WS Directive 2.401, Pesticide Use), as

required, or that a Section 5 (EUP) or Section 18 exemption is granted by EPA. State registration costs and annual maintenance fees assessed by the State are the responsibility of each WS State Office but may be covered by the PSD Registration Fee Fund if adequate funds are available.

Any annual maintenance fees assessed by EPA for Section 3 products and 24(c) registrations, and the technical manufacturing use product registrations to support them, that are not waived are the responsibility of the PSD.

10. REFERENCES

APHIS Directive 6901.1, Registration, Use Management, and Coordination of Pesticides. (09/30/05).

WS Directive 2.401, Pesticide Use. (02/17/04).

WS Directive 3.101, Cooperative Programs. (2/25/94).

Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), as amended.
40 CFR Parts 150-189, Subchapter E - Pesticide Programs.

Deputy Administrator