DEPARTMENT of AGRICULTURE and NATURAL RESOURCES
JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

April 28, 2025

Document Processing Desk (SLN)
Office of Pesticide Programs-(7504C)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460-0001

Re: South Dakota 24c Special Local Need Registration, SD 250004 FYFANON 57% EC, EPA reg. No.279-3607, for use on Sunflowers for Pyrethroid resistant Red Sunflower Weevils.

Dear Sir or Madam

Enclosed please find the labels for the following Special Local Need registration.

SD 250004 FMC, LLC - FYFANON 57% EC Insecticide, EPA reg. No.279-3607.

The purpose of the Special Local Need registration is to allow for the application of FYFANON 57% EC Insecticide, EPA reg. No.279-3607 on sunflowers to control Pyrethroid Resistant Red Sunflower Weevils (RSSW). The active ingredient Chlorpyrifos was very successful when registered and the cancellation of the food tolerances has left growers without many options to control the RSSW. South Dakota had a Section 18 Emergency Crisis Exemption for Malathion 57EC (23SD01) for sunflowers to control the RSSW. The 2023 approval of Malathion was successful in controlling the RSSW.

Sunflowers that are grown in South Dakota are used as bird food, sunflower oil, and confections. Confections are used for human consumption. The anticipated malathion residues for sunflower seed post-harvest would be 8 ppm according to 180.111 CFR.

If you have any questions, please contact me at (605) 773-4432.

Sincerely,

Tom Gere
Environmental Scientist Manager
Inspection, Compliance and Remediation Program

Cc: FMC Corporation

Form Approved. OMB No. 2070-0055.

United States Environmental Protection Agency
Office of Pesticide Programs, Registration Division (7505C)
Washington, DC 20460

Application for/Notification of State Registration of a Pesticide To Meet a Special Local Need

(Pursuant to section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act, as Amended)

For State Use Only	
Registration No. Assigned	SD 25004
Date Registration Issued	April 28, 2025

1. Name and Address of Applicant for Registration

FMC Corporation
2929 Walnut St.
Philadelphia, PA 19104

2. Product is (Check one)

[X] EPA-Registered	EPA Registration Number: 279-3607
[ ] New (not EPA-registered) Attach EPA Form 8570-4, Confidential Statement of Formula for new products.	EPA Company Number: 279

3. Active Ingredient(s) in Product

Malathion

4. Product Name

Fyfanon® 57% EC

5. If this is a food/feed use, a tolerance or other residue clearance is required. Cite appropriate regulations in 40 CFR Part 180, 185, and/or 186. 180.111

6. Type of Registration (Give details in Item 13 or on a separate page, properly identified and attached to this form):

- [ ] a. To permit use of a new product.
- [X] b. To amend EPA registrations for one or more of the following purposes:
  - [X] (1) To permit use on additional crops or animals.
  - [X] (2) To permit use at additional sites.
  - [X] (3) To permit use against additional pests.
  - [ ] (4) To permit use of additional application techniques or equipment.
  - [ ] (5) To permit use at different application rates.
  - [ ] (6) Other (specify below)

7. Nature of Special Local Need (check one)

- [ ] There is no pesticide product registered by EPA for such use.
- [ ] There is no EPA-registered pesticide product which, under the conditions of use within the State, would be as safe and/or as efficacious for such use within the terms and conditions of EPA registration.
- [X] An appropriate EPA-registered pesticide product is not available.

8. If this registration is an amendment to an EPA-registered product, is it for a "new use" as defined in 40 CFR 152.3 ?

[ ] Yes (discuss in Item 13 below) [X] No

9. Has an EPA Registration or Experimental Use Permit for this chemical ever been (check applicable box(es), if known):

[X] Sought [X] Issued [ ] Denied [ ] Cancelled [ ] Suspended

[X] Registration [ ] Experimental Use Permit [ ] No Previous Permit Action

10. Has FIFRA section 24(c) registration for this use of the product ever, by another State, been (check appropriate box(es), if known):

[X] Sought [ ] Issued [ ] Denied [ ] Revoked

If any of the above are checked, list States in Item 13 below.

[ ] No FIFRA section 24(c) Action

11. Endangered Species Act: (Give details in Item 13 or on a separate page, properly identified and attached to this form)

Identify the counties where this pesticide will be used. If Statewide, indicate "all." Provide a list of Federally protected endangered/threatened species which occur in the areas of proposed use.

Certification

I certify that the statements I have made on this form and all attachments thereto are true, accurate, and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

Signature of Applicant or Authorized Representative

Edward Bockrath

Title

Ed Bockrath, Product Registration Manager

Telephone Number	Date
302-318-9484	04/23/2025

12. Indicate use status of Special Local Need, i.e., planned dates of use:

From: July 15th To: August 31st

13. Comments (attach additional sheet, if needed)

For use on Sunflowers to control Red Sunflower Seed Weevil

Determination by State Agency

This registration is for a Special Local Need and is being issued in accordance with section 24(c) of FIFRA, as amended. To the best of our knowledge, the information above is correct, except as noted in "Comments" below or in attachments.

Name, Title, and Address of State Agency Official

Tom Gere
523 E. Capitol Ave
Pierre SD 57501

Title

Pesticide, fertilizer + Feed Mgr

Telephone Number	Date
605.773.6668	4/29/25

Comments (by State Agency Only)

Received by EPA

EPA Form 8570-25 (Rev. 1-94)

EPA COPY

FYFANON® 57% EC

Organophosphate

MALATHION	GROUP 1B	INSECTICIDE

FIFRA 24(c) Special Local Need Label

EPA SLN No.: SD 25004
EPA Reg. No. 279-3607

FOR DISTRIBUTION AND USE ONLY IN THE STATE OF SOUTH DAKOTA

Active Ingredient	% BY WT.
Malathion*	57.0%
Inert Ingredients**	43.0%
TOTAL	100.0%

* O,O-dimethyl phosphorodithioate of diethyl mercaptosuccinate
** Contains Petroleum Distillate
(1 gallon contains 5.0 pounds of malathion)

KEEP OUT OF REACH OF CHILDREN
WARNING/AVISO

This label is valid until December 31, 2030 or until otherwise amended, withdrawn, canceled or suspended.

Application dates of the product: July 15 to August 31st of each year.

IT IS A VIOLATION OF FEDERAL LAW TO USE THIS PRODUCT IN A MANNER INCONSISTENT WITH ITS LABELING. FOLLOW ALL APPLICABLE DIRECTIONS, RESTRICTIONS, WORKER PROTECTION STANDARD REQUIREMENTS, AND PRECAUTIONS ON THE EPA REGISTERED LABEL FOR FYFANON 57% EC. THIS LABELING MUST BE IN THE POSSESSION OF THE USER AT THE TIME OF APPLICATION.

FOR CONTROL OF RED SUNFLOWER SEED WEEVILS ON SUNFLOWERS			
Target Crop	**Target Pest**	**Use Rate (pints/Acre)**	**Application Instructions**
Sunflowers	**Red Sunflower Seed Weevil** *Smicronyx fulvus*	**1.6 pints**	Begin treatment when 10% of sunflowers are blooming. Prior to making 2nd application, scouting of the treatment area is recommended and a 2nd application may be made if weevil counts exceed the economic threshold.

DIRECTIONS FOR USE and SPECIFIC USE RESTRICTIONS:

- **Maximum Single Application Rate**: Do not exceed 1.6 pints Fyfanon® 57 EC/ Acre (1.0 lb. AI/A)
- **Maximum Number Applications/year**: 2 applications
- **Annual Maximum Application Rate**: 3.2 pints per acre per year (2.0 lbs. AI per acre per year)
- **Minimum Retreatment interval**: 5 days
- **Restricted Entry Interval (REI)**: 12 hours
- **Pre-Harvest Interval (PHI)**: 7 Days
- **Pollinator Protection**: This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds if bees are visiting the treatment area. Apply in early morning or late evening (between midnight and 9am and between 6pm and midnight). Before making application, consult with www.fieldwatch.com, to determine locations of the nearest bee hives and communicate with local beekeepers. **Protect pollinating insects by following label directions intended to minimize drift and to reduce risk to these organisms.**
- **Endangered or Threatened Species**: The Dakota Skipper (Hesperia dacotae) and Poweshiek Skipperling (Oarisma Poweshiek) critical habitat areas in South Dakota include rangeland, pasture, and native grassland in the counties of Brookings, Day, Deuel, Grant, Marshall, and Moody Counties. Applications made downwind from critical habitat will need a buffer of 50 ft. for aerial and 25 ft. for ground applications.

24(c) Registrant:
FMC
FMC Corporation
2929 Walnut St.
Philadelphia, PA 19104
215-299-6000

R – 4960 042325 04-23-25

SOUTH DAKOTA
Agri-Business
ASSOCIATION

Tom Gere
Environmental Scientist Manager
Inspection, Compliance, Remediation Program
South Dakota Department of Agriculture and Natural Resources
523 E. Capitol Ave
Pierre, SD 57501

Re: 24c Special Local Need Label for Malathion Use on Sunflowers in SD April 16, 2025

Dear Tom,

The South Dakota Agri-Business Association (SDABA) supports a FIFRA 24(c) Special Local Need Label for the active ingredient malathion on sunflowers to control resistant red sunflower seed weevil in South Dakota. SDABA is the state's largest association representing agricultural retailers and the manufacturers and distributor companies that support them. In South Dakota, the business of agriculture generates more economic activity for the state than any other industry.

South Dakota is a leading producer of sunflowers. However, since 2017, cases of Red Sunflower Seed Weevil (RSSW) developing resistance to pyrethroid insecticides have led to the emergence of the Resistant Red Sunflower Weevil (RRSSW). This resistance has resulted in infestations of several hundred RRSSW per plant after pyrethroid applications, causing significant crop losses. Such outcomes are neither sustainable nor economically viable for sunflower growers. In 2024, the National Agricultural Statistics Service reported a notable decrease in South Dakota's sunflower harvest compared to 2023, including a 39 percent drop in oil sunflower production and a 13 percent drop in non-oil sunflower production. This reduction in yield is largely due to extensive damage caused by RSSW, which hatch in large numbers and feed internally on sunflower seeds.

Farmers need a reliable and effective alternative for controlling RRSSW in the 2025 growing season. Since chlorpyrifos is no longer available, we request your swift approval of a FIFRA 24(c) Special Local Need Label for the use of malathion on sunflowers in the state of South Dakota. Our sunflower industry depends on it.

Sincerely,

Liv Stavick

Liv Stavick
Executive Director

South Dakota OILSEEDS COUNCIL

December 16, 2024

Tom Gere, CCA
Environmental Scientist Manager
Inspection, Compliance, Remediation Program
South Dakota Department of Agriculture and Natural Resources
523 E. Capitol Ave
Pierre, SD 57501

Dear Tom:

I am writing on behalf of the SD Growers whom fund the checkoff program for sunflowers, to express our urgent support for the 24c exemption for the use of malathion in South Dakota. The increasing threat of Red Sunflower Seed Weevils (RSSW) has severely impacted our sunflower crops and, consequently, the livelihoods of many growers in our state.

Studies from South Dakota State University highlight a concerning trend of widespread pyrethroid resistance among RSSW populations. Additionally, cross-resistance within the pyrethroid class has been identified, underscoring the need for alternative solutions like malathion. Without effective management tools, growers are left struggling to protect their crops.

Despite confirmed pyrethroid resistance since 2017, the limited options force growers to continue using ineffective treatments. This situation is both frustrating and unsustainable, particularly when multiple applications are often required to achieve effective control.

The 2021 EPA decision to revoke food tolerances for chlorpyrifos has further exacerbated the issue, leading to a drastic reduction in sunflower acreage from 650,000 acres to 279,000 acres this year. Growers who previously relied on pyrethroid or organophosphate insecticides now face an urgent need for new, effective management tools.

Over the past five years, we have seen RSSW populations consistently exceed economic thresholds, causing significant damage. This issue profoundly affects Central SD, an area that leads the nation in sunflower acreage and heavily relies on this crop for economic stability.

SDOILSEEDS@YAHOO.COM
116 N Euclid Ave. Pierre, SD 57501

The damage caused by RSSW in 2023 led to:

- A 38% reduction in oil sunflower planted area, now at 280,000 acres, and a 39% reduction in harvested area.
- A 12% reduction in non-oil sunflower planted area, now at 35,000 acres, and a 13% reduction in harvested area.

Given these challenges, the approval of malathion as a management tool for RSSW is critical. We hope you understand the severity of this issue and the impact it has on our growers' livelihoods.

Thank you for your attention to this urgent matter.

Respectfully yours,

Tom Young
Executive Director
SD Oilseeds Council
605.223.1774

National Sunflower Association

2401 46th Avenue SE, Suite 206
Mandan, ND 58554-4829
Phone: 701-328-5100
www.sunflowernsa.com

December 11, 2024

Tom Gere, C.C.A
Environmental Scientist Manager
Inspection, Compliance, Remediation Program
South Dakota Department of Agriculture and Natural Resources
523 E. Capitol Ave
Pierre, SD 57501

Dear Tom:

NSA is in support of a 24c for the active ingredient malathion in South Dakota. Red sunflower seed weevils (RSSW) are currently the most economically important insect pest of sunflowers in South Dakota. For the last five years, RSSW populations in South Dakota have greatly exceeded the economic threshold of four to six adults per head in oilseed varieties and one per head in confection varieties.

Researchers at North Dakota State University and South Dakota State University determined that pyrethroid resistance exists in the majority of field collected populations of RSSW. In addition, the researchers determined that cross-resistance within the pyrethroid class is present within the state. These results indicate that pyrethroid insecticides should not be recommended for RSSW management in South Dakota, and other effective insecticides need to be identified.

In South Dakota, it is common and sometimes required by contract for more than one insecticide application to occur within a season for RSSW management. Although pyrethroid resistance has been confirmed in South Dakota and has been an issue since 2017, pyrethroid insecticides are still being used with no management benefit. One of the causes of this is the limited options of insecticides that are labeled for RSSW management.

Since the 2021 EPA decision to revoke the food tolerances of the active ingredient chlorpyrifos sunflower acreage in South Dakota has dropped from 650,000 acres to 279,000 acres this year. Prior to 2021, RSSW populations were managed using either a pyrethroid class or organophosphate class insecticide.

With chlorpyrifos not being an option for growers in 2025 they need another management tool for RSSW such as malathion.

Respectfully yours,

John Sandbakken

John Sandbakken
Executive Director
National Sunflower Association