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TO: Governor's Advisory Committee on Pesticides

FROM: Esther Riechert
Pesticides Program Manager

SUBJECT: Proposal to Cancel Special Local Needs Label (SLN)

BACKGROUND:

The Hawaii Department of Agriculture and Biosecurity (DAB) has the authority to license pesticides for special registrations under the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA) section 24(c), the Code of Federal Regulations Title 40 Part 162 (40 CFR 162), the Hawaii Pesticides Law Chapter 149A-13, and the Hawaii Administrative Rules Title 4-66-37. As such, the Pesticides Branch issued a Special Local Needs (SLN) label, SLN No. HI 250005, for the use of Vikane, EPA Registration Number 1015-78 on November 3, 2025. This SLN expanded the application of Vikane to include the California Aeration Procedure (CAP).

An SLN is a registration under Section 24(c) under FIFRA, allowing states to permit additional uses of federally registered pesticides to address specific, localized pest issues. These registrations, often used for new sites, are valid only within the issuing state and require the user to possess the specific SLN label.

Vikane contains the active ingredient "sulfuryl fluoride" and is the primary and most widely used product for the fumigation of structures to treat termites and other pests. Vikane, a gas fumigant, is a restricted use pesticide due to its toxicity to humans and requires a state certified applicator to purchase and apply it. After applying Vikane to a tarpaulin sealed structure, there is an aeration period (length determined by the volume of the structure) that occurs to allow the Vikane to dissipate. Part of the aeration process requires an applicator wearing a self-contained breathing apparatus (SCBA) to enter the structure while Vikane is present. The CAP was developed as a way for the applicator to aerate the structure without having to enter it, thus minimizing exposure risk to Vikane. CAP has been used by California pest control companies for over 10 years.

SLNs are immediately effective upon state approval, and the Environmental Protection Agency (EPA) has ninety days to review the State's submission which occurred on November 25, 2025. On February 23, 2026, the EPA informed the Pesticides Branch that it cannot support the SLN registration HI 250005 since it did not meet the requirements of a FIFRA 24(c) registration and requested the State to withdraw and cancel the SLN use. Otherwise, EPA will



move forward in formally notifying the State that the registration is invalid under 40 CFR 162.156.

Restricted use applicators, dealers of restricted use pesticides, the registrant, and the Hawaii Pest Control Association will be notified upon cancellation of the SLN. The cancellation notice will also be provided on the DAB's website. The Pesticides Branch will research other avenues applicable under Federal and State regulations that may allow the use of CAP such as amending state pesticide laws and rules to provide DAB with a legal framework to regulate the use of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act section 24(a).

AUTHORITY:

Pursuant to HRS section 149A-32.5, "Notwithstanding any law, rule, or executive order to the contrary, the chairperson of the board of agriculture, in consultation with the advisory committee on pesticides and also with the approval of the director of health, shall suspend, cancel, or restrict the use of certain pesticides or specific uses of certain pesticides when the usage is determined to have unreasonable adverse effects on the environment. In addition to other circumstances which may require a determination as to whether unreasonable adverse effects exist, a determination shall be made:

- (1) When residues of the pesticides are detected in drinking water; or
- (2) When a use under a special local needs registration involves a pesticide for which any use has been suspended or canceled by the EPA."

RECOMMENDATION:

It is respectfully requested that the Advisory Committee on Pesticides recommends to the Chairperson of the Board of Agriculture that the Department of Agriculture and Biosecurity, Pesticides Branch cancel SLN HI 250005.

ATTACHMENTS:

Attachment A – SLN HI 250005

Attachment B – Code of Federal Regulations Title 40 Part 162