UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

New Mexico Department of Agriculture
Division of Agricultural and Environmental Services
Pesticide Compliance Section
New Mexico State University
P.O. Box 30005, MSC 3AQ
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Issue Date: May 10, 2018
Expiration Date: November 30, 2018
Report Due: May 30, 2019
File Symbol: 18NM01

Attn: Erica Millette

The Environmental Protection Agency hereby grants a specific exemption under the provisions of section 18 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, to the New Mexico Department of Agriculture (NMDA) for the use of sulfoxaflor (CAS Reg. No. 946578-00-3) on sorghum to control sugarcane aphid (*Melanaphis sacchari*) in New Mexico.

In a letter dated May 7, 2018, the NMDA recertified that the emergency condition still exists and that there were no changes to the use directions, including use rates and type of application, approved in the last authorization dated May 5, 2017. This specific exemption is subject to the conditions set forth in your request as well as the following conditions, modifications and restrictions:

1. The New Mexico Department of Agriculture (NMDA) is responsible for ensuring that all provisions of this specific exemption are met. NMDA is also responsible for providing information in accordance with 40 CFR 166.32(b). Accordingly, a report summarizing the results of this program must be submitted to EPA Headquarters and the EPA Region 6 office within 6 months following the expiration of this exemption or prior to requesting another specific exemption for this use in the following year. In accordance with 40 CFR 166.32(a), these offices shall also be immediately informed of any adverse effects resulting from the use of this pesticide in connection with this exemption. Any future correspondence concerning this exemption should refer to file symbol: **18NM01**

2. The registered product, Transform™ WG (EPA Reg. No. 62719-625, containing 50% a.i. sulfoxaflor), manufactured by Dow AgroSciences, may be applied. All applicable directions for use, restrictions, and precautions on the EPA-registered product label including Worker Protection Standards must be followed except as modified in this authorization document.

3. Foliar applications may be made by ground or air at a rate of 0.75-1.5 oz of product (0.023-0.047 lb a.i.) per acre. A maximum of 2 applications may be made per year, resulting in a seasonal maximum application rate of 3.0 oz of product (0.09 lb a.i.) per acre per year.

4. Do not apply this product within 3 days pre-bloom, or until after seed set.

5. To minimize spray drift and potential exposure of bees when foraging on plants adjacent to treated fields:

   - Applications are prohibited above wind speeds of 10 miles per hour (mph).
   - Applications must be made with medium to course spray nozzles (i.e., with median droplet size of 341 μm or greater).

6. Retreatments are prohibited within 14 days of application. A restricted entry interval (REI) of 24 hours applies to all applications.

7. Pre-harvest interval (PHI): Do not apply within 14 days of grain or straw harvest or within 7 days of grazing, or forage, fodder, or hay harvest.

8. A maximum of 140,000 acres of sorghum fields (grain and forage) may be treated in New Mexico.

9. **Environmental Hazards Statement**:
   "This product is highly toxic to bees exposed through contact during spraying and while spray droplets are still wet. This product may be toxic to bees exposed to treated foliage for up to 3 hours following application. Toxicity is reduced when spray droplets are dry. Risks to pollinators from contact with pesticide spray or residues can be minimized when applications are made before 7:00 am or after 7:00 pm local time or when the temperature is below 55 degrees Fahrenheit (°F) at the site of application."

10. This specific exemption expires November 30, 2018.

11. Applications made in accordance with the above provisions are not expected to result in combined residues of sulfoxaflor, including its metabolites and degradates, in or on sorghum commodities in excess of the following time-limited tolerances: sorghum, forage at 0.40 ppm; sorghum, grain at 0.30 ppm; and sorghum, stover at 0.90 ppm; and the established permanent tolerance for aspirated grain fractions at 20 ppm. The Agency has determined that these levels are adequate to protect the public health. Time-limited tolerances in connection with this action have been established in 40 CFR 180.668(b).

12. This is the fourth year that NMDA has requested a specific exemption for the use of sulfoxaflor on sorghum to control sugarcane aphids. In the event that NMDA requests this use pattern next year, due to the introduction of this invasive pest in sorghum, the EPA has made a preliminary determination that this use is eligible for a streamlined application under the recertification program (40 CFR 166.20(b)(5)) in 2019.

If you have any questions regarding this authorization, please contact Emergency Response Team member Stacey Groce (703-305-2505; groce.stacey@epa.gov) or the Acting Emergency Response Team Leader, Nikhil Mallampalli (703-308-1924; mallampalli.nikhil@epa.gov).

Donna S Davis for

Michael L. Goodis, Director
Registration Division
Office of Pesticide Programs

Date: 5/10/18

cc: *Jeffrey Lammers, USEPA Region 6*
Elizabeth Reyes, USEPA Region 6 Pesticide Tribal Coordinator