UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

MAR 27 2019

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Mississippi Department of Agriculture and Commerce
Bureau of Plant Industry
P.O. Box 5207
Mississippi State, MS 39762

Effective Date: June 1, 2019
Expiration Date: October 31, 2019
Report Due: April 30, 2020
File Symbol: 19MS02

Attn: Jasper Cobb

The U.S. Environmental Protection Agency hereby issues a specific exemption under the provisions of Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, to the Mississippi Department of Agriculture and Commerce for the use of sulfoxaflor (CAS Reg. No. 946578-00-3) on cotton to control tarnished plant bug (*Lygus lineolaris*) in Mississippi.

In the request dated January 23, 2019, the Mississippi Department of Agriculture and Commerce recertified that the emergency condition still exists and that there were no changes to the use directions, including rates and type of application, as approved in the last authorization dated January 29, 2018. This specific exemption is subject to the conditions set forth in your request, as well as the following conditions, modifications and restrictions:

1. The Mississippi Department of Agriculture and Commerce (MDAC) is responsible for ensuring that all provisions of this specific exemption are met. MDAC 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 4 office within 6 months following the expiration of this exemption or prior to requesting subsequent specific exemption for this use. 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.

2. The registered product, Transform® WG (EPA Reg. No. 62719-625, containing 50% sulfoxaflor), manufactured by Dow AgroSciences, may be applied. All applicable directions for use, restrictions, and precautions on the EPA-product label including Worker Protection Standards must be followed, as well as those outlines on the Section 18 use directions submitted with your request, unless otherwise modified in this authorization document.

3. Foliar applications may be made by ground or air at a rate of 1.5-2.25 oz. of product (0.047-0.071 lbs. a.i.) per acre. A maximum of 4 applications may be made per year, but no more than 8.5 oz. of product (0.266 lbs. a.i.) may be applied per acre per year.

4. To minimize spray drift and potential exposure of bees when foraging on plants adjacent to treated fields, applications are prohibited when wind speeds are above 10 miles per hour (mph).

5. Retreatments are prohibited within 5 days of application. A pre-harvest interval (PHI) of 14 days and a restricted entry interval (REI) of 24 hours applies to all applications.

6. A maximum of 750,000 acres of cotton fields may be treated in Mississippi.

7. **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 managed and native 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."

8. **Advisory Pollinator Statement**: "Notifying known beekeepers within 1 mile of the treatment area 48 hours before the product is applied will allow them to take additional steps to protect bees. If known apiaries are within one mile of cotton fields intended for treatment, applications should be made before 7:00 am or after 7:00 pm local time during the flowering period. Growers are advised to refer to and, where feasible, observe the cooperative standards outlined in the Mississippi Honeybee Stewardship Program for additional guidance and bee conservation stewardship efforts."

9. This specific exemption expires October 31, 2019.

10. 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 cotton commodities in excess of the following existing tolerances at 40 CFR 180.668(a): cottonseed subgroup 20C at 0.20 ppm; cotton, gin byproducts at 6.0 ppm; cotton, hulls at 0.35 ppm. The Agency has determined that these levels are adequate to protect the public health.

11. This is the sixth year that MDAC has requested a Section 18 emergency exemption for the use of sulfoxaflor on cotton to control tarnished plant bug. In the event that MDAC requests this use pattern next year; the EPA has made a preliminary determination that this use is eligible for a streamlined application under the re-certification program (40 CFR 166.20(b)(5)) in 2020.

Any future correspondence regarding this exemption should refer to file symbol 19MS02.

If you have any questions regarding this authorization, please contact Emergency Response Team member Tamica Cain (703-347-8110; cain.tamica@epa.gov) or the Emergency Response Team Leader, Tawanda Maignan (703-308-8050; maignan.tawanda@epa.gov).

Michael Goodis

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

Date: March 27, 2019

cc: Phillip Beard, USEPA Region 4
Patricia Livingston, USEPA Region 4 Pesticide Tribal Coordinator