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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

North Carolina Department of Agriculture
and Consumer Services
1001 Mail Service Center
Raleigh, NC 27699

Date Issued: JUL 2 0 2012
Expiration Date: 10/15/2012
Report Due: 04/12/2013
File Symbols: 12-NC-01 (apple), -02 (peach), & -03 (nectarine)

Attn: Lee Davis

The Environmental Protection Agency hereby issues specific exemptions under the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, to the North Carolina Department of Agriculture and Consumer Services for use of bifenthrin on apple, peach, and nectarine to control brown marmorated stink bug (BMSB). These exemptions are subject to the conditions and restrictions outlined below, as well as those specified in the request submitted to the EPA.

1. The North Carolina Department of Agriculture and Consumer Services (NCDACS) is responsible for ensuring that all provisions of these specific exemptions are met. NCDACS 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 Regional office within 6 months following the expiration of these exemptions, or prior to requesting subsequent specific exemptions for these uses. 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 these exemptions. Any future correspondence regarding these exemptions should refer to file symbols 12-NC-01, -02, and -03.

2. The registered products, Brigade WSB (10% active ingredient (a.i.) bifenthrin), EPA Reg. No. 279-3108, manufactured by FMC Corporation; and Bifenture EC (25% a.i.); EPA Reg. No. 70506-227 and Bifenture 10DF (10% a.i.); EPA Reg. No. 70506-57, both manufactured by United Phosphorus, Inc. may be applied.

3. Applications must be made post-bloom, by ground only at a rate of 0.08 to 0.2 lb. per acre; no more than 0.5 lb. a.i. per acre may be applied per year; multiple applications may be made at a minimum of 30 day intervals; a restricted entry interval (REI) of 12 hours and pre-harvest interval (PHI) of 14 days must be observed.

4. All applicable directions, restrictions, and precautions on the EPA-registered product labels, must be followed, as well as those on the section 18 use directions as revised on July 12, 2012, which were provided in conjunction with the requests.

5. A maximum of 4,000 acres of apple, peach, and nectarine may be treated under these specific exemptions.

6. These exemptions expire October 15, 2012.

7. Residues of bifenthrin resulting from applications made in accordance with these exemptions are not expected to exceed 0.5 ppm in/on apple, peach, or nectarine. Residues at this level are not expected to adversely affect human health, and time-limited tolerances will be established at this level.

8. To help minimize exposure to pollinators, the following statement on the application timing must be observed: "Do not apply this product until after petal fall."

9. To mitigate risks to aquatic organisms, section 3 product label requirements must be strictly followed. For ground applications (the only method allowed under this exemption) 10 ft vegetative buffer strip, or 25 ft buffer zone is required between the site of application and adjacent bodies of water. Recommendations on the section 3 product labels regarding droplet size, wind direction and speed, temperature inversions, and other factors affecting off-site drift or runoff of bifenthrin must also be carefully followed.

10. In addition, the following statements from the section 3 labels are reiterated:

This pesticide is extremely toxic to fish and aquatic invertebrates. Use with care when applying in areas adjacent to any body of water. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not make applications when weather conditions favor drift from treated areas. Drift and runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water when disposing of equipment wash waters.

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 while bees are actively visiting the treatment area.

The use of bifenthrin is prohibited in areas that may result in exposure of endangered species to bifenthrin. Prior to use in a particular county contact the local extension service for procedures and precautions to use to protect endangered species.

Although the information provided in support of the exemption requests generally supports the claim of an emergency situation, additional information, outlined below, must be provided in any future exemption requests for these uses. This information is needed in order to better characterize the biological and economic impacts due to the pest situation.

- Additional information regarding BMSB damage to apple, peach, and nectarine from all requesting states
- Efficacy comparisons between bifenthrin and currently registered insecticides that are conducted under actual growing conditions
- Additional information regarding marketing (including figures for fruit unmarketable for fresh market due to BMSB damage) and price differentials between fresh and processed fruits.

This is the first time for an emergency exemption request for the use of bifenthrin on apple, peach, and nectarine. Therefore, progress toward registration is not yet a critical issue. Progress towards obtaining registration of these uses will be a consideration in determining whether future repeat requests may be authorized under section 18. Any repeat exemption requests must address the status of any efforts toward obtaining registration of these uses.

If you have any questions regarding these authorizations, please contact my staff member Andrea Conrath, at (703) 308-9356 or by email: conrath.andrea@epa.gov.

Steven Bradbury, PhD, Director
Office of Pesticide Programs

Date: 7/20/12

cc: US EPA Region 4
Lora Lee Schroeder