Expedited Emergency Exemption (Section 18) Request

The New Jersey Department of Environmental Protection (NJDEP), Pesticide Evaluation and Monitoring, requests a specific emergency exemption under the provisions of Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, for use of **bifenthrin**, formulated as the following three registered products:

UPI product Bifenture EC Agricultural Insecticide, EPA Reg. No. 70506-57
UPI product Bifenture 10DF Insecticide / Miticide, EPA Reg. No. 70506-227
FMC product Brigade WSB Insecticide / Miticide, EPA Reg. No. 279-3108

on **apple, peach** and **nectarine** fruit to control the **Brown Marmorated Stinkbug (BMSB),** and incorporates by reference all information submitted in the previous application on **August 24, 2017.**

This is the **7th** year that **Professor and Statewide Fruit IPM Agent, Dean Polk of the Rutgers Agricultural Research and Extension Center** has requested this use. NJDEP asks that this specific exemption request be processed as eligible for an expedited repeat exemption as allowed by 40 CFR 166.20(b)(5).

1. __X__ Also in accordance with the regulations**,** NJDEP hereby certifies the following: (check one that applies for each numbered item) and, if applicable, attach additional information);
2. __X__ The emergency condition(s) described in the previously submitted emergency exemption ~~a~~pplication continues to exist;
3. __X__ All information submitted in the previously submitted emergency exemp~~tion~~ application is still accurate;
4. __X__ The proposed conditions of use are identical to the conditions of use, EPA authorized previously for the following 3 EPA File Symbols on **September 8, 2017**.

   17-NJ-01 (apple), 17-NJ-02 (peach) and **17-NJ-03 (nectarine)**
5. __X__ There were no additional conditions or limitations on the eligibility for recertification identified in the previous notice of approval;
6. __X__ The applicant has not newly become aware of any alternative chemical or nonchemical practice that may offer a meaningful level of pest control;
7. __X__ A final or interim report dated **May 25, 2018 from Rutgers Professor and NJ Statewide Fruit IPM Agent Dean Polk**, is attached.