Maryland
Department of Agriculture

Agriculture | Maryland's Leading Industry

Office of Plant Industries and Pest Management

Pesticide Regulation

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor
Joseph Bartenfelder, Secretary
Julianne A. Oberg, Deputy Secretary

The Wayne A. Cawley, Jr. Building
50 Harry S. Truman Parkway
Annapolis, Maryland 21401
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410.841.5710 Baltimore/Washington
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April 09, 2019

Tawanda Maignan, Section 18 Team Leader, Registration Division
U.S. Environmental Protection Agency, Office of Pesticide Programs
Risk Integration Minor Use, and Emergency Response Branch (750P)
One Potomac Yard
2777 S. Crystal Street
Arlington, Virginia 22202

Re: Request to Re-certify Repeat Section 18 File Symbol 17-MD-02(apple), 03(peach) and 04(nectarine)

Dear Ms. Maignan:

On behalf of the growers in the State of Maryland, the Maryland Department of Agriculture (MDA) hereby requests EPA to re-certify, Specific Exemption16-MD-06(pome fruit) and 16-MD-07 (stone fruit) under Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) to growers in Maryland to apply Bifenture EC (EPA Reg. No 70506-57) and Bifenture 10DF (EPA Reg. No 70506-227) manufactured by UPL NA Inc. and Brigade WSB Insecticide/Miticide (EPA Reg. No 279-3108) manufactured by FMC Corporation. We are requesting this action pursuant to Title 40 CFR 166.20(b)(5).

MDA will, under the authority of the Maryland Pesticide Applicator's Law and FIFRA, ensure that the use of these pesticides under this exemption are in compliance with all requirements specified by EPA in approving this recertification request.

Attached, please find letters of support and draft section 18 labels from Registratnts (FMC and UPL NA Inc.) for these requested uses.

The Interim/ final use report under the last Section 18 for 02 (apple), 03(peach) and 04 (nectarine) is as follows.

It is estimated that approximately 1,700 to 2000 acres of apples, peaches and nectarines were treated in Maryland under this Section 18. There were no adverse effects observed or reported and no violations were noted regarding the use of these pesticide products.

Sincerely,
Dennis Howard
Dennis W. Howard

Program Manager III
Maryland Department of Agriculture
Pesticide Regulation Section

cc: file
Rob Hofstetter
Russell Noratel
Attachments: Registrant Letters of Support and Draft Section 18 Labels

FMC Corporation
2929 Walnut Street
Philadelphia, PA 19104
USA

215.299.6000
fmc.com

February 13, 2019

Dennis Howard
Program Manager
Pesticide Regulation Section
Maryland Department of Agriculture
50 Harry S Truman Parkway
Annapolis, MD 21401

RE: Section 18 Letter of Support

Dear Mr. Howard:

As the registrant for Brigade WSB insecticide/miticide (EPA Reg No. 279-3108), FMC fully supports the proposed renewal of a Section 18 emergency exemption use of this product in Maryland and other states on apple, peach, and nectarine to control the Brown Marmorated Stink Bug (*Halyomorpha halys*).

FMC is committed to working with IR-4 in their program to obtain Section 3 registrations for use of bifenthrin on pome and stone fruit. IR-4 conducted field magnitude of the residue trials on apple (PR 11016) and peach (PR 11017) in 2013 and submitted tolerance petitions for these new uses to US EPA in June 2016. An Agency decision on these uses was expected in September 2017, but the EPA requested an 18-month extension of the PRIA date as they continue with the registration review process for the active ingredient bifenthrin. The new PRIA date for the IR-4 submission is now March 25, 2019.

Please contact me by telephone at 302-318-9475 or by email at timothy.ciarlo@fmc.com if you have any questions on this matter.

Sincerely,

Tim Ciarlo
Product Registration Manager
FMC Corporation

RESTRICTED USE PESTICIDE

Toxic to fish and aquatic organisms.

For retail sale to and use only by certified applicators or persons under their direct supervision, and only for those uses covered by the certified applicator's certificate

BRIGADE® WSB

INSECTICIDE / MITICIDE

Section 18 EXEMPTION

FOR DISTRIBUTION AND USE ONLY IN MARYLAND

EPA File Symbol:
19-MD-_____,
19-MD-_____,
19-MD-_____

EMERGENCY CALLS: 800-331-3148

ALL APPLICABLE DIRECTIONS, RESTRICTIONS, AND PRECAUTIONS ON THE REGISTERED PRODUCT LABEL FOR BRIGADE WSB (EPA REG. NO. 279-3108) ARE TO BE FOLLOWED

THESE DIRECTIONS FOR USE MUST BE IN THE POSSESSION OF THE USER AT THE TIME OF PESTICIDE APPLICATION.

This exemption is effective from _____, 2019 through _____, 2019

Crop	Pest Controlled	Rate of Application
Apples, Peaches, Nectarines	Brown marmorated stink bug	12.8 - 32 oz/acre (0.08 - 0.2 lb ai/acre)

Directions for Use: Application must be made post-bloom, by ground only as a dilute (minimum of 200 gallons of finished spray per acre) or concentrate (minimum of 50 gallons of finished spray per acre) in sufficient water to provide thorough coverage. Do not apply this product until after petal fall. Thorough coverage is essential to achieve control. One bag = 0.05 lb ai = 8 oz formulated product.

Restrictions: Do not apply more than 32 oz/acre (0.2 lb ai/acre) per application. Do not apply more than 80 oz/acre (0.5 lb ai/acre) per year. Do not make applications less than 30 days apart. Do not graze livestock in treated areas. Do not apply within 14 days of harvest. Do not allow entry into treated areas for 12 hours following application.

Any adverse effects resulting from the use of Brigade WSB under this emergency exemption must be immediately reported to the Maryland Department of Agriculture.

R-4204 020519 02-05-19

FMC

FMC Corporation
2929 Walnut Street
Philadelphia, PA 19104

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UPL NA Inc.
Crystal Layton
630 Freedom Business Center, Suite 402
King of Prussia, PA 19406
Phone: (229) 583-3006

February 15, 2019

Via e-mail

Dennis Howard
Program Manager
Maryland Department of Agriculture
Pesticide Regulation Section
50 Harry S. Truman Parkway
Annapolis, MD 21401

Dennis.Howard@maryland.gov
410-841-5710

RE: Section 18 Letter of Support for Bifenture EC and Bifenture 10DF Insecticides

Dear Mr. Howard,

UPL NA Inc. (UPL NA) fully supports the Section 18 emergency exemption for use of Bifenture EC and Bifenture 10DF Insecticides, containing the active ingredient bifenthrin for control of Brown Marmorated Stink Bug (*Halyomorpha halys*) on apples, peaches and nectarines in Maryland (and other supporting States). The products we supply are:

- Bifenture EC – EPA Reg. No. 70506-57
- Bifenture 10DF – EPA Reg. No. 70506-227

UPL NA will be able to supply product to meet the market demand for 2019.

If you have any questions, please feel free to contact me directly at 229-583-3006 or crystal.layton@uniphos.com. If you have technical questions about the product and control of Brown Marmorated Stink Bug, please contact Tony Estes at 864-202-7526 or tony.estes@uniphos.com.

Thank you for your time and consideration.

Sincerely,

C Layton

Crystal Layton
Regulatory Manager

Cc Tony Estes

For distribution and use only in Maryland under an emergency exemption authorized under Section 18 of FIFRA

All applicable directions, restrictions, and precautions on the EPA registered product labels as well as those on these directions for use must be followed. These directions for use must be in the possession of the user at the time of pesticide application.

Products: Bifenture® EC Agricultural Insecticide (EPA Reg. No. 70506-57)
Bifenture® 10DF Insecticide/Miticide (EPA Reg. No. 70506-227)

Firm Name: UPL NA Inc.
630 Freedom Business Center, Suite 402
King of Prussia, PA 19406

Crop/Site/Commodity: Apples, Peaches, Nectarines
File Symbol: **xx-MD-xx, xx-MD-xx, xx-MD-xx**
Target Pest/Problem: Brown Marmorated Stink Bug (*Halyomorpha halys*)

Dosage: Apply 5.12 – 12.8 fl ozs (0.08-0.20 lbs ai) per acre of **Bifenture EC Agricultural Insecticide** (EPA Reg. No. 70506-57), **OR**

Apply 12.8 – 32.0 ozs (0.08-0.20 lbs ai) per acre of **Bifenture 10DF Insecticide/Miticide** (EPA Reg. No. 70506-227)

Use higher rates under heavy insect pressure.

Dilution Rate: **By Ground:** Apply as a dilute spray (minimum of 200 gallons of finished spray per acre) or concentrate (minimum of 50 gallons of finished spray per acre).
For best control, thorough coverage is necessary.

Frequency/Timing of Applications: Applications should be applied when populations reach locally determined economic thresholds. Consult the cooperative extension service, professional consultants or other qualified authorities to determine appropriate threshold levels for treatment in your area.

Do not apply more than 32 fl ozs (0.50 lbs ai) of **Bifenture EC Agricultural Insecticide** or 80 ozs (0.50 lbs ai) of **Bifenture 10DF Insecticide/Miticide** per acre per season.

Apply as necessary to maintain control using a minimum of 30-day spray intervals.
Do not apply this product until after petal fall.
Do not graze livestock in treated orchards or cut treated cover crops for feed.

Restricted Entry Interval (REI): 12 hours

Pre-Harvest Interval (PHI): 14 days

Restricted Use Pesticide: When used in Maryland, applications can only be made by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators certification.

This exemption is effective _____ through _____.