West Virginia Department of Agriculture
Kent A. Leonhardt, Commissioner
Joseph L. Hatton, Deputy Commissioner

June 8, 2021

Tawanda Maignan, Team Leader
Emergency Response Team
U.S. EPA Office of Pesticide Programs
Document Processing Desk (EMEX)
Room S4900, One Potomac Yard
2777 Crystal Drive
Arlington, VA 22202

RE: Recertification Request for Section 18 Emergency Exemption for the use of bifenthrin to control Brown Marmorated Stink Bug (BMSB) - Brigade WSB Insecticide, EPA Reg. No. 279-3108

The West Virginia Department of Agriculture (WVDA) is applying for a repeat section 18 specific exemption for the use of bifenthrin on pome and stone fruit to control Brown Marmorated Stink Bug (BMSB) in West Virginia in 2021. This is a repeat request of the application submitted and approved in 2020. I hereby certify that data provided in support of the original 2013 exemption request remains valid.

West Virginia University Extension Service has provided support as part of the work group and is in support of this request - please see attached letter. The availability of bifenthrin will be helpful for growers in their efforts to control this invasive pest. The manufacturer has also provided support for the use of the active ingredient bifenthrin. Specifically, Brigade WSB Insecticide (EPA Reg. No. 279-3108) produced by FMC Corporation is requested for registration under FIFRA Section 18 Emergency Use Exemption for use on pome and stone fruit for the control of BMSB in all counties in West Virginia. Please see the attached letters of support and draft copy of Section 18 Emergency Exemption Use Directions from the manufacturer.

West Virginia does not currently gather use data from pesticide applicators, so sales data from the registrants is employed to estimate usage of pesticides in the state under Section 18 Emergency Exemptions. Tim Formella of FMC reported that no Brigade WSB was sold in West Virginia in 2020 but was unable to determine if any had been applied.

There should be no adverse effect to endangered species in West Virginia due to the use of this product. As with any emergency exemption registration, the use of this product will be monitored, including an evaluation of potential impact on endangered species.

I will be awaiting your decision on this Section 18 Specific Exemption request for the use of bifenthrin on pome and stone fruit to control Brown Marmorated Stink Bug in West Virginia. If you should have any questions regarding this request, I may be reached at 304-558-2209 or gbishop@wvda.us.

Sincerely,

Grant Bishop

Grant Bishop
Deputy Director
Regulatory and Environmental Affairs Division
Pesticide Regulatory Programs

mailing address: 1900 Kanawha Blvd. East, Charleston, WV 25305-0170
physical address: 217 Gus R. Douglass Lane, Charleston, WV 25312
telephone: 304-558-3550 • fax: 304-558-2203

Attachments:

1. Letter of Authorization from Tim Formella, FMC.
2. Draft label for Brigade WSB Insecticide.
3. Letter of support from West Virginia University

FMC | An Agricultural Sciences Company

FMC Corporation
2929 Walnut Street
Philadelphia, PA 19104
USA

215.299.6000
fmc.com

June 4, 2021

Peggy K. Powell
West Virginia Department of Agriculture
Pesticide Regulatory Programs
1900 Kanawha Blvd., East
Charleston, WV 25305

RE: Section 18 Letter of Support

Dear Ms. Powell:

As the registrant for Brigade WSB insecticide/miticide (EPA Reg No. 279-3108), FMC fully supports the proposed recertification of a Section 18 emergency exemption use of this product in West Virginia 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 initially expected in September 2017 but due to the current registration review of the active ingredient bifenthrin the Agency has subsequently requested five extensions of the PRIA decision date. The current PRIA decision date for the IR-4 submission is now September 24, 2021.

Please contact me by telephone at 215-299-6717 or by email at tim.formella@fmc.com if you have any questions on this matter.

Sincerely,

Timothy M. Formella
Senior Product Registration Manager
FMC Corporation

RESTRICTED USE PESTICIDE

Due to toxicity 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 WEST VIRGINIA

EPA File Symbol:
21-WV-___ (apple),
21-WV-___ (peach),
21-WV-___ (nectarine)

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 _____, 2021 through _____, 2021

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 West Virginia Department of Agriculture & Consumer Services.

label code: DR-4600 060421

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FMC Corporation
2929 Walnut Street
Philadelphia, PA 19104

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West Virginia University
EXTENSION SERVICE

Grant Bishop
Assistant Director
Regulatory and Environmental Affairs Division
Pesticide Regulatory Programs Unit
West Virginia Department of Agriculture
1900 Kanawha Boulevard, East
Charleston, WV 25305-0190

June 4, 2021

Re: Brown Marmorated Stink Bug – Section 18 Emergency Exemption

Dear Mr. Bishop,

I am writing this letter to express my support for your request to the EPA to approve an emergency exemption for the use of dinotefuran (Venom and Scorpion 35 SL) and bifenthrin (Brigade WSB) to control brown marmorated stink bug (BMSB) on stone and pome fruit in West Virginia.

In West Virginia, there are approximately 5,750 acres of apple and peach with an estimated annual revenue of over $23 million. The leading fruit producing counties in the state are Berkeley, Hampshire, Jefferson, and Morgan. BMSB continues to pose a threat to tree fruit production in the state and growers have few options available for its management. Having dinotefuran and bifenthrin would benefit West Virginia growers because it provides an additional product to manage BMSB.

Sincerely,

Carlos Quesada, PhD
Extension Assistant Professor and PSEP coordinator
WVU Extension Service and Division of Plant and Soil Science
West Virginia University
3308 Agricultural Sciences, Morgantown, WV 26506
Office: (304) 293-8835