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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Texas Department of Agriculture
P.O. Box 12847
Austin, Texas 78711

Authorization Date: APR 24 2014
Expiration Date: October 31, 2014
Report Due: April 30, 2014
File Symbol: 14TX02

Attn: Dale Scott

The 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 Texas Department of Agriculture for the use of sulfoxaflor (CAS Reg. No. 946578-00-3), on sorghum to control sugarcane aphid (*Melanaphis sacchari*) in Texas. This specific exemption is subject to the conditions set forth in your request dated January 21, 2014, as well as the following conditions, modifications and restrictions:

1. The Texas Department of Agriculture (TDA) is responsible for ensuring that all provisions of this specific exemption are met. TDA 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 6 office within 6 months following the expiration of this exemption, or prior to requesting another specific exemption for this use in the following year. 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.

   Any future correspondence regarding this exemption should refer to file symbol 14TX02.

2. The registered product, Transform™ WG (EPA Reg. No. 62719-625; 50% sulfoxaflor), manufactured by Dow AgroSciences, may be applied. All applicable directions, restrictions, and precautions on the EPA-registered Section 3 label, as well as those outlined in the Section 18 use directions, except as modified by this authorization, must be followed.

3. Foliar applications may be made by ground or air at a rate of 0.75-1.5 oz of product (0.023-0.047 lb a.i.) per acre. A maximum of 2 applications may be made per acre per year, resulting in a seasonal maximum application rate of 3.0 oz of product (0.09 lb a.i.) per acre per year.

4. The minimum application retreatment interval of 14 days and a restricted entry interval (REI) of 24 hours must be observed.

5. A 7-day pre-harvest interval (PHI) for forage and a 14-day PHI for grain or stover must be observed.

6. A maximum of 3,000,000 acres of sorghum fields (grain and forage) may be treated in Texas.

7. 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. Risk to managed bees 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 F at the site of application

8. This specific exemption expires October 31, 2014

9. 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 sorghum commodities in excess of the following recommended tolerances: sorghum, forage at 0.40 ppm; sorghum, grain at 0.30 ppm; and sorghum, stover at 0.90 ppm; and the established permanent tolerance for aspirated grain fractions at 20 ppm. The Agency has determined that these levels are adequate to protect the public health. Time-limited tolerances in connection with this action will publish in the *Federal Register*.

10. The registrant, Dow AgroSciences, has submitted a tolerance petition and Section 3 label in support of this use. A regulatory decision on this request is scheduled during FY 2015. Therefore, progress toward registration is considered adequate at this time.

11. This is the first year that TDA has requested an exemption for this use. EPA has determined that this use is NOT eligible for the streamlined re-certification program (40 CFR 166.20(b)(5)). In the event that an exemption for this use is requested next year, the following information should be submitted with the Section 18 application: 1.) more information on the pest taxonomic status, biology, and explanation for the outbreak; 2.) distribution of the pest and damage for the 2014 sorghum growing season; and 3.) a resistance management plan and extension entomologists' recommendations to manage this pest.

If you have any questions regarding this authorization, please contact my staff member Keri Grinstead at 703-308-8373; email: Grinstead.Keri@epa.gov.

Marty Monell, ACTING

Marty Monell, Director
Office of Pesticide Programs

Date: 24 APRIL, 2014

cc: Elizabeth Reyes, EPA Region 6, EPA Region 6 Pesticide Tribal Coordinator