

For distribution and use only in the following counties within New York: Columbia, Dutchess, Orange and Ulster under an emergency exemption authorized under Section 18 of FIFRA

All applicable directions, restrictions, and precautions on the EPA registered product label 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.

Product: Bifenture® EC Agricultural Insecticide (EPA Reg. No. 70506-57)

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

Classified for
“RESTRICTED USE”
in New York State
under 6NYCRR Part 326

ACCEPTED

August 6, 2015

New York State Department
of Environmental Conservation
Division of Materials Management
Pesticide Product Registration

Crop/Site/Commodity: Apple, Peach and Nectarine

File Symbol: 15-NY-02 (apple), 15-NY-03 (peach), 15-NY-04 (nectarine)

Doc ID 542977

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). Use higher rates under heavy insect pressure.

Dilution Rate: **By Ground Only:** 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** For all Bifenthrin products used, do not apply more than a total of 0.50 lbs ai/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 New York, 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 August 6, 2015 through October 15, 2015.



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

New York Department of Environmental Conservation
Division of Materials Management
Bureau of Pest Management
Product Registration & Pest Management Alternatives Section
625 Broadway, 9th Floor
Albany, New York 12233-7257

Date Issued: JUL 30 2015
Expiration Date: October 15, 2015
Report Due: April 15, 2016
File Symbols: 15-NY-02 (apple), -03 (peach), & -04 (nectarine)

Attn: Jeanine Broughel

The Environmental Protection Agency hereby re-issues specific exemptions under the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, to the New York Department of Environmental Conservation for use of bifenthrin on apple, peach, and nectarine to control brown marmorated stink bug (BMSB).

The New York Department of Environmental Conservation re-certified that the emergency conditions still exist and that there were no changes to the use directions as approved in the last authorization dated June 20, 2014, including the use rates and type of application. These exemptions are subject to the conditions set forth in your request dated July 10, 2015, as well as the following conditions, modifications, and restrictions below:

1. The New York Department of Environmental Conservation (NYDEC) is responsible for ensuring that all provisions of these specific exemptions are met. NYDEC 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 15-NY-02 (apple), -03 (peach), & -04 (nectarine).
2. The registered products, Brigade WSB (10% bifenthrin, EPA Reg. No. 279-3108) manufactured by FMC Corporation; Bifenture EC (25% bifenthrin, 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. active ingredient (a.i.) bifenthrin 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, as well as those outlined on the section 18 use directions referenced in your request, must be followed.
5. A maximum of 6,321 acres of apples, peaches, and nectarines may be treated under these specific exemptions.
6. These exemptions expire October 15, 2015.
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. Time-limited tolerances were established in connection with past exemptions at 40 CFR 180.442, have expiration dates of December 31, 2015, and will be extended as needed to cover any residues resulting from these exemption uses.
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) a 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:

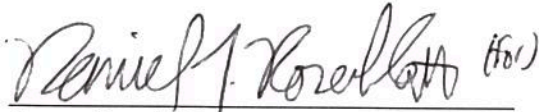
This pesticide is extremely toxic to fish and aquatic invertebrates. Use with care when applying in areas adjacent to any body of water. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not make applications when weather 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.

This is the fourth year emergency exemption requests have been made for the use of bifenthrin on apple, peach, and nectarine. IR-4, in cooperation with the registrants, has conducted residue trials to support registration of these uses, and samples from these trials are currently undergoing analysis. Therefore, progress toward registration has been adequate. Any repeat exemption requests for these uses must provide an update on the status of the efforts toward obtaining registration of these uses. In the event that NYDEC requests emergency exemptions for these uses next year, EPA is making a preliminary determination that they are eligible for streamlined submissions under the re-certification program (40 CFR 166.20(b)(5)) in 2016.

If you or your staff have any questions regarding this authorization, please contact Emergency Response Team member, Andrea Conrath (703.308.9356; conrath.andrea@epa.gov); or the Emergency Response Team Leader, Tawanda Maignan (maignan.tawanda@epa.gov).

Handwritten signature of Susan Lewis in cursive, with the initials "(for)" written to the right of the signature.

Susan Lewis, Director
Registration Division
Office of Pesticide Programs

Date: 7/30/2015

cc: Adrian Enache
US EPA Region 2

Aarti Reddy, Tribal Coordinator
USEPA Region 2