



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, MD 21401

Date Issued: MAY 22 2017
Expiration Date: October 15, 2017
Report Due: April 15, 2018
File Symbols: 17MD04 (pome fruit)
17MD05 (stone fruit)

Attn: Dennis Howard

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 Maryland Department of Agriculture (MDA) for use of dinotefuran on stone and pome fruit to control brown marmorated stink bug (BMSB).

The MDA re-certified that the emergency conditions still exist and that there are no changes to the use directions as approved in the last authorization dated June 16, 2016, including the use rate, and type of application. These exemptions are subject to the conditions set forth in MDA's request dated March 23, 2017, as well as the following conditions, modifications, and restrictions:

1. The MDA is responsible for ensuring that all provisions of these specific exemptions are met. It 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 17MD04 (pome fruit) and 17MD05 (stone fruit).

2. The registered products, Venom Insecticide (EPA Reg. No. 59639-135, containing 70% dinotefuran), manufactured by Valent U.S.A Corporation and Scorpion 35SL Insecticide (EPA Reg. No. 10163-317, containing 35% dinotefuran), manufactured by Gowan Company, LLC, may be applied. All applicable directions, restrictions, and precautions on the EPA-registered product labels, as well as those outlined on the Section 18 use directions, as revised on May 9, 2017 (Scorpion 35SL) and May 10, 2017 (Venom), must be followed.
3. Venom Insecticide may be applied to stone and pome fruit at a maximum rate of 4 to 6.75 ounces of product (0.179 to 0.302 lb. active ingredient (a.i.)) per acre. Scorpion 35SL Insecticide may be applied to stone and pome fruit at a maximum rate of 8 to 12 fluid ounces of product (0.203 to 0.304 lb. a.i.) per acre. A maximum of 2 applications of products containing dinotefuran may be made per acre per season, with a minimum 7-day application interval. No more than a total of 0.608 lb. a.i. may be applied per acre per season, regardless of product used. Use is only allowed by foliar application using ground equipment.
4. A maximum of 3,730 acres of stone and pome fruit may be treated under these specific exemptions.
5. A 12-hour restricted entry interval (REI) and a 3-day pre-harvest interval (PHI) must be observed.
6. Residues of dinotefuran, including its metabolites and degradates, resulting from applications made in accordance with these exemptions are not expected to exceed 2.0 ppm in/on pome fruit, group 11-10 and 2.0 ppm in/on stone fruit, group 12-12. The EPA has determined that residues at these levels are adequate to protect public health. Time-limited tolerances were established at 40 CFR 180.603 in connection with past emergency exemptions are adequate to cover any residues that may result from this exemption program and are set to expire on December 31, 2018.
7. To help minimize exposure to pollinators, the following statement on the application timing must be strictly followed: ***“Do not apply this product until after petal fall.”***

Also, the following statements from the section 3 label are reiterated:

This compound is highly toxic to honey bees.

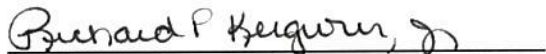
The persistence of residues and potential residual toxicity of dinotefuran in nectar and pollen suggests the possibility of chronic toxic risk to honey bee larvae and the eventual instability of the hive.

This product is toxic to bees exposed to residues for more than 38 hours following treatment.

8. These specific exemptions expire October 15, 2017 and a final report summarizing the results is due on April 15, 2018, or prior to submitting another request for the uses.

This is the seventh year that the use of dinotefuran on pome and stone fruit has been requested under section 18 of FIFRA. IR-4, in collaboration with the registrant, has completed the data to support registration of these uses. Pending EPA's completion of their pollinator risk assessment of neonicotinoid pesticides, including dinotefuran, IR-4 expects to submit tolerance petitions at that time if permissible. In the event that MDA requests these uses next year under emergency exemptions, EPA is making a preliminary determination that the uses are eligible for the re-certification program (40 CFR 166.20(b)(5)) in 2018.

If you have any questions regarding these authorizations, please contact Emergency Response Team Member, Andrea Conrath (703.308.9356; conrath.andrea@epa.gov); or Emergency Response Team Leader, Tawanda Maignan (703.308.8050; maignan.tawanda@epa.gov).



Richard P. Keigwin, Jr., Acting Director
Office of Pesticide Programs

Date: 5/22/2017

cc: US EPA Region 3
Harry Daw