UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460 -0001

OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

West Virginia Department of Agriculture
State Capitol Building
Charleston, WV 25305

Date Issued: JUN 2 4 2011
Expiration Date: 10/15/2011
Report Due: 04/12/2012
File Symbol: 11WV02

Attn: Grant Bishop

The Environmental Protection Agency hereby grants a specific exemption under the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, to the West Virginia Department of Agriculture (WVDA) for use of dinotefuran on stone and pome fruit to control brown marmorated stink bug (BMSB).

Conditions of this exemption are given below:

1. The WVDA is responsible for ensuring that all provisions of this specific exemption are met. It is also responsible for providing information in accordance with 40 CFR 166.32. 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 this exemption, or prior to requesting another specific exemption for this use. 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: 11WV02.

2. The registered products, Venom Insecticide (containing 70.0% dinotefuran and EPA Reg. No. 59639-135), manufactured by Valent U.S.A Corporation and Scorpion 35SL (containing 35.0% dinotefuran and EPA Reg. No. 10163-317), manufactured by Gowan Company, LLC, may be applied.

3. Venom Insecticide may be applied to stone and pome fruit at a maximum rate of 4 – 6.75 fluid ounces (0.179 – 0.302 lbs a.i.) of product per acre. Scorpion 35SL Insecticide may be applied to stone and pome fruit at a maximum rate of 8 – 12 fluid ounces (0.203 – 0.304 lbs a.i.) of product per acre. For each of these products, a maximum of 2 applications may be made per acre per season and with a minimum 7-day application

interval. No more than 0.608 lbs a.i. may be applied per acre per season. Only foliar applications made by ground equipment is permitted.

4. All applicable directions, restrictions, and precautions on the EPA-registered products, as well as those outlined on the Section 18 labels use directions provided with your request, must be followed.

5. A maximum of 5,986 acres of stone and pome fruit may be treated in West Virginia under this specific exemption.

6. A 12-hour restricted entry interval (REI) and 3-day preharvest interval (PHI) must be observed.

7. Residues of dinotefuran resulting from applications made in accordance with this exemption are not expected to exceed 1.0 ppm in/on stone fruit, Crop Group 12 and 1.0 ppm in/on pome fruit, Crop Group 11. Residues at this level are not expected to adversely affect human health. EPA will establish a time-limited tolerance for these uses on Stone Fruit, Group 12 and Pome Fruit, Group 11.

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."

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

9. This specific exemption expires October 15, 2011.

This is the first year that this use of dinotefuran on stone and fruit has been requested under section 18 of FIFRA by WVDA.

If you have any questions regarding this authorization, please contact my staff member Marcel Howard, at (703) 305-6784 or by email: howard.marcel@epa.gov.

Steven Bradbury, Ph.D, Director
Office of Pesticide Programs

Date: 6/24/11

cc: US EPA Region 3
Harry Daw