



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

APR 09 2015

OFFICE OF  
CHEMICAL SAFETY AND  
POLLUTION PREVENTION

**MEMORANDUM**

**SUBJECT:** Minor Use Status for Tree Nuts Crop Group 14-12 (Except Almond and Pistachios) Being Considered in the Request for a New Exclusive Use Period for Protection of Data for Cyprodinil (DP425632)

**FROM:** Tara Chandgoyal, Plant Pathologist  
Biological Analysis Branch

*Tara Chandgoyal*

**THRU:** Arnet Jones, Chief  
Biological Analysis Branch  
Biological and Economic Analysis Division (7503P)

*Arnet Jones*

**TO:** Hope Johnson,  
Product Manager 21  
Fungicide Branch  
Registration Division (7505P)

**Product Review Panel:** April 8, 2015

**SUMMARY**

Syngenta Crop Protection, LLC has requested a new exclusive use period for protection of data for cyprodinil in support of registrations of several new uses as described in FIFRA § 3(c)(1)(F)(vi). As part of the process, BEAD evaluated data of the acres of production of the crops listed by the registrant and assessed whether or not they meet the standard of minor use as defined by FIFRA § 2(II)(1), that there are fewer than 300,000 acres grown in the U.S. (FIFRA, 2008). By that definition, BEAD concludes that the English walnut is not a minor use, although all other crops in the nut crop group 14-12 (except almonds and pistachios) proposed for registration by Syngenta are minor uses. Syngenta has not claimed, nor provided information to support the claim, that cyprodinil would qualify as a minor use on English walnut due to insufficient economic incentive under FIFRA § 2(II)(2).

**BACKGROUND**

Syngenta requested that EPA grant a new exclusive use period for protection of data for cyprodinil in support of registrations of new minor use crops (Table 1) for the period of 10 years

from the date of submission as described in FIFRA § 3(c)(1)(F)(vi) [FIFRA, 2008]. Syngenta requested that EPA grant a new exclusive use period for protection of data on Tree Crop Group 14-12 (except almonds and pistachios (Table 1). Syngenta states that the exclusive use for cyprodinil has expired. The original registration of cyprodinil was on April 10, 1998, which is more than 10 years ago.

Once an exclusive use period has expired, a registrant may request a new exclusive use period for the data developed to add a minor use to an existing registration that does not have exclusive use protected data.

To establish a new exclusive use period according to FIFRA § 3(c)(1)(F)(vi), the request must be made at the same time that the application for adding the new minor use(s) is submitted. The request must indicate that to the best of the registrant or applicant’s knowledge, the exclusive use period has expired and that data submitted to support the minor use(s) are eligible for exclusive use protection. As part of the process, BEAD has evaluated data of the acres of production of the crops listed by the registrant and assessed whether they are grown on fewer than 300,000 acres and, therefore, meet the standard of minor use as defined by FIFRA § 2(l)(1) (FIFRA, 2008).

### MINOR USE CROPS

Syngenta claims that the crops belonging to Tree Nut Crop Group 14-12 (except almonds and pistachios) are grown on less than 300,000 acres and are, therefore, minor uses. A review of production acres published in *The Census of Agriculture*, the most current government census of production acres (USDA, 2012) showed that chestnut, hazelnut, and macadamia nuts are grown on less than 300,000 acres. Walnut (English) is grown on 332,045 acres and therefore it is not a minor use under FIFRA § 2(l)(1) (USDA, 2012). In *The Census of Agriculture*, it is mentioned that nuts (others) are grown on less than 8,289 acres.

BEAD concludes that English walnut is not a minor use under FIFRA § 2(l)(1), although all other crops in Group 14-12 would qualify due to limited acreage. Syngenta has not submitted information to support a claim that cyprodinil would qualify as a minor use on English walnut due to insufficient economic incentive under FIFRA § 2(l)(2).

**Table 1.** Production acres of tree nut group 14-12 (except almond, except pistachio) provided by Syngenta.

Crop	Total Production Acres <sup>1</sup>
African nut-tree	<300,000
Beechnut	<300,000
Brazil nut	<300,000
Brazilian pine	<300,000
Bunya	<300,000
Bur oak	<300,000
Butternut	<300,000
Cajou nut	<300,000
Candlenut	<300,000
Cashew	<300,000
Chestnut	<300,000

Chinquapin	<300,000
Coconut	<300,000
Coquito nut	<300,000
Dika nut	<300,000
Ginkgo	<300,000
Guiana Chestnut	<300,000
Hazelnut (Filbert)	<300,000
Heartnut	<300,000
Hickorynut	<300,000
Japanese Horse-Chestnut	<300,000
Macademia nut	<300,000
Mongongo nut	<300,000
Monkey-Pot	<300,000
Monkey Puzzle Nut	<300,000
Okari nut	<300,000
Pachira Nut	<300,000
Peach Palm Nut	<300,000
Pequi	<300,000
Pili Nut	<300,000
Pine Nut	<300,000
Sapucaia Nut	<300,000
Tropical Almond	<300,000
Walnut (Black)	<300,000
Walnut (English)	332,045*
Yellowhorn	<300,000

1, Acres Grown (USDA, 2012)

\*, Changed from <300,000 acres to 332,045 Acres (USDA, 2012)

## REFERENCES

FIFRA. 2008. Federal Insecticide, Fungicide, and Rodenticide Act [As Amended Through P.L. 110–246, Effective May 22, 2008] <http://www.epa.gov/opprd001/registrationmanual/FIFRA.pdf>

USDA. 2012. Census of Agriculture—United States, Accesses on March 26, 2015. [http://www.agcensus.usda.gov/Publications/2012/Full\\_Report/Volume\\_1,\\_Chapter\\_1\\_US/st99\\_1\\_039\\_039.pdf](http://www.agcensus.usda.gov/Publications/2012/Full_Report/Volume_1,_Chapter_1_US/st99_1_039_039.pdf)