FIFRA Section 24(c) Special Local Need Label

FOR DISTRIBUTION AND USE ONLY WITHIN NEW YORK (EXCEPT NASSAU & SUFFOLK COUNTIES)

For use only by Certified Applicators.

For Control of Scab & Powdery Mildew in Apple

Luna® Tranquility

EPA Reg. No. 264-1085
SLN. No. NY-140001

THIS LABEL IS VALID UNTIL DECEMBER 31, 2018 UNLESS OTHERWISE AMENDED, WITHDRAWN, CANCELED, OR SUSPENDED

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. This label must be in the possession of the user at the time of pesticide application. Follow all applicable directions, restrictions, Worker Protection Standard requirements, and precautions on the EPA registered label.

APPLE

<table>
<thead>
<tr>
<th>Disease Control</th>
<th>Application Rate</th>
<th>Product Instructions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scab (Venturia spp.)</td>
<td>11.2 to 16 fl oz/acre</td>
<td>Begin fungicide applications preventatively. Continue as needed on a 7- to 10-day interval. When disease pressure is severe, use the higher rates and/or shorter intervals.</td>
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<tr>
<td>Powdery mildew (Podosphaera leucotricha)</td>
<td>11.2 to 16 fl oz/acre</td>
<td>Begin fungicide applications preventatively, or at green tip. Continue as needed on a 7- to 10-day interval. When disease pressure is severe, use the higher rates and/or shorter intervals.</td>
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</tbody>
</table>

Restrictions: Do not apply more than 54.7 fl oz of LUNA TRANQUILITY per acre per season. Do not apply LUNA TRANQUILITY within 72 days of harvest. **Do not apply with aerial application equipment.** To limit the potential for development of disease resistance to these fungicide classes, do not make more than 2 sequential applications of LUNA TRANQUILITY or any Group 7 or Group 9 containing fungicide before rotating with a fungicide from a different Group.
VIA E-MAIL

Ms. Danyel Ward
State Registration Manager
Bayer CropScience LP
2 T.W. Alexander Drive
Research Triangle Park, North Carolina 27709

Dear Ms. Ward:

Re: Registration of Special Local Need Labeling for Luna Tranquility (EPA Reg. No. 264-1085) Assigned SLN No: SLN NY-140001.

The New York State Department of Environmental Conservation (Department) has reviewed your application to register Special Local Need (SLN) labeling for Luna Tranquility (EPA Reg. No. 264-1085) in New York State. The product contains the active ingredient fluopyram (chemical code 080302) which is not registered in New York State and the active ingredient pyrimethanil (chemical code 288201) which is currently registered for use on apple crops in New York State. The Department has received many letters of support from fruit growers claiming increased resistance of apple scab and powdery mildew to currently registered products forcing growers to divert some apple crops from fresh market to juice production which has caused economic loss.

Dr. David Rosenberger, Professor of Plant Pathology and Plant-Microbe Biology at Cornell University, has provided documentation of his use of Luna Tranquility in apple tree test plots. He has verified that Luna Tranquility provides good control of apple scab and powdery mildew in New York apple orchards. Dr. Rosenberger strongly advocates the need for registration of a different chemistry such as a succinate dehydrogenase inhibitor (SDHI fungicides) like Luna Tranquility to moderate resistance to other chemical classes of fungicides such as the DMI and QoI fungicide groups.

Dr. Kerik Cox, Assistant Professor of Plant Pathology and Plant-Microbe Biology at Cornell University Agricultural Experiment Station in Geneva, New York also supports SLN registration of Luna Tranquility because the product contains two active ingredients (fluopyram and pyrimethanil) with alternate chemistries to which no resistance has been documented. When Luna Tranquility is used alternately with a third chemical class of fungicide such as a DMI or a QoI, the effect will be to ward off resistance by plant pathogens to the newer SDHI chemistry thus allowing New York State fruit growers to remain competitive in the marketplace.
The Department has not initiated a technical review of the active ingredient fluopyram and the product formulation for Luna Tranquility but a screening level assessment has indicated that the use of this product may potentially impact groundwater in sensitive areas. Therefore, the Department will require that Luna Tranquility be prohibited from use in Nassau and Suffolk Counties to be protective of its sole source drinking water aquifer. The product is persistent in the environment and has a high potential for runoff to neighboring surface waters impacting fish and aquatic organisms so the Department will prohibit aerial application of the product to limit misapplication to nearby surface waters. Finally, the Department will restrict use of this product to certified applicators to ensure that the product is used in accordance with the product label and special local need labeling for New York State.

The Department is acknowledging that a FIFRA 24(c) Special Local Need (SLN) registration for Luna Tranquility is being issued because it has been demonstrated that there is an existing or imminent pest problem in New York State that cannot be controlled by an existing state registered product.

The Department hereby grants, under the authority of Section 24(c) of FIFRA, a Special Local Need registration for Luna Tranquility (EPA Reg. No. 264-1085) for use on apple crops. The Special Local Need labeling is assigned SLN No. NY-140001.

The SLN registration for Luna Tranquility (SLN No. NY-140001), as noted on the “restriction” column of the certificate, is classified as “restricted use” in New York State under rules and regulations 6NYCRR 326.23(e). As such, this product is restricted in its purchase, distribution, sale, use, and possession in New York State.

According to New York State Department of Environmental Conservation Regulations 6NYCRR 326.3(a): “It shall be unlawful for any person to distribute, sell, offer for sale, purchase for the purpose of resale, or possess for the purpose of resale, any restricted pesticide unless said person shall have applied for, and been issued a commercial permit.”

Should you require information to obtain a commercial permit, please contact the Pesticide Reporting & Certification Section, at (518) 402-8748.

The Pesticide Reporting Law (PRL) in the Environmental Conservation Law Article 33 Title 12 requires all certified commercial pesticide applicators to report information annually to the Department regarding each pesticide application they make. Commercial pesticide retailers are required to report all sales of restricted pesticide products and sales of general use pesticide products to private applicators for use in agricultural crop production. If no sales are made within New York State, a report still must be filed with the Department indicating this is the case.

If you need information relating to the Pesticide Reporting Law, or annual report forms, please visit the Department’s website at http://www.dec.ny.gov/chemical/27506.html or call (518) 402-8748.
The Certificate of Pesticide Registration and a copy of the New York State stamped “ACCEPTED” SLN labeling and container labeling “Accepted” for use only in conjunction with SLN labeling, for Luna Tranquility (SLN No. NY-140001) are enclosed for your records.

The SLN labeling specifies the geographical use limitation, use directions, and maximum application rates for use on apple trees which must be followed in order for Luna Tranquility to be legally used in New York State. All precautionary statements, applicable use directions, use precautions and limitations of the labeling affixed to the Luna Tranquility container must also be followed.

Please be reminded that a copy of the accepted SLN label must be in the possession of the user at the time of pesticide application.

Please contact Ms. Paula McBath of my staff, at (518) 402-8768, with any questions.

Sincerely,

Jeanine M. Broughel

Digitally signed by Jeanine M. Broughel
Date: 2014.01.17 16:23:09 -05'00'

Jeanine M. Broughel
Chief, Product Registration and Pest Management Alternatives Section

Enclosures