DUPONT™ APROACH® FUNGICIDE

FOR DISTRIBUTION AND USE ONLY WITHIN THE STATE OF NEW YORK

DIRECTIONS FOR USE
It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

RESTRICTIONS AND LIMITATIONS
• Not for sale, sale into, distribution and/or use in Nassau and Suffolk counties of New York State.

• For use only by certified applicators.

• For aerial application in New York State, DO NOT apply within 100 feet of aquatic habitats (such as, but not limited to lakes, reservoirs, rivers, streams, marshes, ponds, estuaries, and commercial fish ponds).

IMPORTANT
BEFORE USING APROACH® FUNGICIDE, READ AND FOLLOW ALL APPLICABLE DIRECTIONS, RESTRICTIONS AND PRECAUTIONS ON THE EPA-REGISTERED LABEL.

This bulletin contains new or supplemental instructions for use of this product which do not appear on the EPA-registered package label.

Follow the instructions carefully.

This labeling must be in the possession of the user at the time of pesticide application.

For product information call 1-888-6-DUPONT
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New York State Department of Environmental Conservation
Division of Materials Management
Bureau of Pest Management
Product Registration and Pest Management Alternatives
625 Broadway, Albany, New York 12233-7257
Phone: (518) 402-8768 • Fax: (518) 402-9024
Website: www.dec.ny.gov/chemical/8528.html
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January 31, 2014

VIA E-MAIL

Ms. Miriam Carr
State Registration Manager
E.I. du Pont de Nemours and Company
Stine-Haskell Research Center, Suite 300/427
P.O. Box 30
Newark, Delaware 19714-0030

Dear Ms. Carr:


The New York State Department of Environmental Conservation (Department) has reviewed your application to register Special Local Need (SLN) labeling for DuPont Aproach Fungicide (EPA Reg. No. 532-840) in New York State. The product contains the active ingredient picoxystrobin (chemical code 129200) which is not registered in New York State. Aproach Fungicide is a Group 11 fungicide but a new chemistry within that group which may benefit growers in New York that are experiencing increasing resistance of plant pathogens to the currently registered fungicides.

The Department and DuPont have agreed on protective language for use of this active ingredient in New York State based on the technical assessment of the active ingredient picoxystrobin and the use pattern of the formulated product. There have been concerns raised by our Division of Fish, Wildlife & Marine Resources’ Bureau of Habitat (BOH) staff and our Environmental Fate reviewer for potential negative impacts to aquatic invertebrates and fish, and to groundwater in sensitive aquifers. The reviewers have each suggested mitigative language by the inclusion of a New York State specific statement as follows: 1) prohibit aerial application of this product within 100 feet of aquatic habitats in New York State and 2) prohibit the use of this product in Nassau and Suffolk Counties of New York State to be protective of this sole source aquifer.
The Department is acknowledging that a FIFRA 24(c) Special Local Need (SLN) registration for DuPont Approach 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 DuPont Approach (EPA Reg. No. 352-840) for use on various field crops. The Special Local Need labeling is assigned SLN No. NY-140002.

The SLN registration for DuPont Approach (SLN No. NY-140002), 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 DuPont Approach (SLN No. NY-140002) are enclosed for your records.

The SLN labeling specifies the geographical use limitation, use directions, and maximum application rates for use on crops which must be followed in order for DuPont Approach to be legally used in New York State. All precautionary statements, applicable use directions, use precautions and limitations of the labeling affixed to the DuPont Approach container must also be followed.
Ms. Miriam Carr

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,

[Signature]

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

Enclosures