December 22, 2005

Mr. Dan Rosenblatt
Team Leader
USEPA/Office of Pesticide Programs
Emergency Response Team (7505C)
Document Processing Desk
Crystal Mall 2–2nd Floor
1801 Bell Street
Arlington, Virginia 22202

Dear Mr. Rosenblatt:

Re: Specific Exemption Request for use of Fomesafen (Reflex 2L.C, EPA Reg. No. 100-993) to Control Broadleaf Weeds in Snap and Dry Beans Grown in New York State in 2006

The New York State Department of Environmental Conservation, as the State lead agency for pesticide matters, hereby requests approval of the referenced application (see enclosure) under Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended. The enclosed application includes the information required in 40 CFR, Part 166, Subpart B (166.20). Also enclosed, is the use report from the 2005 Section 18 use.

This is the eighth year that we are requesting fomesafen (Reflex 2LC) at the 1999 reduced rates for emergency use to control a complex of broadleaf weeds, including redroot pigweed, common ragweed, nightshade spp, mustard spp, and velvetleaf in the major snap and dry bean production areas of New York State.

Dual Magnum is an annual grass herbicide. It also partially controls redroot pigweed, hairy galinsoga, yellow nutsedge, and Eastern black nightshade. As it is currently being used, it will be of no assistance in controlling problematic broadleaf weeds. Dual Magnum will not control common ragweed, mustards or velvetleaf.

The other currently registered preplant and preemergent herbicides often fail to provide adequate control of troublesome broadleaf weeds due to their dependency on rainfall for activation or placement in the soil for optimum activation. Even the post-emergent herbicide, Basagran, provides only erratic control at the highest recommended rate (1.0 lb ai/acre) and is subject to strict temperature and humidity conditions. Contamination of the harvest by nightshade berries can cause significant economic loss through rejection of harvested loads and field “by-pass.”
Mr. Dan Rosenblatt

Research consistently shows that Reflex 2LC provides superior control of numerous broadleaf weeds at very low doses. With Reflex 2LC, growers are able to decrease the use of soil-applied, residual herbicides because they will be able to selectively control weeds after they know where and which weeds they have. Reflex 2LC can be used on an as-needed basis, post-emergence, over an extended period of time.

The use of 0.08 to 0.313 lb ai/acre (0.32 to 1.25 pints product/acre) of Reflex 2LC is requested. Applications will be made with ground equipment using ten to 40 gallons of water per acre. A maximum of one application per season is requested. Application will occur between the 1st and the 3rd trifoliate bean leaf stage depending on the time of weed emergence. It is expected that snap bean acreage for processing in 2006 will be approximately 21,000 acres, similar to 2005. Snap bean acreage for the fresh market is expected to be similar to last season, about 7,500 acres. Dry bean acreage for 2006 is expected to remain at approximately 22,000 acres. Due to the widespread nature of the broadleaf weed infestations, it is expected that 50% of both snap and dry bean acreage or a total of 21,500 acres may require treatment with Reflex 2LC.

Reflex 2LC will be applied at 0.32 pt to 1.25 pt per acre (0.08 to 0.313 pounds active ingredient per acre). Between 860 and 3,360 gallons of product or 1,720 to 6,730 pounds active ingredient will be applied in 2006.

The expected use season for Reflex 2LC will be from June 1 to August 30, 2006. Snap beans are planted from May 1 to August 7 and dry beans are planted from May 17 to July 1.

Syngenta Crop Protection, Inc., the manufacturer of Reflex 2LC, fully supports our efforts to obtain an emergency exemption for the use of Reflex on snap and dry beans in New York State.

The completed IR-4 registration package for fomesafen/snap and dry bean was submitted to the United States Environmental Protection Agency (USEPA) in 1995 and 2000, respectively. Fomesafen/snap and dry bean petitions are on the USEPA work plan for review in the third Quarter, 2006. Syngenta Crop Protection, Inc., has informed the IR-4 group at Rutgers University that they continue to support their efforts to obtain a tolerance for Reflex 2LC (fomesafen) in both snap and dry beans (Appendix H - IR-4 and Syngenta correspondence).

Please contact Cyndi Crowley, of our Pesticide Product Registration Section, at (518) 402-8768, if you require further assistance on this request.

Sincerely,

Maureen P. Serafini
Director
Bureau of Pesticides Management

Enclosures

cc: w/enc. - A. Enache, USEPA Region II

cc: w/o enc. - W. Smith, Cornell University, PMEP
R. Zimmerman/R. Mungari, New York State Dept. of Ag. & Mkts.