June 10, 2013

Ms. Susan Person  
Syngenta Crop Protection, LLC  
410 Swing Road  
Greensboro, North Carolina 27409

Dear Ms. Person:

Re: Registration of Special Local Need Labeling for Reflex Herbicide (EPA Reg. No. 100-993) Assigned SLN No. NY-130006.

The New York State Department of Environmental Conservation (Department) has reviewed your application to register Special Local Need (SLN) labeling for Reflex Herbicide (EPA Reg. No. 100-993) for control of weeds in transplanted tomatoes and transplanted peppers in New York State. The product contains the active ingredient fomesafen (chemical code 123802) and is registered in New York for weed control in cotton, dry beans, potatoes, snap beans, and soybeans. Use of the product on potatoes in Nassau and Suffolk Counties was not allowed in order to limit potential impacts to the underlying sole source aquifer.

Cornell University Cooperative Extension researchers have evaluated the use of Reflex Herbicide alone and in combination with currently registered herbicides to provide vegetable growers in New York State season long control of certain persistent weeds such as Common Lambsquarters, Redroot Pigweed, Eastern Black Nightshade and Common Purslane. Current weed control methods are not consistent and do not give season long control of listed weeds. Weed growth over the growing season competes with crops for water and nutrients and intercepts foliar spraying of fungicides and insecticides thereby limiting crop yield. A more effective program of control would allow crop growers to increase crop yield and reduce harvesting costs thus remaining competitive with growers in neighboring states.

Dr. Charles Bornt of Cornell University Cooperative Extension Vegetable and Small Fruit Program is supporting use of Reflex Herbicide on tomato and pepper crops to enhance the current weed control programs currently used by vegetable growers in New York State based on research conducted by Dr. Robin Bellinder at Cornell University. Dr. Bellinder’s field data were provided to the Department to substantiate the effectiveness of using Reflex Herbicide on tomato and pepper crops in support of registering this SLN labeling for use in New York State.
The Department is acknowledging that a FIFRA 24(c) Special Local Need (SLN) registration for Reflex Herbicide 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 Reflex Herbicide (EPA Reg. No. 100-993) for use only on tomatoes and peppers to provide season long weed control and to enhance production and value of these vegetable crops. The Special Local Need labeling is assigned SLN No. NY-130006.

The SLN registration for Reflex Herbicide (SLN No. NY-130006), 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](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 for Reflex Herbicide (SLN No. NY-130006) are enclosed for your records.

The SLN labeling specifies the use limitations, use directions, and maximum application rates for use on tomatoes and peppers which must be followed in order for Reflex Herbicide to be legally used in New York State. All precautionary statements, applicable use directions, use precautions and limitations of the labeling affixed to the Reflex Herbicide 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.
Ms. Susan Person

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

Sincerely,

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

Enclosures