**FIFRA Section 24(c) Special Local Need Label**

**FOR DISTRIBUTION AND USE ONLY WITHIN THE STATE OF NEW YORK (EXCEPT NASSAU AND SUFFOLK COUNTIES)**

For Control/Suppression of Roughstalk Bluegrass and Cheat in Fall-sown or Winter Wheat

**OSPREY® Herbicide**

EPA Reg. No. 264-802

SLN. No. NY-130002

THIS LABEL IS VALID UNTIL DECEMBER 31, 2018 UNLESS OTHERWISE AMENDED, WITHDRAWN, CANCELED, OR SUSPENDED.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

**WEED APPLICATION TIMING**

OSPREY™ Herbicide is a postemergent herbicide with best results being obtained when applications are made to young actively growing weeds. For control or suppression of labeled grasses, the weed application timing is from 1-leaf to the 2-tiller stage of growth. See weed tables on the EPA registered label for appropriate application timing and weed size. Treat heavy weed infestations before they become competitive with the crop.

**WHEAT APPLICATION TIMING**

Apply OSPREY Herbicide to fall-sown or winter wheat from emergence up to the jointing stage of wheat.

**SPRAY ADDITIVES**

OSPREY™ Herbicide is a water dispersible granule that does not include an adjuvant. A recommended adjuvant must be tank mixed with OSPREY™ Herbicide as described in the “Spray Additives” and “Mixing Order” sections of the EPA registered label.

**APPLICATION METHODS**

**Ground Application**

OSPREY™ Herbicide can be applied broadcast in 10 or more gallons of water per acre. For weed control in dense weed canopies, use 15 or more gallons of water per acre. Weed infestations should be treated before they become competitive with the crop.

**OSPREY™ HERBICIDE ON FALL-SOWN OR WINTER WHEAT**

<table>
<thead>
<tr>
<th>WEED CONTROLLED</th>
<th>RATE</th>
<th>WEED APPLICATION TIMING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bluegrass, roughstalk <em>(Poa trivialis)</em></td>
<td>4.75 ounces/acre</td>
<td>1-leaf to 2-tiller</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>WEED SUPPRESSED</th>
<th>RATE</th>
<th>WEED APPLICATION TIMING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cheat <em>(Bromus secalinus)</em></td>
<td>4.75 ounces/acre</td>
<td>1-leaf to 2-tiller</td>
</tr>
</tbody>
</table>
RESTRICTIONS/PRECAUTIONS FOR USE

- No aerial applications allowed in New York State.
- Distribution, Use, and Sale of Osprey Herbicide is prohibited in Nassau and Suffolk Counties of New York.
- For use under this SLN label do not apply this product through any type of irrigation system.
- Do not apply under circumstances where possible drift to unprotected persons or to food, forage, or other plantings that might be damaged or crops thereof rendered unfit for sale, use or consumption can occur.
- Do not apply when wind causes drift to off-site vegetation as injury may occur. Small amounts of OSPREY Herbicide via drift or tank contamination can cause severe damage to crops other than wheat. Careful management of spray drift and tank cleanout is required.
- All ground application equipment must be properly maintained and calibrated using appropriate carriers.
- Do not apply within 30 days of harvesting wheat forage, and 60 days for hay, grain, and straw.
- Do not make more than one application of OSPREY® Herbicide in one fall sown or winter wheat growing season.
- Do not apply more than 4.75 oz/acre of OSPREY® Herbicide in one fall-sown or winter wheat growing season.
- Do not apply more than 0.053 pounds of mefenpyr-diethyl per acre per year.
- Applications of ammonium nitrogen fertilizer independent of those made with herbicides are commonly known as topdress applications. Topdress applications of ammonium nitrogen have been shown on occasion to result in transient leaf burn or stunting when applied within 14 days of an OSPREY application.
- Do not apply OSPREY Herbicide in tank mixture with malathion, mancozeb, Di-Syston or methyl parathion as unacceptable crop phytotoxicity may occur.

For MEDICAL And TRANSPORTATION Emergencies ONLY Call 24 Hours A Day 1-800-334-7577

For PRODUCT USE Information Call 1-866-99BAYER (1-866-992-2937)

As with any crop-protection product, always read and follow label directions.

For additional information call toll-free 1-866-99BAYER (1-866-992-2937).

Bayer CropScience, LP
P.O. Box 12014
2 T.W. Alexander Drive
Research Triangle Park
North Carolina 27709

Osprey is a registered trademark of Bayer.
April 23, 2013

Ms. Danyel Ward
Bayer CropScience LP
P.O. Box 12014
2 T.W. Alexander Drive
Research Triangle Park, North Carolina 27709

Dear Ms. Ward:

Re: Registration of Special Local Need Labeling for Osprey Herbicide (EPA Reg. No. 264-802) Assigned SLN No. NY-130002.

The New York State Department of Environmental Conservation (Department) has reviewed your application to register Special Local Need (SLN) labeling for Osprey Herbicide (EPA Reg. No. 264-802) in New York State. The product contains the active ingredient mesosulfuron-methyl (chemical code 122009) which has not been registered in New York State. The registration of this SLN in New York State is supported by Cornell University Department of Crop and Soil Sciences Faculty Dr. Russell Hahn. Dr. Hahn has documented the increasing distribution and severity of infestations of roughstalk bluegrass and cheat in New York State and the lack of any registered product for control of these weeds in wheat. Field testing has resulted in higher yields of wheat which will allow New York State wheat growers to remain competitive with growers from other states.

The Department has reviewed several active ingredients in the sulfonylurea herbicide class and is aware of the concerns that our Bureau of Habitat reviewers have for impacting aquatic organisms if aerial applications are allowed. Therefore, the Department will register a special local need 24(c) label for ground application only of Osprey Herbicide to fall-sown or winter wheat in New York State. The active ingredient mesosulfuran-methyl has not undergone technical review for potential environmental impacts and will be prohibited from use in Nassau and Suffolk Counties which contains a sole source aquifer. The Department is acknowledging that a FIFRA 24(c) Special Local Need (SLN) registration for Osprey 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 Osprey Herbicide (EPA Reg. No. 264-802) for use only in fall-sown or winter wheat. The Special Local Need labeling is assigned SLN No. NY-130002.
The SLN registration for Osprey Herbicide (SLN No. NY-130002), 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 and container labeling “Accepted” for use only in conjunction with SLN labeling for Osprey Herbicide (SLN No. NY-130002) are enclosed for your records.

The SLN labeling specifies the use directions, and maximum application rates for use on fall-sown or winter wheat which must be followed in order for Osprey 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 Osprey 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.

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

Enclosure