

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460**

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

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Date Issued: March 2, 2004
Date Effective: June 1, 2004
Expiration Date: August 31, 2004
Report Due: February 28, 2005
File symbols: 04-NY-07
04-NY-08
04-NY-09

The Environmental Protection Agency hereby grants a specific exemption under the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, to the New York Department of Environmental Conservation for the use of lambda-cyhalothrin formulated as Warrior with Zeon Technology, on alfalfa/clover/grass mixed stands to control the potato leafhopper. This specific exemption is subject to the conditions and restrictions set forth in your request, as well as the following:

1. The New York Department of Environmental Conservation is responsible for ensuring that all provisions of this specific exemption are met. It is also responsible for providing information in accordance with 40 CFR 166.32. This information must be submitted to EPA Headquarters and to the EPA Regional Office.
2. The product, Warrior with Zeon Technology (EPA Reg. No. 100-1112) manufactured by Syngenta Crop Protection, Inc., may be applied. All applicable directions, restrictions, and precautions on the federal label and section 18 use directions submitted with your application must be followed. determined economic thresholds. A maximum of 0.24 pints (0.03 lbs a.i.) per acre may be applied per cutting; a total of 0.96 pints (0.12 lbs a.i.) per acre may be applied per season.

3. A maximum of 570,000 acres of alfalfa/clover/grass mixed stands may be treated in New York State.
4. Applications can be made using air or ground equipment using sufficient water to obtain full coverage of the foliage. Do not apply within one (1) day of harvest for forage or within seven (7) days of harvest for hay. A 24-hour restricted entry interval (REI) is in effect for treated areas.
5. Time-limited tolerances have been established for residues of lambda-cyhalothrin on grass forage at 5.0 ppm and grass hay at 6.0 ppm. These time-limited tolerances are scheduled to expire on December 31, 2005.
6. Minimal adverse effects are expected for terrestrial animals, but significant direct negative effects are expected for aquatic animals if lambda-cyhalothrin enters aquatic habitats via spray drift or runoff. Aquatic animals are extremely sensitive to this pyrethroid. The use directions had the following restrictions to mitigate concerns regarding bees and aquatic environments:
 - a) Avoid applications when bees are actively foraging by applying during the early morning or during the evening hours.
 - b) Do not apply by ground equipment within 25 feet, or by air within 150 feet of lakes, reservoirs, rivers, permanent streams, marshes, pot holes, or natural ponds. A 25 foot vegetated non-cropped buffer strip untraversed by drainage tiles must be maintained between a treated field and a coastal salt marsh or stream that drains into a coastal salt marsh for both aerial and ground application.

In addition, lambda-cyhalothrin is classified as a restricted use pesticide due to its toxicity to fish and aquatic organisms. It is for retail sale to and use only by Certified Applicators, or persons under their direct supervision, and only for those uses covered by the Certified Applicator's certification.

7. EPA shall be immediately informed of any adverse effects resulting from the use of this pesticide in connection with this exemption.
8. This specific exemption expires on August 31, 2004.
9. Accordingly, a report summarizing the results of this program must be submitted to EPA Headquarters and the EPA Region 2 office by February 28, 2005 or prior to requesting another specific exemption for this use.
10. Any future correspondence in connection with this exemption should refer to file symbol 04-NY-07, 04-NY-08 and 04-NY-09.

This is the third year this use has been requested by New York for this chemical under section 18 of FIFRA. The regulations governing section 18 require the Agency to consider the

progress which has been made toward registration of the proposed use if a repeated specific exemption is sought. Under the regulations, it shall be presumed that reasonable progress has not been made if a complete application for registration of a use, which has been under a specific exemption for any 3 previous years, has not been submitted. Similarly, the Agency applies a 5-year standard to IR-4 supported uses. Any future requests should fully address the topic of progress towards registration.

 /signed/
Lois Rossi, Director
Registration Division
Office of Pesticide Programs

Date: March 2, 2004

cc: U.S. EPA Region II
 Attn: Adrian Enache

U.S. Food & Drug Administration
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5600 Fishers Lane
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Attn: Ms. Donna Porter

U.S. Food & Drug Administration
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Case Processing Branch (HF5-607)
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