



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

December 29, 2004

Bureau of Pesticides Management
Division of Solid & Hazardous Materials,
New York Dept of Environmental Conservation
625 Broadway
Albany, New York 12233-7254

Attention: Robin Hackett (rlhackett@gw.dec.state.ny.us)
Phone: (518) 402-8768
Fax: (518) 402-9024
File symbol: 05-NY-02
Expiration: December 1, 2005
Report due: June 1, 2006

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 the formulated product ApiLife VAR containing thymol, eucalyptus oil, and L-menthol in beehives to control varroa mites (*Varroa spp.*). This specific exemption is subject to the conditions and restrictions set forth in your application 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 Code of Federal Regulations (CFR) §166.32. Accordingly, a report summarizing the results of this program must be submitted to EPA Headquarters and the EPA Region 4 within 6 months of the expiration date of this program or prior to requesting another specific exemption for this use.
2. The unregistered product, ApiLife VAR containing 74.08% thymol, 16.00% eucalyptus oil, and 3.70% L-menthol (currently there is no EPA Registration number), manufactured by Chemicals LAIF, may be used. All applicable directions, restrictions, and precautions on the proposed product label submitted by the state must be followed.
3. A maximum of 49,800 ApiLife VAR tablets may be used.

4. Applications can be made in any season (spring, summer, fall, winter) in which all applicable restrictions, precautions and directions for use can be followed. Do not use when surplus honey supers are in place. Use when daily temperatures are between 59° F and 69° F. Do not use ApiLife VAR at temperatures above 90° F.

5. Two treatments per year may be made. A treatment (3 tablets) consists of the following:

Take one tablet and break into four equal pieces. Place pieces on the top corners of the hive body. Avoid placing pieces directly above the brood nest. After 7-10 days, replace with a fresh tablet broken into pieces as above. Repeat procedure again, 7-10 days later and leave last tablet for 12 days. After 12 days, remove residuals from the colony.

To prevent the bees from gnawing the tablet either enclose each piece of tablet in an envelope of screen wire (8 mesh/inch) or place the uncovered pieces above a sheet of metal screen that prevents bees from contacting it.

6. Remove ApiLife VAR tablets from hive at least 1 month (30 days) prior to harvesting the honey.

7. Do not use during honeyflows.

8. Do not harvest honey from brood chambers or colony feed supers.

9. An exemption from the requirement of tolerance is in place for residues of menthol in honey and beeswax (40 CFR §180.1092). The Agency has concluded that the dietary exposure for the U. S. population to residues of thymol and eucalyptus oil from use of ApiLife Var is not likely to add significantly to current dietary exposure. Therefore, based on information submitted by IR-4 and the registrant of ApiLife VAR, time-limited exemptions from the requirement of tolerance have been established for residues of thymol and eucalyptus oil in or on honey and beeswax. These time-limited exemptions will expire June 30, 2005. The expiration dates will be extended to support the 2005 use season.

10. The EPA Headquarters and Regional office shall be immediately informed of any adverse effects or misuse resulting from the use of this pesticide in connection with this exemption.

11. The use of ApiLife VAR in beehives to control varroa mites is not expected to have any adverse effects on the environment since it is considered an indoor use.

12. Applications can be made until December 1, 2005.

Any future correspondence in connection with this exemption should refer to file symbol 05-NY-02.

Lois Rossi, Director
Registration Division
Office of Pesticide Programs

cc:

EPA REGION 2
Adrian Enache
PHONE: 732-321-6769
FAX: 732-321-6788

U.S. FDA
Donna Porter
Division of Field Science (HFC-141)
5600 Fishers Lane
Rockville, MD 20857
Phone: 301-443-3320
e-mail: DPORTER@ORA.FDA.GOV

Sonia Delgado
FDA, Center for Food Safety and Applied Nutrition
Case Processing Branch (HF5-607)
200 C Street S.W.
Washington, D.C. 20204
telephone: 202-205-5235
fax: 202-260-0133

ASTHO Representative
New York State Department of Health
Corning Tower Building, Empire State Plaza
Room 1482
Albany, NY 12237