



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

MAR 31 2004

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

New York Dept of Environmental Conservation
Bureau of Pesticides Management
Division of Solid & Hazardous Materials,
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Attention: Robin Hackett (rhackett@gw.dec.state.ny.us)
Phone: (518) 402-8768
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File symbol: 04-NY-11
Expiration: November 8, 2004
Report due: May 9, 2005

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 Agriculture 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 Agriculture 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 2 office 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 149,400 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 average daily temperatures are between 59° F and 69° F. Do not use ApiLife VAR at temperatures above 90° F.

5. The proposed PPE statements on the submitted label are acceptable provided applicators also use a NIOSH approved dust/mist filtering respirator (with any N, R, P or HE filter) when handling tablets.

On the ApiLife Var product label, under the user safety recommendations, the following statement should be added: "Users should remove PPE after the completion of operations that include handling this product. As soon as possible, wash thoroughly and change into clean clothing." Amend the current statement under Precautionary Statements [Danger] to reflect the following: "Wash thoroughly with soap and water after the completion of activities that include handling this product, and before eating, drinking, chewing gum, using tobacco, or using the toilet." The First Aid statement should reflect updated language from the Pesticide Registration (PR) Notice 2001-1. Amend If swallowed to read: "If swallowed: Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by a poison control center or doctor. Do not give anything by mouth to an unconscious person."

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.

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.

Any future correspondence in connection with this exemption should refer to file symbol 04-NY-11.

Lois Rossi

Lois Rossi, Director
Registration Division
Office of Pesticide Programs

March 31, 2004

Date

cc:

EPA REGION 2

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