



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Date: May 5, 2003

Expires: September 30, 2003

Report Due: March 31, 2004

File Symbols: 03-NY-08

NY State Dept. of Environmental Conservation
Division of Solid & Hazardous Waste Materials
Bureau of Pesticides Management
625 Broadway - 9th Floor
Albany, NY 12233-7257

Attn: Robin Hackett

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 State Department of Environmental Conservation for the use of Thiophanate methyl, formulated as Topsin M WSB, to control various fungal diseases in blueberries. This specific exemption is subject to the conditions and restrictions set forth in your request, as well as the following:

1. The New York State 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 the appropriate EPA Regional Office.
2. Topsin M WSB Fungicide, EPA Reg. Nos. 4581-408, 73545-8, or 4581-377; manufactured by Cerexagri, Inc., may be applied. All applicable directions, restrictions and precautions on the EPA-registered product labels must be followed, as well as the section 18 use directions submitted with your request.
3. A maximum of three (3) applications may be made, by ground or aerial application, at 7-10 day intervals, at a rate of 1 lb. of product (0.7 lb. active ingredient [a.i.]) per acre. No more than 3 lb. product (2.1 lb. a.i.) per acre may be applied per year. A worker re-entry interval (REI) of 12 hours must be observed. Product may not be applied through any type of irrigation system.
4. A 7-day pre-harvest interval must be observed.
5. A maximum of 700 acres of blueberries may be treated under this exemption.
6. If more than one benzimidazole product (i.e., a product containing benomyl as the active ingredient) is used, than the total poundage of all such products must not exceed 3 lbs.

7. Residues are not expected to exceed 1.5 ppm in/on blueberry. Secondary residues in animal commodities are not expected to exceed existing tolerances as a result of this Section 18 use. The Agency has determined that this residue level is adequate to protect public health. A time-limited tolerance was established in connection with past exemptions for this use. This tolerance is currently set to expire on 6/30/04, and will be adequate to cover any residues which may result from this use.
8. Analytical methodology for enforcement purposes is available from the Health Effects Division, OPP (7509C), EPA, 1200 Pennsylvania Ave NW, Washington, DC 20460. Analytical reference standards are available from the registrant of thiophanate methyl, Cerexagri, Inc.
9. The EPA Headquarters and EPA Regional Office shall immediately be informed of any adverse effects or misuse resulting from applications made in connection with this specific exemption.
10. This specific exemption expires on September 30, 2003.
11. A report summarizing the results of this program must be submitted by March 31, 2004, to EPA Headquarters and the EPA Regional Office, or prior to submitting another request for this use, whichever is sooner.

This is the second year that this use has been requested under an emergency exemption. Although not yet a critical issue, please note that progress toward registration will be a consideration in determining whether future exemption requests for this use will be considered. The registrant, Cerexagri, is committed to pursuing registration of this use, and is continuing to conduct residue trials with the assistance of IR-4. Any future requests for this use must address the progress that has been made toward registration.

_____/s/_____
Debra Edwards, Director
Registration Division
Office of Pesticide Programs

Date: 5/05/03

cc: US EPA, Region 2
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