

United States Environmental Protection Agency
Office of Prevention, Pesticides and Toxic Substances
Washington, DC 20460

May 12, 2004

New York State Department of Environmental Conservation
Division of Solid & Hazardous Materials
Bureau of Pesticides Management
625 Broadway
Albany, NY 12233-7250

ATTN: Maureen Serafini
Effective: May 15, 2004
Expires: August 15, 2004
File Symbol: 04-NY-04

The Environmental Protection Agency (EPA) 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 desmedipham on red (table) beets to control several important broadleaf weeds, including hairy galinsoga, common ragweed, redroot pigweed, common lambsquarters, velvetleaf, nightshade spp. and wild mustard. This specific exemption is subject to the conditions and restrictions set forth in your application, 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(b). This information must be submitted to EPA headquarters and the EPA regional office within six months of the expiration date of this exemption. In accordance with 40 CFR 166.32(a) these offices shall also be immediately informed of any adverse effects resulting from the use of this pesticide in connection with this exemption.

ANY FUTURE CORRESPONDENCE IN CONNECTION WITH THIS EXEMPTION
MUST REFER TO FILE SYMBOL: 04-NY-04

2. The product, Betanex Herbicide (EPA Reg. No. 264-620), manufactured by Bayer CropScience LP, may be applied. All applicable directions, restrictions, and precautions on the EPA-registered label must be followed unless otherwise

modified in this authorization document. The Use Directions which you submitted April 2, 2004, may also be used.

3. Desmedipham may be applied at a rate of 0.25 to 0.50 lb. a.i./acre with ground equipment using 20 to 50 gallons of water per acre as a broadcast treatment, or 5 to 10 gallons banded over the row. Three applications may be made, by ground equipment only. A 50-day pre-harvest interval (PHI) is required.
4. A maximum of 1,875 acres of red beets may be treated.
5. Time-limited tolerances for residues of desmedipham on red beet roots at 0.2 ppm and in red beet tops at 15 ppm have been established for previous emergency programs for this use. See the Federal Register of August 29, 1997. These time-limited tolerances were subsequently extended and now will expire on June 30, 2005.
6. This specific exemption expires August 15, 2004.

This is the ninth year that this use of desmedipham on red (table) beets has been requested under section 18 of FIFRA. For repeat emergency exemption request, EPA evaluates whether a registrant is working toward a general registration for the requested use. The Agency generally considers five years from the initial section 18 request as being a sufficient time period to submit a tolerance petition for IR-4 supported actions. Although IR-4 has performed field trials for this use, no tolerance petition has been submitted to EPA. Thus, progress toward registration is a concern. Note, further that since desmedipham is an aryl carbamate the outlook for obtaining a section 3 registration for this use is uncertain. EPA encourages the grower and research communities to closely monitor EPA's administration of the provision of the Food Quality Protection Act for desmedipham and all carbamate pesticides and, further, to work to identify alternative herbicides that may replace this use of desmedipham, if necessary.

James J. Jones, Director
Office of Pesticide Programs

Date: 5/12/04

Use Directions which were submitted April 2, 2004 to EPA

Description of Pesticide Requested

Common chemical name (active ingredient): desmedipham. Ethyl m-hydroxycarbanilate carbanilate (ester).

Trade name: Betanex

EPA registration number: 45639-86

Formulation: 1.3EC Betanex is 16.0% desmedipham and 84% inert ingredients.

Manufacturer: Bayer CropScience.

3. Description of Proposed Use

Sites to be treated:

Betanex 1.3EC is requested for use in the major red beet production areas of New York State (Genesee, Livingston, Ontario, Wayne, Yates, Steuben, and Orleans counties) for postemergence control of several important broadleaf weeds including: hairy galinsoga (*Galinsoga ciliata*); redroot pigweed, (*Amaranthus retroflexus*); common ragweed, (*Ambrosia artemisiifolia*); common lambsquarters, (*Chenopodium album*); wild mustard, (*Brassica kaber*); eastern black nightshade (*Solanum ptycanthum*); hairy nightshade (*Solanum sarrachoides*); and velvetleaf (*butilon theophrasti*).

Method of Application:

The herbicide will be applied with ground equipment using 20 to 50 gallons of water per acre as a broadcast treatment, or 5 to 10 gallons per acre banded over the row.

Rates of Application:

0.125 to 0.50 lb ai/acre (0.75 to 3.0 points product/acre)

Maximum Number of Applications:

A maximum of 3 applications per season is requested. Applications may be made at the cotyledon to 2 leaf stage (0.125 - 0.25 lb ai/A), the 2-4 leaf stage (0.25 - 0.38 lb ai/A), and/or the 4-6 leaf stage (0.25 - 0.50 lb ai/A).

Total Acreage to be Treated:

It is estimated that 2,500 acres will be planted to red beets in 2004 and that 1,875 acres (75%) will need to be treated.

Total Amount of Pesticide to be Used:

With 3 applications at the maximum recommended rates of 0.25, 0.38, and 0.50 lb ai/A (1.5, 2.0, and 3.0 pints product/A respectively) applied to 75% of the acreage, 2,819 lbs of active ingredient (1,523 gallons of product) may be applied in 2004. However, based on grower information from 1998 to 2003 it is most likely that only 2 applications will be made.

Use Season:

The use season will fall between May 15 and August 15. Processing red beets are planted from May 1 to June 30 and emerge from the soil in 7 to 14 days. They become increasingly tolerant to Betanex with growth stage and will reach the 2 leaf stage by 3 weeks after planting, and the 6 leaf stage by 5 weeks after planting.

Additional Restrictions, User Precautions and Requirements, Qualifications of Applicators:

Applications will be made by or under the supervision of certified private applicators using their own equipment or by certified commercial applicators. Applications should not be made to beets later than 50 days prior to harvest. Applications should not exceed the requested dose. Betanex injury has been observed when applied to beets that are under moisture stress, or when there are rapid changes in temperature from cool, overcast days to hot (>80F), bright days, or when frost has occurred within 7 days, or in the presence of disease or insect injury.