

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

May 3, 2004

New York Department of Environmental Conservation
Division of Solid and Hazardous Materials
Bureau of Pesticides Management
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Albany, New York 12233-7254

Attention: Robin Hackett (rlhacket@gw.dec.state.ny.us)

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File symbol: 04-NY-06

Expiration: July 30, 2004

Report due: January 31, 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 Environmental Conservation for the use of dimethenamid-p on dry bulb onions grown on muck soils to control yellow nutsedge and other broadleaf weeds. 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 2 office by January 31, 2005 or prior to requesting another specific exemption for this use.
2. The product, Outlook, EPA Registration Number 7969-156, containing 63.9% dimethenamid-p, manufactured by BASF Corporation, may be used. Existing stocks of Frontier 6.0 Herbicide, EPA Registration Number 7969-147, containing 63.14% dimethenamid, manufactured by BASF Corporation, may also be used. All applicable directions, restrictions, and precautions on the Federal label and section 18 use directions submitted with the application must be followed.

3. A maximum of 6,000 acres of dry bulb onions grown on muck or high organic soils in New York State may be treated.
4. Apply 21 fluid ounces (0.98 lbs ai per acre) of Outlook (EPA Registration Number 7969-156) per acre or 32 fluid ounces (1.5 lbs ai per acre) of Frontier 6.0 Herbicide (EPA Registration Number 7969-147) per acre. A maximum of one application can be made. Only ground applications can be made.
5. A 30-day pre-harvest interval will be observed for onions.
6. Applications can be made from May 1, 2004 until July 30, 2004.
7. A time-limited tolerance for residues of dimethenamid in or on dry bulb onions at 0.01 parts per million (ppm) has been established and will expire December 31, 2004. The Agency has determined that the time-limited tolerance for dimethenamid which has been established (40 CFR § 180.464) is adequate to support the use of dimethenamid-p. The Food and Drug Administration will be advised of this action.
8. Adequate analytical methodology is available to enforce the tolerance expression. NPD-GLC method (AM-0884-0193-1) has been submitted for publication in the Pesticide Analytical Manual, Volume II, to enforce tolerances for residues of dimethenamid in/on plant and soil samples. The method may be requested from: Calvin Furlow, PRRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; telephone number: (703) 305-5229; e-mail address: furlow.calvin@epa.gov
9. 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.
10. The Agency's level of concern for terrestrial, semi-aquatic, and aquatic plants are exceeded. Therefore, the following statement is required to be listed on the section 18 use directions:

"This product is toxic to terrestrial and aquatic plants. Drift or runoff may adversely affect non-target plants. Do not apply directly to water or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of washwaters or rinsate."

Though this is the fifth year that New York has requested the use of dimethenamid on onions to control weeds, this is the sixth year this use has been requested under section 18 of FIFRA. The Agency received a tolerance petition for dimethenamid in or on dry bulb onions in July, 2000. The decision of whether future requests for this use are approved will depend, in part, on progress made towards registration. It would be to your advantage to remain current on such progress.

Any future correspondence in connection with this exemption should refer to file symbol 04-NY-06.

/s/
Betty Shackelford for

Lois Rossi, Director
Registration Division

cc:

EPA REGION 2
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U.S. FDA
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ASTHO Representative
New York State Department of Health
Corning Tower Building, Empire State Plaza
Room 1482
Albany, NY 12237

DRAFT

For distribution and use on dry bulb onion in the state of New York from Month xx, 2004 until Month xx, 2004 only under the emergency exemption pursuant to Section 18 of FIFRA as amended.

Outlook®

herbicide

**USE
DIRECTIONS**

Emergency exemption use directions for use on dry bulb onions grown in muck or high organic soils.

EPA File Symbol No. 04-NY-xx

Outlook® herbicide contains 6.0 pounds of active ingredient (dimethenamid-P) per gallon.

Directions for Use

It is a violation of federal law to use this product in a manner inconsistent with its labeling.

All applicable directions, restrictions, precautions and **Conditions of Sale and Warranty** on the EPA-registered label for **Outlook** (EPA Reg. No 7969-156) must be followed. This labeling must be in the possession of the user at the time of application.

General Information

Outlook may be used as part of a weed management program in dry bulb onion grown in muck or high organic soils in the state of New York. When applied as directed, **Outlook** will provide soil residual control of yellow nutsedge and other broadleaf weeds. For effective control, rainfall or sprinkler irrigation or shallow mechanical incorporation after application is required to move this product into the upper soil surface where weed seeds germinate.

Outlook will not control weeds that have emerged from soil. Application must be made to clean-tilled soil before weeds emerge from soil or in a program with other herbicides that control emerged weeds.

Application Information

Method:

Outlook may only be applied by ground (**broadcast**) applications. Refer to EPA-approved main label for **Outlook** for specific instructions for application methods.

Timing:

Apply **Outlook** after onions have reached the 2 true leaf stage until a minimum of 30 days before harvest. Application made prior to 2 true leaf stage may result in significant crop injury including possible stand reduction. If applications are made to transplanted onions, do not apply until transplants are in the ground and soil has settled around transplants with several days to recover.

Rates:

On muck soils, use **Outlook** at 21 fluid ounces per acre.

Outlook may only be applied in a single application.

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Tank Mixes:

Applications of **Outlook** herbicide may be made prior to, in tank mixture, or after use of one or more of the following registered herbicides for postemergence use in dry bulb onions:

- **Fusilade**[®] herbicide (fluazifop-P)
- **Goal**[®] herbicide (oxyfluorfen)
- **Poast**[®] herbicide (sethoxydim)
- **Prowl**[®] herbicide (pendimethalin)

Crop injury is possible when tank mixing these herbicides, as well as any adjuvants such as methylated seed oils, with **Outlook**. Read and follow the applicable **Restrictions and Limitations** and **Directions for Use** on all products involved in tank mixing. The most restrictive labeling applies to tank mixes.

Re-Cropping and Rotational Cropping:

In situations where **Outlook** has been applied to dry bulb onion and crop failure occurs due to adverse weather or other reasons, the re-planting (re-cropping) of dry bulb onion is **not recommended**. If re-planting of a crop is necessary, plant any crop (e.g. corn, dry bean, grain sorghum, soybean) where a soil application of **Outlook** is registered. Do not make a second application of **Outlook** in re-cropping situations if the original application was broadcast. If the original application was banded and the second crop (re-cropping) is planted in the row middles, a second band application may be applied. Fall-seeded cereal crops may be planted 4 months or more following a **Outlook** application. There are no further rotational crop restrictions the spring following the previous year's application of **Outlook**. Refer to main label for **Outlook** for further information.

Precautions and Limitations:

Do not harvest green onions from fields that have been treated with **Outlook**.

Do not apply **Outlook** within 30 days of harvest.

Applicators should contact the nearest regional office of the U.S. Fish and Wildlife Service to determine if the following species would be jeopardized by the use of dimethenamid-P:

- **Leedys Roseroot** in Cayuga, Schuyler and Yates counties
- **Northern Wild Monkhood** in Delaware, Sullivan and Ulster counties
- **American Hart's-Tongue Fern** in Madison and Onondaga counties
- **Seabeach Amaranth** and **Sandplain Gerardia** in Nassau and Suffolk counties
- **Small Whorled Pogonia** in Onondaga county

Adverse Effects:

Any adverse effect resulting from the use of **Outlook** under this emergency exemption must be immediately reported to the New York Department of Agriculture.

Outlook and **Prowl** are registered trademarks of BASF Corporation.

Poast is a registered trademark of BASF AG.

Fusilade is a registered trademark of Zeneca Limited.

Goal is a registered trademark of Rohm and Haas Company.

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Registrant Information:

BASF Corporation

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