



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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

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**Date Issued:** April 13, 2004  
**Date Effective:** June 1, 2004  
**Expiration Date:** August 30, 2004  
**Report Due:** February 28, 2005  
**File symbols:** 04-NY-01 (Snap Beans)  
04-NY-02 (Dry Beans)

The Environmental Protection Agency hereby grants specific exemptions 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 (NYSDEC) for the use of fomesafen, formulated as Reflex 2LC, to control broadleaf weeds in snap beans and dry beans. These specific exemptions are subject to the following conditions and restrictions:

1. The New York State Department of Environmental Conservation is responsible for ensuring that all provisions of these specific exemptions 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. The product, Reflex 2LC, bearing either EPA Reg. No. 10182-83 (existing stocks of Zeneca product) or EPA Reg. No. 100-993 (Syngenta product), manufactured by Syngenta Crop Protection (formerly Zeneca AG Products), may be used. All applicable directions, restrictions, and precautions on the section 18 use directions submitted with your application as well as the EPA-registered product label must be followed.
3. A maximum of 17,000 acres of snap beans, and 12,000 acres of dry beans, may be treated under these exemptions (total acreage of 29,000).

4. One application of fomesafen may be made, by ground application, at a rate of 0.32 to 1.25 pints of product (0.08 to 0.313 lb. active ingredient [a.i.]) per acre.
5. A 30-day pre-harvest interval must be observed.
6. The federal product labels' regional application restriction for use on soybeans shall also apply to this use on snap beans. Therefore, fomesafen may not be applied on the same acreage more than once every two years.
7. The risk of non-target plant phytotoxicity potential from drift is a concern for endangered plant species in Suffolk County. In this county, a 50-foot buffer zone is required between the edge of treated snap bean fields and areas where endangered plants (Seabeach Amaranth and Sandplain Gerardia) are known to exist.
8. This product is toxic to birds and mammals. Drift and run-off may be hazardous to aquatic organisms in neighboring areas. Reflex 2LC may not be applied to sites where run-off is likely to occur to aquatic habitats.
9. Care should be taken to avoid adverse impact to endangered or threatened species that may occur in treatment areas.
10. Growers must be informed that in areas where soils are permeable and the water table is shallow, fomesafen may leach to groundwater.
11. Livestock may not be grazed in treated fields.
12. These uses are not expected to result in detectable residue levels of fomesafen in/on snap or dry beans.
13. The EPA Headquarters and EPA Regional Office shall be immediately informed of any adverse effects or misuse resulting from the use of this pesticide in connection with these uses.
14. These specific exemptions expire on August 30, 2004.
15. A report summarizing the results of these programs must be submitted by February 29, 2005, or prior to requesting this use again, to EPA Headquarters and the EPA Regional Office.

To help mitigate concerns the Agency has for ecological concerns for risk to wildlife from exposure to fomesafen, the lowest rate possible should be used that will still provide adequate control.

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/Signed/  
James Jones, Director  
Office of Pesticide Programs

Date: April 8, 2004

cc: Adrian Enache  
EPA Region 2