

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

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, 2005
Expires: August 15, 2005
File Symbol: 05-NY-05
Report Due: February 15, 2006

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: 05-NY-05

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 with your request 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 2,325 acres of red (table) 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, 2008.
6. This specific exemption expires August 15, 2005.

This is the tenth year that this use of desmedipham on garden beets has been requested under section 18 of FIFRA. For repeat emergency exemption requests, 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. IR-4 expects to submit a tolerance petition to EPA for this use this Spring (2005). Progress toward registration will be deemed adequate with that submission.

/s/

James J. Jones

James J. Jones, Director
Office of Pesticide Programs

Date: 2/2/05

cc: Region 2
Adrian Enache; Tom Zachos

rlhacket@gw.dec.state.ny.us



Bayer CropScience

Bayer CropScience LP
 P.O. Box 12014, 2 T.W. Alexander Drive
 Research Triangle Park, North Carolina 27709
 1-866-99BAYER (1-866-992-2937)
<http://www.bayercropscienceus.com>

Betanex® Herbicide

For Use on Red (Table) Beets to Control Broadleaf Weeds.

**SECTION 18 SPECIFIC EXEMPTION
 File Symbol: 05-NY-05**

**FOR DISTRIBUTION AND USE ONLY IN THE STATE OF NEW YORK
 UNDER SECTION 18 SPECIFIC EXEMPTION**

This labeling must be in possession of the user at the time of pesticide application. It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Read entire Directions for Use and Disclaimer of Warranties before using this product. Follow all applicable directions, restrictions, Worker Protection Standard requirements, and precautions on the registered product label for Betanex® Herbicide (EPA Registration Number 264-620).

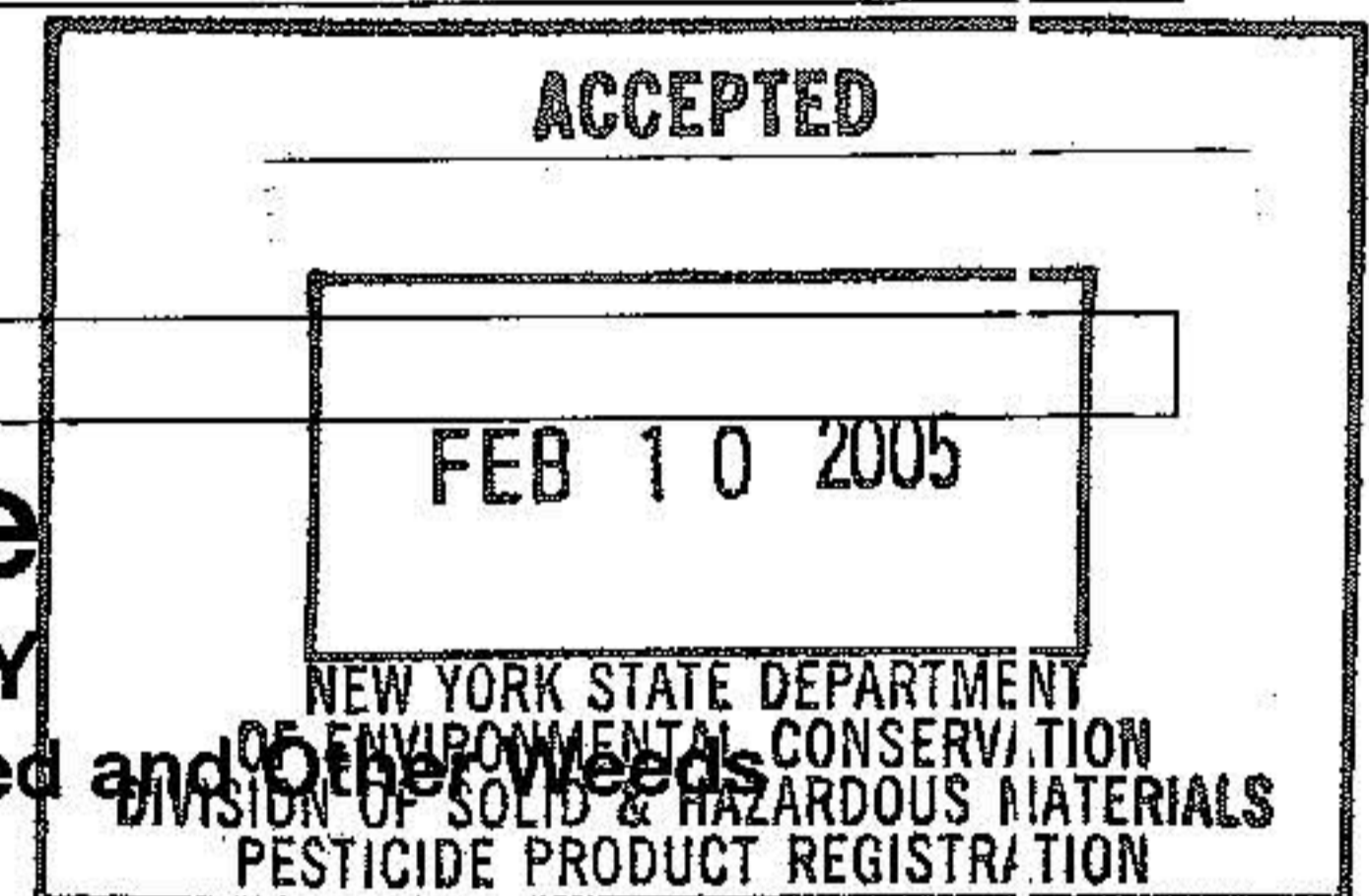
Any adverse effects resulting from the use of Betanex® Herbicide under this specific exemption must be immediately reported to the New York State Department of Environmental Conservation.

EFFECTIVE PERIOD:

This labeling becomes effective May 15, 2005 and expires on August 15, 2005

DIRECTIONS FOR USE

A maximum of 2,325 acres of Red (Table) Beets in New York may be treated.



**Betanex® Herbicide
 FOR AGRICULTURAL USE ONLY**

**Postemergence Herbicide for Control of Redroot Pigweed and Other Weeds
 in Red (Table) Beets**

GENERAL INFORMATION

When used as directed, BETANEX® Herbicide is selective against weeds in red (table) beets. Follow label directions carefully to avoid severe injury to red (table) beets. For best results, spray weeds in the cotyledon stage which are actively growing and are not under water or heat stress. BETANEX® Herbicide will control the following weeds:

- | | | |
|---|---|--|
| Eastern Black nightshade
(<i>Solanum nigrum</i>) | Common lambsquarters (<i>Chenopodium album</i>) | Velvetleaf (<i>Abutilon theophrasti</i>) |
| Hairy galinsoga (<i>Galinsoga canthium</i>) | Common ragweed (<i>Ambrosia artemisiifolia</i>) | Wild mustard (<i>Brassica kaber</i>) |
| Hairy nightshade (<i>Solanum sarrachoides</i>) | Redroot pigweed (<i>Amaranthus retroflexus</i>) | |

USE PRECAUTIONS

DO NOT APPLY BETANEX® HERBICIDE TO RED (TABLE) BEETS LATER THAN 50 DAYS PRIOR TO HARVEST.

DO NOT EXCEED A TOTAL OF 7 PINTS BETANEX® PER ACRE PER SEASON.

DO NOT APPLY THIS PRODUCT THROUGH ANY TYPE OF IRRIGATION SYSTEM.

BETANEX® MAY CAUSE BEET INJURY IF THE CROP IS UNDER STRESS FROM ONE OR MORE OF THE FOLLOWING CONDITIONS:

- Rapid climatic changes from cool, overcast days, to hot (80°F or over) bright days. When the air temperature is, or is likely to be, above 80°F on the day of spraying, application should be made in the late afternoon when the temperature is decreasing
- Frost within 3 days prior to application or 7 days following treatment could cause beet injury.
- Windy conditions or drought
- Use of a preplant or preemergence herbicide or other chemicals

- Insect or disease injury
- Close cultivation

If stress conditions are present, delay application in order to give plants a chance to recover.

IMPORTANT: BETANEX® Herbicide may cause temporary growth retardation and/or chlorosis or tipburn on table beets. Table beets usually resume normal growth within 10 days.

DO NOT OVERTREAT: The use of higher than recommended rates may cause beet injury and/or carry over problems.

Do not spray while dew is present.

Rainfall or sprinkler irrigation within 6 hours of spraying may reduce weed kill.

Do not allow spray drift to contact adjacent crops which may be injured by spray drift.

MIXING THE SPRAY

MAKE SURE THE SPRAYER IS CLEAN.

BETANEX® emulsifiable concentrate formulation contains sufficient wetting agents for optimum coverage. Do not add additional wetting agents or other spray adjuvants. Add sufficient water to fill the lines. Then add the desired amount of BETANEX® Herbicide and the remaining quantity of water with the bypass agitator running. Bypass agitation is sufficient. Mechanical agitation is not necessary. Only use freshly prepared spray emulsions.

Always spray immediately after preparing the spray solution. Prepare only enough spray solution to last less than four hours.

RATE OF APPLICATION

Multiple applications of BETANEX® Herbicide may be applied by ground to red (table) beets to control early germinating weeds. The first application must be applied when the red (table) beets have reached the 2-leaf stage. See Chart 1 for broadcast rates. For broadcast applications with ground equipment, apply in 20 – 50 gallons of water per acre. Use 5 – 10 gallons of water per acre with band applications. See Chart 2 for equivalent band rates. Any weeds which are not completely controlled by the first treatment will usually be checked and controlled by repeat applications. The repeat application should be made 5 to 7 days after the preceding application or when another flush of weeds germinates. A maximum of three (3) applications is allowed.

CHART 1

DOSAGE CHART FOR BROADCAST APPLICATIONS

Red (Table) Beet Stage	BETANEX® Herbicide Pints/Acre Broadcast
2 leaf	1.5
4 leaf	1.5 – 2.3
6 leaf	1.5 – 3.0

CHART 2

BETANEX® DOSAGE CHART FOR BAND APPLICATION

Broadcast Equivalent	Band Width	Band Rate – Row Spacing (fluid ounces)			
		22"	24"	28"	30"
1.50 pints/acre	5"	5.5	5.0	4.3	4.0
	7"	7.6	7.0	6.0	5.6
2.0 pints/acre	5"	7.3	6.7	5.7	5.3
	7"	10.2	9.3	8.0	7.5
3.0 pints/acre	5"	10.9	10.0	8.6	8.0
	7"	5.3	14.0	12.0	11.2

For MEDICAL And TRANSPORTATION Emergencies ONLY Call 24 Hours A Day 1-800-334-7577

For PRODUCT USE Information Call 1-866-99BAYER (1-866-992-2937)

or

Visit our worldwide web site at www.bayercropscienceus.com

As with any crop-protection product, always read and follow label directions.

For additional information call toll-free 1-866-99BAYER (1-866-992-2937).