



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Maureen P. Serafini, Director
Bureau of Pesticides Management
New York Department of Environmental Conservation
625 Broadway
Albany, New York 12233-7254

Attn: Cyndi Crowley


Date Issued: FEB 28 2006
Date Effective: June 1, 2006
Expiration Date: August 30, 2006
Report Due: February 28, 2007
File symbols: 06-NY-03

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 (NYSDEC) for the use of fomesafen, formulated as Reflex Herbicide, to control broadleaf weeds in snap beans and dry beans. This specific exemption is subject to the following conditions and restrictions:

1. The New York State Department of Environmental Conservation is responsible for ensuring that all provisions of this exemption is 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 Herbicide, 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 14,250 acres of snap beans, and 11,000 acres of dry beans, may be treated under this exemption (total acreage of 25,250).

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 label's 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 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 may not be applied to sites where run-off is likely to occur to aquatic habitats.
9. Growers must be informed that in areas where soils are permeable and the water table is shallow, fomesafen may leach to groundwater.
10. Livestock may not be grazed in treated fields.
11. 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.
12. This specific exemption expires on August 30, 2006.
13. A report summarizing the results of these programs must be submitted by February 28, 2007, or prior to requesting this use again, to EPA Headquarters and the EPA Regional Office.

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


James Jones, Director
Office of Pesticide Programs

Date: 2/28/06

cc: Adrian Enache
EPA Region 2



Section 18 Emergency Exemption

FOR DISTRIBUTION AND USE ON SNAP BEANS AND DRY BEANS IN THE STATE OF NEW YORK ONLY DURING THE EMERGENCY EXEMPTION PURSUANT TO SECTION 18 OF FIFRA, AS AMENDED.

REFLEX[®] Herbicide

EPA File Symbol No. 06-NY-03 (Snap beans and Dry beans)

EFFECTIVE DATE: June 1, 2006

EXPIRATION DATE: August 30, 2006

ACCEPTED

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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF SOLID & HAZARDOUS MATERIALS
PESTICIDE PRODUCT REGISTRATION

DIRECTIONS FOR USE

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

APPLICATION DIRECTIONS

Crop	Crop Growth Stage	Target Weeds	Rate/Acre	Method of Application	Maximum # Applications
Snap Bean Dry Bean	1 st to 4 th trifoliolate	Mustard spp. Nightshade spp. Pigweed, Redroot Ragweed, Common (Refer to product label for other broadleaf weeds controlled)	0.32-1.25 pints (0.08 to 0.313 lb ai/A)	Ground, using 10-40 gallons water/A	1

Rates: Reflex rates of 1 to 1.25 pints per acre will control target weeds at the 2-4 true leaf growth stage. Reflex rates below 1 pint per acre will generally only provide suppression of target weeds.

Timing – Target weeds should not exceed the 4 true leaf growth stage at time of application. Reflex should be applied during the crop growth stage indicated in the above table and not closer than 30 days prior to harvest.

SPRAY ADDITIVES - Add nonionic surfactant containing at least 75% surface active agent at 0.25 to 0.5% (1-2 quarts per 100 gallons) of the finished spray volume, or nonphytotoxic petroleum-based crop oil concentrate containing 15-20% approved emulsifier at 0.5 to 1.0% (2-4 quarts per 100 gallons) of the finished spray volume. Crop oil concentrate can improve control when weeds are at the maximum growth stage or when applications are made during low soil moisture and humidity conditions. Use of crop oil concentrate can improve weed control but may slightly reduce crop tolerance.

RECOMMENDATIONS, PRECAUTIONS AND RESTRICTIONS

- Thorough spray coverage is essential to obtain adequate control of target weeds. Refer to the EPA-registered product label for spray application recommendations.
- REFLEX herbicide requires a 1-hour rainfree period for best results
- The federal product label regional application restrictions for use on soybeans also apply to this use on snap and dry beans. Fomesafen may not be applied on the same acreage more than once every two years.
- Use 18-month minimum rotation interval to sweet corn in the state of New York.
- Do not apply within 30 days of harvest.
- This product is toxic to birds and mammals. Drift and runoff may be hazardous to aquatic organisms in neighboring areas. Do not apply to sites where run-off is likely to occur to aquatic habitats.
- Do not make applications when weather conditions favor drift from treated areas. The risk of nontarget plant phytotoxicity potential from drift is a concern for endangered plant species in Suffolk County. In this county, a 50-foot buffer zone will be required between the edge of treated field areas where endangered plants (Seabeach Amaranth and Sandplain Gerardia) are known to exist.
- Care should be taken to avoid adverse impact to endangered or threatened species that may occur in treatment areas.
- In areas where soils are permeable and the water table is shallow fomesafen may leach to ground water.
- Livestock may not be grazed in treated fields.

All applicable directions, restrictions, and precautions on the EPA-registered product label (EPA Reg. No. 100-993) are to be followed.

This labeling must be in the possession of the user at the time of application.

REFLEX® is a trademark of Syngenta Crop Protection, Inc.

Registrant:
Syngenta Crop Protection, Inc.
Greensboro, NC 27419

Label Code: NY0993003AB0306