



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 Waste Materials
Bureau of Pesticides Management, 11th Floor
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APR 24 2006

EFFECTIVE DATE: July 1, 2006
EXPIRATION DATE: September 30, 2006
FINAL REPORT DUE: March 30, 2007
FILE SYMBOL: 06-NY-09

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 for use of quinoxifen, on melons, winter squash, gourds, and pumpkin (non-edible cucurbits) to control powdery mildew. The specific exemption is subject to the conditions set forth in your request, as well as the following conditions and restrictions:

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 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 March 30, 2007 or prior to requesting another specific exemption for this use.
2. The product Quintec, (containing 22.58% active ingredient quinoxifen, EPA Reg. No. 62719-375), manufactured by Dow AgroSciences, may be used. All applicable directions, restrictions, and precautions on the EPA registered product label for Quintec must be followed.
3. A maximum of 3 foliar applications (none of them applied consecutively per crop) at a rate of 4.0 oz of Quintec/acre/application may be applied (0.065 lb. ai/acre). Allow 10 to 14 days between applications in combination and alternation with other effective fungicides. Apply no more than 12 fluid ounces per acre per season (0.195 lbs. ai). A 3 day pre-harvest interval (PHI) must be observed.

4. A maximum of 11,300 acres of non-edible peel cucurbits may be treated in all New York state counties: 6,500 acres of pumpkins, 4,200 acres of squash, and 600 acres of melons, and gourds.

5. Residues of quinoxifen in or on cucurbits (melon, winter squash, gourds, pumpkin) are not expected to exceed 0.30 parts per million (ppm) as a result of this section 18 use. The Agency has determined that these residue levels are adequate to protect the public health and has established time-limited tolerances for melons, winter squash, gourds, and pumpkin (non-edible cucurbits) at this level. These time-limited tolerances are effective until December 31, 2007. An analytical method is available and has been confirmed by EPA for other crops. A copy of the method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Road, Ft. Meade, MD 20755-5350; telephone number: (410) 305-2905; e-mail address: residuemethods@epa.gov.

6. In order to minimize risk to non-target aquatic organisms, the following label restrictions are required:

- Apply only when there is a sustained wind away from fish-bearing waters, and
- Leave a well maintained vegetative buffer strip between treatment area and fish-bearing waters to prevent potential for contamination of water from rainfall runoff.

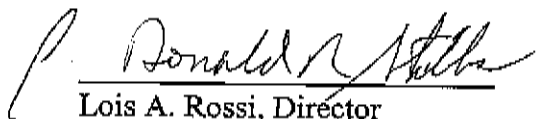
7. In order to protect the endangered Indiana bat species (*Myotis Sodalis*), add the following restriction to the current section's use directions: "Application is prohibited from one-half hour before dusk to one-half hour after dawn."

8. Applications may be made from July 1, 2006 until September 30, 2006.

9. The EPA headquarters and the EPA regional office shall both be immediately informed of any adverse effects resulting from the use of any of this pesticide in connection with this exemption.

This is the third year overall that quinoxifen has been requested under FIFRA section 18. IR-4 and the registrant, Dow AgroSciences, are actively working toward full registration. This specific exemption for use of quinoxifen on non-edible peel cucurbit crops to control powdery mildew is eligible for the streamlined re-certification application in calendar year 2007 in the event that the emergency condition continues.

Any future correspondence in connection with this specific exemption should refer to file symbol 06-NY-09.



Lois A. Rossi, Director
Registration Division

Date

4/24/06

cc:

EPA REGION #2

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Quintec[®]

EPA Registration No. 62719-375

Section 18 Specific Exemption

For Control of Powdery Mildew in Non-Edible Peel Cucurbits (Melon, Winter Squash, Gourds, and Pumpkin)

(For Distribution and Use Only in the State of New York)

Conditions and Risks of Use

BECAUSE USE OF Quintec[®] fungicide (THE "PRODUCT") ON NON-EDIBLE PEEL CUCURBITS (MELON, WINTER SQUASH, GOURDS, AND PUMPKIN) (THE "CROP") MAY RESULT IN CROP INJURY, YIELD REDUCTION AND/OR CROP LOSS, READ AND UNDERSTAND THESE CONDITIONS AND RISKS OF USE BEFORE USING THE PRODUCT!

Dow AgroSciences makes the Product available for use in the manner described in this Section 18 labeling on the basis that, in the sole opinion of the user, the benefits and/or utility derived from the use of the Product on the Crop outweigh the potential risk of Crop injury or loss. The decision to use this Product in the manner described in this Section 18 labeling must be made by each individual user on the basis of anticipated benefits versus (i) the risk of Crop injury, yield reduction and Crop loss, (ii) severity of the target pest infestation, (iii) the cost and availability of alternative pest controls and (iv) any other relevant factors.

By purchasing the Product for use, or using the Product, in the manner described in this Section 18 labeling, you acknowledge that:

- (1) you assume all risk of Crop injury, yield reduction and Crop loss;
- (2) Dow AgroSciences, and its agents and representatives, make and have made no representations or recommendations that the Product can be used on the Crop in the manner described in this Section 18 labeling without risk of Crop injury, yield reduction and/or Crop loss;
- (3) Dow AgroSciences disclaims all liability for any damages, losses, expenses, claims or causes of actions arising out of or relating to Crop injury, yield reduction and/or Crop loss;
- (4) Dow AgroSciences does not make, and does not authorize any agent or representative to make, any warranties with respect to the use of the Product on the Crop as described in this Section 18 labeling and disclaims all implied warranties including merchantability;
- (5) these Conditions and Risks of Use supersede any contrary provisions in or on any Product literature or labeling including on the label affixed to the Product container.

If these Conditions and Risks of Use are not acceptable, the unopened Product may be returned to the seller for a refund or used for a different labeled use in accordance with the label affixed to the Product container.

These Conditions and Risks of Use are required by Dow AgroSciences and not specified by the U.S. EPA or the State of New York.

ACCEPTED

APR 25 2006

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

ATTENTION

- **This specific exemption is effective July 1, 2006 through September 30, 2006.**
- It is a violation of Federal law to use this product in a manner inconsistent with its labeling.
- This labeling must be in the possession of the user at the time of application.
- Read the label affixed to the container for Quintec® fungicide before applying. Follow all applicable directions, restrictions, PPE requirements and precautions on the label affixed to the container for Quintec.
- Use of Quintec according to this supplemental labeling is subject to all use precautions and limitations imposed by the label affixed to the container for Quintec.

Directions for Use

Disease	Recommended Spray Interval (days)	Rate of Quintec (fl oz/acre)
powdery mildew (<i>Podosphaera xanthii</i>)	10 - 14	4

Application Timing

Make the first application either preventively or shortly after detecting powdery mildew at the action threshold of at least 1 of 50 old leaves with symptoms. Quintec should be alternated with other effective fungicides at their recommended rates and spray intervals. The interval between the Quintec application and application of other fungicides should not exceed 14 days.

Tank Mixing

Quintec may be applied in tank mix combination with labeled rates of other pesticides, including fungicides, insecticides, or other chemicals necessary for the crop. See Mixing Instructions section on container label. When tank mixing, follow label directions, including application rates, use precautions and limitations on each respective product label.

Use Precautions and Restrictions

- **Preharvest Interval:** Do not apply within 3 days of harvest.
- **Maximum Application Rate:** Do not apply more than 12 fl oz per acre per calendar year.
- **Do not** make consecutive applications of Quintec. Alternate with other fungicides with a different mode of action.
- **Do not** make more than 3 applications of Quintec on non-edible peel cucurbits per calendar year.
- **Do not** aerially apply this product.
- **Chemigation:** Do not apply this product through any type of irrigation system.
- Apply only when there is a sustained wind away from fish-bearing waters.
- Leave a well-maintained vegetative buffer strip between treatment area and fish-bearing waters to prevent potential for contamination of water from rainfall runoff.
- Application is prohibited from one-half hour before dusk to one-half hour after dawn.

Any adverse effects or misuse resulting from the use of Quintec in connection with this specific exemption must be immediately reported to the New York State Department of Environmental Conservation.

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Revisions: Renewal of Section 18 use exemption for 2006.

R136-013

File Symbol: 06-NY-09

Accepted: 04/24/06

Replaces R136-011