



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
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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 quinoxyfen, 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 quinoxyfen, 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.

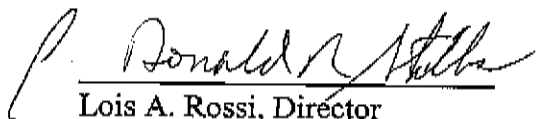
7. In order to protect the endangered Indiana bat species (*Myotis Sodalis*), add the following restriction to the current section's use directions: "Application is prohibited from one-half hour before dusk to one-half hour after dawn."

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

4/24/06
Date

cc:

EPA REGION #2

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