

New York State Department of Environmental Conservation

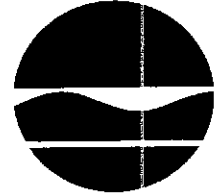
Division of Solid & Hazardous Materials

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Denise Sheehan
Commissioner

June 15, 2006

Mr. Dan Rosenblatt
Team Leader
Document Processing Desk (7504P)
USEPA/Office of Pesticide Programs
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, Virginia 22202-4501

Dear Mr. Rosenblatt:

Re: Crisis Exemption Request for Use of S-metolachlor (Dual Magnum, EPA Reg. No. 100-816) to Control Weeds in Pumpkin Crops in New York State in 2005

The New York State Department of Environmental Conservation, as the State lead agency for pesticide matters, hereby issues a Crisis Exemption under Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended for the use of S-metolachlor (Dual Magnum EPA Reg. No. 100-816) for preemergence control or suppression of annual grasses, yellow nutsedge, hairy galinsoga, redroot pigweed, Eastern black nightshade, and common purslane in New York State with the exception of Long Island.

This product will be needed from June 15, 2006 to June 30, 2006. A Specific Exemption Request was mailed to your office on February 16, 2006. Per a phone conversation on June 15, 2006 between Cynli Crowley, of my staff, and Andy Ertman, the request will not be approved in time to be of use to the growers. The anticipated use season of this product is from May 1 to June 30, 2006.

This is the first year that we are requesting S-metolachlor (Dual Magnum) for emergency use to control and suppress important weed species in pumpkins. New York State is now the number one producer of jack-o-lantern type pumpkins in the United States.

The requested rate of application is 0.64 to 1.3 lb ai/A (0.66 to 1.32 pints product/acre) on the basis of soil type. Dual Magnum may be applied once at the maximum rate, preemergence after planting; or as sequential applications with 0.66 pints/A applied preemergence and 0.66 pints/A applied after cultivation before the pumpkin vines have begun to run. A maximum of 1.32 pints product/acre can be applied per season. Dual Magnum will be applied preemergence with ground equipment using 10 to 50 gallons of water per acre, or it may be split with one-half applied preemergence and one-half applied post-emergence at the same dilutions. 7,000 acres of pumpkins were planted in 2004 in New York. It is estimated that 60% or

4,200 acres will need to be treated with Dual magnum. With use rates from 0.64 to 1.3 lb ai/A applied to 4,200 acres, it is estimated that 2,688 to 5,460 lbs active ingredient (353 to 717 gallons product) will be used. Applications will be made by or under the supervision of certified private applicators using their own equipment or by certified commercial applicators.

Please refer to the Specific Exemption request in process for any details you require regarding this product. We will shortly be submitting information that will address USEPA concerns about endangered or threatened species.

Your time in this matter is appreciated. If you have any questions, please contact Cyndi Crowley, of our Pesticide Product Registration Section, at (518) 402-8768.

Sincerely,



Maureen P. Serafini
Director
Bureau of Pesticides Management

Enclosures

cc: w/enc. - A. Enache, USEPA Region II

cc: w/o enc. - W. Smith, Cornell University, PMEP
R. Zimmerman/R. Mungari, New York State Dept. of Ag. & Mkts.