RESTRICTED USE PESTICIDE
Toxic to fish and aquatic organisms.
For retail sale to and use only by certified applicators or persons under their direct supervision, and only for those uses covered by the certified applicator’s certificate

Section 18 EXEMPTION
FOR DISTRIBUTION AND USE ONLY IN DUTCHESS, ORANGE, AND ULSTER COUNTIES IN NEW YORK STATE

File Symbols: 14-NY-02 (apple), 14-NY-03 (peach), 14-NY-04 (nectarine)

EMERGENCY CALLS: 800-331-3148

ALL APPLICABLE DIRECTIONS, RESTRICTIONS, AND PRECAUTIONS ON THE REGISTERED PRODUCT LABEL FOR BRIGADE WSB (EPA REG. NO. 279-3108) ARE TO BE FOLLOWED

THESE DIRECTIONS FOR USE MUST BE IN THE POSSESSION OF THE USER AT THE TIME OF PESTICIDE APPLICATION.

This exemption is effective from June 24, 2014 through October 15, 2014

<table>
<thead>
<tr>
<th>Crop</th>
<th>Pest Controlled</th>
<th>Rate of Application</th>
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<tbody>
<tr>
<td>Apple</td>
<td>Brown Marmorated Stink Bug</td>
<td>12.8 - 32 oz/A (0.08 - 0.2 lb ai/acre)</td>
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<tr>
<td>Peach</td>
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<td>Nectarine</td>
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Directions for Use: Application must be made post-bloom, by ground only as a dilute (minimum 200 gallons of finished spray per acre) or concentrate (minimum 50 gallons of finished spray per acre) in sufficient water to provide thorough coverage. Do not apply this product until after petal fall.

Restrictions: Do not apply more than 32 oz/acre (0.2 lb ai/acre) per application. Do not apply more than 72 oz/A (0.5 lb ai/acre) per year. Do not make applications less than 30 days apart. Do not graze livestock in treated areas. Do not apply within 14 days of harvest. Do not allow entry into treated areas for 12 hours following application.

Any adverse effects resulting from the use of Brigade WSB under this emergency exemption must be immediately reported to the New York State Department of Environmental Conservation.

ACCEPTED

June 24, 2014
New York State Department
of Environmental Conservation
Division of Materials Management
Pesticide Product Registration

Classified for “RESTRICTED USE” in New York State under 6NYCRR Part 326

Doc ID 539136

FMC Corporation
Agricultural Products Group
1735 Market Street
Philadelphia, PA 19103

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New York Department of Environmental Conservation  
Division of Materials Management  
Bureau of Pest Management  
Product Registration & Pest Management Alternatives Section  
625 Broadway, 9th Floor  
Albany, New York 12233-7257

Date Issued: JUN 20 2014  
Expiration Date: October 15, 2014  
Report Due: April 15, 2015  
File Symbols: 14-NY-02 (apple), -03 (peach), & -04 (nectarine)

Attn: Jeanine Broughel

The Environmental Protection Agency hereby re-issues specific exemptions under the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, to the New York Department of Environmental Conservation for use of bifenthrin on apple, peach, and nectarine to control brown marmorated stink bug (BMSB).

The New York Department of Department of Environmental Conservation re-certified that the emergency conditions still exist and that there were no changes to the use directions as approved in the last authorization dated June 7, 2013, including the use rates and type of application. These exemptions are subject to the conditions set forth in your request dated May 14, 2014, as well as the following conditions, modifications, and restrictions below:

1. The New York Department of Environmental Conservation (NYDEC) is responsible for ensuring that all provisions of these specific exemptions are met. NYDEC is also responsible for providing information in accordance with 40 CFR 166.32(b). Accordingly, a report summarizing the results of this program must be submitted to EPA Headquarters and the EPA Regional office within 6 months following the expiration of these exemptions, or prior to requesting subsequent specific exemptions for these uses. 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 these exemptions. Any future correspondence regarding these exemptions should refer to file symbols 14-NY-02 (apple), -03 (peach), & -04 (nectarine).

2. The registered products, Brigade WSB (10% bifenthrin, EPA Reg. No. 279-3108) manufactured by FMC Corporation; Bifenture EC (25% bifenthrin, EPA Reg. No. 70506-227); and Bifenture 10DF (10% a.i., EPA Reg. No. 70506-57), both manufactured by United Phosphorus, Inc. may be applied.
3. Applications must be made post-bloom, by ground only, at a rate of 0.08 to 0.2 lb. active ingredient bifenthrin (a.i.) per acre; no more than 0.5 lb. a.i. per acre may be applied per year; multiple applications may be made at a minimum of 30 day intervals; a restricted entry interval (REI) of 12 hours and pre-harvest interval (PHI) of 14 days must be observed.

4. All applicable directions, restrictions, and precautions on the EPA-registered product labels, as well as those outlined on the section 18 use directions referenced in your request, must be followed.

5. A maximum of 5,974 acres of apples, peaches, and nectarines may be treated under these specific exemptions.

6. These exemptions expire October 15, 2014.

7. Residues of bifenthrin resulting from applications made in accordance with these exemptions are not expected to exceed 0.5 ppm in/on apple, peach, or nectarine. Time-limited tolerances were established in connection with past exemptions at 40 CFR 180.442, have expiration dates of December 31, 2015, and will be adequate to cover any residues resulting from these exemption uses.

8. To help minimize exposure to pollinators, the following statement on the application timing must be observed: “Do not apply this product until after petal fall.”

9. To mitigate risks to aquatic organisms, section 3 product label requirements must be strictly followed. For ground applications (the only method allowed under this exemption) 10 ft vegetative buffer strip, or 25 ft buffer zone is required between the site of application and adjacent bodies of water. Recommendations on the section 3 product labels regarding droplet size, wind direction and speed, temperature inversions, and other factors affecting off-site drift or runoff of bifenthrin must also be carefully followed.

10. In addition, the following statements from the section 3 labels are reiterated:

   This pesticide is extremely toxic to fish and aquatic invertebrates. Use with care when applying in areas adjacent to any body of water. Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not make applications when weather conditions favor drift from treated areas. Drift and runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water when disposing of equipment wash waters.

   This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds while bees are actively visiting the treatment area.

   The use of bifenthrin is prohibited in areas that may result in exposure of endangered species to bifenthrin. Prior to use in a particular county contact the local extension service for procedures and precautions to use to protect endangered species.
This is the third year emergency exemption requests have been made for the uses of bifenthrin on apple, peach, and nectarine. IR-4 is working with the registrants to support registration of these uses, and conducted residue trials in 2013 with additional trials scheduled for 2014. Therefore, progress toward registration has been adequate. Any repeat exemption requests for these uses must provide an update on the status of the efforts toward obtaining registration of these uses. In the event that NYDEC requests emergency exemptions for these uses next year, EPA is making a preliminary determination that they are eligible for the re-certification program (40 CFR 166.20(b)(5)) in 2015.

If you have any questions regarding these authorizations, please contact one of my staff members, Andrea Conrath (703.308.9356; conrath.andrea@epa.gov; or Tawanda Maignan (703.308.8050; maignan.tawanda@epa.gov).

Lois Rossi, Director
Registration Division
Office of Pesticide Programs

Date: 20 June 2014

cc: Adrian Enache
    US EPA Region 2

    Aarti Reddy, Tribal Coordinator
    USEPA Region 1