



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460-0001

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

New York State Department of Environmental Conservation
Division of Solid & Hazardous Materials
Bureau of Pesticides Management
625 Broadway
Albany, New York 12233-7257

DATE AMENDED: August 23, 2006
DATE ISSUED: July 31, 2006
EXPIRATION: May 31, 2009
FILE SYMBOL: 05-NY-10

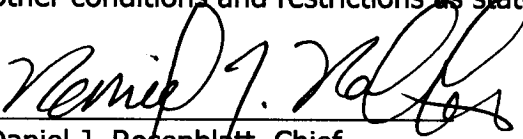
***** AMENDMENT *****

The U.S. Environmental Protection Agency (EPA) hereby amends a quarantine exemption previously granted under the provisions of section 18 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, to the New York State of Environmental Conservation for the use of myclobutanil on legume vegetable crop groups 6 and 7, excluding soybeans to control Asian soybean rust.

This quarantine exemption is amended by revising the product identification number for the Rally® 40W formulation in item #2 to read as follows:

- 2. The product, Rally® 40W (EPA Reg. No. 62719-411) manufactured by Dow AgroSciences, may be applied. All applicable directions, restrictions and precautions on the submitted section 18 use directions as well as the EPA-registered product label must be followed.

All other conditions and restrictions as stated in the July 31, 2006 authorization letter still apply.


Daniel J. Rosenblatt, Chief
Risk Integration, Minor Use and Emergency
Response Branch, Registration Division

Date: 8/23/2006

cc: EPA Region #2
Adrian Enache/R2/USEPA/US

Cyndi Crowley, New York State Department of Environmental Conservation
CJCrowley@gw.dec.state.ny.us



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

July 31, 2006

New York State Department of Environmental Conservation
Division of Solid & Hazardous Materials
Bureau of Pesticides Management
625 Broadway
Albany, New York 12233-7257

Attn: Cyndi Crowley
Tele: (518) 402-8768

DATE ISSUED: July 31, 2006
INTERIM REPORTS DUE: July 31, 2007
FINAL REPORT DUE: July 31, 2008
EXPIRES: May 31, 2009
FILE SYMBOL: 05-NY-10

The U.S. Environmental Protection Agency (EPA) hereby grants a quarantine exemption 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 the use of myclobutanil, formulated as the products Rally® 40W and Nova® 40W, on legume vegetables (crop groups 6 and 7, excluding soybeans) to control soybean rust (SBR) and the pathogen, *Phakopsora pachyrhizi*. Several other chemicals were requested for use on legumes to control soybean rust, but EPA reviews for those chemicals have not been completed at this time. The Agency is moving forward with this authorization letter because the evaluation of myclobutanil is complete.

On November 10, 2004, the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (USDA/APHIS) confirmed the presence of SBR on soybean leaf samples taken from 2 plots associated with a Louisiana State University research farm. This disease is aggressive and capable of infecting a vast number of legume hosts, which can act as alternative hosts to soybean rust. Because *P. pachyrhizi* has been discovered in the continental U.S. on legumes, this section 18 for SBR is released for implementation in New York as the New York Department of Environmental Conservation determines appropriate. This quarantine exemption is subject to the conditions and restrictions set forth in your application, as well as the following:

1. The Department of Environmental Conservation is responsible for ensuring that all provisions of this quarantine exemption are met. In addition, the New York Department of Environmental Conservation is responsible for providing information in accordance with 40 CFR §166.32. This information must be submitted to EPA Headquarters and Region 2 offices.

2. The registered products Rally® 40W (EPA Reg. No. 62719-410) and Nova® 40W (EPA Reg. No. 62719-411, both manufactured by Dow AgroSciences, may be applied. All applicable directions, restrictions and precautions on the submitted section 18 use directions as well as the EPA-registered product label must be followed.
3. Two applications (aerial or ground) may be made at the following maximum rates: Rally® 40 W 2.0 oz. (0.125 lb.) a.i./acre) and Nova® 40 W 2.0 oz. (0.125 lb a.i./acre) for a maximum application of no more than 0.25 lb a.i. of myclobutanil per year.
4. A 7-day minimum re-application interval must be observed. A pre-harvest interval of 28 days must be observed.
5. Treatments under this section 18 program may be made to legume vegetables and foliage of legume vegetables (excluding soybeans) to control SBR. A maximum of 58,600 acres may be treated in New York under this authorization.
6. The use of myclobutanil on legume vegetables is not expected to adversely affect the U.S. population, including infants and children, from acute, short- and intermediate- term, and chronic aggregate exposure to myclobutanil residues. The available data support time-limited tolerances for residues of myclobutanil on the following crop groups:

Vegetable, legume (except soybean), Crop Group 6.....1.0 ppm
 Vegetable, foliage of legume (except soybean), Crop Group 7.....1.0 ppm

7. Applicators must wear chemical-resistant gloves (Category A in EPA's Chemical-Resistant Category Selection Chart).
8. Because it is persistent and somewhat mobile, myclobutanil may be a potential threat to groundwater in vulnerable soils. To mitigate risk from groundwater contamination, the following statements are required and included on the section 18 use directions:

Ground Water: "This chemical demonstrates the properties and characteristics associated with chemicals detected in ground water. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in ground water contamination."

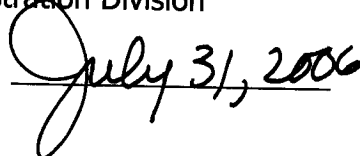
Surface Water: "This chemical can contaminate surface water through spray drift. Under some conditions, this chemical may also have a potential for runoff into surface water (primarily via dissolution in runoff water) for several months post-application. These include poorly draining or wet soils with readily visible slopes toward adjacent surface waters, frequently flooded areas, and areas overlaying extremely shallow groundwater, areas with in-field canals or ditches that drain to surface water, areas not separated from adjacent surface areas with vegetate filter strips, and areas over-laying tile drainage systems that drain to surface water."

The EPA Headquarters and Region 2 offices shall immediately be informed of any adverse effects resulting from the use of this pesticide in connection with this authorization. This quarantine exemption expires May 31, 2009.

Any future correspondence in connection with this authorization shall refer to file symbol 05-NY-10.


Lois A. Rossi Director
Registration Division

Date:



cc:

New York Department of Environmental Conservation
Cyndi Crowley
CJCrowle@gw.dec.state.ny.us

EPA Region #2
Adrian Enache/R2/USEPA/US,

Nova[®] 40W

EPA Reg. No. 62719-411

**Section 18 Quarantine Exemption for
Control of Rust (*Phakopsora pachyrhizi*) in Beans and Peas
(Crop Groups 6, 7)[†]**

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

ATTENTION

- **Section 18 Quarantine Exemption:** This use is authorized under EPA quarantine exemption pursuant to Section 18 of the Federal Insecticide Fungicide and Rodenticide Act as amended.
- **This quarantine exemption is effective upon USDA confirmation that soybean rust is present in the continental U.S. and expires May 31, 2009.**
- 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 Nova[®] 40W fungicide before applying. Carefully follow all precautionary statements and applicable use directions.
- Use of Nova 40W according to this Section 18 labeling is subject to all use precautions and limitations imposed by the label affixed to the product container for Nova 40W.

Directions for Use

[†]Including, but not limited to: Asparagus Bean, Bean, Blackeyed Pea, Broad Bean (Succulent), Chinese Longbean, Cowpea, Dwarf Pea, Edible-Pod Pea, English Pea, Field Pea, Garden Pea, Green Pea, Jackbean, Lima Bean (Green), Moth Bean, Pea, Pigeon Pea, Runner Bean, Snap Bean, Snow Pea, Southern Pea, Soybean (Immature Seed), Sugar Snap Pea, Sword Bean, Wax Bean, Yardlong Bean, and plant parts of any legume vegetable that will be used as animal feed

Apply 4 to 5 oz of Nova 40W (1.6 to 2 oz ai myclobutanil) per acre, using ground or aerial equipment, in an adequate spray volume to achieve good coverage and canopy penetration. For aerial application, apply Nova 40W in a minimum spray volume of 10 gallons per acre. Begin applications when rust is first observed. Make subsequent applications at 7- to 10-day intervals if conditions remain favorable for disease development.

Environmental Hazards:

Groundwater: This chemical demonstrates the properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

Surface water: This chemical can contaminate surface water through spray drift. Under some conditions, this chemical may also have a high potential for runoff into surface water (primarily via dissolution in runoff water) for several months post-application. These include poorly draining or wet soils with readily visible slopes toward adjacent surface waters, frequently flooded areas, areas overlaying extremely shallow groundwater, areas with in-field canals or ditches that drain to surface water, areas not separated from adjacent surface waters with vegetated filter strips, and areas overlaying tile drainage systems that drain to surface water.

Specific Use Restrictions:

- Do not allow worker entry into treated areas during the restricted-entry interval (REI) of 24 hours.
- Do not feed bean and pea forage and hay to livestock.

ACCEPTED**AUG 28 2006**NEW YORK STATE DEPARTMENT
OF ENVIRONMENTAL CONSERVATION
DIVISION OF SOLID & HAZARDOUS MATERIALS
PESTICIDE PRODUCT REGISTRATION

- **Preharvest Interval:** Do not apply within 28 days of harvest.
- **Do not** make more than 2 applications of myclobutanil-containing products to beans and peas per season.
- **Do not** apply more than 0.625 lb of Nova 40W (0.25 lb ai myclobutanil) per acre per crop.
- **Rotation Crops** -- Fields treated with myclobutanil (Laredo[®], Nova and Rally[®]) can be rotated at any time to crops that are listed on a registered myclobutanil label immediately after the last treatment. Do not plant other crops within 30 days after the last application of a product containing myclobutanil.

Any adverse effects resulting from the use of Nova 40W under this quarantine exemption must be immediately reported to the New York Department of Agriculture.

[®]Trademark of Dow AgroSciences LLC

R866-038

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Initial printing.



Dow AgroSciences LLC

9330 Zionsville Road

Indianapolis, IN 46268-1054 USA

Rally[®] 40W

EPA Reg. No. 62719-411

Section 18 Quarantine Exemption for Control of Rust (*Phakopsora pachyrhizi*) in Beans and Peas (Crop Groups 6, 7)[†]

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

ATTENTION

- **Section 18 Quarantine Exemption:** This use is authorized under EPA quarantine exemption pursuant to Section 18 of the Federal Insecticide Fungicide and Rodenticide Act as amended.
- **This quarantine exemption is effective upon USDA confirmation that soybean rust is present in the continental U.S. and expires May 31, 2009.**
- 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 Rally[®] 40W fungicide before applying. Carefully follow all precautionary statements and applicable use directions.
- Use of Rally 40W according to this Section 18 labeling is subject to all use precautions and limitations imposed by the label affixed to the product container for Rally 40W.

Directions for Use

[†]Including, but not limited to: Asparagus Bean, Bean, Blackeyed Pea, Broad Bean (Succulent), Chinese Longbean, Cowpea, Dwarf Pea, Edible-Pod Pea, English Pea, Field Pea, Garden Pea, Green Pea, Jackbean, Lima Bean (Green), Moth Bean, Pea, Pigeon Pea, Runner Bean, Snap Bean, Snow Pea, Southern Pea, Soybean (Immature Seed), Sugar Snap Pea, Sword Bean, Wax Bean, Yardlong Bean, and plant parts of any legume vegetable that will be used as animal feed

Apply 4 to 5 oz of Rally 40W (1.6 to 2 oz ai myclobutanil) per acre, using ground or aerial equipment, in an adequate spray volume to achieve good coverage and canopy penetration. For aerial application, apply Rally 40W in a minimum spray volume of 10 gallons per acre. Begin applications when rust is first observed. Make subsequent applications at 7- to 10-day intervals if conditions remain favorable for disease development.

Environmental Hazards

Groundwater: This chemical demonstrates the properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

Surface water: This chemical can contaminate surface water through spray drift. Under some conditions, this chemical may also have a high potential for runoff into surface water (primarily via dissolution in runoff water) for several months post-application. These include poorly draining or wet soils with readily visible slopes toward adjacent surface waters, frequently flooded areas, areas overlaying extremely shallow groundwater, areas with in-field canals or ditches that drain to surface water, areas not separated from adjacent surface waters with vegetated filter strips, and areas overlaying tile drainage systems that drain to surface water.

Specific Use Restrictions:

- **Do not** allow worker entry into treated areas during the restricted-entry interval (REI) of 24 hours.
- **Do not** feed bean and pea forage and hay to livestock.

ACCEPTED

AUG 28 2006

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

- **Preharvest Interval:** Do not apply within 28 days of harvest.
- **Do not** make more than 2 applications of myclobutanil-containing products to beans and peas per season.
- **Do not** apply more than 0.625 lb of Rally 40W (0.25 lb ai myclobutanil) per acre per crop.
- **Rotation Crops** – Fields treated with myclobutanil (Laredo[®], Nova[®] and Rally) can be rotated at any time to crops that are listed on a registered myclobutanil label immediately after the last treatment. Do not plant other crops within 30 days after the last application of a product containing myclobutanil.

Any adverse effects resulting from the use of Rally 40W under this quarantine exemption must be immediately reported to the New York Department of Agriculture.

[®]Trademark of Dow AgroSciences LLC

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