



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

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Date Issued: July 1, 2004
Interim
Reports Due: March 1, 2005
March 1, 2006
Final Report Due: September 1, 2007
Expiration Date: March 1, 2007
File Symbol: 04-NY-16

The Environmental Protection Agency 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 (NYDEC) for the use of propiconazole, formulated as the products Tilt, Propimax, and Bumper, on soybeans to control soybean rust. New York requested to be included in the lead exemption request submitted by the Minnesota and South Dakota Departments of Agriculture.

Use of this chemical under this quarantine exemption will not be allowed until the time that the fungal species *Phakopsora pachyrhizi* has been confirmed to be present in the continental United States or Puerto Rico by the United States Department of Agriculture/Animal and Plant Health Inspection Service (USDA/APHIS). The less aggressive fungal species known to cause soybean rust, *Phakopsora meibomia*, is already present in the Western Hemisphere, including Puerto Rico. Once USDA/APHIS has confirmed that *Phakopsora pachyrhizi* is present, all existing EPA-approved section 18s for soybean rust will be automatically released for implementation in New York as the NYDEC feels is appropriate. This quarantine exemption is subject to the conditions set forth in the lead request, as well as the following conditions and restrictions:

1. The New York Department of Environmental Conservation is responsible for ensuring that all provisions of this quarantine exemption are met. It is also responsible for providing a report about the results and effectiveness of this exemption on an annual basis in accordance with 40 CFR 166.32. This information must be submitted to EPA headquarters and the EPA regional office.
2. The registered products, **Tilt** (EPA Reg. No. 100-617) manufactured by Syngenta, **Propimax** (EPA Reg. No. 62719-346) manufactured by Dow Agrosciences, and **Bumper** (EPA Reg. No. 66222-42), manufactured by Makhteshim-Agan, may be applied. All applicable directions, restrictions, and precautions on the submitted section 18 use directions (as modified below) as well as the EPA-registered product labels must be followed.

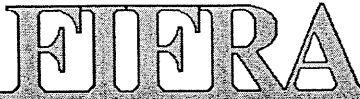
The use directions for **Tilt** must be modified as follows:

To be consistent with the lead request as well as with the two other products authorized under this exemption, the use rate should be modified from 4 fl oz/A to 4-8 fl oz/A, and use should be limited to a maximum of 2 applications. Additionally, the lead section 18 request included a 28-day pre-harvest interval (PHI). In the field trials evaluated by the Agency, propiconazole was applied at growth stage R3 (beginning pod), with a second application approximately 21 days later at growth stage R5 (pod fill). The resulting PHIs from this treatment regimen ranged from 46 to 99 days after the last treatment. Therefore, rather than a PHI, the use directions must specify the latest soybean growth stage - R5 - at which propiconazole may be applied.

3. As stated in the lead request, a maximum of two total applications using approved section 18 products collectively will be made under this soybean rust section 18. This includes those products that have been approved or may be approved for use at a later date.

Should growers include propiconazole in their treatment program, a maximum of two applications of Tilt, PropiMax EC and/or Bumper may be made by ground or air at a rate of 4 to 8 fluid ounces of product per acre (0.113 - 0.225 pounds of a.i./acre). Do not apply more than 12 fluid ounces of product per acre per season. Propiconazole may be applied no later than soybean growth stage R5.

4. A restricted entry interval (REI) of 24 hours will be observed.
5. A maximum of 140,000 acres of soybeans may be treated in New York under the soybean rust emergency exemption.
6. This use of propiconazole on soybean is not expected to adversely affect human health. The available data support time-limited tolerances of 0.5 ppm in soybeans, 8 ppm in soybean forage and 25 ppm in soybean hay. Time-limited tolerances will be established at these levels.



Section 18 Emergency Exemption

**SECTION 18 EMERGENCY SPECIFIC EXEMPTION FOR THE USE OF
TILT® ON SOYBEANS FOR CONTROL OF ASIAN RUST (*Phakopsora
pachyrhiza*) IN THE STATE OF NEW YORK**

EPA FILE SYMBOL 04-NY-16

EXPIRATION DATE: MARCH 1, 2007

TILT

EPA Reg. No. 100-617

FOR CONTROL OF ASIAN RUST ON SOYBEANS

| | |
|---|--------|
| Active Ingredient: Propiconazole: 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]methyl]-1H-1,2,4-triazole | 41.8% |
| Inert Ingredients: | 58.2% |
| Total: | 100.0% |

KEEP OUT OF REACH OF CHILDREN

WARNING/AVISO

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.
(If you do not understand the label, find someone to explain it to you in detail.)

DIRECTIONS FOR USE

It is a violation of federal law to use this product in a manner inconsistent with its labeling.

FAILURE TO FOLLOW THE DIRECTIONS FOR USE AND PRECAUTIONS ON THIS LABEL
MAY RESULT IN POOR DISEASE CONTROL, CROP INJURY, OR ILLEGAL RESIDUES.

Follow all applicable directions, restrictions, and precautions, including statements pertaining to
the worker protection standards, on the EPA-registered Tilt label (EPA Reg No.: 100-617).

This label must be in the possession of the user at the time of pesticide application.

General Information

Soybeans

If soybean rust is in the area or conditions are conducive to the disease, apply 4-8 fl.oz/A of Tilt. Repeat at 14-day interval if conditions persist. It is important to protect the developing pod. Tilt should be applied no later than soybean growth stage R5. Timing should be R1 (ca. 50 days after planting) to R5 depending on the conditions.

Coverage and penetration are important for best results. Tilt can be applied by either aerial or ground equipment. Use sufficient water volume to provide thorough and uniform plant coverage. When using aerial application, apply in a minimum of 5 gals./A. When using ground equipment, apply in a minimum of 10 gals./A (a minimum of 15 gals./A is recommended).

Notes: To avoid possible illegal residues, (1) Do not apply more than 12 fl. oz./acre of Tilt per season. (2) Do not graze or feed soybean forage or hay. (3) **DO NOT** rotate to any crop intended for food, grazing, or any component of animal feed or bedding within 105 days of Tilt application, unless the crop appears on the product label. (4) **Use of this chemical under this quarantine exemption will not be allowed until the time that soybean rust has been confirmed to be present in the continental United States by the United States Department of Agriculture/Animal and Plant Health Inspection Service (USDA/APHIS).** (5) A maximum of 2 total applications using approved Section 18 products collectively are allowed under this soybean rust Section 18.

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

Syngenta Crop Protection, Inc.
Greensboro, NC 27419

NY0617015AB0704

PropiMax* EC

Section 18 Quarantine Exemption

For Control of Rusts (*Phakopsora pachyrhizi*) in Soybean

For Distribution and Use Only in the State of New York

ATTENTION

- This Quarantine Exemption expires March 1, 2007.
- It is a violation of Federal law to use this product in a manner inconsistent with its labeling.
- This label must be in the possession of the user at the time of pesticide application.
- The product PropiMax* EC fungicide, EPA Reg. No. 62719-346, (containing 41.8% propiconazole) manufactured by Dow AgroSciences LLC may be used.
- All applicable conditions and restrictions on the federally registered product label for PropiMax EC as well as the Section 18 use directions must be observed.

Directions for Use

Apply PropiMax EC at the rate of 4 - 8 fl oz per acre (0.113 - 0.225 lb a.i./acre). PropiMax EC may be applied using ground or aerial broadcast equipment or through sprinkler irrigation (chemigation) equipment. Best results are obtained when PropiMax EC is applied at the first sign of disease. If the disease is established use the higher rate in the rate range. Repeat applications may be made at an interval of 10 to 14 days.

Chemigation: Apply PropiMax EC in 1/4 to 1/2 inches of sprinkler irrigation. Follow recommendations for application rates, timing and frequency of application in crop-specific directions for use (above).

Restrictions:

- Use of PropiMax EC under this Quarantine Exemption will not be allowed until the time that soybean rust has been determined to be present in the continental United States by the United States Department of Agriculture/Animal and Plant Health Inspection Service (USDA/APHIS). Once USDA/APHIS has confirmed that soybean rust is present, all existing EPA-approved section 18s for soybean rust will be automatically released for implementation in New York as the New York Department of Environmental Conservation feels is appropriate.
- **Do not** make more than 2 applications or apply more than 12 ounces (0.338 lb active ingredient) per acre per year.
- Do not apply after R5 (pod fill) stage of growth.
- **Re-entry:** A restricted entry interval of 24 hours must be observed.
- **Do not** use hay, forage, or fodder from the soybean crop as any component of animal feed or bedding.
- **Rotational Crop Restrictions:** To avoid possible illegal residues, do not plant any rotational crop intended for food, grazing, or any component of animal feed or bedding within 105 days of application of PropiMax EC to the preceding crop, unless the rotational crop appears on the label for PropiMax EC.
- A maximum of 2 total applications using approved Section 18 products collectively are allowed under this soybean rust Section 18 exemption.

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

*Trademark of Dow AgroSciences LLC

R-142-022

File symbol: 04-NY-16

EPA-accepted: 07-01-2004

Initial printing



MAKHTESHIM
A G A N
of
NORTH AMERICA

BUMPER® 41.8EC
EPA Reg. No. 66222-42
FOR CONTROL OF ASIAN RUST ON SOYBEANS
IN THE STATE OF NEW YORK

**SECTION 18 EMERGENCY QUARANTINE EXEMPTION FOR THE USE OF BUMPER® 41.8EC
ON SOYBEANS FOR CONTROL OF ASIAN RUST (*Phakopsora pachyrhiza*) IN THE
STATE OF NEW YORK**

**USE OF THIS CHEMICAL UNDER THIS QUARANTINE EXEMPTION WILL NOT BE ALLOWED UNTIL THE
TIME THAT SOYBEAN RUST HAS BEEN CONFIRMED TO BE PRESENT IN THE UNITED STATES BY THE
UNITED STATES DEPARTMENT OF AGRICULTURE/ANIMAL AND PLANT HEALTH INSPECTION SERVICE
(USDA/APHIS).**

**EPA FILE SYMBOL: 04-NY-16
EXPIRES: 3-1-2007**

| ACTIVE INGREDIENT: | % BY WT. |
|---|---------------------|
| Propiconazole: 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl]Methyl]-1H-1,2,4-triazole..... | 41.8% |
| INERT INGREDIENTS: | <u>58.2%</u> |
| | TOTAL 100.0% |

**KEEP OUT OF REACH OF CHILDREN
WARNING-AVISO**

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand the label, find someone to explain it to you in detail.)

DIRECTIONS FOR USE

- It is a violation of Federal law to use this product in a manner inconsistent with its labeling.
- **FAILURE TO FOLLOW THE DIRECTIONS FOR USE AND PRECAUTIONS ON THIS LABEL MAY RESULT IN POOR DISEASE CONTROL, CROP INJURY, OR ILLEGAL RESIDUES.**
- Follow all applicable directions, restrictions, Worker Protection Standards, and precautions on the EPA registered Bumper 41.8EC label.
- This label must be in the possession of the user at the time of pesticide application.

CROP, USE RATE, AND METHOD OF APPLICATION

If soybean rust is in the area or conditions are conducive to the disease, apply 4-8 fl. oz. per acre of Bumper 41.8EC. Repeat at 14-day intervals if conditions persist. It is important to protect the developing pod. Timing should be R1 (ca. 50 days after planting) to R5 depending on the conditions.

Coverage and penetration are important for best results. Bumper 41.8EC can be applied by either aerial or ground equipment. Use sufficient water volume to provide thorough and uniform plant coverage. When using aerial application, a minimum of 5 gallons per acre is recommended. With ground equipment, a minimum of 15 gallons per acre is recommended.

RESTRICTIONS

To avoid possible illegal residues:

1. Do not apply more than two applications of Bumper 41.8EC per acre per season, and no more than 12 fl. oz. of Bumper 41.8EC per acre per season.
2. Do not graze or feed soybean forage or hay.
3. Do not rotate to any crop intended for food, grazing, or any component of animal feed or bedding within 105 days of Bumper 41.8EC application unless the crop appears on the product label.
4. Do not apply later than soybean growth stage R5 (pod fill).

5. A maximum of two total applications using approved Section 18 products collectively are allowed under this soybean rust Section 18.
6. The REI is 24 hours.

Any adverse effects resulting for the use of Bumper 41.8EC under this emergency exemption must be immediately reported to the State Department of Agriculture where the application takes place.

Makhteshim Agan of North America, Inc.
551 Fifth Ave., Suite 1100
New York, NY 10176

Bumper® is a registered trademark of Makhteshim Agan of North America, Inc.