Maureen P. Serafini, Director
Bureau of Pesticides Management
New York Department of Environmental Conservation
50 Wolf Road
Albany, New York 12233-7257

Attn: Robin Hackett
Fax: (518)485-8990

Date Issued: MAR 10 2005
Interim Reports Due: November 10, 2005
November 10, 2006
Final Report Due: May 10, 2008
Expiration Date: November 10, 2007
File Symbol: 04-NY-19

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 tetraconazole, formulated as the unregistered product Domark 230 ME Fungicide, on soybeans to control soybean rust. The NYDEC requested to be included in the lead exemption request submitted by the Minnesota and South Dakota Departments of Agriculture.

On November 10, 2004, U.S. Department of Agriculture’s Animal and Plant Health Inspection Service (USDA/APHIS) confirmed the presence of Phakopsora pachyrhizi, the pathogen that causes soybean rust, on soybean leaf samples taken from two plots associated with a Louisiana State University research farm. Because P. pachyrhizi has now been found in the continental United States, all existing EPA-approved section 18s for soybean rust, including this one, are released for implementation in New York as the NYDEC feels is appropriate. This quarantine exemption is subject to the conditions set forth in your 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 unregistered product, Domark 230 ME Fungicide, manufactured by Isagro, USA, Inc., may be applied. All applicable directions, restrictions, and precautions on the submitted section 18 label (as modified) must be followed:
   - In order to protect avian species, the number of applications of Domark 230 ME allowed under this exemption must be reduced from two to one.
   - The use directions must be modified by including a statement prohibiting the feeding of soybean forage and hay to livestock.

3. As stated in your request, a maximum of two total applications using approved section 18 products collectively will be made under this soybean rust section 18.

   Should growers include tetraconazole in their treatment program, a maximum of one application of Domark 230 ME Fungicide may be made by ground or air at a rate of 4-6 fluid ounces of product/acre/year (0.075 - 0.09 lbs a.i./acre).

   The application requested two total treatments of Domark 230 ME. However, available ecological risk information suggests that exposures of concern for avian species could result from two yearly applications. Therefore, only one spray treatment of Domark 230 ME is being authorized at this time. EPA is currently discussing its ecological risk findings with the manufacturer.

4. A restricted entry interval (REI) of 24 hours will be observed. Do not apply Domark 230 ME after growth stage R-5.

5. A maximum of 140,000 acres of soybeans may be treated in New York under the soybean rust emergency exemption.

6. Time-limited tolerances will be established to support this section 18 program at the following levels; soybean seed at 0.05 ppm; poultry meat at 0.0003 ppm; poultry fat at 0.004 ppm; poultry liver at 0.03 ppm; poultry meat byproducts at 0.002 ppm (excluding liver); and egg at 0.03 ppm.

7. The proposed use is not expected to pose a significant risk to non-target organisms, including endangered mammal, plant, and insect species, to the environment, or to ground and surface water. In order to ensure protection to aquatic systems, the following language is required (and is included) on the exemption use directions:

   "This product may be toxic to fish and aquatic invertebrates. Do not apply directly to water, or to areas where surface water is present, or to intertidal areas below the mean high water mark. Drift or runoff from treated areas may be hazardous to aquatic organisms adjacent to treatment areas. Exercise caution when making applications of
Domark 230 ME, and do not apply when atmospheric conditions favor drift or runoff. Do not contaminate water when disposing of equipment washwaters or rinsate.”

8. In order to reduce concern to any endangered bird species which may occur incidentally in soybean fields, the following language is required (and is included) on the exemption use directions:

“In order to reduce concern for reproductive effects to endangered bird species which may occur incidentally in soybean growing areas, you are required to ascertain through the state Department of Agriculture, or other appropriate agency, whether the treatment area may contain habitat of federally listed bird species; if so, treatment must be avoided in these areas.”

9. Any unused and unopened product should be returned to the distributor or manufacturer.

Any future correspondence in connection with this exemption should refer to file symbol 04-NY-19.

Lois Rossi, Director
Registration Division
Office of Pesticide Programs

Date: 3.10.05

cc: U.S. EPA Region II
    Attn: Adrian Enache

U.S. Food & Drug Administration
Division of Field Science (HFC-141)
5600 Fishers Lane
Rockville, MD 20857
Attn: Ms. Donna Porter

U.S. Food & Drug Administration
Center for Food Safety and Applied Nutrition (CFSAN)
Case Processing Branch (HF5-607)
200 C Street, SW
Washington DC 20204
Attn: Ms. Sonia Delgado

ASTHO Representative
New York Department of Health
Corning Tower Building, Empire State Plaza
Rm 1482
Albany, NY 12237
ACTIVE INGREDIENT:
 Tetraconazole
(1H,1,2,4-triazol-1-yl) - prop-1.3.5-triazine-2,4-dione (99.5%)........... 20.5%
OTHER INGREDIENTS: ........................................... 79.5%
TOTAL: .................................................. 100.0%
Contains 1.9 lbs. active ingredient tetracazone per gallon.

EPA Establishment No. 1812-VA-3

NET CONTENTS 2½ GALLONS

KEEP OUT OF REACH OF CHILDREN

CAUTION – AVISO
SEE BELOW FOR ADDITIONAL PRECAUTIONARY STATEMENTS

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS (AND DOMESTIC ANIMALS)

CAUTION - AVISO

May cause irritation of nose, throat, eyes and skin. Avoid contact with eyes, skin, and clothing. Wash thoroughly with soap and water after handling.

PERSONAL PROTECTIVE EQUIPMENT (PPE):

Applicators and other handlers must wear:
Long sleeved shirt and long pants
Shoes plus socks
Waterproof gloves
Follow manufacturer’s instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

ENVIRONMENTAL HAZARDS:

This product may be toxic to fish and aquatic invertebrates. Do not apply directly to water, or to areas where surface water is present, or to intermittent areas below the mean high water mark. Drift or runoff from treated areas may be hazardous to aquatic organisms adjacent to treatment areas. Exercise caution when making applications of DOMARK 230 ME, and do not apply when atmospheric conditions favor drift or runoff. Do not contaminate water when disposing of equipment wash waters or rinsate.

In order to reduce the effect on reproductive effects to endangered bird species which may occur incidentally in soybeans growing areas, you are required to ascertain through the State Department of Agriculture, or other appropriate agency, whether the treatment area may contain habitat of federally listed bird species, if so, the treatment must be avoided in these areas.

User Safety Recommendations

Users should:
Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. Refer to supplemental labeling under “Agricultural Use Requirements” in the Directions for Use section for information about this standard.

For complete directions for use, disclaimer and storage and disposal see pamphlet.

DOMARK® is a Registered Trademark of ISAERO S.p.A.
Manufactured for Valent U.S.A. Corporation
P.O. Box 6025 Walnut Creek CA 94596-0025
www.valent.com
Form 182-A Made in U.S.A
EPA Establishment No. 1812-VA-3

NEW YORK STATE DEPARTMENT
OF ENVIRONMENTAL CONSERVATION
DIVISION OF SOLID & HAZARDOUS WASTE
PESTICIDE PRODUCT REGISTRATION

ACCEPTED

APR 27 2010
FIRST AID

IF INHALED: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration. Provide other necessary first aid measures.

IF IN EYES: Hold eye open and rinse slowly and gently with water for 15 to 20 minutes. Remove contact lenses, if present, after the first 5 minutes. Close eye tightly. Call a poison control center or doctor for treatment advice.

IF ON SKIN OR CLOTHING: Take off contaminated clothing. Rinse skin immediately with plenty of water for 15 to 30 minutes. Call a poison control center or doctor for treatment advice.

IF SWALLOWED: Call a poison control center or doctor immediately for treatment advice. Have the product container or label with you when calling a poison control center or doctor for treatment advice.

Emergency phone numbers:
1-800-222-1222 (in the U.S.)
1-800-222-1222 (in Canada)

ExxonMobil website:
www.exxonmobil.com

Do not incinerate:
Do not incinerate or burn in a fire.

EXPERIMENTAL USE:
This is an experimental use.

The U.S. Environmental Protection Agency has authorized the use of DOMARK 220 ME under the provisions of the Agricultural Pest Control Act, as amended, in soybeans in certain states to control Asian rust. Before using this product, thoroughly mix the dry product with the water for application, or thoroughly mix the liquid product with the water for application.

Use Period:
This expires on November 15, 2023.

Unusual Product:
After expiration of the use period as stated above, any unused portion of DOMARK 220 ME in unopened containers must be returned to the distributor.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION - AVOID

May cause irritation of nose, throat, eyes, skin, and respiratory system.

Personal Protective Equipment (PPE):

Personal protective equipment (PPE) such as gloves and eyewear are recommended when handling this product. Use appropriate protective clothing and equipment to protect exposed skin and mucous membranes.

INHALATION:

Clean airways thoroughly and consistently for at least 15 minutes. If symptoms are persistent, seek medical attention immediately.

INGESTION:

Do not allow this product to enter sewers. This product is not meant for human consumption. In case of ingestion, seek medical attention immediately.

IN Contact with Eyes:

Rinse with大量清水 for at least 15 minutes. Do not rub. If irritation persists, seek medical attention immediately.

IN Contact with Skin:

Rinse with大量清水for at least 15 minutes. If irritation persists, seek medical attention immediately.

DIRECTIONS FOR USE:

Always follow the directions on the product label for proper application and handling. Do not use this product on any plants unless specifically directed on the label.

AGRICULTURAL USE REQUIREMENTS:

This product is intended for agricultural use only. It is not approved for use on non-agricultural areas such as lawns, gardens, or forests.

GENERAL CHEMISTRY INSTRUCTIONS:

Follow the general chemistry instructions provided on the product label for proper application and handling. Do not dispose of this product in any manner that could cause harm to the environment.

STORAGE AND DISPOSAL:

STORAGE:
Store in a cool, dry, well-ventilated area. Keep out of reach of children.

DISPOSAL:
Do not dispose of this product in the normal waste stream. Contact the local waste management authority for disposal instructions.

CONTAINER DISPOSAL:
Discard the container after use according to local regulations. Do not incinerate.
DISCLAIMER, RISKS OF USING THIS PRODUCT, LIMITED WARRANTY AND LIMITATION OF LIABILITY

IMPORTANT: Read the entire label including this Disclaimer, Risks of Using This Product, Limited Warranties, and Limitation of Liability before using this product. If the terms are not acceptable, THEN DO NOT USE THIS PRODUCT, return the unopened product within 15 days of purchase for a refund of the purchase price.

RISKS OF USING THIS PRODUCT

The Buyer and User (referred to collectively herein as “Buyer”) of this product should be aware that there are inherent unintended risks associated with the use of this product, which are impossible to eliminate. These risks include, but are not limited to, injury to persons and crops to which this product is applied, lack of control of the target pests or weeds, resistance of the target pest or weed to this product, injury caused by drift, and injury to rotational crops caused by carryover in the soil. Such risks of crop injury, non-performance, resistance or other unintended consequences are unavoidable and may result because of such factors as weather, soil conditions, disease, moisture conditions, irrigation practices, condition of the crop at the time of application, presence of other materials either applied in the tank mix with this product or prior to application of this product, cultural practices or the manner of use or application, or a combination of such factors, all of which are beyond the control of Valent. The Buyer should be aware that these inherent unintended risks may reduce the harvest yields of the crop in all or a portion of the treated acreage, or otherwise affect the crop such that additional care, treatments, and expenses are required to take the crop to harvest. If the Buyer chooses not to accept these risks, THEN THIS PRODUCT SHOULD NOT BE APPLIED. By applying this product, the User acknowledges and accepts these inherent unintended risks and AGREES THAT ALL SUCH RISKS ASSOCIATED WITH THE APPLICATON AND USE ARE ASSUMED BY THE USER.

LIMITED WARRANTY

Valent shall not be responsible for losses or damages (including, but not limited to, loss of yield, increased expenses of operating the crop or such incidental, consequential or special damages that may be claimed) resulting from use of this product in any manner not set forth on the label. Buyer assumes all risks associated with the use of this product in any manner or under conditions not specifically directed or approved on the label.

LIMITED LIABILITY

Valent warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the label, under average use conditions, when used adhering to the label and subject to the Risks of Using This Product as described above. EXCEPT AS SET FORTH ABOVE, VALENT MAKES NO OTHER WARRANTIES, EITHER EXPRESSED OR IMPLIED. No agent or representative of Valent or Seller is authorized to make or create any other express or implied warranty.

LIMITATION OF LIABILITY

In no event shall Valent or Seller be liable for any incidental, consequential, indirect or special damage resulting from the use or handling of this product. The limitations includes, but are not limited to, loss of yield on all or any portion of the treated acreage, increased crop injury, treatment or other expenses required to take the crop to harvest, increased financial charges or altered finance ratings, emotional or mental distress and/or exemplary damages. THE EXCLUSIVE REMEDY OF THE BUYER, AND THE EXCLUSIVE LIABILITY OF VALENT OR SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT SHALL BE THE RETURN OF THE PURCHASE PRICE OF THIS PRODUCT OR, AT THE ELECTION OF VALENT OR SELLER, THE REPLACEMENT OF THE PRODUCT.

SYNOPSIS 2½ GALLONS

ACTIVE INGREDIENT:
Tetranoxime
1:1-1,2,4-triazolol-1-yd (1,2,4-triazolyl) ethereal
20.3%
OTHER INGREDIENTS:
79.7%
TOTAL:
100.0%
Contains 3.9 lbs. active ingredient tetranoxime per gallon.

EPA Establishment No. 1812-GA-3
EPA Sec. 18 Fio Symbolic: 05-AL-05; 04-AR-15; 04-DE-10; 05-GA-08; 04-IA-08; 04-IL-08; 04-IN-12; 04-KS-12; 04-KY-08; 04-IA-13; 04-MD-12; 04-MI-15; 04-MN-07; 04-MD-09; 04-ME-20; 04-MD-17; 04-ME-11; 04-MD-19; 04-OH-11; 04-OK-09; 04-PA-12; 04-SC-07; 04-SD-05; 04-VA-04; 04-WV-03

Refer to Pamphlet for Use Directions

KEEP OUT OF REACH OF CHILDREN

CAUTION – AVISO

SEE NEXT PAGE FOR ADDITIONAL PRECAUTIONARY STATEMENTS

Precauciones adicionales: Si nuestro producto esté etiquetado, busque el para que se lo explique a usted en detalle. (If you do not understand this label, find someone to explain it to you in detail)

Manufactured
Valent USA Corporation
P.O. Box 805
Walnut Creek, CA 94596-8005
www.valent.com
Made in U.S.A.
Form 1812-A
EPA Establishment No. 1812-GA-3

Form 1812-A

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

ACCEPTED

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

Domark
230 MG Fungicide

Domark is a registered trademark of ISABRO S.P.A.

Form 1812-A