



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

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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 Mississippi Department of Agriculture & Commerce (MDAC) for the use of tetraconazole, formulated as the unregistered product Domark 230 ME Fungicide, on soybeans to control soybean rust. The MDAC 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 Mississippi as the MDAC 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 Mississippi Department of Agriculture & Commerce 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 1 million acres of soybeans may be treated in Mississippi 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-MS-20.



Lois Rossi, Director
Registration Division
Office of Pesticide Programs

Date: 3.10.05

cc: U.S. EPA Region 4
Lora Lee Schroeder

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