



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 myclobutanil, formulated as the products Laredo EC and Laredo EW, 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.

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 Mississippi as the MDAC 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 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 registered products, Laredo EC (EPA Reg. No. 62719-412) and Laredo EW (EPA Reg. No. 62719-493), both manufactured by Dow Agrosociences, may be applied. All applicable directions, restrictions, and precautions on the submitted section 18 use directions as well as the EPA-registered product labels must be followed.
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 may be approved for use at a later date.

Should growers include myclobutanil in their treatment program, a maximum of two applications may be made by ground or air at the following rates:

Laredo EC: 1.0 - 2.0 oz a.i./acre (4-8 ounces of product per acre)

Laredo EW: 1.0 - 2.0 oz a.i./acre (4.8-9.6 ounces of product per acre)

4. A restricted entry interval (REI) of 24 hours and a pre-harvest interval (PHI) of 28 days will be observed.
5. A maximum of 1 million acres of soybeans may be treated in Mississippi under the soybean rust emergency exemption.
6. A tolerance for indirect or inadvertent residues of myclobutanil on the legume vegetable group (of which soybeans are a part) is in place at 0.03 ppm. The magnitude of residues observed in residue field trials on soybeans directly do not exceed this level, and therefore, for purposes of this action, the existing tolerance level is adequate to cover the use of myclobutanil on soybeans as proposed in this exemption request.
7. The proposed use is not expected to pose significant risks to non-target organisms, including threatened and endangered species, or to the environment. Although this chemical is highly toxic to marine/estuarine invertebrates on an acute basis, the proposed use is not expected to result in exposure to this class of organism. Chronic and acute risks from the proposed use are not of concern for mammals, birds, and fish.
8. Because it is persistent and somewhat mobile, myclobutanil may be a potential threat to groundwater in vulnerable soils. To mitigate risk from ground water contamination, the following statements are required (and are present) on the section 18 use directions:

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 over-laying tile drainage systems that drain to surface water.”

Any future correspondence in connection with this exemption should refer to file symbol 04-MS-16.

/Signed/ (Betty Shackleford for)
Lois Rossi, Director
Registration Division
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Date: July 27, 2004

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

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