



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

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Interim
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March 1, 2006
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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 tebuconazole, formulated as the product Folicur, 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 product, Folicur 3.6 F Foliar Fungicide (EPA Reg. No. 264-752), manufactured by Bayer CropScience, may be applied. All applicable directions, restrictions, and precautions on the submitted section 18 use directions (as modified) as well as the EPA-registered product label must be followed.

The use directions must be modified by changing the maximum number of applications allowed per season from 3 to 2, changing the maximum amount of product that can be applied per acre per season from 12 fluid ounces to 8 fluid ounces and by including a statement prohibiting the feeding of soybean forage and hay to livestock.

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 are already approved for soybean rust under section 18 as well as those which may be approved for use at a later date.

Should growers include tebuconazole in their treatment program, a maximum of two applications may be made by ground or air at a rate of 3-4 fluid ounces of product per acre (0.0813 to 0.1125 pounds of a.i./acre).

4. A restricted entry interval (REI) of 12 hours and a pre-harvest interval (PHI) of 21 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. This use of tebuconazole on soybean is not expected to adversely affect human health. The available data support a time-limited tolerance of 0.1 ppm in soybean, as well as a temporary tolerance of 0.1 ppm in swine and poultry tissues. Time-limited tolerances will be established at these levels.
7. The proposed use is not expected to pose an unreasonable risk of adverse effects to water resources, avian and mammalian wildlife, fish or aquatic invertebrates, or to non-target plant

species in Mississippi. No Federally-listed threatened or endangered species in Mississippi are likely to be adversely affected by this use.

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

_____/Signed/ (Donald Stubbs for)
Lois Rossi, Director
Registration Division
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Date: August 27, 2004

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

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