Michigan Department of Agriculture and Rural Development
Pesticide and Plant Pest Management Division
Constitution Hall, 5th Floor
525 Allegan Street
Lansing, Michigan 48909

Date Issued: APR 20 2016
Expiration Date: June 15, 2016
Report Due Date: December 15, 2016
File Symbol: 16M102

Attn: Brian Verhoughstraete

The Environmental Protection Agency hereby grants a specific exemption under the provisions of section 18 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, to the Michigan Department of Agriculture and Rural Development for the use of fluensulfone (CAS No. 318290-98-1) on carrots to control plant-parasitic nematodes in Michigan. This specific exemption is subject to the conditions set forth in your request dated, February 29, 2016, as well as the following conditions, modifications and restrictions:

1. The Michigan Department of Agriculture and Rural Development (MDARD) is responsible for ensuring that all provisions of this specific exemption are met. MDARD is responsible for providing information in accordance with 40 CFR 166.32(b). Accordingly, a report summarizing the results of this program must be submitted to EPA headquarters and the EPA region 5 office within 6 months following the expiration of this exemption or prior to requesting another specific exemption for this use. In accordance with 40 CFR 166.32(a) these offices shall also be immediately informed of any adverse effects resulting from the use of this pesticide in connection with this exemption. Any future correspondence in connection with this exemption should refer to file symbol: 16M102.

2. The registered product, Nimitz® 480 EC Nematicide (EPA Reg. No. 66222-243, containing 40% fluensulfone) manufactured by Makhteshim Agan of North America, Inc. (d/b/a ADAMA), may be applied. All applicable directions for use, restrictions and precautions on the EPA-registered product label including Worker Protection Standards must be followed, as well as those on the Section 18 label use directions, except as modified by this authorization.
3. One pre-plant treatment of Nimitz® EC Nematicide may be applied by broadcast or banded spray at a rate of 3.5 to 5 pints per treated acre or 56 to 80 fl. oz. per treated acre (1.75 lbs a.i. to 2.5 lbs. a.i. per acre). Application will precede planting by no less than 14 days. The maximum application rate allowed is 2.5 lbs. of a.i per treated acre per year, with the rate prorated to the actual treated area in the case of banded spray application.

4. A maximum of 2,000 acres of carrots may be treated in the following Michigan counties: Lapeer, Montcalm, Newaygo, and Oceana.

5. Applications made in accordance with the above provisions are not expected to result in combined residues of fluensulfone, including its metabolites and degradates, in or on carrots in excess of 2.0 ppm. The Agency has determined this level is adequate to protect public health. A time-limited tolerance in connection with this action has been established in 40 CFR 180.680(b) to support this emergency use.

6. This specific exemption expires June 15, 2016.

This is the second year that the Michigan Department of Agriculture and Rural Development has requested use of fluensulfone (Nimitz® 480 EC Nematicide) on carrots to control Northern Root-Knot nematodes under section 18 of FIFRA. In the event that an exemption for this use is requested next year, EPA is making a preliminary determination that this use is not eligible for the re-certification program (40 CFR 166.20(b)(5) in 2017.

If you have any questions with respect to this authorization, please contact Emergency Response Team member, Stacey Groce at (703) 305-2505; groce.stacey@epa.gov or the Emergency Response Team Leader, Tawanda Maignan at (703) 308-8050; maignan.tawanda@epa.gov.

Jack E. Housenger, Director
Office of Pesticide Programs

Date: 4/20/16

cc: USEPA Region 5, Seth Dibblee
USEPA Region 5 Pesticide Tribal Coordinator, Amy Mysz