



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460-0001

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Delaware Department of Agriculture
2320 South DuPont Highway
Dover, Delaware 19901

DATE: August 13, 2008
EXPIRATION DATE: September 15, 2008
FINAL REPORT DUE: March 15, 2009
FILE SYMBOL: 08DE03

Attn: David Pyne

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 Delaware Department of Agriculture for the use of spiromesifen on soybeans to control Two-Spotted Spider Mite (*Tetranychus urticae*). This specific exemption is subject to the conditions set forth in the request, as well as the following conditions and restrictions:

1. The Delaware Department of Agriculture is responsible for ensuring that all provisions of this specific exemption are met. It is also responsible for providing information in accordance with 40 Code of Federal Regulations (CFR) §166.32 (b). This information must be submitted to EPA headquarters and the EPA regional office within six months of the expiration date of this exemption. 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.
2. The product, Oberon[®] 2 SC, EPA Reg. No.264-719, manufactured by Bayer CropScience, may be applied. All applicable directions, restrictions and precautions on the federally registered label must be followed. In addition, all directions, restrictions, and precautions on the revised version of the section 18 supplemental use directions for your state, submitted to EPA on August 5, 2008, must be followed.
3. One application per season may be made by ground or air equipment at a rate of 8 to 12 oz. Oberon[®] 2 SC (0.125-0.1875 lb. a.i.) per acre. A minimum volume of 10 gallons per acre should be used for ground application and 5 gallons per acre for aerial application. A 21-day pre-harvest interval (PHI) must be observed.
4. In order to decrease exposure to beneficial insect species, spiromesifen should not be applied when bees are seen actively foraging in and around the treatment area. Applications made during the evening or prior to 9 a.m. should also help reduce exposure of pollinators.

5. A maximum of 180,000 acres of soybeans may be treated.
6. This exemption expires September 15, 2008.
7. A final report summarizing the results of this program is due by March 15, 2009, or prior to submitting another request for this use.
8. The use of spiromesifen on soybeans is not expected to adversely affect human health. A Federal Register document to establish time-limited tolerances for residues of spiromesifen in/on soybean commodities will be published in the near future.
9. This is the first year that this use of spiromesifen on soybeans has been requested under FIFRA section 18. The registrant indicates that they are currently developing data necessary to submit an application for registration of this use. Any future requests for this use should address progress that has been made in this area.
10. In the event that the Delaware Department of Agriculture requests an emergency exemption for this use next year, EPA is making a preliminary determination that this use will **not** be eligible for the re-certification program (40 CFR 166.20(b)(5) in 2009. The situation has been determined to be an emergency based largely upon weather conditions being conducive to mite development. These conditions may or may not occur in the future. Therefore, a full emergency exemption application must be submitted for any future requests for this use.



Debra Edwards, Ph.D., Director
Office of Pesticide Programs

Date: 8/13/08

cc: EPA Region 3
Harry Daw