



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Ohio Department of Agriculture
8995 East Main Street
Reynoldsburg, Ohio 43068

Date Issued: APR 24 2008
Expiration Date: November 1, 2008
Report Due: May 1, 2009
File Symbol: 08-OH-03

Attn: William Goodman

The Environmental Protection Agency hereby re-issues a specific exemption under the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, to the Ohio Department of Agriculture for the use of thiophanate methyl on fruiting vegetables, to control White Mold (*Sclerotinia sclerotiorum*).

In correspondence dated March 31, 2008, the Ohio Department of Agriculture re-certified that the emergency condition still existed and that there were no changes to the use directions as approved in last year's authorization dated March 30, 2007, including, but not limited to, the use rate, type of application, number of units to be treated, etc.

Conditions of this exemption are given below:

1. The Ohio 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 CFR 166.32. Accordingly, a report summarizing the results of this program must be submitted to EPA Headquarters and the EPA Regional 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. Refer to file symbol 08-OH-03 in any future correspondence regarding this exemption.
2. The product, Topsin M WSB Fungicide, EPA Reg. Nos. 73545-16, 73545-16-82695, or 73545-16-73506 manufactured by United Phosphorus, Inc. may be applied. All applicable directions, restrictions and precautions on the EPA-registered product labels, as well as the section 18 use directions submitted with your past requests, must be followed.
3. Topsin M WSB may be applied by ground application only at a maximum rate of 1 lb. of formulated product (0.7 lb. a.i.) per acre. A maximum of 4 applications per crop may be made at 7 to 14 day intervals, not to exceed 3.5 lbs. (2.45 lbs. a.i.) per acre per crop. Applications through any type of irrigation (chemigation) system are prohibited. Do not apply within 2 days of harvest. Worker re-entry into treated areas during the restricted entry interval (REI) of 12 hours is not allowed.

4. A maximum of 15,000 acres of tomatoes and 3,200 acres of peppers may be treated in Ohio under this exemption.
5. Residues are not expected to exceed 0.5 ppm in/on fruiting vegetables (includes tomatoes and peppers). Secondary residues in animal commodities are not expected to exceed existing tolerances as a result of this Section 18 use. The Agency has determined that this residue level is adequate to protect public health. A time-limited tolerance for crop group 8 (fruiting vegetables) has been established, is currently set to expire on December 31, 2008, and will be adequate to cover any residues resulting from this use.
6. This specific exemption expires on November 1, 2008.
7. A report summarizing the results of this program must be submitted to EPA headquarters and regional office, by May 1, 2009, or prior to requesting future emergency exemptions for this use, whichever is sooner.

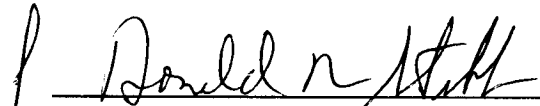
This is the sixth year EPA has authorized this use under emergency exemptions. If the Ohio Department of Agriculture requests an emergency exemption for this use next year, EPA needs updated information to document significant economic loss attributable to white mold.

Additionally, EPA is requesting information to confirm that conditions have continued to necessitate emergency treatments for this pest, which appears to be sporadic and heavily dependent on weather conditions at flowering (e.g. humidity, rain, cool temperatures).

Finally, EPA needs a new evaluation of potential alternative pesticides, particularly any fungicides that have shown good control of white mold in recent efficacy trials. Therefore, it is EPA's preliminary determination that this use is ineligible for re-certification (40 CFR 166.20(b)(5)) in 2009.

Due to the uncertain progress toward registration of this use based on recent preliminary risk assessments, EPA wants to work with state agencies, the industry, and its cooperators to investigate alternative strategies for control of white mold on fruiting vegetables. Ohio Department of Agriculture and its cooperators must provide a full discussion of research into alternative disease control measures if submitting an exemption request for this use in 2009.

If you have any questions regarding this authorization, please contact my staff member Andrea Conrath, at 703-308-9356; email: conrath.andrea@epa.gov.


Lois Rossi, Director
Registration Division
Office of Pesticide Programs

Date: _____

4/24/08

cc: EPA Region 5, Barbara Van Til