



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

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

September 25, 2014

Patrick McCain  
Syngenta Crop Protection, Inc.  
P.O Box 18300; 410 Swing Road  
Greensboro, NC 27419-8300

**Subject: Thiabendazole Technical  
Exclusive use protection request for minor use crop data  
EPA Reg Number 100-963; Decision 479601; Application Dated 3/18/2013**

Dear Mr. McCain:

This letter responds to the request referenced above for exclusive use protection of minor use crop data. Your request was made at the same time the application for adding the minor uses was submitted so the application timing complies with FIFRA 3(c)(1)(F)(vi), and was not asked retrospectively.

You cited FIFRA section 3(c)(1)(F)(vi) as the authority for the Agency to make such a determination. The 1996 Food Quality Protection Act ("FQPA") amendments to FIFRA incorporated this subsection under 3(c)(1)(F), the section that provides for protection of certain data submitted in support of pesticide registrations. FIFRA section 3(c)(1)(F)(vi) sets forth the criteria for extending the period of exclusive-use protection for minor use data. The minor use period of exclusivity can be extended ten years from data submission providing the data supports minor uses which were actually approved on the label; the data is not publically owned (eg. can't be IR4, public literature, etc); and the 10-year base period of exclusivity on the chemical has ended. A minor use is defined as crops grown on less than 300,000 acres in the US. Data generated by IR-4 is not entitled to exclusive use protection (see 40 CFR 152.94(b)).

In the application dated 3/18/2013, exclusive use data protection was requested for seed treatments of dry bulb onion, Crop Subgroup 3-07A; cucurbit vegetables, Crop Group 9; brassica head and stem vegetables, Crop Subgroup 5A; root vegetables (except sugar beet), Crop Subgroup 1B; alfalfa; spinach.

Thiabendazole was first registered 8/5/1971 and no longer retains any period of exclusive use. All requested crops were found to qualify as minor use, except alfalfa. The supporting residue data were found not to be publically owned. These minor uses were approved on/before 9/25/2014. Therefore, the Agency **GRANTS** your request that the data supporting these minor use crops be given exclusive use protection which **expires 3/18/2023**.

The Agency has not made individual determinations on every study associated with the above-referenced minor uses as to exclusive use protection. If the Agency receives a me-too thiabendazole application for these minor uses during the new exclusive use period which cites Syngenta's data, it will then address which of those data have the protection. Therefore, this response is a general determination that the exclusive use studies associated with these minor uses will receive exclusive use protection. Also, note that the data associated with the alfalfa use will not get the extension.

A copy of our review is enclosed. If you have any questions please contact Tony Kish at 703-308-9443 or at [kish.tony@epa.gov](mailto:kish.tony@epa.gov).

Sincerely,

A handwritten signature in cursive script that reads "Lois Rossi".

Lois Rossi, Director  
Registration Division  
Office of Pesticide Programs  
Registration Division (7504P)