



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

FEB 28 2012

OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

Mr. Kevin Fridley, Director
Agricultural Services Division
South Dakota Department of Agriculture
523 East Capitol Avenue
Pierre, South Dakota 57501

Effective Date: March 4, 2012
Expiration Date: March 4, 2013
Report Due: September 4, 2013
File symbol: 12-SD-02

Attn: Brad Berven

The Environmental Protection Agency hereby reissues a specific exemption under the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, to the South Dakota Department of Agriculture for use of anthraquinone to repel ring-necked pheasants on corn, field & sweet, seed.

In correspondence dated January 30, 2012, the South Dakota 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 8, 2011. This authorization is subject to the conditions and restrictions outlined below, as well as those specified in your request submitted to the EPA.

- 1) The South Dakota 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). Accordingly, a report summarizing the results of this program must be submitted to EPA Headquarters and to the EPA Region 8 office within 6 months of the expiration of this exemption or prior to requesting another specific exemption for this use.
- 2) The unregistered products, Avipel[®] Liquid Corn Seed Treatment (containing 50.0% anthraquinone) and Avipel[®] Hopper Box (dry) Corn Seed Treatment (containing 97.1% anthraquinone), both manufactured by Arkion Life Sciences, may be applied. All applicable use directions, restrictions, and precautions on the Section 18 labels submitted with your January 30, 2012 application must be followed unless otherwise modified in this authorization document.

- 3) Avipel[®] Liquid Corn Seed Treatment may be applied directly to corn seed at a maximum rate of 1 gallon of product per 948 pounds of corn seed (0.088 lbs. a.i./A). A maximum of 21,641.1 gallons (45,687.50 lbs. a.i.) of product may be used. Avipel[®] Hopper (dry) Corn Seed Treatment may be applied directly to corn seed at a maximum rate of 2.0 ounces of product per 25 pounds of corn seed (1.94 ounces a.i. per 25 pounds of seed) or (.08245 lbs. a.i./A). For each of these products, a maximum of 1 application may be made per acre per season.
- 4) Corn seed sufficient to plant a maximum of 1,062,500 acres may be treated in South Dakota under this specific exemption.
- 5) Treated seed must not be used for food, feed or oil processing (leftover treated seed should not be stored but should be double-sown around the headland).
- 6) Treated seed must be adequately dyed in accordance with 21 CFR § 2.25 to prevent use as a food or feed item.
- 7) Avipel[®] Liquid Corn Seed Treatment and Avipel[®] Hopper Box (dry) Corn Seed Treatment applications may be made until March 4, 2013.
- 8) In accordance with 40 CFR 166.32(a), the EPA Headquarters and EPA Region 8 offices shall immediately be informed of any adverse effects resulting from use of this pesticide in connection with this exemption.
- 9) Stocks of the unregistered products Avipel[®] Liquid Corn Seed Treatment and Avipel[®] Hopper Box (dry) Corn Seed Treatment may be produced and introduced into the channels of trade as part of this authorization in accordance with 40 CFR 152.30(e). Any unused, unregistered product must either be returned to the manufacturer or distributor (unopened containers) or disposed of in accordance with Resource Conservation and Recovery Act regulations following the expiration of this specific exemption.

This is the eighth year overall that this use has been requested under Section 18 of FIFRA and the fifth year the Agency has authorized this specific emergency exemption to the South Dakota Department of Agriculture. Progress toward registration is sufficient at this time. The registrant and EPA have negotiated a December 2013 PRIA date.

In the event that the South Dakota Department of Agriculture requests this use pattern next year in connection with an emergency exemption, EPA is making a preliminary determination that this use is eligible for the recertification program (40 CFR 166.20(b)(5) in 2013.

Any future correspondence in connection with this authorization shall refer to file symbol 12-SD-02.

If you or your staff has any questions with respect to this authorization, please contact
Emergency Response Team member, Stacey Groce (703-305-2505, groce.stacey@epa.gov).


Steven Bradbury, Ph.D, Director
Office of Pesticide Programs

Date: 2/28/12

cc: EPA Region 8, Barbara Barron Dehnert