



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

FEB 25 2019

Tennessee Department of Agriculture
Ellington Agricultural Center
P. O. Box 40607
Nashville, TN 37204

Effective Date: June 1, 2019
Expiration Date: November 15, 2019
Report Due Date: May 15, 2020
File Symbol: 19TN02

Attn: John Ewell

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 Tennessee Department of Agriculture (TDA) for the use of flupyradifurone (CAS No. 951659-40-8), formulated as the product Sivanto™ Insecticide, to control sugarcane aphid (*Melanaphis sacchari*) on sweet sorghum in Tennessee.

In a letter dated February 8, 2019, the TDA recertified that the emergency condition still exists and that there were no changes to the use directions, including use rates and type of application, approved in the last authorization dated March 30, 2018. This specific exemption is subject to the conditions set forth in your request as well as the following conditions, modifications and restrictions below:

1. The Tennessee Department of Agriculture (TDA) is responsible for ensuring that all provisions of this specific exemption are met. TDA is also 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 4 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: **19TN02**.
2. The registered product, Sivanto™ Insecticide (EPA Reg. No.264-1141, containing 17.09% flupyradifurone) manufactured by Bayer CropScience, LLC may be applied. All applicable directions, restrictions, Worker Protection Standards, and precautions on the EPA-approved product label, as well as those outlined in the Section 18 label use directions submitted in support of your application must be followed, except as modified by this authorization.

3. A maximum of four foliar applications by ground or air of Sivanto™ Insecticide at a rate of 4.0 -10.5 fl. oz/A/application (0.052-0.137 lbs ai/A/application) resulting in a maximum product application of 28 fl. oz/A (0.365 lb ai/A) per year may be made under this emergency exemption program.
4. A 21-day pre-harvest interval must be observed: Do not apply within 21 days of harvest for forage or stover or cane.
5. A 7-day retreatment interval must be observed: Do not make applications less than 7 days apart.
6. A maximum of 750 acres of sweet sorghum may be treated in Tennessee.
7. Applications made in accordance with the above provisions are not expected to result in residues of flupyradifurone in or on sweet sorghum, forage and sorghum, syrup in excess of 30 and 90 parts per million (ppm) respectively. The Agency has determined that these levels are adequate to protect public health. Time-limited tolerances in connection with this emergency action and a previous crisis exemption have been established in 40 CFR 180.679(b).
8. This specific exemption expires November 15, 2019.
9. This is the fourth year that the TDA has requested a specific emergency exemption for the use of flupyradifurone (Sivanto™ Insecticide) to control sugarcane aphid on sweet sorghum under section 18 of FIFRA. In the event that TDA requests this use pattern next year, due to the introduction of this invasive pest in sweet sorghum and the potential for this emergency to continue into the 2019 growing season, EPA has made a preliminary determination that this use is eligible for a streamlined application next year under the recertification program (40 CFR 166.20(b)(5)).

If you have any questions regarding 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.



Michael L. Goodis, Director
Registration Division
Office of Pesticide Programs

Date: February 25, 2019

cc: USEPA Region 4, Phillip Beard
USEPA Region 4 Pesticide Tribal Coordinator, Patricia Livingston