



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

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

Issue Date: July 24, 2020
Expiration Date: November 15, 2020
Report Due Date: May 15, 2021
File Symbol: 20TN01

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 June 26, 2020, 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 February 25, 2019. 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 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: **20TN01**.
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 per year of Sivanto™ Insecticide may be made by ground or air at a single rate of 4.0 -10.5 fl. oz. of product/acre/application (0.052-0.137 lbs.

a.i./acre/application) not to exceed an annual maximum application of 28 fl. oz. of product/acre/year (0.365 lb a.i./acre/year).

4. A 21-day pre-harvest interval must be observed: Do not apply within 21 days of harvest for forage, 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 a previous emergency action have been established in 40 CFR 180.679(b).
8. This specific exemption expires November 15, 2020.
9. This is the fifth 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. A tolerance petition in support of registration of this use is currently under review at EPA. In the event that TDA requests an exemption for this use next year, 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.

Marietta Echeverria, Acting Director
Registration Division
Office of Pesticide Programs

Date: _____ July 24, 2020 _____

cc: *USEPA Region 4, Randy Dominy*
USEPA Region 4 Pesticide Tribal Coordinator, Patricia Livingston