

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



OFFICE OF  
PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES

Oregon Department of Agriculture  
Pesticide Division  
635 Capitol Street, NE  
Salem, Oregon 97301-2532

**Date Issued:** April 10, 2008  
**Expiration Date:** September 30, 2008  
**Final Report Due:** March 31, 2009  
**File Symbols:** 08-OR-06 (Rutabaga)  
08-OR-07 (Turnip)

**Attn:** David Priebe

The Environmental Protection Agency hereby issues a specific exemption under the provisions of Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, to the Oregon Department of Agriculture (ODA) for the use of fipronil on turnip and rutabaga to control the cabbage maggot.

In a letter dated February 13, 2008, the Oregon 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 May 4, 2007, including, but not limited to, the use rate, type of application, number of units to be treated, etc.

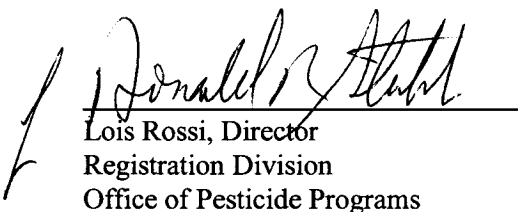
Conditions of this exemption are given below:

1. The Oregon 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 the EPA Region 10 office by March 31, 2009. 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 regarding this exemption should refer to file symbols: 08-OR-06 (rutabaga) and 08-OR-07 (turnip).
2. The product Regent 4SC, EPA Reg. No. 7969-207, manufactured by BASF Corporation, may be used. All applicable directions, restrictions, and precautions on the EPA-registered product labels, as well as those outlined on the Section 18 Emergency Exemption use directions provided with the request, must be followed.
3. One in-furrow application of Regent 4 SC may be made at planting only, and must be thoroughly incorporated and covered with soil. Applications may be made at a rate of 4.16 fl. oz. product per acre. Refer to the use directions for conversion of rate per 1000 row ft., depending upon row spacing.
4. Applications may not be made by aerial equipment or through any type of irrigation system.
5. Do not apply more than 4.16 fl. oz. product (0.13 lb. a.i) per acre per year.
6. A maximum of 600 acres, comprised of 375 acres of turnip and 225 acres of rutabaga, may be treated in Clackamas, Marion, Multnomah, and Umatilla counties.

7. Do not allow livestock to graze on treated areas, or feed crop residues from treated fields.
8. Do not apply within 200 feet of lakes, reservoirs, rivers, permanent streams, marshes, natural ponds, estuaries, commercial aquaculture facilities, or other bodies of water that convey water to these areas.
9. Residues resulting from use under this exemption are not expected to exceed 1.0 ppm in or on turnip or rutabaga. Time-limited tolerances established in connection with past use under an exemption have an expiration date of December 31, 2010, and will be adequate to cover any residues resulting from this use. There are no feed items associated with this use, so secondary residues in livestock commodities will not occur. For enforcement purposes, analytical methodology and reference standards are available from the manufacturer.
10. This exemption expires on September 30, 2008.

EPA's environmental assessment of this use with data currently available suggests that there are concerns for impacts to aquatic invertebrates from runoff from treated areas, and indirect effects to animals for which these species are important food sources, such as fish. In addition, there are several federally-listed fish species which may occur in the four counties of use. From detailed information on soil types and mapping of the potential use area, in combination with information on specific water bodies in Oregon that support several species of federally-listed fish, including salmonid species, the risk assessment suggests that there may be effects to the food supply for these species, **but such effects are not likely to adversely affect the listed species.** This finding is based in part on the small acreages to be treated relative to the size of the watersheds associated with the streams in the area; the fact that the waters most directly adjacent to the specific use areas tend to be larger water bodies containing large volumes of water; and the expected transient nature of impacts to invertebrate food sources for the salmon and other listed fish species, which are likely compensated by non-impacted areas upstream.

However, since EPA's assessments for fipronil suggest concerns for environmental impacts, the potential for future registration of this and other uses is uncertain at this time. Therefore, EPA is interested in working with ODA, the industry, and its cooperators to investigate and identify alternative control strategies. If an exemption is requested in 2009, ODA must provide a full discussion of research into alternative control measures for this situation.

  
Lois Rossi, Director  
Registration Division  
Office of Pesticide Programs

Date: 4/10/08

cc: EPA Region 10  
Chad Schulze