



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

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

Virginia Department of Agriculture  
and Consumer Services  
P.O. Box 1163  
Richmond, VA 23218

**Date Issued:** JUN 21 2012  
**Expiration Date:** 10/15/2012  
**Report Due:** 04/12/2013  
**File Symbol:** 12VA02 (pome fruit)  
12VA03 (stone fruit)

**Attn:** Micah Raub

The Environmental Protection Agency hereby re-issues a specific exemption under the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, to the Virginia Department of Agriculture and Consumer Services (VDACS) for use of dinotefuran on stone and pome fruit to control brown marmorated stink bug (BMSB).

The Virginia Department of Agriculture and Consumer Services re-certified that the emergency condition still existed and that there were no changes to the use directions as approved in the last authorization dated June 24, 2011, including the use rate, and type of application. These exemptions are subject to the conditions and restrictions outlined below, as well as those specified in the request submitted to the EPA.

1. The VDACS is responsible for ensuring that all provisions of this specific exemption are met. It 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 Regional office within 6 months following the expiration of this exemption, or prior to requesting another specific exemption for these uses. 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 12VA02 and 12VA03.
2. The registered products, Venom Insecticide (containing 70.0% dinotefuran and EPA Reg. No. 59639-135), manufactured by Valent U.S.A Corporation and Scorpion 35SL (containing 35.0% dinotefuran and EPA Reg. No. 10163-317), manufactured by Gowan Company, LLC, may be applied.
3. Venom Insecticide may be applied to stone and pome fruit at a maximum rate of 4 – 6.75 fluid ounces (0.179 – 0.302 lbs a.i.) of product per acre. Scorpion 35SL Insecticide may be applied to stone and pome fruit at a maximum rate of 8 – 12 fluid ounces (0.203 – 0.304 lbs a.i.) of product per acre. For each of these products, a maximum of 2 applications may be made per acre per season and with a minimum 7-day application interval. No more than 0.608 lbs a.i. may be applied per acre per season. Only foliar application made by ground equipment is permitted.

4. All applicable directions, restrictions, and precautions on the EPA-registered product labels, as well as those outlined on the Section 18 use directions provided with your request, must be followed.
5. A maximum of 29,000 acres of stone and pome fruit may be treated in Virginia under this specific exemption.
6. A 12-hour restricted entry interval (REI) and 3-day preharvest interval (PHI) must be observed.
7. Residues of dinotefuran resulting from applications made in accordance with these exemptions are not expected to exceed 1.0 ppm in/on stone fruit (Crop Group 12) and 1.0 ppm in/on pome fruit (Crop Group 11). Residues at this level are not expected to adversely affect human health.
8. To help minimize exposure to pollinators, the following statement on the application timing must be observed: "Do not apply this product until after petal fall."

Also, the following statements from the section 3 label are reiterated:

This compound is highly toxic to honey bees.

The persistence of residues and potential residual toxicity of dinotefuran in nectar and pollen suggests the possibility of chronic toxic risk to honey bee larvae and the eventual instability of the hive.

This product is toxic to bees exposed to treatment for more than 38 hours following treatment.

9. These specific exemptions expire October 15, 2012.

This is the second year that the use of dinotefuran on pome and stone fruit has been requested under section 18 of FIFRA by WVDA. Progress being made toward obtaining registration of these uses is a consideration in determining whether future repeat requests for these uses may be authorized under section 18. Any future exemption requests for these uses must address this issue.

If you have any questions regarding these authorizations, please contact my staff member Andrea Conrath, at (703) 308-9356 or by email: [conrath.andrea@epa.gov](mailto:conrath.andrea@epa.gov).



Lois Rossi, Director  
Registration Division  
Office of Pesticide Programs

Date: June 21, 2012

cc: US EPA Region 3  
Harry Daw