Department of Pesticide Regulation

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Director

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February 7, 2013 **No.** 13-02

CALIFORNIA AUTHORIZATION FOR PESTICIDE USE UNDER U. S. EPA SECTION 18 SPECIFIC EXEMPTION FOR DISTRIBUTION AND USE ONLY WITHIN CALIFORNIA

Pursuant to authority granted under Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act and 40 CFR, Part 166, approval is granted to use the pesticide shown below to control specified emergency.

Product: Manzate Flowable Fungicide (EPA Reg. No. 70506-236), or
Manzate Pro-Stick Fungicide (EPA Reg. No. 70506-234)

Firm Name: United Phosphorus, Inc.
630 Freedom Business Center, Suite 402
King of Prussia, Pennsylvania 19406

Location: Butte, Calaveras, Colusa, Glenn, Merced, Placer, Sacramento, San Benito, San Joaquin, Santa Clara, Shasta, Solano, Stanislaus, Sutter, Tehama, Tulare, Yolo, and Yuba Counties

Crop/Site/Commodity: Walnuts

Target Pest/Problem: Walnut Blight (*Xanthomonas campestris pv. Juglandis*)

Dosage: Apply 58 fluid ounces of product (1.8 lbs. a.i.) per acre of Manzate Flowable Fungicide (EPA Reg. No. 70506-236)

or

Apply 2.4 pounds of product (1.8 lbs. a.i.) per acre of Manzate Pro-Stick Fungicide (EPA Reg. No. 70506-234)

These products must be tank mixed with a fixed copper product registered for use on walnuts in California.

Dilution Rate: Ground - Apply in a minimum of 100 gallons of water per acre.
Air - Apply in a minimum of 10 gallons of water per acre.

Method of Application: Ground or Air (apply as a tank mix only)

Frequency/Timing of Applications: Begin applications at early pre-bloom prior to or when catkins are partially expanded. Make additional applications during bloom and early nutlet stage, or as needed if frequent rainfall occurs. **Do not exceed 10 applications per season.**

Restricted Entry Interval (REI): 24 hours
(*This tank mixture is a skin sensitizer. May cause sensitization following repeated contact with the skin in susceptible individuals. Avoid repeated contact with skin. If sensitization reactions result consult a physician*).

Pre-harvest Interval (PHI): 75 days

Effective Date: March 1, 2013

Expiration Date: June 15, 2013

Other Requirements:

1. A maximum of 70,000 acres may be treated.

2. Applications may only be made upon a written recommendation by a licensed Pest Control Advisor or local farm adviser documenting the weather is favorable for disease development and/or copper resistant disease is present.

3. Do not feed the crop or crop by-products to livestock. Do not graze livestock in treated orchards.

4. All applicators, handlers, mixers, and loaders of Manzate Flowable Fungicide and Manzate Pro-Stick Fungicide and fixed copper products must follow the required protective clothing and equipment statements on the product labels.

5. Aerial application of Manzate Pro-Stick Fungicide (EPA Reg. No. 70506-234) on walnuts requires that occupational handlers performing mixing/loading operations observe the additional mitigation measures of respiratory protection equipment (*e.g.* PF5 respirators) or other engineering control measure (*e.g.* use of closed system).

6. In order to protect federally listed threatened and endangered species from potentially harmful exposure to mancozeb, applicators must ascertain whether there are any listed species which could be exposed through their use of this product. Before applying this product, applicators must obtain information regarding the proximity of endangered species habitats and follow any applicable use limitations. Contact your County Agricultural Commissioner to obtain more information about use limitations in the "Endangered Species Interim Measures Bulletin for Fungicides."

7. Do not apply through any type of irrigation system.

8. Residues of mancozeb resulting from the application made in accordance with this emergency exemption are not expected to exceed 0.015 ppm, respectively, in or on walnuts. EPA has concluded that this level is adequate to protect the public health and a time-limited tolerance to support this use was published in the Federal Register of August 18, 2010 and expires December 31, 2013.

AGRICULTURAL USE REQUIREMENTS: Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. This Standard contains requirements for protection of agricultural workers on farms, forests, nurseries, and greenhouses and handlers of

agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted-entry intervals. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard. Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 24 hours. PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

- Coveralls over long-sleeved shirt and long pants
- Chemical resistant gloves such as nitrile rubber, natural rubber, or butyl rubber
- Shoes plus socks

All applicable directions, restrictions, and precautions on the U.S. EPA registered label for Manzate Flowable Fungicide (EPA Reg. No. 70506-236) and Manzate Pro-Stick Fungicide (EPA Reg. No. 70506-234) and these use directions must be followed.

These use directions must be in the possession of the user at the time of pesticide application.

Tank mixing with other compatible pesticides, spray adjuvants and fertilizers is allowed as long as all labeling and regulatory requirements are met and tank mixing is not otherwise prohibited.

The Department of Pesticide Regulation (DPR), Pesticide Registration Branch, shall be immediately informed of any adverse effects resulting from the use of this exemption.

Please note: The United States Environmental Protection Agency (U.S. EPA) expects concerned growers or grower groups to work toward the registration of use patterns that may be needed on a continuing basis. It will, therefore, be necessary to require applicants wishing to renew emergency exemptions to provide a progress report on residue tolerance and registration along with request for re-issuance of an emergency exemption.
Without substantial progress in pursuing a tolerance and registration for the use in question, it will be difficult to obtain an emergency exemption for another season. The pesticide manufacturer or Western Region IR-4 may be contacted regarding the initiation of a pesticide petition for residue tolerance.
A final report must be submitted by the county agricultural commissioner to the Pesticide Registration Branch within 45 days of the expiration date of this exemption. This report must include the following information:

a. Amount of product used.
b. Units (i.e., acres, trees, cattle) treated.
c. Number of applications.
d. Estimate of effectiveness.
e. Any adverse effects noted.

Prior to use under this exemption, a permit must be obtained from the county agricultural commissioner. The permit shall state the maximum number of acres to be treated, maximum amount of

product that may be applied, and dealer from which the product may be purchased. The purchaser (permittee) or purchaser's (permittee's) agent must provide the seller, or person delivering the restricted material, a copy of the permit on the date the restricted material is delivered. The dealer shall maintain a record of each sale, which shall be made available to representatives of DPR or county agricultural commissioner upon request. Such records shall include the date of sale or delivery, permit number, identity and amount of product purchased, and the name of the purchaser.

All applications of this material shall be made by or under the supervision of a certified applicator certified for this category of pest control.

Agricultural pest control businesses shall submit a pesticide use report to the county agricultural commissioner within seven days of each treatment. Growers who apply this material shall submit a pesticide use report to the county agricultural commissioner by the 10th day of the month following the month in which the applications are made. The county agricultural commissioner in cooperation with the Pesticide Registration Branch, will monitor the use of the product under this exemption and will prepare a written report describing any unusual or adverse effects attributable to this use.

This exemption does not constitute a recommendation of DPR and will not prevent quarantine action if illegal residues are found in or on any crop.

To the extent consistent with applicable law, neither DPR nor the county agricultural commissioner, manufacturer or formulator makes any warranty of merchantability, fitness of purpose, or otherwise, expressed or implied, concerning the use of a pesticide in accordance with these provisions. The user and/or grower acknowledge the preceding disclaimer.

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