August 26, 2016

Tawanda Maignan, Team Leader (Team 9)
Risk Integration, Minor Use, and Emergency Response Branch
U.S. EPA Office of Pesticide Programs (7505P)
Room S4900, One Potomac Yard
2777 Crystal Drive
Arlington, VA 22202

RE: Crisis exemption for use of lambda-cyhalothrin (Warrior II with Zeon Technology) on asparagus for control of European asparagus aphid in Washington

Section 18 of the amended FIFRA provides the Administrator may exempt a state or federal agency from provisions of FIFRA if a determination is made that emergency conditions exist which require such exemption.

The Code of Federal Regulations, Title 40, Chapter 1, Part 166, provides the criteria for crisis exemptions. We are notifying your agency of such a crisis exemption, starting at 12:00 PM (PST), August 26, 2016 for the use lambda-cyhalothrin (Warrior II with Zeon Technology) on asparagus for control of European asparagus aphid in Washington.

An expedited request for use of lambda-cyhalothrin (Warrior II with Zeon Technology, EPA Reg. No. 100-1295) on asparagus for control of European asparagus aphid was submitted by the Washington State Department of Agriculture on July 14, 2016.

European asparagus aphid is an extremely serious pest of asparagus. It feeds only on the ferns where the leaves join the stem and injects a toxin when feeding. The toxin causes bushy, stunted, bluish-green new growth (called bonsai growth), which is incapable of nourishing the crown that produces the following year's production. Additional the toxin delays break. Young plants can be killed within one year of feeding.

1. Pesticide to be used:
   Brand Name: Warrior II with Zeon Technology
   EPA Registration No.: 100-1295
   Active ingredient: Lambda-cyhalothrin
   Registrant: Syngenta Crop Protection

2. Crop to be Treated and Location: Asparagus fields located in the following counties: Adams, Benton, Franklin, Grant, Klickitat, Walla Walla and Yakima.

3. Method of application: Ground, air (non-ULV), or chemigation.

4. Rate of Application: Apply 1.28 to 1.92 fluid ounces per acre (0.02 to 0.03 ounces of active ingredient per acre).

5. Maximum Number of Applications: Three (3)

6. Total Acreage to be Treated: 7,000 acres

7. Total Amount of Pesticide to be Used: 90.75 gallons
1.92 ounces × 150 acres × 3 applications = 6.75 gallons
1.92 ounces × 2,100 acres × 2 applications = 63 gallons
1.92 ounces × 1,400 acres × 1 application = 21 gallons

8. Use Season: August 26 to October 30, 2016

9. Earliest Anticipated Harvest Date:
   The application interval for this use is at least 120 days prior to harvest (April 1 through June 30, 2017).

10. Other Restrictions, User Precautions and Requirements:
   - RESTRICTED USE PESTICIDE
   - DUE TO TOXICITY TO FISH AND AQUATIC ORGANISMS
   - FOR RETAIL SALE TO AND USE ONLY BY CERTIFIED APPLICATORS, OR PERSONS UNDER THEIR DIRECT SUPERVISION, AND ONLY FOR THOSE USES COVERED BY THE CERTIFIED APPLICATOR’S CERTIFICATION.
   - Do not apply within 120 days of harvest.
   - Allow at least 21 days between applications.
   - Buffer Zone for Ground Application (groundboom and overhead chemigation): Do not apply within 25 feet of aquatic habitats (such as, but not limited to lakes; reservoirs; rivers; permanent streams; marshes; natural ponds; estuaries; and commercial fish ponds).
   - Buffer Zone for Non-ULV Aerial Application: Do not apply within 150 feet of aquatic habitats (such as, but not limited to lakes; reservoirs; rivers; permanent streams; marshes; natural ponds; estuaries; and commercial fish ponds).
   - This pesticide is extremely toxic to fish and aquatic organisms and toxic to wildlife.
   - Do not apply directly to water or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not apply when weather conditions favor drift from treated areas. Drift and runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water when disposing of equipment washwater or rinsate.
   - This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops or weeds if bees are visiting in the treatment area.
   - WSDA’s Chemigation Guidance:
     - Application off-site is prohibited. The chemigation application must be continuously observed whenever sensitive areas as defined in WAC 16-202-1002(44) (including but not limited to schools, parks, dwellings, occupied buildings or structures, public roadways, and waters of the state) are at risk of being exposed to drift, runoff, or overspray. In order to minimize the potential for application off-site, WSDA recommends that the product only be applied through low pressure irrigation systems (defined as 2 to 35 pounds/square inch measured at the nozzle) with a nozzle release height no higher than 3 feet above the target crop, and that end guns be disabled throughout the application.
     - An inspection port or a direct access point is required, and it must be positioned immediately upstream of the irrigation mainline check valve and be of sufficient size to allow visual and manual inspection of the check valve and low pressure drain. The inspection port or access point must have a minimum diameter of four inches, unless an alternative access system is approved by WSDA (WAC 16-202-1012[1]).
     - The chemigation application tank cannot be placed within 20 feet of the wellhead or other sensitive areas. Mixing or loading activities cannot occur within 20 feet of the wellhead or other sensitive areas (WAC 16-202-1008[1]).
- WSDA Chemigation Rules (WAC 16-202-1001 through WAC 16-202-1024), and information on USEPA Authorized Alternative Chemigation Safety Equipment, Distribution Uniformity and other chemigation topics are available on the WSDA website (http://agr.wa.gov/PestFert/ChemFert/default.aspx).

- Do not apply more than 5.76 fl. oz Warrior II with Zeon Technology (0.09 lb. a.i.) per acre per year.

- A copy of the Section 18 use directions must be in the possession of the user at the time of application.

- The Washington State Department of Agriculture must be immediately informed of any adverse effects resulting from the use of Warrior II with Zeon Technology on asparagus. The toll-free number for WSDA is 1-877-301-4555.

- Follow all applicable restrictions, directions, Worker Protection Standard requirements and precautions on the EPA registered label for Warrior II with Zeon Technology.

- Applicators shall provide use information required by the EPA (i.e. use rate, acres treated, number of applications) to the Washington Asparagus Commission (509-266-4303, aschreib@centurytel.net) for all applications of lambda-cyhalothrin under this crisis exemption by December 1, 2016.

11. Residue Information: Based upon the PHI of 120 days, the data provided, and EPA's general knowledge of the pyrethroids, including lambda-cyhalothrin (non-systemic, no significant uptake by rotational crops), and, for the purposes of this emergency exemption program only, EPA has determined that these treatments may be classified as a non-food use.

12. Use Period: Use of this product will begin at 12:00 PM (PST), August 26, 2016 and end no later than October 30, 2016. Use outside of these dates is a violation of Federal Law.

If you have any questions, please contact Erik Johansen of our office at (360) 902-2078 or email ejohansen@agr.wa.gov.

Sincerely,

PESTICIDE MANAGEMENT DIVISION

Robin Schoen-Nessa
Program Manager, Registration & Licensing Services