



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

OFFICE OF  
PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES

SEP 30 2009

Mr. Dan Newhouse, Director  
Washington State Department of Agriculture  
Pesticide Management Division  
P.O. Box 42560  
Olympia, Washington 98504-2560

**Attn:** Erik Johansen

**EFFECTIVE DATE:** October 1, 2009  
**FINAL REPORT DUE:** April 1, 2011  
**EXPIRATION DATE:** October 1, 2010  
**FILE SYMBOL:** 09-WA-06

The U.S. Environmental Protection Agency (EPA) hereby re-issues a specific exemption under the provisions of Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, to the Washington State Department of Agriculture for the use of fenpyroximate formed into a patty to be placed in beehives to control varroa mites (*Varroa jacobsoni*).

In a letter dated September 15, 2009, the Washington State Department of Agriculture re-certified that the emergency condition still existed and that there were no changes to the use directions as approved in the previous authorization letter dated October 6, 2008, including but not limited to the use rate or the type of application. This specific exemption is subject to the conditions and restrictions set forth in your application as well as the following:

1. The Washington State 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 to the EPA Region 10 office by April 1, 2011 or prior to requesting another specific exemption for this use.
2. The product Hivastan<sup>®</sup> containing 0.3% fenpyroximate (currently there is no EPA Registration number) manufactured by Wellmark International Corporation may be used. All applicable directions, restrictions and precautions on the proposed product label as well as the section 18 use directions submitted with the application must be followed.
3. For control of varroa mites, two 8 ounce treatments per year per colony are permitted. Each beehive can receive a maximum of 1 pound (16 ounces) of Hivastan<sup>®</sup> per year.

4. Treatments are not to be applied during periods of honey flow. Effective control may be achieved by treating hives in the spring or fall prior to or after honey flow.
5. Applicators must wear protective (chemical-resistant) gloves when applying product.
6. To control varroa mite, place one scoop or 225 grams (8 oz) per hive onto a substrate suitable for holding the formulation (paper, wax paper, or cardboard). Spread the formulation to create a patty that can be easily placed on the top of the brood frames, make the patty thin enough to allow easy access by the bees. Use the same amount of product regardless of whether the colony is either a one or two brood box colony. For two brood box colonies, place the patty on top of the frames of the bottom box so that the patty is between the two boxes. It is important that the patty be placed in closest proximity to the brood cluster. The initial application (225 grams), in typical circumstances, will last six weeks. It will be necessary to remove product that has not been removed by the bees in six weeks. The treatment is most effective when the colonies are brood free or when brood rearing is lowest. Remove or destroy weak and queenless colonies prior to application. Treat all hives within each bee yard or apiary at the same time. Do not treat more than twice a year for varroa mite control.
7. For maximum efficacy apply during morning or late afternoon hours. Applications are not recommended during extreme temperatures >100 degrees Fahrenheit when the product can become physically less manageable.
8. The available data support a time-limited tolerance for the residues of fenpyroximate per se in honey at 0.10 part per million (ppm). This time-limited tolerance expires on December 31, 2010.
9. An adequate enforcement analytical method for crop matrices, a gas chromatography method with nitrogen/phosphorus detection (GC/NPD), Method 19, is available to enforce the tolerance expression. The method has passed EPA Petition Method Validation (PVM) and may be requested from: Calvin Furlow, PRRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; telephone number: (703) 305-5229; e-mail address: [furlow.calvin@epa.gov](mailto:furlow.calvin@epa.gov).
10. In accordance with 40 CFR 166.32(a), the EPA Headquarters and EPA Region 10 offices shall immediately be informed of any adverse effects resulting from the use of this pesticide in connection with this exemption.
11. Fenpyroximate treatments can be made until October 1, 2010.

In the event that this program will be sought in the future under an emergency request, the Agency is making a preliminary determination that this specific exemption is eligible for the streamlined recertification application process under 40 C.F.R. 166.20.

Any future correspondence in connection with this authorization shall refer to file symbol 09-WA-06.



Lois A. Rossi, Director  
Registration Division

Date: 30 September 2009

cc:

Chad Schulze, USEPA Region #10  
[Chad Schulze/R10/USEPA/US](#)