



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

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

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**Attn:** Steve Foss

**Date Issued:** JUL 12 2011  
**Expiration Date:** September 30, 2011  
**Report Due:** March 30, 2012  
**File Symbol:** 11WA06

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 Washington Department of Agriculture for the use of lambda-cyhalothrin, on asparagus to control European asparagus aphid (*Brachycolus asparagi*).

In correspondence dated June 2, 2011, the Washington 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 August 31, 2010, 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 Washington 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 CFR 166.32 (b). This information must be submitted to EPA headquarters and the EPA regional office within six months of the expiration date. In accordance with 40 CFR 166.32(a) these offices shall immediately be informed of any adverse effects resulting from the use of this pesticide in connection with this exemption.

Any future correspondence in connection with this exemption should refer to file symbol:11WA06.

2. The product, Warrior II with Zeon Technology (EPA Reg. No. 100-1295) manufactured by Syngenta Crop Protection, Inc, 22.8% active ingredient (a.i.), may be applied. All applicable

directions, restrictions, and precautions on the EPA-registered product label must be followed unless otherwise modified in this authorization document. In addition, the use directions submitted with your recertification, may be used with the following revisions:

- a. The EPA registration number for the product should only appear parenthetically in a statement such as the following: "All applicable directions, restrictions, and precautions on the registered product label for Warrior II with Zeon Technology (EPA Reg. No. 100-1295) are to be followed".
- b. You may modify the statement, "Do not apply within 180 days of harvest of spears", to read, "Do not apply within 120 days of harvest of spears".

3. A maximum of three (3) applications of Warrior II with Zeon Technology may be applied by ground or air. Each application will be at a rate of 1.28 to 1.92 fluid ounces of product per acre (0.02 to 0.03 lbs a.i. per acre).

4. A maximum of 7,000 acres of asparagus in eastern Washington may be treated.

5. For purposes of this emergency exemption program only, EPA has determined that these treatments may be classified as a non-food use.

6. Significant direct negative effects could be expected for fish and aquatic organisms if lambda-cyhalothrin enters aquatic habitats via spray drift or run-off. Aquatic animals are extremely sensitive to this pyrethroid. The section 18 use directions contain the following statements:

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 the treated areas may be hazardous to aquatic organisms in neighboring areas. Do not contaminate water when disposing of equipment washwaters.


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 the treatment area.

In addition, lambda-cyhalothrin is classified as a restricted use pesticide due to this toxicity to fish and aquatic organisms. It is 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.

7. This specific exemption expires September 30, 2011.

This is the second year this use has been requested under section 18. Progress towards registration for minor uses are generally judged against a five year standard. The decision of whether future requests for this use are approved will depend, in part, on progress made towards registration. Residue data are now available and a petition for tolerances in connection with use of lambda-cyhalothrin on asparagus should be submitted so that EPA may fully consider exposures from asparagus in the ongoing Agency review for cumulative risk from this chemical class. EPA's Registration Review is scheduled for several years away, and so should not influence the submission schedule for this asparagus use. Please address progress in this regards in future requests.

The Agency has made a preliminary determination that the use of lambda-cyhalothrin on asparagus to control European asparagus aphid granted to the Washington Department of Agriculture under the conditions of this exemption will be eligible for recertification in 2012. If you or your staff have any questions with respect to this authorization, please contact Emergency Response Team member, Libby Pemberton, 703 308-934 ([pemberton.libby@epa.gov](mailto:pemberton.libby@epa.gov)).

  
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Lois Rossi, Director  
Registration Division

Date: July 12, 2011  
cc: EPA Region 10  
Chad Schulze