



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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Mr. Terry L. Peach, Secretary and Commissioner
Oklahoma Department of Agriculture
2800 N. Lincoln Blvd., P.O. Box 528804
Oklahoma City, Oklahoma 73152

Date Issued:
Expiration Date: June 30, 2010
Final Report Due: December 30, 2010
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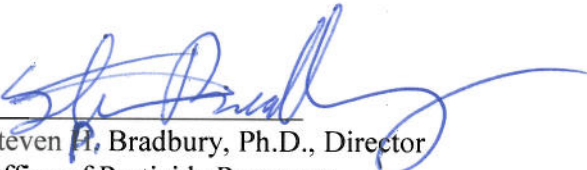
Attn: Mr. Ryan Williams

The U.S. Environmental Protection Agency (EPA) hereby grants a specific exemption under the provisions of section 18 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, to the Oklahoma Department of Agriculture for the use of nicosulfuron as a foliar post-emergent treatment to control sandbur in Bermuda grass fields and pastures grown for forage, hay and grazing. This specific exemption is subject to the conditions and restrictions set forth in your application as well as the following:

1. The Oklahoma 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 the EPA Region 6 office within six months of the above expiration or prior to requesting another specific exemption for this use. 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.
2. The product Pastora™ Herbicide, (not EPA registered), manufactured by E.I. DuPont de Nemours, DuPont Crop Protection may be used. All applicable directions, restrictions, and precautions outlined in the Section 18 Emergency Exemption use directions provided with your February 23, 2010 correspondence as well as the labels of all products applied in combination with Pastora™ Herbicide must be followed. Follow the directions for the most restrictive label.
3. A maximum of two post-emergent applications may be made at a broadcast rate of 1.0 to 1.5 ounces. Do not apply more than 2.5 ounces per acre per crop season. Do not apply to newly sprigged or newly planted Bermuda grass. Apply only to established Bermuda grass at least one year old.

4. Pastora™ shall be applied only by certified applicators or licensed applicators. Do not apply this product through any type of irrigation system.
5. Harvest or grazing may begin at anytime and continue periodically throughout the season. There are no grazing or haying restrictions for Pastora™ for livestock including cattle, horses, sheep, goats, or other animals when used as directed.
6. Foliar post-emergent applications may be made by ground or air equipment. Applications are made after the sand bur has emerged but before the 2 leaf stage, which is approximately 4 inches tall.
7. A maximum of 300,000 acres may be treated under this exemption.
8. Residues of nicosulfuron resulting from applications made in accordance with this exemption are not expected to exceed 10 ppm in Bermuda grass forage and 25 ppm in Bermuda grass hay. The Agency has determined that these levels are adequate to protect public health. A time-limited tolerance has been established and is in place to support this use.
9. EPA Headquarters and the EPA Region 6 offices shall immediately be informed of any adverse effects resulting from use of this pesticide in connection with this exemption.
10. Any unused unregistered product must either be returned to the manufacturer or distributor (unopened containers) or disposed of in accordance with the Resource Conservation and Recovery Act regulations following the expiration of this exemption.
11. This specific exemption expires on June 30, 2010.

This is the second year that the Oklahoma Department of Agriculture has requested this use under the emergency exemption program. Full registration is expected during the 2nd quarter 2010. Thus, progress toward registration is considered adequate for purposes of this request.


Steven P. Bradbury, Ph.D., Director
Office of Pesticide Programs

Date: 4/1/10

cc: Johnie Dowell, USEPA Region 6
Johnie.Dowell/R6/USEPA/US