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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Texas Department of Agriculture
Pesticide Registration Program
P.O. Box 12847
Austin, TX 78711

**Effective Date:** JAN 23 2015
**Expiration Date:** June 30, 2015
**Report Due:** December 31, 2015
**File Symbol:** 15-TX-02

**Attn:** Dale Scott

The Environmental Protection Agency hereby issues a specific exemption under the provisions of Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, to the Texas Department of Agriculture for the use of flutriafol (CAS Reg. No. 76674-21-0), formulated as the product TOPGUARD® Fungicide, to control cotton root rot caused by *Phymatotrichum omnivorum* on cotton in Texas. This specific exemption is subject to the conditions set forth in your request dated November 24, 2014, as well as the following conditions, modification and restrictions:

1. The Texas Department of Agriculture (TDA) is responsible for ensuring that all provisions of this specific exemption are met. TDA is also responsible for providing information in accordance with 40 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 6 months following the expiration of this exemption, or prior to requesting another specific exemption for this use in the following year. 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.

   Any future correspondence regarding this exemption should refer to file symbol 15TX02.

2. TOPGUARD® Fungicide (EPA Reg. No. 67760-75; 11.8% flutriafol), manufactured by Cheminova, Inc., may be applied. All applicable directions, restrictions, and precautions on the EPA-registered Section 3 label, as well as those outlined on the Section 18 Emergency Exemption use directions provided with your application, except as modified by this authorization, must be followed.

3. TOPGUARD® Fungicide may be applied by ground equipment at planting either banded into or incorporated into the furrow at planting. The maximum application rate is 2.0 pints of formulated product per acre (0.26 lbs ai/acre). No more than one application is permitted each year. Therefore, the maximum seasonal application rate is 2.0 pints of formulated product per acre per year (0.26 lbs ai/acre/year).

4. A maximum of 288,000 acres of cotton may be treated in Texas.

5. Applications made in accordance with the above provisions are not expected to result in residues of flutriafol, and its metabolites, in or on cotton in excess of the current tolerance levels: cotton, undelinted seed at 0.35 ppm; cotton, meal at 0.50 ppm; cotton, oil at 0.50 ppm; and cotton, gin byproducts at 0.50 ppm. The Agency has determined that these levels are adequate to protect public health.

6. The Section 3 registration for the use of flutriafol on cotton is under review and targeted for completion in Fiscal Year 2015 Quarter 2. Therefore, progress toward registration is adequate at this time.

7. This is the fourth year that TDA has requested an exemption for this use. In the event that an exemption for this use is requested next year, EPA is making a preliminary determination that this use is eligible for a streamlined review under the re-certification program (40 CFR 166.20(b)(5)) during next year's use season.

If you have any questions regarding this authorization, please contact Keri Grinstead, Emergency Response Team Member, at 703-308-8373; or grinstead.keri@epa.gov, or Tawanda Maignan, Emergency Response Team Leader at 703-308-8050 or maignan.tawanda@epa.gov.

(for)

Susan Lewis, Director
Registration Division
Office of Pesticide Programs

Date: 1/23/2015

cc: USEPA Region 6
Jeffrey Lammers

USEPA Region 6 Pesticide Tribal Coordinator
Elizabeth Reyes