



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Texas Department of Agriculture
P.O. Box 12847
Austin Texas, 78711

DATE: September 27, 2022
EXPIRATION DATE: September 27, 2025
ANNUAL REPORTS DUE: September 27, 2023
September 27, 2024
FINAL REPORT DUE: March 27, 2026
FILE SYMBOL: 22TX02

Attn: Charlene Ferias and Michael Kelly

The Environmental Protection Agency hereby issues a quarantine exemption under the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, to the Texas Department of Agriculture for expanded use of fipronil to control an invasive crazy ant species (commonly referred to as the Tawny Crazy Ant) around the outside of manmade structures, in counties where the ant has been confirmed. This exemption is subject to the conditions and restrictions specified in the request submitted to the EPA on May 25, 2022, the revised use directions provided on September 22, 2022, as well as the following:

1. The Texas Department of Agriculture (TDA) is responsible for ensuring that all provisions of this quarantine exemption are met. TDA 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 Regional office annually, and within 6 months following the expiration of this exemption, or prior to requesting a subsequent 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. Any future correspondence regarding this exemption should refer to file symbol 22TX02.
2. The registered product, Termidor® SC Termiticide/Insecticide (9.1% fipronil), EPA Reg. No. 7969-210, manufactured by BASF Corporation, may be applied. All applicable directions, restrictions, and precautions on the EPA-registered label must be followed, as well as those on the revised section 18 use directions submitted to EPA on September 21, 2022.

3. Termidor® SC Termiticide/Insecticide must be applied only by certified pest control operators (PCOs) certified in a category applicable to the application of this product. Only protected applicators wearing personal protective equipment as required by this product's EPA-registered product label may be in the area during application.
4. Termidor® SC Termiticide/Insecticide may be applied as detailed on the EPA-registered label for outdoor perimeter pest control, in counties where positive identification has been made by Texas A&M entomologists, with the following modifications:
 - a. Treatments may be made to structure exteriors as a low-pressure general surface spray (coarse flat fan), exterior crack and crevice spray, or wall void application, where ants enter the structure, trail around the exterior of the structure, or where they crawl and hide. For exterior perimeter treatments, apply 0.06% Termidor® SC finished dilution to exterior surfaces up to, but not to exceed, 3 ft. up and 10 ft. of sod out from the foundation. Mounds or nests can be treated directly.
 - b. Treatment may be made up to 10 feet around the exterior of areas where ants are found associated with utility wires (electrical, telephone or cable). Foam treatments may be made to exterior structural voids where ants may enter, trail, or nest.
5. Treatments may be made 2 times per year per structure at intervals of 60 days.
6. The following language must be on the section 18 use directions under **Environmental Hazards**:

This product is highly toxic to bees on an acute basis and may cause chronic risk to pollinators or other nontarget terrestrial invertebrates. Do not apply this product directly to blooming vegetation or if bees or other pollinating insects are visiting the treatment area.

A level, well-maintained vegetative buffer strip between areas to which this product is applied and surface water features such as ponds, streams, wetlands, estuaries, and springs will reduce the potential loading of fipronil from runoff water and sediment. Sound erosion control practices will reduce this product's potential to reach aquatic sediment via runoff.

7. To date, the tawny crazy ant has been identified in the following Texas counties: Angelina, Atascosa, Bastrop, Bee, Bell, Bexar, Blanco, Brazoria, Brazos, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, DeWitt, Fayette, Fort Bend, Galveston, Goliad, Gonzales, Grimes, Hardin, Harris, Hays, Hidalgo, Jasper, Jefferson, Jim Hogg, Lavaca, Liberty, Matagorda, Montgomery, Nueces, Orange, Polk, San Augustine, Travis, Tyler, Victoria, Walker, Wharton, and Williamson. Use may be expanded by TDA permission to additional counties when positive identification of the presence of the tawny crazy ant is confirmed. If TDA determines that such expansion is needed, TDA must notify EPA prior to expanding into other counties, and ensure that the Agency has no objections to the expansion.

8. This exemption expires three (3) years from the date of issuance, as given above. A final report summarizing the results of this program is due within 6 months of the expiration of this exemption, and annual reports must be submitted each year from the date of issuance, given above. The reports must contain information in accordance with 40 CFR §166.32 (b) as well as use information collected through surveys of Pest Management Professionals (see (10) below). In addition, the reports should contain updated information about the current range of this species and any expansion observed.
9. EPA encourages TDA to cooperate with other interested parties to develop an integrated sustainable approach to mitigate this pest. For example, bait development and use, habitat management, and other measures should be explored. Any future requests for an exemption to address this pest situation must discuss progress related to such efforts to identify sustainable integrated techniques for responding to infestations of the tawny crazy ant.
10. During the authorized exemption period, Pest Management Professionals (PMPs) will be surveyed regarding the extent of use under the exemption, such as number of sites treated, number of applications per site, and general observations of treatment outcomes. Information collected through such surveys must be provided to EPA when available and included with the interim and final reports.

If you have any questions with respect to this authorization, please contact Emergency Response Team Member Andrea Conrath (conrath.andrea@epa.gov, 202-566-2568) or the Emergency Response Team Acting Senior Regulatory Specialist, David Lieu (lieu.david@epa.gov, 202-566-2815).

Ed Messina, Esq., Director
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cc: Robert Luschek, USEPA Region 6
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