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

OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

Mr. Todd Staples, Commissioner
Texas Department of Agriculture
P.O. Box 12847
Austin, Texas 78711

Issue Date: FEB 04 2015
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Report Due: June 30, 2016
File symbol: 15TX03

Attn: Dale Scott

The Environmental Protection Agency hereby grants a specific exemption under the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act to the Texas Department of Agriculture (TDA) for the use of potassium salt of hop beta acids (HopGuard® II) in honeybee colonies to control varroa mites. This authorization is subject to the conditions and restrictions outlined below, as well as those specified in your request submitted to the EPA.

1) The TDA 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(a). Accordingly, EPA headquarters and the EPA Region 6 office shall be immediately informed of any adverse effects resulting from use of this chemical in connection with this exemption. In accordance with 40 CFR §166.32(b), a final report summarizing the results of this program must be submitted to EPA within 6 months following the expiration of this exemption or prior to requesting another specific exemption for this use.

2) The unregistered product, HopGuard® II (containing 16% potassium salt of hop beta acids, manufactured by BetaTec Hop Products, a subsidiary of John I. Haas, Inc., may be applied. All applicable directions, restrictions, and precautions on the container label (amended label submitted to EPA by the registrant on January 22, 2015 as well as the section 18 use directions transmitted with your December 16, 2014 submission must be followed.

3) A maximum of 12,000,000 strips treated with potassium salt of hop beta acids may be used.

4) Bee Package: HopGuard® II strips may be applied at a rate of three half strips per 2 lb. to 3 lb. package of adult worker bees. Cut strips in half at the fold and attach three half strips to the top of package so that the strips are hanging within the package. Place bees in the package after the strips are attached. The bees should remain in contact with the strips for at least 48 hours.

5) Colony: HopGuard® II strips may be applied at the rate of one strip per five frames covered with bees in each brood chamber or two strips per ten frames covered with bees in the brood chamber. Strips are to be placed only in the brood chamber (not the honey super). Folded strips must be opened and hung over one of the center brood frames with one-half of the strip on each side of the frame as shown in the pictogram. If using a second strip, apply it to an adjacent center frame about four inches away from the first strip. Strips may be placed hanging between frame, and within the colony cluster, and not laid on top of the frames. Leave the strip(s) in the colony for 30 days. Honey bees tend to chew the cardboard strips; however, remove any remaining strips after 30 days. Strips are saturated with liquid and should be applied "as is." Do not remove the liquid from the strip.

6) A maximum of three applications per year (6 strips) or approximately 24.0 grams of potassium salt of hop beta acids per ten frames of bees in the brood chamber is allowed. This limit includes all applications to the bee package (if applicable) and to the colony.

7) Users may not take honey and wax from the brood chambers, only from the honey supers. HopGuard is not temperature sensitive and can be applied in the brood chamber during honeyflow. Honey supers can remain in the colony during treatment. For optimal results, apply HopGuard® II when little or no brood is present in the hive.

8) Applicators must wear protective (chemical-resistant) gloves when handling treated strips.

9) In consideration of the use directions and available exposure data, the application program will not result in any food residues. Residue data suggest that quantifiable levels of potassium salt of hop beta acids are not expected to be present in edible honey when the product is used according to these section 18 use directions. Therefore, a tolerance will not be established to support this section 18 use pattern.

10) Honey and wax should not be harvested from the brood chambers. Users may only harvest honey and wax from the honey supers.

11) Unused strips should be stored in a cool, dark area. Any unused, unregistered product must either be returned to the manufacturer or distributor in unopened containers or disposed of in accordance with the Resource Conservation Recovery Act following the expiration of this emergency exemption.

This is the fifth year that the Texas Department of Agriculture has requested an emergency exemption for this use under the FIFRA section 18 program. EPA is in the process of evaluating a FIFRA application for this use. Therefore, progress toward registration is adequate at this time.

In the event that an emergency exemption for this use is requested in the future, the Agency is making a preliminary determination that this program is eligible for the streamlined recertification application process under 40 CFR 166.20(b)(5).

Any future correspondence in connection with this authorization shall refer to file symbol 15TX03.

If you or your staff has any questions with respect to this authorization, please contact Emergency Response Team member, Stacey Groce (703) 305-2505, groce.stacey@epa.gov or the Emergency Response Team Leader, Tawanda Maignan at (703) 308-8050, maignan.tawanda@epa.gov).

Daniel J. Rosenblatt (for)

Susan Lewis, Director
Registration Division
Office of Pesticide Programs

Date: 2/4/2015

Cc: USEPA Region 6, Jeffrey Lammers
USEPA Region 6 Pesticide Tribal Coordinator, Elizabeth Reyes