

US EPA ARCHIVE DOCUMENT



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

SEP 18 1990

MEMORANDUM

OFFICE OF
PESTICIDES AND TOXIC
SUBSTANCES

SUBJECT: Section 18 - Reinstatement of Kansas' and Nebraska's
Crisis Authority for Use of Bifenthrin (Capture) to
Control Various Mites on Field Corn -- ACTION
MEMORANDUM

FROM: Stephanie Irene, Deputy Director
Registration Division

A handwritten signature in black ink, appearing to read "Stephanie Irene", written over the typed name.

TO: Douglas D. Campt, Director
Office of Pesticide Programs

BACKGROUND:

In April of this year, the Nebraska Department of Agriculture requested a section 18 specific exemption for the use of bifenthrin on 256,361 acres of field corn in 74 counties in Nebraska. In May of this year, the Kansas State Plant Board made a similar request for the use of bifenthrin on 120,000 acres of field corn in 43 counties in Kansas.

Based on the information provided in Nebraska's and Kansas' specific exemption applications, the Agency was unable to conclude that corn farmers would suffer a significant economic loss as defined in the section 18 regulations if the use of bifenthrin was not authorized. Nebraska's and Kansas' specific exemption requests were denied on July 27, 1990.

On July 17, 1990, the Kansas State Plant Board utilized the crisis provisions of the section 18 regulations to authorize the use of bifenthrin on 120,000 acres of field corn while the Agency processed their request for a specific exemption. Nebraska utilized the crisis provisions on July 27, 1990.

The Agency having concluded that an emergency situation did not exist when Kansas and Nebraska utilized the crisis provisions to authorize the use of bifenthrin on field corn revoked Kansas' and Nebraska's authority to utilize the crisis provisions for the use of bifenthrin on field corn in the future.

In early August, the Kansas State Plant Board and Nebraska Department of Agriculture submitted additional information concerning the emergency, and requested that EPA reconsider its denial of the use of bifenthrin on field corn.

The Benefits and Economic Analysis Division (BEAD) reviewed the additional information submitted from Kansas and Nebraska and concluded that the data contained in Kansas' and Nebraska's original applications did not fully reflect the extent of the mite problem faced by corn growers in these two states. BEAD's review of the additional data indicated that corn growers in Nebraska and Kansas could suffer economic losses that would fall outside of the normal range for the affected acreage if an effective miticide is not available that can be used as a rescue treatment. BEAD's conclusion was based on the following:

1. Delayed planting due to wet spring weather and/or cool spring temperatures which slowed the rate of maturation caused the corn to mature late so that the hot dry conditions of late summer, that are conducive to mite population increases, occurred when the corn was most vulnerable to mite damage and yield losses. In a "normal year," maturation would occur earlier before the mite populations became a significant threat.
2. Growers who applied proparagite earlier, when it was effective, achieved mite control but the population pressures this year were so great that mite populations in these fields again surged to economically damaging levels necessitating a rescue treatment such as bifenthrin.
3. The State and independent crop consultants reported widespread failure of the registered alternatives to control the mite populations at levels below economically significant thresholds.

Based on the Agency's review of their requests for reconsideration, the Kansas State Plant Board on August 9, 1990, and the Nebraska Department of Agriculture on August 10, 1990, were granted specific exemptions for the use of bifenthrin to control Banks grass mites and two-spotted spider mites on field corn.

RECOMMENDATION:

I recommend that the authority of the Kansas State Plant Board and Nebraska Department of Agriculture to utilize the crisis provisions to authorize the use of bifenthrin on field corn be reinstated.

The Agency revoked Kansas' and Nebraska's authority to utilize the crisis provisions to authorize the use of bifenthrin on field corn because based on the information provided in Nebraska's and Kansas' original specific exemption applications, the Agency was

unable to conclude that corn farmers would suffer a significant economic loss if the use of bifenthrin was not authorized. The Agency reviewed additional information submitted by both states and determined that Nebraska and Kansas corn growers had an emergency situation. The basis for the revocation of Kansas' and Nebraska's crisis authority is no longer valid.

Approve: *Paul A. [unclear]*
Disapprove: _____

Date: SEP 20 1990