

US EPA ARCHIVE DOCUMENT

BEAD OFFICIAL RECORD

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



APR - 9 2003

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

APR - 9 2003

MEMORANDUM

SUBJECT: Review of a Request for Emergency Exemption of Fluroxypyr in Kansas for Use on Sweet Corn to Control Kochia. (03-KS-0008), DP Barcode (D289192)

FROM: Nicole Mosz, Biologist
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THRU: Arnet Jones, Chief
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TO: Andrew Ertman/Robert Forrest
Minor Use, Inerts and Emergency Response Branch
Registration Division (7505C)

PEER REVIEW PANEL: April 2, 2003

SUMMARY:

The State of Kansas has requested fluroxypyr for use on sweet corn to control kochia. This is the first year that Kansas has requested this use. Other states have been granted the emergency use of fluroxypyr on sweet corn to control volunteer potatoes for the last five years. BEAD has determined that the request does not meet the criteria for an emergency exemption. Our rationale follows.

ANALYSIS:

The Section 18 Guidance states, "It is the Agency's position that the section 18 process is not the appropriate mechanism for EPA to make pesticides available to control routine pest problems on new crops"(1). In the submission, the state clearly mentions that sweet corn is a new crop for requested area, southwest Kansas. In addition, the state recognizes that triazine-resistant kochia and associated broadleaf weeds are significant problems existing in the requested area.

BEAD has determined that this situation does not meet the criteria for an emergency because it is a new crop to the area, and does not involve a new or unexpected pest, or increased pest pressure. The pest is routine and can be expected to be a problem when growing sweet corn.

REFERENCES:

- (1) Emergency Exemptions under Section 18 of the Federal Insecticide Fungicide and Rodenticide Act. 1. Guidance for State and Federal Agencies. US EPA, Registration Division, Office of Pesticide Programs, June 22, 1992. Page 17.

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