

DP Barcode : D191746
 PC Code No : 109303
 EEB Out : 6/8/93

To: Rebecca Cool
 Product Manager 41
 Registration Division (H7505C)

From: Anthony F. Maciorowski, Chief
 Ecological Effects Branch/EFED (H7507C)

Attached, please find the EEB review of...

Reg./File # : 93TX0013
 Chemical Name : ~~Es~~Fenvalerate
 Type Product : Insecticide - pyrethroid
 Product Name : Asana XL
 Company Name : State of Texas
 Purpose : Comments regardign recent section 18 in Texas
 on sorghum

Action Code : 001 Date Due : 06/17/93
 Reviewer : Renee Lamb

EEB Guideline/MRID Summary Table: The review in this package contains an evaluation of the following:

GDLN NO	MRID NO	CAT	GDLN NO	MRID NO	CAT	GDLN NO	MRID NO	CAT
71-1(A)			72-2(A)			72-7(A)		
71-1(B)			72-2(B)			72-7(B)		
71-2(A)			72-3(A)			122-1(A)		
71-2(B)			72-3(B)			122-1(B)		
71-3			72-3(C)			122-2		
71-4(A)			72-3(D)			123-1(A)		
71-4(B)			72-3(E)			123-1(B)		
71-5(A)			72-3(F)			123-2		
71-5(B)			72-4(A)			124-1		
72-1(A)			72-4(B)			124-2		
72-1(B)			72-5			141-1		
72-1(C)			72-6			141-2		
72-1(C)						141-5		

Y=Acceptable (Study satisfied Guideline)/Concur

P=Partial (Study partially fulfilled Guideline but
 additional information is needed)

S=Supplemental (Study provided useful information but Guideline was
 not satisfied)

N=Unacceptable (Study was rejected)/Nonconcur

DP BARCODE: D191746

CASE: 284484
SUBMISSION: S436586

DATA PACKAGE RECORD
BEAN SHEET

DATE: 05/28/93
Page 1 of 1

* * * CASE/SUBMISSION INFORMATION * * *

CASE TYPE: EMERGENCY EXEMP ACTION: 510 SEC18-OC F/F USE
CHEMICALS: 109303 S-Fenvalerate

ID#: 93TX0013

COMPANY:

PRODUCT MANAGER: 41 REBECCA COOL 703-308-8417 ROOM: CS1
PM TEAM REVIEWER: LIBBY PEMBERTON 703-308-8326 ROOM: CS1
RECEIVED DATE: 03/08/93 DUE OUT DATE: 04/27/93

* * * DATA PACKAGE INFORMATION * * *

DP BARCODE: 191746 EXPEDITE: N DATE SENT: 05/28/93 DATE RET.: / /
CHEMICAL: 109303 S-Fenvalerate
DP TYPE: 001 Submission Related Data Package
ADMIN DUE DATE: 06/17/93 CSF: N LABEL: N

ASSIGNED TO	DATE IN	DATE OUT
DIV : EFED	06/03/93	/ /
BRAN: EEB	6/14/93	/ /
SECT:	/ /	/ /
REVR :	/ /	/ /
CONTR:	/ /	/ /

* * * DATA REVIEW INSTRUCTIONS * * *

Please see Texas's recent reasoning re your recommendations of April 1993. Also see how we handle a similar use pattern on greens earlier this yr. TX cannot get detailed maps from USDI. So buffer zones relying on USDI info on species locations won't work. Please suggest alternative solution ASAP as growers are desperate and may go crisis without any restrictions.

* * * ADDITIONAL DATA PACKAGES FOR THIS SUBMISSION * * *

DP BC	BRANCH/SECTION	DATE OUT	DUE BACK	INS	CSF	LABEL
189235	BAB/ES	03/17/93	04/06/93	Y	N	Y
189237	EAB/AES	03/17/93	04/06/93	Y	N	Y
189238	EEB/RS5	03/17/93	04/06/93	Y	N	Y



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

JUN 8 1993

MEMORANDUM

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Subject: Questions regarding the Asana section 18 exemption for Texas

From: Anthony F. Maciorowski, Branch Chief *A. F. Maciorowski*
Ecological Effects Branch
Environmental Fate and Effects Division (H7507C)

To: Rebecca Cool, PM 41
Reregistration Branch
Registration Division (H7505C)

The following questions were raised by the Texas Department of Agriculture (TDA) concerning the recent section 18 application (D189238) reviewed by the Ecological Effects Branch (EEB responses are included):

1. The risk to endangered or threatened species:

In order to address the concerns of the USFWS regarding endangered species, the buffer zone restrictions outlined in the section 18 review, including the change outlined below, must apply to habitats of threatened/endangered species.

2. Addressing potential adverse effects to aquatic organisms along the Gulf Coast of Texas:

EEB does not have formal guidance concerning buffer zones, but customarily concurs with buffer zones suggested by the states. EEB originally agreed to the 25 mile buffer zone (proposed by Texas 3 years ago in a Section 18 exemption) in order to protect marine aquatic organisms, including those of commercial concern. However, since Texas wishes to change the buffer zone to 5 miles, EEB agrees that this should still protect aquatic marine species.

Should you have any questions please contact Renee Lamb at 305-5294.



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3



TEXAS DEPARTMENT OF AGRICULTURE

RICK PERRY
Commissioner

May 24, 1993

Ms. Rebecca S. Cool
Emergency Response and Minor Use Section (H7505W)
Registration Support Branch
Registration Division/OPP
U.S. Environmental Protection Agency
Room 52 6th Floor
2800 Jefferson Davis Highway
Arlington, VA 22202

Dear Ms. Cool:

Attached is information to address two concerns EPA has expressed regarding a specific exemption application to use esfenvalerate (Asana XL) on grain sorghum to control the sorghum midge submitted by the Texas Department of Agriculture (TDA). These concerns are addressed below.

1. The risk to endangered or threatened species

In discussions by phone with Mr. Larry Turner, Endangered Species Protection Program Manager, EPA, it was agreed that the only concerns with this specific exemption were in regard to endangered or threatened fish and pollinators of endangered or threatened plants. A study was made to determine what fish and plants would be found in the requested site. This was done using the map in section 5 of our application showing the requested site by county and comparing it with the THREATENED AND ENDANGERED SPECIES OF TEXAS, a publication of the U.S. Fish and Wildlife Service, Texas State Office, Austin, Texas.

There are only two fish listed in the requested site. These are the San Marcos Gambusia, whose distribution is restricted to the San Marcos River and the Fountain darter, whose distribution is restricted to the San Marcos River and the Comal River (see attached text and maps). These two "rivers" are located entirely within the city limits of San Marcos and New Braunfels respectively, except for the extreme lower portion of the San Marcos River. It seems pointless to offer a buffer zone, as there is little cultivated land and no grain sorghum grown within 2 miles of these rivers.

Although esfenvalerate is not phytotoxic to plants, concern was expressed by EPA for the pollinators (invertebrates) of listed endangered and threatened plant species. There are seven plant species located in 11 counties within the requested site. The descriptions and other information about these plants indicate that all of these plants will be flowering during months when applications of esfenvalerate will not be made (see attached text and the map with dates prohibiting applications in section 5 of our specific exemption application).

2. **Addressing potential adverse effects to aquatic organisms along the Gulf Coast of Texas**

Another concern involves the request by TDA to change the buffer zone for the Gulf Coast of Texas from 25 miles for last years exemption to five miles. EPA indicated in phone conversations that the 25 mile buffer zone would remain as a provision and was partly based on an EPA determination that the use of esfenvalerate on grain sorghum represented 70% of the total use of this product on other crops in the state.

Attached is confidential information obtained from Mr. Tommy Barton, District Sales Manager for Dupont which shows that last years use of esfenvalerate on grain sorghum



To further elevate concerns of potential adverse effects along the coast, information is provided which shows that of the 12 counties along the coast which are in the requested site for this exemption only four have more than 20% of their total land area planted to annual crops such as grain sorghum, cotton, corn etc.. Of these four counties, two (Cameron and Willacy) have their agricultural land separated from the Gulf Coast by the Laguna Atascosa National Wildlife Refuge. Two other counties (Nueces and San Patricio) are heavily populated with large industrial sites along the coast with the agricultural land further inland. It should also be noted that because of the high saline content, those soils closer to the coast are generally unsuitable for agriculture.

COMMERCIAL/FINANCIAL INFORMATION IS NOT INCLUDED

5

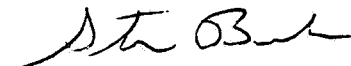
Also enclosed is a publication from the National Oceanic and Atmospheric Administration which reports fish-kill events by direct cause from 1980-1989 in the Gulf of Mexico. According to this study only 13 of the 355 fish-kill events in the coastal waters of Texas implicated pesticides as a direct cause. The number of fish killed from these 13 events represent 8% of the fish killed by storm events and 0.3% of the fish killed by low dissolved oxygen levels.

Aside from the information noted above, enclosed is a recent letter from Mr. George T. LaRocca, EPA Registration Division to FMC Corporation regarding labeling changes for products containing bifenthrin. In this letter EPA found the revised labeling acceptable provided that the wording in the environmental hazards section pertaining to wetlands be revised to read . . . "Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark."

Bifenthrin is another synthetic pyrethroid with a toxicity to aquatic organisms virtually identical to esfenvalerate (see EPA fact sheet and product technical information enclosed) and is classified by EPA as a class C carcinogen. It is difficult to understand why EPA has written and accepted labeling that allows applications of this product on the beaches of the Texas Gulf Coast up to the waters edge while insisting that applications of esfenvalerate, for this particular use, must maintain a 25 mile buffer zone from the Gulf Coast.

It is our hope that this information will help expedite the review of this specific exemption and if approved be taken in consideration for any imposed restrictions or provisions.

Sincerely,



Steve Bearden
Assistant Commissioner
Pesticide Programs

SB/ERC/TM/

Enclosure