

February 19, 2014

Guidance for state lead agencies on interpretation of pollinator protection labeling for nitroguanidine neonicotinoid products required by USEPA in August 15, 2013 letter to registrants. Guidance developed by SFIREG.

PROTECTION OF POLLINATORS

[Interpretation: This page contains advisory information that is unenforceable. Use of the term advisory is based on the EPA Label Review Manual, Chapter 3, General Labeling Requirements, Section III(A).]

APPLICATION RESTRICTIONS EXIST FOR THIS PRODUCT BECAUSE OF RISK TO BEES AND OTHER INSECT POLLINATORS. FOLLOW APPLICATION RESTRICTIONS FOUND IN THE DIRECTIONS FOR USE TO PROTECT POLLINATORS.

Look for the bee hazard icon in the Directions for Use for each application site for specific use restrictions and instructions to protect bees and other insect pollinators.

This product can kill bees and other insect pollinators.

Bees and other insect pollinators will forage on plants when they flower, shed pollen, or produce nectar.

Bees and other insect pollinators can be exposed to this pesticide from:

- Direct contact during foliar applications, or contact with residues on plant surfaces after foliar applications
- Ingestion of residues in nectar and pollen when the pesticide is applied as a seed treatment, soil, tree injection, as well as foliar applications.

When Using This Product Take Steps To:

- Minimize exposure of this product to bees and other insect pollinators when they are foraging on pollinator attractive plants around the application site.
- Minimize drift of this product on to beehives or to off-site pollinator attractive habitat. Drift of this product onto beehives or off-site to pollinator attractive habitat can result in bee kills.

Information on protecting bees and other insect pollinators may be found at the Pesticide Environmental Stewardship website at:

<http://pesticidestewardship.org/PollinatorProtection/Pages/default.aspx>.

Pesticide incidents (for example, bee kills) should immediately be reported to the state/tribal lead agency. For contact information for your state, go to: www.aapco.org/officials.html. Pesticide incidents should also be reported to the National Pesticide Information Center at: www.npic.orst.edu or directly to EPA at: beekill@epa.gov

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DIRECTIONS FOR USE

1. FOR CROPS UNDER CONTRACTED POLLINATION SERVICES

[Interpretation: This category would include any situation in which beekeepers and growers/applicators have entered into contracts and agreements that are legally binding for pollinator services. It would not apply where contracts or agreements (written or otherwise) pertain to placement of bees on land for honey production.]

Do not apply this product while bees are foraging.

[Interpretation: This would prohibit applications only when bees are actually foraging in the area to be treated at the time of treatment. However, if other, crop-specific pollinator protection label statements are more restrictive, those statements would take precedence.] It is advised that state lead agencies use the Guidance for Inspecting Alleged Cases of Pesticide-Related Bee Incidents and site inspection evidence to determine if it can be determined that bees were foraging at the time of application.

The guidance can be found

at <http://www.epa.gov/compliance/resources/policies/monitoring/fifra/bee-inspection-guide.pdf>

Do not apply this product until flowering is complete and all petals have fallen

[Interpretation: Application can occur pre-bloom and if flowering has completed on the crop being treated to the extent that bees are no longer foraging in the crop being treated.]

unless the following condition has been met.

If an application must be made when managed bees are at the treatment site, the beekeeper providing the pollination services must be notified no less than 48-hours prior to the time of the planned application so that the bees can be removed, covered or otherwise protected prior to spraying.

[Interpretation: The application of pesticide would be allowed in situations where managed bees are in or near a treatment site that is under a pollination contract or agreement. This statement does not exempt the applicator from any other label use restrictions. See individual crops for specific pollinator protection application restrictions. If none exist under the specific crop, for foliar applications, follow all application directions for crops that are contracted to have pollinator services or for food/feed & commercially grown ornamentals that are attractive to pollinators.]

2. FOR FOOD CROPS AND COMMERCIALY GROWN ORNAMENTALS NOT UNDER CONTRACT FOR POLLINATION SERVICES BUT ARE ATTRACTIVE TO POLLINATORS

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[Interpretation: This category would include any situation in which no legally binding contract or agreement pertaining to pollination services exists between the beekeeper and the grower of crops that are attractive to pollinators. Such crops are limited to food/feed crops and commercially grown ornamentals that are attractive to pollinators. States identify a listing of crops that are considered to be attractive to pollinators for use when registrants do not voluntarily differentiate crops listed on the label as attractive to pollinators. For crops that may not drop all petals, flowering is considered complete when bees are no longer foraging on the crop (e.g. sunflowers).

Food crops are defined by use pattern and include foliar applications to terrestrial food crop, terrestrial feed crop, aquatic food crop, and greenhouse food crop use sites.

40 CFR § 158.1410 Residue chemistry data requirements table.

(b) Use pattern . (1) Data are required or conditionally required for all pesticides used in or on food and for residential outdoor uses where food crops are grown. Food use patterns include products classified under the general use patterns of terrestrial food crop use, terrestrial feed crop use, aquatic food crop use, greenhouse food crop use, and indoor food use.

Do not apply this product while bees are foraging.

[Interpretation: This would prohibit applications only when bees are actually foraging in the area to be treated at the time of treatment. However, if other, crop-specific pollinator protection label statements are more restrictive, those statements would take precedence.]

Do not apply this product until flowering is complete and all petals have fallen unless one of the following conditions is met:

[Interpretation: Application can occur pre-bloom, unless other crop specific protection statements (e.g., pre-bloom restriction) are listed under a specific crop, and if flowering has completed for the crop being treated to the extent that bees are no longer foraging in the crop. For crops that may not drop all petals, flowering is considered complete when bees are no longer foraging on the crop (e.g. sunflowers).]

[Interpretation note: The following conditions apply to both of the directions for use statements directly above regarding application while bees are foraging and condition of flowering]

• The application is made to the target site after sunset

[Interpretation: The application is made after sunset and before sunrise. Sunset and sunrise timing is to be established using local weather/solar information. If other pollinator protection statements on the label are more specific about nocturnal application timing, they would take precedence.]

- **The application is made to the target site when temperatures are below 55°F**

[Interpretation: The air temperature must remain at or below 55°F throughout the application period. Temperature established using local weather station data.]

- **The application is made in accordance with a government-initiated public health response**

[Interpretation: Applications for government initiated public health response would be completed in coordination with state or local government agency order.]

- **The application is made in accordance with an active state administered apiary registry program where beekeepers are notified no less than 48-hours prior to the time of the planned application so that the bees can be removed, covered or otherwise protected prior to spraying.**

[Interpretation: If a state maintains a voluntary or regulatory apiary registry program, the applicator must notify beekeepers with registered apiary locations in order to use this option. States should identify a specific distance from the treated crop site within which registered apiary notification will occur.]

- **The application is made due to an imminent threat of significant crop loss, and a documented determination consistent with an IPM plan or predetermined economic threshold is met. Every effort should be made to notify beekeepers no less than 48-hours prior to the time of the planned application so that the bees can be removed, covered or otherwise protected prior to spraying.**

[Interpretation: Criteria to determine when an imminent threat exists and is documented would need to be determined by applicator in consultation with Cooperative Extension, crop consultant, certified crop advisor, or a state recognized pest management model/tool. Using a state maintained voluntary or regulatory apiary registry program, the applicator must notify beekeepers with registered apiary locations. States should identify a specific distance from the treated crop site within which registered apiary notification will occur. State lead agencies will determine the adequacy of the level of effort to notify beekeepers on a case by case basis.]

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3. Non-Agricultural Products:

Do not apply [insert name of product] while bees are foraging.

[Interpretation: This would prohibit application while bees are actually foraging in the area to be treated at the time of treatment. If other, crop-specific pollinator protection label statements are more restrictive, those statements would take precedence.]

Do not apply [insert name of product] to plants that are flowering. Only apply after all flower petals have fallen off.

[Interpretation: Application can occur pre-bloom and if flowering has completed to the extent that bees are no longer foraging in the plants. If other, crop-specific pollinator protection label statements are more restrictive, those statements would take precedence (e.g., pre-bloom restriction).] ASPCRO is developing guidance relative to residential/structural bee labeling.

Pollinator Protection Labeling FAQ/Guidance

Protection of Pollinators Box

1. The term “bee(s)” is understood to be a generic term used to identify honeybees, bumble bees, and other bees that pollinate or collect pollen as forage.
2. The pollinator box is advisory in nature. It is not intended to create regulatory directions for use or to use web based information in a regulatory fashion. It is only intended to increase awareness and promote pollinator protective activities. It clearly indicates application restrictions are found in the “directions for use” portion of the label. While the pollinator box references various methods of application such as foliar, soil, injection, the restrictive use direction language only applies to foliar applications.
3. EPA recognizes that the pollinator box may be too large for consumer labeled products and is working with consumer product manufacturers to fit the information on consumer product labels.
4. States should identify a listing of crops that are considered to be attractive to pollinators. Restrictive use direction language applies to foliar applications only.
5. The statements using “minimize” relative to exposure or drift onto beehives is advisory and does not prevent misuse enforcement. Drift onto hives or off target to pollinator attractive plants (non-target sites) is a violation of directions for use (legal use sites). Enforcement relative to exposure depends on the direction for use and application use restrictions if bees are foraging.