



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

AUG 15 2013

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

TO: Registrants of Nitroguanidine Neonicotinoid Products

SUBJECT: Pollinator Protection Labeling for Nitroguanidine Neonicotinoid Products

Dear Registrant:

You are receiving this letter because your company holds registrations for products containing clothianidin, dinotefuran, imidacloprid or thiamethoxam that have use directions for outdoor foliar application.

I. Summary

This letter is a follow up to my July 22, 2013 letter which indicated that the EPA was developing label text intended to minimize exposure to bees and other pollinators from nitroguanidine neonicotinoid pesticides. Additionally, the July 22, 2013 letter requested the submission of efficacy data and your company's pollinator stewardship plan. The letter also notified you to report under section 6(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) any incidents involving pollinators on an accelerated 10-day schedule.

The EPA has completed its assessment of what new labeling terms are necessary on all products registered for outdoor foliar use. As described below, the necessary label changes include a "Pollinator Protection Box," as well as new pollinator language to be added to the Directions for Use section of each label. These labeling terms will highlight the measures necessary to better protect pollinators and also help achieve label clarity and consistency across this chemical class. It is essential that these label statements are immediately implemented on the labeling of eligible products. If you do not address the labeling changes described in this letter, EPA will take appropriate action to ensure that these products are consistent with the requirements of FIFRA. If these changes are made in the expedited fashion described in this letter, we anticipate labels with the new language will be available for the 2014 use season.

II. Products Addressed in this Letter

This letter applies to all products (FIFRA Section 3 and 24(c) Special Local Need registrations) that have outdoor foliar use directions (except granulars) containing the active ingredients clothianidin, dinotefuran, imidacloprid or thiamethoxam regardless of formulation, concentration, or intended user.

III. What You Need to Do

Submit a fast-track amendment to revise product labels incorporating the new labeling as described below and in the attachments no later than September 30, 2013.

On EPA Form 8570-1, Application for Pesticide Amendment, please indicate in the explanation box that this is a fast-track amendment to incorporate the new pollinator protective labeling.

A. Label Changes

1. Pollinator Protection Box: Place the Pollinator Protection Box on the label following the Environmental Hazards section. Note: the Bee icon provided must not be altered.
2. Directions for Use: Place the pollinator language under the “Directions for Use” header directly following the misuse statement (“It is a violation of Federal Law to use this product in a manner inconsistent with its labeling”). At this time these statements are not intended to be placed under each crop or site.
3. In current labeling you must replace any reference to bees “actively visiting,” “actively foraging,” or “visiting” with “foraging.” Do not delete or change any other existing bee/pollinator statements.

EPA acknowledges that these labeling changes are generic in nature and that there may be existing pollinator safety information on your current label that may not be fully compatible with the generic statements attached to this letter. We also recognize that there could be product-specific pollinator language that provides additional protection and EPA does not intend that this language be removed. We will address all other product-specific issues with individual companies during our review of the labels with the goal of maintaining the objective of label consistency and enforceability.

Please note that the new text must follow the requirements for prominence, legibility and font size specified in 40 C.F.R. 156.10.

B. Submission of an Electronic Label

1. Registrants are requested to submit an electronic label (text .pdf) along with the fast-track amendment application. Guidance for electronic submission, including e-labels, can be found on the EPA's website at:

<http://www.epa.gov/pesticides/regulating/registering/submissions/index.htm>

2. The electronic label must be a text .pdf (not image) file and should be named using the filename syntax in the guidance below:

[co#]-[prod#].[yyyymmdd].[anything else].PDF

3. Please ensure that you have provided a highlighted copy of the draft label showing all of the changes that you have made.

C. Address

The submissions are to be sent to the Document Processing Desk address listed below.

Personal/Courier Service Deliveries (e.g., FedEx)

The following address should be used for amendments that are hand-carried or sent by courier service Monday through Friday, from 8:00 AM to 4:30 PM, excluding Federal holidays.

Document Processing Desk
Office of Pesticide Programs (7505P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501
ATTENTION: Pollinator Fast-Track Amendment

As a reminder, if it has not already been submitted, the EPA is awaiting the arrival of the requested pollinator stewardship plans and the requested efficacy data. Please submit the stewardship plan and efficacy data no later than September 3, 2013 via email to laws.meredith@epa.gov. If EPA does not receive this information by that date, the Agency will consider whether further action on your products is appropriate.

If you have any questions about this letter, please feel free to call Lois Rossi at (703) 305-5447 or Meredith Laws at (703) 308-7038.

Sincerely,



Steven Bradbury, PhD., Director
Office of Pesticide Programs

Attachments: Pollinator Protection Box
Directions for Use Statements

PROTECTION OF POLLINATORS



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

DIRECTIONS FOR USE



1. FOR CROPS UNDER CONTRACTED POLLINATION SERVICES

Do not apply this product while bees are foraging. Do not apply this product until flowering is complete and all petals have fallen 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.

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



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

- **The application is made to the target site after sunset**
- **The application is made to the target site when temperatures are below 55°F**
- **The application is made in accordance with a government-initiated public health response**
- **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**
- **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.

3. Non-Agricultural Products:



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