



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

July 18, 2014

David Kostroun
Chief Administrator for Agriculture and Consumer Protection
Texas Department of Agriculture
P.O. Box 12847
Austin, Texas 78711

RE: Emergency Exemption Number – 14TX04

Dear Mr. Kostroun,

On May 7, 2014 the U.S. Environmental Protection Agency (“EPA”) received the Texas Department of Agriculture’s (“TDA”) specific emergency exemption request pursuant to the provisions of Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, to allow the use of the product Milo-Pro (EPA Reg. No. 42750-148), containing 43% propazine, to control glyphosate-resistant Palmer amaranth on 3 million acres of cotton in Texas.

As explained to your staff, in order to approve a Section 18 emergency exemption, the EPA must determine that the situation meets the emergency exemption criteria of urgent and non-routine and that the safety of the use can be confirmed. That said, through collaborative efforts between TDA and the EPA, the Agency was able to determine that an urgent and non-routine condition exists for Texas cotton growers when Palmer amaranth weed density is greater than 2 weeds/m². Further, as required under the Food Quality Protection Act (FQPA), a reasonable certainty of no harm (safety finding) determination is required for the proposed use to support the establishment of a time-limited tolerance for residues that may result.

While EPA acknowledges that Palmer amaranth control is a critical management issue for cotton production in Texas and that your situation does meet the criteria for an emergency, the Agency is unable at this time to make a safety finding for the requested use and is hereby denying TDA’s request for a Section 18 emergency exemption. The basis for the denial is further outlined below:

1. When conducting a human health risk assessment for a new use the Agency must first consider the risk profile for currently registered uses and determine if an additional use can be added to the risk cup. Safety determinations are based on all routes of exposure to the public and include food, drinking water, and residential uses (an aggregate assessment). Currently registered uses already show unacceptable risk levels which must then be incorporated into the aggregate risk estimates in order to make a safety finding for the proposed Section 18 use, as required by the FQPA. Based on an assessment

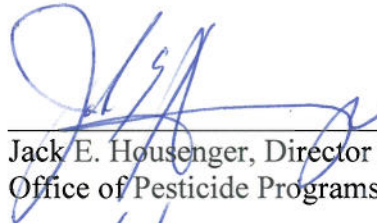
consistent with EPA's legal responsibilities, drinking water estimates suggest that risks from drinking water alone may lead to unacceptable risks in some cases, both for the parent compound (including chlorinated metabolites) and for the hydroxy metabolites. Since each of these components of the aggregate risk are likely to be found unacceptable individually, it is not possible to add an additional use on cotton at this time.

2. Propazine is a member of the triazine class of herbicides which, along with their chlorinated degradates, have been identified by EPA as having a common mechanism of toxicity. The EPA is in the process of developing a comprehensive cumulative risk assessment for the triazines which would be required to make a safety finding for the proposed Section 18 use. EPA is reviewing the issues related to the common mechanism of toxicity for propazine and the related herbicides as part of the Registration Review program.

Although the EPA is unable to grant TDA's Section 18 request, the Agency is willing to work with TDA and its stakeholders to help develop a suitable strategy to address this difficult pest management situation going forward. In particular, cotton growers still have monosodium methanearsonate (MSMA) available as a tool to assist in limiting the weed density of glyphosate-resistant Palmer amaranth. You are also encouraged to remain in contact with the registrant for any updates to the status of progress toward registration of this use.

If you have any further questions regarding this issue, please do not hesitate to contact Marion Johnson, Minor Use and Emergency Response Branch Chief at (703) 305-6788 or Tawanda Maignan, Emergency Response Team Leader at (703) 308-8050.

Sincerely,



Jack E. Housenger, Director
Office of Pesticide Programs

Date

7/18/14

Cc: Jeffrey Lammers, EPA Region 6