



Brian R. Leahy
Director

Edmund G. Brown Jr.
Governor

RESTRICTED USE PESTICIDE

Toxic to fish and aquatic organisms

For retail sale to and use only by certified applicators or persons under their direct supervision and only for those uses covered by the certified applicator's certificate.

April 11, 2016

No. 16-01

CALIFORNIA AUTHORIZATION FOR PESTICIDE USE UNDER U. S. EPA SECTION 18 SPECIFIC EXEMPTION FOR DISTRIBUTION AND USE ONLY WITHIN CALIFORNIA

Pursuant to authority granted under Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act and 40 CFR, Part 166, approval is granted to use the pesticide shown below to control specified emergency.

Product: HERO EW INSECTICIDE

Firm Name: FMC Corporation

Location: San Diego, Riverside, Orange, San Bernardino, Los Angeles, Ventura, Santa Barbara, San Luis Obispo, Monterey, and Tulare Counties

Crop/Site/Commodity: Avocados

Target Pest/Problem: Polyphagous Shot Hole Borer

Method of Application: Trunk Spray using hand held sprayers

Rate of Application (in terms of a.i. and product):

11.2 fluid ounces of HERO EW INSECTICIDE per acre, diluted in 50 to 300 gallons of water per acre 1.6 fl. oz. of AI per acre (0.4 fl. oz. of zeta-cypermethrin and 1.2 fl. oz. of bifenthrin per acre)

Frequency/Timing of Applications: Reapply at no less than 15 day intervals

Maximum Number of Applications: Five applications per year

Restricted Entry Interval (REI): 12 hours

Pre-harvest Interval (PHI): 7 days



Effective Date: April 11, 2016

Expiration Date: April 8, 2017

Other Requirements:

- A maximum of 6,000 acres of avocados may be treated.
- Do not apply more than 56 fluid ounces of HERO EW INSECTICIDE (0.5 lbs of AIs) per acre per year.
- Do not allow this product to run off the target tree onto the ground or soil.
- This product is highly toxic to bees exposed to direct treatment or residues on blooming crops or weeds. Do not apply this product or allow it to drift to blooming crops if bees are visiting the treatment area.
- Do not make more than five applications of HERO EW INSECTICIDE per year.
- Do not graze livestock in treated orchards or cut treated cover crops for feed.
- Applications made in accordance with the above provisions are not expected to result in combined residues of bifenthrin, including its metabolites and degradates, in or on avocados in excess of 0.5 ppm. The U.S. Environmental Protection Agency has determined this level is adequate to protect public health. A time-limited tolerance in connection with this action will be established in 40 CFR 180.675(b) to support this emergency use. A permanent residue tolerance of 0.5 ppm exists for zeta-cypermethrin (40 CFR 180.418(a)(2)).
- Use of this product may pose a hazard to endangered or threatened species. Before applying this product, applicators must obtain information regarding the proximity of endangered species habitats and follow any applicable use limitations. For details, contact your County Agricultural Commissioner or refer to the Department of Pesticide Regulation's PRESCRIBE Internet Database: <http://www.cdpr.ca.gov/docs/endspec/precint.htm>
- The use of HERO EW INSECTICIDE is prohibited in areas where application may result in exposure to endangered species. Prior to use in a particular county contact the local extension service for procedures and precautions to use to protect endangered species.
- **ENVIRONMENTAL HAZARDS**
This pesticide is extremely toxic to fish, aquatic invertebrates, oysters, and shrimp. To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters, or surface water. Applying this product in calm weather when rain is not predicted for the next 24 hours will help ensure that wind or rain does not blow or wash

pesticide off the treatment area. Rinsing application equipment over the treated area will help avoid runoff to water bodies or drainage systems.

PERSONAL PROTECTIVE EQUIPMENT: Mixers/loaders and applicators must wear:

- Long-sleeved shirt and long pants
- Chemical-resistant gloves such as barrier laminate; or butyl, nitril, or neoprene rubber \geq 14 mils, or viton \geq 14 mils
- Shoes plus socks
- Protective eyewear

Follow manufacturer's instructions for cleaning and maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

AGRICULTURAL USE REQUIREMENTS: Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. This Standard contains requirements for protection of agricultural workers on farms, forests, nurseries, and greenhouses and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted-entry intervals. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 12 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is:

- Coveralls
- Chemical resistant gloves such as barrier laminate of viton
- Shoes plus socks

All applicable directions, restrictions, and precautions on the U.S. EPA registered label for HERO EW INSECTICIDE (EPA Reg. No. 279-3329) and these use directions must be followed.

These use directions must be in the possession of the user at the time of pesticide application.

The Department of Pesticide Regulation (DPR), Pesticide Registration Branch, shall be immediately informed of any adverse effects resulting from the use of this exemption.

Please note: The United States Environmental Protection Agency (U.S. EPA) expects concerned growers or grower groups to work toward the registration of use patterns that may be needed on a continuing basis. It will, therefore, be necessary to require applicants wishing to renew emergency

exemptions to provide a progress report on residue tolerance and registration along with request for re-issuance of an emergency exemption. Without substantial progress in pursuing a tolerance and registration for the use in question, it will be difficult to obtain an emergency exemption for another season. The pesticide manufacturer or Western Region IR-4 may be contacted regarding the initiation of a pesticide petition for residue tolerance.

A final report must be submitted by the county agricultural commissioner to the Pesticide Registration Branch within 45 days of the expiration date of this exemption. This report must include the following information:

- a. Amount of product used.
- b. Units (i.e., acres, trees, cattle) treated.
- c. Number of applications.
- d. Estimate of effectiveness.
- e. Any adverse effects noted.

Prior to use under this exemption, a permit must be obtained from the county agricultural commissioner. The permit shall state the maximum number of acres to be treated, maximum amount of product that may be applied, and dealer from which the product may be purchased. The purchaser (permittee) or purchaser's (permittee's) agent must provide the seller, or person delivering the restricted material, a copy of the permit on the date the restricted material is delivered. The dealer shall maintain a record of each sale, which shall be made available to representatives of DPR or county agricultural commissioner upon request. Such records shall include the date of sale or delivery, permit number, identity and amount of product purchased, and the name of the purchaser.

All applications of this material shall be made by or under the supervision of a certified applicator certified for this category of pest control.

Agricultural pest control businesses shall submit a pesticide use report to the county agricultural commissioner within seven days of each treatment. Growers who apply this material shall submit a pesticide use report to the county agricultural commissioner by the 10th day of the month following the month in which the applications are made. The county agricultural commissioner, in cooperation with the Pesticide Registration Branch, will monitor the use of the product under this exemption and will prepare a written report describing any unusual or adverse effects attributable to this use.

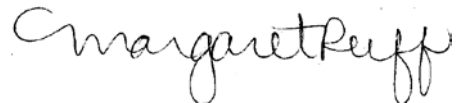
This exemption does not constitute a recommendation of DPR and will not prevent quarantine action if illegal residues are found in or on any crop.

To the extent consistent with applicable law, neither DPR nor the county agricultural commissioner, manufacturer or formulator makes any warranty of merchantability, fitness of purpose, or otherwise,

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expressed or implied, concerning the use of a pesticide in accordance with these provisions. The user and/or grower acknowledge the preceding disclaimer.

Sincerely,

A handwritten signature in black ink that reads "Margaret Reiff". The signature is written in a cursive style with a large initial "M" and a long, sweeping underline.

Margaret Reiff
Environmental Program Manager I (Supervisory)
Pesticide Registration Branch
916-445-5977
<Margaret.Reiff@cdpr.ca.gov>