



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

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Texas Department of Agriculture  
P.O. Box 12847  
Austin, Texas 78711

**Date Issued:** MAY 15 2008  
**Expiration Date:** August 31, 2008  
**Report Due:** February 28, 2009  
**File Symbol:** 08-TX-08

**Attn:** Ed Gage

The Environmental Protection Agency hereby re-issues a specific exemption under the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, to the Texas Department of Agriculture (TDA) for the use of hexythiazox, formulated as the product Onager 1E Miticide, on field corn to control the Bank grass mite (*Oligonychus pratensis*) and two-spotted spider mite (*Tetranychus urticae*) in Texas.

In correspondence dated April 25, 2008, the TDA re-certified that the emergency condition still existed and that there were no changes to the use directions as approved in last year's authorization dated April 19, 2007, including, but not limited to, the use rate, type of application, number of units to be treated, etc.

Conditions of this exemption are given below:

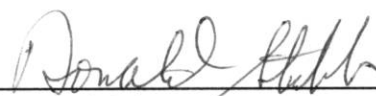
1. The TDA is responsible for ensuring that all provisions of this specific exemption are met. It is also responsible for providing information in accordance with 40 Code of Federal Regulations (CFR) 166.32. Accordingly, a report summarizing the results of this program must be submitted to EPA Headquarters and the EPA Region 6 office by February 28, 2009 or prior to requesting another specific exemption for this use. In accordance with 40 CFR 166.32(a), these offices shall also be immediately informed of any adverse effects resulting from the use of this pesticide in connection with this exemption.

Refer to file symbol 08-TX-08 in any future correspondence regarding this exemption.

2. The product, Onager 1E Miticide (EPA Reg. No. 10163-277), manufactured by Gowan Company, may be applied. All applicable directions, restrictions and precautions on the federal label and section 18 use directions submitted with your application must be followed.
3. A single application of Onager may be made by ground or aerial equipment at a rate of 10-16 fluid ounces of product per acre (0.078 - 0.125 lb a.i./A). No more than 16 fluid ounces of product (0.125 lbs a.i./A) may be applied per acre per season.
4. A maximum of 608,000 acres of corn may be treated in the following counties in Texas: Bailey, Borden, Carson, Castro, Cochran, Crosby, Dallam, Dawson, Deaf Smith, Floyd, Gaines, Gray, Hale, Hansford, Hartley, Hockley, Hemphill, Hutchinson, Lamb, Lipscomb, Lubbock, Lynn, Mitchell, Moore, Oldham, Ochiltree, Parmer, Potter, Randall, Roberts, Scurry, Sherman, Swisher, Terry, Wheeler, and Yoakum.
5. Applications made in accordance with the above provisions are not expected to result in residues of hexythiazox in excess of 0.05 ppm on corn, field, grain; 2.0 ppm on corn, field, forage; and 2.0 ppm on corn, field, stover. Time-limited tolerances have been established at these levels and are scheduled to expire on December 31, 2010.

The registrant has developed data to support this use and an application for registration has been submitted to the Agency. Therefore, progress toward registration can be considered adequate for the purposes of this request.

This is the fifth year that the Agency has issued this exemption to the TDA. In the event that an exemption for this use is requested next year, EPA is making a preliminary determination that this use is eligible for the re-certification program (40 CFR 166.20(b)(5)) in 2009.

  
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Lois Rossi, Director  
Registration Division  
Office of Pesticide Programs

Date: 5/15/08

cc: EPA Region 6  
Johnie Dowell