



STATE OF WASHINGTON  
DEPARTMENT OF AGRICULTURE

PO Box 42560 • Olympia, Washington 98504-2560 • <http://agr.wa.gov> • (360) 902-1800

September 15, 2009

Anthony Britten, Team Leader  
Emergency Response Team  
U.S. EPA Office of Pesticide Programs (7504P)  
Document Processing Desk (EMEX)  
Room S4900, One Potomac Yard  
2777 S Crystal Drive  
Arlington VA 22202

RE: Emergency use of fenpyroximate to control Varroa mites in honey bee colonies.

Dear Mr. Britten:

Section 18 of the amended FIFRA provides the Administrator may exempt a state or federal agency from provisions of FIFRA if a determination is made that emergency conditions exist which require such exemption. The Washington State Department of Agriculture (WSDA) is applying for a specific exemption for the use of fenpyroximate (Hivastan) to control Varroa mites in honey bee colonies, and incorporates by reference all information submitted in the previous applications dated January 31, 2007, and September 17, 2008.

This is the third year that WSDA has requested this use. The WSDA asks that this specific exemption request be processed as eligible for a streamlined repeat request as allowed by 40 CFR 166.20(b)(5).

Also in accordance with the regulations, WSDA hereby certifies the following:

1. The emergency condition(s) that were described in the previously submitted emergency exemption application continues to exist.
2. All information in the previously submitted emergency exemption application is still accurate.
3. The proposed conditions of use are identical to the conditions of use EPA approved previously for emergency File Symbol # 08-WA-09, dated October 6, 2008.
4. There were no additional conditions or limitations on the eligibility for re-certification in the previous notice of approval.
5. The WSDA has not newly become aware of any alternative chemical or non-chemical practice that may offer a meaningful level of pest control.

A final use report will be submitted to EPA by March 30, 2010.

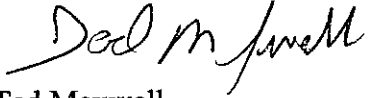




If you have any questions, please contact Erik Johansen of our office at (360) 902-2078 or email [ejohansen@agr.wa.gov](mailto:ejohansen@agr.wa.gov).

Sincerely,

PESTICIDE MANAGEMENT DIVISION



Ted Maxwell  
Program Manager, Registration Services

cc: Steve Sheppard, WSU  
Jerry Tate, WSBA

Cathy Elmi, Wellmark  
Brad White, WSDA

Attachments:

1. Letter of support from Wellmark
2. Draft Section 18 label





**Cathy Elmi**  
State Regulatory  
Manager

**Wellmark International**  
1501 E. Woodfield Rd.  
Suite 200 West  
Schaumburg, IL 60173

847/330-5375 phone  
847/330-5391 fax  
[celmi@central.com](mailto:celmi@central.com)

September 9, 2009

Mr. Erik W. Johansen  
Special Pesticide Registration Program Coordinator  
Washington Department of Agriculture  
P.O. Box 42560  
Olympia, WA 98504-2560

**SUBJECT:** Hivastan (Fenpyroximate)  
Section 18 Emergency Exemption Renewal

Dear Mr. Johansen:

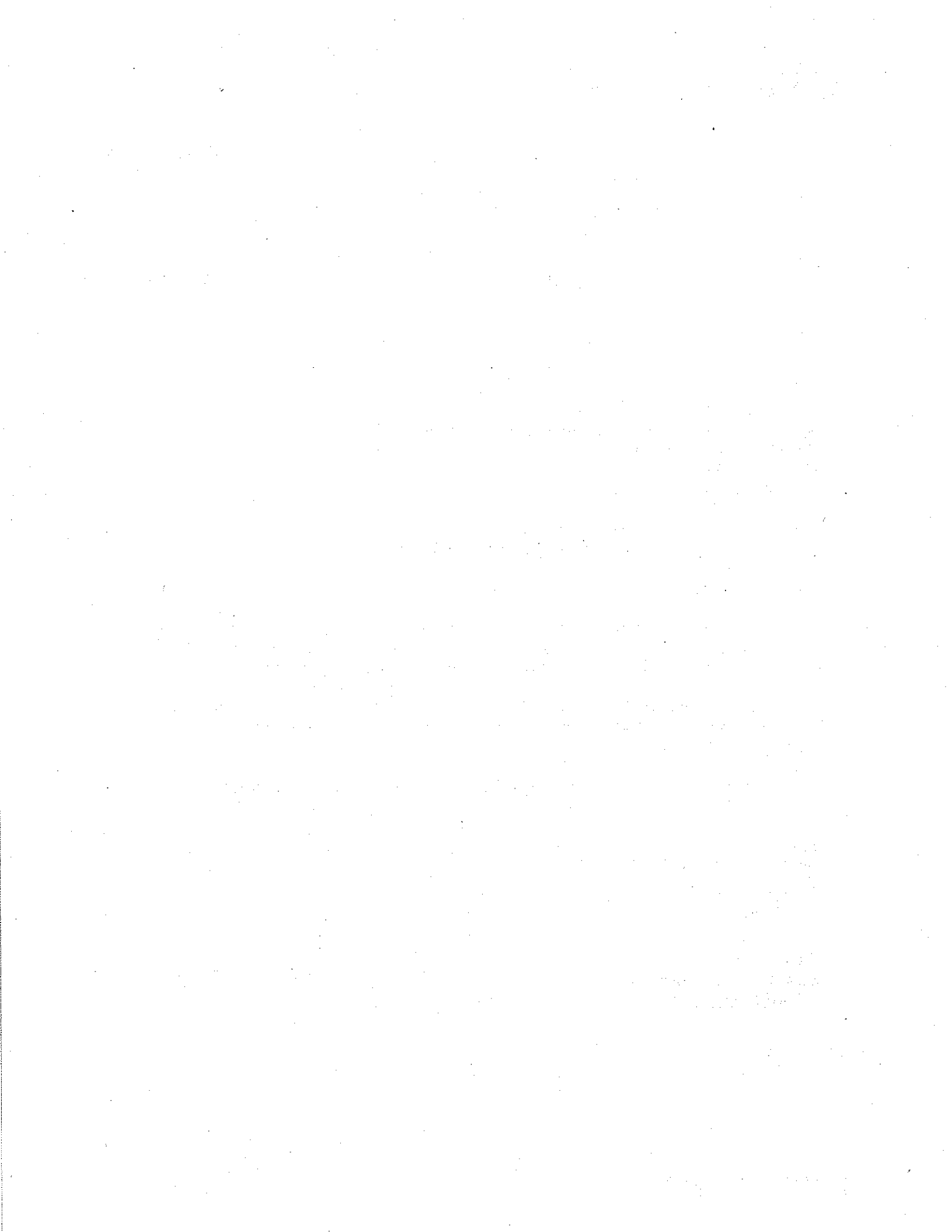
Wellmark International supports the efforts of the Washington Department of Agriculture in obtaining a renewal of their Section 18 Emergency Exemption in Washington for the use of our product Hivastan (Fenpyroximate) in beehives for varroa mite control.

Production of Hivastan began in July 2008 and we have scaled up production to meet the demands of States that have pursued a Hivastan Section 18 Emergency Exemptions.

If you should have any questions or need further assistance, please contact me at 847/330-5375.

Sincerely,  
**WELLMARK INTERNATIONAL**

Cathy Elmi  
State Regulatory Manager  
[celmi@central.com](mailto:celmi@central.com)



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**HIVASTAN®**

For Use Only Under Section 18 Authorization  
Washington File Symbol: XX-WA-XX

For use only as authorized in Washington by the U.S. Environmental Protection Agency (EPA) under Section 18 of FIFRA. These use directions must be in the possession of the user at the time of application and will expire on MM/DD/YYYY.

For the Control of *Varroa* mites

**ACTIVE INGREDIENT:**

Fenpyroximate (CAS #134098-61-6)..... 0.3%

**OTHER INGREDIENTS:**..... 99.7%

**TOTAL**..... 100.0%

**KEEP OUT OF REACH OF CHILDREN  
CAUTION**

See additional directions and precautions

EPA Est. No. 2724-TX-1

Net Contents:

## **DIRECTIONS FOR USE**

It is a violation of Federal Law to use this product in a manner inconsistent with these use directions. Read all directions for use prior to use of this product.

## **GENERAL INFORMATION**

**HIVASTAN®** is a contact miticide which controls the *Varroa* mite when placed into the colony. The product is a thick, pliable formulation that bees find attractive and it is easily formed into a patty. **HIVASTAN** is applied directly into the colony where bees find it and begin removing it. In the process of removing the product from the hive, the bees transfer the product to other bees within the colony thereby controlling mites.

Effective control may be achieved by treating hives in the spring or fall prior to or after honey flow. Do not apply **HIVASTAN** during periods of honey flow. The treatment is most effective when the colonies are brood free or when brood rearing is lowest. Remove or destroy weak and queenless colonies prior to application. Treat all hives within each bee yard or apiary at the same time. Do not treat more than twice a year for varroa mite control.

## **APPLICATION**

Applicator must wear protective (chemical-resistant) gloves when applying this product.

To control varroa mite, place one scoop or 225 grams (8 oz) per hive onto a substrate suitable for holding the formulation (paper, wax paper, or cardboard). Two 8 ounce treatments per year per colony are permitted. Each beehive can receive a maximum of 1 pound (16 ounces) of **HIVASTAN** per year. Spread the formulation to create a patty that can be easily placed on the top of the brood frames, make the patty thin enough to allow easy access by the bees. Use the same amount of product regardless of whether the colony is either a one or two brood box colony. For two brood box colonies, place the patty on top of the frames of the bottom box so that the patty is between the two boxes. It is important that the patty be placed in closest proximity to the brood cluster.

The initial application (225 grams), in typical circumstances, will last six weeks. It will be necessary to remove product that has not been removed by the bees in six weeks. It has been noted that during the initial 48-72 hour treatment period there is a higher incidence in average bee mortality than in untreated colonies. This higher mortality incidence will decline to normal averages after this initial period.

## **APPLICATION TIMING**

For maximum efficacy apply during morning or late afternoon hours. Applications are not recommended during extreme temperatures > 100° degrees Fahrenheit when the product can become physically less manageable. Apply twice a year to keep mite populations suppressed.

## **Resistance Management Program**

It is important to monitor hives periodically for mite infestations as part of good management practices. **HIVASTAN** is an important part of an IPM program. Rotational use patterns are essential in any mite management program. Rotation on a semiannual basis with other approved *Varroa* control products such as **APISTAN®** will ensure proper control and will reduce the risk of tolerance development within mite populations.

**STORAGE AND DISPOSAL:** Do not contaminate water, food, or feed by storage and disposal. **Storage:** Store in cool, dry place (<90° F). Store separately from food and feed in closed, original containers out of the reach of children. Protect from light and humidity. **Pesticide Disposal:** Dispose of spilled product, it cannot be used further. Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility. **Container Disposal:** Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or incineration, or if allowed by state and local authorities, by burning. If burned, stay out of smoke.

**PRECAUTIONARY STATEMENTS  
HAZARDS TO HUMANS AND DOMESTIC ANIMALS  
CAUTION**

Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco.

<b>FIRST AID</b>	
<b>If in eyes:</b>	<ul style="list-style-type: none"> <li>• Hold eye open and rinse slowly and gently with water for 15-20 minutes.</li> <li>• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing.</li> <li>• Call a poison control center or doctor for treatment advice.</li> </ul>
Have the product container or use directions with you when calling a poison control center or doctor, or going for treatment. You may also call 1-800-347-8272 for emergency medical treatment information.	

**ENVIRONMENTAL HAZARDS:**

Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark.

**WARRANTY**

Seller warrants that this product complies with the specifications expressed in this label. To the extent consistent with applicable law, Seller makes no other warranties, and disclaims all other warranties, expressed or implied, including but not limited to warranties of merchantability and fitness for the intended purpose. To the extent consistent with applicable law, Seller's liability or default, breach or failure under this label shall be limited to the amount of purchase price. To the extent consistent with applicable law, Seller shall have no liability for consequential damages.

For information or in case of emergency, call 1-800-347-8272.

Wellmark International  
1501 East Woodfield Road 200W  
Schaumburg, Illinois 60173

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