



Section 18 Emergency Exemption

SECTION 18 CRISIS EMERGENCY EXEMPTION FOR THE USE OF DUAL MAGNUM[®] ON SESAME IN THE STATE OF OKLAHOMA

EFFECTIVE DATE: May 22, 2009

DUAL MAGNUM[®]

FOR WEED CONTROL IN SESAME

IMPORTANT- READ BEFORE USE

SYNGENTA'S SPECIAL CONDITIONS, RISKS OF USE AND DISCLAIMER FOR USE OF DUAL
MAGNUM ON SESAME ON THIS SECTION 18 LABEL

THESE CONDITIONS RISKS OF USE AND DISCLAIMER ARE REQUIRED BY SYNGENTA CROP
PROTECTION INC AND NOT SPECIFIED BY U.S. EPA OR THE STATE OF OKLAHOMA

Labeling may be obtained through the Special Labels link at www.farmassist.com.

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, SYNGENTA CROP PROTECTION, INC. INTENDS THAT THE PRODUCT THAT IS THE SUBJECT OF THIS SECTION 18 LABEL BE PURCHASED ONLY BY END USERS WHO AGREE BY ELECTRONIC SIGNATURE ON SYNGENTA CROP PROTECTION'S INTERNET SITE TO THE TERMS AND CONDITIONS REQUIRED BY SYNGENTA CROP PROTECTION, INC. INCLUDING A WAIVER AND RELEASE FROM ALL LIABILITY AND INDEMNIFICATION BY THE USER AND/OR GROWER OF SYNGENTA AND OTHERS FOR FAILURE TO PERFORM AND FOR CROP INJURY, CROP YIELD REDUCTION, AND/OR CROP LOSS FROM USE OF DUAL MAGNUM HERBICIDE ON CROPS ON THIS SECTION 18 LABEL. IF SUCH TERMS AND CONDITIONS ARE UNACCEPTABLE, RETURN THE DUAL MAGNUM HERBICIDE AT ONCE UNOPENED OR USE THE DUAL MAGNUM HERBICIDE FOR A DIFFERENT APPROVED USE IN ACCORDANCE WITH THE LABEL AFFIXED TO THE PRODUCT CONTAINER.

USE OF DUAL MAGNUM (THE "PRODUCT") ON CROPS LISTED (THE "CROP") FOR THIS SECTION 18 LABEL MAY RESULT IN CROP INJURY, CROP YIELD REDUCTION AND/OR CROP LOSS AS FURTHER DISCUSSED BELOW. READ AND UNDERSTAND THESE CONDITIONS AND RISKS OF USE FOR SPECIAL LOCAL NEED BEFORE USING THE PRODUCT ON THE CROP. SYNGENTA RECOMMENDS THAT THE USER TEST THIS PRODUCT TO DETERMINE ITS SUITABILITY FOR SUCH INTENDED USE.

Syngenta Crop Protection, Inc. makes the Product available for use in the manner described in this Supplemental Labeling on the basis that, in the sole opinion of the user, the benefits and utility derived from the use of the Product on the Crop outweigh the potential risk of Crop injury, Crop yield reduction or Crop loss. The decision to use this Product in the manner described in this Supplemental Labeling must be made by each individual user on the basis of anticipated benefits versus (i) the potential risk of Crop injury, Crop yield reduction and Crop loss, (ii) the severity of the target pest infestation, (iii) the cost and availability of alternative pest controls and (iv) any other relevant factors. Syngenta recommends that the user test this Product to determine its suitability for such intended use.

By purchasing the Product for use, or using the Product in the manner described in this Supplemental Labeling, you acknowledge and accept that to the extent consistent with applicable law:

- 1) you assume all risk of Crop injury, Crop yield reduction and Crop loss;
- 2) Syngenta Crop Protection, Inc. do not make, and do not authorize any agent or representative to make, any representations or recommendations regarding the use of this Product on the Crop other than the statements on this Supplemental labeling;
- 3) Syngenta Crop Protection, Inc. do not make, and do not authorize any agent or representative to make, any warranties, express or implied, with respect to the use of the Product on the Crop and disclaim all warranties, expressed or implied, including any implied warranty of merchantability;
- 4) Syngenta Crop Protection, Inc. disclaim all liability for any damages, losses, expenses, claims or causes of actions arising out of or relating to Crop injury, Crop yield reduction and/or Crop loss;
- 5) these conditions and Risks of Use for Section 18 label supersede any contrary representations or recommendations by Syngenta Crop Protection, Inc. or their respective agents or representatives, and any provisions in or on any Product literature or labeling including any provisions on the label affixed to the Product container.

If these Conditions and Risks of Use for Section 18 label are not acceptable, the unopened Product may be returned to the seller for a refund or used for a different labeled use in accordance with the label affixed to the Product container.

DIRECTIONS FOR USE

It is a violation of federal law to use this product in a manner inconsistent with its labeling.

FAILURE TO FOLLOW THE DIRECTIONS FOR USE AND PRECAUTIONS ON THIS LABEL MAY RESULT IN POOR DISEASE CONTROL, CROP INJURY, OR ILLEGAL RESIDUES.

Follow all applicable directions, resistance management guidelines, restrictions, and precautions, including statements pertaining to the worker protection standards, on the Dual Magnum (EPA Registration No. 100-816) label.

This label must be in the possession of the user at the time of pesticide application.

Sesame

Dual Magnum can be used in sesame for pre-emergence suppression or control of annual grass and small-seeded broadleaf weeds. Dual Magnum will not control emerged weeds. Control emerged weeds with an appropriate registered foliar herbicide or by mechanical or physical means.

Broadcast Application: Apply Dual Magnum as a broadcast, pre-emergence soil surface treatment at 0.67-1.33 pts/A (0.64 – 1.27 lb ai/A) after the crop has been planted but before the crop and weeds emerge. Use the lower end of the Dual Magnum rate range for soils that are relatively coarse textured (sandy soils) and the higher rates on fine textured soils (silt and clay soils).

Band Application: For sesame grown on beds or in rows, Dual Magnum may be applied as a pre-emergence (after planting but before crop and weed emergence) surface banded treatment over the row. For band applications, using row and band width measurements in inches, calculate the amount to be applied per acre as follows:

$$\frac{\text{Band width in inches}}{\text{Row width in inches}} \times \text{Dual Magnum Rate per acre for a broadcast treatment} = \text{Amount of Dual Magnum needed per acre for a banded treatment}$$

Precautions:

- 1) Dual Magnum will not control emerged weeds. Control emerged weeds with an appropriate registered foliar herbicide or by mechanical or physical means.
- 2) Do not irrigate after the Dual Magnum application and prior to sesame emergence or significant crop injury may occur.
- 3) If an activating rainfall (0.5") does not occur within 7-10 days following application, weed control may be reduced.
- 4) Do not incorporate Dual Magnum or severe sesame injury may occur.
- 5) Do not apply this product through any type of irrigation system
- 6) Excessive rainfall (> 1") following application will increase the risk for sesame injury.
- 7) Cool and wet weather will slow the growth of sesame and can increase the risk of crop injury.

Restrictions:

- (1) Do not make more than one application of Dual Magnum per crop per season.
- (2) Do not apply more than 1.33 pts/A (1.27 lb ai/A) of Dual Magnum per crop per season.
- (3) Harvest at normal maturity but no closer than 100 days following application.

Any adverse effects resulting from the use of Dual Magnum under this emergency exemption must be immediately reported to the Oklahoma Department of Agriculture, Food and Forestry.

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May 22, 2009

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Subject: Crisis Exemption for Metolachlor Herbicide (Dual Magnum) to control broadleaf weeds in sesame in Oklahoma.

Dear Mr. Britten:

Pursuant to the requirements of 40 CFR 166.43(a)(1), you are hereby notified that the Oklahoma Department of Agriculture Food and Forestry (ODAFF) has issued a Crisis Exemption that authorizes the use of Metolachlor Herbicide (Dual Magnum) (EPA Reg. No. 100-816), to control weeds in sesame fields in Oklahoma. This action was taken following consultation between ODA FF state person Debbie Cunningham and US EPA staff (Tony Britten) on May 21, 2009. The requirements of 40 CFR 166.43(b) are addressed below.

Justification for Crisis Determination:

The reason why a section 18 is needed for Metolachlor is because there are no herbicides currently labeled for a pre-emergent application on sesame to control broadleaf weeds and small-seeded grasses. The planting time for sesame is now underway in Oklahoma and a Crisis Exemption is the only way to receive approval in time for this season. Residue studies have been conducted by IRA for Metolachlor in sesame however they have not been submitted to EPA yet. Syngenta has indicated the residue package will be submitted sometime during the June - August time period and will include several crops in addition to sesame.

USE DIRECTIONS

This product is a RESTRICTED USE pesticide when used under a Section 18 in Oklahoma.

All restrictions and requirements concerning the proposed use and the qualifications of applicators using Metolachlor Herbicide (Dual Magnum) are as follows:

All applicable directions, restrictions, and precautions on the EPA section 3 label in addition to these "Use Directions" must be followed.

Use of this pesticide is authorized to begin on May 22, 2009.

Sites to be treated:

Metolachlor Herbicide (Dual Magnum) may be applied to fields planted to sesame in Oklahoma.

Method of Application:

Metolachlor Herbicide (Dual Magnum) may be applied by ground equipment only.

Refer

to the "use directions" for restrictions and application details.

Rate of Application (amount of active ingredient (ail and product)

Broadcast Application: Apply dual Magnum as a broadcast, pre-emergence soil surface treatment at 0.67-1.33 pts/A (0.64-1.27 lb ai/A) after the crop has been planted but before the crop and weeds emerge. Use the lower end of the Dual Magnum rate range for soils that are relatively coarse textured (sandy soils) and the higher rates on fine textured soils (silt and clay soils).

Band Application: For sesame grown on beds or in rows, Dual Magnum may be applied as a pre-emergence (after planting but before crop and weed emergence) surface banded treatment over the row. For band applications, using row and bandwidth measurements in inches. Calculate the amount to be applied per acre as follows:

Band width in inches

Row width in inches x Dual Magnum Rate per acre for a broadcast treatment = Amount of Dual Magnum needed per acre for a Banded treatment

Precautions:

- 1) Dual Magnum will not control emerged weeds. Control emerged weeds with an appropriate registered foliar herbicide or by mechanical or physical means.
- 2) Do not irrigate after the Dual Magnum application and prior to sesame emergence or significant crop injury may occur.
- 3) If an activating rainfall (0.5") does not occur within 7-10 days following application, weed control may be reduced.
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- 5) Do not apply this product through any type of irrigation system.
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- 7) Cool and wet weather will slow the growth of sesame and can increase the risk of crop injury.

Restrictions:

- 1) Do not make more than one application of Dual Magnum per crop per season.
 - 2) Do not apply more than 1.33 pts/A (1.27 lb ai/A) of Dual Magnum per crop per season.
 - 3) Harvest at normal maturity but no closer than 100 days following application.
- Any adverse effects resulting from the use of Dual Magnum under this emergency exemption must be immediately reported to the Oklahoma Department of Agriculture.

Total Acreage to be treated:

There are approximately 50,000 acres of sesame grown in Texas however acreage may vary from year to year based on several factors.

Total Amount of Pesticide to be used:

If all 50,000 acres in Oklahoma were to be treated using the maximum rate of 1.33 pints per acre per year, a total of 66,500 pints or 8,315 gallons of Dual Magnum would be needed.

Section 166.20(.) (3) (VI):

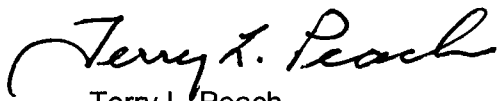
- All applicable restrictions and requirements concerning the proposed use, and the qualifications of applicators using Dual Magnum Herbicide must be followed.
- All applicable directions and precautions on the EPA approved exemption must be followed.
- These "use directions" must be in the possession of the user at the time of the pesticide application.
- Follow all precautions and restrictions on the labels of all products applied in combination with Metolachlor Herbicide (Dual Magnum). Always follow the most restrictive label.
- Mixers/loaders and applicators must follow the restrictions on the federal label for cleaning and maintaining PPE. {there are no instructions for washables, use detergent and hot water. Wash PPE clothing separate from other laundry.
- Do not allow spray to drift to adjacent crops.

Since this is a precision application and Dual Magnum does not control emerged plants,

there should be little or no risk to endangered plants even on field borders such as adjacent highway rights of way. The additional use of Dual Magnum as a pre-emergence herbicide should present very minimal additional risk for Oklahoma endangered species.

The Oklahoma Department of Agriculture is responsible for ensuring that all provisions of this exemption are met. ODA is also responsible for providing information in accordance with 40 CFR 166.50(b) and will report any adverse effects resulting from the use of this pesticide in connection with this action.

Sincerely yours,

A handwritten signature in black ink that reads "Terry L. Peach". The signature is written in a cursive, flowing style.

Terry L. Peach
Commissioner
Secretary of Agriculture

cc: Jerry Collins, EPA Region VI
Johnie Dowell, EPA Region VI