



State of Oklahoma
Department of Agriculture, Food, and Forestry

2800 N. Lincoln Blvd., P.O. Box 528804, Oklahoma City, OK 73152 (405) 521-3864

www.oda.state.ok.us

Brad Henry
Governor

Terry L. Peach
Secretary and Commissioner

November 22, 2008

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

RE: Specific Exemption for use of Fenpyroximate (Hivastan)
in Bee Hives for Control of Varroa Mites

Dear Mr. Britten:

I hereby petition the United States Environmental Protection Agency for a Specific Exemption under Section 18 of amended FIFRA for the use of Fenpyroximate formulated as Hivastan to control Varroa Mites in Oklahoma Bee Hives.

The basis for this specific exemption is outlined in the enclosed application. The proposed use period is through November 22, 2009 .

The Oklahoma Department of Health, Oklahoma Department of Environmental Quality, Oklahoma Department of Wildlife Conservation, Oklahoma Heritage Inventory, and the U. S. Fish and Wildlife Service (Tulsa) have been notified of this petition. Reviewers have been instructed to forward comments directly to your office.

Thank you in advance for your prompt review of this request.

Respectfully,

Terry L. Peach
Commissioner
Secretary of Agriculture

Enclosures

The Land We Belong To Is Grand! - Contributing \$7.1 Billion for Oklahoma's Economy

HIVASTAN®

For Use Only Under Section 18 Authorization
Oklahoma File Symbol: 09-OK-01

For use only as authorized in Oklahoma 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_11/22/09.

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 (chemically-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.

FIRST AID	
If in eyes:	<ul style="list-style-type: none">• Hold eye open and rinse slowly and gently with water for 15-20 minutes.• Remove contact lenses, if present, after the first 5 minutes, then continue rinsing.• Call a poison control center or doctor for treatment advice.
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 AND DISCLAIMER
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

HIVASTAN® and **APISTAN®** are registered trademarks of Wellmark International