



February 2, 2024

No. 24-01

AUTHORIZATION UNDER SECTION 18 OF THE FEDERAL INSECTICIDE,
FUNGICIDE, AND RODENTICIDE ACT (FIFRA) FOR PESTICIDE USES UNDER
SPECIFIC EXEMPTIONS FOR DISTRIBUTION AND USE ONLY WITHIN THE
CALIFORNIA COUNTIES LISTED

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.

EPA File Symbol: 24-CA-01

Product: Kasumin 2L (EPA Reg. No. 70506-430)

Firm Name: UPL NA, Inc.

Location: Butte, Calaveras, Colusa, Contra Costa, Fresno, Glenn, Madera, Merced, Placer, San Joaquin, Stanislaus, Sutter, Tehama, Yolo, and Yuba counties

Crop/Site/Commodity: Almond Trees

Target Pest/ Problem: *Pseudomonas syringae* pv. *syringae* (bacterial blast)

Method of Application: Foliar Air Blast Ground Application

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

64 fluid ounces of Kasumin 2L (0.084 pounds of active ingredient) per acre in at least 100 gallons of water by ground application. Kasumin 2L must be applied at the equivalent of 64 fluid ounces per 100 gallons of water per acre when using less than 100 gallons per acre spray volume.

Use only the specified and full-strength application rates.

Frequency/Timing of Application:

Begin applications when conditions favor disease development and as recommended by disease forecasting model or state expert.

Apply at a minimum interval of seven days between applications.

Restricted Entry Interval (REI): 12 hours

Pre-harvest Interval (PHI): 100 days

Effective Date: February 2, 2024

Expiration Date: April 15, 2024

Other Requirements, Restrictions, and Precautions:

- A maximum of 102,143 acres of almond trees may be treated in the following California counties: Butte, Calaveras, Colusa, Contra Costa, Fresno, Glenn, Madera, Merced, Placer, San Joaquin, Stanislaus, Sutter, Tehama, Yolo, and Yuba.
- Do not apply after petal fall.
- To help reduce off-target drift, direct spray into the canopy, and turn off outward pointing nozzles at row ends and when spraying outer rows.
- Do not apply more than 64 fluid ounces of Kasumin 2L (0.084 pounds of active ingredient) in a single application.
- Do not apply more than 128 fluid ounces of Kasumin 2L (0.168 pounds of active ingredient) per acre per year.
- Do not make more than 2 applications of Kasumin 2L per year.
- Do not use alternate tree-row application method.
- Do not apply kasugamycin in orchards in which the soil has been fertilized with animal waste/ manure or human biosolids.
- Animal grazing in treated areas is prohibited. The public must be notified by posting restriction signs along the perimeter of the treated area.
- Do not apply Kasumin 2L by aerial application.
- Do not apply Kasumin 2L through any type of irrigation system, including chemigation.
- Applications made in accordance with the above provisions are not expected to result in combined residues of kasugamycin, including its metabolites and degradates, in or on almond commodities at 0.04 ppm for almond, nutmeat and almond, hulls at 0.4 ppm. The Agency has determined that these levels are adequate to protect the public health. A time-limited tolerance in connection with this action will be established in 40 CFR 180.614(b) to support this emergency use.

- 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. Contact your County Agricultural Commissioner or refer to the Department of Pesticide Regulation's PRESCRIBE Internet Database: <http://www.cdpr.ca.gov/docs/endspec/prescint.htm> for details.
- A copy of the Section 18 Use Instructions (label) must be in possession of the user at the time of application in California.
- All applicable directions, restrictions, and precautions on the Kasumin 2L product label (EPA Reg. No. 70506-430) and these use directions must be followed.

ENVIRONMENTAL HAZARDS

For terrestrial uses: Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters.

PERSONAL PROTECTIVE EQUIPMENT (PPE): Applicators and other handlers must wear a minimum of:

- Protective eyewear (goggles, safety glasses or face shield)
- Coveralls over short-sleeved shirt and short pants
- Chemical resistant gloves
- Socks and shoes
- NIOSH-approved particulate filtering facepiece respiration with any N, R or P filter (TC-84A); OR an elastomeric NIOSH-approved particulate respirator with any N, R or P filter (TC-84A); OR a NIOSH-approved powered air purifying respirator with an HE filter (TC-21C). Higher level respirators that are NIOSH-approved for particulates that contain oil may also be used.

Applicators must also wear chemical resistant headgear ensuring full coverage of the neck.

Applicators do not have to wear the protective eyewear, chemical-resistant gloves, chemical-resistant headgear, or a respirator when using closed cab systems that meet the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.607(e)].

When handlers use closed systems or enclosed cabs in a manner that meets the requirements listed in the WPS for agricultural pesticides [40 CFR 170.607(d) and (e)], the handler PPE requirements may be reduced or modified as specified in the WPS.

Follow the manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables are available, 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 section 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 over long-sleeved shirt and long pants
- Chemical resistant gloves such as nitrile rubber, natural rubber, butyl rubber, neoprene, and /or barrier laminate
- Shoes plus socks

All applicable directions, restrictions, and precautions on the Kasumin 2L product label (EPA. Reg. No. 70506-430) 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 shall be immediately informed of any adverse effects resulting from the use of this exemption.

Please note: The U.S. EPA expects concerned growers or grower groups to work towards 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 reissuance of an emergency exemption. Without substantial progress in pursuing a tolerance exemption 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, Department of Pesticide Regulation 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, the 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 the Department of Pesticide Regulation 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 Department of Pesticide Regulation 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 the Department of Pesticide Regulation and will not prevent quarantine action if illegal residues are found in or on any crop.

To the extent consistent with applicable law, neither the Department nor the county agricultural commissioner, manufacturer or the formulator makes any warranty of merchantability, fitness of purpose, or otherwise, expressed or implied, concerning the use of a pesticide in accordance with these provisions. The user and/or grower acknowledge the preceding disclaimer.

Sincerely,

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