On November 12, EPA issued an order of cancellation for all previously registered sulfoxaflor products (http://www2.epa.gov/sites/production/files/2015-11/documents/final_cancellation_order-sulfoxaflor.pdf) (See copy of EPA post on page 3). This was in response to a September 10th Ninth Circuit Court of Appeals ruling “vacating” product registrations.

This does not affect the sale of crops that have already been treated with Transform® under the Section 18 label.

What does this mean regarding future use of existing products?

1. Distribution or sale by persons other than the registrant. Distribution or sale of the cancelled products listed below already in the possession of persons other than the registrant is permitted only for the purposes of proper disposal, lawful export, or to facilitate return to the manufacturer.

2. Use of the cancelled products listed below, other than sulfoxaflor Technical, is permitted until such stocks are exhausted, provided that such use of existing stocks is consistent in all respects with the previously-approved labeling accompanying the product and the use is covered by any necessary tolerances.

For statement number 1, a dealer or supplier can not sell any existing products in stock to the end user.

For statement number 2, current on farm stocks can continue to be used to control all pests on all crops as long as the use is in accordance of the previously-approved labeling of the product, such as the 2015 Section 3 label. These crops can still be sold legally. However, sulfoxaflor products, Transform®, that were under a Section 18 emergency exemption label, can only be used if the Section 18 label has not expired. For us in Texas that Section 18 label for Transform® use on sorghum expired on October 31st. So sorghum is no longer a labeled use and future use of Transform® on sorghum is currently prohibited.

Dr. Mo Way, Texas A&M AgriLife Research at Beaumont, has taken the lead in the state to initiate new requests for Section 18 labels. He submitted a Sec. 18 request for Transform® to TDA on Friday. And, a Sec. 18 is being written for Strafer® (the old Intruder from Gowan). Strafer® is a

http://txppipm.blogspot.com

https://twitter.com/TXPIPM
neonicotinoid insecticide that is relatively safe on honey bees. However, it is EPA and not TDA that approves Sec. 18 requests, and there is no way to know if EPA will approve our Texas request.


Reprint of the Dow AgroSciences press release:

**Dow AgroSciences to Work Diligently to Support Renewed U.S. EPA Sulfoxaflor Registrations**

*Friday, 13 November, 2015 15:45:00*

*On Thursday, November 12, EPA issued a cancellation order for sulfoxaflor-containing products in response to a September 10th Ninth Circuit Court of Appeals ruling “vacating” product registrations. The following is Dow AgroSciences’ comment on that action.*

As a result of the extensive data currently available on sulfoxaflor, Dow AgroSciences expects the pollinator protection concerns expressed in a recent Ninth Circuit Court of Appeals decision (September 10) to be readily and thoroughly addressed by EPA through further review of scientific data, supporting pressing grower needs for protection against destructive crop pests with renewed U.S. registrations of sulfoxaflor-containing products.

Four full years of widespread U.S. product use – with additional use in Canada, Australia and other nations – have demonstrated excellent sulfoxaflor performance worldwide with no noted adverse effects on pollinators.

Registrations outside the U.S. of sulfoxaflor-containing products should not be impacted by this decision. U.S. tolerances for sulfoxaflor are similarly unaffected.

As part of its recent action, EPA has issued an existing stocks provision allowing growers to use sulfoxaflor-containing products they have in hand consistent with directions on the pre-existing product label. Dow AgroSciences is, however, disappointed with EPA’s existing stocks provision which effectively removes a critical tool from the American grower by not allowing existing inventories of sulfoxaflor-containing products to be sold and distributed to end-users while EPA considers its next steps.

Dow AgroSciences remains confident in the benefits offered by this new class of insecticides and will work diligently with EPA and States to achieve new registrations for these important products to support the American grower.

Dow AgroSciences notes that contrary to misrepresentations circulated by pesticide opponents, sulfoxaflor is a sulfoximine-class insecticide, not a neonicotinoid, a distinction clearly established by the Insecticide Resistance Action Committee (IRAC) and published in the open scientific literature.
Cancellation Order Issued for Sulfoxaflor

For Release: November 13, 2015

On November 12, 2015, EPA issued a cancellation order for all previously registered Sulfoxaflor products. This cancellation order is in response to the September 10, 2015, order of the Ninth Circuit Court of Appeals finding that EPA improperly approved the Federal Insecticide, Fungicide, and Rodenticide Act registrations of the pesticide sulfoxaflor; the court’s order became effective on November 12.

Pursuant to EPA’s cancellation order, and beginning November 12, 2015, distribution or sale by the registrant of cancelled sulfoxaflor products is prohibited, unless such distribution or sale is for the purpose of disposal or export. Also, stocks of cancelled products held by persons other than the registrant may not be commercially distributed in the United States, but instead may be distributed only to facilitate return to the manufacturer or for proper disposal or lawful export. Use of existing stocks by end users is permitted provided such use is consistent in all respects with the previously-approved labeling for the product.

The Federal Food, Drug, and Cosmetic Act tolerances, also known as maximum pesticide residue levels for sulfoxaflor are not affected by either the court’s decision or EPA’s cancellation order, so crops that have been properly treated with sulfoxaflor or that may be treated with existing stocks as described in the final cancellation order can still be sold legally.

View a copy of the cancellation order.

Contact Us to ask a question, provide feedback, or report a problem.

http://www2.epa.gov/pesticides/cancellation-order-issued-sulfoxaflor