

DIVISION OF AGRICULTURAL
ENVIRONMENTAL SERVICES
BUREAU OF SCIENTIFIC EVALUATION
AND TECHNICAL ASSISTANCE
(850) 617-7917
(850) 617-7949 FAX



THE CONNER BUILDING, No. 6
3125 CONNER BOULEVARD
TALLAHASSEE, FLORIDA 32399-1650

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER ADAM H. PUTNAM

March 12, 2018

OVERNIGHT DELIVERY

Larry Hodges, Ph.D.
Director of Regulatory Affairs
AgLogic Chemical, LLC
121 South Estes Drive
Suite 101
Chapel Hill, NC 27514

FILE COPY

Dear Dr. Hodges:

SUBJECT: NOTICE OF INTENT TO DENY REGISTRATION

**FIFRA SECTION 24(c) SPECIAL LOCAL NEED (SLN) REGISTRATION
APPLICATION:
RECEIVED: DECEMBER 8, 2017
ACTIVE INGREDIENT: aldicarb
AgLogic™ 15GG (EPA REG. NO. 87895-4)
FOR SUPPRESSION OF NEMATODES ON CITRUS**

Your application, label, and data submission requesting State registration of the subject product brand has been considered by the Department. Staff in the Bureau of Scientific Evaluation and Technical Assistance recommends denial of your request. This recommendation of denial is based on the failure of your submission to include a description and evaluation of comparative efficacy data demonstrating why the existing and available registered alternatives and other control mechanisms are unsuitable or inadequate to control the nematode pests of concern. This comparative efficacy data is necessary when product performance is claimed to be superior to existing registered alternatives.

Note that this action will not preclude a response to this recommendation by AgLogic. You have the option of requesting a formal withdrawal of the application but the fee is not refundable.

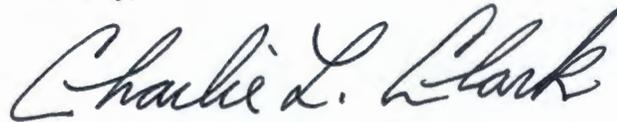
Larry Hodges, Ph.D.
March 12, 2018
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NOTICE OF INTENT TO DENY REGISTRATION (CONT'D)

Please refer to the NOTICE OF RIGHTS AND HEARING REQUEST FORM attached to this letter. If you would like to meet with Department personnel to discuss this matter, please call the Pesticide Registration Review Section, (850) 617-7940, to arrange a meeting. Please note that such a meeting will not lengthen the allowable time to request a hearing in accordance with the NOTICE OF RIGHTS AND HEARING REQUEST FORM.

Do not hesitate to contact this office if there are questions.

Sincerely,

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

Charlie L. Clark, Environmental Administrator
Pesticide Registration Review Section

CLC/cc

Attachment

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NOTICE OF INTENT TO DENY REGISTRATION (CONT'D)

cc: Mr. Michael Joyner
Dr. Lisa Conti
Mr. Matt Joyner
Dr. Fred Fishel
Mr. Randy Dominy
Dr. Michelle Samuel-Foo
Dr. Jeanna Mastrodicasa
Mr. John Hoblick
Mr. Kevin Morgan
Ms. Jaime Jerrels
Mr. Anderson Rackley
Ms. Kelly Friend
Dr. Davis Daiker
Ms. Amy Brown
Dr. James Cooper
Mr. Neil Richmond
Mr. Dale Dubberly
Ms. Sarah Oglesby
Ms. Tamara James
Ms. Patty Lucas
Ms. Teresa Rygiel
Ms. Jo Marie Cook
Mr. Trevor Smith
Dr. Greg Hodges
Ms. Shamika George
Mr. Dan Botts
Mr. Mike Aerts
Dr. Harold Browning
Mr. Antoine Puech



Florida Department of Agriculture and Consumer Services
Division of Administration

NOTICE OF RIGHTS AND HEARING REQUEST FORM

ADAM H. PUTNAM
COMMISSIONER

Chapter 120, Florida Statutes

You may request a hearing where you do not dispute the facts (Informal Hearing) or a hearing to dispute the facts (Formal Hearing). Your request must be received within twenty-one (21) days of receipt of the Department's administrative complaint or decision. Failure to comply with this twenty-one (21) day deadline shall be deemed a waiver of your right to a hearing, and a Final Order imposing up to the maximum administrative remedies as authorized by law may be entered without further notice. Mediation pursuant to Chapter 120, Florida Statutes, is not available.

INFORMAL HEARING

If you do not dispute or wish to contest the facts in the administrative complaint or decision, but wish to explain your situation, present mitigating information, or provide legal argument, i.e. the application of the law to the facts, you should choose this option. An informal hearing is an informal proceeding before the Department wherein you will have the opportunity to be represented by counsel, to present written or oral evidence in opposition to the Department's proposed action, or to present a written statement challenging the grounds upon which the Department is justifying its actions. You will have the opportunity to discuss settlement at the informal hearing.

FORMAL HEARING

If you dispute the facts in the administrative complaint or decision, you should choose a formal hearing. Formal hearings are like non-jury trials, and are held before an administrative law judge. At a formal hearing, you will have the opportunity to be represented by counsel, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, and to file exceptions to the administrative law judge's recommended order.

If you choose a formal hearing, the Division will refer your file to the Department's legal staff for handling. Please note that an administrative complaint may be amended to increase the violations or the proposed penalty. Your case will then be forwarded to the Division of Administrative Hearings for assignment of an administrative law judge. You will ordinarily be required to appear in person.

HEARING SELECTION

Please check whether you want an informal or formal hearing, and fill out the information on the reverse side of this form.

INFORMAL HEARING REQUESTED.

For your informal hearing, please check:

- I wish to appear in person and submit documents at or before the hearing.
- I wish to participate by telephone conference and submit documents prior to the hearing date.
- I wish only to submit a written statement.

[NOTE: Any documents not received prior to the hearing will not be considered]

FORMAL HEARING REQUESTED.

HEARING INFORMATION REQUEST

Please type or print the information requested and return to the address shown below. NOTE: If you are responding to an administrative complaint, please only complete Part I. All other requestors must complete both Part I and Part II. Attach extra pages if needed.

PART I.

Name: _____ Telephone _____
Address: _____ Email _____

Name of Legal Counsel or Representative:

Address: _____ Telephone _____
Email _____

Please state when and how you received notice of the Department's administrative complaint or decision.

List all disputed issues of material fact. If you are requesting an informal hearing, please indicate that no material facts are in dispute.

PART II.

Please state how your substantial interests will be affected by the Department's determination.

Give a concise statement of the ultimate facts alleged, including the specific facts you contend warrant reversal or modification of the Department's proposed action.

Give a statement of the specific rules or statutes you contend requires reversal or modification of the Department's proposed action.

Please describe briefly the relief you are seeking and what action you wish the Department to take with respect to its proposed action.

Signature _____ Date _____

RETURN ADDRESS:

Florida Department of Agriculture and Consumer Services
Bureau of Scientific Evaluation and Technical Assistance
Pesticide Registration Review Section
Attn: Mr. Charlie L. Clark
3125 Conner Boulevard, Building 6, L29
Tallahassee, Florida 32399-1650

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