

8033-27

09/29/2003

1/5



U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Registration Division (H7503C)
401 "M" St., S.W.
Washington, D.C. 20460

EPA Reg. Number:
8033-27

Date of Issuance:
SEP 29 2003

Term of Issuance: Conditionally until
September 28, 2004

Name of Pesticide Product:
Adjust™ brand 70WP Insecticide

NOTICE OF PESTICIDE:

Registration
 Reregistration

(under FIFRA, as amended)

Name and Address of Registrant (include ZIP Code):

Nisso Soda Co., Ltd. (c/o Nisso America Inc.)
220 East 42nd Street
Suite 3002
New York, NY 10017

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby registered/reregistered under the Federal Insecticide, Fungicide and Rodenticide Act.

Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

This product is conditionally registered in accordance with FIFRA sec. 3(c)(7)(B), since you have agreed to:

1. Submit and/or cite all data required for registration/reregistration of your product under FIFRA sec. 3(c)(5) when the Agency requires all registrants of similar products to submit such data; and submit acceptable responses required for reregistration of your product under FIFRA section 4.
2. (a) Submit data to support the worker exposure reduction produced by the closed loading system; or (b) replace this product formulation with an acceptable flowable formulation. You have until September 28, 2004 to fulfill this condition.
3. Make the following changes to the labeling:
 - a. Revise the EPA Registration Number to read "EPA Reg. No. 8033-27."
 - b. Under Environmental Hazards add the following: "Exposed treated seed may be hazardous to birds and other wildlife. Dispose of all excess treated seed and seed packaging by burial away from bodies of water."
 - c. Under Directions for Use add the following: "Note: The purchaser of this product is responsible for ensuring that all seed treated with this product is adequately dyed with a suitable color to prevent its accidental use as food for man or feed for animals. Refer to 21 CFR, part 2.25. Any dye added to the treated seed must be cleared for use under 40 CFR."

Signature of Approving Official:

Allen O. Wilent

Date:

Sept. 29, 2003

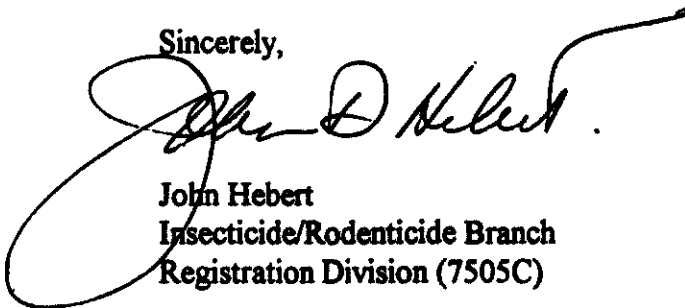
8033-27

- d. Add the following to Seed Labeling: "Exposed treated seeds may be hazardous to birds and other wildlife. Dispose of all excess seed by burial away from bodies of water."
 - e. Revise the Precautionary Statements as follows: "Harmful if absorbed through skin. Harmful if swallowed. Avoid contact with skin, eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco."
4. Please submit two (2) copies of your final printed label before you release the product for shipment.

Failure to satisfy any of the conditions imposed on this registration may result in the Agency canceling your registration under FIFRA Section 6(e). Regardless of whether you satisfy all applicable conditions, this conditional registration will expire automatically on September 28, 2004. Sale and distribution of the subject product after September 28, 2004 will be illegal. Finally, once the required data have been submitted and evaluated or the formulation has been changed, EPA will entertain an application to amend the registration of the subject product to allow its unconditional use without any special restrictions on the duration of the registration.

A stamped copy of the label is enclosed for your records. If you have questions about this letter, please contact me at 703-308-6249.

Sincerely,



John Hebert
 Insecticide/Rodenticide Branch
 Registration Division (7505C)

Enclosure:
 Stamped Label

ADJUST brand 70 WP Insecticide Seed Treatment
EPA Reg. No. 8033-XX
DRAFT August 29, 2003



ADJUST™ brand 70 WP Insecticide

Seed Treatment

**For Use Only in Commercial Seed Treatment Facilities with Closed Transfer Systems
Not For Use with Open Pour Systems**

ACTIVE INGREDIENT: Acetamiprid..... 70% by wt.
INERT INGREDIENTS: 30% by wt.

EPA Reg. No. 8033-XX

EPA Est. No.

KEEP OUT OF REACH OF CHILDREN CAUTION

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle.
(If you do not understand the label find someone to explain it to you in detail.)

**For MEDICAL and TRANSPORTATION Emergencies ONLY Call CHEMTREC: 1-800-424-9300
For PRODUCT USE Information Call 1-212-490-0350**

FIRST AID

IF SWALLOWED:	<ul style="list-style-type: none"> Immediately call a poison control center or doctor for treatment advice. Do not induce vomiting unless told to do so by a poison control center or doctor. Have person sip a glass of water if able to swallow. Do not give anything by mouth to an unconscious person.
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.
IF ON SKIN OR CLOTHING:	<ul style="list-style-type: none"> Take off contaminated clothing. Rinse skin immediately with plenty of water for 15 – 20 minutes. Call a poison control center or doctor for treatment advice.
IF INHALED:	<ul style="list-style-type: none"> Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably mouth-to-mouth if possible. Call a poison control center or doctor for treatment advice.

For MEDICAL Emergencies Call CHEMTREC: 1-800-424-9300

Have the product container or label with you when calling a poison control center or doctor or going for treatment.

NOTE TO PHYSICIAN: There is no specific antidote. All treatment should be based on observed signs and symptoms of distress in the patient. Overexposure to materials other than this product may have occurred.

Net Contents: _____

ACCEPTED
with COMMENTS
In EPA Letter Dated:

SEP 29 2003

Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.

8033-29

Nippon Soda Co., Ltd.
2-1, 2-Chome Ohtemachi
Chiyoda-ku, Tokyo 100-8165
Japan

4/5

PRECAUTIONARY STATEMENTS

CAUTION

HAZARDS TO HUMANS (and DOMESTIC ANIMALS)

Harmful if inhaled or absorbed through the skin. Avoid breathing vapors or spray mist. Avoid contact with eyes, skin or clothing. Keep out of reach of children and domestic animals.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and other handlers must wear chemical-resistant protective suit, waterproof gloves, shoes plus socks, and a respirator with organic-vapor removing cartridge with a prefilter approved for pesticides (MSHA/NIOSH approval number prefix TC-23C), or a canister approved for pesticides (MSHA/NIOSH approval number prefix TC-14G), or a NIOSH approved respirator with an organic vapor (OV) cartridge or canister with an N, R, P, or HE prefilter. Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. Follow manufacturers instructions for cleaning/maintaining PPE. If there are no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240 (d) (4-6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

User Safety Recommendations

Users should wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing. Remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENVIRONMENTAL HAZARDS

Do not apply this product or seed treated with this product directly to water, or 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 washwater or rinsate. Do not contaminate water used for irrigation or domestic purposes.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in any manner inconsistent with its labeling.
Read entire label before using this product.

Only protected handlers may be in the area during application of the product to the seed. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

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 the 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 box only apply to uses of this product that are covered by the Worker Protection Standard.

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, waterproof gloves and shoes plus socks.

STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage or disposal.

STORAGE

Do not store in or around the home. Store unused product in a cool, ventilated, dry, locked area. Do not allow prolonged storage in areas where temperatures frequently exceed 115° F (46° C). NEVER TRANSFER THIS PRODUCT TO ANOTHER CONTAINER FOR STORAGE.

PESTICIDE DISPOSAL

Contamination with this product will render water, food or feed unfit for human or animal consumption. Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER DISPOSAL

NEVER REUSE EMPTY CONTAINERS. Completely empty container into application equipment.

DISPOSAL FOR NON-RETURNABLE CONTAINERS: After use, rinse the emptied container and then dispose of empty container in a sanitary landfill or by incineration, or if allowed by state and local authorities, by burning. If container is burned, stay out of smoke.

DISPOSAL FOR RETURNABLE-REFILLABLE CONTAINERS: After use, return container to the point of purchase or designated locations. This container must only be refilled with ADJUST brand 70 WP Insecticide Seed Treatment. Do not reuse container for any other purpose. Prior to refilling inspect thoroughly for damage such as cracks, punctures, abrasions, and damaged or worn out threads on closure devices. Check for leaks after refilling and before transportation. Do not refill or transport damaged or leaking containers. If the container is not being refilled, return to the point of purchase.

DISPOSAL FOR RETURNABLE CONTAINERS: After use, return container to the point of purchase or designated locations. Do not reuse container for any other purpose.

COMPATIBILITY

It is recommended that compatibility be verified by mixing all premix components (premeasured at or near planned application rates) into a small jar prior to mixing larger quantities in commercial applicator equipment. After shaking or mixing, the contents should be homogeneous and there should be no signs of agglomeration, separation, or other obvious indication of incompatibility.

DIRECTIONS FOR APPLICATION

For the control of Flea Beetles in Canola and Mustard.

RESISTANCE MANAGEMENT

Certain insects may develop resistance to insecticides after repeated use within the same growing season, especially at higher rates. If flea beetle pressures are excessive and a foliar spray is necessary for adequate protection of emerging canola or mustard crop, avoid the use of foliar insecticides with the same mode of action as ADJUST brand 70 WP Insecticide Seed Treatment. ADJUST brand 70 WP Insecticide Seed Treatment contains the active ingredient acetamiprid which is a member of the chloronicotinyl class of insecticides. The use of ADJUST brand 70 WP Insecticide Seed Treatment should conform to resistance management strategies established for the use area. Consult your agricultural advisor, University contact or Extension Service for recommended pest management practices for your area.

ADJUST brand 70 WP Insecticide Seed Treatment

RATE: 0.36 lbs. formulation/100 lbs. seed (0.25 lbs. ai/100 lbs. seed) or 3.6 g formulation/kg seed (2.5 g ai/kg seed)

METHOD OF APPLICATION:

Seed should be well conditioned and free of chaff before treating with ADJUST brand 70 WP Insecticide Seed Treatment. Treated seed should not require drying after treatment and can be stored or bagged immediately. Add ADJUST brand 70 WP Insecticide Seed Treatment to seed slowly in a calibrated treating equipment system to ensure proper rates. Thorough seed coverage is required.

USE RESTRICTIONS AND PRECAUTIONS:

- For use in commercial seed treatment facilities with closed transfer systems.
- Do not use in hopper box, planter box, slurry box or other seed treatment equipment applications at, or immediately before, planting.
- Only spring planted canola and mustard seed can be treated. Do not treat fall planted seed.
- Do not store ADJUST brand 70 WP Insecticide Seed Treatment near feed or foodstuffs.
- Do not contaminate feed or foodstuffs.
- Do not contaminate domestic or irrigation waters.
- Do not graze crop from treated seed.
- Do not plant more than 6.0 pounds of treated seed per acre.

SEED LABELING:

Treated seed must be labeled in accordance with the requirements of the Federal Seed Act. Bags containing treated seeds must be labeled with the following information: "This seed has been treated with ADJUST brand 70 WP Insecticide Seed Treatment. Do not use for food, feed, or oil purposes. Store away from foods and feeds."

Thoroughly clean auger after handling treated seed before using same auger for handling commercial or feed grains.

Leftover treated seed should not be stored where there is a chance of it becoming mixed with untreated seed.

Store treated seed in cool, dry conditions.

Unused or leftover treated seed which is intended to be stored and used in the following season should have the germination and seedling vigor confirmed prior to planting.

WARRANTY AND DISCLAIMER

Nippon Soda Co., Ltd. warrants that this material conforms to the chemical description on the label and is reasonably fit for the purposes referred to in the Directions for Use, subject to the risks referred to therein. NIPPON SODA CO., LTD. MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY. IN NO CASE SHALL NIPPON SODA CO., LTD. OR SELLER BE LIABLE FOR CONSEQUENTIAL, SPECIAL OR INDIRECT DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT INCLUDING, BUT NOT LIMITED TO, LOSS OF PROFITS, BUSINESS REPUTATION, OR CUSTOMERS; LABOR COST, OR OTHER EXPENSES INCURRED IN PLANTING OR HARVESTING.

Nippon Soda Co., Ltd. and seller offer this product and the buyer and user accept it subject to the foregoing conditions of sale and warranty which may be varied only by agreement in writing signed by a duly authorized representative of Nippon Soda.

ADJUST is a Trademark of Nippon Soda Co., Ltd.