

61842-8

12/23/2011

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Dawn Kominski
Tessengerlo-Kerley, Inc.
2255 N. 44th Street, Suite 300
Phoenix, AZ 85008-3279

DEC 23 2011

Subject: Metam-K Manufacturer's Concentrate
EPA Reg. No. 61842-8
Phase 2 RED Mitigation Amendment Dated May 31, 2011
EPA Decision Number 459113

Dear Ms. Kominski:

The amended label referred to above, submitted in connection with reregistration of metam potassium under the Federal Insecticide, Fungicide and Rodenticide Act as amended is acceptable provided the following label revisions are made and the following conditions are met:

LABEL REVISION

1. On page 1, replace the word "Inert" with "Other" Ingredients.
2. On page 2, revise the "Storage and Disposal" section in accordance with EPA's Label Review Manual <http://www.epa.gov/oppfead1/labeling/lrm/chap-13.pdf>
3. On page 5, revise the "Conditions of Sale- Limited Warranty and Limitations of Liability and Remedies" section in accordance with EPA's Label Review Manual <http://www.epa.gov/oppfead1/labeling/lrm/chap-12.pdf>

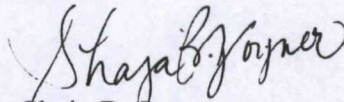
CONDITIONS

1. EPA has determined that the risk mitigation measures on the revised label for this product are necessary to adequately protect human health and the environment. Therefore, pursuant to 40 CFR § 152.130(d), EPA has decided that no product bearing previously approved labeling may be sold or distributed (released for shipment) by its registrant after December 1, 2012. Wherever state approval is required for sale or distribution of this product with this new labeling, EPA strongly encourages you to submit an application to the state authority as soon as possible. You should be aware that the Agency does not intend to modify the December 1, 2012, deadline because of any failure to obtain state approvals.

2. Submit one copy of the final printed label that incorporates the required changes before the product is released for shipment.

One copy of the label stamped "Accepted with comments" is enclosed for your records. If you have any questions, please contact Jose Gayoso by phone at (703) 347-8652 or via email at gayoso.jose@epa.gov or Shaja Joyner by phone at (703) 308-3194 or email at joyner.shaja@epa.gov.

Sincerely,



Shaja B. Joyner
Product Manager (20)
Fungicide Branch
Registration Division (7504P)

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METAM-K MANUFACTURER'S CONCENTRATE

Tessenderlo Kerley, Inc.
2255 North 44th Street, Suite 300
Phoenix, Arizona 85008-3279
1-888-732-8246

ACCEPTED
with COMMENTS
In EPA Letter Dated
DEC 23 2011
Under the Federal Insecticide,
Fungicide, and Rodenticide Act,
as amended, for the pesticide
registered under EPA Reg. No.
61842-8

FOR THE FORMULATION OF END-USE PRODUCTS

ACTIVE INGREDIENT:

Potassium N-methyldithiocarbamate
(anhydrous) 54.0%

INERT INGREDIENTS 46.0%

TOTAL 100.0%

Contains 5.8 lbs. active ingredient per gallon

EPA Reg. No. 61842-8 EPA Est. No. 61842-WA-001

KEEP OUT OF REACH OF CHILDREN
DANGER – PELIGRO

READ LABEL. USE STRICTLY IN ACCORDANCE WITH LABEL WARNINGS AND DIRECTIONS.

PRECAUTION AL USUARIO: 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.)

FIRST AID

If on Skin or Clothing: 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 in Eyes: 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 eye. Call a poison control center or doctor for treatment advice.

If Inhaled: Move person to fresh air. If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. Call a poison control center or doctor for further treatment advice.

If Swallowed: Call a poison control center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by the poison control center or doctor. Do not give anything by mouth to an unconscious person.

HOT LINE NUMBER

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. You may also contact 1-800-877-1737 for emergency medical treatment information.

NOTE TO PHYSICIAN

Probable mucosal damage may contraindicate the use of gastric lavage.

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**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS
DANGER**

Causes skin burns. Harmful if absorbed through skin. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Causes moderate eye irritation. Do not get in eyes, on skin or on clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove and wash contaminated clothing before reuse.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to mammals, birds, fish, and aquatic invertebrates. Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

STORAGE AND DISPOSAL
Do not contaminate water, food, or feed by storage or disposal.
STORAGE: Store in a cool, dry place. Keep container closed when not in use. DO NOT STORE BELOW 0° F. Product crystallizes at lower temperature. Warm or store at higher temperatures and mix to redissolve crystals and assure uniformity before use.
PESTICIDE DISPOSAL: Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.
CONTAINER DISPOSAL: Triple rinse container (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

Only for formulation into a fumigant for the following use(s):

Cover crops (i.e., crops planted between periods of regular crop production to prevent soil erosion). The terminated crop must not be used for any food or feed purposes after Metam-K Manufacturer's Concentrate has been applied; crops grown solely for seed; as well as pre-plant soil uses for (in alphabetical order):

alfalfa; amaranth (including leafy amaranth, Chinese spinach, tampala); anise; apple (including: balsam, crabapple); apricot; artichokes; arugula (roquette); asparagus (nursery production only); barley; basil; beans (including: lima, green, fava, seed beans); beet (including garden);

berry (including black satin berry, blackberry, blueberry, boysenberry, chesterberry, lowberry, wild raspberry, youngberry, darrowberry, dewberry, cloudberry, elderberry, Cherokee blackberry,

coryberry, European barberry, huckleberry, hullberry, gooseberry, cranberry, highbush cranberry, Himalayaberry, jostaberry, juneberry, saskatoon berry, lingonberry, loganberry, lavacaberry, lucretiaberry, mammoth blackberry, marionberry, bingleberry, mountain pepper berries, mulberry, olallieberry, dirksen thornless berry, nectarberry, Oregon evergreen berry, partridgeberry, phenomenalberry, rangeberry, raspberry (black and red), ravenberry, riberry, rossberry, schisandra berry, serviceberry, Shawnee blackberry, strawberry)

bok choy; broccoli; brussels sprouts; cabbage (including Napa); calabaza; calamondin; cardoon; carrot; casaba; cauliflower; celeriac; celery (including: Chinese); celtuce; chayote (fruit); che; cherry (including: sweet and tart, chokecherry, pincherry); chervil; cheyenne; Chilean guava; Chinese greens; Chinese okra; Chinese waxgourd (Chinese preserving melon); chinquapin; chironja; chrysanthemum; cilantro; citrus citron; citrus hybrids; collard; corn salad; corn; cotton; cress (including: upland, yellow rocket, winter cress); cucumber (including: Chinese cucumber); cucuzza; currant, (including: black, red, native and other varieties and hybrids);

dandelion; dill; dock (sorrel); eggplant; endive (escarole); fennel, Florence (finocchio); forest seedlings; garland; garlic; gherkin; ginger; gourd; grape; grapefruit; hechima; herbs (all); honey balls; honeysuckle; hyotan; kale; kiwifruit (including: fuzzy and hardy); kohlrabi; kumquat; leek; lemon; lettuce (including: head and leaf); lime; loquat; mandarin (including: tangerine and satsuma); mango; mayhaw; maypop; melon (including: bitter melon, cantaloupe, hybrids and/or cultivars, citron melon, crenshaw melon, golden pershaw melon, mango melon, honeydew melon, muskmelon, Persian melon, pineapple melon, Santa Claus melon, snake melon, watermelon);

mint; muntries; mustard; nectarine; nursery stock (fruit seedlings and rose bushes only); nursery tree crops (including crops like maple, ash, dogwood);

nut (including: almond, beech nut, cashew, chestnut, hickory nut, Brazil nut, macadamia nut (bush nut), filbert (hazelnut), pecan, pistachio, walnut (black and English/Persian);

onion; orach; orange (including: sour and sweet); ornamentals; parsley; peas (including: English and garden); peach; peanut; pear (including: oriental and balsam); pepper; phalsa; plum (including: Chickasaw and Damson); plumcot; potato; prune (fresh); pummelo; pumpkin; purslane (including: garden and winter); quince;

radicchio (red chicory); radish (including Oriental); rappini; rhubarb; rye; salal; sea buckthorn; soybean; spinach (including: New Zealand, Malabar, Indian); squash, (including: summer, winter, butternut, straightneck, Acorn, crookneck, hubbard, scallop, spaghetti); sugar beet; sweet potato; swiss chard; tangelo; tangor; tobacco; tomatoes; tree nuts (orchard replant only); turf (including golf courses); turnip; vegetable marrow; wheat; yams; zucchini.

Use in greenhouses is prohibited. Application with handheld equipment is prohibited. Application with cement grinder and shredder equipment is prohibited. Open pour applications are prohibited. End use products with directions or use for soil fumigation must specifically prohibit these uses, and all references to such applications must be removed.

Metam-potassium cannot be formulated into end-use products labeled for pre-plant or pre-transplant uses unless the end-use registrant makes available to certified applicators who purchase or apply the end-use product a registrant-developed training program approved by EPA. The training program must provide information on (1) how to correctly apply the fumigant, including how to comply with new label requirements; (2) how to protect handlers and bystanders; (3) how to determine buffer zone distances; (4) how to complete an FMP and the post-application summary; (5) how to determine when weather and other site-specific factors are not favorable for fumigant application; (6) how to comply with required GAPs and how to document compliance with GAPs in the FMP; and (7) how to develop and implement emergency response plans. The registrant-developed training program must be made available at least annually to the certified applicators. The end-use registrant must be able to provide, upon request, the names, addresses,

and certified applicator license and/or certificate number of persons who successfully complete the registrant-developed training program.

Metam-potassium cannot be formulated into end-use products labeled for pre-plant or pre-transplant uses unless the end-use registrant ensures Buffer Zone signs suitable for posting buffer zones or templates for the buffer zone signs are available to its downstream distributors/customers who in turn will provide the signs at the point of sale. Templates may be downloaded from http://www.epa.gov/pesticides/reregistration/soil_fumigants/index.htm

The Buffer Zone sign must meet the following standards:

- Signs must remain legible during the entire posting period, and must meet the general standards outlined in the WPS for sign size, text size, and legibility (see 40 CFR §170.120).

Contents of Sign



When products have more than one active ingredient, include both ingredients on the sign.

This product may be used to formulate products for any additional use(s) not listed on the MUP label if the formulator, user group, or grower has complied with U.S. EPA submission requirements regarding support of such use(s).

MANUFACTURING USE

Dilute this product with water or a miscible solvent system to the concentration of active ingredient specified on the label of currently registered end-use products containing metam potassium, such as the following types of products:

- Fumigant solutions for the suppression of weeds, fungi and nematodes in soil of ornamental, food and fiber crops.

Each formulator is responsible for obtaining and maintaining EPA registration for their formulated product(s). Labeling for products formulated for applications around homes and other structures which people inhabit or otherwise occupy must include appropriate wording for "Restricted Use Pesticides" and will include small-area applications such as, non-field application to seed bed, plant beds, lawns and other limited areas.

CONDITIONS OF SALE – LIMITED WARRANTY AND LIMITATIONS OF LIABILITY AND REMEDIES

The directions on this label are believed to be reliable and should be followed carefully. Insufficient control of pests and/or injury to the crop to which the product is applied may result from the occurrence of extraordinary or unusual weather conditions, the failure to follow the label directions, or good application practices, all of which are beyond the control of Tessengerlo Kerley, Inc., or seller. In addition, failure to follow label directions may cause injury to crops, animals, man or the environment. Tessengerlo Kerley, Inc. warrants that this product conforms to the chemical description on the label and is reasonably fit for the purpose referred to in the directions for use, subject to the factors noted above which are beyond the control of Tessengerlo Kerley, Inc. Tessengerlo Kerley, Inc. makes no other warranties or representations of any kind, express or implied, concerning the product, including no implied warranty of merchantability or fitness for any particular purpose. The exclusive remedy against Tessengerlo Kerley, Inc. for any cause of action relating to the handling or use of this product is a claim of damage, and in no event shall damages or any other recovery of any kind against Tessengerlo Kerley, Inc. exceed the price of the product which causes the alleged loss, damage, injury, or other claim. Tessengerlo Kerley, Inc. shall not be liable and any and all claims against Tessengerlo Kerley, Inc. are waived, for special, indirect, incidental, or consequential damages or expense of any nature, including, but not limited to, loss of profits or income, whether or not based on the negligence of Tessengerlo Kerley, Inc. breach of warranty, strict liability in tort, or any other cause of action. Tessengerlo Kerley, Inc. and the seller offer this product, and the buyer and users accept it, subject to the foregoing conditions of sale and limitations of warranty, liability and remedies.