

Reg # 70-223

PM-22

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

FEB 23 1991

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Joann Pratt
WILBUR-ELLIS COMPANY
P. O. Box 16458
Fresno, CA 93755

Subject: Label Amendment Submission of 09/17/93 in Response to PR Notice 93-7
EPA Reg. No. 70-223
RIGO EXOTHERM TERMIL

IMPORTANT NOTICE: This Letter Requires You to Submit a Notification to the Office of Compliance Monitoring within 20 Days.

Dear Registrant:

The labeling cited above and submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, is accepted subject to the comments listed on the enclosed sheet. A copy of your proposed labeling stamped "ACCEPTED WITH COMMENTS" is enclosed.

SERIOUS ERROR(S) ON SUBMITTED LABELING:

EPA has determined that one or more of the errors on the labeling you submitted to the Agency is categorized as "serious" as defined in PR Notice 93-11. In general, serious errors are those that may create a potential for harm to workers, handlers, other persons, or the environment; or those that prevent the achievement of the basic goals of the Worker Protection Standard (WPS) or FIFRA.

YOU MUST NOT SELL OR DISTRIBUTE (INCLUDING RELEASE FOR SHIPMENT) ANY PRODUCT BEARING THE SUBMITTED LABELING. Sale or distribution of any product with the incorrect labeling is a violation of FIFRA that could result in initiation of an action for civil penalties and/or cancellation of your product. This matter has been referred to the Office of Compliance Monitoring (OCM) for further action.

YOU MUST SUBMIT A NOTIFICATION TO THE OFFICE OF COMPLIANCE MONITORING WITHIN 20 DAYS OF THE DATE OF THIS LETTER.



Recycled/Recyclable
Printed with Soy/Canola ink on paper that
contains at least 50% recycled fiber

Each notification must include the following information:

1. Registrant's name and address.
2. EPA Registration number of the product for which the labeling was submitted.
3. Whether any product already has been sold or distributed (this includes released for shipment) bearing the submitted labeling.

In addition, the notification must include the following information, IF you have already sold or distributed any product bearing the submitted labeling:

1. Quantity of the product that has been sold or distributed.
2. EPA Producing Establishment number.
3. Location of the product, if known.
4. Proposed plan for assuring that product with the incorrect labeling in your control, as well as that in the hands of dealers/distributors/users, will be corrected. The plan must include your proposal for assuring that the labeling is corrected as soon as possible.

Submit the notification to:

Michael Wood, Director
Compliance Division, (7203)
Worker Protection Notification
Office of Compliance Monitoring
U.S. Environmental Protection Agency
401 M Street SW
Washington, DC 20460

~~Failure to~~ submit a notification also may result in initiation of an action under FIFRA for ~~civil~~ penalties, if you sold or distributed (this includes released for shipment) product bearing the incorrect labeling.

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IN ADDITION, YOU SHOULD CONTACT IMMEDIATELY THE PERSONS TO WHOM YOU SOLD OR DISTRIBUTED YOUR PRODUCT AND INFORM THEM NOT TO SELL OR DISTRIBUTE ANY PRODUCT WITH THE INCORRECT LABELING.

WHAT THIS ACCEPTANCE MEANS:

Based on your certification, the Agency has accepted the labeling changes that are necessary to comply with the WPS labeling requirements of 40 CFR part 156, subpart K, described in PR Notices 93-7 and 93-11. Any other labeling changes submitted in connection with this amendment application but not directly related to compliance with the WPS have neither been reviewed nor accepted by the Agency. If you wish to make such changes, you must submit a separate amendment application proposing them. If your product is currently suspended, the acceptance of this labeling amendment does not affect the suspension in any way.

WHAT YOU NEED TO DO NEXT:

Submit the required notification. Then by the next label printing make all the specified changes to your labeling. Send to EPA one (1) copy of the final printed labeling:

- BEFORE selling or distributing any product bearing the final printed labeling as amended

AND

- WITHIN one year from date of this acceptance.

Submit the final printed labeling via the U.S. Postal Service to:

Document Processing Desk (FIN-LABEL)
Office of Pesticide Programs (7505C)
U.S. Environmental Protection Agency
401 M Street, SW
Washington, D.C. 20460-0001

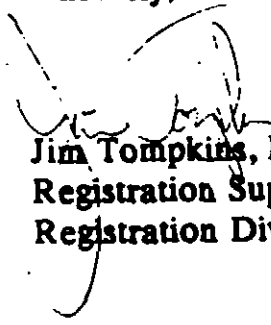
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Hand or courier deliveries of final labeling may be made to:

Document Processing Desk (FIN-LABEL)
Office of Pesticide Programs
Room 266A, Crystal Mall 2
1921 Jefferson Davis Highway
Arlington, VA 22202

Sincerely,



Jim Tompkins, Deputy Chief
Registration Support Branch
Registration Division (7505W)

Attachment

cc: Office of Compliance Monitoring

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Registration Division

Joann Pratt
WILBUR-ELLIS COMPANY
BOX 16458
FRESNO CA 93755

Comment for: EPA Reg Nr.70-223
RIGO EXOTHERM TERMIL

The following specific comments pertain to your WPS labeling submission concerning the product cited above:

Add the following User Safety Recommendation to the label in the location shown in Section A on Part I of the Product Worksheet in Supplement Three-A to PR Notice 93-7: "Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.

The respirator requirement for "applicators and other handlers" in the "Personal Protective Equipment" section on your proposed labeling is missing or incorrect. Remove the incorrect requirement (if any) and add "Dust/mist filtering respirator (MSHA/NIOSH approval number prefix TC-21C)." The exact location is shown in Sections A and B on Part I of the Product Worksheet in Supplement Three-A to PR Notice 93-7.

You have incorrect wording in the first paragraph in the Agricultural Use Requirements box on your proposed label. That paragraph must contain the exact wording of the paragraph shown as "2" in Section F on Part 2 of the Product Worksheet in Supplement Three-A to PR Notice 93-7.

You have incorrect wording in the second-to-last sentence in the first paragraph in the Agricultural Use Requirements box on your proposed label. The sentence must be as follows: "It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE), notification to workers and restricted-entry interval."

Delete the crossed-out statements on your proposed label. They are redundant statements or phrases.

Correct the typographical errors circled on your proposed

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WILBUR-ELLIS COMPANY
EPA Reg. Number: 70-223
RIGO EXOTHERM TERMIL
Application date: 09/17/93
Original Submission

label.

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal.
STORAGE: Store in a dry location at room temperature (72-80°F).
PESTICIDE DISPOSAL: Pesticide wastes are toxic. Improper disposal of excess pesticide is a violation of Federal Law. If the 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: Puncture and dispose of in a sanitary landfill, or by other procedures approved by state and local authorities.

DIRECTIONS FOR USE

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



NET CONTENTS
100 Grams/
3.5 Ounces
Manufactured by
RIGO COMPANY,
Buckner, KY 40010

SEE ATTACHED BROCHURE FOR
COMPLETE USE DIRECTIONS

8070-8108

RIGO'S BEST
EXOTHERM
TERMIL®



Use Only.

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS

DANGER: Harmful if swallowed. Skin Sensitizer. Avoid contact with eyes, skin and clothing. Can be irritating to eyes or skin in case of contact with eyes, flush with plenty of water for at least 15 minutes. Wash thoroughly with soap and warm water after exposure to product or handling treated plants. Avoid breathing vapors. DO NOT enter greenhouse during exposure period or until greenhouse has been thoroughly ventilated. Direct container away from face when opening.

NOTE TO PHYSICIAN: Persons having an allergic reaction respond to treatment with antihistamines or steroid creams and/or systemic steroids.

Add Copy B

ENVIRONMENTAL HAZARDS

This product is toxic to fish, aquatic invertebrates, and marine/estuarine organisms. Runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. Do not apply directly to water. Do not apply when weather conditions favor drift from treated areas.

GB!

Replace with Copy D

PELIGRO
Add Copy I

ACCEPTED
with COMMENTS
in EPA Letter Dated

FEB 23 1991

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

20-233

RIGO'S BEST
**EXOTHERM
TERMIL**

DIRECTIONS FOR USE

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

Manufactured by RIGO COMPANY,
Buokner, KY 40010

*Discoloration of blooms has been noted, at least on certain varieties.

EXOTHERM TERMIL is also recommended for use on tomatoes to control:

Botrytis gray mold	Late blight
Early blight	Leaf mold
Gray leaf spot	

Application should be made prior to development of disease symptoms and continued as long as disease threatens, especially during overcast, cool and humid weather conditions. EXOTHERM TERMIL should be used in conjunction with good cultural practices such as (1) proper ventilation and good air

movement, (2) removal and destruction of all refuse and diseased plant parts and (3) frequent sterilization of cutting tools to avoid transmission of disease.

Preparation of Greenhouse Prior to Vaporizing EXOTHERM TERMIL: (1) Turn off all misting systems. Be certain all foliage and blossoms are dry. (2) Close all doors, windows and ventilators, post warning signs and take any other precautions necessary to prevent persons and animals from entering area. (3) DO NOT apply when greenhouse temperature is above 75°F.

USE DIRECTIONS

GENERAL INFORMATION

EXOTHERM TERMIL is a protectant fungicide formulation for use on greenhouse tomatoes and certain ornamentals. The product readily ignites to vaporize without decomposition. As the vapor cools, condensation occurs resulting in the formation of fine dust particles. Under greenhouse conditions these particles distribute to provide a thor-

Dosage and Method of Application: The number and placement of the ready-to-use cans of EXOTHERM TERMIL will vary with the size of greenhouse to be treated. Each can will treat a greenhouse area of 1,000 square feet. Use the appropriate number of cans evenly spaced, down the center aisle where possible, to treat the entire greenhouse area. DO NOT place cans more than 50 feet from each other. Place can(s) just above crop foliage in center of 1,000 square feet area, or in such a manner to obtain uniform distribution of the fungicide.

Remove lid from can and momentarily direct

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ough, but invisible, covering of the plants.
Note to User: This product may produce temporary allergic side effects characterized by redness of the eyes, mild bronchial irritation and redness or rash on exposed skin areas. Person having allergic reaction should contact a physician.

~~Note to User: Wear long sleeve shirt, long pants, and gloves while mixing, loading and applying this product.~~

EXOTHERM TERMIL is recommended for use in control of blossom blight, leaf spot and stem rot caused by the fungus, *Botrytis cinerea*, on the following ornamentals.

FOLIAGE and BLOOMS

African Violet	Easter Lily
Ageratum	Euonymus
Alyssum	Ficus
Aphelandra	Fir (Abies)
Asparagus fern	Fuchsia
Azalea	Geranium
Calceolaria	Gloxinia
Celosia	Hydrangea
Chrysanthemum	Lantana
Cineraria	Mahonia
Cyclamen	Marigold
Dianthus	Nasturtium
Dieffenbachia	Norfolk Island
Douglas fir	Pine
	Pansy

Ponderosa pine	Balsam
Pothos	Begonia
Primrose	Blue Fescue
Rose	Caladium
Salvia	Carnation
Scarlet Sage	Coleus
Schizanthus	Delphinium
Snapdragon	Impatiens
Splrea	Lobelia
Velvet Plant	Palm
Verbena	Petunia
Zinnia	Polisettia
FOLIAGE ONLY*	Porch Ivy
Ajuga reptans	Varigated Hoya
Aster	Vinca rosea

a propane torch to the side of opened can. An alternate method for ignition is to light a paper match and allow to burn about 1/4 inch. Place flat side of burning match on surface of powder. Pause momentarily to assure powder generates smoke. Use only paper matches, other types of ignition may cause powder to flame.

Duration and Frequency of Exposure: EXOTHERM TERMIL is a protectant fungicide, therefore, applications should begin prior to appearance of disease symptoms. For best results and convenience, overnight exposure is recommended. If not suitable, expose

plants for at least three hours in greenhouse with doors and ventilators closed and fans turned off.

DO NOT enter greenhouse during exposure period.

Following exposure period, greenhouse should be well ventilated for at least two hours before reentering. **DO NOT** take cuttings from stock plants or handle plant foliage of treated plants for two or three days after treatment unless wearing protective gloves and clothing.

Repeat treatments at weekly intervals. When cuttings are made, the exposed cut sur-

faces of stock plants become covered with a film of water and are excellent infection sites for *Botrytis* for a period of 12 hours.

If an application of EXOTHERM TERMIL is not practical at this time, it is suggested that a suitable fungicide dust or spray be used as a spot treatment to the plants in the bench area from which the cuttings were made.

NOTICE: Seller makes no warranty, expressed or implied, concerning the use of this product other than indicated on this label. Buyer assumes all risk of use and/or handling of this material when such use and/or handling is contrary to label instructions.

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Personal Protective Equipment

Applicators and other handlers must wear:

- A) Coveralls over long sleeved shirt and long pants.
- B) Waterproof gloves
- C) Chemical-resistant footwear plus socks.
- D) Protective eyewear.
- E) Chemical-resistant headgear for overhead exposure.

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

Add User Safety Rec @

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DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

AGRICULTURE 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, greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontaminations, notification, and emergency assistance. It also contains specific instructions, and exceptions pertaining to protective equipment (PPE). The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard. *missing text*

Do not enter or allow workers entry into treated areas during the restricted entry interval (REI) of 48 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:

- A) Coveralls over long sleeved shirt and long pants
- B) Waterproof gloves

- C) Chemical-resistant footwear plus socks
- D) Protective eyewear
- E) Chemical-resistant headgear for overhead exposure.

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

miss.
word