228-502

1/27/2014

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

> OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION

Carrie M. Tackema Nufarm Americas Inc. 4020 Aerial Center Parkway, Suite 101 Morrisville, NC 27560

JAN 2 7 2014

Subject:

Notification to correct a word in the pollinator statement and add the State of Oregon Tree Restriction Mallet 2.5 G Insecticide EPA Registration # 228-502 Submission Date: December 4, 2013

Dear Carrie M. Tackema :

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 received <u>December 4, 2013</u>. The Registration Division (RD) has reviewed these requests and finds that this action falls within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records. If you have any questions, please contact Jessica Rogala at (703) 347-0263 or via email at rogala.jessica@epa.gov.

Sincerely,

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Jessica Rogala Environmental Protection Specialist Insecticide-Rodenticide Branch Registration Division (7505P)

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United S Environmental Pro Washington,	otection Agen	□ Registra cy □ Amendı ⊠ Other:		OPP Identifier Number	
Ар	plication for	Pesticide - Sectio	n I		
1. Company/Product Number 228-502		PA Product Manager enus Eagle	3. P	roposed Classification	
4. Company/Product (Name) Mallet 2.5 G Insecticide	PM# 1			None Restricted	
5. Name and Address of Applicant (Include ZIP C Nufarm Americas Inc. 4020 Aerial Center Parkway, Suite 101 Morrisville, NC 27560	3(ar Ef	xpedited Review. In c)(3) (b)(I), my produ nd labeling to: PA Reg. No roduct Name		vith FIFRA Section identical in composition	
	Sec	tion - II	·		
Amendment – Explain below. Resubmission in response to Agency letter da Notification - Explain below. Explanation: Use additional page(s) if ne NC This notification is consistent with the provisions of P made to the labeling or the confidential statement of make any false statement to EPA. I further understan 152.46, this product may be in violation of FIFRA and CONTACT: Carrie M. Tackema (919) 37 Nufarm Americas, Inc. 4020 Aerial Center Parkway Morrisville, NC 27560	cessary. (For S DTIFICATION R Notice 98-10 and formula of this prod nd that if this notific I may be subject t 9-2528 or <u>carri</u>	I PER PRN 98-10 EPA regulations at 40 C luct. I understand that it i ration is not consistent with o enforecement action ar	FR 152.46, and no FR 152.46, and no s a violation of 18 h the terms of PR id penatlies under	other changes have been J.S.C. Sec. 1001 to willfully Notice 98-10 and 40 CFR	
	Sec	tion - III	· <u>······</u>		
1. Material This Product Will Be Packaged In:	· · · · · · · · · · · · · · · · · · ·	-			
Child-Resistant Packaging Unit Packaging Yes* Yes No If "Yes" *Certification must Unit Packaging	No. per container	Water Soluble Packa Yes No If "Yes" Package wgt.		Type of Container Metal Plastic Glass Paper	
be submitted				Other (Specifiy):	
3. Location of Net Contents Information 4	. Size(s) Retail Co	On Label		abel Directions accompanying product	
6. Manner in Which Label is Affixed to Product	Lithograph	0 Other	Crack and		
·	Sec	tion - IV			
1. Contact Point (Complete items directly below for		dividual to be contacted, i			
Name Carrie M. Tackema		egulatory Manager	Telephor	ne No. (Include Area Code) ເ (919) 379-2528 ເ	
	ertification				
I certify that the statements I have made on this for complete. I acknowledge that any knowingly false imprisonment or both under applicable law. 2. Signature	rm and all attachme or misleading state 3. Ti	ement may be punishable	urate and by fine or	6. Date Application	
complete. I acknowledge that any knowingly false imprisonment or both under applicable law.	rm and all attachme or misleading state 3. Ti	ement may be punishable itle egulatory Manager	urate and by fine or	Received control (Stamped) control (Control	

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 Nufarm Americas Inc.
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 11901 S. Austin Avenue
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 Alsip, IL
 60803

 Phone: 708-377-1330
 Fax: 708-377-1333

4020 Aerial Center Parkway, Suite 101 Morrisville, NC 27560 Phone: 919-379-2510 Fax: 919.467.5923 www.us.nufarm.com

Via Courier Delivery

December 3, 2013

Ms. Venus Eagle, PM #1 USEPA (7504P) Document Processing Desk (NOTIF) Room S4900, One Potomac Yard 2777 S. Crystal Drive Arlington, VA 22202

Subject: NOTIFICATION(s) EPA Reg. No. 228-500; 228-501; 228-502; 228-510; 228-523; 228-587

Dear Ms. Eagle:

On behalf of Nufarm Americas Inc. enclosed please find NOTIFICATION(s) for the abovereferenced products to comply with the OR required statement for *Tilia* species. In support of these Notifications, please find the following:

- Application for Pesticide Registration NOTIFICATION; and
- Two (2) copies of proposed product labeling for each product (one copy with changes highlighted, and one in pdf format on CD-rom).

Should you have any questions or require additional information, please contact me at (919) 379-2528 or by email at <u>carrie.tackema@us.nufarm.com</u>.

Carrie M. Tackema

Regulatory Manager

-Enclosure(s)

Mallet[®] 2.5 G INSECTICIDE

FOR SYSTEMIC INSECT CONTROL IN ORNAMENTAL PLANTS

ACTIVE INGREDIENT:

Not for sale, sale into, distribution and/or use in Nassau, Suffolk, Kings, and Queens counties in the state of New York.

KEEP OUT OF REACH OF CHILDREN CAUTION

SEE INSIDE BOOKLET FOR FIRST AID AND ADDITIONAL PRECAUTIONARY STATEMENTS

For Chemical Spill, Leak, Fire, or Exposure, Call CHEMTREC (800) 424-9300 For Medical Emergencies Only, Call (877) 325-1840

EPA REG. NO. 228-502 EPA EST. NO.

MANUFACTURED FOR NUFARM AMERICAS INC. 11901 South Austin Avenue Alsip, IL 60803



NET CONTENTS GALS. (_____L)

NOTIFICATION

JAN 2 7 2014

000228-00502.20131203.NOTIF

PRECAUTIONARY STATEME S HAZARDS TO HUMANS AND DOMESTIC ANIMALS CAUTION

Causes moderate eye irritation. Avoid contact with eyes or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum or using tobacco.

FIRST AID			
IF IN EYES	 Hold eye open and rinse slowly and gently with water for 15 to 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 ON SKIN OR CLOTHING	 Take off contaminated clothing. Rinse skin immediately with plenty of water for 15 to 20 minutes. Call a poison control center or doctor for treatment advice. 		

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 1-877-325-1840 for emergency medical treatment information.

NOTE TO PHYSICIAN

No specific antidote is available. Treat the patient symptomatically.

ENVIRONMENTAL HAZARDS

This product is highly toxic to aquatic invertebrates. **DO NOT** apply 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 washwaters.

Groundwater Advisory

This chemical demonstrates the properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

DIRECTIONS FOR USE

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

Note to Reviewer: the two statements in brackets below may be used as they relate to Tilia species:

[DO NOT apply this product, by any application method, to linden, basswood or other Tilia species in the State of Oregon.]

[DO NOT apply this product, by any application method, to linden, basswood or other Tilia species.]

OPTION 1 (existing approved specific use directions, simplified method)

This product comes ready to use with no mixing necessary. This product aids in ant management and controls sucking pests. It can be applied around shrubs and small trees by spreading directly beneath the base of the tree or shrub.

This product is for use on ornamental shrubs and small trees in outdoor landscapes and interior plantscapes. It is a systemic insecticide and will be taken up by the roots and translocated upward within the plant system. Therefore watering after application makes the product more available for uptake.

Systemic activity using this soil application treatment method can be delayed until the active ingredient is translocated throughout the plant. For this reason, applications work best when made prior to pest infestation or before pest populations become severe.

INSECTS CONTROLLED

Adelgids Aphids Black vine weevil (larvae in soil) Japanese beetle (adults) Lace bugs

Leaf beetles (including Elm leaf & Viburnum leaf beetles) Leafhoppers Psyllids Whiteflies (including fig [ficus] whitefly)

WHERE TO APPLY

Shrubs and small trees in outdoor landscapes and interior plantscapes.

USE RATE

Select rate according to height of shrub or tree: Up to 4 ft. – use $\frac{1}{2}$ to $\frac{1}{2}$ cup; 4 to 8 ft. – use $\frac{1}{2}$ to 1 cup. Use the high rate within the range for initial treatment and lower rates for re-application, if needed.

HOW AND WHEN TO APPLY

Spread appropriate rate evenly around the base of plant under foliage, whenever pests are seen or found. Re-apply as needed based on pest re-infestation or at 4 to 8 week intervals. Apply early before pest populations become severe. Irrigation or rainfall is necessary within 24 hours following application. Pull back mulch and weed barrier before application. **DO NOT** apply to frozen or water-logged areas, as this may decrease the product's effectiveness.

NOTE: 1 level cup is approximately 6 ounces of this product.

ANT MANAGEMENT

Use this product to control aphids and other sucking pests on ornamentals to limit the honey dew available as a food source for ant populations. Applications can then be supplemented with remedial sprays, bait placements or other ant control tactics to further reduce pest populations.

USE RESTRICTIONS

DO NOT apply near fish pools, ponds, streams or lakes.

DO NOT apply to soils which are frozen, waterlogged, or saturated which will reduce delivery of product into the root zone of the plants.

DO NOT apply more than 16 lbs of product (0.4 lbs ai) / acre or 0.37 lbs (6 oz.) of product / 1,000 square feet / year.

DO NOT use kitchen utensils to measure or apply this product.

OPTION 2 (new proposed alternate specific use directions for single application / vr)

This product comes ready to use with no mixing required. This product is for use on ornamental plantings in outdoor landscapes and interior plantscapes. It is a soil applied systemic insecticide and will be taken up by the roots and translocated upward within the plant system. Watering after application makes the product more available for uptake. Systemic activity can be delayed until the active ingredient is translocated throughout the entire plant.

ORNAMENTAL PESTS CONTROLLED

Adelgids	Leafminers (including Birch and Boxwood)
Aphids	Mealybugs
Armored Scales (suppression)	Pine tip moth larvae
Borers	Psyllids
Round-headed (including Eucalyptus longhorned)	Royal Palm bugs
Flat-headed (including Alder and Bronze birch)	Root weevil larvae (including Black vine weevil)
Bark beetles (suppression)	Sawfly larvae
Fungus Gnats	Soft scales (including lobate lac scales)
Japanese beetle (adults)	Thrips
Lace bugs	Whiteflies (including fig [ficus] whitefly)
Leaf beetles (including Elm leaf & Viburnum leaf beetles)	White grub larvae (including Japanese beetle, Chafers, European
Leafhoppers (including Glassy-winged sharpshooter)	chafer, Oriental beetle, Asiatic garden beetle)

WHERE TO APPLY

For use on shade trees and other ornamental trees, including listed fruit and nut trees:

Apple	Loquat	Oriental Pear	-	Pecan
Crabapple	Mayhaw	Pear		Quince

For use on shrubs, and container plants in outdoor landscapes and interior plantscapes.

WHEN TO APPLY

Apply early before pest populations become severe. Irrigation or rainfall is necessary within 24 hours following application. See "USE RESTRICTIONS" section below for use on bearing fruit & nut trees.

HOW MUCH TO APPLY

<u>Tree with one trunk</u>: Measure distance (in inches) around tree trunk at chest height. A flexible tape measure is an appropriate method (tool). Apply [_____ capfuls] [0.125 cup] (0.65 oz) of this product for each inch of distance around the trunk.

<u>Trees with multiple trunks</u>: Measure the distance (in inches) around each trunk at chest height and add together. Multiply this total by 0.75. This is the number of [____ capful] [0.125 cup] (0.65 oz) increments to apply around the tree trunk. Example: A tree has 3 trunks. They measure 16, 10, and 6 (inches) for a total of 32 (inches). $32 \times 0.75 = 24$ increments. [24×0.125 cups = 3 cups] [24×0.25 oz = 15.6 oz].

NOTE: the amount needed for trees w/ multiple trunks is less than the amount needed for a single trunk tree of same total diameter. **Shrubs:** Measure the height of the shrub to the nearest foot. Apply [____capfuls] [0.375 cup] (2.0 oz) of this product for each foot (12-inches) of shrub height.

Container plants: Apply the quantity of this product specified for the size container being treated.

1 gallon container = 1 teaspoon [tsp]

3 gallon container = 1 tablespoon tbsp]

5 gallon container = 1 ¼ tablespoon [tbsp]

[tsp= teaspoon] [tbsp= tablespoon]

HOW TO APPLY

Water in granules immediately after application with a sufficient volume of water to wet the soil to a depth of 3-4 inches. Before application, pull back any mulch or weed barrier that will inhibit even spreading and watering in of granules. Brush or wash off any granules adhering to plant foliage.

<u>Trees:</u> For trees with a distance around the trunk of [<] [less than] 30 ["] [inches] apply product to the soil in a circle around the tree a distance of approximately 2 feet out from the base of tree. For trees with a distance around the trunk of [>] [greater than] 30 ["] [inches] apply product to the soil in a circle 3-4 feet out from the base of the tree.

Shrubs: For shrubs [<] [less than] 3 feet tall, apply product evenly to the soil 1 foot out from the base of the shrub. For shrubs [>] [greater than] 3 feet tall, apply product evenly to the soil 2 feet out from the base of the shrub.

<u>Container plants:</u> Spread required amount of product evenly over the potting soil around the base of plant foliage and water thoroughly. For the first 10 days **DO NOT** water the container to the point that water overflows or leaks out the bottom of container. For indoor plantings, bring outdoors to make treatment and return plantings indoors when no excess water is present.

USE RESTRICTIONS

DO NOT apply near fish pools, ponds, streams or lakes.

DO NOT apply to soils which are frozen, waterlogged, or saturated which will reduce delivery of product into the root zone of the plants.

DO NOT make more than 1 application per year.

DO NOT apply more than 16 lbs of product (0.4 lbs ai) / acre or 0.37 lbs (6 oz.) of product / 1000 square feet / year.

DO NOT apply to bearing fruit trees (apple, crabapple, loquat, Mayhaw, pear, quince) within 21 days of harvest

DO NOT apply to bearing nut trees (pecan) within 7 days of harvest.

DO NOT use kitchen utensils to measure or apply this product.

STORAGE AND DISPOSAL

DO NOT contaminate water, food, or feed by storage or disposal.

PESTICIDE STORAGE: Store in a cool, dry place and in such a manner as to prevent cross contamination with other pesticides, fertilizers, food, or feed. Store in original containers and out of the reach of children, preferably in a locked storage area.

PESTICIDE DISPOSAL: Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility. Improper disposal of excess pesticide is a violation of Federal law.

SPILLS: If the container is leaking or material is spilled for any reason or cause, carefully sweep material into a pile. Refer to Precautionary Statements on label for hazards associated with the handling of this material.

DO NOT walk through spilled material. Dispose of as directed for pesticides above, or apply uncontaminated product according to Directions For Use. Keep unauthorized people away. For chemical spill, leak, fire, or exposure, you may contact CHEMTREC at 800-424-9300.

CONTAINER DISPOSAL: Nonrefillable container. **DO NOT** reuse or refill this container. Offer for recycling if available, or if recycling is not available, place empty container in trash.

WARRANTY DISCLAIMER

The directions for use of this product must be followed carefully. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, (1) THE GOODS DELIVEREDTOYOU ARE FURNISHED "AS IS" BY MANUFACTURER OR SELLER AND (2) MANUFACTURER AND SELLER MAKE NO WARRANTIES, GUARANTEES, OR REPRESENTATIONS OF ANY KIND TO BUYER OR USER, EITHER EXPRESS OR IMPLIED, OR BY USAGE OF TRADE, STATUTORY OR OTHERWISE, WITH REGARD TO THE PRODUCT SOLD, INCLUDING, BUT NOT LIMITED TO MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, USE, OR ELIGIBILITY OF THE PRODUCT FOR ANY PARTICULARTRADE USAGE. UNINTENDED CONSEQUENCES, INCLUDING BUT NOT LIMITED TO INEFFECTIVENESS, MAY RESULT BECAUSE OF SUCH FACTORS AS THE PRESENCE OR ABSENCE OF OTHER MATERIALS USED IN COMBINATION WITH THE GOODS, OR THE MANNER OF USE OR APPLICATION, INCLUDING WEATHER, ALL OF WHICH ARE BEYOND THE CONTROL OF MANUFACTURER OR SELLER AND ASSUMED BY BUYER OR USER. THIS WRITING CONTAINS ALL OF THE REPRESENTATIONS AND AGREEMENTS BETWEEN BUYER, MANUFACTURER AND SELLER, AND NO PERSON OR AGENT OF MANUFACTURER OR SELLER HAS ANY AUTHORITY TO MAKE ANY REPRESENTATION OR WARRANTY OR AGREEMENT RELATING IN ANY WAY TO THESE GOODS.

LIMITATION OF LIABILITY

TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, IN NO EVENT SHALL MANUFACTURER OR SELLER BE LIABLE FOR SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, OR FOR DAMAGES IN THEIR NATURE OF PENALTIES RELATING TO THE GOODS SOLD, INCLUDING USE, APPLICATION, HANDLING, AND DISPOSAL. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, MANUFACTURER OR SELLER SHALL NOT BE LIABLE TO BUYER OR USER BYWAY OF INDEMNIFICATION TO BUYER OR TO CUSTOMERS OF BUYER, IF ANY, OR FOR ANY DAMAGES OR SUMS OF MONEY, CLAIMS OR DEMANDS WHATSOEVER, RESULTING FROM OR BY REASON OF, OR RISING OUT OF THE MISUSE, OR FAILURE TO FOLLOW LABEL WARNINGS OR INSTRUCTIONS FOR USE, OF THE GOODS SOLD BY MANUFACTURER OR SELLER TO BUYER. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, ALL SUCH RISKS SHALL BE ASSUMED BY THE BUYER, USER, OR ITS CUSTOMERS.TOTHE EXTENT CONSISTENT WITH APPLICABLE LAW, BUYER'S OR USER'S EXCLUSIVE REMEDY, AND MANUFACTURER'S OR SELLER'S TOTAL LIABILITY SHALL BE FOR DAMAGES NOT EXCEEDING THE COST OF THE PRODUCT. If you DO NOT agree with 2^{\prime} DO NOT accept any of the direction or use, the warranty disclaimers, or q/limitations on liability, DO NOT use the product, and return it unopened to the Seller, and the purchase price l/l/l will be refunded.

(RV120313)

Mallet is a registered trademark of Nufarm Americas, Inc.

, NOTE TO REVIEWER:

THE FOLLOWING MARKETING CLAIMS MAY APPEAR ON PRODUCT LABEL, ADVERTISING LITERATURE, AND WEBSITES FOR PRODUCTS UTILIZING *OPTION 1* SPECIFIC USE DIRECTIONS:

- 1. For use on outdoor landscapes and interior plantscapes.
- 2. (4 lbs) Treats 20 small trees or shrubs.
- 3. [Protects/Defends/Guards] Trees & Shrubs from listed insects.
- 4. [Protects/Defends/Guards] new growth
- 5. Systemic insecticide taken up by roots and carried through the entire plant.
- 6. Kills insects and prevents re-infestation

THE FOLLOWING MARKETING CLAIMS MAY APPEAR ON PRODUCT LABEL, ADVERTISING LITERATURE, and WEBSITES FOR PRODUCTS UTILIZING **OPTION 2** SPECIFIC USE DIRECTIONS:

- 1. [Protects/Defends/Guards] Trees & Shrubs from listed insects.
- 2. [Protects/Defends/Guards] trees, shrubs, and plants from listed insect damage with one easy treatment
- 3. [Protects/Defends/Guards] new growth
- 4. Systemic insecticide taken up by roots and carried through the entire plant.
- 5. Kills listed insects and prevents re-infestation
- 6. Ready to spread granules- no mixing
- 7. Up to 12 months [of insect] [Protection/Defense/Control/Prevention] [against listed insects]
- 8. Insect [Protection/Defense/Control/Prevention] for up to 12 months
- 9. [Protects/Defends/Guards] for up to 12 months
- 10. Provides up to [1,2...12] months continuous release [Protection/Defense/Control/Prevention] [for trees] [&] [shrubs] [guaranteed! or your money back]
- 11. [concentrated] [for use on] [Covers/[Protects/Defends/Guards]/Treats] [large areas / large numbers of trees & shrubs] .
- 12. [concentrated] [for use on] [Treats / For] larger areas
- 13. Rainproof/Rainfast [Protection/Defense/Control/Prevention]
- 14. Guaranteed [Results] or your money back
- 15. Great value!
- 16. Great value per tree [&/or shrub]!
- 17. Treats 50% More [Trees & Shrubs]*
 - * vs. Ortho Tree & Shrub Insect Control Ready-To-Spray [EPA Reg. No. 228-525-239]
 - * vs. 32 oz. 1.47% Imidacloprid liquid concentrate formula [EPA Reg. No. 228-525-239]
- 18. (4 lbs) [Covers/Protects/Defends/Guards/Treats] 11 trees that measure 8 inches around trunk. (will vary by same proportion based on net contents)
- 19. (4 lbs) [Covers/Protects/Defends/Guards/Treats] 13 shrubs that are 2 feet tall. (will vary by same proportion based on net contents)
- 20. No dark green rings [around/at tree base]
- 21. [Provide sufficient nutrition with / For best feeding results use] Miracle-Gro Tree & Shrub Fertilizer Spikes or other Miracle-Gro products
- 22. Easy [to use] Measuring [cap]
- 23. Quick & Easy Measuring [cap]
- 24. AccuDose Measuring [cap]
- 25. Coverage Chart: (will vary by same proportion based on net contents)
 - a. (4 lbs) 11 trees (8 inches around)
 - b. (4 lbs) 13 shrubs (2 feet tall)
 - c. (4 lbs) 125 containers (5 gallon size)
- 26. [Formulated for/Developed for] [large[r] areas] [large numbers of trees] [& shrubs]
- 27. Up to Year-long [Protection/Defense/Control/Prevention] for trees & shrubs.
- 28. Systemic [Protection/Defense/Control/Prevention] from/against/for/of [any combination of listed insects].
- 29. Easy to use/apply [granules] [Just sprinkle at plant base] [for up to 12 months of worry-free care]
- 30. Kills and prevents listed insects [like.. any combination of listed insects] for up to 12 months.
- 31 Compare and save!
- 32. [Lots of trees?] [and shrubs?] Save money, [buy insect product name] [the] [concentrated/the concentrate] [product]

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File Name	Revision Mark	Comment
000228-00502.20091102.Rev_Use_Dir	RV110209	Revised Use Directions
000228-00502.20100128.MASTER	RV012810	EPA Approval
000228-00502.2010720.Revised_Label	RV072010	Agency Initiated Action (state request via SLITS)
000228-00502.20100805.MASTER	RV080510	EPA Approval
000228-00502.20100909.PRN98-10	RV090910	NYDEC County Restriction Statement
000228-00502.20131203.NOTIF	RV120313	NOTIF for OR Tilia