

228-525

5.1.2008

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. George Meindl
Product Registration
Nufarm Americas, Inc.,
150 Harvester Drive, Suite 200
Burr Ridge, IL 60527

MAY 1 2008

SUBJECT: Application for Pesticide Notification (PRN 98-10)
Request General Label Change & Change in Directions
EPA Reg. No. 228-525
Application Dated April 10, 2008

Dear Registrant:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 dated 04/10/ 2008 for the above product. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 98-10 and finds that the action(s) requested fall 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 call me directly at 703-305-6249 or Owen F. Beeder of my staff at 703-308-8899.

Sincerely,

A handwritten signature in black ink, appearing to be "Linda Arrington".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs



Nufarm Americas, Inc.
George Meindl
Registration Manager
150 Harvester Drive, Suite 200
Burr Ridge, IL 60527
Phone: 630.455-2017 Fax: 630.455.2030
george.meindl@us.nufarm.com

April 10, 2008

Via Overnight Courier

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U. S. Environmental Protection Agency
Room S4900, One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202

Subject: Mallet® 1.47% Concentrate
EPA Reg. No. 228-525
Label notification per PR98-10

Dear Ms. Hobgood:

Nufarm Americas, Inc would like to include additional label language to the subject product's registration. We believe this language is consistent with PRN98-10 section II (Labeling notifications) and part H (Use of Symbols and Graphics) and part M (Changes in mixing directions which do not affect the dilution ratio or the minimum or maximum use dilutions) and (Addition of tables, charts or other graphics which present the same use directions already approved by EPA in narrative form) and (Addition of similar application methods – that actually reduces the exposure of applicator and the new application method does not change the dose, concentration, timing or frequency of application and the product is not registered for public health uses or is a termiticide).

To process this request please find enclosed the following:

- Application for Pesticide Registration (EPA form 8570-1)
- Revised labeling with areas of change clearly identified (1 copy)
- Revised labeling – clean (1 copy)

If you should have any questions regarding this matter, please feel free to contact me at 630.455.2017 or email at george.meindl@us.nufarm.com.

Sincerely,

George Meindl
Regulatory Affairs Manager
Nufarm Americas, Inc.



Please read instructions on reverse before completing form.

Form Approved. OMB No. 2070-0060

	United States Environmental Protection Agency Washington, DC 20460	<input type="checkbox"/> Registration <input type="checkbox"/> Amendment <input checked="" type="checkbox"/> Other	OPP Identifier Number
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Application for Pesticide - Section I

1. Company/Product Number 228-525	2. EPA Product Manager Venus Eagle	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Mallet 1.47% Concentrate	PM# 1	
5. Name and Address of Applicant (Include ZIP Code) Nufarm Americas, Inc. 150 Harvester Drive Suite 200 Burr Ridge, IL 60527 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

Label notification per PR notice 98-10. See cover letter for detailed explanation. This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statements to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Section - III

1. Material This Product Will Be Packaged In:					
Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	2. Type of Container <input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____		
* Certification must be submitted		If "Yes" Unit Packaging wgt. No. per container	If "Yes" Package wgt No. per container		
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/> _____	
6. Manner in Which Label is Affixed to Product <input checked="" type="checkbox"/> Lithograph <input type="checkbox"/> Other _____ <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled					

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)		
Name George Meindl (george.meindl@us.nufarm.com)	Title Registration Manager	Telephone No. (Include Area Code) 630.455.2017
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.		6. Date Application Received (Stamped)
2. Signature 	3. Title Registration Manager	
4. Typed Name George Meindl	5. Date 4/10/2008	

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highlighted + see page 5 + 7

MALLET® 1.47% CONCENTRATE

PROVIDES 12-MONTH SYSTEMIC PROTECTION AGAINST
DAMAGING INSECTS INCLUDING LEAFMINERS, BEETLES AND BORERS.
HAVING BEAUTIFUL TREES AND SHRUBS HAS NEVER BEEN EASIER.
FOR OUTDOOR RESIDENTIAL USE

ACTIVE INGREDIENT:

Imidacloprid 1.47%

OTHER INGREDIENTS: 98.53%

TOTAL: 100.00%

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

**KEEP OUT OF REACH OF CHILDREN
CAUTION**
SEE BACK PANEL 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. 228-525
EPA EST. NO.

MANUFACTURED BY
NUFARM AMERICAS INC.
150 HARVESTER DRIVE
BURR RIDGE, IL 60527



NET CONTENTS

000228-00525.20080408.EPA.A

**PRECAUTIONARY STATEMENTS
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. Remove and wash contaminated clothing before reuse.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants.
- Shoes plus socks.

FIRST AID	
IF SWALLOWED	<ul style="list-style-type: none"> • 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.
IF IN EYES	<ul style="list-style-type: none"> • 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.
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.	

ENVIRONMENTAL HAZARDS

This pesticide is toxic to aquatic invertebrates. Do not apply directly to lakes, streams rivers or ponds. Do not dump rinse water into sewers or bodies of water.

DIRECTIONS FOR USE

Read all directions prior to application of the product.

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

Do not apply near lakes, streams, rivers, or ponds. Do not apply to soils which are water-logged or saturated. Bucket or measuring utensils should not be used for any food or drinking water purposes after use with this product.

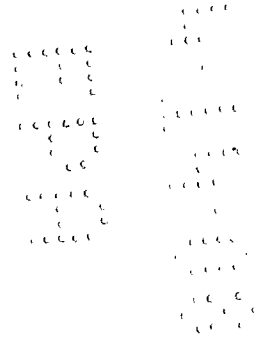
For use on outdoor trees and shrubs, including listed fruit and nut trees:

- | | | | |
|-----------|--------|---------------|--------|
| Apple | Loquat | Oriental Pear | Pecan |
| Crabapple | Mayhaw | Pear | Quince |

INSECTS CONTROLLED

This product can be used to control the following insects:

- Adelgids
- Aphids
- Vine Weevil Larvae (including Black Vine Weevil)
- Borers:
 - Roundheaded Borers (including Asian Longhorned Beetle and Eucalyptus Longhorned Borer)
 - Flatheaded (including Bronze Birch Alder and Emerald Ash Borers)
- Japanese Beetles, Adult
- Lacebugs
- Leaf Beetles (including Elm Leaf Beetles and Viburnum Leaf Beetles)
- Leafhoppers (including Glassy-winged Sharpshooter)
- Leafminers (including Birch Leafminers)
- Mealybugs
- Pine Tip Moth Larvae
- Psyllids
- Royal Palm Bugs
- Sawfly Larvae
- Scales (including Armored Scale [Suppression] and Soft Scale)
- Thrips
- Whiteflies



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HOW TO USE

Determine the amount to use by measuring the distance around the tree trunk or height of the shrub. Pour the required amount into a bucket of water and empty the bucket around the base of the tree/shrub.

HOW MUCH TO APPLY

Trees: 1 ounce per inch of distance around trunk.

Shrubs: 3 ounces per foot of height.

Tree with one trunk

Measure distance (in inches) around tree trunk at chest height. A flexible tape measure is the recommended method [tool]. This is the number of ounces of this product to apply.

Tree with two or more trunks

Measure the distance (in inches) around each tree trunk and add together. Multiply this total by 0.75 to get the required number of ounces of this product to apply. Example: A tree has 4 trunks. They measure 20, 10, 5 and 5 [inches] or a total of 40 [inches]. $40 \times 0.75 = 30$ ounces.

Shrubs

Measure the height of the shrub to the nearest foot. Round any inches down to the nearest foot if less than 6" and up to the nearest foot if greater than 6". Multiply the number of feet by 3 - this is the number of ounces of this product to apply.

HOW TO APPLY

- Fill a bucket or watering can with 1 gallon of water. [For trees with circumference greater than 50", use 2 gallons of water.]
- Shake Well.
- Carefully measure required amount of product into bucket.
- Slowly pour the solution evenly around the tree. For best results, pour as close to the trunk/main stem of the tree/shrub as possible.
- Fill the bucket with clean water and pour it around the trunk as well.

For best results, use this product as part of an overall tree and shrub health care program before problems start. This product can be applied anytime except when the ground is waterlogged or frozen. These conditions inhibit the movement of the product down into the root zone. During prolonged dry periods [spells], water the tree/shrub well the night before making an application.

For severe infestations, treat with a foliar insecticide such as Menace 2.4% ME, then use this product as part of routine care program.

The insecticide dissolved in water moves down through the soil, where it is absorbed by the roots. Once absorbed, it moves up through the tree or shrub providing year-long insect protection. This product even moves into new growth after application, thus protecting it, too! To get complete protection, the insecticide must distribute completely through the tree/shrub. Depending on the size and health of the plant, this may take one week to three months (for very large trees). Rain or water cannot wash off this internal protection.

NOTE: Application to trees heavily infested may not prevent their eventual loss due to existing pest damage and tree stress.

Children and pets may re-enter the treated area after it has dried.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE: Keep out of reach of children and animals. Store in original container only. Store in a cool, dry place and avoid excess heat.

CONTAINER DISPOSAL: If empty: Do not reuse this container. Place in trash or offer for recycling if available. If partly filled: Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

WARRANTY DISCLAIMER

The directions for use of this product must be followed carefully. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, (1) THE GOODS DELIVERED TO YOU 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 PARTICULAR TRADE 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 OF WARRANTY OR AGREEMENT RELATING IN ANY WAY TO THESE GOODS.

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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 BY WAY 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 ARISING OUT OF THE MISUSE, OR FAILURE TO FOLLOW LABEL WARNINGS OR INSTRUCTIONS FOR USE, OF THE GOODS SOLD BY MANUFACTURER OR SELLER TO BUYER. ALL SUCH RISKS SHALL BE ASSUMED BY THE BUYER, USER, OR ITS CUSTOMERS. TO THE 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 or do not accept any of directions for use, the warranty disclaimers, or limitations on liability, do not use the product, and return it unopened to the Seller, and the purchase price will be refunded.

(RV040808A)

Mallet is a registered trademark of Nufarm Americas Inc.

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OPTIONAL PERFORMANCE GUARANTEES

OPTIONAL FRONT PANEL CLAIMS:

- Prevents damage from listed pests
- Insects stop eating when they feed on the plant
- Protects trees and shrubs from damaging insects with one easy treatment
- Helps keep trees and shrubs strong. Protects new growth.
- Controls insects that damage trees and shrubs
- Year-long insect protection for trees and shrubs
- Treats up to X average size trees or Y shrubs
- Systemic insecticide is absorbed through the roots, carried up into the plant and won't wash off
- Prevents insects from damaging trees and shrubs
- Will not harm trees and shrubs
- For use on all ornamental trees, listed fruit & nut trees, and shrubs
- Kills insects & prevents new infestations
- One application protects up to 12 months
- Provides 12-Month Insect Protection
- Rainproof Protection
- Easy to use - Mix in water and pour around Tree/Shrub
- (Complete) (Total) Tree Protection - Roots to Leaves!
- Complete Bark Protection
- Protects down to the Roots!
- Creates a Barrier over the Entire Trees
- Insect Barrier for Trees
- Guaranteed
- Protects from the Roots to the Leaves
- (12-Month) (1 Year) InvisiShield™ Bark Protection (Defense)
- (12-Month) (1 Year) InvisiShield™ Tree Protection (Defense)
- Year Long (Protection) (Defense)
- InvisiShield™ Bug Barrier
- InvisiShield™ Technology
- Rain-Proof Formula
- (Just) Apply Around Plant Base
- Gentle Shower Applicator

InvisiShield is a trademark of O.M. Scotts Company

OPTIONAL DIRECTIONS FOR USE:

Alternate Re-entry Statement

[icon] People and pets may re-enter treated areas after spray has dried.

Product Facts:

PRODUCT FACTS	
Kills Insects	Kills and prevents Adelgids, Aphids, Emerald Ash Borer, Japanese Beetles and other listed insects
Where to Use	For use on outdoor trees and shrubs, including listed fruit and nut trees
Amount to Use	Apply for 60 seconds around plant base to treat average (12-inch round trunk) or shrub (4 feet tall)
People & Pets	People and pets may re-enter treated areas after spray has dried

OPTIONAL LANGUAGE CONTINUED (SEE BELOW)

OPTIONAL DIRECTIONS FOR USE: (continued)

HOW TO USE	
Determine the amount of product needed according to chart below. Pour the required amount into a bucket of water and empty the bucket around the base of the tree/shrub.	
HOW MUCH TO APPLY	
Tree with 1 trunk	<ul style="list-style-type: none"> • Measure distance (in inches) around tree trunk at chest height (a flexible tape measure is recommended). • This is the number of ounces of this product to apply.
Tree with 2 or more trunks	<ul style="list-style-type: none"> • Measure distance (in inches) around each tree trunk and add together. • Multiply this total by 0.75 to get the required number of ounces of this product to apply. <p>Example: A tree has 4 trunks. They measure 20, 10, 5 and 5 [inches] or a total of 40 inches. $40 \times 0.75 = 30$ ounces.</p>
Shrubs	<ul style="list-style-type: none"> • Measure the height of the shrub to the nearest foot. • Multiply the number of feet by 3. This will be the number of ounces of this product to apply.
HOW TO APPLY	
<ul style="list-style-type: none"> • Fill a bucket or watering can with 1 gallon of water (for large trees with circumference greater than 50 inches, use 2 gallons of water). • Shake bottle well. • Carefully measure required amount of product into bucket. • Slowly pour the solution evenly around the tree. For best results, pour as close to the trunk/main stem of the tree/shrub as possible. • Fill the bucket with clean water and pour it around the trunk as well. 	

OPTIONAL LANGUAGE CONTINUED (SEE BELOW)

OPTIONAL DIRECTIONS FOR USE: (continued)

HOW TO USE	
Determine the amount of product needed according to treat your tree or shrub by following the steps below. Apply the required amount of product around the base of the tree or shrub.	
STEP 1 - DETERMINE AMOUNT OF PRODUCT NEEDED	
[icon] Tree with 1 trunk	<ul style="list-style-type: none"> • Measure distance (in inches) around tree trunk at chest height (a flexible tape measure is recommended). • This is the number of ounces of this product to apply.
[icon] Tree with 2 or more trunks	<ul style="list-style-type: none"> • Measure distance (in inches) around each tree trunk and add together. • Multiply this total by 0.75 to get the required number of ounces of this product to apply. <p>Example: A tree has 4 trunks. They measure 20, 10, 5 and 5 [inches] or a total of 40 inches. $40 \times 0.75 = 30$ ounces.</p>
[icon] Shrubs	<ul style="list-style-type: none"> • Measure the height of the shrub to the nearest foot. • Multiply the number of feet by 3. This will be the number of ounces of this product to apply.
STEP 2 - DETERMINE TOTAL SPRAY TIME	
<p>The gentle shower applicator applies approximately 1 ounce of product every 5 seconds.</p> <p style="text-align: center;"> Number Ounces x 5 Seconds = Total Time to Apply (Step 1) </p> <p>Example - 12 ounces are needed (from Step 1). $12 \text{ ounces} \times 5 \text{ seconds} = 60 \text{ Total Seconds}$ Apply for approximately 60 seconds to plant base.</p>	
HOW TO APPLY	
Connect	<ul style="list-style-type: none"> • Shake bottle well. • Connect sprayer to hose. • Turn on water.
Spray	<ul style="list-style-type: none"> • To begin spraying, point nozzle at the base of the tree/shrub you want to treat. Bend small plastic tab down and turn knob to ON position. • Apply evenly around the tree/shrub as close to the trunk/main stem as possible. • Spray for as long as calculated in the "HOW TO USE" section.
Finish	<ul style="list-style-type: none"> • Stop spraying, turn knob to OFF position. • Turn off water. • Relieve water pressure by bending the plastic tab down and turning knob to ON position until water slows to a drip. Then, turn knob back to OFF position. • Disconnect sprayer from hose.