

PM10

279-3040

177 File



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

23 1994

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Warren L. Smith  
FMC CORP.  
ACG SPECIALITY PRODUCTS  
1735 Market Street  
Philadelphia, PA 19103

Subject: Label Amendment Submission of 02/04/94 in Response to PR Notice 93-7  
EPA Reg. No. 279-3040  
POUNCE MUSHROOM DUST

**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**



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

Warren L. Smith  
FMC CORP.  
ACG SPECIALITY PRODUCTS  
1735 MARKET STREET  
PHILADELPHIA PA 19103

Comment for: EPA Reg Nr.279-3040  
POUNCE MUSHROOM DUST

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

The requirement under the heading "Personal Protective Equipment" must state: "Applicators and other handlers must wear:". Cross out your lead-in statement and replace it with correct one. EXCEPTION: If you have an entirely separate PPE section specifying what "Mixers and loaders must wear", the requirement under the heading "Personal Protective Equipment" must state: "Applicators and other handlers (other than mixers and loaders) must wear:". Cross out your lead-in statement and replace it with the correct one.

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 following statement on your proposed label is not required for this product: "Notify workers of the application by warning them orally and by posting warning signs at entrances to treated areas." Delete it from the Agricultural Use Requirements box.

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

Correct the typographical errors circled on your proposed label.

Code 462

**RESTRICTED USE PESTICIDE**

For retail sale to and use only by certified applicators or persons under their direct supervision, and only for those uses covered by the certified applicator's certification.

Net Weight

# Pounce<sup>®</sup> Mushroom Dust

## Insecticide

EPA Reg. No. 279-3040

EPA Est. 279-

<b>ACTIVE INGREDIENT:</b>	<b>By Wt.</b>
*Permethrin** .....	2%
<b>INERT INGREDIENTS:</b> .....	98%
	<hr/> 100%

\*(3-Phenoxyphenyl)methyl ( ± ) *cis-trans* 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate  
\*\**cis/trans* ratio: Max. 55% ( ± ) *cis* and min. 45% ( ± ) *trans*  
U.S. Patent No. 4,024,163

**KEEP OUT OF REACH OF CHILDREN**

### CAUTION

**First Aid**

**If swallowed:** Call a physician or Poison Control Center. Drink 1 or 2 glasses of water and induce vomiting by touching back of throat with finger, or, if available, by administering syrup of ipecac. Do not induce vomiting or give anything by mouth to an unconscious person.

**If on skin:** Wash with plenty of soap and water. Get medical attention.

**If in eyes:** Flush with plenty of water. Get medical attention if irritation persists.

For Emergency Assistance Call: (800) 331-3148.

### PRECAUTIONARY STATEMENTS

#### Hazards To Humans (and Domestic Animals)

**Caution**

Harmful if swallowed or absorbed through skin. Causes moderate eye irritation. Avoid contact with eyes, skin or clothing. Wash thoroughly after handling.

**Personal Protective Equipment:**

Applicators and other handlers (other than mixers and loaders) must wear: Long-sleeved shirt and long pants, Shoes plus socks, and A respirator with either an 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).

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.

See other panels for additional precautionary statements.



FMC Corporation

Agricultural Chemical Group  
Philadelphia PA 19103

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.

279-3040

**User Safety Recommendations:**

Users should:

- Wash clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

### Environmental Hazards

Do not contaminate water by cleaning of equipment or disposal of wastes.

### 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.

### 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 interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 24 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: Coveralls and Shoes plus socks.

Notify workers of the application by warning them orally and by posting warning signs at entrances to treated areas.

### STORAGE AND DISPOSAL

**Pesticide Storage**

Keep out of reach of children and animals. Store in original containers only. Store in a cool, dry place and avoid excess heat. Carefully open containers. After partial use, fold and roll back bags, clamp and close tightly. Do not put concentrate or dilute material into food or drink containers. Do not contaminate other pesticides, fertilizers, water, food, or feed by storage or disposal.

In case of spill, avoid contact, isolate area and keep out animals and unprotected persons. Confine spills. Call FMC: (800) 331-3148.

To confine spill: Cover to prevent dispersal. Place damaged package in a holding container. Identify contents.

**Pesticide Disposal**

Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

**Container Disposal**

Completely empty bag into application equipment. Then dispose of empty bag in a sanitary landfill or by incineration, or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

This label must be in the possession of the user at the time of application.  
Mushroom Houses and Adjacent Premise Areas  
For control of mushroom flies (Sciariid and Phorid adults):

Preparation of the Building Prior to Fogging:

- (1) Close all doors, windows and ventilators
- (2) Lock or barricade all entrances, turn off pilot lights.

**Application:**

Apply Pounce Mushroom Dust at the rate of 3 pounds (0.06 lb. a.i.) of Pounce Mushroom Dust per standard double (35 000 cu. ft.: 8000 sq. ft.)

Use Pounce Mushroom Dust prior to filling house, during cool-down, during spawning, up to pinning and between breaks. Do not use when mushrooms are present. Treat once daily or as needed when flies appear. Do not make more than 20 applications prior to pinning of first break. Apply no more than two applications between each break. Do not apply more than 30 applications total per crop of 5 breaks.

Do not apply within 3 days of harvest.

Length of exposure time should be limited to 1 hour, then ventilate the house. Use fans to ventilate in houses that do not have forced air circulation.

**Dealers Should Sell in Original Packages Only.**

**Terms of Sale or Use:** On purchase of this product buyer and user agree to the following conditions:

**Warranty:** FMC makes no warranty, expressed or implied, concerning the use of this product other than indicated on the label. Except as so warranted, the product is sold as is. Buyer and user assume all risk of use and/or handling and/or storage of this material when such use and/or handling and/or storage is contrary to label instructions.

**Directions and Recommendations:** Follow directions carefully. Timing and method of application, weather and crop conditions, mixture with other chemicals not specifically recommended and other influencing factors in the use of this product are beyond the control of the seller and are assumed by the buyer at his own risk.

**Use of Product:** FMC's recommendations for the use of this product are based upon tests believed to be reliable. The use of this product being beyond the control of the manufacturer, no guarantee, expressed or implied, is made as to the effects of such or the results to be obtained if not used in accordance with directions or established safe practice.

**Damages:** Buyer's or user's exclusive remedy for damages for breach of warranty or negligence shall be limited to direct damages not exceeding the purchase price paid and shall not include incidental or consequential damages.

**BEST AVAILABLE COPY**