

352-657

1-31-2008

1/2



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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

Jonathan A. Janis
E.I. du Pont de Nemours & Company
P.O. Box 30
Newark, DE 19714-0030

JAN 31 2008

Dear Mr. Janis:

Subject: Labeling Amendment; Addition of Pistachios
DuPont Technical Vendex
EPA Registration No. 352-657
Date Submitted: January 30, 2008

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is acceptable subject to the comments below.

1. Within the LIMITATION OR WARRANTY AND LIABILITY section of the label, revise the sentence "*DUPONT MAKES NO OTHER EXPRESS OR IMPLIED...*" to read "*TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, DUPONT MAKES NO OTHER EXPRESS OR IMPLIED...*"
2. Within the LIMITATION OR WARRANTY AND LIABILITY section of the label, revise the sentence "*THE EXCLUSIVE REMEDY OF THE USER OR BUYER...*" to read "*TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER...*"
3. Within 3 years of the date of this letter, data on aquatic and terrestrial plants (as outlined in the Agency memorandum dated August 24, 2007) must be submitted to the Agency. DuPont must provide a signed letter within 10 days of this approval, agreeing to satisfy all confirmatory data requirements.
4. Within 3 years of the date of this letter, data on acute and chronic toxicity to soil ingesting benthic animals (as outlined in the Agency memorandum dated August 24, 2007) must be submitted to the Agency. DuPont must provide a signed letter within 10 days of this approval, agreeing to satisfy all confirmatory data requirements.

A stamped copy is enclosed for your records. Please submit one (1) final printed copy for the referenced label, incorporating the above changes, before releasing the product for shipment.

Sincerely,

A handwritten signature in black ink, appearing to read "Kable Bo Davis", written over a horizontal line.

Kable Bo Davis
Entomologist
Insecticide-Rodenticide Branch
Registration Division (7505P)

Enclosure



DuPont™ Technical Vendex[®]

miticide

ACCEPTED
with COMMENTS
In EPA Letter Dated:
JAN 31 2008

Under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for the pesticide registered under EPA Reg. No. 352-657 By Weight

A MITICIDE FOR FORMULATING USE ONLY

ACTIVE INGREDIENT

Fenbutatin-oxide [Hexakis (2-methyl-2-phenylpropyl)distannoxane]

OTHER INGREDIENTS

EPA Reg. No. 352-657

EPA Est. 241-BRA-001

1.6%

TOTAL 100.0%

KEEP OUT OF REACH OF CHILDREN

DANGER POISON
PELIGRO 

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 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.

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

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.

Have the product container or label with you when calling a poison control center or doctor, or going for treatment. **For medical emergencies involving this product, call toll free 1-800-441-3637.**

NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastric lavage. Measures against circulatory shock, respiratory depression and convulsion may be needed. See Label for Additional Precautions and Directions for Use.

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

DANGER. Corrosive. Fatal if inhaled. Causes irreversible eye damage. Causes skin burns. May be fatal if absorbed through skin. Harmful if swallowed. Do not get in eyes, on skin or on clothing. Remove contaminated clothing and wash clothing before reuse. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco, or using the toilet.

ENVIRONMENTAL HAZARDS

This pesticide is toxic to birds, mammals, 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.

PESTICIDE STORAGE: Store in a secure, dry and temperate area. In case of spill or leak, soak up with sand, earth or synthetic absorbent (do not use alkaline absorbent) and dispose of wastes in compliance with local, state and Federal regulations.

PESTICIDE DISPOSAL: Pesticide wastes are acutely hazardous. Improper disposal of pesticide is a violation of Federal Law. Contact your State Pesticide or Environmental Control Agency or Hazardous Waste Representative at the nearest EPA Regional Office for guidance.

CONTAINER DISPOSAL: Completely empty liner by shaking and tapping sides and bottom to loosen clinging particles. Empty residue into application equipment. Then dispose of liner in a sanitary landfill or by incineration if allowed by state and local authorities. If drum is contaminated and cannot be reused, dispose of in the same manner.

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 miticide:

- For the following uses:
Terrestrial Food Crops - Almond, Apple, Cherry, Citrus, Eggplant, Grape, Nectarine, Papaya, Peach, Pear, Pecan, Pistachio, Plum, Prune, Raspberry, Strawberry and Walnut.
Terrestrial Nonfood Crops - Christmas Trees, Ornamental Plants.
Greenhouse Nonfood Crop - Ornamental Plants.
- Uses for which US EPA has accepted the required data and/or citations of data that the formulator has submitted in support of registration;
- Uses for experimental purposes that are in compliance with US EPA requirements. Products formulated from this product will require registration with the Environmental Protection Agency.
- This product may be used to formulate products for specific use(s) not listed on the Manufacturing Product label if the formulator, user group, or grower has complied with the U.S. EPA data submission requirements regarding the support of such use(s). Formulators using this product are responsible for obtaining EPA registration for their formulated products.

LIMITATION OF WARRANTY AND LIABILITY

NOTICE: Read This Limitation of Warranty and Liability Before Buying or Using This Product. If the Terms Are Not Acceptable, Return the Product at Once, Unopened, and the Purchase Price Will Be Refunded.

It is impossible to eliminate all risks associated with the use of this product. Such risks arise from weather conditions, soil factors, off target movement, unconventional farming techniques, presence of other materials, the manner of use or application, or other unknown factors, all of which are beyond the control of DuPont. These risks can cause: ineffectiveness of the product; crop injury, or; injury to non-target crops or plants.

DuPont does not agree to be an insurer of these risks. WHEN YOU BUY OR USE THIS PRODUCT, YOU AGREE TO ACCEPT THESE RISKS. DuPont warrants that this product conforms to the chemical description on the label thereof and is reasonably fit for the purpose stated in the Directions for Use, subject to the inherent risks described above, when used in accordance with the Directions for Use under normal conditions. DUPONT MAKES NO OTHER EXPRESS OR IMPLIED WARRANTY OF FITNESS OR MERCHANTABILITY OR ANY OTHER EXPRESS OR IMPLIED WARRANTY, IN NO EVENT SHALL DUPONT OR SELLER BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL OR SPECIAL DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT. BUYER'S OR USER'S BARGAINED FOR EXPECTATION IS CROP PROTECTION. THE EXCLUSIVE REMEDY OF THE USER OR BUYER AND THE EXCLUSIVE LIABILITY OF DUPONT OR SELLER, FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY OR CONTRACT, NEGLIGENCE, TORT OR STRICT LIABILITY), WHETHER FROM FAILURE TO PERFORM OR INJURY TO CROPS OR OTHER PLANTS, AND RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THE PRODUCT, OR AT THE ELECTION OF DUPONT OR SELLER, THE REPLACEMENT OF THE PRODUCT.

DuPont or its Ag Retailer must have prompt notice of any claim so that an immediate inspection of buyer's or user's growing crops can be made. Buyer and all users shall promptly notify DuPont or a DuPont Ag Retailer of any claims, whether based on contract, negligence, strict liability, other tort or otherwise or be barred from any remedy.

This Limitation of Warranty and Liability may not be amended by any oral or written agreement.

Net _____

Packaged for: E. I. du Pont de Nemours and Company, Wilmington, DE 19898 U.S.A.
Made in Brazil

Handwritten initials