

769-678

2/28/2008

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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

NOTIFICATION

Steven E. Rogosheske
Regulatory Affairs Manger
Value Garden Supply
P.O. Box 585
St. Joseph, MO 64502

FEB 28 2008

SUBJECT: Application for Pesticide Notification – Correct Typo in Rate Chart and Add
Midges to Front Panel
Temexx 4E Larvicide
EPA Reg. No. 769-678
Application Dated September 11, 2007

Dear Mr. Rogosheske:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10 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 requested 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 call me directly at 703-305-6249 or Terri Stowe of my staff at 703-305-6117.

Sincerely,

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

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



United States
Environmental Protection Agency
 Washington, DC 20460

| | |
|-------------------------------------|--------------|
| <input type="checkbox"/> | Registration |
| <input type="checkbox"/> | Amendment |
| <input checked="" type="checkbox"/> | Other |

OPP Identifier Number

Application for Pesticide - Section I

| | | |
|---|---|--|
| 1. Company/Product Number 769-678 | 2. EPA Product Manager Venus Eagle | 3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted |
| 4. Company/Product (Name) Temexx 4E Larvicide | PM# 01 | |
| 5. Name and Address of Applicant (Include ZIP Code) Value Garden Supply PO Box 585 St. Joseph, MO 64502 <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.)

Correct typo in rate chart and add Midges to front panel - see cover letter. Submitted per PR Notice 98-10. See certification statement attached.

Section - III

| | | | | | |
|---|---|---|---|---|----------------------------------|
| 1. Material This Product Will Be Packaged In: | | | | 2. Type of Container | |
| 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"/> Text <input type="checkbox"/> No | | <input type="checkbox"/> Metal | <input type="checkbox"/> Plastic |
| * Certification must be submitted | | If "Yes" Unit Packaging wgt. No. per container | If "Yes" Package wgt. No. per container | <input type="checkbox"/> Glass | <input type="checkbox"/> Paper |
| 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"/> On Label <input type="checkbox"/> On Labeling accompanying product | |
| 6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled | | | | <input type="checkbox"/> Other _____ | |

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)

| | | |
|--------------------------|-------------------------------------|---|
| Name Steve Rogosheske | Title Regulatory Affairs Manager | Telephone No. (Include Area Code) 952-884-6177 |
|--------------------------|-------------------------------------|---|

| | | | |
|--|--|--|---|
| <p align="center">Certification</p> <p>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.</p> | | | 6. Date Application Received (Stamped) |
| 2. Signature | 3. Title Regulatory Affairs Manager | | |
| 4. Typed Name Steven E. Rogosheske | 5. Date 9-11-07 | | |

This notification is consistent with the provisions of PR Notice 98-10 and EPA regulation at 40 CFR 152.46, and no other changes have been made to the labeling or the 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 statement 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.

Signed 

Regulatory Affairs Manager
Value Gardens Supply, LLC



VALUE GARDEN SUPPLY

September 11, 2007

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504P)
U. S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

Subject: NOTIFICATION
Temexx 4E Larvicide
EPA Reg. No. 769-678

Notification Team:

Value Gardens Supply, LLC is submitting the subject product for notification to add a marketing claim already on the label to the front of the label and correct a typo in the rate chart. We wish to add "midge larvae" to the front panel under – For Control of. The claim for midge control is already on the label on page 4 under the directions for use. Likewise on the Application Rate chart on page 6 we added midge larvae for clarification. In the "Instructions" on this chart, it says "Use 0.5 fl. oz./acre in waters high in organic matter content" however this contradicts the fourth paragraph under the Directions For Use where it states that "Maximum application rates may be used only in waters high in organic matter content". We therefore are correcting this on the chart to read, "Use 1.5 fl. oz./acre in waters high in organic matter content". This notification is therefore being filed in accordance with PR-Notice 98-10.

Along with the application form, we are enclosing two copies of the label with the changes highlighted on one label. If there are any questions regarding this submission please contact this office.

Sincerely,

Steven E. Rogosheske
Regulatory Affairs Manager
Phone: (952) 884-6477
E-mail: rogo@valuegardens.com

Enclosures

Temexx 4EC Larvicide

For Control of Mosquito and Midge Larvae

| | |
|------------------------------------|--------|
| ACTIVE INGREDIENT: | |
| Temephos (CAS No. 3383-96-8) | 45.0% |
| OTHER INGREDIENTS*: | |
| | 55.0% |
| <hr/> | |
| Total: | 100.0% |

*Contains Petroleum Distillate
 Temexx 4EC Larvicide contains 4 lbs. 0,0,0',0' -tetramethyl 0,0-thiodi-p-phenylene phosphorothioate per gallon (480 grams per liter).

KEEP OUT OF REACH OF CHILDREN

WARNING

AVISO

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.)

*EPA Reg. No 769-678
 EPA Est. No. 44616-MO-1*

*Value Garden Supply
 PO Box 585
 St. Joseph, MO 64502*

*Net Contents:
 U.S. Standard Measure*

| First Aid Organophosphate | |
|--|--|
| If inhaled | <ul style="list-style-type: none"> ·Move person to fresh air. ·If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. ·Call a poison control center or doctor for further treatment advice. |
| If on skin or clothing | <ul style="list-style-type: none"> ·Take off contaminated clothing. ·Rinse skin immediately with plenty of water for 15 – 20 minutes. ·Call a poison control center or doctor for treatment advice. |
| If in eyes | <ul style="list-style-type: none"> ·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. |
| If swallowed | <ul style="list-style-type: none"> ·Immediately call a Poison Control Center or doctor. ·Do not induce vomiting unless told so by a poison control center or doctor. ·Do not give any liquid to the person. ·Do not give anything by mouth to an unconscious person. |
| <p>Note to Physician: Temephos is a cholinesterase inhibitor. Treat symptomatically. If exposed, plasma and red blood cell cholinesterase tests may indicate significance of exposure (baseline data are useful). Atropine, only by injection, is the preferable antidote. In case of severe acute poisoning, use antidote immediately after establishing an open airway and respiration. Note: Contains Petroleum Distillate – vomiting may cause aspiration pneumonia.</p> | |
| <p>Have the product container or label with you when calling a poison control center or doctor, or going for treatment.</p> <p style="text-align: center;">FOR MEDICAL EMERGENCIES CALL: 1-800 858-7378</p> <p style="text-align: center;">Contains an Organophosphate that inhibits cholinesterase.</p> | |

PRECAUTIONARY STATEMENTS
Hazards to Humans and Domestic Animals

WARNING AVISO

Causes substantial but temporary eye injury. Harmful if swallowed. Avoid contact with eyes, skin or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet.

Do not contaminate food or feed products.

Do not use on crops used for food, forage or pasture.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to this product are butyl rubber. If you want more options, follow the instructions for category F, H, K, L on an EPA chemical-resistance category selection chart.

Mixers, loaders, and applicators involved in hand-held spray applications must wear:

- Long-sleeved shirt and long pants,
- Shoes and socks,
- Chemical resistant gloves

Aerial applicators and flaggers must wear:

- Long-sleeved shirt and long pants,
- Shoes and socks,
- Chemical resistant headgear (flaggers only)

All other mixers, loaders, applicators and other handlers must wear:

- Cloth coveralls over long-sleeved shirt and long pants,
- Chemical-resistant gloves,
- Chemical-resistant footwear plus socks,
- Chemical-resistant headgear (if overhead exposure)

In addition mixers, loaders and cleaners of equipment must wear:

- Chemical resistant apron.

USER SAFETY REQUIREMENTS

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables exist, use detergent and hot water. Keep and wash PPE separately from other laundry. Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them.

USER SAFETY RECOMMENDATIONS

- Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet.
- User should remove clothing/PPE immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.
- Users should remove PPE immediately after handling this product. Wash the outside of gloves before removing. As soon as possible, wash thoroughly and change into clean clothing.

ENGINEERING CONTROLS

When mixers and loaders use a closed system designed by the manufacturer to enclose the pesticide to prevent it from contacting handlers or other people and the system is functioning properly and is used and maintained in accordance with the manufacturer's written operating instructions, the handlers:

- may wear long-sleeve shirt and pants, shoes plus socks, chemical-resistant gloves and chemical-resistant apron, instead of the PPE necessary for mixers and loaders in the PPE section of this labeling,
- must wear protective eye wear if the system operates under pressure, and
- must have immediately available for use in an emergency, such as a broken package, spill, or equipment breakdown, all PPE necessary for mixers and loaders in the PPE section of this labeling.

Pilots must use an enclosed cockpit and must wear chemical resistant gloves when entering or leaving an aircraft contaminated by pesticide residues. Used gloves must be stored in a closed chemical resistant container, such as a plastic bag, to prevent contamination of the inside of the cockpit.

When ground applicators and flaggers use an enclosed cab that has a nonporous barrier that totally surrounds the occupants and prevents contact with pesticides outside the cab, they:

- may wear a long-sleeve shirt and long pants, shoes, and socks, instead of the PPE necessary for such applicators and flaggers in the PPE section of this labeling, and
- must be provided and must have immediately available for use in an emergency the handler PPE specified for applicators or flaggers when they must exit the cab in the treated area and,
- must take off any PPE that was worn in the treated area before reentering the cab, and
- must store all such PPE in a chemical-resistant container, such as a plastic bag, to prevent contamination of the inside of the cab.

ENVIRONMENTAL HAZARDS

This product is toxic to aquatic organisms such as stone flies, water fleas, and shrimp. Non-target aquatic organisms in waters treated with this product may be killed. Some populations reestablish rapidly, but diversity may be affected. Avoid use of maximum application rate in ecologically sensitive areas. Do not contaminate water by cleaning of equipment or disposing of wastes. For information on endangered species consult EPA's web site: www.epa.gov/espp/

Physical and Chemical Hazards: Combustible. Do not use or store the product near heat or open flame.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling. **DO NOT** use this product for any uses other than those specified on this label.

This product may be applied only to non-potable water, standing water, moist areas, woodland pools, shallow ponds, edges of lakes, swamps, marshes, tidal waters, intertidal zones of sandy beaches, water high in organic content, highly polluted water, catch basins and tire piles.

This product may only be applied by public health officials, personnel of mosquito abatement districts and other similar government agencies or personnel under contract to these entities.

Maximum application rates may be used only in waters high in organic matter content, mosquito habitats having deep water or dense surface cover, and where monitoring has confirmed a lack of control at typical rates.

This product may not be reapplied within 7 days of the date of the initial application unless monitoring indicates that larval populations have reestablished, or weather conditions have rendered initial treatments ineffective.

This product may be applied as a spot treatment to non-potable water, lakes, and ponds for midge larvae when monitoring indicates threshold levels have been exceeded.

GENERAL PRECAUTIONS AND RESTRICTIONS

Do not allow this product to drift.

AERIAL SPRAY DRIFT MANAGEMENT

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather related factors determine the potential for spray drift. The applicator and the grower are responsible for considering all these factors when making decisions.

The following drift management requirements must be followed to avoid off-target drift movement from aerial applications. These requirements do not apply to applications using dry formulations.

- 9/11
1. The distance of the outer most nozzles on the boom must not exceed $\frac{3}{4}$ the length of the wingspan or rotor.
 2. Nozzles must always point backward parallel with the air stream and never be pointed downwards more than 45 degrees.

Where states have more stringent regulations, they should be observed. The applicator should be familiar with and take into account the information covered in the Aerial Drift Reduction Advisory Information.

Aerial Drift Reduction Advisory Information

Aerial Drift Reduction Advisory: This section is advisory in nature and does not supercede the mandatory label requirements.

Information on Droplet Size

The most effective way to reduce drift potential is to apply large droplets. The best drift management strategy is to apply the largest droplets that provide sufficient coverage and control. Applying larger droplets reduces drift potential, but will not prevent drift if applications are made improperly, or under unfavorable environmental conditions (see Wind, Temperature and Humidity, Temperature Inversions),

Controlling Droplet Size

Volume – Use high flow rate nozzles to apply the highest practical spray volume. Nozzles with higher rated flows product larger droplets.

Pressure – Do not exceed the nozzle manufacturer's recommended pressures. For many nozzle types lower pressure produces larger droplets. When higher flow rates are needed, use higher flow rate nozzles instead of increasing pressure.

Number of nozzles – Use the minimum number of nozzles that provide uniform coverage.

Nozzle Orientation – Orienting nozzles so that the spray is released parallel to the airstream produces larger droplets than other orientations and is the recommended practice. Significant deflection from horizontal will reduce droplet size and increase drift potential.

Nozzle Type – Use a nozzle type that is designed for the intended application. With most nozzle types, narrower spray angles produce larger droplets. Consider using low-drift nozzles. Solid stream nozzles oriented straight back produce the largest droplets and the lowest drift.

Boom Length

For some use patterns, reducing the effective boom length to less than $\frac{3}{4}$ of the wingspan or rotor length may further reduce drift without reducing swath width.

Application Height

Applications should not be made at a height greater than 10 feet above the top of the largest plants unless a greater height is necessary for aircraft safety. Making applications at the lowest height that is safe reduces exposure of droplets to evaporation and wind.

Swath Adjustment

When applications are made with a crosswind, the swath will be displaced downwind. Therefore, on the up and downwind edges of the field, the applicator must compensate for this displacement by adjusting the path of the aircraft upwind. Swath adjustment distance should increase, with increasing drift potential (higher wind, smaller drops, etc.).

Wind

Drift potential is lowest between wind speeds of 2-10 mph. However, many factors, including droplet size and equipment type determine drift potential at any given speed. Application should be avoided below 2 mph due to variable wind direction and high inversion potential. NOTE: Local terrain can influence wind patterns. Every applicator should be familiar with local wind patterns and how they affect spray drift.

Temperature and Humidity

When making applications in low relative humidity, set up equipment to produce larger droplets to compensate for evaporation. Droplet evaporation is most severe when conditions are both hot and dry. Temperature inversions restrict vertical air mixing, which causes small suspended droplets to remain in a concentrated cloud. This cloud can move in unpredictable directions due to the light variable winds common during inversions.

Temperature Inversions

Applications should not occur during a temperature inversion because drift potential is high. Temperature inversions are characterized by increasing temperatures with altitude and are common on nights with limited cloud cover and light to no wind. They begin to form at sun set and often continue into the morning. Their presence can be indicated by ground fog; however, if fog is not present, inversions can also be identified by the movement of smoke from a ground source or an aircraft smoke generator. Smoke that layers and moves laterally in a concentrated cloud (under low wind conditions) indicates an inversion, while smoke that moves upward and rapidly dissipates indicates good vertical air mixing.

Sensitive Areas

The pesticide should only be applied when the potential for drift to adjacent sensitive areas (e.g. residential areas, non-target bodies of water, known habitat for threatened or endangered species, non-target crops) is minimal (e.g. when wind is blowing away from the sensitive areas).

DO NOT use on crops used for food, forage or pasture.

APPLICATION RATE

| Pest(s) Controlled | Area to be treated | Rate | | Instructions for Application |
|---------------------------------|---|--------------|----------------|--|
| | | fl. oz./acre | lbs. a.i./acre | |
| Mosquito and Midge Larvae | Standing water, moist areas, woodland pools, shallow ponds, around perimeter of lakes, swamps, marshes, tidal waters and catch basins | 0.5 – 1.5 | 0.016 – 0.048 | Apply as a uniform spray in sufficient water for good coverage. Use 1.5 fl. Oz./acre in waters high in organic matter content. The higher rate should be used in areas known to have organophosphate- resistant mosquitoes. |

STORAGE AND DISPOSAL

Do not contaminate water, food, or feed by storage or disposal. Open dumping is prohibited.

Pesticide Storage: Store in original container in a secured dry storage area. Prevent cross-contamination with other pesticides and fertilizers. Do not store above 100°F for extended periods of time. Storage below 20°F may result in formation of crystals. If product crystallizes, store at 50°F to 70°F and agitate to re-dissolve crystals. If container is damaged or spill occurs, use product immediately or dispose of product and damaged container as indicated below.

Pesticide Disposal: Open dumping is prohibited. Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these 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: Completely empty container into application equipment. Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or by other procedures approved by State and Local authorities.

or

Triple rinse (or equivalent). Then puncture and dispose of in a sanitary landfill or by incineration, or, if allowed by State and Local authorities, by burning. If burned, stay out of smoke.

NOTICE: Seller's guaranty shall be limited to the terms of the label and subject thereto. The buyer assumes any risk to persons or property arising out of use or handling and accepts the product on these conditions.

Notification 09/07