

1021-1735

08/26/2009

1/6



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Thomas A. Lennan
Registration Specialist
McLAUGHLIN GORMLEY KING Company
8810 Tenth Avenue North
Minneapolis, MN 55427

AUG 26 2009

SUBJECT: Applications for Pesticide Notification per PR Notice 2007-4
NYLAR® Fire Ant Bait 2759 EPA Reg. No. 1021-1729
EVERGREEN® Growers Spray 7439 EPA Reg. No. 1021-1735
Applications Dated June 17, 2009

Dear Mr. Lennan:


The Agency is in receipt of your Applications for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 for the above products. The Registration Division (RD) has conducted a review of these requests for their applicability under PRN 98-10 and finds that the actions requested fall within the scope of PRN 98-10. The labels submitted with the applications have been date-stamped "Notification" and will be placed in our records.

If you have any questions, please contact 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 be "Linda Arrington".

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

	United States Environmental Protection Agency Washington, DC 20460	Registration Amendment Other	OPP Identifier Number
		X	
	Application for Pesticide - Section I		

1. Company/Product Number 1021-1735	2. EPA Product Manager Richard Gebken	3. Proposed Classification <input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) EVERGREEN® Growers Spray 7439	PM# 10	
5. Name and Address of Applicant (Include Zip Code) McLaughlin Gormley King Company 8810 10TH AVE N MINNEAPOLIS, MN 55427 <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 _____ NOTIFICATION _____ _____ AUG 26 2009 _____	

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.)
 Notification pursuant PR Notice 2007-4

Section - III

1. Material This Product Will Be Packaged In:

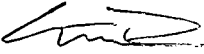
Child-Resistant Packaging <input type="checkbox"/> Yes* <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Type of Container <input type="checkbox"/> Metal <input checked="" 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 checked="" type="checkbox"/> Label <input type="checkbox"/> Container	4. Size(s) Retail Container 4 oz - 5 Gal.	5. Location of Label Directions <input checked="" 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"/> Other <input checked="" 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 Steven K. Ditto	Title Registration Specialist	Telephone No. (Include Area Code) (763) 544-0341
-------------------------	----------------------------------	---

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 Specialist	
4. Typed Name Steven K. Ditto	5. Date 6/17/2009	



McLAUGHLIN GORMLEY KING COMPANY

8810 Tenth Avenue North • Minneapolis, MN 55427-4319 U.S.A.
763-544-0341 • 800-645-6466 • Fax 763-544-6437 • www.mgk.com

June 17, 2009

Document Processing Desk (NOTIF)
U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs (H7504P)
Room S-4900, One Potomac Yard
2777 South Crystal Dr.
Arlington, VA 22202-4501

Via Courier

Subject: EVERGREEN® Growers Spray 7439
EPA Reg. No. 1021-1735
Notification Per PR-Notice 2007-4

Dear Sir or Madam:

By Notification we are changing the storage and disposal language to comply with the Final Rule "Pesticide Management and Disposal; Standards for Pesticide Containers and Containment".

Enclosed are 2 copies of the label. One copy has changes highlighted.

Notification of label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the Confidential Statement of Formula for 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 the amended label is not consistent with the requirements of 40 CFR §§ 156.10, 156.140, 156.144, 156.146, and 156.156, 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.

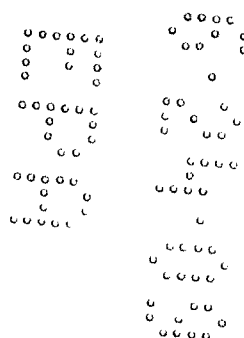
If there are any questions or you need anything further, please contact this office.

Sincerely,

McLAUGHLIN GORMLEY KING COMPANY

Steven K. Ditto
Registration Specialist

Enclosure





8810 Tenth Avenue N. / Minneapolis, Minnesota 55427-4319 U.S.A. - Telephone (763) 544-0341

For use on growing crops and ornamentals as described below
This product can be sprayed any season of the year.

ACTIVE INGREDIENT:

Pyrethrins	1.40%
* OTHER INGREDIENTS	98.60%
	100.00%

* Contains petroleum distillates

EVERGREEN® - Registered trademark of McLaughlin Gormley King Company

KEEP OUT OF REACH OF CHILDREN

CAUTION

FIRST AID	
IF SWALLOWED:	<ul style="list-style-type: none"> Immediately call a poison control center or doctor. Do not induce vomiting unless told to do so by a poison control center or a doctor. Do not give any liquid to the person. 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 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eyes. Call a poison control center or doctor for 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 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 mouth-to-mouth if possible. Call a poison control center or doctor for further treatment advice.
NOTE TO PHYSICIAN: This product contains petroleum distillate and may pose an aspiration pneumonia hazard.	
Have the product container or label with you when calling a poison control center or doctor, or going for treatment. For information regarding medical emergencies or pesticide incidents, call 1-888-740-8712.	

Net Contents _____

Manufactured by:

Mc LAUGHLIN GORMLEY KING COMPANY
8810 Tenth Avenue North
Minneapolis, MN 55427

EPA Reg. No. 1021-1735

EPA Est. No. 1021-MN-2

PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Harmful if swallowed. Contains petroleum distillate. Do not induce vomiting because of aspiration pneumonia hazard. Avoid breathing vapors or spray mist. Avoid contact with skin or eyes. In case of contact, flush with plenty of water, Wash with soap and warm water after use. Obtain medical attention if irritation persists. This pesticide may cause skin sensitization reactions in certain individuals. Avoid contamination of food or feedstuffs.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical-resistant to this product are listed below. If you want more options, following the instructions for category E on an EPA chemical resistance category selection chart.

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants;
- Chemical-resistant gloves such as Barrier Laminate, Nitrile Rubber, Neoprene Rubber, or Viton; and
- Shoes plus socks

Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washable, use detergent and hot water. Keep and wash PPE separately from other laundry.

When handlers use aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides (10 CFR 170.240 (d) (4-6), the handler PPE requirements may be reduced or modified as specified in the WPS.

User Safety Recommendations:

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

- 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.

ENVIRONMENTAL HAZARDS

This pesticide is highly toxic to fish. For terrestrial uses, do not apply directly to water or to areas where surface water is present or to intertidal areas below the mean high water mark. Drift from treated areas may be hazardous to organisms in adjacent aquatic sites. Do not contaminate water when disposing of equipment wash waters.

PHYSICAL OR CHEMICAL HAZARDS

Keep away from 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 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 requirement 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 12 hours.

PPE required for early entry to treated areas that is permitted under Worker Protection Standard and that involves contact with anything that has been treated such as plants, soil, or water, is:

- Coveralls;
- Chemical-resistant gloves, such as Barrier Laminate, Nitrile Rubber, Neoprene Rubber, or Viton; and
- Shoes plus socks

Do not apply this product through any type of chemigation system.

USED ALONE: Apply 16 ounces (1 pint) to 64 ounces (2 quarts) in 12 to 50 gallons of water and spray to wet. For concentrate sprays apply 16 to 64 ounces per acre by ground in sufficient water for thorough coverage. This product may be applied by air at the rate of 16 to 64 ounces per acre in a minimum of 5 gallons of water.

Use 2-1/2 Tablespoons per gallon of water. One quart makes 25 gallons of diluted spray. Spray thoroughly contacting as many insects as possible on upper and lower leaf surfaces. Mix only enough for immediate use. Spraying should begin when the insects first appear. Do not wait until the plants are heavily infested. It is recommended that the final spray mix be buffered to a pH of 5.5-7.0.

USED AS A TANK MIX: This product may be tank mixed with other insecticides and acaricides to provide a flushing of insects from hiding and into contact with other spray residues. This application should conform to accepted use precautions and directs for both products.

This concentrate is relatively non-toxic to honey bees. To avoid possible harm to honey bees, it is advisable to apply in the early morning or late evening hours.

GROWING CROPS (OUTDOORS AND IN GREENHOUSES):

ROOT AND TUBER VEGETABLES: Including (but not limited to) Arracacha, Arrowroot, Purple Arrowroot, Japanese Artichoke, Jerusalem Artichoke, Beets, Sugar Beets, Edible Burdock, Carrots, Cassava (bitter or sweet), Celeriac (celery root), Chervil (turnip rooted), Chicory, Chuffa, Dasheen, Ginger, Ginseng, Horseradish, Leren, Parsley (turnip rooted), Parsnip, Potato, Radish, Japanese Radish (Daikon), Rutabaga, Salsify, Black Salsify, Spanish Salsify, Sweet Potato, Tanier, Turmeric, Turnip, Yam (true), Yam Bean.

LEAVES OF ROOT AND TUBER VEGETABLES: Including (but not limited to) Beet, Sugar Beet, Edible Burdock, Carrot, Cassava (bitter or sweet), Celeriac (celery root), Chervil (Turnip Rooted), Chicory, Dasheen, Parsnip, Radish, Japanese Radish (Daikon), Rutabaga, Black Salsify, Sweet Potato, Tanier, Turnip, Yam (true).

LEAFY VEGETABLES: Including (but not limited to) Amaranth (Leafy Amaranth, Chinese Spinach, Tampala), Arrugula, Celery, Celtuce, Chervil, Cilantro, Corn Salad, Chrysanthemum (edible leaved), Chrysanthemum (garland), Cress (garden), Upland Cress (yellow rocket, winter cress), Dandelion, Dock (sorrel), Endive (escarole), Fennel (Florence), Lettuce (head and leafy), Orach, Parsley, Purslane (garden & winter), Rhubarb, Spinach, Fine Spinach (Malabar, Ceylon), Spinach (New Zealand), Swiss Chard.

BRASSICA (COLE) LEAFY VEGETABLES: Including (but not limited to) Broccoli, Chinese Broccoli (Gai Lon), Broccoli raab (Rapini), Brussels Sprouts, Cabbage, Chinese Cabbage (Bok Choy), Chinese Mustard Cabbage (Gai Choy), Cauliflower, Collards, Kale, Kohlrabi, Mustard Greens, Rape Greens.

LEGUME VEGETABLES (SUCCULENT OR DRIED): Including (but not limited to) Adzuki Beans, Field Beans, Kidney Beans, Lima Beans, Moth Beans, Mung Beans, Navy Beans, Pinto Beans, Rice Beans, Runner Beans, Snap Beans, Tepary Beans, Urd Beans, Wax Beans, Asparagus Beans, Black-eyed Peas, Catjang, Chinese Longbeans, Cowpeas, Chowder Peas, Southern Peas, Yard-Longbeans, Broad Beans, (Fava Beans), Chick Peas (Garbanzo Beans), Gua., Jackbean (Sword Bean), Lablab Bean (Hyacinth Bean), Lentils, Peas (Garden Peas, Field Peas, Sugar Peas), Pigeon Peas, Soybeans.

FOLIAGE OF LEGUME VEGETABLES: Including (but not limited to) Plant part of any legume vegetable included in the legume vegetable group that will be used as animal feed including any variety of Beans, Field Peas, Soybeans.

FRUITING VEGETABLES: Including (but not limited to) Eggplant, Ground Cherry, Okra, Pepinos, Pepper (Bell Pepper, Chili Pepper, Cooking Peppers, Pimentos, Sweet Peppers), Tomatillo, Tomatoes.

CUCURBIT VEGETABLES: Including (but not limited to) Balsam Pear (Bitter Melon), Chinese Waxgourd, Citron Melon, Cucumber, Gherkin, Edible Gourds, Melons (including hybrids, Cantaloupe, Casaba, Crenshaw, Honeydew Melons, Honey Balls, Mango Melon, Muskmelon, Persian Melon), Pumpkin, Squash (summer & winter), Watermelon (including hybrids).

CITRUS FRUITS: Including (but not limited to) Calamondin, Citrus Citron, Citrus Hybrids, Grapefruit, Kumquats, Lemons, Limes, Mandarin (Tangerine), Orange (sweet & sour), Pummelo, Satsuma Mandarin.

POME FRUITS: Including (but not limited to) Apple, Crabapple, Loquat, Pear, Oriental Pear, Quince.

STONE FRUITS: Including (but not limited to) Apricot, Cherry (sweet & sour), Nectarine, Peach, Plum, Prune, Chickasaw Plum, Damson Plum, Japanese Plum.

SMALL FRUITS AND BERRIES: Including (but not limited to) Blackberry, Blueberry, Cranberry, Currant, Dewberry, Elderberry, Gooseberry, Grape, Huckleberry, Loganberry, Olallie Berry, Raspberry (black & red), Strawberry, Youngberry.

ORIENTAL VEGETABLES: Including (but not limited to) Japanese Artichoke, Chinese Broccoli (Gai Lan), Chinese Cabbage (Bok Choy), Chinese Mustard Cabbage (Gai Choy), Dasheen, Ginger, Ginseng, Chinese Longbeans, Mung Beans, Citron Melon, Balsam Pear (Bitter Melon), Japanese Radish (Daikon), Chinese Spinach, Chinese Waxgourd.

ADDITIONAL CROPS: Asparagus, Onions (bulb and green), Rice.

ORNAMENTALS: Including (but not limited to) African Violet, Aster, Azalea, Begonia, Calceolaria, Calendula, Calla, Camellia, Carnation, Cineraria, Chrysanthemum, Cypress, Daffodil, Dahlia, Dogwood, Elm, Eucalyptus, Fern, Ficus, Geranium, Gladiolus, Gypsophila, Holly, Juniper, Lily, Marigold, Oak, Palm, Peony, Petunia, Philodendron, Pine, Roses, Snapdragon, Sweet Pea, Tulips, Viburnum, Wandering Jew, Yew, Zinnia.

FOR THE CONTROL OF INSECTS: Including (but not limited to) Ants, Aphids, Armyworms, Asparagus Beetle, Blister Beetles, Cabbage Looper, Caterpillars, Cockroaches, 12-spotted Cucumber Beetle, Colorado Potato Beetles, Corn Earworm, Crickets, Cross-striped Cabbageworm, Cucumber Beetles, Deer Fly, Diamondback Larvae, Fireworms, Flea Beetles, Fruit Flies, Fruittree Leafroller, Grape Leafhopper, Green Peach Aphids, Greenhouse Thrips, Gypsy Moth (adults & larvae), Harlequin Bug, Heliothis spp., Imported Cabbageworm, Leafhopper, Leafrollers, Leaf tiers, Lice, Mexican Bean Beetle, Potato Leafhopper, Psyllids, Skippers, Stink Bugs, Thrips, Vinegar Flies, Webworms, and Whiteflies.

STORAGE AND DISPOSAL

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

PESTICIDE STORAGE:

Store in a cool, dry area. Keep container closed. Post as a pesticide storage area. Always store pesticides in the original container. Store away from food, pet food, feed, seed, fertilizers, and veterinary supplies. Place liquid formulations on lower shelves and dry formulations above.

PESTICIDE DISPOSAL:

To avoid wastes, use all material in this container by application according to label directions. If wastes cannot be avoided, offer remaining product to a waste disposal facility or pesticide disposal program (often such programs are run by state or local governments or by industry).

CONTAINER DISPOSAL:

Nonrefillable container. Do not reuse or refill this container.

Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip. Fill the container ¼ full with water and recap. Shake for 10 seconds. Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Drain for 10 seconds after the flow begins to drip. Repeat this procedure two more times. Then offer for recycling if available, or puncture and dispose of in a sanitary landfill or by incineration. Do not burn unless allowed by state and local ordinances.

(Place on containers for Commercial Use)

STORAGE AND DISPOSAL

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

Pesticide Storage

Store in a cool, dry area. Keep container closed. Always store pesticides in the original container. Store away from food and pet food.

Pesticide Disposal and Container Handling

Nonrefillable container. Do not reuse or refill this container.

If empty:

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.

(Place on containers for Residential Use)

NOTIFICATION

AUG 26 2009

Faded circular stamp or logo, possibly a seal or official mark, located in the bottom right area of the page.