

PM21

2935-246

File 147



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

JAN 10 1994

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Joanne Pratt
WILBUR ELLIS CO.
191 W. Shaw Avenue
Fresno, CA 93704

Subject: Label Amendment Submission of 08/30/93 in Response to PR Notice 93-7
EPA Reg. No. 2935-246
BEN-SUL 60 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 SoyCandis 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.

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**

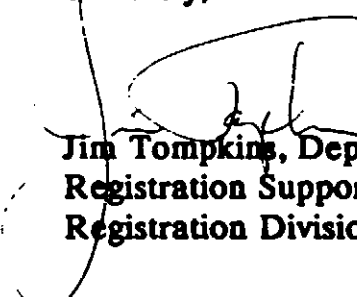
4 of 7

Page 4

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

Copy A
Copy B - Add
Copy C

Wilbur-Ellis

BEN-SUL 60 DUST

Under
Fumigant
as a
regent

Copy D - Add

DIRECTIONS FOR USE

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

RE-ENTRY STATEMENT

Do not apply this product in such a manner as to directly or through drift expose workers or other persons. The area being treated must be vacated by unprotected persons.

Do not enter treated areas without protective clothing for 24 hours after application. Because certain states may require more restrictions, consult your State Department of Agriculture for further information.

Written or oral warnings must be given to workers who are exposed to BEN-SUL 60 DUST. If an area is about to be treated with this product, oral warnings should be given in a clearly audible voice. Protective clothing, aprons or suits that cannot be removed without this clothing being soiled, and a statement of practical treatment (see right) in case of exposure. When oral warnings are given, workers shall be given in a language understood by workers. Oral warnings must be given before workers begin to believe that written warnings cannot be understood by workers. Warnings must include the following information: "Caution: Area treated with Sulfur dust (name of application). Do not enter without appropriate protective clothing for 24 hours. Please leave action to take in case of accidental exposure—see right."

STORAGE AND DISPOSAL

1. Prohibitions: Do not contaminate water, food, or feed by storage or disposal.
2. Pesticide Disposal: Wastes resulting from the use of this product must be disposed of on site or at an approved waste disposal facility.
3. 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.
4. General: Store in original container, only and keep closed. Store in locked storage area. Use caution when moving, opening, closing, or pouring.

RECOMMENDATIONS FOR USE

This material is recommended for application by ground or air. Where recommended for prevention of Powdery Mildew, apply when disease first appears and repeat at 7- to 10-day intervals throughout the growing season. Shorten the interval during humid, rainy weather. The "Brown Rot" referred to throughout this label is Monilia Brown Rot blossom blight.

Where recommended for prevention of Brown Rot, apply at pink bud or popcorn stage during bloom and at petal fall, shuck split and shuck fall. Repeat at 10- to 14-day intervals in cover sprays as long as necessary. For mildew, apply when pests appear and repeat as necessary. Use lower rates during periods of higher temperatures.

ALMONDS, CHERRIES, NECTARINES (Not for use in California): For the control of BROWN ROT, CHERRY LEAF SPOT, RUST (Hemiteles) and POWDERY MILDEW use at the rate of 40 to 60 lbs. per acre. Apply as described above when disease appears during rain periods and continue through fairly season.

NOTICE: The statements made on this label are based on field and laboratory tests, but because of conditions of use which are beyond our control, WILBUR-ELLIS COMPANY does not make, nor does it authorize any agent or representative to make, any warranty, guaranty or representation, expressed or implied, concerning this material or the use thereof, except in conformity with the statements on the label. Neither WILBUR-ELLIS COMPANY nor the seller shall be held responsible in any manner for any personal injury or property damage or loss resulting to the buyer or to the other person from handling, storage or use of this material, not in accordance with directions. The buyer assumes all risk and liability resulting from improper handling, storage or use and accepts and uses this material on these conditions.

ACTIVE INGREDIENT:

Sulfur 60%

INERT INGREDIENTS

..... 40%

100%

EPA Reg. No. 2935-246-ZA

EPA Est. No. 2935-CA-1

KEEP OUT OF REACH OF CHILDREN

CAUTION:

NOT FOR USE OR STORAGE IN OR AROUND THE HOME

Copy A - more PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

Harmful if swallowed, inhaled or absorbed through the skin. Avoid contact with skin, eyes or clothing. Avoid breathing dust and vapor. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse.

STATEMENT OF PRACTICAL TREATMENT

- If Swallowed: Induce vomiting by sticking finger down throat. Never give anything by mouth to an unconscious person. Get medical attention.
- If In Eyes: Wash eyes with plenty of clear water for at least 15 minutes. Get medical attention.
- Harmful If Swallowed: Avoid breathing dust. May cause irritation of nose, throat or skin. Avoid contact with eyes, skin and clothing.

Copy B - more ENVIRONMENTAL HAZARDS

Do not apply directly to water. Do not contaminate water by cleaning of equipment or disposal of wastes. Do not apply when weather conditions favor drift from treated areas.

PHYSICAL HAZARD

Sulfur dust suspended in air ignites easily. Keep away from heat, sparks or flame. Do not smoke while applying this product.

USE PRECAUTIONS

Some fruits and other plants are susceptible to injury from sulfur under certain climatic conditions. The user is advised not to use sulfur on any crop unless local use has proved that sulfur does not damage crops in that locality. Sulfur may burn foliage when the temperature is high (90° or above). Do not make sulfur applications at such times. Do not use this product for any purposes other than recommended on this label.

Do not use within 2 weeks of an oil spray treatment. When growing crops for processing, consult the processor before applying sulfur. Consult your State Agricultural Experimental Station or your State Agricultural Extension Service for additional information consistent with label cautions and directions.

NET CONTENTS: 50 POUNDS

IN CASE OF EMERGENCY,
CALL CHEMTREC: (800) 424-9300

RECOMMENDATIONS

ALFALFA: For control of ATLANTIC MILDEW.

ASPARAGUS (Not for use in California): Dust after cutting stops, irrigate; cut intervals.

APPLES and PEARS (Not for use in California): For control of ATLANTIC MILDEW use 65 to 80 lbs. per acre. A On pears do not apply after the fruit has begun to ripen.

BEANS: For the control of PACIFIC MILDEW use 40 to 50 lbs. per acre by sulfur.

CARROTS and ONIONS (Not for use in California): use 15 to 65 lbs. per acre.

CITRUS (Not for use in California): For control of CITRUS MITE, YUMA SPIDER MITE, SIX SPIN MITE, use 20 to 40 lbs. per acre. Apply when pests appear within 21 days of an oil spray treatment.

CORN: For the control of SPIDER MITE.

COTTON: For control of ATLANTIC MILDEW use 65 to 80 lbs. per acre. In California, use up to 85 lbs. per acre.

FIGS (Not for use in California): For control of FIG MITE, use 20 to 40 lbs. per acre. Application may be necessary in summer. Dust at 60 lbs. per acre when fruit is small.

GRAPES: For the control of POWDERY MILDEW, use 40 to 60 lbs. per acre. Do not use over 20 lbs. per acre. Make application about 14 days before harvest. Repeat at 10- to 14-day intervals. Avoid applications during hot, dry periods. Labrusco type grapes may be injured by sulfur.

HOPS: For control of RED SPIDER MITE.

MELONS (Not for use in California): For control of ATLANTIC MILDEW, use 65 to 80 lbs. per acre. Powdery Mildew may be controlled by sulfur. Do not use sulfur on vines, particularly if the temperature is 90° or above. Do not use sulfur on control of Spider Mite.

OLIVES (Not for use in California): For control of OLIVE MITE, use 20 to 40 lbs. per acre. Do not use sulfur in hot weather.

PEACHES: For the control of PEACH MITE, use 20 to 40 lbs. per acre. For the control of BROWN ROT of fruit apply 50 to 60 lbs. per acre when fruit begins to ripen.

PLUMS and PRUNES: For prevention of BROWN ROT, apply when fruit starts to ripen. In California, use 50 to 60 lbs. per acre.

STRAWBERRIES, RASPBERRIES: For the control of POWDERY MILDEW, use 40 to 60 lbs. per acre. First appears and repeat as necessary.

SUGAR BEETS: For control of SPIDER MITE, use 40 to 60 lbs. per acre. In all states except California, use 60 to 80 lbs. per acre.

TOMATOES (Not for use in California): For control of ATLANTIC MILDEW, use 65 to 80 lbs. per acre.

Wilbur-Ellis

P.O. Box 1645

BEST AVAILABLE COPY

COPY B

Personal Protective Equipment

Applicators and other handlers must wear:

- A) Long sleeved shirt
- B) Long pants
- C) Waterproof gloves
- D) Shoes plus socks

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.

COPY D

DIRECTION 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 Protective 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, decontaminations, notification, and emergency assistance. It also contains specific instructions, and exceptions pertaining to protective equipment (PPE). The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

missing
language

Do not enter or allow workers 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:

- A) Coveralls
- B) Waterproof gloves
- C) Shoes plus socks