

2935-311

08-26-2009

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U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Pesticide Programs
Registration Division (7505P)
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

EPA Reg. Number:

2935-311

Date of Issuance:

AUG 26 2009

NOTICE OF PESTICIDE:
_ Registration
 Reregistration
(under FIFRA, as amended)

Term of Issuance: **Unconditional**

Name of Pesticide Product:
SUPERIOR SPRAY OIL

Name and Address of Registrant (include ZIP Code):

Wilbur-Ellis Company
P.O. Box 1286
Fresno, CA 93715
ATTN: Andrew Chang

S836214
676/1275

Note: Changes in labeling differing in substance from that accepted in connection with this registration must be submitted to and accepted by the Registration Division prior to use of the label in commerce. In any correspondence on this product always refer to the above EPA registration number.

On the basis of information furnished by the registrant, the above named pesticide is hereby reregistered under the Federal Insecticide, Fungicide and Rodenticide Act. Registration is in no way to be construed as an endorsement or recommendation of this product by the Agency. In order to protect health and the environment, the Administrator, on his motion, may at any time suspend or cancel the registration of a pesticide in accordance with the Act. The acceptance of any name in connection with the registration of a product under this Act is not to be construed as giving the registrant a right to exclusive use of the name or to its use if it has been covered by others.

Based on your response to the Reregistration Eligibility Decision, EPA has reregistered the product listed above. This action is taken under the authority of section 4(g)(2)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. Reregistration under this section does not eliminate the need for continual reassessment of pesticides. EPA may require submission of data at any time to maintain the registration of your product.

The Confidential Statement of Formula (CSF) dated July 9, 2009, is accepted and replaces all CSFs previously accepted for this product.

The labeling referred to above, submitted in connection with registration under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, is accepted subject to the comments in this letter.

- See page 2 for required label changes.

You must submit one (1) copy of the final printed label before you release the product for shipment. Products shipped after 12 months from the date of this Notice or the next printing of the label whichever occurs first, must bear the new revised label. A stamped copy of the label is enclosed for your records. Should you have any questions, please contact Dr. William Jacobs at 703-305-6406 or jacobs.bill@epa.gov.

Signature of Approving Official:
Meredith F. Laws, Chief *Meredith F. Laws*
Insecticide-Rodenticide Branch
Registration Division (7505P)

Date:

AUG 26 2009

Label Changes for EPA Reg. No. 2935-311

The changes identified below must be made to the proposed label that you submitted for this product on August 25, 2008.

1. In the statement of ingredients (page 1 of the label), footnote the active ingredient (Mineral Oil) with the phrase "Contains petroleum distillates."
2. Revise the paragraph that appears under the heading "**HAZARDS TO HUMANS AND DOMESTIC ANIMALS**" to read and appear as shown below.

CAUTION: Harmful if absorbed through skin. Avoid contact with eyes, skin or clothing. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

3. The first two paragraphs under "**PERSONAL PROTECTIVE EQUIPMENT (PPE)**" must be revised to read as shown below.

Some materials that are chemical-resistant to this product are barrier laminate and viton. If you want more options, follow the instructions for category G on an EPA chemical-resistance category selection chart.

Mixer, loaders, applicators, flaggers and other handlers must wear:

- long-sleeved shirt and long pants,
- shoes plus socks, and
- chemical-resistant gloves.

4. Under "**FIRST AID**", change the heading "**If on skin:**" to "**If on skin or clothing:**".
5. Change the order of treatments listed under "**FIRST AID**" to:

- If on skin or clothing ...**
- If swallowed ...**
- If in eyes ...**
- If inhaled ...**

Update the "**If swallowed:**" section by inserting the following sentence as the fourth bulleted item: "Do not give any liquid to the person."

The label should be reformatted so that the entire "**FIRST AID**" section appears within the same column on the first page.

6. Change the "**NOTE TO PHYSICIAN:**" text to read as shown below.

This product contains petroleum distillates and may pose an aspiration pneumonia hazard.

7. As this product is labeled only for terrestrial uses, "For terrestrial uses:" must be deleted from the "**ENVIRONMENTAL HAZARDS:**" section of the label.
8. Increase the font size for the heading "**DIRECTIONS FOR USE**". Left-justify the headings "**PRODUCT INFORMATION**" (see below), "**USE PRECAUTIONS AND RESTRICTIONS**", "**SPRAY DRIFT MANAGEMENT**", and "**USE RATES**" so that it is clear that each of those subsections is a part of the **DIRECTIONS FOR USE** section.
9. Change the heading "**GENERAL INFORMATION**" (page 2) with "**PRODUCT INFORMATION**". End the "**PRODUCT INFORMATION**" subsection after the fourth paragraph ("Fill spray tank ... spraying"). Move the "**GROUND APPLICATION:**" and "**AERIAL APPLICATION:**" paragraphs to the beginning of the "**USE RATES**" subsection.
10. Delete "chemigation" from the first sentence of the first paragraph under "**SPRAY DRIFT MANAGEMENT**". This product's label prohibits its use "through any type of irrigation system".
11. In the third paragraph under "**SPRAY DRIFT MANAGEMENT**" (page 2), change "ASAE" to "ASABE". Make the same change in the third paragraph of the "**GROUND APPLICATION**" subsection and in the last paragraph of the "**AERIAL APPLICATION**" subsection. The name of the organization that issued standard 572 has been changed.
12. The "**TEMPERATURE INVERSIONS:**" text that appears in the RED for Aliphatic Solvents applies to all spray applications. Therefore, "For airblast applications, if" must be replaced by "If" in the last paragraph currently under "**GROUND APPLICATIONS:**". That paragraph must be moved so that it appears between the second ("Do not apply at wind speeds ... site") and third ("Apply as a minimum or coarser ... nozzles") paragraphs under "**SPRAY DRIFT MANAGEMENT**".
13. In the sentence immediately below "**STORAGE AND DISPOSAL**", change "and disposal" to "or disposal".
14. In the "**STORAGE AND DISPOSAL**" box, change the subheading "**Storage:**" to "**Pesticide Storage:**".
15. Specific directions for triple rinsing of "**Nonrefillable**" containers must be provided. See PR Notice 2007-4, as amended on April 29, 2008, and 40 CFR §156.140. Note that the instructions needed for rinsing nonrefillable containers of liquid dilutable formulations vary according to whether the containers are ≤ 5 gallons or > 5 gallons in capacity.
16. Add the company phone number underneath the company address block on page three.



SUPERIOR SPRAY OIL

6/1/09

ACTIVE INGREDIENT:

Mineral Oil.....	99.0%
Other.....	1.0%
	100.0%

Unsulfonated Residue (ASTM D-483).....93.0%
 Petroleum Oil Classification: Unclassified

EPA Reg. No. 2935-311

EPA Est. No. 2935-WA-1

**KEEP OUT OF REACH OF CHILDREN
 CAUTION**

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. Harmful if inhaled. Avoid breathing vapor or spray mist. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco or using the toilet. Remove and wash contaminated clothing before reuse.

PERSONAL PROTECTIVE EQUIPMENT

Some materials that are chemical-resistant to this product are barrier laminate, nitrile or neoprene. If you want more options, follow the instructions for category E on an EPA chemical-resistance category selection chart.

Mixers, loaders, applicators, flaggers, and other handlers must wear:

- long-sleeve shirt and long pants, and
- shoes plus socks.

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 material that have been drenched or heavily contaminated with the product's concentrate. Do not reuse them.

ENGINEERING CONTROLS

Pilots must use an enclosed cockpit that meets the requirements listed in the WPS for agricultural pesticides [40 CFR 170.240(d)(6)].

FIRST AID	
Have the product container or label with you when calling a poison control center or doctor or going for treatment.	
If swallowed:	<ul style="list-style-type: none"> •Call a poison control center or doctor immediately for treatment advice. •Do not induce vomiting unless told to by a poison control center or doctor. •Do not give anything to an unconscious person.

FIRST AID	
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. •Call a poison control center or doctor for treatment advice.
If on skin:	<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: Contains petroleum distillate-vomiting may cause aspiration pneumonia.	

USER SAFETY RECOMMENDATIONS
<p>User should:</p> <ul style="list-style-type: none"> •Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet. •Remove clothing/PPE 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

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. Do not contaminate water when disposing of equipment washwater or rinsate.

Drift and runoff may be hazardous to aquatic organisms in water adjacent to treated areas.

PHYSICAL OR CHEMICAL HAZARDS

Do not use, pour or store near heat or open flame.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with it's labeling. Read all Directions for Use carefully before applying this product.

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.

**ACCEPTED
 With COMMENTS
 In EPA Letter Dated:
 AUG 26 2009
 Under the Federal Insecticide, Fungicide
 and Rodenticide Act, As amended, for the
 pesticide Registered under EPA Reg. No:**

2935-311

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), notification to workers 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 the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil or water is:

- coveralls,
- shoes plus socks, and
- chemical-resistant gloves made of any waterproof material.

GENERAL INFORMATION

Superior Spray Oil is designed specifically for use on deciduous fruit trees. Apply so as to give total coverage to all parts of tree. Thorough drenching of trunks, limbs, twigs and leaves is essential for maximum insect control.

Spray oil may be used as a carrier for appropriate insecticides and fungicides which are registered for use on deciduous fruits and nuts and which can be applied to give a uniform spray.

Use only in spray machines with powerful positive agitation. Keep agitator running at all times during spray operations. Superior Spray Oil is formulated as a "fast break" spray oil and will not stay in solution unless agitated constantly!

Fill spray tank with the required amount of water. Start agitator. Add total amount of spray oil. Continue operation of agitator while adding balance of water and during spraying.

GROUND APPLICATION: Apply specified rates in 50-2000 gallons water per acre.

AERIAL APPLICATION: When applying SUPERIOR SPRAY OIL with aerial equipment, apply 2 to 5 gallons per acre. On young trees or oil susceptible varieties, use the lower rates. Use sufficient water and total gallonage per acre to give thorough coverage.

USE PRECAUTIONS AND RESTRICTIONS

DO NOT COMBINE WITH SULFUR SPRAYS and **DO NOT APPLY** spray oil within 30 days before or after an application of sulfur.

DO NOT MIX with insecticides or fungicides incompatible with oil. Consult your State Agricultural Extension Service for specific compatibilities.

DO NOT APPLY to trees weakened by disease, drought, drying winds or high nitrogen applications.

DO NOT USE Superior Spray Oil when temperatures are above 90° Fahrenheit.

DO NOT APPLY this product through any type of irrigation system.

SPRAY DRIFT MANAGEMENT

A variety of factors including weather conditions (e.g., wind direction, wind speed, temperature, relative humidity) and method of application (e.g., ground, aerial, airblast, chemigation) can influence pesticide drift. The applicator and grower must evaluate all factors and make appropriate adjustments when applying this product.

Do not apply at wind speeds greater than 15 mph at the application site.

Apply as a medium or coarser spray (ASAE standard 572), and the minimum volume mean diameter (VMD) for spinning atomizer nozzles.

SPRAY DRIFT MANAGEMENT (continued)

GROUND APPLICATION

Apply using a nozzle height of no more than 4 feet above the ground or crop canopy.

Do not apply at wind speeds greater than 15 mph at the application site.

Apply as a medium or coarser spray (ASAE standard 572), and the minimum volume mean diameter (VMD) for spinning atomizer nozzles.

For airblast applications turn off outward pointing nozzles at row ends and when spraying outer row. To minimize spray loss over the top in orchard applications, spray must be directed into the canopy.

For airblast applications, if applying at wind speeds less than 3 mph, the applicator must determine if a) conditions of temperature inversion exist, or b) stable atmospheric conditions exist at or below nozzle height. Do not make applications into areas of temperature inversions or stable atmospheric conditions.

AERIAL APPLICATION

For aerial applications of agricultural products, do not release spray at a height greater than 10 feet above the ground, top of crops, or above the orchard canopy.

The boom length must not exceed 75% of the wingspan or 90% of the rotor blade diameter.

When applications are made with a cross-wind, the swath will be displaced downwind. The applicator must compensate for this displacement at the downwind edge of the application area by adjusting the path of the aircraft upwind. Leave at least one swath unsprayed at the downwind edge of the treated field.

Do not apply at wind speeds greater than 15 mph at the application site.

Apply as a medium or coarser spray (ASAE standard 572), and the minimum volume mean diameter (VMD) for spinning atomizer nozzles.

USE RATES

ALMONDS, APRICOTS, APPLES, CHERRIES, NECTARINES, PEACHES, PEARS, PLUMS and PRUNES (Dormant, delayed dormant or summer applications): Apply 10 to 12 gallons oil per acre for control of EUROPEAN RED MITE, BROWN ALMOND MITE, TWO-SPOTTED MITE, PACIFIC MITE, PEAR PSYLLA, McDANIEL MITE, STRAWBERRY MITE, PLUM NURSERY MITE, WILLAMETTE MITE, PEAR RUST MITE, PEACH SILVER MITE, SAN JOSE SCALE and LECANIUM SCALE.

FIGS (Dormant application): For the control of FIG SCALE apply 1-1/2 to 2 gallons SUPERIOR SPRAY OIL per acre using sufficient water and total gallonage per acre to give thorough coverage. Do not apply oil to trees in dry or windy weather nor until after the rains begin or the orchard has been irrigated. Apply when temperature is above 40° F.

WALNUTS (Late spring application): Apply 5-7 gallons oil per acre for control of SAN JOSE SCALE and WALNUT APHID.

STORAGE AND DISPOSAL

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

Storage: Store in original container only and keep sealed. Store in closed storage areas. Use caution when moving, opening, closing or pouring.

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

Container Disposal: Triple rinse (or equivalent). Then offer for recycling or reconditioning, or puncture and dispose of in a sanitary landfill, or incineration, or, if allowed by state and local authorities, by burning. If burned, stay out of smoke.

Nonrefillable Container: Do not reuse or refill this container. Offer for recycling, if available. Triple rinse container (or equivalent) promptly after emptying.

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Conditions of Sale and Limitation of Warranty and Liability:

NOTICE: Read the entire Directions for Use and Conditions of Sale and Limitation of Warranty and Liability before buying or using the product. If the terms are not acceptable, return the product at once, unopened, and the purchase price will be refunded.

ALL STATEMENTS MADE HEREIN ARE SUBJECT TO APPLICABLE LAW, AND TO THE EXTENT THERE IS ANY INCONSISTENCY OR CONTENTION, APPLICABLE LAW SHALL GOVERN.

The Directions for Use of the product must be followed carefully. It is impossible to eliminate all risks inherently associated with the use of this product. Crop injury, ineffectiveness, or other unintended consequences may result because of many different factors including, without limitation, manner of use or application, weather, combination with other products, or crop conditions. All such risks shall be assumed by Buyer and User, and Buyer and User agree to hold Manufacturer and Seller harmless from any claims relating to such factors.

Seller warrants that this product conforms to the chemical description on the label. EXCEPT FOR THIS WARRANTY, THE PRODUCT IS FURNISHED "AS-IS", AND NEITHER SELLER NOR MANUFACTURER MAKES ANY OTHER WARRANTIES, EXPRESS OR IMPLIED, WITH RESPECT TO THE SELECTION, PURCHASE OR USE OF THIS PRODUCT; SELLER AND MANUFACTURER SPECIFICALLY DISCLAIM ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE BEYOND WHAT IS STATED ON THE LABEL. Buyer and User accept all risks arising from any use of this product, including without limitation, uses contrary to label instructions, or under conditions not reasonably foreseeable to (or beyond the control of) Seller or Manufacturer.

Neither Manufacturer nor Seller shall be liable for any incidental, consequential or special damages resulting from the use or handling of this product. THE EXCLUSIVE REMEDY OF THE BUYER OR USER, AND THE EXCLUSIVE LIABILITY OF MANUFACTURER AND SELLER, FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, SHALL BE THE RETURN OF THE PURCHASE PRICE OF THIS PRODUCT, OR, AT THE ELECTION OF MANUFACTURER OR SELLER, THE REPLACEMENT OF THE PRODUCT.

These Conditions of Sale and Limitation of Warranty and Liability shall be interpreted, unless otherwise required by the law of the state of purchase, in accordance with the laws of the State of California, excluding its conflicts of laws rules, and may not be amended by any oral or written agreement.

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In Case of Emergency, Call Chemtrec: (800) 424-9300

NET CONTENTS:

WILBUR-ELLIS COMPANY
P.O. BOX 16458 – FRESNO, CA 93755

Batch Code _____