

2935-311

6/3/2010

1 of 5



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

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300/1165

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

JUN 3 2010

Ms. Sandi Escamilla
Registration Specialist
Product Regulatory Department
Wilbur-Ellis Company
P.O. Box 1286
Fresno, CA 93715

Subject: SUPERIOR SPRAY OIL
EPA Registration No. 2935-311
Submission of March 17, 2010

Dear Ms. Escamilla:

The proposed amended label submitted on March 17, 2010, for this product is accepted under the provisions of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, with the further stipulation that the changes listed below must be made to that label.

1. Change the order of treatments listed under "**FIRST AID**" (page 1, first column) to:

If on skin or clothing ...

If swallowed ...

If in eyes ...

If inhaled ...

2. Make sure that the "**NOTE TO PHYSICIAN:**" text is not cut off at the bottom of the column. That text is to read as shown below.

NOTE TO PHYSICIAN: This product contains petroleum distillates and may pose an aspiration pneumonia hazard.

3. In the "**Container Disposal:**" portion of the "**STORAGE AND DISPOSAL**" box (page 2, second column), change the text pertaining to "**Refillable Container (110 gallons or greater):**" as indicated below.
 - a. Delete "**Container Disposal:**" from the second paragraph (which could be run together with the first paragraph. The subheading "**Container Disposal:**" already appears in the "**STORAGE AND DISPOSAL**" box, and repeating it is likely to cause some confusion.

4. The part of the “**Container Disposal:**” text that pertains to “**30 Gallon Nonrefillable container:**” is missing a sentence required for rinsing and does not indicate what is to be done with containers that cannot or are not to be recycled. To address these issues, modify the text as indicated below.

- a. Delete “**Container Disposal:**” from the second paragraph, which could be combined with the first paragraph.
- b. Between the sentences “Stand the container ... times” and “Empty the rinsate ... disposal” in the “Triple rinse as follows:” passage, insert the following sentence:

Turn the container over on its other end and tip it back and forth several times.

- c. After the sentence “To find the nearest site ... rperkins@acrecycle.org”, insert text that indicates what to do if the container is not to be recycled. Following earlier labels for this product, that text would read as follows:

If container is not to be recycled, offer it for reconditioning or puncture and dispose of it in a sanitary landfill; or by incineration; or, if allowed by State and local authorities, by burning. If burned, stay out of smoke.

A stamped copy of the label is enclosed for your records.

Submit two copies of final printed labeling before releasing this product for shipment under the labeling accepted via this letter.

If these conditions are not complied with, this registration will be subject to cancellation in accordance with FIFRA section 6(e).

If you have any questions regarding this letter, you may reach Dr. William Jacobs by phone at 703-305-6406, by FAX at 703-308-0029, or via e-mail at jacobs.bill@epa.gov.

Sincerely yours,



Venus Eagle
Product Manager 01
Insecticide-Rodenticide Branch
Registration Division (7505P)

SUPERIOR SPRAY OIL

ACCEPTED
With COMMENTS
In EPA Letter Dated: JUN 3 2010
WILLIAMS-ELLIS®

Under the Federal Insecticide, Fungicide and Rodenticide Act, As amended, for the pesticide Registered under EPA Reg. No: 2935-311

ACTIVE INGREDIENT:

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

*Contains petroleum distillates
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 absorbed through skin. Avoid contact with eyes, skin, or clothing. Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals.

PERSONAL PROTECTIVE EQUIPMENT

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.

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

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

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. •Do not give any liquid to the 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. • Call a poison control center or doctor for treatment advice.
If on skin or on 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 distillates

USER SAFETY RECOMMENDATIONS

User should:

- 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

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 rinseate.

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 its 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.

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.

PRODUCT 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!

PRODUCT INFORMATION (continued)

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.

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) 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.

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.

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

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 (ASABE 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.

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 (ASABE standard 572), and the minimum volume mean diameter (VMD) for spinning atomizer nozzles.

USE RATES

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.

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 or disposal.

Pesticide 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:

Refillable Container (110 gallons or greater): Refill this container with pesticides only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning the container before refilling is the responsibility of the refiller.

Container Disposal: To clean the container before final disposal, empty the remaining contents from this container into the production mix tank. Triple rinse the interior of the container with water by using a suitable hose and nozzle attachment or pressure rinser. Collect and store the rinsate for proper disposal. Then, offer the container for recycling or reconditioning, or puncture and dispose of in a sanitary landfill.

30 gallon Nonrefillable container: Do not reuse or refill this container.

Container Disposal: Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container 1/4 full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 30 seconds. Stand the container on its end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. Once cleaned, some agricultural plastic pesticide containers can be taken to a container collection site or picked up for recycling. To find the nearest site, contact your chemical dealer or manufacturer, or contact Ag Container Recycling Council (ACRC) at 877-952-2272 or rperkins@acrecycle.org.

5 of 5

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.

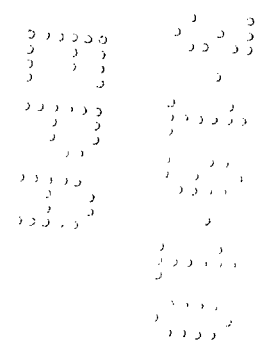
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In Case of Emergency, Call Chemtrec: (800) 424-9300

NET CONTENTS:

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Batch Code _____